

Resolution No. L96-3

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF MENDOCINO MAKING DETERMINATIONS AND CONDITIONALLY APPROVING THE MOERMAN ANNEXATION TO THE POTTER VALLEY IRRIGATION DISTRICT, FILE #96-2, AND ACCEPTANCE OF A NEGATIVE DECLARATION AS ADOPTED BY THE DISTRICT

WHEREAS, a proposal for the annexation of certain territory referred to as "Moerman" to the Potter Valley Irrigation District in the County of Mendocino has been filed by District Resolution #96-3 with the Executive Officer of this Commission pursuant to Title 5, Division 3, commencing with Section 56000 of the Government Code; and

WHEREAS, the proposal for annexation of 110+/- acres AP# 175-320-03 and 175-340-02 for the purpose of receiving irrigation water is assigned the distinctive short form designation as gentle, rolling rangeland east of East Road at 11500 Burris Lane of Potter Valley; and

WHEREAS, 100% landowner consent has been given and certified by the District, as one property owner involved and property is found to be uninhabited; and

WHEREAS, the Potter Valley Irrigation District adopted a Negative Declaration for the "Moerman" annexation which the Notice of Determination was recorded on March 25, 1996; and

WHEREAS, the Executive Officer has reviewed the proposal and prepared a report, including her recommendations thereon; and

WHEREAS, in accordance with Government Code Section 56837, the Commission heard the Executive Officer report and recommendations without notice and public hearing.

NOW, THEREFORE, the Local Agency Formation Commission of the County of Mendocino DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

The proposal being identified in the files of the Mendocino County Local Agency Formation Commission as File No. 96-2 Annexation of Moerman into the Potter Valley Irrigation District and the same is hereby approved subject to the following conditions and terms:

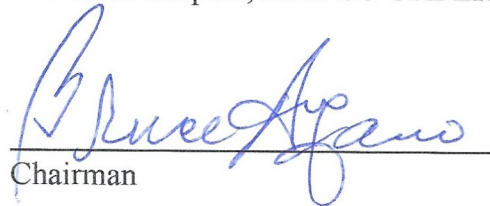
1. The recommendations identified in the Staff report dated April 26, 1996 are hereby approved and ordered for compliance by each affected party and are attached hereto as Exhibit C, and by reference incorporated herein.

2. The map and legal description once corrected to satisfactorily meet condition #5 of Staff's Recommendation Exhibit C, are hereby approved and are described in Exhibits A (legal) and B (map) attached hereto and by this reference incorporated herein.
3. District Resolution #96-3 dated March 20, 1996 and April 9, 1996 Amendment are hereby described in Exhibit D attached hereto and by reference incorporated herein.
4. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution as provided in Section 56853 of Government Code.

ADOPTION of this Resolution was moved by Commissioner McMichael seconded by Commissioner Pinches, and carried on this 6th day of May 1996 by the following roll call vote:

AYES: Commissioners Wattenburger, Pinches, McMichael, Clark and Alfano
NOES: None
ABSENT: None
ABSTAIN: None

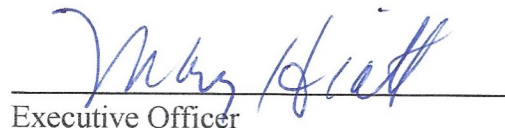
WHEREUPON, the Chairman declared the Resolution adopted, AND SO ORDERED.


Chairman

ATTEST:

Executive Officer
STATE OF CALIFORNIA, County of Mendocino

By Mary Hiatt, Executive Officer, Local Agency Formation Commission in and for the County of Mendocino, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Local Agency Formation Commission as the same appears spread upon their minute book.


Executive Officer

Lab Co No # L 96-3
EXHIBIT "A"

