

Resolution Number 2010-03

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF
MENDOCINO COUNTY MAKING DETERMINATIONS APPROVING THE
ANNEXATION OF THE BELOW DESCRIBED TERRITORIES TO THE
COVELO COMMUNITY SERVICES DISTRICT
October 4, 2010**

WHEREAS, the proposed annexations to Covelo Community Services District (CCSD) of the territory as described in Exhibit "A" and depicted in Exhibit "B", short titled **Covelo CSD Reorganization-2010** was heretofore filed with and accepted for filing by the Executive Officer of this Local Agency Formation Commission pursuant to Title 5, Division 3, commencing with Section 56000 et seq. of the Government Code; and

WHEREAS, the Executive Officer pursuant to Government Code Section 56663 set October 4, 2010 as the hearing date for this proposal; and

WHEREAS, the Executive Officer pursuant to Government Code Section 56665 and 56668 has reviewed this proposal and prepared a report including his recommendation thereon, and has furnished a copy of this report to each person entitled to a copy; and

WHEREAS, the Commission on October 4, 2010 considered the proposal and report of the Executive Officer and considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to the factors specified in Government Code Section 56668; and

WHEREAS, the Commission heard and received all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this proposal and the report of the Executive Officer; and

WHEREAS, information satisfactory to the Commission has been presented that all the owners of the land within the proposed annexation territory were provided notice of the annexation; and

WHEREAS, the Commission has fulfilled its obligations as a Lead Agency as defined by the California Environmental Quality Act and has reviewed and considered the Negative Declaration and Initial Study prepared by the Executive Officer and pursuant to the State CEQA Guidelines certifies that there are no changes or alterations in the project that can be made upon LAFCO approval to mitigate any impacts identified in the environmental review that are in the jurisdiction of LAFCO; and

WHEREAS, the annexation territory has been determined to be uninhabited pursuant to Government Code Section 56046, and

WHEREAS, the annexing agency have given their written consent for this annexation; and;

WHEREAS, the boundaries of the annexation territories as described in Exhibit "A" and depicted on a map described as Exhibit "B" attached hereto and by reference incorporated herein, were reviewed by the County Surveyor for the Commission and are found to be definite and certain; and

WHEREAS, the proposed annexation territory is in the existing Sphere of Influence of the CCSD; and

Whereas, the boundary of the annexation territory is contiguous to the boundaries of the CCSD;

NOW THEREFORE, the Local Agency Formation Commission of Mendocino County based on the findings, discussions and conclusions set forth in the Executive Officer's report which is incorporated herein by this reference and information received at the hearing for this item on October 4, 2010 **DOES HEREBY RESOLVE, DETERMINE, CONDITION and ORDER** as follows:

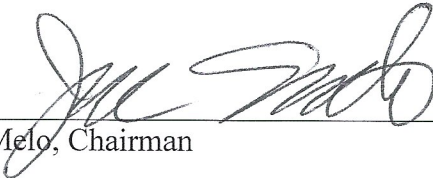
1. Pursuant to the State CEQA Guidelines, the Commission has considered the Negative Declaration prepared by the LAFCO as the Lead Agency and certifies that there are no changes or alterations in the project that can be made upon LAFCO approval to mitigate any impacts identified in the environmental review that are in the jurisdiction of LAFCO.
2. The proposal as described by the boundaries noted in Exhibit "A" and depicted on Exhibit "B" attached hereto and by reference incorporated herein, is approved.
3. The applicant has provided a final map on Mylar for signing by the Chair of LAFCO.
4. The territory which includes 52.06 acres is found to be uninhabited and is assigned the following distinctive short form designation:
Covelo CSD Reorganization --2010
5. The end date for the reconsideration period as required in Government Code Section 56895 subdivision (b) and Section 57002 is determined to be November 4, 2010 and after this date no reconsideration can be filed.
6. Upon annexation to CCSD, the territory shall be subject to all fees, assessments, rules and requirements of the District now and in the future.
7. The applicant agrees to defend, hold harmless and indemnify LAFCO according to the requirements of the signed Indemnity Agreement attached hereto and by reference incorporated herein.
8. The Executive Officer is hereby authorized to not notice and conduct a protest hearing according to the requirements of 57000 et sequens.
9. The Executive Officer is hereby authorized to prepare and record a Certificate of Completion and make filings as provided in Government Code Sections 57203 and 57204. The effective date of the annexation shall be the date of recordation of the Certificate of Completion.

10. The Executive Officer is authorized and directed to mail certified copies of this resolution to the applicant agency as provided by Government Code Section 56882.

On a motion of Commissioner Kisslinger, duly seconded by Commissioner Shoemaker this Resolution was passed and adopted by the following roll call vote, to wit:

Ayes: Kisslinger, Shoemaker, Rodin, McCowen, and Chair Melo
Nays: None
Abstains: None
Absent: Colfax and McFadden

Dated: October 4, 2010



Jere Melo, Chairman

Attest:

I, Frank McMichael, Executive Officer of the Local Agency Formation Commission of Mendocino County, hereby certify that the above and foregoing resolution was duly and regularly adopted by said Commission at regular meeting thereof, held on the 4th day of October, 2010.

In witness whereof, I have hereunto set my hand on this 4th day of October, 2010:



Frank McMichael, Executive Officer