

RESOLUTION NO. 2725 (2019)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEPORT REQUESTING THE LOCAL AGENCY FORMATION COMMISSION OF LAKE COUNTY TO INITIATE PROCEEDINGS FOR THE ANNEXATION OF LAND IN THE SOUTH LAKEPORT AREA

WHEREAS, the City Council of the City of Lakeport desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, Title 5, commencing with Section 56000 of the California Government Code, for the annexation of unincorporated land into the City; and

WHEREAS, at the time and in the manner provided by law, the City provided notice of the date, time, and place of a public hearing by the Lakeport City Council to initiate these proceedings and a notice of intent to adopt this resolution of application has been given to Lake LAFCo and to each interested and subject agency; and

WHEREAS, the territory proposed to be annexed is inhabited and a map and description of the boundaries of the property are set forth in Exhibits "A" and "B" attached hereto and by this reference incorporated herein; and

WHEREAS, this proposal is consistent with the Sphere of Influence of the City of Lakeport; and

WHEREAS, this proposal is consistent with the Lakeport General Plan and adopted pre-zoning designations; and

WHEREAS, it is desired to provide that all costs incurred to complete the annexation, including but not limited to Lake LAFCo, Lake County, and the State Board of Equalization costs will be borne by the City of Lakeport; and

WHEREAS, the reason(s) for the proposed annexation are as follows:

1. The 136.78-acre South Lakeport Annexation Project area is within Lakeport's adopted Sphere of Influence and will allow for a logical and orderly extension City services and utilities to the annexation area.
2. Presently, there is a need for municipal water services in the annexation area to serve existing development with inadequate water systems and to accommodate future development.
3. The extension of water service to the annexation area will benefit public safety by enabling installation of fire hydrants along South Main Street and Soda Bay Road.
4. The annexation will enable the City to operate the wastewater collection system serving properties in the annexation area and to continue to treat wastewater from the annexation area at the City of Lakeport Municipal Sewer District Wastewater Treatment Facility. The City's contract with the Lake

County Sanitation District for treatment of wastewater from the annexation area expires in 2026.

5. The annexation will allow the City of Lakeport to provide enhanced public utilities, public safety and general government services to an urbanized area that has no other reasonable means of acquiring such services; and

WHEREAS, on February 18, 1997, the City of Lakeport and the County of Lake entered into an "Agreement between the County of Lake and City of Lakeport for Revenue Redistribution Pertaining to the City of Lakeport South Lakeport Reorganization - Phase I" which is attached hereto as Exhibit "C" and by this reference incorporated herein, and which establishes terms for:

1. The exchange of property tax revenue to be made under Section 99 of the Revenue and Taxation Code; and
2. A schedule for the City of Lakeport to reimburse the County of Lake for sales tax loss for a period of seven years following the effective date of the reallocation of sales tax from the County to the City by the State Board of Equalization; and

WHEREAS, on April 21, 2009, the City Council adopted findings of fact and a Statement of Overriding Considerations and certified the Final Environmental Impact Report (EIR) for the City of Lakeport General Plan 2025 (SCH No. 2005102104) and adopted a Mitigation Monitoring and Reporting Program ("2014 EIR Addendum") pursuant to the requirements of the California Environmental Quality Act (CEQA; section 21000 et seq. of the Public Resources Code); and

WHEREAS, on February 17, 2015, the City Council adopted findings of fact, certified an EIR Addendum for the Focused General Plan Update and Rezoning Project, adopted a Mitigation Monitoring and Reporting Program and approved an amendment to the General Plan to reduce the boundaries of the City's Sphere of Influence; and

WHEREAS, an Initial Study and Environmental Checklist for the South Lakeport Annexation Project was prepared pursuant to sections 15153 and 15162 of the CEQA Guidelines which concludes that the Final EIR for the City of Lakeport General Plan 2025 ("2009 EIR") and its the 2014 EIR Addendum are sufficient to serve as the environmental documents for the South Lakeport Annexation Project; and

WHEREAS, the Initial Study and Environmental Checklist for the South Lakeport Annexation Project was circulated for a 45-day public review period as provided in sections 15087, 15105 and 15205 of the CEQA Guidelines and the City has responded to comments received; and

WHEREAS, the City Council has considered the information provided in the Initial Study and Environmental Checklist for the South Lakeport Annexation Project, the Final EIR for the City of Lakeport General Plan 2025, and the EIR Addendum for the Focused General Plan Update and Rezoning Project, comments received during the public review period and responses to those comments, and comments received at a duly noticed public hearing conducted on August 13, 2019.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Lakeport does hereby determine that the Final EIR for the City of Lakeport General Plan 2025 ("2009

EIR") and the EIR Addendum for the Focused General Plan Update and Rezoning Project ("2014 Addendum") are sufficient to serve as the environmental documents for the South Lakeport Annexation Project based on the following findings which are supported by substantial evidence cited in the Initial Study and Environmental Checklist for the South Lakeport Annexation Project:

- Per CEQA Guidelines Section 15153(a), the South Lakeport Annexation Project is essentially the same in terms of environmental impacts as the project described in the 2014 EIR Addendum and the South Lakeport Annexation Project would not result in an increase in the significance of impacts identified in the 2009 EIR or the 2014 EIR Addendum, or in new significant impacts.
- Per CEQA Guidelines Section 15162(a)(1), the proposed South Lakeport Annexation Project does not include changes that would cause a new significant environmental effects or substantially increase the severity of a previously identified significant environmental effect from the 2009 EIR and 2014 EIR Addendum that would require major revisions to the EIR. All environmental effects would be nearly equivalent to or less than the effects previously analyzed in the 2009 EIR and 2014 EIR Addendum.
- Per CEQA Guidelines Section 15162(a)(2), the proposed South Lakeport Annexation Project would not cause a new significant environmental effect or substantially increase the severity of a previously identified significant environmental effect, and there have been no other changes in the circumstances that meet this criterion. There have been no significant changes in the circumstances under which the South Lakeport Annexation Project will be undertaken that were not contemplated and analyzed in the 2009 EIR and 2014 EIR Addendum that would result in new or substantially more severe environmental impacts.
- Per CEQA Guidelines Section 15162(a)(3), there is no new information of substantial importance (which was not known or could not have been known at the time of the application) that identifies: a new significant environmental effect; a substantial increase in the severity of a previously identified significant environmental effect; mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects; or mitigation measures or alternatives which are considerably different from those analyzed in the EIR which would substantially reduce one or more significant effects on the environment.

BE IT FURTHER RESOLVED that the City Council of the City of Lakeport hereby adopts a Plan for Services for the proposed South Lakeport Annexation Project attached hereto as Exhibit "D" and by this reference incorporated herein; and

BE IT FURTHER RESOLVED that the City Council of the City of Lakeport has reviewed and approved this Resolution of Application for the South Lakeport Annexation project and hereby requests the Local Agency Formation Commission of Lake County to initiate annexation proceedings for the property as shown on Exhibit A and as described in Exhibit B in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

BE IT FURTHER RESOLVED that the City Manager or the City Manager's designee is authorized to take all necessary and appropriate steps to further the completion of the application and completion of the proposed change of organization.

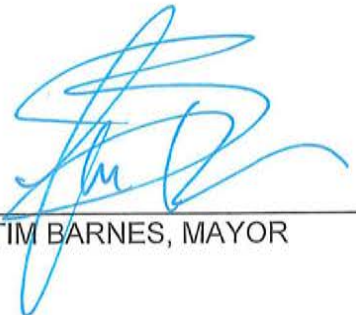
This Resolution was passed by the City Council at a special meeting on August 13, 2019, by the following vote:

AYES: Mayor Barnes, Council Members Mattina, Parlet, Spurr and Turner

NOES: None

ABSTAINING: None

ABSENT: None


TIM BARNES, MAYOR

ATTEST:


KELLY BUENDIA, City Clerk

Exhibit "A" - Legal Description- Map
Exhibit "B" - Legal Description- Metes & Bounds
Exhibit "C" - 1997 Tax Sharing Agreement
Exhibit "D" - Plan for Services

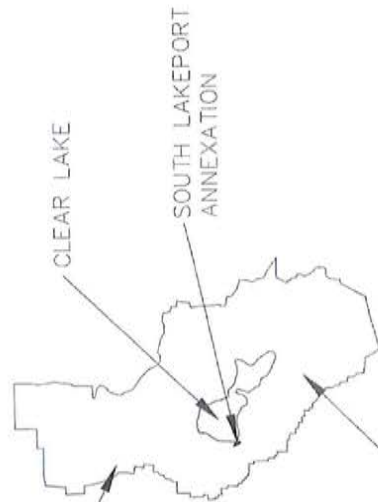
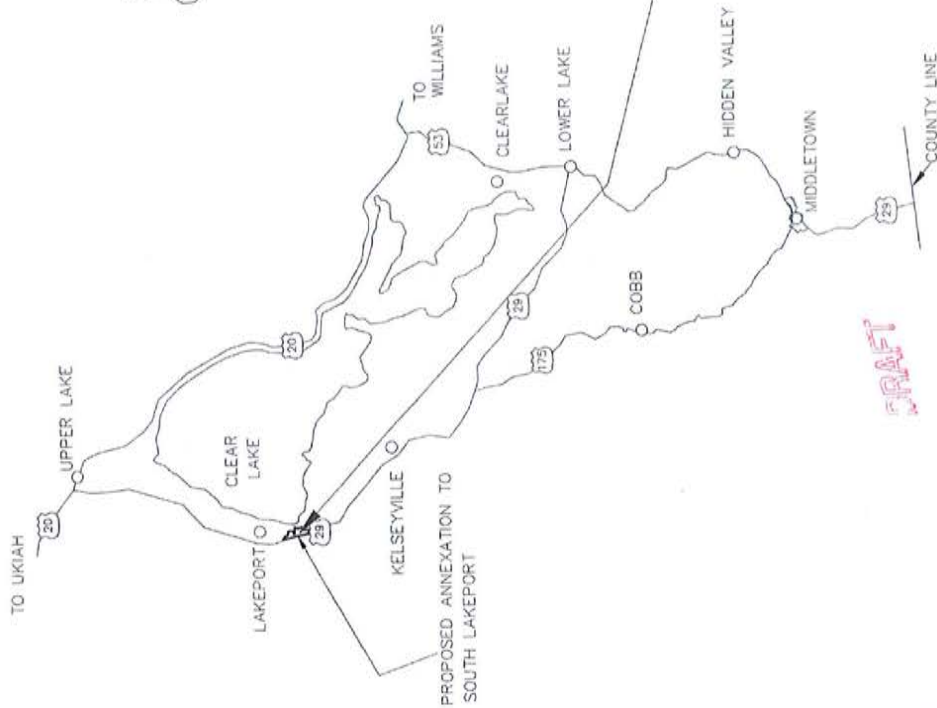