ok 4/17/96
Ph
Summer
Milk 7/3/96

Boundary Description of the Potter Valley Irrigation District

Beginning at the east quarter corner of Section 1, Township 17 North, Range 12 West, M.D.M.; thence West along the north line of the southeast quarter 1320 feet to the northwest corner of the northeast quarter of the southeast quarter; thence South along the west line of the said northeast quarter of the southeast quarter, 660 feet; thence West, 1320 feet; thence South, 1320 feet; thence West, 600 feet; thence South, 660 feet, more or less to the south line of the said Section 1; thence West, along the south line of said Section 1, 660 feet; thence leaving the said south line, South, 660 feet; thence West, 660 feet; thence North, 660 feet more or less to the south line of the said Section 1; thence West along the south line of Section 1, 660 feet more or less to the southwest corner of the said Section 1; thence leaving the southwest corner of the said Section 1, South along the westerly line of Section 12, 3960 feet more or less to the South one sixteenth corner to Sections 11 and 12; thence East along the south line of the northwest quarter of the southwest quarter, 1320 feet more or less to the southeast corner thereof; thence North along the east line of the northwest quarter of the southwest quarter, 660 feet; thence leaving the said east line of the northwest quarter of the southwest quarter, East, 660 feet; thence South, 660 feet to the south line of the northeast quarter of the southwest quarter; thence East along the said south line of the northeast quarter of the southwest quarter, 660 feet to the southeast corner thereof; thence South along the east line of the southeast quarter of the southwest quarter, 400 feet more or less to the centerline of Gibson Lane (C.R. #246); thence southeasterly along the centerline of the said road, 1000 feet more or less to the south line of the said Section 12; thence West, along the south line of the said Section 12, 400 feet more or less to the South one quarter corner of the said Section 12; thence leaving the said south line of Section 12, South along the west line of the northwest quarter of the northeast quarter of Section 13, 1320 feet more or less to the southwest corner of the northwest quarter of the northeast quarter; thence East along the south line of the northwest quarter of the northeast quarter, 1320 feet more or less to the southeast corner of the northwest quarter of the northeast quarter; thence South along the East line of the southwest quarter of the northeast quarter, 1320 feet more or less to the southeast corner of the southwest quarter of the northeast quarter; thence West along the south line of the southwest quarter of the northeast quarter, 1320 feet more or less to the center of Section 13; thence leaving the center of the said Section 13, South along the west line of the northwest quarter of the southeast quarter, 660 feet; thence East, 1320 feet more or less to a point on the West line of the northeast quarter of the Southeast quarter; thence South along the west line of the northeast quarter of the Southeast quarter, 660 feet more or less to the southwest corner of the northeast quarter of the southeast quarter; thence East along the south line of the northeast quarter of the southeast quarter, 1320 feet more or less to the southeast corner of the northeast quarter of the southeast quarter; thence south along the line between Sections 13 and 24, Township 17 North, Range 12 West, and Sections 18 and 19, Township 17 North, Range 11 West, M.D.M., 5280 feet more or less to the southwest corner of the northwest quarter of the southwest quarter of Section 19, Township 17 North, Range 11 West,

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feet more or less to the southeast corner thereof; thence North along the east line of the said southeast quarter of the southwest quarter, 1320 feet more or less to the northeast corner thereof; thence West along the north line of the south half of the southwest quarter of said Section 34, 2640 feet more or less to the west line of the said Section 34; thence North along the said west line of said Section 34, 1320 feet more or less to the quarter corner to Sections 33 and 34, Township 17 North, Range 11 West, M.D.M.; thence leaving the west line of the said Section 34, West along the south line of the southeast quarter of the northeast quarter of Section 33, 1100 feet more or less; thence leaving the south line of the southeast quarter of the northeast quarter of the said Section 33, North, 1320 feet more or less; thence West, 100 feet more or less; thence North, 1320 feet more or less to the north line of the said Section 33; thence East along the north line of the said Section 33, 1200 feet more or less to the northeast corner of the said Section 33; thence North along the east line of Section 28, 950 feet more or less; thence leaving the east line of said Section 28, West, 1000 feet more or less; thence North, 1700 feet more or less to the north line of the south half of the said Section 28; thence West along the said north line of the south half of the said Section 28, 3000 feet more or less; thence leaving said north line, North, 600 feet more or less; thence West, 850 feet more or less; thence North, 700 feet more or less; thence East, 50 feet more or less; thence South, 606.87 feet more or less; thence East, 255.12 feet more or less; thence northeasterly upstream along a creek, 1020 feet more or less to the south line of the north half of the north half of the said Section 28; thence East along the said south line of the north half of the north half of Section 28, 2500 feet more or less to the southeast corner of the northwest quarter of the northeast quarter of the said Section 28; thence North along the east line of the said northwest quarter of the northeast quarter, 1320 feet more or less to the north line of the said Section 28; thence West along the north line of the said Section 28, 660 feet more or less; thence leaving the north line of Section 28, North 1320 feet more or less to the south line of the north half of the south half of Section 21, Township 17 North, Range 11 West, M.D.M.; thence West along the said south line of the north half of the south half of Section 21, 660 feet more or less to the southeast corner of the northeast quarter of the southwest quarter of the said Section 21; thence North along the east line of the said northeast quarter of the southwest quarter to the northeast corner thereof; thence West along the north line of the southwest quarter of the said Section 21, 2640 feet more or less to the west line of the said Section 21; thence North along the west line of Section 21, 2640 feet more or less to the northwest corner of said Section 21; thence North along the east line of Section 17, 2640 feet more or less to the southeast corner of the southeast quarter of the northeast quarter of the said Section 17; thence West along the south line of the said southeast quarter of the northeast quarter, 1320 feet to the southwest corner thereof; thence North along the west line of the east half of the northeast quarter, 2640 feet more or less to the north line of the said Section 17; thence West along the north line of the said Section 17, 660 feet more or less; thence leaving said Section 17, North 1700 feet more or less; thence West, 400 feet more or less; thence North, 900 feet more or less; thence West, 300 feet more or less to the center of Section 8, Township 17 North, Range 11 West, M.D.M.; thence North along the east line of the northwest quarter of said Section 8, 2640 feet more or less to the north line of the said Section 8; thence West along the north line of said Section 8, 800 feet more or less; thence leaving the north line of said Section 8, North 1400 feet more or less; thence West, 600 feet

