

- **Board of Directors**

September 11, 2001 Board Meeting

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**8-4**

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**Subject**

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Adopt final resolutions for annexation and to impose water standby charge for Annexation No. 73 to Calleguas Municipal Water District and Metropolitan

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**Description**

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The Calleguas Municipal Water District (Calleguas) has requested final (formal) terms and conditions for Annexation No. 73, concurrently to Calleguas and The Metropolitan Water District of Southern California (Metropolitan). On May 17, 2000, Metropolitan's Board granted conditional (informal) approval for this annexation territory, which was then owned by M.R.T. Services, Inc., and included as part of Annexation No. 67. Although final approval was granted for Annexation No. 67 on October 17, 2000, the M.R.T. territory had been previously withdrawn. An approximately 5.89-acre portion of the M.R.T. territory was subsequently purchased by North Shore at Mandalay Bay, Inc., for development into a City-required public pathway and associated landscaping. Final approval is now required for this strip of land, which is now known as Annexation No. 73. Prior to completion of this annexation, Calleguas will pay in full a fee of \$25,002.26. The projected water demand on Metropolitan is approximately 5.7 acre-feet per year. ([Attachment 1](#))

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**Policy**

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Territory may be annexed to Metropolitan upon terms and conditions fixed by the Board and in accordance with Chapter 1, Article 1, Sections 350 through 356 of Metropolitan's Act and Division III of its Administrative Code.

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**CEQA**

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Pursuant to the provisions of the California Environmental Quality Act (CEQA), the city of Oxnard, acting as Lead Agency, issued a Final Environmental Impact Report (FEIR) and a Notice of Determination (NOD) for the development of the proposed annexation parcel, i.e., North Shore at Mandalay Bay (Project). The FEIR was certified and the Project was approved by the Lead Agency on July 27, 1999. Metropolitan, as Responsible Agency under CEQA, is required to certify that it has reviewed and considered the information in the FEIR and adopt the Lead Agency's findings prior to approval of the final terms and conditions for Annexation No. 73. [Attachment 2](#) contains the NOD, and Pages 66 and 67 of the FEIR to demonstrate the Responsible Agency role and Metropolitan's Responsible Agency designation for this project. A full copy of the FEIR for Annexation No. 73 is available in the Office of Executive Secretary.

The CEQA determination is: Review and consider information provided in the certified 1999 FEIR for the Project and adopt the Lead Agency's findings related to Annexation No. 73.

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**Board Options/Fiscal Impacts**

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**Option #1**

Adopt the CEQA determination and

- Adopt a resolution granting Calleguas' request for approval of Annexation No. 73, concurrently to Metropolitan and Calleguas, by establishing Metropolitan's terms and conditions for this annexation ([Attachment 3](#)); and
- Adopt a resolution to impose water standby charges at a rate of \$9.58 per acre or per parcel of less than one acre within Annexation No. 73 ([Attachment 4](#)).

**Fiscal Impact:** Receipt of annexation fees (\$25,002.26) and water sales revenue from annexed territory.

**Option #2**

Decline Calleguas Annexation No. 73

**Fiscal Impact:** Unrealized fees and water sales revenue due from non-annexed area

**Staff Recommendation**

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Option #1

 Roy L. Wolfe Manager, Corporate Resources	8/17/2001 Date
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 Ronald R. Gastelum Chief Executive Officer	8/22/2001 Date
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**Attachment 1 -- Detailed Report--Annexation No. 73**

**Attachment 2 -- Notice of Determination and Pages 66 and 67 of FEIR**

**Attachment 3 -- Resolution Fixing Terms and Conditions**

**Attachment 4 -- Resolution Fixing and Adopting Water Standby Charge**

BLA #1246

**Detailed Report – Calleguas Annexation No. 73**

The Calleguas Municipal Water District (Calleguas) Board of Directors has requested final (formal) terms and conditions for Annexation No. 73, concurrently to Calleguas and The Metropolitan Water District of Southern California (Metropolitan) by Resolution No.1292, dated April 18, 2001 (Exhibit A). On May 17, 2000, Metropolitan's Board granted conditional (informal) approval for this annexation territory, which was then owned by M.R.T. Services, Inc., and included as part of Annexation No. 67. Also on May 17, 2001, Metropolitan's Board adopted a resolution of intent to impose water standby charges upon the annexing territory. Although final approval was granted for Annexation No. 67 on October 17, 2000, the M.R.T. territory had been previously withdrawn. Subsequent to final approval of Annexation No. 67, an approximately 5.89-acre strip of the M.R.T. territory was purchased by North Shore at Mandalay Bay, Inc., for development into a City-required public pathway and associated landscaping. This strip of land is now known as Annexation No. 73. Of the 5.89 acres, 0.106 of an acre is dedicated public road, leaving approximately 5.78 net acres. On June 13, 2001, the Local Agency Formation Commission of Riverside County approved this annexation pursuant to the Cortese-Knox-Hertzberg Local Government Act of 2000, by Resolution No. 01-13 (Exhibit B).

Metropolitan's resolution fixing the terms and conditions for the annexation is attached as Attachment 3. Completion of Annexation No. 73 will be subject to such terms and conditions as may be fixed by Metropolitan's Board in granting final consent to such annexation.

The Board adopted a resolution of intention to impose water standby charges within the proposed Annexation No. 73 territory at its meeting on May 17, 2000 (as part of Annexation No. 67). Pursuant to Resolution 8694, the Board held a public protest hearing. The hearing was held July 11, 2000. Interested parties presented their views regarding the proposed charges and the Engineer's Report. Also pursuant to Resolution 8694 and in accordance with the requirements of Article XIII D, Section 4, of the California Constitution, the Executive Secretary provided written notice, by mail, of such hearing to the owner of record of the parcel identified in the Engineer's Report. Enclosed in the mailed notice was an assessment ballot whereby the owner could indicate either support or opposition to the proposed water standby charge. Since no majority protest (as defined in Article XIII D, Section 4 of the California Constitution) was found to exist upon conclusion of the hearing, it will be requested that Metropolitan's Board consider and act upon the recommendation to adopt a second resolution (see Attachment 4 -- Resolution Fixing and Adopting Water Standby Charge), which imposes a Metropolitan water standby charge in the amount of \$9.58 per acre, or per parcel less than one acre, within the Annexation No. 73 territory.

The annexation charge has been calculated pursuant to Section 3300 of Metropolitan's Administrative Code. Utilizing the current rate of \$3,460 per acre and the sum of \$5,000 for processing costs, the annexation charge is \$25,002.26, if completed by December 31, 2001. The \$5,000 processing charge has been paid. The annexation fee will be paid in cash. Completion of the annexation will be subject to such terms and conditions as may be fixed by the Board in granting final consent to such annexation.

Approval of Metropolitan's water standby charge in the amount noted above, which is equal to the amount of Metropolitan's water standby charges imposed elsewhere within Calleguas' territory, is a condition to complete this annexation. Pursuant to the terms of the attached resolution, Metropolitan may levy standby charges at the rate stated in this resolution beginning in a subsequent fiscal year.

