

- **Board of Directors**
Executive Committee

May 13, 2003 Board Meeting

8-7

Subject

Adopt final resolutions for annexation and to impose water standby charge for Annexation No. 79 to Calleguas Municipal Water District and Metropolitan

Description

The Calleguas Municipal Water District (Calleguas) has requested final terms and conditions for Annexation No. 79 concurrently to Calleguas and The Metropolitan Water District of Southern California (Metropolitan). On November 19, 2002, Metropolitan's Board granted conditional approval for this annexation. The total area for annexation is 51.40 acres of which 4.26 acres is for road right-of-way. The development plan consists of 200 residential units with a 14.5-acre park site. The territory is currently vacant and will be annexed into the city of Oxnard prior to development. This annexation would close an existing window in Metropolitan's service area. Prior to completion of the annexation, Calleguas will pay in full a fee of \$168,140.40, if the annexation is completed prior to December 31, 2003, or if completed later, at the then current annexation charge rate. The projected annual water demand on Metropolitan is approximately 72.65 acre-feet per year. Calleguas also requests that Metropolitan impose a water standby charge within the proposed annexing territory. See [Attachment 1](#) for the detailed report.

Policy

Territory may be annexed to Metropolitan upon terms and conditions fixed by the Board and in accordance with Chapter 1, Article 1, § 350 through § 356 of Metropolitan's Act and Division III, § 3100(b) of its Administrative Code.

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

Pursuant to the provisions of CEQA and the State CEQA Guidelines, the city of Oxnard, acting as Lead Agency, prepared and processed a Final Environmental Impact Report (Final EIR) for Tentative Subdivision Map No. 02-500-6 that included the annexation processes for both Calleguas and Metropolitan. The Final EIR was certified and the overall project was approved by the Lead Agency on February 4, 2003. Metropolitan, as Responsible Agency under CEQA, is required to certify that it has reviewed and considered the information in the certified Final EIR and adopt the Lead Agency's findings prior to approval of the formal terms and conditions for the proposed annexation and water standby charge. The environmental documentation is available in the Executive Secretary's Office for review.

The CEQA determination is: Review and consider information provided in the 2003 certified Final EIR and adopt the Lead Agency's findings related to the proposed annexation and water standby charge.

CEQA determination for Option #2:

None required

Board Options/Fiscal Impacts

Option #1

Adopt the CEQA determination and

- a. Adopt a resolution granting Calleguas' request for approval of Annexation No. 79, concurrently to Metropolitan and Calleguas, conditioned upon approval by the Ventura Local Agency Formation Commission, and establishing Metropolitan's terms and conditions for this annexation. (**Attachment 2**); and
- b. Adopt a resolution to impose water standby charge at a rate of \$9.58 per acre or per parcel of less than one acre within the proposed annexation (**Attachment 3**).

Fiscal Impact: Receipt of annexation fee (\$168,104.40) and water sales revenue from newly annexed territory.

Option #2

Decline Calleguas Annexation No. 79

Fiscal Impact: Unrealized annexation fees and water sales revenue from non-annexed territory.

Staff Recommendation

Option #1

 _____ Roy L. Wolfe Manager, Corporate Resources	4/15/2003 Date
 _____ Ronald R. Gastelum Chief Executive Officer	4/15/2003 Date

Attachment 1 – Detailed Report

Attachment 2 – Resolution Fixing Terms and Conditions

Attachment 3 – Resolution Fixing and Adopting Water Standby Charge

Detailed Report

Calleguas Annexation No. 79

The Calleguas Municipal Water District (Calleguas) board of directors has requested final terms and conditions for Annexation No. 79, concurrently to Calleguas and the Metropolitan Water District of Southern California (Metropolitan), by Resolution No. 1385, dated February 5, 2003. On November 19, 2002, Metropolitan's Board granted conditional approval for this annexation and adopted a resolution of intent to impose a water standby charge upon the annexing territory. The total area for annexation is 51.40 acres of which 4.26 acres are for road right-of-way. The development plan consists of 200 residential units with a 14.5-acre park site. The territory is currently vacant and will be annexed to the city of Oxnard. Metropolitan's Board is asked to grant final approval, conditioned upon approval by the Ventura Local Agency Formation Commission, by adopting the Resolution Fixing Terms and Conditions (Attachment 2).