more or less; thence North, 1200 feet more or less to the southeast corner of the southwest quarter of the northwest quarter of Section 5, Township 17 North, Range 11 West, M.D.M.; thence West along the south line of the southwest quarter of the northwest quarter, 1320 feet more or less to the west line of the said Section 5; thence leaving the west line of the said Section 5, West along the south line of the northeast quarter of Section 6, 2100 feet more or less; thence North, 850 feet more or less; thence West, 3200 feet more or less to the west line of the said Section 6, Township 17 North, Range 11 West, M.D.M.; thence South along the said west line of the said Section 6, 850 feet more or less to the point of beginning.

EXCEPTING THEREFROM THE FOLLOWING:

1) Beginning at the northeast corner of the southeast quarter of the southeast quarter of Section 7, Township 17 North, Range 11 West, M.D.M.; thence West, 1000 feet; thence South, 1320 feet; thence East, 340 feet; thence South, 685.5 feet; thence West, 660 feet; thence South, 1060 feet; thence East, 660 feet; thence South, 892 feet; thence East, 1877.50 feet to the center of the Russian River; thence Northwesterly up the center of the Russian River to the south line of the northwest quarter of the northwest quarter of Section 17; thence West, 700 feet to the southwest corner of the northwest quarter of the northwest quarter of Section 17; thence North, 2640 feet to the point of beginning.

2) Potter Valley Acres Subdivision, Tract 107 as shown on a map filed in Map Case 2, Drawer 9, Page 30, M.C.R.

3) Potter Valley Cemetery as shown on a map filed in Map Case 2, Drawer 14, Page 82, M.C.R.

4) Beginning at a point North 88°35' West, 132.50 feet from the quarter section corner between Section 17 and 20, Township 17 North, Range 11 West, M.D.M.; thence from such point of beginning South 01°25' West, 388 feet; thence North 88°35' West, 620 feet to the channel of Potter Valley Creek; thence up the center and following the meandering of said creek to a point North 88°35' West, 790 feet from the point of beginning; thence South 88°35' East, 790 feet to the point of beginning, containing 6 acres, more or less.

5) A portion of the northeast quarter of the northwest quarter of Section 20, Township 17 North, Range 11 West, M.D.M., described as follows:

Beginning at a point in the south line of Main Street in the town of Centerville, also known as the town of Potter Valley, which point is westerly 200 feet from the intersection of said south line of Main Street and the center of the channel of the Russian River and from which point of beginning the Northeast corner of the lot of J. R. and Clara E. Adams bears westerly 157 feet distant; thence South 1°30' East, 675 feet; thence North 88°30' East, 262 feet to the centerline of the channel of the Russian River; thence along the center of the channel of the Russian River to its intersection with the south line of Main Street; thence westerly along the

south line of Main Street, 200 feet to the point of beginning, containing 4.675 acres more or less.

6) Beginning at a point North 88°35' West, 310.00 feet from the quarter section corner between Section 17 and 20, Township 17 North, Range 11 West, M.D.M.; thence from such point of beginning South 01°25' West, 264.00 feet; thence North 88°35' West, 442.50 feet to the channel of Potter Valley Creek; thence up to the center and following the meandering of said creek to a point North 88°35' West, 612.50 feet from the point of beginning; thence South 88°35' East, 612.50 feet to the point of beginning, containing 3.22 acres more or less.