## EXHIBIT A

### RESOLUTION NO. 1292

RESOLUTION OF THE BOARD OF DIRECTORS  
OF CALLEGUAS MUNICIPAL WATER DISTRICT INITIATING ANNEXATION,  
APPLYING TO THE BOARD OF DIRECTORS OF THE METROPOLITAN  
WATER DISTRICT OF SOUTHERN CALIFORNIA FOR CONSENT AND FOR  
FORMAL TERMS AND CONDITIONS AND REQUESTING APPROVAL BY  
VENTURA COUNTY LOCAL AGENCY FORMATION COMMISSION TO  
CONCURRENTLY ANNEX TERRITORY WITHIN THE COUNTY OF VENTURA  
TO THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA  
AND TO THE CALLEGUAS MUNICIPAL WATER DISTRICT

#### Calleguas Annexation No. 73 – North Shore at Mandalay Bay #2

WHEREAS, the Calleguas Municipal Water District desires to accomplish the adjustment of boundaries specified herein; and

WHEREAS, Calleguas Municipal Water District (hereinafter referred to as "Calleguas") is a member municipality of The Metropolitan Water District of Southern California (hereinafter referred to as "Metropolitan"); and

WHEREAS, Calleguas has received from proposed annexee, North Shore at Mandalay Bay, L.L.C., a request to concurrently annex to Calleguas and to Metropolitan certain territory situated in the County of Ventura, State of California; and

WHEREAS, the territory proposed to be annexed in Calleguas Annexation No. 73 – North Shore at Mandalay Bay #2 is described and set forth in the map and legal description attached as Exhibit A; and

WHEREAS, Calleguas previously sent maps and legal descriptions that included the proposed annexation area to Metropolitan with a request for informal terms and conditions for annexation as a part of Calleguas Annexation No. 67 – North Shore at Mandalay Bay; and

WHEREAS, Metropolitan reviewed and considered the maps and legal descriptions at that time and informally consented to annexation subject to certain terms and conditions prescribed and set forth by Metropolitan; and

WHEREAS, pursuant to the Metropolitan Water District Act, Article 3, the governing body of Calleguas may apply to the Board of Directors of Metropolitan for consent to the annexation to Metropolitan and Calleguas of said properties,

and in granting such application Metropolitan may fix the terms and conditions upon which the territory may be annexed to and become part of Metropolitan;

WHEREAS, the Annexee and the acreage to be annexed are:

North Shore at Mandalay Bay            5.69 acres

WHEREAS, the annexee has been fully informed of the informal terms and conditions of both Metropolitan and Calleguas;

WHEREAS, the proposal area (Calleguas Annexation No. 73) has fewer than 12 registered voters;

WHEREAS, the owners of land within the annexation area has given their consent to the annexation;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF CALLEGUAS MUNICIPAL WATER DISTRICT RESOLVES AS FOLLOWS:

1. This proposal is made, and it is requested that proceedings be taken, pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code.

2. This proposal is a concurrent annexation to the Calleguas Municipal Water District and to the Metropolitan Water District of Southern California.

3. The proceeding is subject to the approval by the Ventura County Local Agency Formation Commission and any terms and conditions the Commission may apply; the Calleguas Terms and Conditions of as set forth in Exhibit B attached hereto; the approval by Metropolitan Water District of Southern California and the Formal Terms and Conditions Metropolitan may apply; the terms and conditions of the Implementation Plan as set forth in Exhibit C attached hereto; and delivery to Calleguas of payment in full for the annexation fees due Metropolitan, the annexation fees Calleguas and all expenses incurred by Calleguas in the course of processing Annexation No. 73.

4. The reason for the proposal is to provide a source of water supply to the annexing territory.

5. The proposal is consistent with the Spheres of Influence of the Calleguas Municipal Water District and the Metropolitan Water District of Southern California.

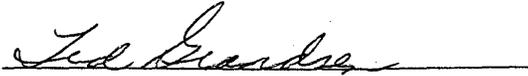
6. The regular County assessment roll will be utilized.

7. The affected territory will not be taxed for the existing bonded indebtedness of the agencies whose boundaries are being changed.

8. The affected territory will become a part of Directorial Division No.

5.

ADOPTED, SIGNED AND APPROVED this eighteenth day of April, 2001.



Ted Grandsen

President of the Board of Directors

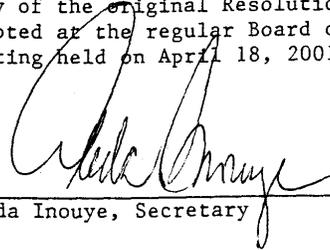
ATTEST:

I certify that this is a true and correct copy of the original Resolution No. 1292 adopted at the regular Board of Directors meeting held on April 18, 2001.



Donald G. Hauser

Secretary of the Board of Directors



Alida Inouye, Secretary

Exhibit B

TERMS AND CONDITIONS OF  
CALLEGUAS MUNICIPAL WATER DISTRICT  
FOR ANNEXATION NO. 73

In the event of annexation, the annexation of the property shall be subject to the following terms and conditions:

1. In the event of annexation, the Annexee and the annexed area shall, within the time limits provided thereby, meet the terms and conditions, and pay such fees, as are imposed by Metropolitan Water District of Southern California (Metropolitan) for said annexation.

2. In the event of annexation, the Annexee and the annexed area shall, within the time limits provided thereby, meet the terms and conditions, and pay such fees, as are imposed or advanced by Calleguas Municipal Water District (Calleguas) for said annexation.

3. In the event of annexation, the sale and delivery of all water by Calleguas, the release of water, the cost of the water, and the time of use of water shall be subject to the regulations promulgated from time to time by Calleguas and Metropolitan.

4. In the event of annexation, all feeder pipelines, structures, connections, and other facilities required for the delivery of water to said area from works owned or operated by Calleguas shall be constructed, provided and installed without cost or expense to Calleguas, and Calleguas shall be under no obligation to provide, construct, operate or maintain such works.

5. If construction of water distribution facilities is required to properly effect water services to the annexing area, all such costs shall be borne by the annexing area and all facilities constructed shall, at the election of Calleguas, be owned, maintained, and operated by Calleguas.

6. Except upon terms and conditions specifically approved by the Board of Directors of Calleguas, water sold and delivered by Calleguas shall not be used in any manner which intentionally or avoidably results in the direct or indirect benefit of areas outside Calleguas.

7. Annexee has been advised of Calleguas' Capital Construction Charge (Ordinance No. 14).

8. Annexee consents to the Districts' levy for Standby Charges on annexed lands at the rates and formulae adopted for fiscal Year 2000-2001 and any subsequent years in which either or both Boards of Directors may vote to approve and adopt said Standby Charges. Said Standby Charges shall remain as a covenant with the land annexed into the Districts and shall be recorded as such in the appropriate form and manner.

STATE OF CALIFORNIA        )  
  )  
COUNTY OF VENTURA        )        ss

I, DONALD G. HAUSER, Secretary of the Board of Directors of Calleguas Municipal Water District, DO HEREBY CERTIFY that the foregoing Resolution was duly adopted by the Board of Directors of said District at a regular meeting of said Board held on the eighteenth day of April, 2001.