The Metropolitan Board adopted a resolution of intention to impose a water standby charge within the proposed Annexation No. 79 at its meeting on November 19, 2002. Pursuant to Resolution 8828, the Board held a public hearing on January 13, 2003. Interested parties were given the opportunity to present their views regarding the proposed charge and the Engineer's Report. Also, pursuant to Resolution 8828 and in accordance with the requirements of Article XIII D, § 4, of the California Constitution, the Executive Secretary provided written notice, by mail, of such hearing to the owners of record of the parcels identified in the Revised Engineer's Report. Enclosed in the mailed notice was an assessment ballot whereby the owners could indicate either support or opposition to the proposed water standby charge. No majority protest (as defined in Article XIII D, § 4 of the California Constitution) was found to exist upon conclusion of the hearing; therefore, it will be requested that Metropolitan's Board consider and act upon the recommendation to adopt a second resolution (see Attachment 3), 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 territory of Annexation No. 79.

The annexation charge has been calculated pursuant to § 3300 of Metropolitan's Administrative Code. Utilizing the current rate of \$3,460 per net acre and the sum of \$5,000 for processing costs, the annexation charge is \$168,104.40, if completed by December 31, 2003. If the annexation is completed after December 31, 2003, the annexation will be calculated based on the then current charge. The \$5,000 processing charge has already been paid.

Approval of Metropolitan's water standby charge in the amount noted above, which is equal to the amount of Metropolitan's water standby charge imposed elsewhere within Calleguas' territory, is a condition to complete this annexation. Pursuant to the terms of the attached resolution (Attachment 3), Metropolitan may levy a standby charge at the rate stated in this resolution beginning in a subsequent fiscal year.

**CALLEGUAS MUNICIPAL WATER DISTRICT ANNEXATION
FIFTH & PATTERSON, LCC
(ANNEXATION NO. 79)**

Those portions of Lots 101, 102, 109 and 110, of the Patterson Ranch Subdivision, partially in the City of Oxnard and partially in the Unincorporated Territory, County of Ventura, State of California, said lots are shown on the map of said 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 southeasterly corner of the "Gross Area 47.14 Acres" parcel shown on the map filed in the office of said County Recorder in Book 43, Page 48 of Records of Survey, said corner also being the easterly terminus of the 7th course of Parcel No. 9 of Annexation No. 5 to the Calleguas Municipal Water District as filed with the Secretary of State on December 8, 1964; thence, along the boundary of said "Gross Area 47.14 Acres" parcel by the following three courses and along said 7th course by the following two courses:

1st - North 88°47'02" West 1330.09 feet; thence,

2nd - North 88°47'39" West 320.16 feet to the 1st course of Parcel No. 21 of Annexation No. 7 (Oxnard Second Fringe Area Annexation) to the Calleguas Municipal Water District as recorded on November 13, 1969 in the office of said County Recorder in Book 3579, Page 129 of Official Records; thence, along the boundary of said Parcel No. 21 by the following two courses:

3rd - North 01°12'01" East 1244.36 feet; thence,

4th - North 88°47'13" West 110.98 feet to the 3rd course of Parcel No. 3 of Annexation No. 21 to the Calleguas Municipal Water District as shown in the Certificate of Completion recorded on March 24, 1982 in the office of said County Recorder as Document No. 028497 of Official Records; thence, along said 3rd course,

5th - North 01°13'14" East 110.00 feet to the north line of West Fifth Street as described in the Easement Deed recorded on June 29, 1965 in the office of said County Recorder in Book 2816, Page 96 of Official Records; thence, along said north line,

6th - South 88°47'13" East 440.98 feet to the 13th course of the Annexation No. 1 to the Calleguas Municipal Water District, as described in Resolution No. 32, of the Board of Directors of said Calleguas Municipal Water District, adopted March 7, 1961; thence, along the boundary of said Annexation No. 1 by the following two courses:

7th - South 01°13'14" West 4.00 feet; thence,

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DISTRICT OF SOUTHERN CALIFORNIA
TITLE ENGINEERING TEAM

DATE: 8-15-2002 ~~3~~

- 8th - South $88^{\circ}47'03''$ East 1295.38 feet, at 600.00 feet begins the 5th course of Parcel No. 6 of said Annexation No. 5, at 1295.38 feet the westerly boundary of Parcel B of Annexation No. 35 to the Calleguas Municipal Water District as shown in the Amendment to Previously Recorded Certificate of Completion recorded on February 2, 1994 in the office of said County Recorder as Document No. 94-018919 of Official Records; thence, along said westerly boundary of said Parcel B by the following three courses:

- 9th - South $01^{\circ}12'57''$ West 106.00 feet to the beginning of a nontangent curve concaved southwesterly, having a radius of 25.00 feet, and having a radial to said beginning of said curve bearing North $01^{\circ}12'57''$ East, said beginning of said curve also being in the boundary of said "Gross Area 47.14 Acres" parcel; thence, along the boundary of said "Gross Area 47.14 Acres" parcel by the following two courses:

- 10th - Easterly, southeasterly, and southerly along said curve 39.27 feet through a central angle of $89^{\circ}59'26''$; thence,

- 11th - South $01^{\circ}12'23''$ West 1219.33 feet to the Point of Beginning.

