

RESOLUTION NO. 515

A RESOLUTION OF APPLICATION BY SUNNSYLOPE COUNTY WATER DISTRICT
REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TAKE
PRELIMINARY PROCEEDINGS FOR ANNEXATION OF TERRITORY TO THE DISTRICT

ANNEXATION 2010-1

RESOLVED, by the Board of Directors of the Sunnyslope County Water District, San Benito County, California that

WHEREAS, the Board of Directors of the District desires to initiate preliminary pursuant to Government Code Section 56000 through 57550 (Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000) for the annexation of certain territory more particularly described in Exhibit A, attached hereto and incorporated herein by this reference, to said District; and

WHEREAS, the proposed annexation of the territory to Sunnyslope County Water District will affect the County of San Benito, State of California and the City of Hollister; and

WHEREAS, the territory proposed to be annexed is inhabited as such term is defined in Section 56046 of the government Code; and

WHEREAS, Sunnyslope County Water District, as the lead agency, has circulated a Proposed Mitigated Negative Declaration for the project in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, Sunnyslope County Water District has held a public hearing on April 08, 2010 for the CEQA environmental review of the proposed annexation; and

WHEREAS, Sunnyslope County Water District has added Well #11, which produces 1000 gallons per minute, to supply customers of the District; and

WHEREAS, Sunnyslope County Water District can supply the immediate water supply needs of subdivision MS 1220-08, and the needs of APNs 025-19-41 and 025-19-40, from the existing sources of supply of Sunnyslope County Water District; and

WHEREAS, Sunnyslope County Water District finds an existing and future need to conserve potable water; and

WHEREAS, Sunnyslope County Water District has found that a Mitigated Negative Declaration is appropriate under CEQA; and

WHEREAS, it is desired to provide that the proposed annexation be subject to certain term and conditions as follows:

1. In the event that pursuant to the rules, regulations or ordinance of the District as now or hereafter amended the District shall require any payment of a fixed or determinable amount of money, either as a lump sum or installments, for the acquisition, transfer, use or right of use of all or any part of the existing property, real or personal, of the District, such payment will be made to the District in the manner and at the time as provided by the rules, regulations or ordinance of the District.
2. Upon and after the effective date of said annexations, the territory, all inhabitants within such territory and all persons entitled to vote by reason of residing or owning land within the territory shall be subject to the jurisdiction of the District; shall have the same rights and duties as if the territory had been a part of the District upon its original formation; shall be liable for the payment of principal, interest and any other amounts which shall become due on account of any outstanding or then authorized but thereafter issued bonds, including revenue bonds, or other contracts or obligations of the District; shall be subject to the levying or fixing and collection of any al taxes, assessments, service charges, rentals or rates as may be necessary to provide for such payment; and shall be subject to

all the rates, rules, regulations and ordinances of the District as now or hereafter amended; and

WHEREAS, all of the owners of land within the territory proposed to be annexed have signed a written consent to the annexation of said territory to Sunnyslope county Water District;

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. That this Resolution of Application be and is hereby adopted and approved by the Board of Directors of Sunnyslope County Water District, and the Local Agency Formation Commission of San Benito County be and it is hereby requested to undertake preliminary proceedings for the annexation of the territory described in Exhibit A hereto attached and by reference incorporated herein to Sunnyslope County Water District on the terms and conditions above stated and in the manner provided by the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000.
2. That the territory proposed to be annexed to Sunnyslope County Water District is inhabited. The exterior boundaries of the territory proposed to be annexed are more specifically described in Exhibit A.
3. That Sunnyslope County Water District is capable of supplying the potable water needs of the territory proposed to be annexed from existing facilities, including well #11.
4. That the territory proposed to be annexed will be required to meet current and future water conservation measures found necessary by Sunnyslope County Water District.
5. The reasons for this proposed change of organization are as follows:
 - a) Sunnyslope County Water District is authorized and empowered to and is presently engaged in the supply, storage, transmission and distribution of water for domestic and fire protection purposes and has a system and works for the providing of water and water facilities, which can adequately and economically furnish services which are urgently needed within the territory proposed to be annexed.
 - b) There is no other governmental agency which is presently able to furnish sewerage services and there is no immediate prospect that any other agency will be able to furnish water services within the reasonably foreseeable future.
 - c) That the Local Agency Formation Commission is hereby requested to approve the annexation without an election and without a notice and hearing by the Commission and transmit its approval to and authorize the Board of Directors of the District to annex this territory to the District and without an election, in accordance with the authorizations and requirements of the Cortese/Knox Local Government Reorganization Act.
 - d) That all of the owners of land within the territory proposed to be annexed have filed a written consent and petition to the annexation of said territory, pursuant to Section 56864, without notice of hearing, and the Board of Directors of the Sunnyslope County Water District hereby waives the right to mailed notice of hearing, pursuant to authorization contained in Government Code Section 56663 unless the Local Agency Formation Commission intends to impose conditions on said proposed annexation other than those stated herein.
 - e) That the Secretary of the District be, and he is hereby authorized and directed to file a certified copy of this Resolution with the Executive Office of the Local Agency Formation Commission and to attach thereto a copy of the written consent to such annexation of all the owners of all the land within the territory proposed to be annexed.