Donald G. Hauser  
Secretary of the Board of Directors

EXHIBIT "A"

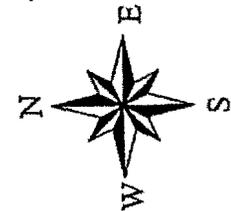
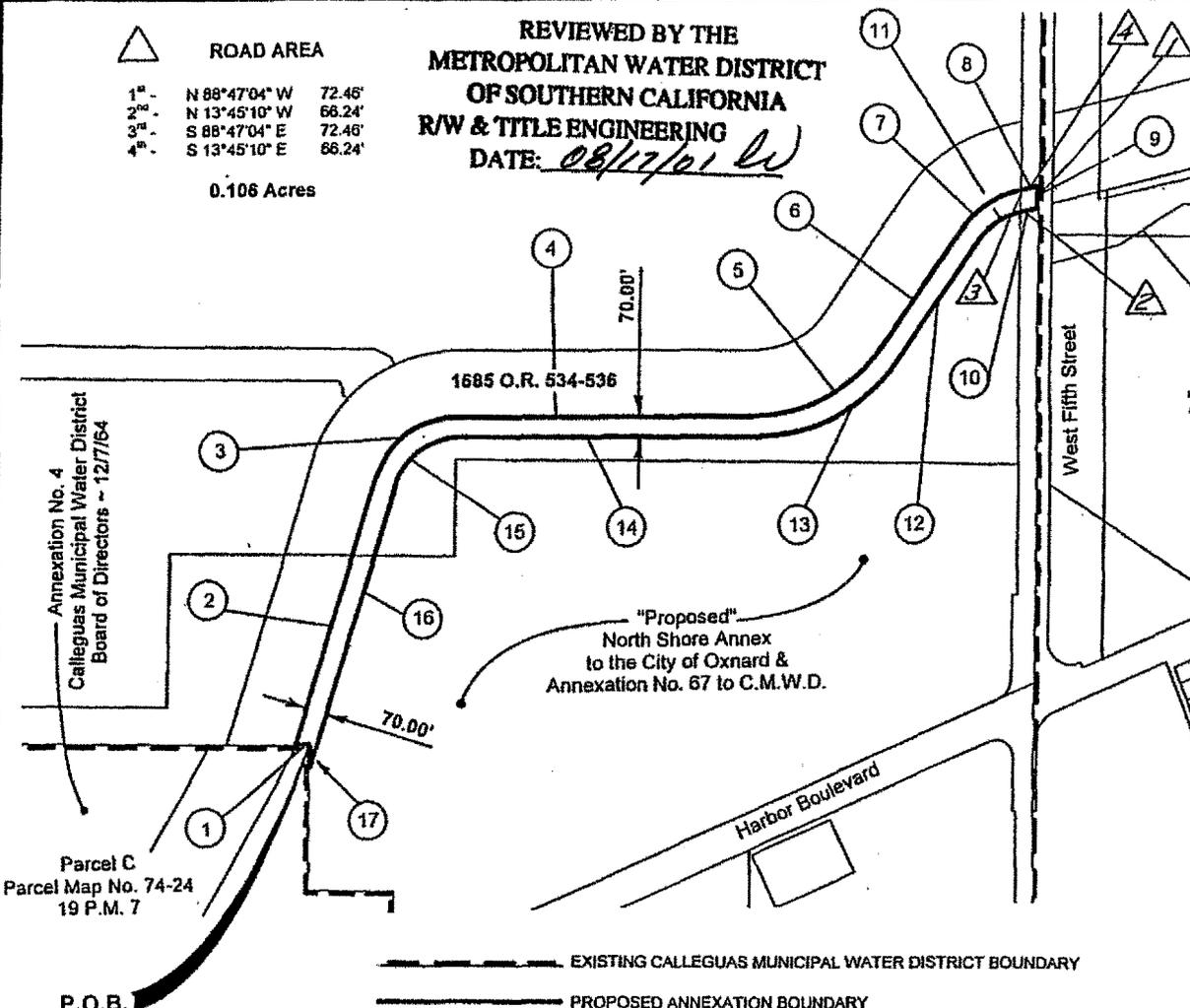
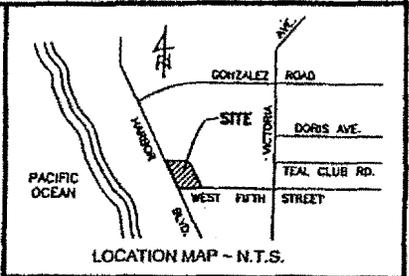
**ROAD AREA**

1 <sup>st</sup>	N 88°47'04" W	72.46'
2 <sup>nd</sup>	N 13°45'10" W	66.24'
3 <sup>rd</sup>	S 88°47'04" E	72.46'
4 <sup>th</sup>	S 13°45'10" E	66.24'

**0.106 Acres**

REVIEWED BY THE  
**METROPOLITAN WATER DISTRICT  
 OF SOUTHERN CALIFORNIA**  
 R/W & TITLE ENGINEERING  
 DATE: 08/17/01 *lv*

PREPARED BY  
**PENFIELD & SMITH  
 ENGINEERS - SURVEYORS**  
 111 E. VICTORIA STREET  
 SANTA BARBARA, CA 93101  
 (805) 963-9532



**ANNEXATION COURSES**

1st	- N 01°13'38" E	45.89'
2nd	- S 72°39'02" E	948.81'
3rd	- R = 320.00'; L = 410.69'; D = 73°32'05"	
4th	- S 00°53'03" W	1007.61'
5th	- R = 530.00'; L = 520.63'; D = 56°17'01"	
6th	- S 55°23'58" E	492.87'
7th	- R = 320.00'; L = 232.60'; D = 41°38'48"	
8th	- S 13°45'10" E	87.66'
9th	- N 88°47'04" W	72.46'
10th	- R = 13°45'10" W	68.94'
11th	- R = 250.00'; L = 181.72'; D = 41°38'48"	
12th	- N 55°23'58" W	492.87'
13th	- R = 600.00'; L = 589.40'; D = 56°17'01"	
14th	- N 00°53'03" E	1007.61'
15th	- R = 250.00'; L = 320.85'; D = 73°32'05"	
16th	- N 72°39'02" W	1025.64'
17th	- S 68°47'04" E	93.25'

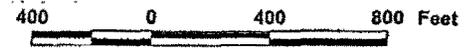
**5.887 Gross Acres**  
**-0.106 Road Acres**  
**5.781 Net Acres**



*[Signature]*  
 10 April 2001

**ANNEXATION NO. 73**  
**(North Shore at Mandalay Bay No. 2)**  
 TO  
**CALLEGUAS MUNICIPAL WATER DISTRICT**

**P.O.B.**  
 Beginning at the easterly terminus  
 of the 3<sup>rd</sup> course of Annexation No.  
 4 to the Calleguas Municipal Water  
 District.