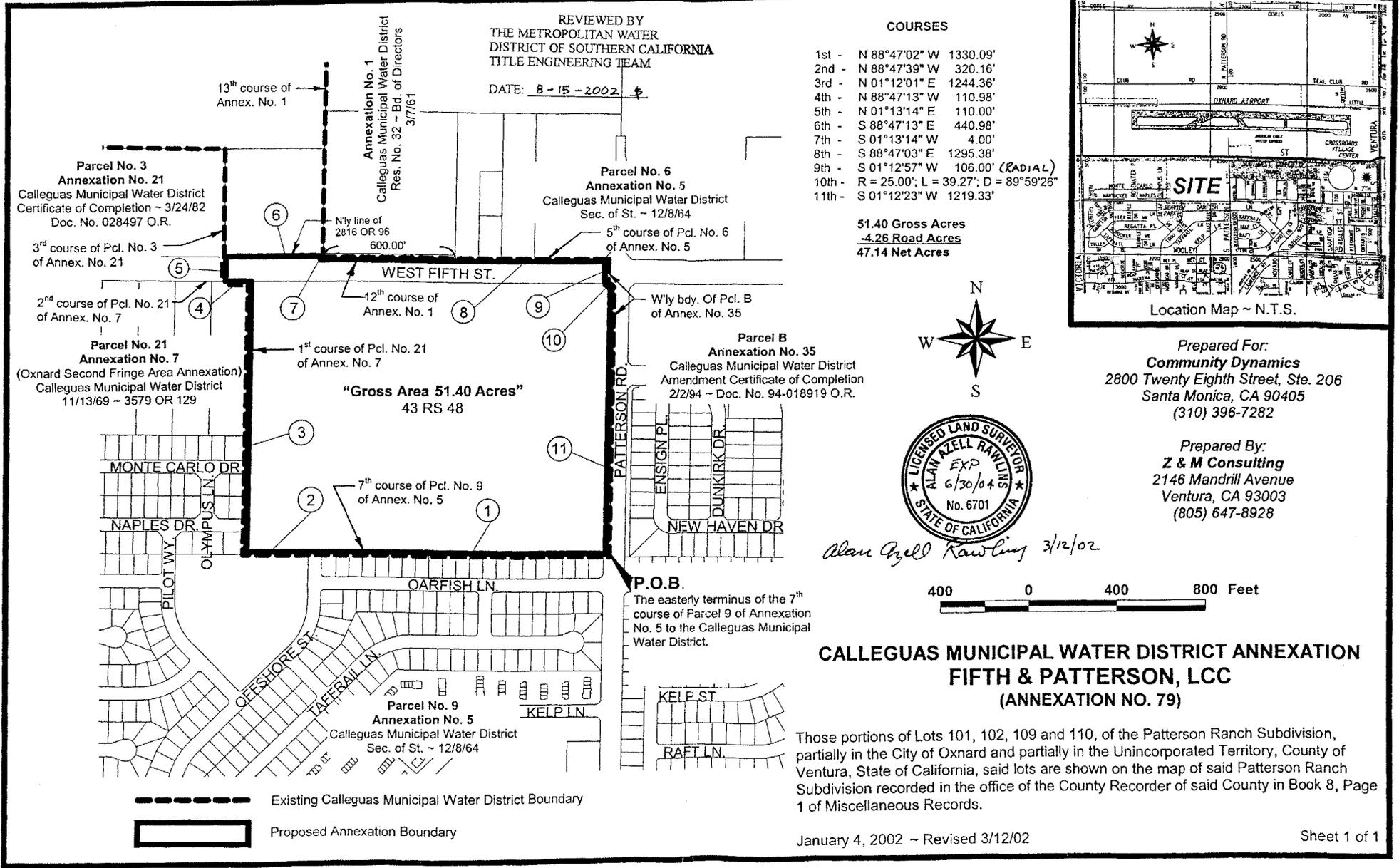
51.40 Gross Acres
-4.26 Road Acres
 47.14 Net Acres



Alan Azell Rawlins 1/6/2002

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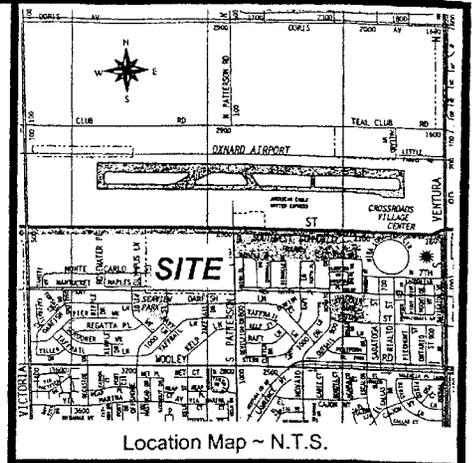


