

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

DEPT: Public Works

BOARD AGENDA: 5.C.3
AGENDA DATE: August 21, 2018

SUBJECT:

Approval of the Annexation of Fairway 7 Estates into Deo Gloria Lighting District

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2018-0421

On motion of Supervisor Olsen, Seconded by Supervisor Withrow

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: 
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No. DL-23-17

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

DEPT: Public Works

BOARD AGENDA:5.C.3
AGENDA DATE: August 21, 2018

CONSENT:

CEO CONCURRENCE:

4/5 Vote Required: No

SUBJECT:

Approval of the Annexation of Fairway 7 Estates into Deo Gloria Lighting District

STAFF RECOMMENDATION:

1. Find that the property (APN064-016-004) 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 property.
2. Find that the area included in the Legal Description of the said property 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 Vesting Tentative Subdivision Map Application No. PLN2014-0074 – Fairway 7 Estates.
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 Deo Gloria Lighting District and that parcel in the new territory shall be subject to that pre-existing methodology and rates.
7. Approve the annexation of the said property into Deo Gloria Lighting District.
8. Declare that all services being provided by Deo Gloria Lighting District will be extended fully to the territory included in the said property annexation and that said services shall commence with the start of the 2018-2019 Fiscal Year.
9. Order that Assessor Parcel Number (APN) 064-016-004 and its subsequent subdivided parcel numbers 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 area proposed for annexation into Deo Gloria Lighting District is known as Fairway 7 Estates and is located at the northeast corner of State Highway 108/120 and North Stearns Road, in the Oakdale area. The APN is 064-016-004, and it is approximately 8.44 acres. Exhibits “A” and “B” illustrate the proposed boundary and include its legal description.

The proposed annexation is being made to meet a Condition of Approval (COA) for Vesting Tentative Subdivision Map Application No. PLN2014-0074 – Fairway 7 Estates. The Stanislaus County Board of Supervisors approved this application on January 26, 2016. The COA given was listed as VTSM PLN2014-0074 under the Department of Public Works as follows:

“The street lights shall be annexed into the Deo Gloria Lighting District. The applicant shall provide all necessary documents and pay all the costs associated with the annexation process. The annexation of the parcel into the Deo Gloria Lighting District shall be completed before the final/occupancy of any building permit associated with this project. Prior to the final map being recorded, the subdivider shall deposit the first year’s operating and maintenance cost of the street lights with the Department of Public Works.”

The approved Vesting Tentative Map and Development Plan sub-divides parcel 064-016-004 into twelve single-family residential lots and a drainage basin situated along the road. The proposed name of the road is Plaza De Oro Drive. The road will have four street lights: one next to Lot A (drain basin) west of the proposed road, one near lot No.12 east of the road, and two on the north side of the road, one between lot Nos. 4 and 5, and one between lot Nos. 6 and 7. Installation of this infrastructure will be at the developer’s expense and to County standards.

If this annexation is approved, twelve residential lots and a drain basin will become part of the Del Rio 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 \$49.08 per parcel and is calculated using the following formula and methodology:

$$\text{Annual Assessment} = (\text{Estimated Operation \& Maintenance Costs for Current Year}) + (\text{Estimated Dry Period Reserve For Next Year}) - (\text{Fund Balance From Previous Year}) - (\text{Estimated Property Tax Revenue For Current Year}) / \text{Number of Benefiting Parcels}$$

The services to be extended in the Deo Gloria Lighting District to the property 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 Pacific Gas and Electric Company and paid for by 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 Fairway 7 Estates project has a Condition of Approval (COA) that stipulates the developer/subdivider shall pay all costs associated with the annexation. The COA for Fairway 7 Estates was prescribed on January 26, 2016.

Ongoing operation and maintenance costs associated with the Deo Gloria 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 \$1,225.45 and include the first year's utilities and maintenance cost of \$725.45 and State Board of Equalization filing fee of \$500. These costs will be covered by the developer/subdivider. 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 property into the Deo Gloria Lighting District, thereby allowing the developer to comply with County Street-lighting Standards and the Conditions of Approval for this project.