**THE WITHIN INSTRUMENT
IS A CORRECT COPY
OF THE ORIGINAL
ON FILE IN THIS OFFICE.**

ATTEST:


CITY CLERK / DEPUTY CITY CLERK
STATE OF CALIFORNIA, CITY OF LAKEPORT

Exhibit A:
Legal Description—Map



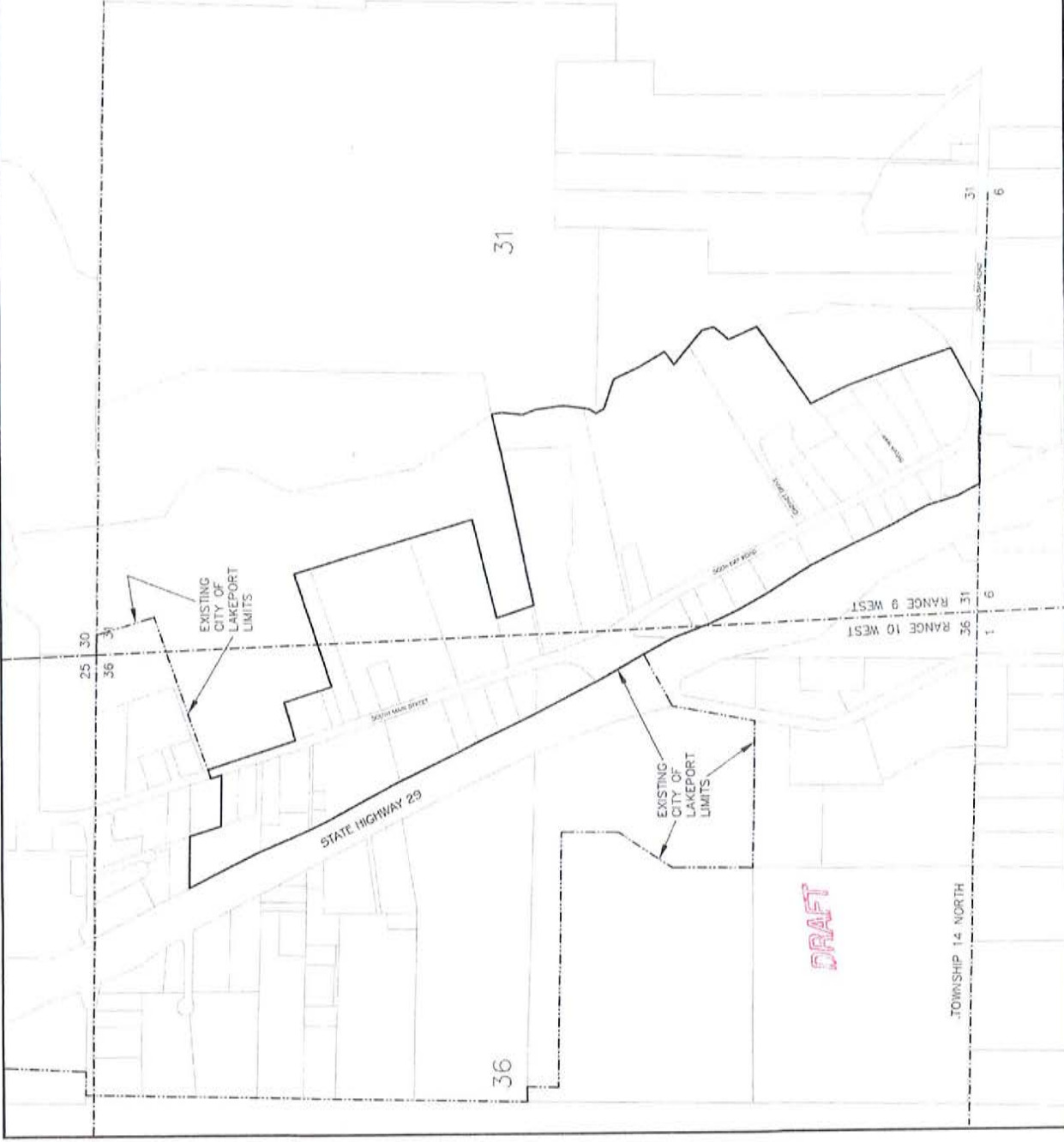
DRAFT

DISCLAIMER:
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.
LAFCO FILE 2018-0001

LOCATION MAP FOR ANNEXATION OF SOUTH LAKEPORT

GENERAL LOCATION MAP/SOUTH LAKEPORT	
FOR LAKE LAFCO FILE 2018-0001	
SOUTH LAKEPORT ANNEXATION PROJECT	
ANNEXATION OF SOUTH LAKEPORT	
BEING PORTIONS OF SECTIONS 31, 1, 14, N, 8, 9, W, AND SECTION 36, 1, 14, N, 8, 9, W, M.D.B. & M.	
COUNTY OF LAKE	OCTOBER, 2018
125 PARK STREET LAKEPORT, CALIFORNIA 95453 PHONE (707) 263-5512 FAX (707) 263-0455 Land Surveying	 125 PARK STREET LAKEPORT, CALIFORNIA 95453 PHONE (707) 263-5512 FAX (707) 263-0455 Land Surveying
208 NO. 18-118 ACD FILE 18-38ANEX	DESIGNED C3
CAD BY C3	CHECKED C4
DATE 10-05-18	SHEET NO. 1 OF 3 SHEETS

AREA NUMBERS
11 SOUTH LAKEPORT ANNEXATION-136.76 AC



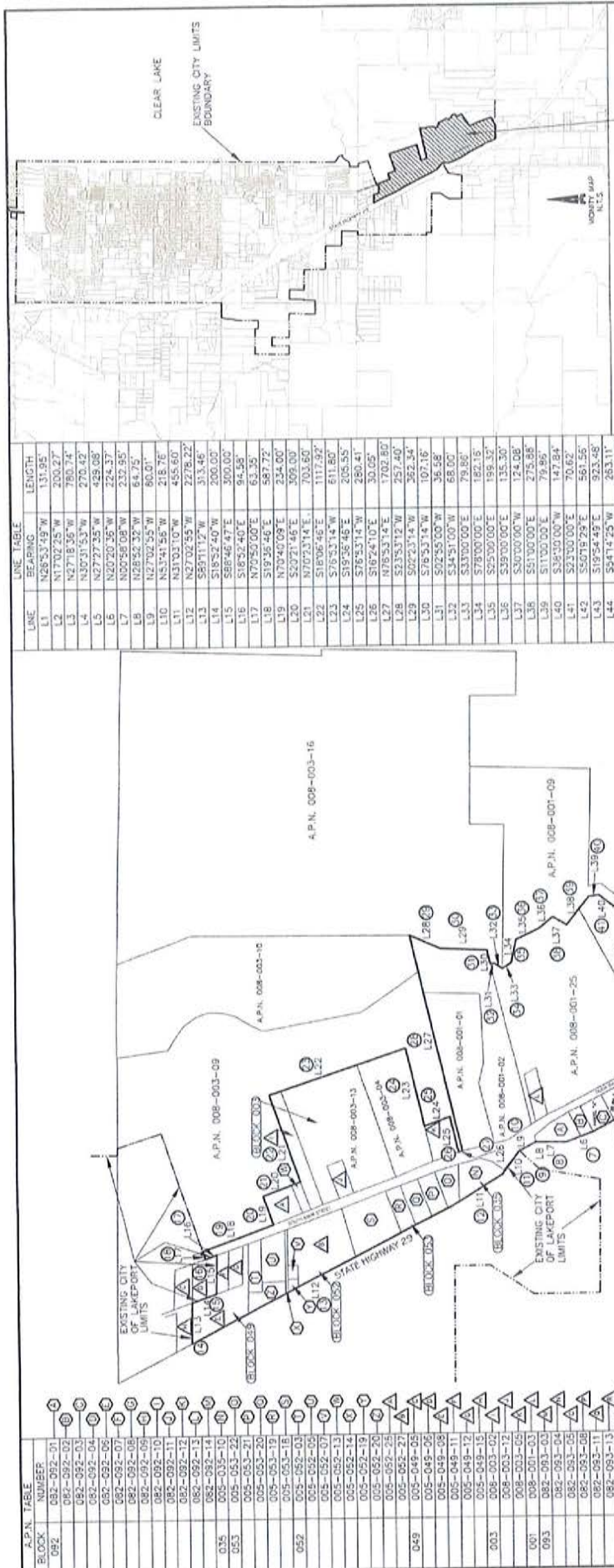
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LAFCO FILE 2018-0001

LOCATION MAP FOR
ANNEXATION OF SOUTH LAKEPORT

GENERAL LOCATION MAP/SOUTH LAKEPORT	
FOR LAFCO FILE 2018-0001	
SOUTH LAKEPORT ANNEXATION PROJECT	
SECTION 30, 31, 36, 37, 10 W. 9 N. AND BEING PORTIONS OF SECTION 31, 1/4 N., R. 9 W. AND SECTION 36, 1/4 N., R. 10 W., M.D.B. & W.	
COUNTY OF LAKE	CALIFORNIA
OCTOBER, 2018	
125 PARK STREET LAKEPORT, CALIFORNIA 95453 PHONE (707) 263-5512 FAX (707) 263-0455	
DESIGNED C3 CAD BY C3 CHECKED C4 DATE 10-05-18 SHEET NO. 2 OF 3 SHEETS	

