

DEPARTMENT: Planning

BY: Kris Schenk  
PHONE: 742-1216

**RECOMMENDED ACTION AND JUSTIFICATION:** January 24, 2012 at 2:00 PM is the regularly scheduled meeting time of the Mariposa County LAFCo. At this meeting, Commissioners will be electing officers for the 2012 calendar year. They will also consider reaffirming the annexation of 4 parcels (1<sup>st</sup> Baptist Church) into the MPUD service area, and the detachment of property owned by Robert Keller from the service area of the YACSD in Fish Camp.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:** Mariposa County LAFCo consists of 3 supervisors and 2 public members, with appointed alternates. The Commission meets at regular intervals to conduct LAFCo business and to discuss public matters of interest to LAFCo members.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:** Delay or inability of the Commission to conduct its advertised public business.

Financial Impact? ( ) Yes (x) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? (x) Yes ( ) No ( ) Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		1. LAFCo agenda for January 24, 2012
Unanticipated Revenue _____ 4/5's vote		2. Draft meeting minutes of October 25, 2011
Transfer Between Funds _____ 4/5's vote		3. LAFCo staff report and Resolution reaffirming Annexation No. 2009-141, annexing certain properties into the service area of MPUD
Contingency _____ 4/5's vote		4. LAFCo staff report, CEQA Notice of Exemption, and Resolution detaching territory from the service area of the YACSD in Fish Camp

**CLERK'S USE ONLY:**

LAFCo - Res. No. 2012-001/2012-002 Ord. No. \_\_\_\_\_  
Vote - Ayes: 5 Noes: \_\_\_\_\_  
Absent: \_\_\_\_\_  
26) Approved  
( ) Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: \_\_\_\_\_  
Attest: MARGIE WILLIAMS, Clerk of the Board  
County of Mariposa, State of California  
By: \_\_\_\_\_  
Deputy

**COUNTY ADMINISTRATIVE OFFICER:**

Requested Action Recommended  
 No Opinion  
Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CAO: 

Local Agency Formation Commission Resolution No. 2012-001

A RESOLUTION REAFFIRMING THE APPROVAL OF LAFCO ANNEXATION NO. 2009-141 AND THE ADOPTION OF A NEGATIVE DECLARATION FOR THE ANNEXATION OF TERRITORY TO THE MARIPOSA PUBLIC UTILITY DISTRICT, WITH FINDINGS, DETERMINATIONS, AND CONDITIONS

WHEREAS, pursuant to the provisions of the Local Government Reorganization Act of 2000, commencing with Section 56000 (et seq.), Title 6, of the Government Code, an application for annexation of property into the Mariposa Public Utility District was received by the LAFCo Executive Officer; and

WHEREAS, Mariposa Public Utility District Resolution 2004-1529, a Resolution of Application, was filed with the Executive Officer of this Local Agency Formation Commission in accordance with State law; and

WHEREAS, The Executive Officer reviewed the available information and prepared a report, including recommendations, and the report and related information was presented to and considered by the Commission on December 8, 2009; and

WHEREAS, the Executive Office conducted an Initial Study on the proposed annexation per the requirements of the California Environmental Quality Act; said analysis concluded that the proposal would have no significant environmental effects on the environment. A Notice of Completion and Initial Study, pursuant to the California Environmental Quality Act (CEQA), was distributed to the State Clearinghouse and appropriate agencies for the purpose of obtaining written comments from these agencies on the adoption of a Negative Declaration for LAFCo Annexation No. 2009-141; and

WHEREAS, the Local Agency Formation Commission held a duly noticed and properly advertised public hearing on December 8, 2009 to solicit and evaluate public testimony regarding the annexation; and

WHEREAS, at the December 8, 2009 Public Hearing, the Commission heard and received all oral and written comments, all plans and proposed changes in reorganization, objections and evidence which were made, presented, or filed, received evidence as to whether the territory is inhabited or uninhabited, improved or unimproved, and all present were given an opportunity to hear and be heard; and

WHEREAS, at the December 8, 2009 Public Hearing, there was no person present who made any comments, objections or evidence presented with respect to the proposed annexation; and

WHEREAS, at the December 8, 2009 Public Hearing, the Commission approved Annexation No 2009-141 and adopted a Negative Declaration in accordance with the California Environmental Quality Act; and

WHEREAS, on December 14, 2009 a Notice of Determination for the Negative Declaration was filed and recorded with the Mariposa County Clerk; and

WHEREAS, the required discussion and resolution between Mariposa County and the Mariposa Public Utility District regarding the tax increment and tax assessments for the territory to be annexed took in excess of one-year to be resolved; and

WHEREAS, in accordance with the provisions of Government Code Sections 56662. (a) 56663. (a), notices and hearing are not required by the Commission for LAFCo Annexation Application 2009-141 as it consists solely of an annexation wherein all of the property owners of the affected territory have provided consent to the annexation; and

WHEREAS, in accordance with the provisions of Government Code Section 57002 notices and hearing for the Conducting Authority can be waived by the Commission for LAFCo Annexation Application 2009-141 as it consists solely of an annexation wherein all of the property owners of the affected territory have provided consent to the annexation; and

WHEREAS, the County of Mariposa and the First Baptist Church of Mariposa are the two property owners of the territory to be annexed, thereby constituting 100% of the property owners of said territory; and

WHEREAS, Mariposa County, as a condition of the purchase agreement between the County and the First Baptist Church of Mariposa, entered into an agreement with Mariposa Public Utility District to prepare and process the annexation on behalf of the two property owners; and

WHEREAS, there have been no changes to the circumstances pertaining to the Executive Officer's findings and determination as contained in the Executive Officer's Report, that was considered and acted on by the Local Agency Formation Commission on December 8, 2009.