STAFFING IMPACT:

Existing Public Works staff performs routine maintenance activities associated with the Deo Gloria Lighting District.

CONTACT PERSON:

David Leamon, Interim Public Works Director

Telephone: (209) 525-4151

ATTACHMENT(S):

1. Exhibit A - Legal Descriptions of Fairway 7 Estates Annexation into Deo Gloria Lighting District
2. Exhibit B - Proposed Annexation Boundaries

EXHIBIT "A"
LEGAL DESCRIPTIONS OF FAIRVIEW 7 ESTATES
ANNEXATION INTO DEO GLORIA LIGHTING DISTRICT

All that real property situate in the east half of Section 12, Township 2 South, Range 10 East, Mount Diablo Meridian, County of Stanislaus, State of California, being more particularly described as follows:

COMMENCING at the east quarter corner of Section 12, Township 2 South, Range 10 East; thence North $0^{\circ} 14'03''$ East 37.82 feet to a point on the north right-of-way line of State Highway 120/108, said point also being the southeast corner of "Adjusted Parcel 1" as shown on the Certificate of Lot Line Adjustment filed for record on November 7, 2016 as Document No. 2016-0087845, Stanislaus County Records and the true **POINT OF BEGINNING** of this description; thence along said north right-of-way line of State Highway 120/108 the following three courses;

- 1) North $85^{\circ}54'00''$ West 78.31 feet;
- 2) thence South $87^{\circ} 09'53''$ West 260.55 feet to the beginning of a non-tangent curve concave to the south with a radius of 3560.00 feet, a radial line through said beginning of curve bears South $0^{\circ} 12'02''$ West;
- 3) thence westerly 780.57 feet along the arc of said curve through a central angle of $12^{\circ}33'46''$ to a point on the east right-of-way line of Stearns Road;
- 4) thence along said east right-of-way line the following four courses, North $11^{\circ}28'05''$ West 97.41;
- 5) thence North $89^{\circ} 57'03''$ West 28.96 feet;
- 6) thence North $0^{\circ} 04'27''$ East 11.48 to the beginning of a tangent curve concave to the west with a radius of 580.00 feet;
- 7) thence northerly 189.95 feet along the arc of said curve through a central angle of $18^{\circ} 45'50''$ to a point on the west line of said "Adjusted Parcel 1";
- 8) thence along said west line, North $0^{\circ} 04'27''$ East 8.63 to a point on the north line of said "Adjusted Parcel 1";
- 9) thence along said north line the following five courses, North $88^{\circ} 45'44''$ East 451.83;
- 10) thence South $85^{\circ} 01'07''$ East 90.00 feet;
- 11) thence North $86^{\circ} 43'41''$ East 80.00 feet;
- 12) thence North $82^{\circ}27'53''$ East 154.00 feet;