LEGAL MAP



LINE	BEARING	LENGTH
L1	N26°53'49"W	131.95'
L2	N17°02'25"W	200.27'
L3	N27°18'35"W	780.74'
L4	N30°31'53"W	270.42'
L5	N27°27'35"W	429.08'
L6	N20°20'35"W	224.37'
L7	N00°58'08"W	232.95'
L8	N28°52'32"W	64.75'
L9	N27°02'55"W	60.01'
L10	N51°41'55"W	218.76'
L11	N31°03'10"W	455.60'
L12	N27°02'55"W	2278.22'
L13	S89°11'17"W	313.46'
L14	S18°52'40"W	200.00'
L15	S88°48'47"E	300.00'
L16	S18°52'40"E	94.35'
L17	N75°50'00"E	63.25'
L18	S19°35'46"E	981.72'
L19	N75°40'09"E	254.60'
L20	S27°21'46"E	705.60'
L21	N75°23'14"E	705.60'
L22	S10°06'45"E	111.89'
L23	S10°06'45"E	811.80'
L24	S18°52'40"E	205.55'
L25	S18°52'40"E	280.41'
L26	S18°52'40"E	30.05'
L27	S18°52'40"E	1702.80'
L28	S18°52'40"E	252.40'
L29	S18°52'40"E	252.40'
L30	S18°52'40"E	107.16'
L31	S09°45'00"W	36.58'
L32	S14°51'00"W	68.00'
L33	S18°52'40"E	79.86'
L34	S18°52'40"E	182.15'
L35	S09°45'00"E	199.13'
L36	S18°52'40"E	135.30'
L37	S18°52'40"E	124.08'
L38	S18°52'40"E	275.85'
L39	S18°52'40"E	79.86'
L40	S18°52'40"E	147.84'
L41	S18°52'40"E	70.62'
L42	S18°52'40"E	561.55'
L43	S18°52'40"E	923.48'
L44	S18°52'40"E	263.11'

LEGEND:

⊙ COURSE BEARING AND DISTANCE

P.O.B. POINT OF BEGINNING

P.O.C. POINT OF COMMENCEMENT

⊙ DENOTES ASSESSOR'S PAGE NUMBER

⊙ DENOTES ASSESSOR'S PARCEL NUMBER

ANNEXATION AREA
136.78 ± ACRES (CALCULATED)

EXHIBIT 'B'
FOR
LAKE LAFCO FILE 2018-0001
SOUTH LAKEPORT ANNEXATION PROJECT
ANNEXATION OF CITY OF LAKEPORT
SECTION 36, T. 14 N., R. 10 W., M.D.S. & M.
OCTOBER, 2018
COUNTY OF LAKE, CALIFORNIA

125 PARK STREET
LAKEPORT, CALIFORNIA 95453
PHONE (707) 263-5512
FAX (707) 263-0455
Land Surveying

JOB NO. 18-135
ADD FILE 18135ANNEX
DESIGNED C3
CAD BY C3
CHECKED C4
DATE 10-11-18
SHEET 3 OF 3 SHEET 15

SOUTH LAKEPORT ANNEXATION TO CITY OF LAKEPORT

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LAFCO 2018-0001

GRAPHIC SCALE
500 0 250 500 1000 2000
(IN FEET)
1 inch = 500 ft.

Exhibit B:
Legal Description—Metes & Bounds

EXHIBIT "A"

LAFCO FILE 2018-0001

SOUTH LAKEPORT ANNEXATION TO THE CITY OF LAKEPORT

ALL THAT CERTAIN REAL PROPERTY, SITUATE IN THE UNINCORPORATED AREA OF THE COUNTY OF LAKE, STATE OF CALIFORNIA, BEING PORTIONS OF SECTIONS 36, TOWNSHIP 14 NORTH, RANGE 10 WEST AND 31, TOWNSHIP 14 NORTH, RANGE 9 WEST, M.D.B. & M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SECTION CORNER FOR SECTIONS 36 AND 31 OF SAID TOWNSHIP AND RANGE AND SECTIONS 1 AND 6 OF TOWNSHIP 13 NORTH, RANGE 10 WEST AND RANGE 9 WEST, MARKED BY A LAKE COUNTY BRASS CAP, AS SHOWN IN BOOK 20 OF PARCEL MAPS AT PAGE 27, LAKE COUNTY RECORDS;

1) THENCE ALONG THE SOUTH LINE OF SAID SECTION 31 SOUTH 89°11'46" EAST 1014.28 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF PARCEL "B" PER SAID PARCEL MAP TO THE POINT OF BEGINNING, 2) THENCE NORTH 26°53'49" WEST 131.95 FEET MORE OR LESS; 3) THENCE NORTH 17°02'25" WEST 200.27 FEET, MORE OR LESS; 4) THENCE NORTH 27°11'36" WEST 780.74 FEET MORE OR LESS; 5) THENCE NORTH 30°31'53" WEST 270.42 FEET MORE OR LESS; 6) THENCE NORTH 27°27'35" WEST 429.08 FEET MORE OR LESS; 7) THENCE NORTH 20°20'36" WEST 224.37 FEET, MORE OR LESS, TO THE CALIFORNIA STATE HIGHWAY RIGHT-OF-WAY, AS SHOWN ON RECORD OF SURVEY IN BOOK 87 OF RECORD OF SURVEYS AT PAGES 39 THROUGH 63 FILED JUNE 15, 2009, LAKE COUNTY RECORDS; 8) THENCE NORTH 00°58'08" WEST 232.95 FEET MORE OR LESS; 9) THENCE NORTH 28°52'32" WEST 64.75 FEET MORE OR LESS; 10) THENCE NORTH 27°02'55" WEST 80.01 FEET, MORE OR LESS, TO THE INTERSECTION OF THE EXISTING CITY LIMITS AND SAID STATE RIGHT-OF-WAY; 11) THENCE CONTINUING ALONG SAID RIGHT-OF-WAY NORTH 53°41'56" WEST 218.84 FEET MORE OR LESS; 12) THENCE NORTH 31°03'10" WEST 455.54 FEET MORE OR LESS; 13) THENCE NORTH 27°02'55" WEST 2278.22 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF LANDS DELINEATED ON THAT CERTAIN MAP FILED SEPTEMBER 23, 1980 IN BOOK 19 OF PARCEL MAPS AT PAGE 10 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY; 14) THENCE LEAVING SAID STATE RIGHT-OF-WAY AND ALONG THE EXISTING CITY LIMITS, SOUTH 89°11'12" EAST 312.91 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF A PARCEL DESCRIBED BY GRANT DEED FROM THOMAS R. SMITH, TO THOMAS R. SMITH RECORDED ON AUGUST 7, 1992 IN DOCUMENT NUMBER 92-016571, LAKE COUNTY RECORDS; 15) THENCE ALONG THE WEST LINE OF SAID GRANT DEED AND ALSO SAID CITY LIMITS SOUTH 18°52'40" EAST 200.00 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF A PARCEL DESCRIBED BY GRANT DEED FROM DOUGLAS A. MORRIS AND PAMELA J. MORRIS TO DOUGLAS A. MORRIS AND PAMELA J. MORRIS RECORDED OCTOBER 30, 2009 IN DOCUMENT NUMBER 2009018021, LAKE COUNTY RECORDS, 16) THENCE ALONG THE SOUTH LINE OF SAID GRANT DEED SOUTH 88°46'47" EAST 300.00 FEET, MORE OR LESS, TO THE WEST RIGHT-OF-WAY OF SOUTH MAIN STREET; 17) THENCE ALONG SAID RIGHT-OF-WAY AND CITY LIMITS NORTH 18°52'40" EAST 94.58 FEET MORE OR LESS; 18) THENCE NORTH 70°50'00" EAST 60.00 FEET, MORE OR LESS, TO THE EAST RIGHT-OF-WAY OF SOUTH MAIN STREET; 19) THENCE LEAVING SAID CITY LIMITS SOUTH 19°36'46" EAST ALONG THE EAST RIGHT-OF-WAY OF SOUTH MAIN STREET 587.72 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF A PARCEL DESCRIBED BY GRANT DEED FROM AIRPORT AUTO BROKERS L.T.D. TO JOHN D. BROSSARD AND WENDY C. BROSSARD RECORDED JANUARY 24, 2014 IN DOCUMENT NUMBER 2014000939, LAKE COUNTY RECORDS; 20) THENCE ALONG THE NORTH LINE OF SAID GRANT DEED NORTH 70°40'09" EAST 234.00 FEET, MORE OR LESS, TO THE NORTHEAST CORNER THEREOF; 21) THENCE SOUTH 20°21'46" EAST 309.00 FEET, MORE OR LESS, TO THE NORTH LINE OF A PARCEL DESCRIBED BY GRANT DEED FROM JOHN M. HAGAN TO DONALD J. BAKER RECORDED JULY 24, 2015 IN DOCUMENT NUMBER 2015009518, LAKE COUNTY RECORDS; 22) THENCE ALONG THE

