

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NUMBER L-2007-02

Kregoski Annexation to El Dorado Irrigation District
LAFCO Project No. 2006-02

WHEREAS, on April 3, 2006, Malinda Kregoski, owner of 100% of the assessed value of the land shown in "Exhibit A" (hereinafter referred to as the "subject territory") submitted a landowner petition ("petition") requesting the annexation of the subject territory into the El Dorado Irrigation District (EID); and

WHEREAS, the petition is in conformance with Government Code §56650 et seq.; and

WHEREAS, the proposal was assigned LAFCO Project No. 2006-02 and is referred to as the "Kregoski Annexation to the El Dorado Irrigation District"; and

WHEREAS, the subject territory is commonly known as Assessor's Parcel Number (APN) 069-290-44 (approximately 28.43 acres); and

WHEREAS, the petition requests the annexation of the subject territory, into EID for the provision of municipal water service; and

WHEREAS, a Categorical Exemption #19 under State Code §15319(a) has been prepared for the project by El Dorado LAFCO, as outlined by the California Environmental Quality Act ("CEQA"), and said Exemption is to be filed on March 1, 2007; and

WHEREAS, within the scope of this environmental review, any potential environmental impacts of the project were considered and addressed; and

WHEREAS, the Executive Officer has examined the petition, certified that it is adequate and has accepted the petition for filing on January 30, 2007; and

WHEREAS, EID requested termination of the informational hearing proceedings pursuant to Government Code §56857(b); and

WHEREAS, pursuant to Government Code §56857(c) the Commission terminated the informational hearing proceedings; and

WHEREAS, Revenue and Taxation Code §99 requires an agreement for the exchange of property tax revenues in the event of a jurisdictional change of local agencies; and

WHEREAS, property tax exchange negotiations were completed and approved by the County of El Dorado ("the County") on June 13, 2006, and by EID on May 22, 2006; and

WHEREAS, the Executive Officer set a public hearing for February 28, 2007 for consideration of the petition and the Categorical Exemption #19 and caused Notice thereof to be posted, published and mailed at the times and in the manner required by law at least twenty-one (21) days in advance of that date; and

WHEREAS, said Notice stated that the petition and the Categorical Exemption #19 would be considered by this Commission at the hearing; and

WHEREAS, the Executive Officer, pursuant to Government Code §56665, has reviewed this petition and prepared and distributed a report, including recommendations, and has furnished a copy of this report to each person entitled to a copy at least five (5) days prior to the February 28, 2007 meeting during which the petition was considered; and

WHEREAS, on February 28, 2007, the matter will come on regularly for hearing before this Commission, at the time and place specified in the Notice of the Public Hearing; and

WHEREAS, at said hearing, the petition, the Categorical Exemption #19, and the Executive Officer's Report and Recommendations were reviewed and considered; and

WHEREAS, an opportunity was given to all interested persons, organizations, and agencies to present oral or written protests, objections, and any other information concerning the proposal and all related matters; and

WHEREAS, this Commission has received, heard, discussed and considered all oral and written testimony related to the petition, including, but not limited to, protests and objections, the Executive Officer's report and recommendations, the Categorical Exemption #19 and determination, plans for providing service, spheres of influence, applicable General and Specific Plans, each of the policies, priorities and functions set forth in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, including those set forth in Government Code §§56377, 56668 and 56668.3, LAFCO's Policies and Guidelines and all other materials presented as prescribed by law.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED, ORDERED AND FOUND by the El Dorado Local Agency Formation Commission as follows:

1. Each of the foregoing recitals is true and correct.
2. This resolution making determinations is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, California Government Code §56000 et seq.
3. The following agencies and districts were notified concerning this petition: El Dorado Irrigation District; El Dorado County Representing County Service Areas 7, 9, 9 Zone 17, 10 and 10 Zone D; Los Rios Community College District; Rescue Union Elementary School District; El Dorado Union High School District; Rescue Fire Protection District; El Dorado County Water Agency; El Dorado

County Resource Conservation District; El Dorado County Office of Education; El Dorado County Planning Department; El Dorado County Agricultural Commission; El Dorado County Surveyor's Office; El Dorado County Committee on School District Organization and the U.S. Bureau of Reclamation.

