

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: Public Works

BOARD AGENDA:6.C.4
AGENDA DATE: May 15, 2018

SUBJECT:

Approval of the Annexation of BMW/KIA Car Dealership Properties into North McHenry II Lighting District

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2018-0220

On motion of Supervisor Withrow, Seconded by Supervisor Olsen
and approved by the following vote,

Ayes: Supervisors: Olsen, Chiesa, Withrow, Monteith, and Chairman DeMartini

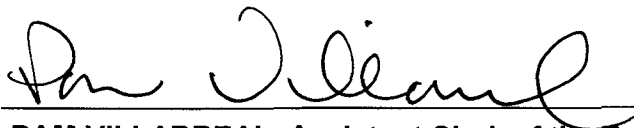
Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

- 1) Approved as recommended
- 2) Denied
- 3) Approved as amended
- 4) Other:

MOTION:



ATTEST: PAM VILLARREAL, Assistant Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Public Works

BOARD AGENDA:6.C.4
AGENDA DATE: May 15, 2018

CONSENT:

CEO CONCURRENCE:

4/5 Vote Required: No

SUBJECT:

Approval of the Annexation of BMW/KIA Car Dealership Properties into North McHenry II Lighting District

STAFF RECOMMENDATION:

1. Find that the properties (APN 046-010-036, 046-010-037, 046-010-038, 046-010-039, 046-010-040) more particularly described in Exhibit "A" (Legal description and map) is owned by a proponent and its ownership represents 100% of the total assessed valuation of said properties.
2. Find that the area included in the Legal Description of the said properties is located in the unincorporated territory of Stanislaus County and that it is not within the boundary of any Lighting District.
3. Find that Stanislaus County Code, section 20.56.210 (Street Lights), requires the installation of the street lights to county standards in areas designated as residential, commercial, and industrial on the land use element of the General Plan.
4. Find that the property owner was required to install street lights per Condition of Approval and Rezone Application No.2004-11 for the properties located in North McHenry Avenue area of Modesto.
5. Find that, pursuant to Streets and Highways Code section 19056, territory owned by a property owner that comes under the terms of a county ordinance requiring the installation of a street lighting system (i.e. Stanislaus County Code, section 20.56.210 Streetlights) shall be exempt from Street and Highway Code requirements for petition, notice, hearing, and election requirements.
6. Find that the annexation will not produce a change in assessment methodology or assessment rates for the North McHenry II Lighting District and that parcels in the new territory shall be subject to that pre-existing methodology and rates.
7. Approve the annexation of the said properties into North McHenry II Lighting District.
8. Declare that all services being provided by North McHenry II Lighting District will be extended fully to the territory included in the said properties annexation and that said services shall commence with the start of the 2018-2019 Fiscal Year.
9. Order that Assessor Parcel Numbers (APN) 046-010-036, 046-010-037, 046-010-038, 046-010-039, 046-010-040 shall be added to the Fiscal Year 2019-2020 annual assessments.

- 10. Direct the Department of Public Works to forward a certified copy of the resolution ordering the annexation, and all other required documents, along with the processing fee to the State Board of Equalization.
- 11. Direct the Clerk of the Board to send a certified copy of the resolution ordering the annexation to the following offices: the Department of Public Works, Assessor, Elections, Auditor-Controller, and the Clerk Recorder.

DISCUSSION:

The five parcels proposed for annexation into the North McHenry II Lighting District are located along McHenry Avenue and Galaxy Way in the City of Modesto. They are on the west side of McHenry Avenue and north of Galaxy Way, north-west of the intersection at McHenry Avenue and Galaxy Way in the north Modesto area. The APNs are 046-010-036, 046-010-037, 046-010-038, 046-010-039, and 046-010-040, and it is 9.50 acres. Attachments “A” and “B” illustrate the proposed boundary and include their legal description.

The proposed annexation is being made to meet a Condition of Approval (COA) and Rezone application No. 2004-11 for the properties located along McHenry Avenue in Modesto. The Stanislaus County Board of Supervisors approved these applications on November 30, 2004. The COA given was listed under the Department of Public Works as follows:

“Prior to the final parcel map being recorded or prior to final and/or occupancy of any building, whichever occurs first, the entire parcel being subdivided shall be annex to the North McHenry Lighting District. The developer shall provide all necessary documents and pay all the costs associated with the annexation.”