Portions of Lots 115, 116, 122, 143, and 144, and a portion of West Fifth Street, in the  
 County of Ventura, State of California, as said lots and street are shown on the map of the  
 Patterson Ranch Subdivision recorded in the office of the County Recorder of said County  
 in Book 8, Page 1 of Miscellaneous Records.  
 April 9, 2001

**ANNEXATION NO. 73**  
**(North Shore at Mandalay Bay No. 2)**  
**TO**  
**CALLEGUAS MUNICIPAL WATER DISTRICT**

Portions of Lots 115, 116, 122, 143, and 144, and a portion of West Fifth Street, in the County of Ventura, State of California, as said lots and street are shown on the map of the Patterson Ranch Subdivision recorded in the office of the County Recorder of said County in Book 8, Page 1 of Miscellaneous Records, described as follows:

Beginning at the southeast corner of Parcel C as shown on the Parcel Map No. 74-24 filed in the office of said County Recorder in Book 19, Page 7 of Parcel Maps, said corner being the easterly terminus of the 3<sup>RD</sup> course of Annexation No. 4 to the Calleguas Municipal Water District as adopted by the Board of Directors of said Calleguas Municipal Water District on December 7, 1964; thence, along the boundary of said Parcel C and the existing Calleguas Municipal Water District boundary,

- 1st - North 01°13'38" East 45.89 feet to a line that is parallel with and distant 70.00 feet easterly from the westerly line of the parcel described in the Grant Deed to Southern California Edison Company, recorded in the office of said County Recorder on December 22, 1958, as Document No. 56058, in Book 1685, Pages 534-536 of Official Records; thence, leaving said district boundary along said parallel line to and along a line that is either concentric and or parallel with and distant 70.00 feet easterly from said westerly line by the following seven courses:
- 2nd - South 72°39'02" East 948.81 feet to the beginning of a curve concaved southwesterly and having a radius of 320.00 feet; thence, along said curve,
- 3rd - Easterly, southeasterly, and southerly 410.69 feet through a central angle of 73°32'05"; thence,
- 4th - South 00°53'03" West 1007.61 feet to the beginning of a curve concaved northeasterly and having a radius of 530.00 feet; thence, along said curve,
- 5th - Southerly and southeasterly 520.63 feet through a central angle of 56°17'01"; thence,
- 6th - South 55°23'58" East 492.87 feet to the beginning of a curve concaved southwesterly and having a radius of 320.00 feet; thence, along said curve,
- 7th - Southeasterly and southerly 232.60 feet through a central angle of 41°38'48"; thence,

REVIEWED BY THE  
METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA  
R/W & TITLE ENGINEERING  
DATE: 08/17/01 *lu*

- 8th - South 13°45'10" East 87.66 feet to said Calleguas Municipal Water District boundary; thence, along said boundary,
- 9th - North 88°47'04" West 72.46 feet to the southerly prolongation of said westerly line of said Southern California Edison Company parcel; thence, along said prolongation to and along said westerly line by the following seven courses:
- 10th - North 13°45'10" West 68.94 feet to the beginning of a curve concaved southwesterly and having a radius of 250.00 feet; thence, along said curve,
- 11th - Northerly, and northwesterly 181.72 feet through a central angle of 41°38'48"; thence,
- 12th - North 55°23'58" West 492.87 feet to the beginning of a curve concaved northeasterly and having a radius of 600.00 feet; thence, along said curve,
- 13th - Northwesterly, and northerly 589.40 feet through a central angle of 56°17'01"; thence,
- 14th - North 00°53'03" East 1007.61 feet to the beginning of a curve concaved southwesterly and having a radius of 250.00 feet; thence, along said curve,
- 15th - Northerly, northwesterly, and westerly 320.85 feet through a central angle of 73°32'05"; thence,
- 16th - North 72°39'02" West 1025.64 feet to said Calleguas Municipal Water District boundary; thence, along said boundary,
- 17th - South 88°47'04" East 93.25 feet to the point of beginning.

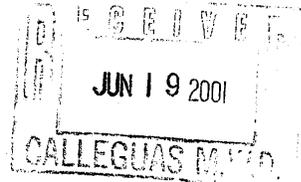
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REVIEWED BY THE  
 METROPOLITAN WATER DISTRICT  
 OF SOUTHERN CALIFORNIA  
 R/W & TITLE ENGINEERING  
 DATE: 08/17/01 *W*



*RH*  
 10 April 2001

**EXHIBIT B**



**LAFCO 01-13**

**RESOLUTION OF THE VENTURA LOCAL AGENCY  
FORMATION COMMISSION MAKING DETERMINATIONS  
AND APPROVING LAFCO 01-13, CALLEGUAS  
MUNICIPAL WATER DISTRICT ANNEXATION – NORTH  
SHORE AT MANDALAY BAY NO. 2 (CALLEGUAS  
ANNEXATION NO. 73)**

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the Ventura Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, at the times and in the manner required by law, the Executive Officer gave notice of the consideration by the Commission on the proposal; and

WHEREAS, the proposal was duly considered on June 13, 2001; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the proposal including, but not limited to, the Executive Officer's report and recommendation; and

WHEREAS, information satisfactory to this Commission has been presented that all the owners of land within the affected territory have given their written consent to the proposal; and

WHEREAS, the Commission finds the proposal to be in the best interest of the affected area and the organization of local governmental agencies within Ventura County;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Local Agency Formation Commission of Ventura County as follows:

- (1) The Executive Officer's Staff Report and Recommendation for approval of the proposal dated June 13, 2001 is adopted.
- (2) Said annexation as set forth in Exhibit A and attached hereto is hereby approved as submitted.
- (3) Said territory is found to be uninhabited.

- (4) The subject proposal is assigned the following short form designation:  
**LAFCO 01-13 Calleguas Municipal Water District Annexation – North Shore at Mandalay Bay No. 2.**
- (5) The boundaries of the affected territory are found to be definite and certain as approved.
- (6) The Commission has reviewed and considered the information contained in the Environmental Impact Report prepared by the City of Oxnard as lead agency, adopts the lead agency's Findings of Impact, Statement of Overriding Considerations and Mitigation Measures, and makes a specific determination that the significant issues and proposed Mitigation Measures as adopted by the lead agency adequately address the project [Sections 15091, 15093, and 15096(h)].
- (7) The Commission directs Staff to file a Notice of Determination in the same manner as a lead agency under Section 15094.
- (8) The proposal is subject to the following terms and conditions:
  - a. **This annexation shall be recorded concurrent with the LAFCO 01-14, City of Oxnard – North Shore Reorganization No. 2.**
  - b. **This annexation shall not be recorded until and unless the County Planning Division provides the Executive Officer with written certification that the proposal area depicted on Exhibit A is a legal lot within the County of Ventura.**
  - c. **This annexation shall be recorded concurrently with or subsequent to LAFCO 00-02, Annexation No. 67 (North Shore at Mandalay Bay) to the Calleguas Municipal Water District.**
  - d. **This annexation shall not be recorded until and unless Calleguas Municipal Water District provides the Executive Officer with a certified copy of a resolution by Calleguas Municipal Water District accepting the terms and conditions of Metropolitan Water District of Southern California and directing the annexation of the proposal area depicted on Exhibit A.**
- (9) The Commission waives conducting authority proceedings, since satisfactory proof has been given that the subject property is uninhabited, that all landowners within the affected territory have given their written consent to the proposal, and that all affected agencies that will gain or lose territory as a result of the proposal have consented in writing to the

waiver of conducting authority proceedings. [Government Code Section 56663].