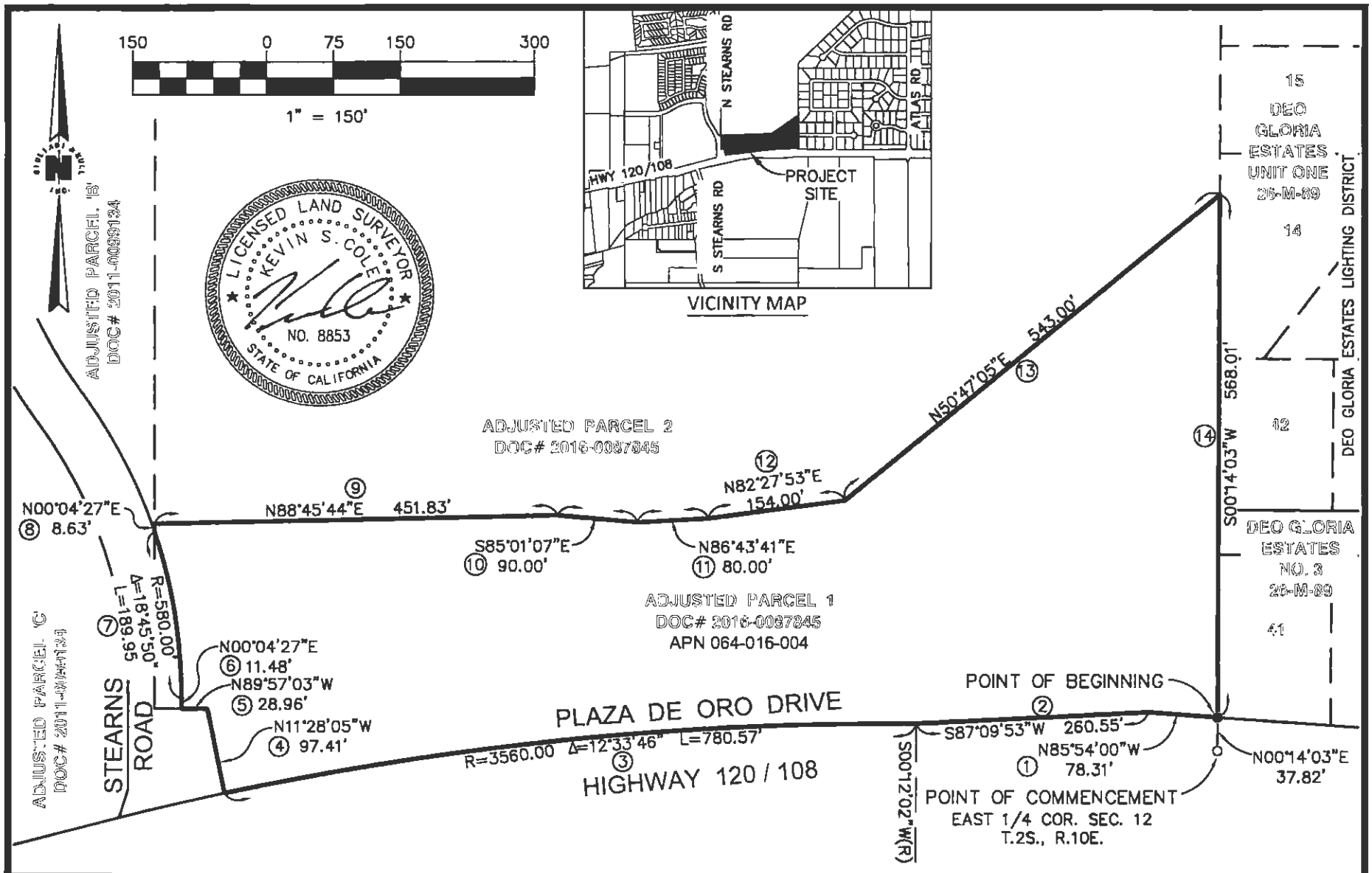
13) thence North 50°47'05" East 543.00 feet to a point on the east line of said "Adjusted Parcel 1", said point also being a point on the west line of the existing Deo Gloria Estates Lighting District;

14) thence along said east line of "Adjusted Parcel 1" and said west line of the existing Deo Gloria Estates Lighting District, South 0°14'03" West 568.01 feet to the **POINT OF BEGINNING**.

All as shown on attached Exhibit 'B' and made a part hereof and containing 8.44 acres, more or less.

END DESCRIPTION





GK Giuliani & Kull, Inc.
 Engineers • Planners • Surveyors
 440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361
 (209) 847-8726 Fax (209) 847-7323
 Auburn • Oakdale • San Jose

SCALE: 1" = 150'
 DRAWN: TRM
 CHECKED: KSC
 JOB NO.: 13199
 SHEET: 02 OF 02

EXHIBIT 'B'
 LIGHTING DISTRICT NO. _____
 STANISLAUS COUNTY, CALIFORNIA