Two of the five proposed parcels are situated along McHenry Avenue, and three parcels are situated along the road north of Galaxy Way. The proposed name of the road is Spyres Way. The road will have two street lights: one at the end of Spyres Way on the right side of the road and one in the middle of Spyres Way on the left side. One of three street lights will be installed 400 feet north from the center lane of Galaxy Way on McHenry Avenue. Installation of this infrastructure will be at the developer's expense and to County standards.

If this annexation is approved, the commercial lots will become a part of the North McHenry II Lighting District, and they will be assessed using the existing methodology and assessment rates. Assessments will commence with the 2019-2020 Fiscal Year. The existing assessment rate is \$58.63 per Equivalent Benefit Unit.

The services to be extended in the North McHenry II Lighting District to the properties annexed will be the same as those extended to all other parcels within the district and include the following:

- Lighting District administration;
- Street lighting – electric supplied by Modesto Irrigation District and paid for the Lighting District’s assessment funds; and
- Routine street light maintenance – bulb, lens, sensor replacement, etc.

Stanislaus County Public Works Department will perform all routine maintenance activities. Ongoing annual maintenance and operating costs are funded entirely through the district's proposed assessments.

POLICY ISSUE:

State of California Streets and Highway Code, section 19130 authorizes the Board of Supervisors to be the governing body for the Lighting Districts within their county.

FISCAL IMPACT:

The BMW/KIA project has a Condition of Approval (COA) that stipulates the owner shall pay all costs associated with the annexation. The COA for BMW/KIA project was prescribed on November 30, 2004.

Ongoing operation and maintenance costs associated with the North McHenry II Lighting District will be borne by the district once the property is annexed. Initial annexation costs for the said Lighting District are estimated to be \$1,013.60 and include the first year's utilities and maintenance cost of \$513.60 and State Board of Equalization filing fee of \$500. These costs will be covered by the property owner. The Public Works Department costs are expected to be minimal.

BOARD OF SUPERVISORS' PRIORITY:

The recommended actions are consistent with the Board's priority of *Delivering Efficient Public Services and Community Infrastructure* by initiating the formal process to annex the properties into the North McHenry II Lighting District, thereby allowing the owner to comply with County Street-lighting Standards and the Conditions of Approval for this project.

STAFFING IMPACT:

Existing Public Works staff perform routine maintenance activities associated with the North McHenry II Lighting District.

CONTACT PERSON:

Matt Machado, Public Works Director

Telephone: 209-525-4153

ATTACHMENT(S):

1. Exhibit A - Legal Description Annexation to North McHenry II Lighting District
2. Exhibit B - Proposed Annexation Boundaries

EXHIBIT "A"
LEGAL DESCRIPTION


Being a portion of the Northeast Quarter of Section 5, Township 3 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, more particularly described as follows:

COMMENCING at the Northeast corner of said Section 5; thence

- 1) Southerly along the East line of said Section 5, South 01°14'42" East 772.26 feet to the Easterly extension of the North line of that certain Parcel Map recorded on September 1, 2016 for record in Book 57 of Parcels Maps at Page 40, Stanislaus County Records, being also a point on the existing boundary line of the North McHenry Lighting District and the **POINT OF BEGINNING** of this description; thence,
- 2) Continuing along said Section line, being also said existing boundary line, South 01°14'42" East 385.37 feet to a point on the Easterly extension of the South line of said Parcel Map; thence,
- 3) Westerly along said Easterly extension and the South line of said Parcel Map, being also said existing boundary line, North 88°47'01" West 1075.99 feet to the Southwest corner of said Parcel Map; thence,
- 4) Northerly along the West line of said Parcel Map, leaving said existing boundary line, North 01°09'39" West 384.64 feet to the Northwest corner of said Parcel Map; thence,
- 5) Easterly along the North line of said Parcel Map and its easterly extension, South 88°49'16" East 1075.40 feet to the point of beginning.

Containing 9.50 acres more or less

This legal description as described is delineated on the accompanying "Plat to Accompany Legal Description" and made a part hereof for reference purposes.