5001 26.0

NORTH LINE OF SAID GRANT DEED NORTH 70°23'14" EAST 703.60 FEET, MORE OR LESS, TO THE MOST NORTHERLY CORNER OF SAID GRANT DEED; 23) THENCE SOUTH 18°06'46" EAST 1117.92 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF A PARCEL DESCRIBED BY A GRANT DEED FROM JAMES R. KEMP TO JAMES R. KEMP RECORDED APRIL 14, 2011 IN DOCUMENT NUMBER 2011005246, LAKE COUNTY RECORDS; 24) THENCE ALONG THE SOUTH LINE OF SAID GRANT DEED SOUTH 76°53'14" WEST 611.80 FEET, MORE OR LESS, TO THE MOST NORTHERLY CORNER OF A PARCEL DESCRIBED BY A GRANT DEED FROM MARION D. HEATH AND AVA D. HEATH TO U.C.C. CORPORATION RECORDED MARCH 31, 1976 IN BOOK 827 OF OFFICIAL RECORDS AT PAGE 5, LAKE COUNTY RECORDS; 25) THENCE ALONG THE EAST LINE OF SAID GRANT DEED SOUTH 19°36'46" WEST 205.55 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER THEREOF; 26) THENCE ALONG THE SOUTH LINE THEREOF SOUTH 76°53'14" WEST 280.41 FEET, MORE OR LESS, TO THE EAST RIGHT-OF-WAY LINE OF SOUTH MAIN STREET; 27) THENCE SOUTH 16°24'10" EAST ALONG SAID RIGHT-OF-WAY 30.05 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF A PARCEL DESCRIBED BY GRANT DEED FROM CHIC ALLEN BECK AND JILLANE SUE BECK RECORDED DECEMBER 30, 2003 IN DOCUMENT NUMBER 2003038035, LAKE COUNTY RECORDS; 28) THENCE ALONG THE NORTH LINE OF SAID GRANT DEED NORTH 76°53'14" EAST 1702.80 FEET MORE OR LESS; 29) THENCE SOUTH 23°53'12" WEST 257.40 FEET MORE OR LESS; 30) THENCE SOUTH 02°23'14" WEST 362.34 FEET, MORE OR LESS, TO THE NORTH LINE OF A PARCEL DESCRIBED BY GRANT DEED FROM BEVERLY B. RABIDOUX TO ALLEN E. THOMAS AND DONNA J. THOMAS RECORDED JULY 27, 2007 IN DOCUMENT NUMBER 2007017734, LAKE COUNTY RECORDS; 31) THENCE ALONG THE NORTH LINE OF SAID GRANT DEED SOUTH 76°53'14" WEST 107.16 FEET MORE OR LESS; 32) THENCE SOUTH 02°55'00" WEST 36.58 FEET MORE OR LESS; 33) THENCE SOUTH 34°51'00" WEST 68.00 FEET MORE OR LESS; 34) THENCE SOUTH 33°00'00" EAST 79.86 FEET MORE OR LESS; 35) THENCE SOUTH 78°00'00" EAST 182.16 FEET MORE OR LESS; 36) THENCE SOUTH 25°00'00" EAST 199.32 FEET MORE OR LESS; 37) THENCE SOUTH 39°00'00" EAST 135.30 FEET MORE OR LESS; 38) THENCE SOUTH 30°00'00" WEST 124.08 FEET MORE OR LESS; 39) THENCE SOUTH 51°100'00" EAST 275.88 FEET MORE OR LESS; 40) THENCE SOUTH 11°00'00" EAST 79.86 FEET MORE OR LESS; 41) THENCE SOUTH 38°30'00" WEST 147.84 FEET MORE OR LESS; 42) THENCE SOUTH 23°00'00" EAST 70.62 FEET, MORE OR LESS, TO A POINT THAT BEARS NORTH 50°19'29" EAST 561.56 FEET FROM THE MOST NORTHWESTERLY CORNER OF PARCEL "D" AS SHOWN IN BOOK 9 OF PARCEL MAPS AT PAGE 33, LAKE COUNTY RECORDS; 43) THENCE ALONG THE NORTH LINE OF SAID PARCEL "D" SOUTH 50°19'29" WEST 561.56 FEET, MORE OR LESS, TO THE MOST WESTERLY CORNER OF SAID PARCEL "D"; 44) THENCE ALONG THE WEST LINE OF SAID PARCEL "D" SOUTH 19°54'49" EAST 923.48 FEET, MORE OR LESS, TO THE SOUTHERLY CORNER OF SAID PARCEL "D", SAID POINT BEING COMMON TO THE MOST EASTERLY CORNER OF PARCEL "A"; 45) THENCE ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL "A" SOUTH 54°14'25" WEST 263.11 FEET, MORE OR LESS, TO THE MOST SOUTHERLY CORNER OF PARCEL "A", SAID POINT ALSO BEING A POINT ON THE SOUTH LINE OF SAID SECTION 31; 46) THENCE ALONG SAID SECTION LINE NORTH 89°11'46" WEST 609.57 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

CONTAINING 136.78 ACRES OF LAND MORE OR LESS

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.

A.P.N. 005-035-10.

A.P.N. 005-049-08, 11 AND 12.

A.P.N. 005-052-03, 05, 07, 13, 19, 20, 25 AND 27.

A.P.N. 005-053-04, 18, 19, 20, 21 AND 22.

A.P.N. 008-001-01, 02, 03 AND 25.

A.P.N. 008-003-02, 04, 05, 12 AND 13.

A.P.N. 082-092-01, 02, 03, 04, 06, 07, 08, 09, 10, 11, 12, 13 AND 14

A.P.N. 082-093-03, 04, 05, 08, 09, 11, 13, 14, 15 AND 16.



MICHAEL S. CONSER, LS 8383

DATE:

DRAFT

DRAFT

Project: 18-138d1

Lot Map Check

Thu Nov 08 12:23:00 2018

Lot name: AREAL

Line	North: 13866.7618	East: 9846.2303
Line	Course: N 70-23-14 E	Length: 703.60
Line	Course: S 18-06-46 E	East: 10509.0093
Line	Course: S 18-06-46 E	Length: 1117.92
Line	Course: S 13040.4103	East: 10856.5577
Line	Course: S 76-53-14 W	Length: 611.80
Line	Course: S 12901.6121	East: 10260.7101
Line	Course: S 19-36-46 E	Length: 205.55
Line	Course: S 12707.9876	East: 10329.7054
Line	Course: S 76-53-14 W	Length: 280.41
Line	Course: S 12644.3714	East: 10056.6069
Line	Course: S 16-24-10 E	Length: 30.05
Line	Course: S 12615.5444	East: 10065.0927
Line	Course: N 76-53-14 E	Length: 1702.80
Line	Course: S 13001.8561	East: 11723.4929
Line	Course: S 23-53-12 W	Length: 257.40
Line	Course: S 12766.5029	East: 11619.2642
Line	Course: S 02-23-14 W	Length: 362.34
Line	Course: S 12404.4774	East: 11604.1717
Line	Course: S 76-53-14 W	Length: 107.16
Line	Course: S 12380.1661	East: 11499.8059
Line	Course: S 02-55-00 W	Length: 36.58
Line	Course: S 12343.6335	East: 11497.9445
Line	Course: S 34-51-00 W	Length: 68.00
Line	Course: S 12287.8293	East: 11459.0873
Line	Course: S 33-00-00 E	Length: 79.86
Line	Course: S 12220.8530	East: 11502.5822
Line	Course: S 78-00-00 E	Length: 182.16
Line	Course: S 12182.9798	East: 11680.7615
Line	Course: S 25-30-00 E	Length: 199.32
Line	Course: S 12003.0765	East: 11766.5710
Line	Course: S 39-00-00 E	Length: 135.30
Line	Course: S 11897.9287	East: 11851.7181
Line	Course: S 30-00-00 W	Length: 124.08
Line	Course: S 11790.4722	East: 11789.6781
Line	Course: S 51-00-00 E	Length: 275.88
Line	Course: S 11616.8553	East: 12004.0771

Page 1

CLOSURES-11-8-18

Line	Course: S 11-00-00 E	Length: 79.86	East: 12019.3151
Line	North: 11538.4626	Length: 147.84	East: 11927.2825
Line	Course: S 38-30-00 W	Length: 70.62	East: 11954.8760
Line	North: 11422.7618	Length: 561.56	East: 11522.6572
Line	Course: S 23-00-00 E	Length: 923.48	East: 11837.1972
Line	North: 11357.7557	Length: 263.11	East: 11623.6901
Line	Course: S 50-19-29 W	Length: 609.57	East: 11014.1801
Line	North: 10999.2358	Length: 131.95	East: 10954.4876
Line	Course: S 19-54-49 E	Length: 200.27	
Line	North: 10130.9732		
Line	Course: S 54-14-25 W		
Line	North: 9977.2150		
Line	Course: N 89-11-46 W		
Line	North: 9985.7673		
Line	Course: N 26-53-49 W		
Line	North: 10103.4432		
Line	Course: N 17-02-25 W		

page 2

Project: 18-138dl

Lot Map Check

Thu Nov 08 12:23:00 2018

Line	North: 10294.9211	Length: 780.74	East: 10895.7997
Line	Course: N 27-18-36 W	Length: 270.42	East: 10537.5925
Line	North: 10988.6376	Length: 429.08	East: 10400.2164
Line	Course: N 30-31-53 W	Length: 224.37	East: 10202.3569
Line	North: 11221.5642	Length: 232.95	East: 10124.3558
Line	Course: N 27-27-35 W	Length: 64.75	East: 10128.2949
Line	North: 11602.3020	Length: 80.01	East: 10097.0265
Line	Course: N 20-20-36 W	Length: 218.76	East: 10060.6423
Line	North: 11812.6772	Length: 455.60	East: 9884.3399
Line	Course: N 00-58-08 E	Length: 2278.22	East: 9649.3289
Line	North: 12045.5939	Length: 313.46	East: 8613.3168
Line	Course: N 28-52-32 W	Length: 200.00	East: 8926.7453
Line	North: 12102.2935	Length: 8991.4554	
Line	Course: N 27-02-55 W		
Line	North: 12173.5521		
Line	Course: N 53-41-56 W		
Line	North: 12303.0643		
Line	Course: N 31-03-10 W		
Line	North: 12693.3734		
Line	Course: N 27-02-55 W		
Line	North: 14722.4041		
Line	Course: S 89-11-12 E		
Line	North: 14717.9546		
Line	Course: S 18-52-40 E		
Line	North: 14528.7124		

Page 2

CLOSURES-11-8-18

Line	Course: S 88-46-47 E	Length: 300.00	
	North: 14522.3235	East: 9291.3873	
Line	Course: N 18-52-40 W	Length: 94.58	
	North: 14611.8161	East: 9260.7859	
Line	Course: N 70-50-00 E	Length: 63.35	
	North: 14632.6150	East: 9320.6243	
Line	Course: S 19-36-46 E	Length: 587.72	
	North: 14078.9930	East: 9517.8993	
Line	Course: N 70-40-09 E	Length: 234.00	
	North: 14156.4522	East: 9738.7071	
Line	Course: S 20-21-46 E	Length: 309.00	
	North: 13866.7622	East: 9846.2277	
Perimeter: 16605.48		Area: 5,958,387.77 sq.ft.	136.78 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0027

Course: N 82-21-32 W

Error North: 0.00035

East: -0.00264

Precision 1: 6,232,069.31

♀

Exhibit C:
1997 Tax Sharing Agreement

1 AGREEMENT BETWEEN THE COUNTY OF LAKE AND CITY OF LAKEPORT
2 FOR REVENUE REDISTRIBUTION PERTAINING TO THE CITY OF LAKEPORT
3 SOUTH LAKEPORT REORGANIZATION - PHASE I

4 THIS AGREEMENT is made and entered into the 18th day of
5 February, 1997, by and between the COUNTY OF LAKE, a
6 political subdivision of the State of California, (hereinafter
7 referred to as "County"), and the CITY OF LAKEPORT, a municipal
8 corporation of the State of California, (hereinafter referred to as
9 "City") regarding the City of Lakeport South Lakeport
10 Reorganization - Phase I (hereafter referred to as "Annexation").