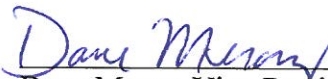
I hereby certify that the foregoing Resolution was passed and adopted by the Board of Directors of the Sunnyslope County Water District, San Benito County, California, at a meeting thereof held on the 8th day of April 2010 by the following vote of the members thereof:

AYES: Directors Meraz, Hailstone, and Anderson

NOES: None

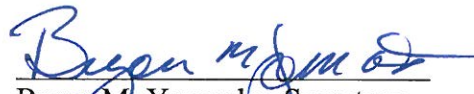
ABSENT: Directors Keck and Nelson

SUNNYSLOPE COUNTY WATER DISTRICT



Dave Meraz, Vice-President

APPROVED:



Bryan M. Yamaoka, Secretary

Exhibit A (Walker)

All that certain real property in the Unincorporated Area, County of San Benito, State of California, described as follows:

That portion of the Northwest quarter of the Southeast quarter of Section 7, Township 13 South, Range 6 East, M.D.M., in the County of San Benito, State of California, according to the official plat thereof, described as follows:

Parcel One:

Beginning at the Northwest corner of the said Southeast Quarter; thence, along the Northerly line of said Southeast quarter,

(1) Easterly, 792.0 feet; thence, leaving said Northerly line and parallel with the Westerly line of said Southeast quarter,

(2) Southerly, 550.0 feet; thence, parallel with the Northerly line of said Southeast quarter,

(3) Westerly, 792.0 feet to the Westerly line of said Southeast quarter; thence, along said Westerly line,

(4) Northerly, 550.0 feet to the point of beginning.

Parcel Two:

A non-exclusive easement for road purposes on, over and across that portion of the West 30 feet of the Northwest quarter of the Southeast quarter of Section 7, Township 13 South, Range 6 East, M.D.M., in the County of San Benito, State of California, according to the official plat thereof, lying between the South line of the land herein above described and the Northerly line of the California State Highway, described in the deed to the State of California, recorded August 10, 1965, in Vol. 311, Page 204, Official Records.

Exhibit A Continued (Moheyuddin)

The West half of the Southeast quarter of Section 7, in Township 13 South, Range 6 East, Mount Diablo Base and Meridian.

EXCEPTING therefrom the following:

(1) The 100 foot strip of land reserved in Deed from Southern Pacific Railroad Company, to Alexander F. Anderson, dated October 17, 1888 and recorded March 23, 1889, in Vol. 10 of Deeds, at page 333, San Benito County Records.

(Now in name of State of California)

(2) All that portion thereof lying Southerly of the right of way of the Southern Pacific Railroad, as conveyed by Alexander A. Anderson, a single man, to Gunnar O. Sondeno and Vera Jean Sondeno, husband and wife, as joint tenants, by Deed dated June 22, 1956, and recorded June 28, 1956, in Vol. 224 of Official Records, at page 351, Recorder's File No. 64199, San Benito County Records.

(3) That certain parcel of land conveyed by Alexander A. Anderson, a single man, to the State of California, by Deed dated January 20, 1965 and recorded August 10, 1965, in Vol. 311 of Official Records, at page 204, Recorder's File No. 91046, San Benito County Records, bounded and particularly described as follows:

Beginning at the intersection of the Northeasterly line of the parcel of land conveyed to the State of California, by Deed recorded February 26, 1946, in Volume 133 of Official Records, at page 165, records of said County, with the Westerly line of the Southeast quarter of said Section 7; thence (1), Northerly along said Westerly line to an intersection with a line projected N. 89° 37' 59" W., from a point which bears N. 14° 24' 08" E., 229.85 feet from Engineer's Station 404+80.60 P.O.T. on the center line of the Department of Public Works Survey for State Highway as said center line is delineated on the Map filed in the State Highway Map Book, pages 148 to 161, inclusive, records of said County; thence (2), Easterly along said projected line to last said point; thence (3), S. 14° 39' 25" E., 137.11 feet; thence (4), S. 75° 35' 38" E., 174.61 feet; thence (5), from a tangent that bears S. 75° 35' 50" E., along a curve to the right with a radius of 2019.84 feet through an angle of 11° 37' 42" for a length of 409.93 feet; thence (6) S. 62° 13' 38" E., 321.92 feet; thence (7), S. 56° 14' 59" E., 352.94 feet to a point which bears N. 37° 01' 19" E., 115.00 feet from Engineer's Station 392+00 P.O.C. on the above said filed center line; thence (8), S. 52° 25' 50" E., 152.39 feet, to an intersection with the Easterly line of the Westerly one-half of the Southeast quarter of said Section 7; thence (9), Southerly along last said line to an intersection with the above said Northeasterly line of the parcel conveyed to the State (10), Northwesterly along said Northeasterly line to the point of beginning.