Nicole Cannella, P.L.S. 9099



3.23.18

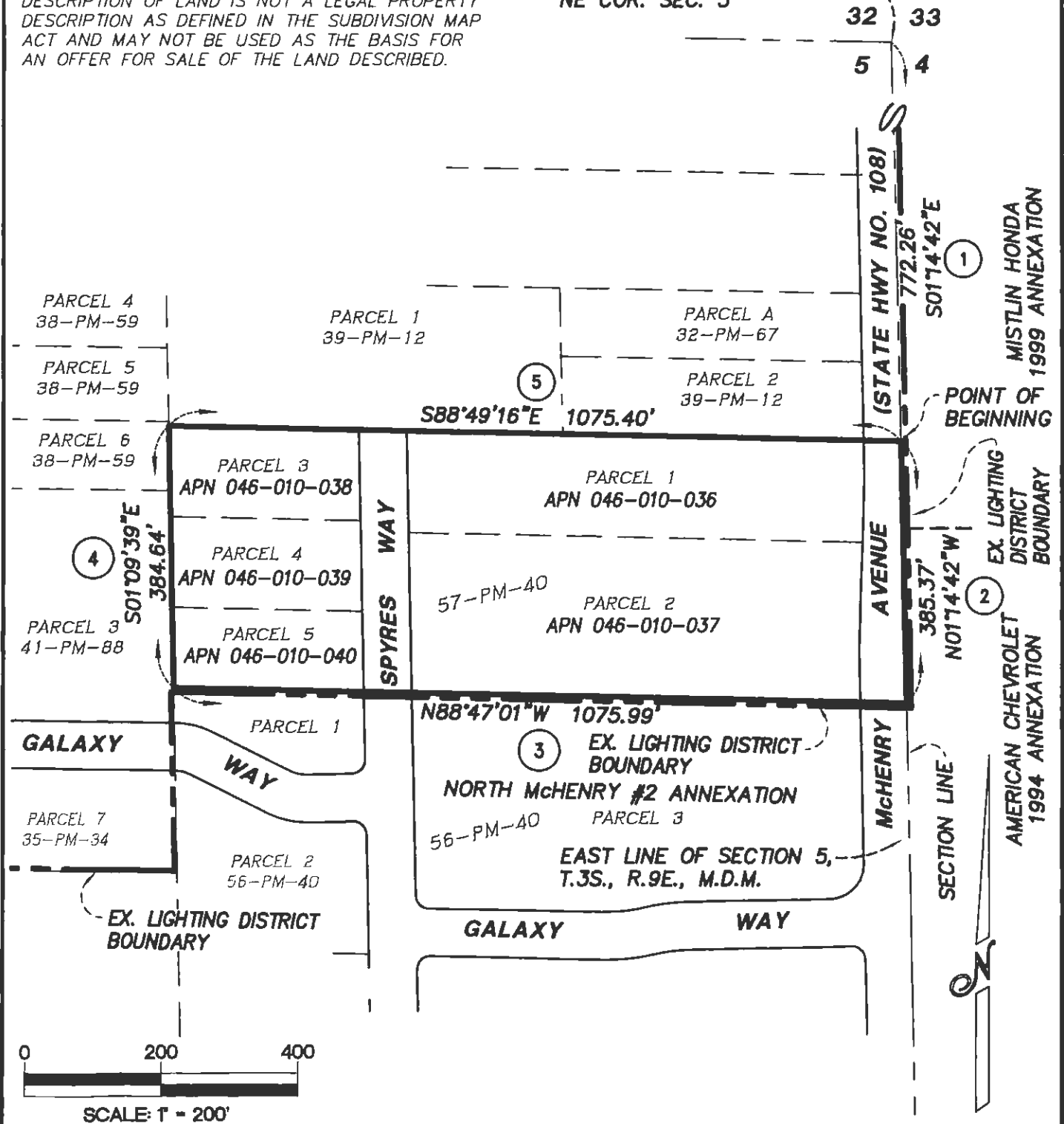
For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

EXHIBIT "B"

DISCLAIMER

FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.

POINT OF COMMENCEMENT
NE COR. SEC. 5



North Star
Engineering Group, Inc.
• CIVIL ENGINEERING • SURVEYING • PLANNING •
620 12th Street Modesto, CA 95354
(209) 524-3525 Phone (209) 524-3526 Fax

**PLAT TO ACCOMPANY
LEGAL DESCRIPTION**

OF A PORTION OF THE
NORTHEAST QUARTER OF SECTION 5,
TOWNSHIP 3 SOUTH, RANGE 9 EAST,
MOUNT DIABLO MERIDIAN.

STANISLAUS COUNTY, STATE OF CALIFORNIA

JOB NO:	J14-1474
SCALE:	AS SHOWN
DR BY:	NC
FILE:	14-1474 County Service Area Annex
DATE:	March 23, 2018