11 W I T N E S S E T H

12
13 WHEREAS, County and City wish to work together to develop a
14 fair and equitable approach to tax sharing; and

15 WHEREAS, in order to develop environmentally sound land use
16 planning, it is important that any tax sharing between County and
17 City be determined in advance and that such arrangements not be
18 fiscally detrimental to either County or City; and

19 WHEREAS, County and City recognize the importance of County
20 and City services and are prepared to cooperate in an effort to
21 address County's and City's fiscal problems; and

22 WHEREAS, close cooperation between County and City is
23 necessary to maintain the quality of life throughout Lake County
24 and deliver needed services in the most cost-efficient manner to
25 all City and County residents; and

26 WHEREAS, City and County recognize that development within
27 City limits may also have the effect of concentrating revenue-
28

generating activities within City rather than in unincorporated areas and that, as a result of Proposition 13 and its implementing legislation, annexation by City of unincorporated territory can result in a loss of revenue sources for County when there is significant new development activity as a result of annexation;

NOW, THEREFORE, COUNTY AND CITY hereby agree as follows:

ARTICLE I

DEFINITIONS

Unless the particular provisions or context otherwise requires, the definitions contained in this article and in the Revenue and Taxation Code shall govern the construction, meaning, and application of words used in this Agreement.

1.1 "Base property tax revenue" means property tax revenues allocated by tax rate equivalents to all taxing jurisdictions as to the geographic area comprising a given tax rate area annexed in the fiscal year immediately preceding the tax year in which property tax revenues are apportioned pursuant to this Agreement, including the amount of State reimbursement for the homeowners' and business inventory exemptions.

1.2 "Property tax increment" means revenue from the annual tax increment, as "annual tax increment" is defined in Section 98 of the Revenue and Taxation Code, attributable to the tax rate area for the respective tax year.

1.3 "Property tax revenue" means base property tax revenue, plus the property tax increment for a given tax rate area.

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1 be allocated to the Lakeport County Fire Protection
2 District and the County Road Fund shall be
3 permanently reallocated to the City of Lakeport;

4 b. the portion of the future tax increment in the
5 annexed area which would otherwise be allocated to
6 the County General Fund, shall be divided between
7 the County General Fund and the City of Lakeport
8 based on the same proportionate share each of the
9 two entities receive in tax rate area 001-001,
10 which is a contiguous tax rate area within the
11 present boundaries of the City of Lakeport;

12 c. With the exception of those entities specifically
13 addressed above there shall be no exchange of
14 incremental property tax revenues between any of
15 the other local taxing entities and the City of
16 Lakeport as a result of this annexation.

17 ARTICLE III

18 SHARING OF SALES TAX REVENUES

19 3.1 Sales tax revenues generated from within the annexation area
20 after the effective date of the annexation will be allocated by the
21 State Board of Equalization to the City rather than to the County.
22 Annual sales tax revenues generated within the annexation area are
23 currently estimated to be \$60,000. In recognition of the negative
24 financial impact this revenue loss will have on the County, the
25 City agrees to reimburse the County for sales tax loss pursuant to
26 the schedule below:

1	<u>Year</u>	<u>Amount to Be Paid by City to County</u>
2		
3	1	\$52,500
4	2	45,000
5	3	37,500
6	4	30,000
7	5	22,500
8	6	15,000
9	7	7,500
10	8	-0-

11 Year 1, above, shall be defined as the twelve month period
 12 immediately following the effective date of the reallocation of the
 13 sales tax from the County to the City by the State Board of
 14 Equalization. Each twelve month period thereafter shall constitute
 15 the subsequent years 2 through 7. Payments to the County shall be
 16 made on a quarterly basis, with each quarterly payment being
 17 equivalent to one-fourth of the amount indicated above for the
 18 applicable year. Quarterly payments shall be payable at the end of
 19 each quarter following the effective date of the annexation.

20
 21 If it is determined and verified by the State Board of Equalization
 22 that the annual amount of local sales tax revenue generated from
 23 within the annexed area falls below \$60,000, the amount of payment
 24 owed by the City to the County for that year shall be reduced
 25 proportionately (for example, if sales tax revenue during the first
 26 year is 10% less than the estimated \$60,000, the first year payment
 27 of \$52,500 shall be reduced by 10%). If sales tax revenues exceed

1 \$60,000 per year, all revenue in excess of \$60,000 shall be
2 retained by the city and shall not obligate the City to increase
3 the amount owed to the County over and above those amounts
4 specified above for each applicable year.

5
6 ARTICLE IV

7 GENERAL PROVISIONS

8 4.1 Term of Agreement

9 This Agreement shall commence as of the date of execution by
10 County and City and shall remain in effect, unless terminated by
11 mutual agreement of the parties or by an uncured breach by one of
12 the parties pursuant to Section 4.7 herein below.

13 4.1.1 Should all or any portion of this Agreement be declared
14 invalid or inoperative by a court of competent jurisdiction, or
15 should any party to this Agreement fail to perform any of its
16 obligation hereunder, or should any party to this Agreement take
17 any action to frustrate the intentions of the parties as expressed
18 in this Agreement, then in such event, such offending party shall
19 be liable for any and all costs, arising out of such action,
20 including any legal costs.

21 4.1.2 In order to facilitate the development of future
22 revenue sharing agreements related to future annexations, County
23 and City will use this Agreement as a model.

24 4.2 Termination Due to Change In Law.

25 The purpose of this Agreement is to alleviate in part the
26 revenue shortfall experienced by County which will result from
27 City's annexation of revenue-producing properties located within

1 the unincorporated area of County. The purpose of this Agreement
2 is also to enable City to proceed with territorial expansion and
3 economic growth consistent with the terms of existing law as
4 mutually understood by the parties as well as to maximize each
5 party's ability to deliver essential governmental services. In
6 entering into this Agreement, the parties mutually assume the
7 continuation of the existing statutory formula for the distribution
8 of available tax revenues to local government and that assumption
9 is a basic tenet of this Agreement. Accordingly, it is mutually
10 understood and agreed that this Agreement may, by mutual agreement,
11 be modified or terminated should changes occur in statutory law,
12 court decisions or state administrative interpretations which
13 change or negate the basic tenets of this Agreement.

14 4.3 Modification.

15 This Agreement and all of the covenants and conditions set
16 forth herein may be modified or amended only by written amendment
17 duly authorized and executed by County and City.

18 4.4 Enforcement.

19 County and City each acknowledge that this instrument cannot
20 bind or limit themselves or each other or their future governing
21 bodies in the exercise of their discretionary legislative power,
22 not in conflict with the provisions herein. However, each binds
23 itself that it will insofar as is legally possible fully carry out
24 the intent and purposes hereof, if necessary by administrative
25 action independent of ordinances, and that this Agreement may be
26 enforced in any manner and to the extent allowed by law.

27

28

1 4.5 Entire Agreement; Supersession.

2 With respect to the subject matter hereof, this Agreement
3 supersedes any and all previous negotiations, proposals,
4 commitments, writings, and understandings of any nature whatsoever
5 between County and City except as otherwise provided herein.

6 4.6 Notice.

7 All notices, requests, certifications or other correspondence
8 required to be provided by the parties to this Agreement shall be
9 in writing and shall be delivered by first class mail or an equal
10 or better form of delivery to the respective parties at the
11 following addresses:

12	<u>COUNTY</u>	<u>CITY</u>
13	County Administrative Director	City Finance Director
13	County of Lake	City of Lakeport
14	255 N. Forbes Street	225 Park Street
14	Lakeport, CA 95453	Lakeport, CA 95453

15 4.7 Notice of Breach

16 Prior to this Agreement being terminated for a breach thereof
17 as expressly provided hereinabove, the non-breaching party shall
18 provide notice to the other of the grounds of the claimed breach,
19 and the allegedly breaching party shall comply with the terms and
20 conditions of this Agreement within thirty (30) days of receipt of
21 notice. If the allegedly breaching party fails to comply in a
22 timely manner, the non-breaching party shall be entitled to
23 terminate this Agreement and to recover all costs and expenses
24 resulting from said breach.

25 ///

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28

1 IN WITNESS WHEREOF, the parties hereto have executed this
2 Agreement in the County of Lake, State of California, on the dates
3 set forth above.

4 COUNTY OF LAKE

CITY OF LAKEPORT

5
6 Carl M. Laro
Chair, Board of Supervisors

Harold Van Lente
Mayor

8 ATTEST: KELLY F. COX
9 Clerk of the Board
10 of Supervisors

ATTEST: Janel M. Chapman
City Clerk

11 By: [Signature]

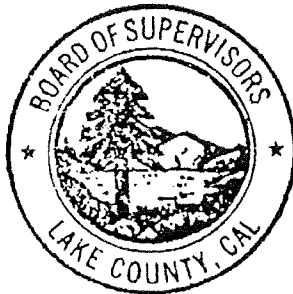
Deputy

12 APPROVED AS TO FORM:

APPROVED AS TO FORM:

13 [Signature]
14
15 County Counsel

[Signature]
City Attorney



PRE-ANNEXATION AGREEMENT REGARDING PROPOSED UNDERGROUND
UTILITY DISTRICT AND POSSIBLE ROAD IMPROVEMENTS IN THE
SOUTH LAKEPORT AREA OF THE COUNTY OF LAKE

This Agreement is made and entered into this 17th day of April, 2001 by and between the County of Lake (hereinafter referred to as "County") and the City of Lakeport (hereinafter referred to as "City").