4. There are three registered voters in the subject territory; therefore the subject territory is considered uninhabited per Government Code §56046.
5. Malinda Kregoski, as owner of 100% of the assessed value of the land within the subject territory, has given her written consent to the annexation.
6. EID, as the subject agency, has not requested in writing or otherwise that LAFCO hold protest proceedings on this petition.
7. The Conducting Authority proceedings are hereby waived in accordance with Government Code §56663(c).
8. The subject territory is within the EID sphere of influence and is contiguous to the existing boundary.
9. The subject property is designated Agricultural Land (AL) and is zoned Residential Estate, 10-acre minimum (RE-10) by the 2004 County General Plan.
10. The subject territory is currently developed land with a primary and secondary residence and three agricultural structures consistent with current zoning.
11. The petition is consistent with the County's 2004 General Plan.
12. The subject territory consists of one tax rate area and is currently within TRA100-174.
13. The total assessed land value of the subject territory is \$485,219.
14. The petition will not affect the County's ability to meet its Regional Housing Needs Assessment allocations as determined by the Sacramento Area Council of Governments for any income groups.
15. Upon approval of the annexation petition, EID shall provide municipal water service to the subject territory.
16. EID has planned for the provision of municipal water service to the subject territory and has developed a fee schedule, bonding funds, and assessments to provide funding for that service.
17. The petition meets the intent, policies, and priorities of this Commission, and the laws and policies within its jurisdiction and authority, including but not limited to the EID sphere of influence and the El Dorado LAFCO Policies and Guidelines.

18. CEQA Statute §15319(a) provides for the annexation of an area containing an existing private structure that is allowed under the current zoning.
19. This petition is hereby found to be exempt from CEQA pursuant to Categorical Exemption #19.
20. The County Surveyor has agreed that the submitted legal description and maps are mathematically correct.
21. The annexation will not result in negative impacts to the cost and adequacy of services otherwise provided in the area and it is in the best interests of the affected area and the total organization of local government agencies.
22. The area proposed for reorganization represents an orderly, logical and a justifiable extension of the EID boundaries.
23. The proposal is assigned the following short form designation:

Kregoski Annexation to EID
LAFCO Project No. 2006-02

24. LAFCO Project No. 2006-02, annexing the subject territory to EID, is hereby approved, subject to the following conditions:
 - (a) The subject territory shall be liable for any authorized or existing taxes, fees, service charges, assessments and any bonded indebtedness of EID.
 - (b) The applicant and the real party of interest, if different, shall agree to defend, indemnify, hold harmless and release the El Dorado Local Agency Formation Commission, its agents, officers, attorney and employees from any claim, action or proceeding brought against them or any of them, the purpose of which to attack, set aside, void, condition, challenge or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of, related to or in connection with the approval of this application, whether or not there is concurrent passive negligence of the part of the El Dorado Local Agency Formation Commission or its agents, officers, attorney or employees.
 - (c) The Certificate of Completion shall be issued and recorded subsequent to final payment of all LAFCO, State Board of Equalization and County fees, costs and charges associated with the project and necessary to complete the required filings and transmittals.

- (d) Proponents shall complete all map and legal description requirements for final recording and filing, including documents required by the State Board of Equalization, within 180 days of February 28, 2007.
 - (e) The Certificate of Completion shall be issued and recorded subsequent to the fixing and establishment of any necessary right of use of water by El Dorado Irrigation District in the subject territory (§56886j). Nothing in this condition shall operate or be interpreted to modify priorities of use, or right of use, to water, or capacity rights in any public improvements or facilities that have been fixed and established by a court or an order of the State Water Resources Control Board.
25. All subsequent proceedings in connection with this annexation shall be conducted only in compliance with the approved boundaries and conditions set forth in the attachments and any terms and conditions specified in this resolution.
26. The Executive Officer is hereby authorized and directed to file with the Clerk of the County of El Dorado, a Notice of Exemption for the annexation, pursuant to Title 14 California Code of Regulations §15062.
27. The effective date shall be the five (5) working days after recordation by the County Recorder of the Executive Officer's Certificate of Completion, which shall be prepared and recorded after the conditions set forth above are met.
28. Upon and after the effective date of said reorganization, the affected territory, all inhabitants within such territory, and all persons entitled to vote by reasons of residing or owning land within the territory:
- (a) Shall be subject to the jurisdiction of EID, hereafter referred to as "the District";
 - (b) Shall have the same rights and duties as if the affected territory has been a part of the District upon its original formation;
 - (c) Shall be liable for the payment of any authorized or existing taxes, fees, assessments and any bonded indebtedness of the District, including amounts which shall become due on account of any outstanding or then authorized but thereafter issued obligations of the District;
 - (d) Shall be subject to the collection of all taxes, assessments, service charges, rentals or rates as may be necessary to provide for such services;
 - (e) Shall be subject to all of the rules, regulations and ordinances of the District as now existing or hereafter amended.

