



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

8-6

June 28, 1993

To: Board of Directors (Water Problems Committee--Action)
(Legal and Claims Committee--Action)
From: General Manager
Subject: Amendment to Resolution 8339 for the Annexation of La Vina
Annexation to Foothill Municipal Water District and The
Metropolitan Water District of Southern California

Report

Foothill Municipal Water District (Foothill) has requested by Resolution 565-0493 dated April 21, 1993, reaffirmation of the formal terms and conditions for the La Vina Annexation. At its meeting of June 15, 1993, your Board referred the matter to the Water Problems and Legal and Claims Committees for further consideration of the procedural aspects of the annexation.

Foothill originally requested this annexation by letter dated February 23, 1990. Your Board gave informal approval of the proposed annexation on May 8, 1990. The proposed annexation was approved by the Local Agency Formation Commission of Los Angeles County (LAFCO) on March 13, 1991, however, the area of the annexation was increased by LAFCO from 13.92 acres to 40.15 acres. Annexation of the area to Foothill was completed on May 30, 1991, with the recording of a certificate of completion .

By Resolution 548-0391 dated March 20, 1991, Foothill requested that Metropolitan's Board of Directors fix the terms and conditions for the annexation, as amended, to Metropolitan. Foothill also adopted a notice of exemption under CEQA for the increase in the area of the annexation. Your Board adopted Resolution 8339 on October 8, 1991, setting the terms and conditions for the annexation to Metropolitan.

The terms and conditions imposed on the annexation included payment of \$36,404.80 as the amount of the annexation charges applicable under the Administrative Code. Foothill paid the applicable annexation charges in full on June 18, 1993.

Another condition imposed by your Board was the filing of all necessary documents, "including dismissals of pending litigation challenging Foothill's annexation, on or before December 31, 1992." The General Manager's letter to your Board recommending adoption of the formal terms and conditions for annexation identified the litigation involved as Henry v. LAFCO, et al., filed in the Los Angeles County Superior Court. This case was dismissed with prejudice on March 9, 1993. Although there are two other environmental lawsuits pending against the proposed development within the annexation area, these suits do not involve the annexation. At this time, all of the terms and conditions included in Resolution 8339 for completion of the annexation have been met.

However, the time limit of December 31, 1992, set by the Resolution expired prior to completion of the conditions. Therefore, Foothill has made its request for reaffirmation of the terms and conditions of the annexation to Metropolitan.

Neither the Metropolitan Water District Act nor the Administrative Code impose any time limits on completion of the annexation process. Your Board has a policy of imposing time limits on compliance to ensure that current annexation rates are charged at the time an annexation is completed. In the present case, there was no change in the annexation rates between the adoption of Resolution 8339 setting the terms and conditions for the La Vina Annexation and the payment of the annexation fees.

At its meeting on June 14, 1993, the Water Problems Committee of your Board added a further condition to the annexation. The condition is compliance with terms of the settlement agreement in the Henry v. LAFCO case requiring the granting of a conservation easement and water rights upon approval of the Tentative Tract Map for the proposed development. This condition has been added to the attached Resolution reaffirming the terms and conditions of the annexation. A representative of the property owner has indicated that it will comply with this condition, as it is legally bound to do.

There having been compliance with the terms and conditions for the La Vina annexation, it is recommended that the Resolution amending and reaffirming Resolution 8339 be adopted.

Board Committee Assignments

This letter is referred for action to:

The Water Problems Committee because of its authority to review and consider requests for annexation pursuant to Administrative Code sections 2481(g) and 3102; and

The Legal and Claims Committee because of its authority to study, advise and make recommendations with regard to the contents of the Administrative Code pursuant to Administrative Code section 2461(h).

Recommendation

WATER PROBLEMS AND LEGAL AND CLAIMS COMMITTEES FOR ACTION.

It is recommended that the Board of Directors adopt the attached Resolution which amends Resolution 8339 and reaffirms the granting of the request for annexation of the La Vina Annexation to Metropolitan upon the terms and conditions fixed in Resolution 8339 with the condition that the property owner impose a conservation easement to retain stream flow on the property and convey water rights in the stream flow to the Lincoln Avenue Water Company.


for General Manager

RESOLUTION

RESOLUTION OF THE BOARD OF DIRECTORS OF
THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA
AMENDING RESOLUTION 8339 CONSENTING
TO THE ANNEXATION OF THE LA VINA ANNEXATION
UPON CONCURRENT ANNEXATION THEREOF
TO FOOTHILL MUNICIPAL WATER DISTRICT
AND FIXING THE TERMS AND CONDITIONS OF
SAID ANNEXATION TO
THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

A. WHEREAS, on October 8, 1991, the Board of Directors of Metropolitan adopted Resolution 8339 consenting to the annexation of the La Vina Annexation and fixing the terms and conditions of said annexation to Metropolitan; and

B. WHEREAS, subsequent to that action, there was a delay in the completion of the terms and conditions due to the pendency of litigation regarding the annexation; and

C. WHEREAS, the pending litigation has been dismissed with prejudice, and Foothill Municipal Water District has paid the annexation charges as required by the Resolution;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Metropolitan reaffirms all of the terms and conditions contained in its Resolution 8339 except that Section 1 thereof be amended to read:

"Section 1. The annexation of said area shall be made upon the filing of all necessary certificates, statements, maps, and other documents required to be filed by or on behalf of Foothill to effectuate the annexation, on condition that the owner of said area impose a conservation easement to retain stream flow on the property and convey water rights in the stream flow to the Lincoln Avenue Water Company."

D. BE IT FURTHER RESOLVED that the Executive Secretary be, and she hereby is, directed to transmit forthwith to the governing body of Foothill Municipal Water District, a certified copy of this resolution.

I HEREBY CERTIFY, that the foregoing is a full, true, and correct copy of a resolution adopted by the Board of Directors of The Metropolitan Water District of Southern California at its meeting held July 13, 1993.

Executive Secretary
The Metropolitan Water District
of Southern California