RECITALS

WHEREAS, County has initiated the formation of an underground utility district for South Main Street-Soda Bay Road in the unincorporated area south of the present city limits of City; and

WHEREAS, should said district be formed and the utilities undergrounded, County may, if funding is available, construct road improvements in said area contemporaneous with the undergrounding of the utilities; and

WHEREAS, said area is within the sphere of influence of City and City has previously indicated the possible annexation of all or a portion of said area in the future; and

WHEREAS, County, prior to taking final action to form said district and to plan future road improvements, desires that City agree to negotiate a future agreement for sharing in the costs of said project, to include any possible road improvements, or the sharing of future tax revenues similar to the February 18, 1997 Agreement between County and City for Revenue Redistribution should City annex all or portion of said area within a certain timeframe set forth below; and

WHEREAS, County and City desire to set forth hereinbelow their Agreement in this regard.

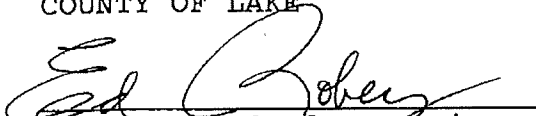
NOW, THEREFORE, based upon the foregoing recitals, the parties hereto agree as follows:

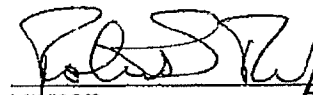
1. In the event City files an application to annex any portion of the above-referenced area along South Main Street-Soda Bay Road adjacent to its present southerly boundary within six (6) years of the date of this Agreement, City agrees to enter into negotiations with County and after conducting good faith negotiations, enter into an agreement with County for sharing the costs and expenses of any undergrounding of utilities and road improvements that have been or will be constructed in said area by County, said sharing to be through either a partial reimbursement of said costs and expenses from appropriate funding sources or an agreement for future tax revenue sharing after any such annexation, said sharing to be on a reasonably apportioned basis depending upon the date of annexation and the date of this Agreement similar to the February 18, 1997 Agreement between County and City for Revenue Redistribution.

2. In the event that County and City are unable to reach an agreement as required in Paragraph 1 above after a reasonable period of good faith negotiations, both parties agree to submit the matter to mediation in an effort to resolve remaining disputes over the terms of said Agreement.
3. In the event City files an application for such annexation during the time period set forth above, City agrees that LAFCO may impose as a condition of said annexation the consummation of the Agreement set forth in paragraph 1 above.
4. County intends that no significant road repairs and/or improvements, i.e. paving, curb and gutter, sidewalk, and the installation of turn lanes will be made by County within the unincorporated area of South Main Street-Soda Bay Road until the completion of each phase of the utility under-grounding project, contingent upon the availability of Rule 20A funding.
5. This Agreement shall continue in full force and effect until the parties hereto have performed their obligations hereunder.
6. This Agreement may only be modified by a written amendment hereto, executed by both parties.
7. If any action at law or in equity is necessary to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, costs, and necessary disbursements in addition to any other relief to which such party may be entitled.
8. This Agreement shall be governed by the laws of the State of California. It constitutes the entire Agreement between the parties regarding its subject matter. This Agreement supercedes all proposals, oral and written, and all negotiations, conversations or discussions heretofore and between the parties related to the subject matter of this Agreement.

COUNTY OF LAKE

CITY OF LAKEPORT


CHAIR, Board of Supervisors


MAYOR

APPROVED AS TO FORM:

The within instrument is a correct copy of the Document on file in this office.

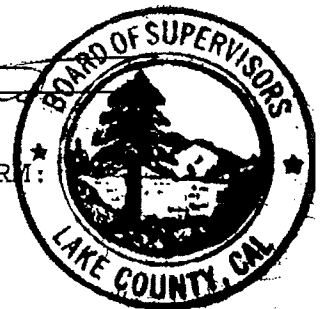
APPROVED AS TO FORM:

CAMERON L. REEVES
County Counsel

ATTEST:

STEVEN J. BROOKES
City Attorney

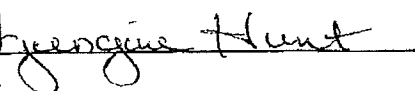

KELLY F. COX
Clerk of the Board of Supervisors of the State of California in and for the County of Lake.

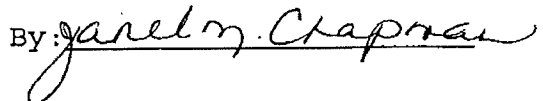


ATTEST: KELLY F. COX
Clerk of the Board of Supervisors

ATTEST: City Clerk





By: 

**PRE-ANNEXATION AGREEMENT
REGARDING SALES TAX ALLOCATIONS IN THE SOUTH
LAKEPORT AREA OF THE COUNTY OF LAKE**

This Agreement is made and entered into this 26th day of February 2002, by and between the County of Lake (hereinafter referred to as "County") and the City of Lakeport (hereinafter referred to as "City")

RECITALS

WHEREAS, County and City entered into an agreement on April 17, 2001, entitled "Pre-Annexation Agreement Regarding Proposed Underground Utility District And Possible Road Improvements in The South Lakeport Area Of The County of Lake", and

WHEREAS, County is currently planning to proceed with reconstruction of South Main Street and undergrounding of adjacent wire utilities, and has programmed funding for this purpose; and

WHEREAS, it is in the public's interest and therefore in the interest of both County and City to have said road reconstructed and utilities undergrounded and both parties wish to take advantage of the funding now available to County to finance this project with County funding; and

WHEREAS, said area is within the sphere of influence of City and City indicates in its General Plan that all or a portion of said area is priority for annexation during the General Plan planning period; and

WHEREAS, if the subject area is annexed by City prior to said utility and road improvements being made, City would not have the financial ability to fund the above-described project absent establishing an assessment district or otherwise increasing tax revenues from the properties in the project area; and

WHEREAS, County, prior to allocating funding for the project and taking final action to authorize construction of such project desires that City agree to a sales tax sharing agreement in exchange for the County undertaking the construction of said road reconstruction and undergrounding of utilities in the project area; and

WHEREAS, it is fair, reasonable and advantageous to both parties to so agree.

NOW, THEREFORE, based upon the foregoing recitals, the parties hereto agree as follows:

1. County agrees to proceed with a project for the reconstruction of South Main Street-Soda Bay Road from the southerly boundaries of the existing city limits of City to the bridge over Manning Creek on Soda Bay Road, including undergrounding of utilities in the project area at the earliest possible date.

2. City does not presently have any intention to file an application for, or otherwise cause to be initiated or support an application for, annexation of any portion of the above-referenced area along South Main Street-Soda Bay Road adjacent to its present southerly city limit boundaries, which would take effect within ten years of the date of this Agreement. This does not preclude City from taking steps to file for or support an annexation application filed during said ten-year period if conditions warrant consideration of such an annexation proposal.

3. In the event that current circumstances change and all or any portion of the subject area are annexed to the City earlier than ten years from the date of this Agreement, County and City agree to enter into a sales tax sharing agreement similar to the agreement entered into between County and City on February 18, 1997, for the South Lakeport Reorganization Phase I, or other sales tax sharing agreement to be agreed upon by both City and County. The obligation to enter into a sales tax sharing agreement is conditioned upon the following:

- i) That County has completed the South Main Street-Soda Bay Road reconstruction project that includes at least two twelve foot travel lanes with a continuous center turn lane and the undergrounding of existing utilities in the project area, or has committed irrevocably to such project; and
- ii) City and County agreeing to a property tax exchange for the South Main Street project area that provides City with an agreed to average share of taxes as received by City in other tax rate areas within it's City limits.

4. In the event that a developer proposes to construct a project within the subject area where said project is dependent upon the availability of City services which can only be provided if the property on which the project is located is annexed to the City, and in the event said project would promote County and City goals for local economic development, City and County will work together to facilitate a timely annexation of the subject property in a manner which will not result in an unreasonable financial burden to either entity.

5. It is mutually understood that the current condition of the road is very poor and continuously deteriorating and as a result thereof it may become necessary for interim repair measures to be undertaken prior to the time the full reconstruction project commences. In recognition of this condition County may, if deemed necessary by the County Board of Supervisors as an interim measure until full road reconstruction can be performed, install a pavement overlay or chip seal to the South Main Street/Soda Bay

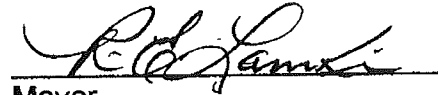
Road roadway. Such interim repair measures will in no way diminish County's obligation to perform full roadway reconstruction and undergrounding of utilities at the earliest possible date.

6. All provisions of the April 17, 2001 Agreement shall remain in full force and effect except as modified by the terms of paragraph 5 above.

COUNTY OF LAKE


Chairman, Board of Supervisors

CITY OF LAKEPORT


Mayor

APPROVED AS TO FORM:

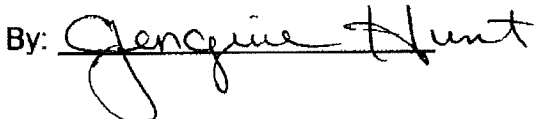

CAMERON L. REEVES
County Counsel

APPROVED AS TO FORM:


STEVEN J. BROOKES
City Attorney

ATTEST: KELLY F. COX
Clerk of the Board

ATTEST: CITY CLERK

By: 

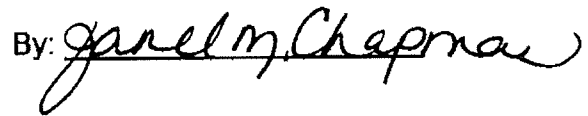
By: 



Exhibit D:

Plan for Services

SOUTH LAKEPORT ANNEXATION AREA

PLAN FOR SERVICES



prepared by

CITY OF LAKEPORT

July 2019

**City of Lakeport
South Lakeport Annexation Area
Plan for Services**

Introduction

This Plan for Services has been prepared pursuant to the Local Agency Formation Commission of Lake County (Lake LAFCO) *Policies, Standards, and Procedures* manual. This Plan for Services identifies how urban services will be provided to the South Lakeport area upon annexation into the City of Lakeport. In accordance with the standards and thresholds set forth in the *Policies, Standards, and Procedures* of Lake LAFCO, namely that every proposal address the items identified in Government Code Section 56653, this Plan for Services enumerates and describes the services currently provided or to be extended to the affected territory; describes the level and range of those services; indicates when those services can feasibly be extended to the affected territory if new services are proposed; indicates any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the City of Lakeport would perform, impose or require within the affected territory if the annexation is completed; and provides information with respect to how those services will be financed.