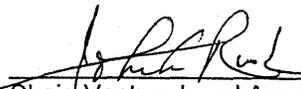
This resolution was adopted on June 13, 2001.

AYES: Commissioners Long, Bennett, Cunningham, Curtis, Zaragoza, Parks and Chair Rush

NOES: None

ABSTAINS: None

Dated: 6-13-01

  
Chair Ventura Local Agency Formation Commission

Copies: Calleguas Municipal Water District  
Assessor  
Auditor  
Elections  
Surveyor

I HEREBY CERTIFY THAT THE ANNEXED INSTRUMENT IS A TRUE AND CORRECT COPY OF THE DOCUMENT WHICH IS ON FILE IN THE LAFCO OFFICE.

DATED 6-14-01  
BY D. Schuster

EXHIBIT A

**ANNEXATION NO. 73**  
**(North Shore at Mandalay Bay No. 2)**  
TO  
**CALLEGUAS MUNICIPAL WATER DISTRICT**

01-13

Portions of Lots 115, 116, 122, 143, and 144, and a portion of West Fifth Street, in the County of Ventura, State of California, as said lots and street are shown on the map of the Patterson Ranch Subdivision recorded in the office of the County Recorder of said County in Book 8, Page 1 of Miscellaneous Records, described as follows:

Beginning at the southeast corner of Parcel C as shown on the Parcel Map No. 74-24 filed in the office of said County Recorder in Book 19, Page 7 of Parcel Maps, said corner being the easterly terminus of the 3<sup>RD</sup> course of Annexation No. 4 to the Calleguas Municipal Water District as adopted by the Board of Directors of said Calleguas Municipal Water District on December 7, 1964; thence, along the boundary of said Parcel C and the existing Calleguas Municipal Water District boundary,

- 1st - North 01°13'38" East 45.89 feet to a line that is parallel with and distant 70.00 feet easterly from the westerly line of the parcel described in the Grant Deed to Southern California Edison Company, recorded in the office of said County Recorder on December 22, 1958, as Document No. 56058, in Book 1685, Pages 534-536 of Official Records; thence, leaving said district boundary along said parallel line to and along a line that is either concentric and or parallel with and distant 70.00 feet easterly from said westerly line by the following seven courses:
- 2nd - South 72°39'02" East 948.81 feet to the beginning of a curve concaved southwesterly and having a radius of 320.00 feet; thence, along said curve,
- 3rd - Easterly, southeasterly, and southerly 410.69 feet through a central angle of 73°32'05"; thence,
- 4th - South 00°53'03" West 1007.61 feet to the beginning of a curve concaved northeasterly and having a radius of 530.00 feet; thence, along said curve,
- 5th - Southerly and southeasterly 520.63 feet through a central angle of 56°17'01"; thence,
- 6th - South 55°23'58" East 492.87 feet to the beginning of a curve concaved southwesterly and having a radius of 320.00 feet; thence, along said curve,
- 7th - Southeasterly and southerly 232.60 feet through a central angle of 41°38'48"; thence,

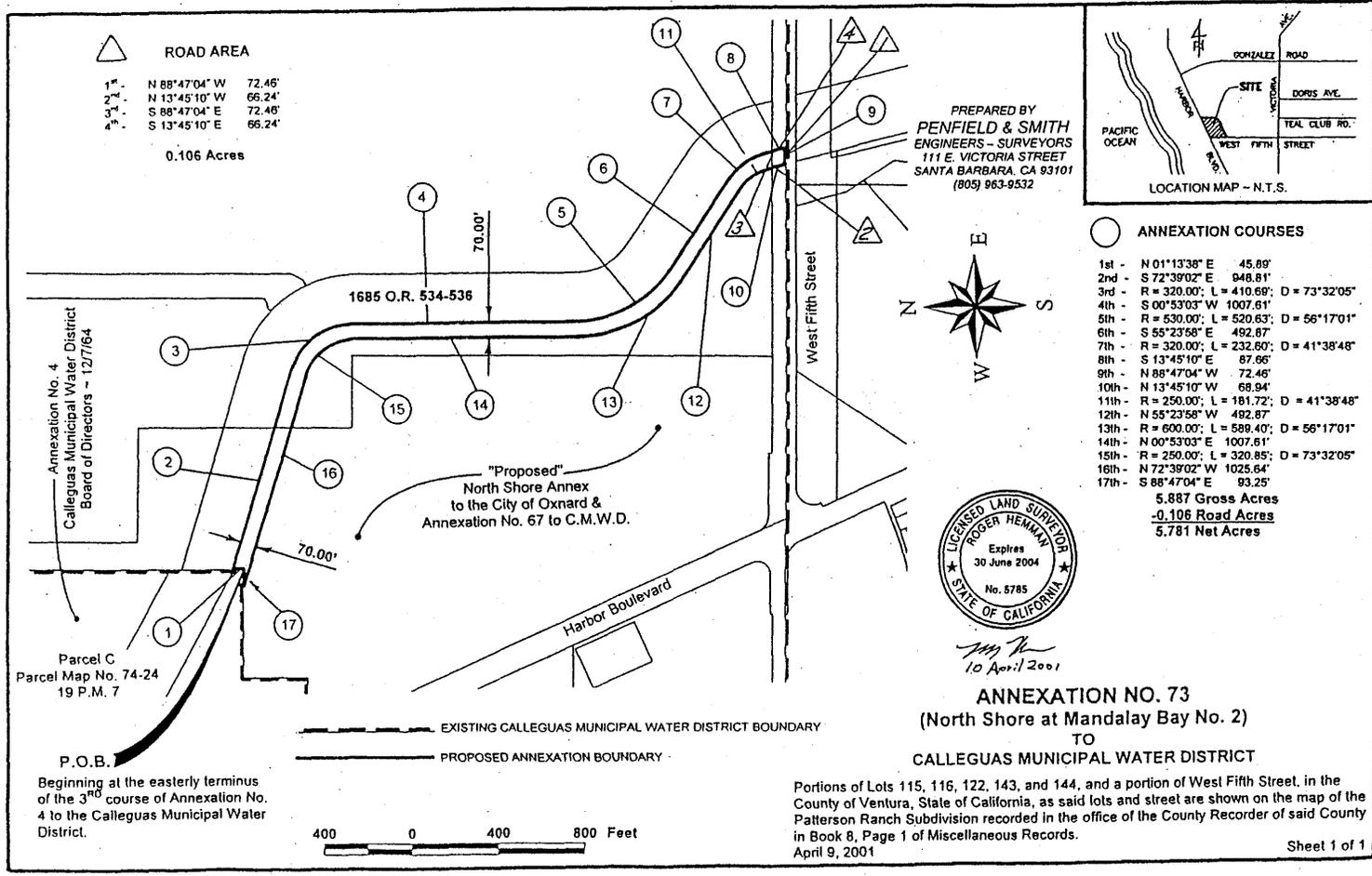
- 8th - South 13°45'10" East 87.66 feet to said Calleguas Municipal Water District boundary; thence, along said boundary,
- 9th - North 88°47'04" West 72.46 feet to the southerly prolongation of said westerly line of said Southern California Edison Company parcel; thence, along said prolongation to and along said westerly line by the following seven courses:
  - 10th - North 13°45'10" West 68.94 feet to the beginning of a curve concaved southwesterly and having a radius of 250.00 feet; thence, along said curve;
  - 11th - Northerly, and northwesterly 181.72 feet through a central angle of 41°38'48"; thence,
  - 12th - North 55°23'58" West 492.87 feet to the beginning of a curve concaved northeasterly and having a radius of 600.00 feet; thence, along said curve,
  - 13th - Northwesterly, and northerly 589.40 feet through a central angle of 56°17'01"; thence,
  - 14th - North 00°53'03" East 1007.61 feet to the beginning of a curve concaved southwesterly and having a radius of 250.00 feet; thence, along said curve,
  - 15th - Northerly, northwesterly, and westerly 320.85 feet through a central angle of 73°32'05"; thence,
  - 16th - North 72°39'02" West 1025.64 feet to said Calleguas Municipal Water District boundary; thence, along said boundary,
  - 17th - South 88°47'04" East 93.25 feet to the point of beginning.

