

RESOLUTION NO. 238

A RESOLUTION OF APPLICATION BY SUNNYSLOPE COUNTY WATER DISTRICT REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO TAKE PRELIMINARY PROCEEDINGS FOR ANNEXATION OF TERRITORY TO THE DISTRICT AND TO IMPROVEMENT DISTRICT NO. 2 THEREOF

SUNNYSLOPE COUNTY WATER DISTRICT

ANNEXATION NO. 79-1

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 proceedings pursuant to the District Reorganization Act of 1965, Title 6, Division 1 of the Government Code of the State of California, comprising Sections 56000 through 56550 of said Code, for the annexation of certain territory more particularly described in Exhibit "A", hereto attached and by reference incorporated herein, to said District and to Improvement District No. 2 thereof (hereinafter sometimes referred to as the "Territory");

WHEREAS, the proposed annexation of the Territory to Sunnyslope County Water District and to Improvement District No. 2 thereof will affect the County of San Benito, State of California, and the City of Hollister;

WHEREAS, the Territory proposed to be annexed is uninhabited, as such term is defined in Section 56074 of the Government Code, a part of the District Reorganization Act of 1965, and a description of the exterior boundaries of the Territory is set forth in said Exhibit "A";

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

1. In the event that pursuant to rules, regulations or ordinances 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 in 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 or Improvement District No. 2 thereof, such payment will be made to the District in the manner and at the time as provided by the rules, regulations or ordinances of the District, as now or hereinafter amended.

2. Upon and after the effective date of said annexation, 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 and all taxes, assessments, service charges, rentals or rates as may be necessary to provide for such payment; and shall be subject to all of 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 and to Improvement District No. 2 thereof;

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED and ORDERED, as follows:

1. That this resolution of application be, and it is hereby, adopted and approved by the Board of Directors of the 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 and to Improvement District No. 2 thereof, on the terms and conditions above stated and in the manner provided by the District Reorganization Act of 1965.

2. That the Territory proposed to be annexed to Sunnyslope County Water District and to Improvement District No. 2 thereof is uninhabited. The exterior boundaries of the Territory proposed to be annexed are more particularly described in said Exhibit "A".

3. That 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 furnishing and distribution of water, and has a system and works for the providing of water facilities, and is authorized and empowered to, and is presently engaged in, the collection, treatment, and disposal of sanitary sewage and has a system and works for providing sanitary sewage disposal, which systems 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 water and sewer services and there is no immediate prospect that any other agency will be able to furnish such services within the reasonably foreseeable future.

4. That the Local Agency Formation Commission is hereby requested to approve the proposed annexation without notice and hearing by the Commission, and to transmit its approval to and authorize the Board of Directors of the District to annex the Territory to the District and to Improvement District No. 2 thereof without notice and hearing by the Board of Directors of the District and without an election, in accordance with the authorizations and requirements of said District Reorganization Act.

5. That all of the owners of lands within the Territory proposed to be annexed have filed a written consent to the annexation

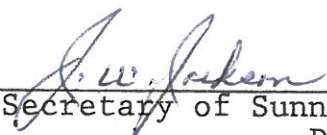
of said Territory without notice or hearing, and the Board of Directors of the Sunnyslope County Water District hereby waives the right to mailed notice of hearing pursuant to authorization contained in Section 56261 of the Government Code, unless the Local Agency Formation Commission intends to impose conditions on said proposed annexation other than those stated herein.

6. 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 officer of the Local Agency Formation Commission of the County of San Benito, State of California, and to attach thereto a copy of the written consent to such annexation of all of the owners of all of the lands within the Territory proposed to be annexed to the District and to Improvement District No. 2 thereof.

* * * * *

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 _____ day of _____ by the following vote of the members thereof:

AYES, and in favor thereof, Directors: Arzie, ~~Churchill~~,
Loofbourrow, ~~Renz~~, Williams
NOES, Directors: None
ABSENT, Directors: ~~None~~ Churchill + Renz


Secretary of Sunnyslope County Water District

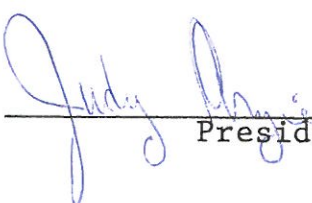
APPROVED:

President

EXHIBIT "A"

LICO ANNEXATION No. 79-1

BEING a portion of Homestead Lot 43 of the Rancho San Justo according to the map thereof filed in Book 1 of Maps, at page 64, San Benito County Records, and being bounded by a line particularly described as follows:

BEGINNING at the southeast corner of said Homestead Lot 43, said corner being on the Sunnyslope County Water District Boundary thence along said Sunnyslope County Water District Boundary

North 80°30' West 990.00 feet to the southwest corner of that certain tract of land conveyed by deed from Sarah Lico EtAl to Lico and Greco, a partnership dated November 28, 1969 and recorded October 3, 1975 in Volume 401 of Official Records at page 190, San Benito County Records thence along the westerly line of said tract of land

North 22°15' West 2199.89 feet to the southerly line of Enterprise Road thence along said southerly line

South 88°22'00" East, 524.87 feet, thence

South 71°08'00" East, 996.56 feet, thence

South 60°33'00" East, 406.33 feet, to a point on the Sunnyslope County Water District Boundary, thence along the easterly line of said tract of land and along said District Boundary

South 0°25' West, 1662.54 feet to the point of beginning

CONTAINING THEREIN 59.866 acres of land, more or less.