The City of Lakeport proposes to annex approximately 136.78 acres of land located adjacent to and south of the existing city limits of Lakeport including private property and road rights-of-way. The annexation area is generally comprised of the properties bordering South Main Street from the city limits to Soda Bay Road, and along Soda Bay Road to the point where the road curves to the east. The area is developed with a mix of commercial, industrial and residential uses, along with a few vacant properties. It is relatively flat, sloping gently from west to east. Vegetation is primarily ornamental, with some grassland and native shrubs and trees.

Clear Lake lies approximately one-half mile to the east of the annexation area. The area is pre-zoned in the Lakeport General Plan as a mix of Industrial and Major Retail. The site lies within the City's Sphere of Influence.

Services and Organization

The services considered herein are based on the *Policies, Standards, and Procedures* of Lake LAFCO, as well as relevant sections of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, codified in section 65000 of the Government Code. The services discussed and analyzed herein are consistent with the requirement that the City of Lakeport be capable of providing services sufficient to protect the health, safety, and welfare of the residents of the annexation area.

Provided below is description of each service to be provided to the annexation area following its incorporation into the City of Lakeport. The level and range of services is given, along with facility locations and response times when appropriate. The discussion identifies when these services can be extended to the annexation area, any improvements or upgrades the City of Lakeport would perform or impose, and how the services will be financed.

The services described are police, fire and ambulance, water, sanitary sewer, storm drainage, transportation, planning and building, and solid waste. Schools and power are not addressed as properties in the annexation area and will continue to be served by the Lakeport Unified School District and Pacific Gas & Electric Company, respectively.

Police

Description of current and future providers of this service to the annexation area:

The level and range of these services: Policing is currently provided to the South Lakeport annexation area by the Lake County Sheriff's Office. After the annexation, police services will be provided by the City of Lakeport Police Department.

The level and range of these services: The City of Lakeport Police Department maintains an officer to population ratio of 1 officer per 369 residents (or 2.7 officers per 1,000 residents), which is above the State average. Staffing of the Department consists of 13 sworn officers, four additional non-sworn personnel, and volunteers.

The Department provides 24-hour police services which include but are not limited to the following services:

- Uniformed patrol
- Traffic enforcement
- Parking enforcement
- Canine patrol (included in FY 2019-20 budget; not yet implemented),
- Investigation of major crimes and narcotics
- Business and community liaison program (individual officers working directly with the dozen or so Neighborhood Watch Groups and Business Areas.)
- Animal control

Emergency and non-emergency calls are routed through the Lake County central dispatch system and assigned to officers based on availability and location of units at any given time. The City pays a fee to the County for dispatch services. The City has mutual aid agreements with several area law enforcement agencies to provide additional assistance when needed.

The Lakeport Police Department's average response times are three to four minutes for emergency calls, and 10-20 minutes for non-emergency calls. Maximum response times for emergency calls within the City are five minutes. These response times are generally considered fast and are within the internal goals set by the Lakeport Police Department.

Lakeport Police Department Location:

2025 South Main Street

Lakeport, CA 95453

Main Non-Emergency Number: (707) 263-5491

Email: info@lakeportpolice.org

When these services can feasibly be extended to the annexation area: Service to the South Lakeport annexation area will be expanded immediately upon completion of the annexation. Services will be provided in an identical fashion to those provided in the other areas of the City of Lakeport.

Improvements or upgrades that the City of Lakeport would impose or require if the annexation is approved: The annexation will not require any immediate improvements or upgrades to the policing capabilities of the City of Lakeport. If, however, future growth resulted in a need to employ additional police officers, the existing police station within the City currently has sufficient space to accommodate additional officers.

How these services will be financed: Funding for the Police Department is provided through the City's General Fund and various grant programs.

Fire and Ambulance

Description of current and future providers of this service to the annexation area: Fire protection and advanced life support (ALS) ambulance service is currently provided to the South Lakeport annexation area by the Lakeport Fire Protection District. After annexation, these services will continue to be provided by the Fire District.

The level and range of these services: Fire District staff currently includes seven full-time career firefighters (1 Chief, 2 Captains, 4 Firefighters) and an administrative assistant. Volunteer staff includes 25 part-time volunteer firefighters (3 Lieutenants, 22 Firefighters). Equipment includes five fire engines, several support vehicles, and four ambulances.

The annexation area would continue to be served by the Fire District's main station (Station 50) located at 445 North Main Street. Response times from the station to the annexation area are approximately four to seven minutes for emergency calls, and ten minutes for non-emergency calls. 9-1-1 calls are routed through a dispatch to the fire station, where fire department personnel respond as appropriate. There is also an unstaffed satellite firehouse north of the City, although it is not anticipated that this station would serve the annexation area.

The Fire District has struggled to keep pace with increasing calls for service (over 3,000 calls in 2018), coupled with outdated equipment and deferred facility maintenance. In May 2019,

voters in the District overwhelmingly approved Measure M, a parcel tax which will raise approximately \$1.2 million in additional annual revenues for the District. The funds will be used to address a current funding deficit and to enhance staffing, upgrade equipment and perform necessary maintenance and repairs to District facilities.

Lakeport Fire Protection District Station Location:

Lakeport Fire Protection District

445 North Main Street

Main phone number: (707) 263-4396

Email: lakeportfire@lakeportfire.com

When these services can feasibly be extended to the annexation area: As there will be no change in the service provider, there will be no service interruption.

Improvements or upgrades that the City of Lakeport would impose or require if the annexation is approved: Incorporation of the South Lakeport annexation area into the City of Lakeport will not impact service levels or abilities, nor would requirements for improvements or upgrades be imposed upon property owners or businesses. The annexation will, however, make it possible for the City of Lakeport to extend its water lines down South Main Street and Soda Bay Road to the south end of the annexation area. As part of that project, the City would install fire hydrants which will result in improved fire protection capabilities in the annexation area. The installation of fire hydrants may also help to improve the District's ISO (Insurance Services Office) ratings which can in turn lower insurance rates for property and business owners.

How these services will be financed: These services will continue to be funded largely through property taxes and ambulance fees. No change is expected in costs borne by the city or residents in the annexation area.

Water

Description of current and future providers of this service to the annexation area: There is currently no municipal water service in the South Lakeport annexation area. Residents and business owners obtain their water from private wells and, in some instances, by delivery.

At least six of the properties in the annexation area have on-site water systems which are classified as "transient water systems"¹ and are regulated by the State Water Resources Control Board's Division of Drinking Water. These water systems require a domestic water supply

¹ "Transient water systems" regularly serve 25 or more people daily for at least 60 days out of the year. These include entities such as gas stations, restaurants, theaters, and other commercial enterprises that with more than 25 employees and customers each day.

permit and are required to perform monthly and annual testing. Water Board staff have indicated that none of the permitted systems are in full compliance with State requirements.²

Once the annexation is approved, the City of Lakeport will extend water service to the annexation area and all property owners will have the choice of connecting to the municipal water system or remaining on private wells.

The level and range of these services: The City of Lakeport Utilities Department Water Division is responsible for providing water service to residences and businesses in the City. It provides 24-hour service and support by responding to customer concerns, emergency water breaks/repairs, and ensuring the City has high quality drinking water and an adequate supply for fire-fighting, domestic, and commercial use. The Water Division operates and maintains four wells, a surface water treatment facility, and the water distribution system.

The City's water supply comes from four wells located in a well field at Scott's Creek and a well field on the Green Ranch Property, and from surface water from Clear Lake. A large majority of the City's water production is from the four wells (in recent years ranging from 700-900 acre-feet per year) as they are the most economical source of water for the City. Under ideal conditions the combined pumping capacity of the four wells is about 2,000 gallons per minute (gpm), equivalent to 2.9 million gallons per day (mgd). The wells have limitations such as potential turbidity issues during periods of high runoff and seasonal declines in production in the late summer and fall months. During the peak water demand months of July and August, a reliable capacity of about 1.2 mgd is available, primarily from City Well No. 1 (Scotts Creek pumphouse south well). These wells are continuously monitored and treated to meet or exceed State and Federal requirements.

The City's Water Treatment Plant is fully staffed and was upgraded in 2000 to a state-of-the-art treatment facility with a design capacity of 1.5 million gallons per day. The plant receives surface water from Clear Lake and treats it to standards that enable Lakeport's Water Division to surpass current and future water quality standards established by both the State of California Department of Health Services and the EPA. The City's Water Treatment Plant has the capacity to serve planned growth in the City of Lakeport, including the proposed annexation area.

Department Location:

City of Lakeport Utilities Department, Water Division
225 Park Street
Main phone number: (707) 263-3578
Email: PWinfo@cityoflakeport.com

Water Treatment Facility Location:

590 Konocti Avenue

² Personal communication, Sheri Miller, District Engineer, Regional Water Quality Control Board, June 27, 2019.

When these services can feasibly be extended to the annexation area: Water service can be made available to the annexation area upon the extension of City water mains in the South Main Street and Soda Bay Road right-of-way.

The City has completed the design and engineering for a water main extension that will run south on Soda Bay Road to create a "loop" crossing State Route 29 at State Route 175 and connect to the Parallel Drive water main. This loop will reduce maintenance costs and create redundancy and resiliency in the City's water system. The water main extension is planned to be installed in conjunction with the regionally-funded South Main Street and Soda Bay Road Widening and Bike Lanes Project (anticipated construction in 2020). If the annexation is approved, the City will also extend the water main to the south on Soda Bay Road from State Route 175 to the south boundary of the annexation area. The City has prepared the preliminary engineering for the spur and will proceed with final engineering and construction once the annexation is approved.

If the annexation is approved, property owners will have the option of connecting to the City's water system. To connect to the City's water system, property owners must install service laterals and pay City water connection and capacity fees.

Improvements or upgrades that the City of Lakeport would impose or require if the annexation is approved: The only upgrade that the City of Lakeport will need to make if the annexation is approved will be to extend its South Main Street water main to the south end of the annexation area. Once the water main is in place, property owners can decide whether they want to connect to the City's water system. The City's water system has more than adequate capacity to service the annexation area, as the system currently operates at less than half capacity.

How these services will be financed: Extension of water mains to serve the South Lakeport annexation area will be funded by the City of Lakeport, with expenditures offset by grant funds as well as increased revenues and water connection and capacity fees from new customers. Property owners in the annexation area will be responsible for paying fees to hook up to the water system, if they choose to do so.