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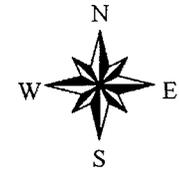
COURSES

- 1st - N 88°47'02" W 1330.09'
- 2nd - N 88°47'39" W 320.16'
- 3rd - N 01°12'01" E 1244.36'
- 4th - N 88°47'13" W 110.98'
- 5th - N 01°13'14" E 110.00'
- 6th - S 88°47'13" E 440.98'
- 7th - S 01°13'14" W 4.00'
- 8th - S 88°47'03" E 1295.38'
- 9th - S 01°12'57" W 106.00' (RADIAL)
- 10th - R = 25.00'; L = 39.27'; D = 89°59'26"
- 11th - S 01°12'23" W 1219.33'

51.40 Gross Acres
4.26 Road Acres
47.14 Net Acres



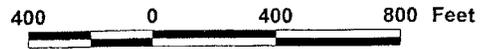
Location Map ~ N.T.S.



Alan Azell Rawlins 3/12/02

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**CALLEGUAS MUNICIPAL WATER DISTRICT ANNEXATION
FIFTH & PATTERSON, LCC
(ANNEXATION NO. 79)**

Those portions of Lots 101, 102, 109 and 110, of the Patterson Ranch Subdivision, partially in the City of Oxnard and partially in the Unincorporated Territory, County of Ventura, State of California, said lots are shown on the map of said Patterson Ranch Subdivision recorded in the office of the County Recorder of said County in Book 8, Page 1 of Miscellaneous Records.

RESOLUTION

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
CONSENTING TO CALLEGUAS MUNICIPAL WATER DISTRICT'S
ANNEXATION NO. 79
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 No. 1385, 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 application to the Ventura Local Agency Formation Commission (LAFCO), 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, completion of said annexation shall be conditioned upon approval by the LAFCO; and

C. WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA), the city of Oxnard, acting as Lead Agency, certified the Final Environmental Impact Report (Final EIR) for the Tentative Subdivision Map No. 02-500-6 and approved the Project on February 4, 2003, 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 Final EIR, and adopt the Lead Agency's findings prior to approval of the formal terms and conditions for Annexation No. 79; 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 in the Final EIR and adopted the Lead Agency's findings prior to approval of the final terms and conditions for Annexation No. 79; 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. 79, 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, 2004.

Section 2. Prior to filing a request for a Certificate of Completion of the annexation proceedings with LAFCO, Calleguas shall submit a certified copy of LAFCO's resolution approving the annexation to the member agency, and shall pay to Metropolitan in cash \$168,104.40, or, upon Calleguas request, partly in cash and partly in installment payments per Section 3, if the annexation is completed by December 31, 2003. If the annexation is completed during the 2004 calendar year, the annexation charge will be calculated based on the then current rate, in accordance with Metropolitan's Administrative Code § 3106.

Section 3. All necessary steps (including without limitation, pursuant to Article XIII D of the California Constitution) for imposition of Metropolitan water standby charge in the amount of \$9.58 per acre or per parcel of less than one acre for fiscal year 2003/04 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 the water service regulations, including rates 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 May 13, 2003.

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
MUNICIPAL WATER DISTRICT'S
ANNEXATION NO. 79**

WHEREAS, pursuant to Resolution 8828, The Metropolitan Water District of Southern California's ("Metropolitan") Resolution of Intention to Impose Water Standby Charge, adopted by the Board of Directors of Metropolitan at its meeting held January 14, 2003, 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 recommendation to impose a water charge for fiscal year 2003/04 on the property described in the Engineer's Report, dated August 2002, which was prepared by a registered professional engineer certified by the State of California and was attached to Resolution 8828;

WHEREAS, the owner of the parcel identified in the Engineer's Report has applied for annexation into the Calleguas Municipal Water District 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 8828 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 8828 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 conducted a public hearing in conformance with Resolution 8828. The hearing was held January 13, 2003, 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 any 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, 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 2003/04 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 2003/04. 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 2003/04, 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 (Final EIR) and approved the Project on February 4, 2003, for the development of the proposed annexation parcel (i.e., Tentative Subdivision Map No. 02-500-6), 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 Final EIR, and has adopted the Lead Agency's findings prior to approval of fixing and adopting water standby charges for Annexation No. 79.

Section 8. That the CEO is hereby authorized and directed to take all necessary action 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 May 13, 2003.

Executive Secretary
The Metropolitan Water District
of Southern California