DRAFT

39. All interested parties, including without limitation Malinda Kregoski, agree that LAFCO retains in perpetuity the authority to enforce, through legal action or otherwise, all of the terms and conditions of the project approval.
40. The documents and materials which constitute the record of proceedings on which these findings are based are located at 550 Main Street, Suite E, Placerville, CA 95667. The custodian of these records is the Executive Officer.

PASSED AND ADOPTED by the El Dorado Local Agency Formation Commission at a regular meeting of said Commission, held February 28, 2007 by the following vote of said Commission.

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

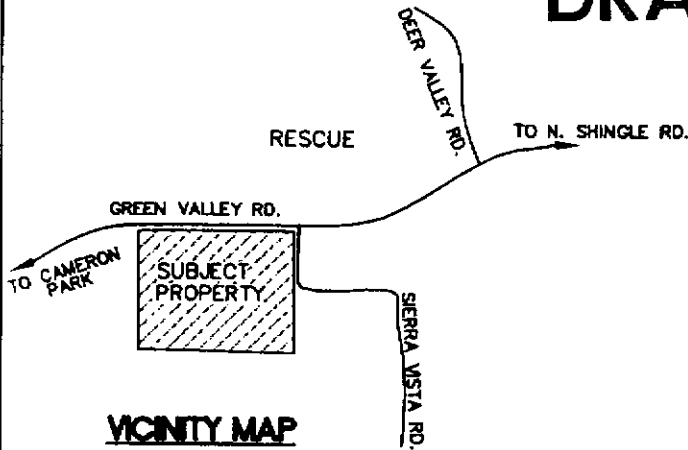
Clerk to the Commission

Chairperson

DRAFT

BOUNDARY MAP
L.A.F.C.O. PROJECT 2006-02
KREGOSKI ANNEXATION TO E.I.D.

A PORTION OF THE SW 1/4 OF SECTION 23,
T.10N, R.9E, M.D.M.,
COUNTY OF EL DORADO,
STATE OF CALIFORNIA
DECEMBER 2006 SCALE T-300'
SHEET 1 OF 1



VICINITY MAP

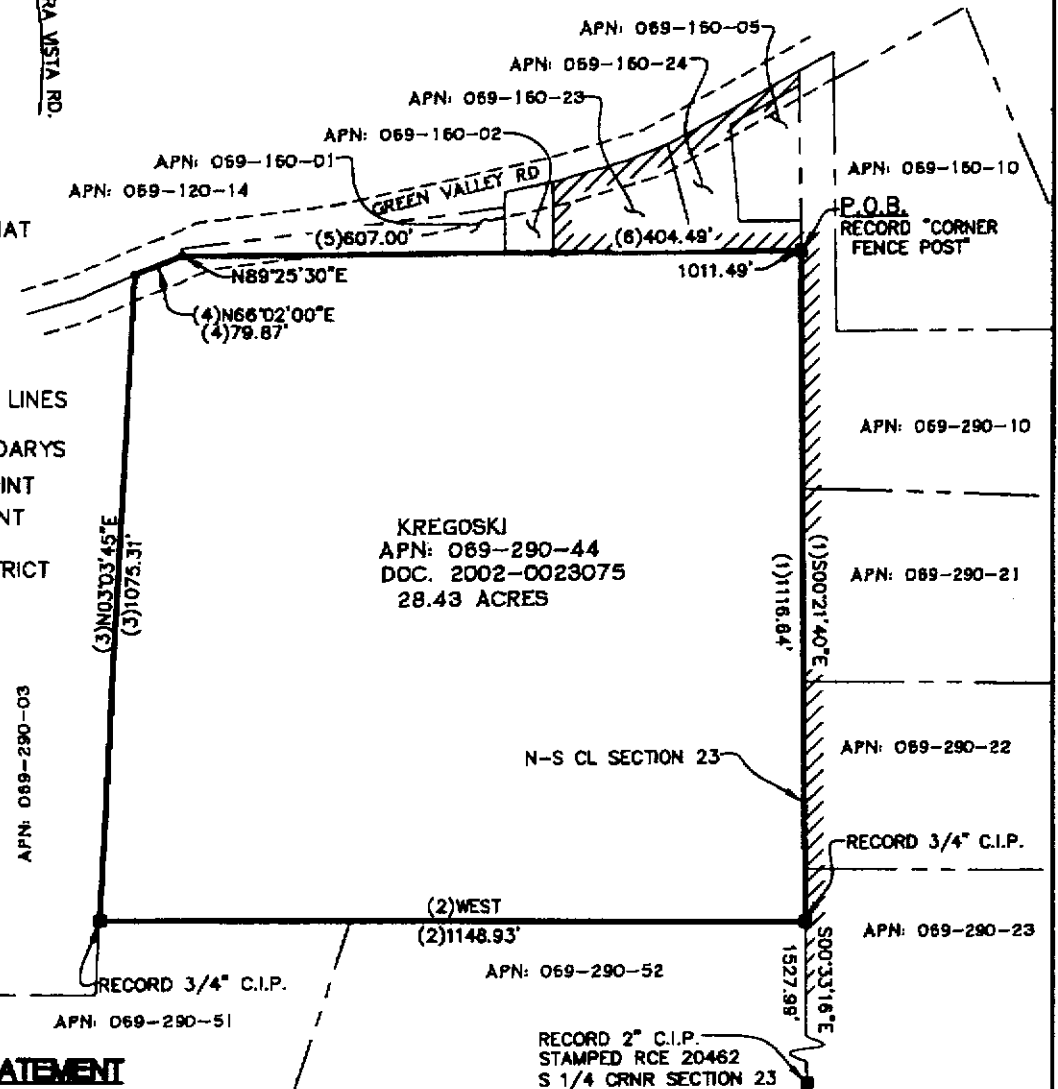
BASIS OF BEARING:
THE MERIDIAN OF THIS EXHIBIT IS IDENTICAL TO THAT OF DOC. 2002-0023075