Sanitary Sewer

Description of current and future providers of this service to the annexation area: Sanitary sewer service is currently provided to the annexation area by the Lake County Sanitation District (LACOSAN). LACOSAN operates the wastewater collection system that serves the "South Lakeport Wastewater Service area." The collection system includes a series of lift stations, including two which are in the annexation area. The wastewater collected in the annexation area is treated at the City of Lakeport Municipal Wastewater Treatment Facility through a

formal agreement whereby costs for treatment are paid by LACOSAN to the City of Lakeport Municipal Sewer District³ (CLMSD) based on metered flow measurements. The agreement was entered into in 1995 and has been amended three times. The second amendment extended its term to June 6, 2026.

If the annexation is approved, the City would prefer that the collection system within the annexation area be transferred to the CLMSD for all maintenance and operation activities. Alternatively, LACOSAN could continue to operate the sanitary sewer collection system.

The level and range of these services: The Sewer Division collects, treats, and disposes of sewage in a manner compliant with the health and safety needs of the public and environment. The Sewer Division provides 24-hour service and support to the public by responding to customer concerns, emergency sewer stoppages, and it ensures sewer system functionality. The Division currently operates and maintains ten sewer lift stations, a secondary treatment and disposal facility, and a collection system consisting of sewer mains and laterals within public rights-of-way.

Sewer Division staff work with developers and customers on sewer service issues during project design, service installation, and ongoing service needs. The Division also inspects the collection system for inflow and infiltration problems that require remediation to restore system capacity. Wastewater collected by the CLMSD's wastewater system is pumped to the City of Lakeport Municipal Wastewater Treatment Facility, located in the southwestern portion of the City. The treatment facility was constructed in the early 1990s and is designed for an average dry weather flow of one million gallons per day.

Department Location:

City of Lakeport Public Works Department, Sewer Division
225 Park Street
Main phone number: (707) 263-3578
Email: PWinfo@cityoflakeport.com

City of Lakeport Municipal Wastewater Treatment Facility Location:

795 Linda Lane

When these services can feasibly be extended to the annexation area: After the annexation is approved, the Sewer Division is prepared to operate and maintain the sewer collection system at any time. There is no need for any extension or alteration to the sewage collection system in the annexation area.

³ Lakeport's sewer system is owned and operated by the City of Lakeport Municipal Sewer District (CLMSD). CLMSD is a "dependent special district" that was created by the City of Lakeport and is governed by a District Board comprised of the Lakeport City Council rather than an independent elected board.

Improvements or upgrades that the City of Lakeport would impose or require if the annexation is approved: The CLMSD would not impose or require upgrades to sewer laterals serving private property within the annexation area. Property owners with existing connections to the LACOSAN system would not be required to pay connection or capacity fees to "buy in" to the CLMSD system. Property owners would be required to transfer their sewer accounts from LACOSAN to the CLMSD.

How these services will be financed: The CLMSD's operations are funded by user fees, connection fees and capacity fees.

Storm Drainage

Description of current and future providers of this service to the annexation area: Both the County of Lake (which currently manages storm drainage in the annexation area) and the City of Lakeport participate in the consortium of agencies that make up the Lake County Clean Water Program, which in 2004 jointly submitted a Storm Water Management Plan (SWMP) to the Central Valley Regional Water Quality Control Board. This requires the County's three jurisdictions (the City of Lakeport, the City of Clearlake, and the County of Lake) to maintain, implement, and enforce an effective SWMP. Support and maintenance of the storm drainage services in the annexation area currently lies with the County of Lake. After the annexation, the responsibility to provide storm drainage services will transfer to the City of Lakeport. However, the underlying permit regulating storm water discharge into Clear Lake will continue to be that issued to the Lake County Clean Water Program.

The level and range of these services: Storm drainage is a major service within the City of Lakeport. Storm water is collected through natural and manmade drainage channels, creeks, and rivers, with natural collection points at low-lying areas. All areas within the City of Lakeport naturally drain into Clear Lake, but it is vital that this drainage be managed to prevent erosion and reduce storm water pollution. Storm drainage is accomplished through the use of detention basins and collection facilities, as well as through a regional stormwater collection system. No centralized facilities are required to collect and detain storm water.

Permitting processes within the City of Lakeport Community Development and Public Works Departments require applicants for new development proposals to submit engineered grading and drainage plans that define how storm drainage facilities will function and that ensure the project or projects will not result in an increase in storm water runoff into Clear Lake or the regional drainage system. Storm drainage systems are also required to include provisions to protect storm water runoff from being degraded through erosion and other water quality impacts.

Department Location:
City of Lakeport Public Works Department

225 Park Street
Main phone number: (707) 263-3578
Email: PWinfo@cityoflakeport.com

When these services can feasibly be extended to the annexation area: The City of Lakeport Public Works Department will immediately take over maintenance of public storm drainage system, and together with the City of Lakeport Community Development Department the permitting for drainage systems on private properties in the annexation area.

Improvements or upgrades that the City of Lakeport would impose or require if the annexation is approved: No upgrades to the storm drainage system will need to be imposed or required within the annexation area.

How these services will be financed: Maintenance of storm drainage facilities is done on an ongoing basis by the City of Lakeport Public Works Department and individual property owners. Funding for the Public Works Department is provided through the City's General Fund and various grant programs.

Transportation

Description of current and future providers of this service to the annexation area: Transportation services within the annexation area are currently provided by the County of Lake Department of Public Works (road maintenance) and Lake Transit (bus system). If the annexation is approved, Lake Transit will continue to provide bus service to the annexation area, while responsibility for maintaining public roads (South Main Street and Soda Bay Road) within the annexation area will shift to the City of Lakeport Public Works Department.

The level and range of these services: The City of Lakeport Public Works Department maintains all public roads within the City except for those under the jurisdiction of the California Department of Transportation. The City of Lakeport Public Works Department handles both emergency road repairs and on-going maintenance and improvements.

Department Location:

City of Lakeport Public Works Department, Streets Division
City of Lakeport, Community Development Department, City Engineering Division
225 Park Street
CDD phone number: (707) 263-5615
Email: PWinfo@cityoflakeport.com
Email: CDDinfo@cityoflakeport.com

When these services can feasibly be extended to the annexation area: The City of Lakeport Public Works Department will immediately take over maintenance and improvements to public roadways in the annexation area.

Improvements or upgrades that the City of Lakeport would impose or require if the annexation is approved: The City of Lakeport would not require or impose any improvements or upgrades to transportation system in the annexation area other than standard requirements for driveway approaches associated with new development applications.

The South Main Street and Soda Bay Road Widening and Bike Lanes Project, which has been in the planning, design, permitting, and right-of-way acquisition stages for many years, will be constructed regardless of the annexation. Responsibility for overseeing the regional road improvement project will be transferred to the City of Lakeport Public Works Department or the County Department of Transportation will continue to manage it.

How these services will be financed: Funding for the Public Works Department is already provided through the City's General Fund and various grant programs.

Funding for the South Main Street and Soda Bay Road Widening and Bike Lanes Project is provided by various grants. The County has been funding the local share for the project using its Highway User Tax Account funds. The City has a sufficient fund balance and revenue stream in its Highway User Tax Account and other funds to cover the local share.

Planning & Building

Description of current and future providers of this service to the annexation area: Planning and building services in unincorporated areas of Lake County are provided by the Lake County Community Development Department. Once annexed, these services would be provided by the City of Lakeport Community Development Department.

The level and range of these services: Both agencies provide similar services in terms of planning and building permits and code enforcement. The Lake County Planning and Building Division is open to the public Monday through Thursday 8 AM-5 PM. Lakeport's Community Development Department is open Monday through Thursday 8 AM- 5:30 PM. Lakeport also offers same day or next day building inspections services. This is possible due to the smaller geographic area covered by its building inspectors.

Department Location:

City of Lakeport, Community Development Department
225 Park Street
CDD phone number: (707) 263-5615
Email: CDDinfo@cityoflakeport.com

When these services can feasibly be extended to the annexation area: Services to the annexation area will be available immediately following final approval of the annexation.

Improvements or upgrades that the City of Lakeport would impose or require if the annexation is approved: There are no improvements or upgrades that would be imposed or required once the annexation is approved. Following annexation, new development would be required to comply with the City of Lakeport's general plan and zoning ordinance instead of Lake County's. The Building Divisions of both agencies implement the same set of State regulations for building, plumbing, mechanical, electrical, energy conservation, etc. Each business in the annexation area would be required to obtain and annually renew a business license from the City of Lakeport rather than Lake County.

How these services will be financed: Planning and building services are funded by permit fees and the City's General Fund.

Solid Waste

Description of current and future providers of this service to the annexation area: Solid waste services, including curbside garbage, recycling and green waste collection, in unincorporated areas of Lake County are currently provided by Lake County Waste Solutions, a division of C&S Waste Solutions. The City of Lakeport has a franchise agreement with Lakeport Disposal, Inc. for solid waste, recycling and green waste collection, processing and disposal services. The HazMobile is a countywide service that is available to all Lake County residents at rotating locations one weekend each month. Upon annexation, the South Lakeport area would be transferred to the service area of Lakeport Disposal, Inc.

The level and range of these services: Both Lake County Waste Solutions and Lakeport Disposal, Inc. offer a similar level of service to residents and businesses. Lake County Waste Solutions bills residential customers quarterly and commercial customers monthly. Fees for weekly waste collection are billed by the City as part of the monthly utility billing process.

Office Location:

Lakeport Disposal Co
501 North Main Street
Main number: (707) 263-5615
Email: lakeportdisposal.com

When these services can feasibly be extended to the annexation area: Upon annexation, the South Lakeport area would be transferred to the service area of Lakeport Disposal, Inc. The City would work closely with the two solid waste service providers to ensure a smooth transition.

Improvements or upgrades that the City of Lakeport would impose or require if the annexation is approved: No improvements or upgrades would be imposed or required, however, property owners in the annexation area will be required to switch their solid waste accounts from Lake County Waste Solutions to Lakeport Disposal, Inc. The City of Lakeport's Utilities Division provides billing services for Lakeport Disposal.

How these services will be financed: No new services are proposed.