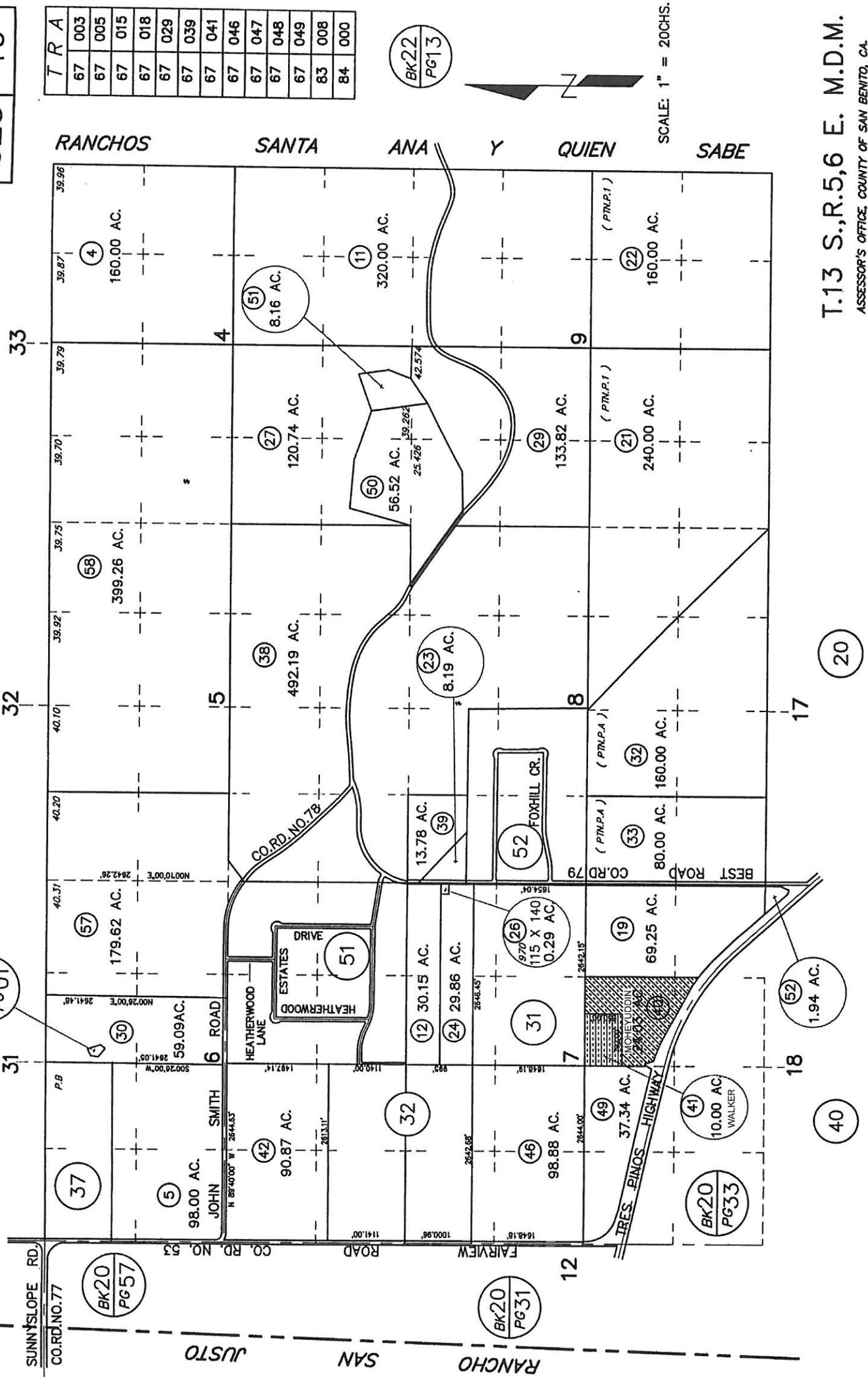
(4) That portion of the above described property conveyed to Anthony J. Trebino et ux, by Deed from Joseph E. Lotz, et al., dated July 12, 1968, and recorded July 15, 1968, Recorder's File No. 99991, San Benito County Records.

THIS MAP IS NOT AN OFFICIAL DOCUMENT AND IS USED FOR ASSESSMENT PURPOSES ONLY.

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REVISED BY
4-23-99 BA



BK22
PG13



SCALE: 1" = 20CHS.

T.13 S., R.5,6 E. M.D.M.
ASSESSOR'S OFFICE, COUNTY OF SAN BENITO, CA.