LEGEND

- BOUNDARY LINES
- PARCEL DIVISION LINES
- - - ADJACENT BOUNDARIES
- COMPUTATION POINT
- RECORD MONUMENT AS SHOWN
- /// EXISTING EID DISTRICT BOUNDARY



SCALE: 1"=300'



ENGINEERS STATEMENT

THIS EXHIBIT WAS PREPARED ON DECEMBER 13TH, 2006 AND IS 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.

Lawrence A. Patterson
LAWRENCE A. PATTERSON
R.C.E. 26342
LICENSE EXPIRES 3-31-08

APPROVED BY
LOCAL AGENCY FORMATION COMMISSION
EL DORADO COUNTY, CA 95667
DATE: _____

ATTEST: _____
EXECUTIVE OFFICER

COUNTY SURVEYORS STATEMENT

THIS EXHIBIT MEETS THE REQUIREMENTS OF THE STATE BOARD OF EQUALIZATION, THE EL DORADO COUNTY RECORDERS OFFICE AND CONFORMS TO THE LINES OF ASSESSMENT. DATED 12-18-06

Richard L. Briner
RICHARD L. BRINER L.S. 5084
DEPUTY SURVEYOR
COUNTY OF EL DORADO
LICENSE EXPIRES 06-30-07



DRAFT

BOUNDARY DESCRIPTION
L.A.F.C.O. PROJECT No. 2006-02
REORGANIZATION TO EL DORADO IRRIGATION DISTRICT

All that portion of the Southwest quarter of Section 23, Township 10 North, Range 9 East, M.D.B. & M., of that certain property recorded in Doc. 2002-0023075 in the Office of the El dorado County Recorder, State of California, and more particularly described as follows:

Beginning at the Northeast corner of the herein described parcel, a corner fence post, from which point the South $\frac{1}{4}$ corner of Section 23 bears South $00^{\circ}-21'-40''$ East 1116.64 feet; thence South $00^{\circ}-33'-16''$ East 1527.99 feet; thence from said point of beginning along the existing EID district boundary (1) South $00^{\circ}-21'-40''$ East 1116.64 feet; thence leaving the existing EID district boundary (2) West 1148.93 feet; thence (3) North $03^{\circ}-03'-45''$ East 1075.31 feet to a point on the centerline of Green Valley Rd.; thence along the centerline of Green Valley Rd. (4) North $66^{\circ}-02'-00''$ East 79.87 feet; thence leaving the centerline of Green Valley Rd. (5) North $89^{\circ}-25'-30''$ East 607.00 feet to the corner of the existing EID district boundary; thence along the existing EID district boundary continuing (6) North $89^{\circ}-25'-30''$ East 404.49 feet to the point of beginning.

Containing 28.43 Acres.

The Basis of Bearing for this description is identical to that of Doc. 2002-0023075.


Lawrence Alan Patterson, RCE 26342

12/14/06
Date