5.887 Gross Acres  
-0.106 Road Acres  
 5.781 Net Acres



*Roger Hemman*  
 10 April 2001

# EXHIBIT A 01-13

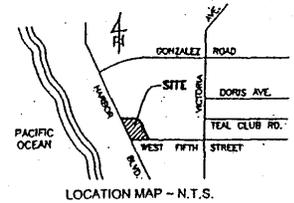


**ROAD AREA**

1 <sup>st</sup> -	N 88°47'04" W	72.46'
2 <sup>nd</sup> -	N 13°45'10" W	66.24'
3 <sup>rd</sup> -	S 88°47'04" E	72.46'
4 <sup>th</sup> -	S 13°45'10" E	66.24'

0.106 Acres

PREPARED BY  
**PENFIELD & SMITH**  
 ENGINEERS - SURVEYORS  
 111 E. VICTORIA STREET  
 SANTA BARBARA, CA 93101  
 (805) 963-9532



- ANNEXATION COURSES**
- 1st - N 01°13'38" E 45.89'
  - 2nd - S 72°38'02" E 948.81'
  - 3rd - R = 320.00'; L = 410.69'; D = 73°32'05"
  - 4th - S 00°53'03" W 1007.61'
  - 5th - R = 530.00'; L = 520.63'; D = 56°17'01"
  - 6th - S 55°23'58" E 492.87'
  - 7th - R = 320.00'; L = 232.60'; D = 41°38'48"
  - 8th - S 13°45'10" E 87.66'
  - 9th - N 88°47'04" W 72.46'
  - 10th - N 13°45'10" W 66.24'
  - 11th - R = 250.00'; L = 181.72'; D = 41°38'48"
  - 12th - N 55°23'58" W 492.87'
  - 13th - R = 600.00'; L = 589.40'; D = 56°17'01"
  - 14th - N 00°53'03" E 1007.61'
  - 15th - R = 250.00'; L = 320.85'; D = 73°32'05"
  - 16th - N 72°38'02" W 1025.64'
  - 17th - S 88°47'04" E 93.25'
- 5.887 Gross Acres  
-0.106 Road Acres  
 5.781 Net Acres



*Roger Hemman*  
 10 April 2001

**ANNEXATION NO. 73**  
 (North Shore at Mandalay Bay No. 2)  
 TO  
**CALLEGUAS MUNICIPAL WATER DISTRICT**

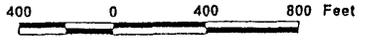
Portions of Lots 115, 116, 122, 143, and 144, and a portion of West Fifth Street, in the County of Ventura, State of California, as said lots and street are shown on the map of the Patterson Ranch Subdivision recorded in the office of the County Recorder of said County in Book 8, Page 1 of Miscellaneous Records.  
 April 9, 2001

Annexation No. 4  
 Calleguas Municipal Water District  
 Board of Directors - 12/7/64

Parcel C  
 Parcel Map No. 74-24  
 19 P.M. 7

P.O.B.  
 Beginning at the easterly terminus  
 of the 3<sup>rd</sup> course of Annexation No.  
 4 to the Calleguas Municipal Water  
 District.

--- EXISTING CALLEGUAS MUNICIPAL WATER DISTRICT BOUNDARY  
 --- PROPOSED ANNEXATION BOUNDARY



### NOTICE OF DETERMINATION

RECEIVED

SEP 9 1999

PLANNING DIVISION  
CITY OF OXNARD

To:  Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

From: City of Oxnard  
305 West Third Street  
Oxnard, California 93030

Office of the County Clerk  
County of Ventura  
800 South Victoria Avenue  
Ventura, CA 93009-1320

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

<b>Project Title</b> North Shore at Mandalay Bay		
<b>State Clearinghouse Number:</b> 97061004	<b>Contact Person:</b> Sue Martin, Associate Planner	<b>Area Code/Telephone/Extension</b> (805) 385-7858
<b>Project Location:</b> Northeast corner of Harbor Boulevard and West Fifth Street		
<b>Project Description:</b> The North Shore project involves: (1) Remediation of soil and ground water contamination on the site in conformance with a Remedial Action Plan approved by the Los Angeles Regional Water Control Board and (2) Development of a residential community containing 353 single family homes. Discretionary actions approved by the City include: Tentative Subdivision Map No. 5160 and Planning and Zoning Permits Nos. 96-5-75, 76, 77, 78 & 79 for Annexation and Sphere Line Adjustment, Rezoning, Coastal Plan Amendment, Coastal Development Permit, and General Plan Amendment.		

This is to advise that the City of Oxnard has approved the above described project on July 27, 1999 and has made the following determinations regarding the above described project:

- 1. The project  will  will not have a significant effect on the environment.
- 2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
- 3. Mitigation measures  were  were not made a condition of the approval of the project.
- 4. A Statement of Overriding Considerations  was  was not adopted for this project.

This is to certify that the final EIR or Negative Declaration with comments and responses and record of project approval is available to the General Public at:

City of Oxnard  
Planning and Environmental Services Department  
305 West Third Street  
Oxnard, CA 93030

POSTED  
7/30/99 - 1/1/00  
RICHARD D. DEAN, County Clerk

FILED

JUL 29 1999

Date received for filing and posting at OPR/County Clerk:

By: \_\_\_\_\_  
Deputy

RICHARD D. DEAN, County Clerk  
*[Signature]*  
Deputy County Clerk

*[Signature]*  
Sue Martin, City of Oxnard

Associate Planner

ND99-12  
EOP #82110

**NOTICE OF DETERMINATION  
Transmittal Memorandum  
Environmental Filing Fee Receipt**

Please complete the information below and submit one memorandum with each notice of determination to be filed.

Date: July 29, 1999

Lead Agency: City of Oxnard

County of Filing: Ventura

Project Title: North Shore at Mandalay Bay

Project Applicant Name: North Shore at Mandalay Bay, L.L.C.