NOW THEREFORE BE IT RESOLVED, that the Mariposa County Local Agency Formation Commission does hereby reaffirm the approval of LAFCo Annexation No. 2009-141, and does hereby find, determine, resolve and order as follows:

Findings:

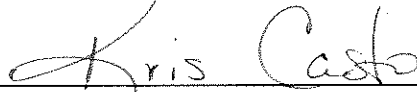
1. The territory proposed for annexation, as described in Exhibit A, is uninhabited.
2. All property owners in said territory have been given notice regarding Annexation 2009-141 pursuant to LAFCo policies and Government Code Section 57025, Chapter 2, of the Local Government Reorganization Act.

3. In reviewing this application, this Commission has considered each of the factors required by Government Code Section 56668 and LAFCO's adopted policies.
4. The LAFCO Executive Officer's Report of December 8, 2009, including attachments and recommendation for approval of the proposal is hereby incorporated by reference and hereby adopted.
5. Approval of this annexation is conditioned upon the applicant's obligation to defend, indemnify, and hold harmless the Mariposa County Local Agency Formation Commission and its agents, officers and employees from any claim, action or proceeding against the Commission or its agents, officers, and employees; including all costs, attorney's fees, expenses and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, or void the approval or determinations of this Commission concerning this annexation. The Local Agency Formation Commission of the County of Mariposa shall promptly notify the applicant of any such claim, action, or proceeding and be entitled to representation by counsel of its choosing.
6. The Executive Officer of this Commission is instructed to mail a certified copy of this resolution to those persons so indicated on the application and as required by Government Code Section 56882.
7. The Commission has reviewed and considered the information contained in the Initial Study and Negative Declaration prepared for LAFCo Annexation 2009-141, and makes a specific determination that the issues discussed have been adequately address for this annexation.
8. The environmental circumstances and information contained in the Initial Study and Negative Declaration for LAFCo Annexation 2009-141 have not changed since the approval of the Negative Declaration on December 8, 2009 and the subsequent recordation of the Notice of Determination on December 14, 2009.

NOW THEREFORE BE IT FUTHER RESOLVED, that the Mariposa County Local Agency Formation Commission does hereby waive the Conducting Authority hearings and protest hearings in accordance with Government Code Sections 56662. (a), 56663. (a), and 57002. (c).

ON MOTION BY Commissioner Allen, seconded by Commissioner Turpin, this Resolution is duly passed and adopted this 24th day of January, 2012 by the following vote:

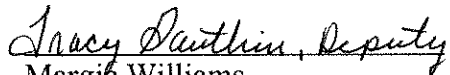
AYES: CASTO, MEE, BIBBY, ALLEN, TURPIN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE



---


Kris Casto, Chairperson  
Mariposa County Local Agency Formation  
Commission

ATTEST:



Margie Williams  
Clerk of the Local Agency  
Formation Commission

APPROVED AS TO FORM:



---

Steven W. Dahlem  
County Counsel

EXHIBIT A

A tract of land situated in a portion of the North one-half (N1/2) of Projected Section 15, Township 5 South, Range 18 East, M.D.B. & M., Rancho Las Mariposas, Mariposa County, State of California, said tract of land also being delineated on that certain map entitled "Parcel and Lot Line Adjustment Map for Mariposa First Baptist Church" filed December 27, 2001 in Book 28 of Parcel Maps at Page 7, Mariposa County Records, said tract of land consisting of Parcel A, Parcel B, and that certain 15.08 acre Parcel as said Parcels are shown on said certain map, said tract of land being more particularly described as follows:

COMMENCING at the northeast corner of said Projected Section 15; thence S89°49'19"W, along the northerly line of said Projected Section 15, a distance of 768.48 feet to the northeast corner of said Parcel B, said northeast corner being marked by a drill steel monument tagged L.S. 3812, said northeast corner also being the POINT OF BEGINNING of the herein described tract of land; thence traversing around the boundary of the herein described tract of land the following twenty-two (22) courses and distances;

1. S35°48'00"E for 1330.31 feet; thence,
2. S02°07'07"W for 279.28 feet; thence,
3. S15°59'29"E for 57.30 feet; thence,
4. N71°24'48"W for 152.10 feet; thence,
5. S29°37'48"W for 87.70 feet; thence,
6. N55°33'09"W for 179.70 feet; thence,
7. S83°10'05"W for 290.36 feet; thence,
8. N86°57'46"W for 360.87 feet; thence,
9. S80°37'34"W for 81.73 feet; thence,
10. S89°16'52"W for 281.38 feet; thence,
11. N89°04'21"W for 353.21 feet; thence,
12. S77°20'42"W for 242.07 feet; thence,
13. S69°28'06"W for 216.19 feet; thence,
14. S61°36'15"W for 372.51 feet; thence,
15. N40°33'45"W for 32.88 feet; thence,
16. N31°53'15"E for 76.10 feet; thence,
17. N05°08'15"E for 254.22 feet; thence,
18. N39°51'45"W for 294.03 feet; thence,
19. N14°35'16"W for 392.57 feet; thence,
20. N10°57'18"E for 647.48 feet; thence,
21. N77°52'57"E for 396.93 feet; thence,
22. N89°49'19"E for 1416.86 feet, more or less, to the POINT OF BEGINNING.