Project Applicant Address: 110 Newport Center Drive, Suite 200  
Newport Beach, Ca. 92660

Project Applicant Phone Number: (949) 644-5133

Project Applicant is (check appropriate box):  
 Local Public Agency       Private Entity  
 School District       Other Special District

Check Applicable Fee(s):  
 Environmental Impact Report (\$850.00)  
 Negative Declaration (\$1,250.00)  
 County Administrative Fee (\$25.00)  
 Project is Exempt from Fees  
     Categorically Exempt  
     Statutorily Exempt  
 Filed by responsible agency, fees paid by the lead agency

Prepared by: Sue Martin, Associate Planner, City of Oxnard  
Please print name and title

**DO NOT WRITE BELOW THIS LINE**

This portion to be completed by the County of Ventura, Office of the Clerk of the Board

STATE RECEIPT #: 82110  
NO #: 99-12

Total amount received 875.00

Signature of person receiving payment: *Andra Garcia*  
Deputy County Clerk

### ***3.0 Project Description***

Coastal Development Permit is also required for the excavation of more than 50 cubic yards of soil in the coastal zone.

Separate coastal development permits will be required to implement the approved Remedial Action Plan and build the proposed residential community. A Coastal Development Permit will be needed to implement the approved Remedial Action Plan as the excavation of more than 50 cubic yards of soil will occur during the soil remediation process. A second Coastal Development Permit will be required to allow construction of the proposed residential development project.

### **Responsible Agencies**

As defined by the CEQA, "Responsible Agencies" are public agencies other than the lead agency which have discretionary approval over the project. The City of Oxnard has prepared this EIR with the intent it will serve as the primary source of environmental information for each Responsible Agency. These agencies, and the nature of their approval authority over the project, are described below:

#### ***California Coastal Commission***

The amendment to the City's Coastal Land Use Plan is subject to review and certification by the California Coastal Commission.

#### ***Ventura County Local Agency Formation Commission***

LAFCO is a regulatory commission empowered by State law in each California county to coordinate logical and timely changes in local government boundaries. One of the objectives of the LAFCO is to conduct studies and to obtain and furnish information which will contribute to the logical and reasonable development of local governments. To this end, the LAFCO for each County adopts a Sphere of Influence for each City within that County to represent the ultimate probable physical boundaries and service area for the City. As previously described, the project site is within the City of Oxnard's Planning Area but outside of the Sphere of Influence as defined by LAFCO. Therefore, in order to allow the project, approval of a request to amend the current Sphere of Influence Line and annexation of the project site into the City of Oxnard by the LAFCO is required.

### *3.0 Project Description*

#### *Metropolitan Water District*

Potable water is provided by the City of Oxnard Water Division, which is a water retailer that receives the majority of potable water from the Calleguas Municipal Water District. Calleguas is a water wholesaler who receives water from the Metropolitan Water District. In order for the project site to receive water, the site must be annexed into the District Boundaries of the Metropolitan Water District.

#### *Calleguas Municipal Water District*

Potable water is provided by the City of Oxnard Water Division, which is a water retailer that receives the majority of potable water from the Calleguas Municipal Water District. In order for the project site to receive water, the site must be annexed into the District Boundaries of the Calleguas Municipal Water District.

#### *County of Ventura Resource Management Agency Planning Division*

The County of Ventura may be a responsible agency if the applicant chooses to request a Coastal Development Permit from the County to allow implementation of the Remediation Action Plan approved by the RWQCB prior to the annexation of the site to the City of Oxnard. This permit would be issued by the Resource Management Agency Planning Division. Should the applicant decide to wait until the site is annexed to the City of Oxnard before initiating remediation activities, the County will not be required to approve any discretionary actions related to the proposed project.

#### *County of Ventura Resource Management Agency Environmental Health Division*

The Environmental Health Division (EHD) serves as the Local Enforcement Agency (LEA) for the California Integrated Waste Management Board, which has oversight over waste disposal sites. The project site is included on the list of waste disposal sites maintained by the County of Ventura. As he LEA the EHD is responsible for review of any land use plans for a waste disposal site after it is closed and for enforcement of state standards for this disposal site until the remediation is complete and is responsible. The EHD has stated it will rely upon the site cleanup standards imposed by the Los Angeles Regional Water Quality Control Board (LARWQCB) for the site and on the determination of the LARWQCB that the contamination on the site has been remediated.

**RESOLUTION**

RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA  
CONSENTING TO CALLEGUAS' ANNEXATION NO. 73  
AND FIXING THE TERMS AND CONDITIONS OF SAID ANNEXATION TO  
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

A. WHEREAS, the Board of Directors of the Calleguas Municipal Water District (Calleguas), a municipal water district, situated in the County of Ventura, State of California, pursuant to Resolution 1292, adopted April 18, 2001, in accordance with the provisions of the Metropolitan Water District Act, has applied to the Board of Directors of The Metropolitan Water District of Southern California (Metropolitan) for consent to annex thereto certain uninhabited territory situated in the County of Ventura, particularly described in an attachment to the Ventura Local Agency Formation Commission resolution, concurrently with the annexation thereof to Calleguas, such annexation to Metropolitan to be upon such terms and conditions as may be fixed by the Board of Directors of Metropolitan; and

B. WHEREAS, on June 13, 2001, LAFCO approved Annexation No. 73, by Resolution 01-13;

C. WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA), the city of Oxnard, acting as Lead Agency, certified the North Shore at Mandalay Bay Final Environmental Impact Report (FEIR) and issued a Notice of Determination (NOD) on July 27, 1999, for the development of the proposed annexation parcel, and Metropolitan, as Responsible Agency under CEQA, is required to certify that it has reviewed and considered the information contained in the FEIR, and adopt the Lead Agency's findings prior to approval of the final (formal) terms and conditions for Annexation No. 73; and

D. WHEREAS, it appears to this Board of Directors that such application should be granted, subject to the terms and conditions hereinafter set forth.

E. NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Metropolitan, acting as Responsible Agency, has reviewed and considered the information contained in the FEIR and NOD and adopted the Lead Agency's findings; and subject to the following terms and conditions, does hereby grant the application of the governing body of Calleguas for consent to annex Annexation No. 73 to Metropolitan and does hereby fix the terms and conditions of such annexation:

Section 1.

The annexation of said area to Calleguas shall be made concurrently with the annexation thereof to Metropolitan, and all necessary certificates, statements, maps, and other documents required to be filed by or on behalf of Calleguas to effectuate the annexation shall be filed on or before December 31, 2002.

Section 2.

Prior to filing a request for a Certificate of Completion of the annexation proceedings with the Ventura Local Agency Formation Commission, Calleguas shall pay to Metropolitan, in cash the sum of \$25,002.26, if the annexation is completed by December 31, 2001. If the annexation is completed during the 2002 calendar year, the annexation charge will be calculated based on the then current rate.

Section 3.

All necessary steps (including without limitation, pursuant to Article XIII D of the California Constitution) for imposition of Metropolitan water standby charges in the amount of \$9.58 per acre or per parcel of less than one acre for fiscal year 2001/02 shall be completed.

Section 4.

a. Metropolitan shall be under no obligation to provide, construct, operate, or maintain feeder pipelines, structures, connections, and other facilities required for the delivery of water to said area from works owned or operated by Metropolitan.

b. Calleguas shall not be entitled to demand that Metropolitan deliver water to Calleguas for use, directly or indirectly, within said area, except for domestic or municipal use therein.

c. The delivery of all water by Metropolitan, regardless of the nature and time of use of such water shall be subject to regulations promulgated from time to time by Metropolitan.

d. Except upon the terms and conditions specifically approved by the Board of Directors of Metropolitan, water sold and delivered by Metropolitan shall not be used in any manner which intentionally or avoidably results in the direct or indirect benefit of areas outside Metropolitan, including use of such water outside Metropolitan or use thereof within Metropolitan in substitution for other water outside Metropolitan.

F. BE IT FURTHER RESOLVED that the Executive Secretary be, and she hereby is, directed to transmit forthwith to the governing body of Calleguas 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 September 11, 2001.

---

Executive Secretary  
The Metropolitan Water District  
of Southern California

**RESOLUTION**

RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE METROPOLITAN WATER DISTRICT OF  
SOUTHERN CALIFORNIA  
FIXING AND ADOPTING WATER STANDBY CHARGE  
CONTINGENT UPON CALLEGUAS  
ANNEXATION NO. 73

WHEREAS, pursuant to Resolution 8694, adopted by the Board of Directors (the "Board") of The Metropolitan Water District of Southern California ("Metropolitan") at its meeting held May 17, 2000, the Board gave notice to the public and to each member public agency of Metropolitan of the intention of the Board to consider and take action on the Chief Executive Officer's (CEO) recommendation to impose a water standby charge for fiscal year 2001/02 on the property described in the Engineer's Report, dated March 2000 (the "Engineer's Report"), which was prepared by a registered professional engineer certified by the State of California and was attached as Attachment 1 to Resolution 8694;

WHEREAS, the owner of the parcels identified in the Engineer's Report has applied for annexation into the Calleguas Municipal Water District ("Calleguas") and Metropolitan;

WHEREAS, upon annexation, Metropolitan water will be available to such property and such parcels will receive the benefit of the projects provided in part with proceeds of Metropolitan water standby charges, as described in the Engineer's Report;

WHEREAS, Calleguas has requested that Metropolitan impose water standby charges on such property at the rate specified in the Engineer's Report and provided herein, following annexation of such property into Metropolitan;

WHEREAS, Resolution 8694 provides that the Board would meet in regular session to hold a public protest hearing at which interested parties could present their views regarding the proposed water standby charges and the Engineer's Report;

WHEREAS, pursuant to the terms of Resolution 8694 the Executive Secretary provided written notice in accordance with the requirements of Article XIII D, Section 4 of the California Constitution of the proposed water standby charge by mail to the record owner of the property identified in the Engineer's Report of such public hearing, and the notice included an assessment ballot whereby the owner could indicate his or her name, reasonable identification of his or her parcel, and his or her support for or opposition to the proposed water standby charge;

WHEREAS, the Board was scheduled to conduct in conformance with Resolution 8694 a public hearing. The hearing was held July 11, 2000, at which interested parties were given the opportunity to present their views regarding the proposed water

standby charge and the Engineer's Report and to protest the charges, if they so desired, and the Board duly considered all such protests and other views presented to it at the public hearing; and

WHEREAS, prior to the conclusion of the public hearing the Executive Secretary reviewed the assessment ballots submitted at or before the hearing, and it was found that no majority protest (as defined in Article XIII D, Section 4 of the California Constitution) exists;

NOW THEREFORE, the Board of Directors of The Metropolitan Water District of Southern California does hereby resolve, determine and order as follows:

**Section 1.** That the Board of Metropolitan, pursuant to the Engineer's Report, finds that the land described in said Engineer's Report upon annexation to Metropolitan will be benefited as described in such report and on that basis, hereby fixes and adopts a water standby charge for fiscal year 2001/02 on such lands to which Metropolitan water is made available for any purpose, whether water is actually used or not.

**Section 2.** That the water standby charge per acre of land, or per parcel of land less than an acre, as shown in the Engineer's Report, shall be \$9.58, which is equal to the amount of Metropolitan's existing water standby charge on other properties located within the territory of Calleguas.

**Section 3.** That no water standby charge on any parcel exceeds the reasonable cost of the proportional special benefit conferred on that parcel, as shown in the Engineer's Report. The Engineer's Report separates the special benefits from the general benefits and identifies each of the parcels on which a special benefit is conferred.

**Section 4.** That the water standby charge shall be collected on the tax rolls, together with the ad valorem property taxes which are levied by Metropolitan for the payment of pre-1978 voter-approved indebtedness. Any amounts so collected shall be applied as a credit against Calleguas' obligation to pay its readiness-to-serve charge for fiscal year 2001/02. After such member agency's readiness-to-serve charge allocation is fully satisfied, any additional collections shall be credited to other outstanding obligations of such member agency to Metropolitan or future readiness-to-serve obligations of such agency.

**Section 5.** That the water standby charge is fixed and adopted contingent upon completion of annexation of the land described in the Engineer's Report. If such annexation is not completed in time to permit imposition of standby charges for fiscal year 2001/02, Metropolitan may levy standby charges at the rate stated in this resolution beginning in a subsequent fiscal year.

**Section 6.** That in the event that the water standby charge, or any portion thereof, is determined to be an unauthorized or invalid fee, charge or assessment by a final judgment in any proceeding at law or in equity, which judgment is not subject to appeal, or if

the collection of the water standby charge shall be permanently enjoined and appeals of such injunction have been declined or exhausted, or if Metropolitan shall determine to rescind or revoke the water standby charge, then no further water standby charge shall be collected within the territory described in the Engineer's Report and Calleguas shall pay its readiness-to-serve charge obligation to Metropolitan in full, as if imposition of such water standby charges had never been sought.

**Section 7.** That pursuant to the provisions of the California Environmental Quality Act (CEQA), the city of Oxnard, acting as Lead Agency, certified a Final Environmental Impact Report (FEIR) and issued a Notice of Determination on July 27, 1999, for the development of the proposed annexation parcel (i.e., North Shore at Mandalay Bay), and that the Board of Directors of Metropolitan, as Responsible Agency under CEQA, has certified that it reviewed and considered the information contained in the FEIR, and has adopted the Lead Agency's findings prior to approval of fixing and adopting water standby charges for Annexation No. 73.

**Section 8.** That the CEO is hereby authorized and directed to take all necessary actions to secure the collection of the water standby charges by the appropriate county officials, including payment of the reasonable cost of collection.

**Section 9.** That the CEO and General Counsel are hereby authorized to do all things necessary and desirable to accomplish the purposes of this resolution, including, without limitation, the commencement or defense of litigation.

**Section 10.** That if any provision of this resolution or the application to any member agency, property or person whatsoever is held invalid, that invalidity shall not affect the other provisions or applications of this resolution which can be given effect without the invalid portion or application, and to that end the provisions of this resolution are severable.

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 on September 11, 2001.

---

Executive Secretary  
The Metropolitan Water District  
of Southern California