7) Beginning at a point North 88°35' West, 132.50 feet from the one quarter section corner between Section 17 and 20, Township 17 North, Range 11 West, M.D.M.; thence South 01°25' West, 388 feet; thence South 88°35' East, 250 feet; thence North 01°25' East, 388 feet; thence North 88°35' West, 250 feet to the point of beginning and containing 2.227 acres, more or less.

8) Beginning at the southeast corner of that certain Parcel of land described in the deed from Potter Valley Union Elementary School District to Ukiah Union High School District and recorded in Liber 343 of Official Records, Page 686, Mendocino County Records; thence on the southerly projection of the easterly line of said Parcel, South 01°25' West, 124 feet; thence westerly and parallel with the southerly line of said Parcel, 440 feet more or less, to the center of the channel of Potter Valley Creek; thence northerly along the channel of said creek to the southwest corner of above-mentioned parcel; thence easterly along the southerly line of said parcel, 440 feet more or less to the point of beginning.

9) Commencing at an iron pin in the Northeast corner of that certain tract of real property conveyed to the Potter Valley High School, Ukiah Unified School District, by deed recorded on November 4, 1954 in Book 383 of Official Records, Page 193, Mendocino County Records, the said iron pin being in the center of the existing County Road; thence South 0°11'10" East, 30 feet; thence North 88°37'20" East, 74.49 feet to a 3/4 inch iron pipe in the south line of the said County Road, the POINT OF BEGINNING of the herein described real property; thence leaving the said south line, along a curve to the left, from a tangent that bears South 88°37'20" West, with a radius of 25 feet, through an angle of 88°48'30", a distance of 38.75 feet to a 3/4 inch iron pipe; thence South 0°11'10" East, 294.09 feet to a 3/4 inch iron pipe; thence North 88°37'20" East, 143.58 feet to a 3/4 inch iron pipe; thence North 01°22'40" West, 318.50 feet to a 3/4 inch iron pipe in the said south line of the County Road; thence South 88°37'20" West, along the said south line, 112.51 feet to the point of beginning and containing 1.017 acres more or less.

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10) Parcels 1, 2, and 3 as shown on a Parcel Map of Minor Division #174-72 in Map Case 2, Drawer 19, Page 45, Mendocino County Records.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

George C. Rau
George C. Rau RCE 21908
My License Expires 9-30-97

June 17, 1996
Date



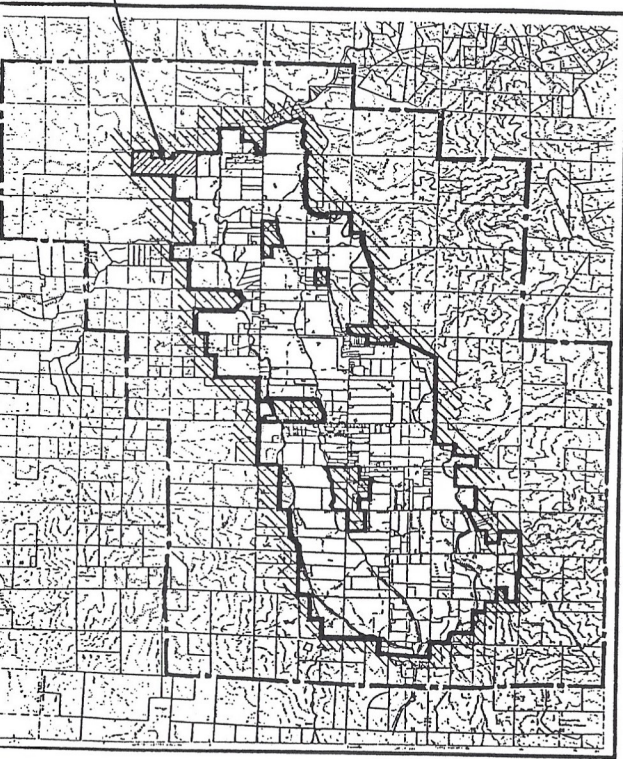
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BEING A PORTION OF SECTIONS 33 & 34
TOWNSHIP 17 NORTH, RANGE 11 WEST,
COUNTY OF MENDOCINO
STATE OF CALIFORNIA
OF THE
MOERMAN PROPERTY ANNEXATION
TO THE POTTER VALLEY
IRRIGATION DISTRICT

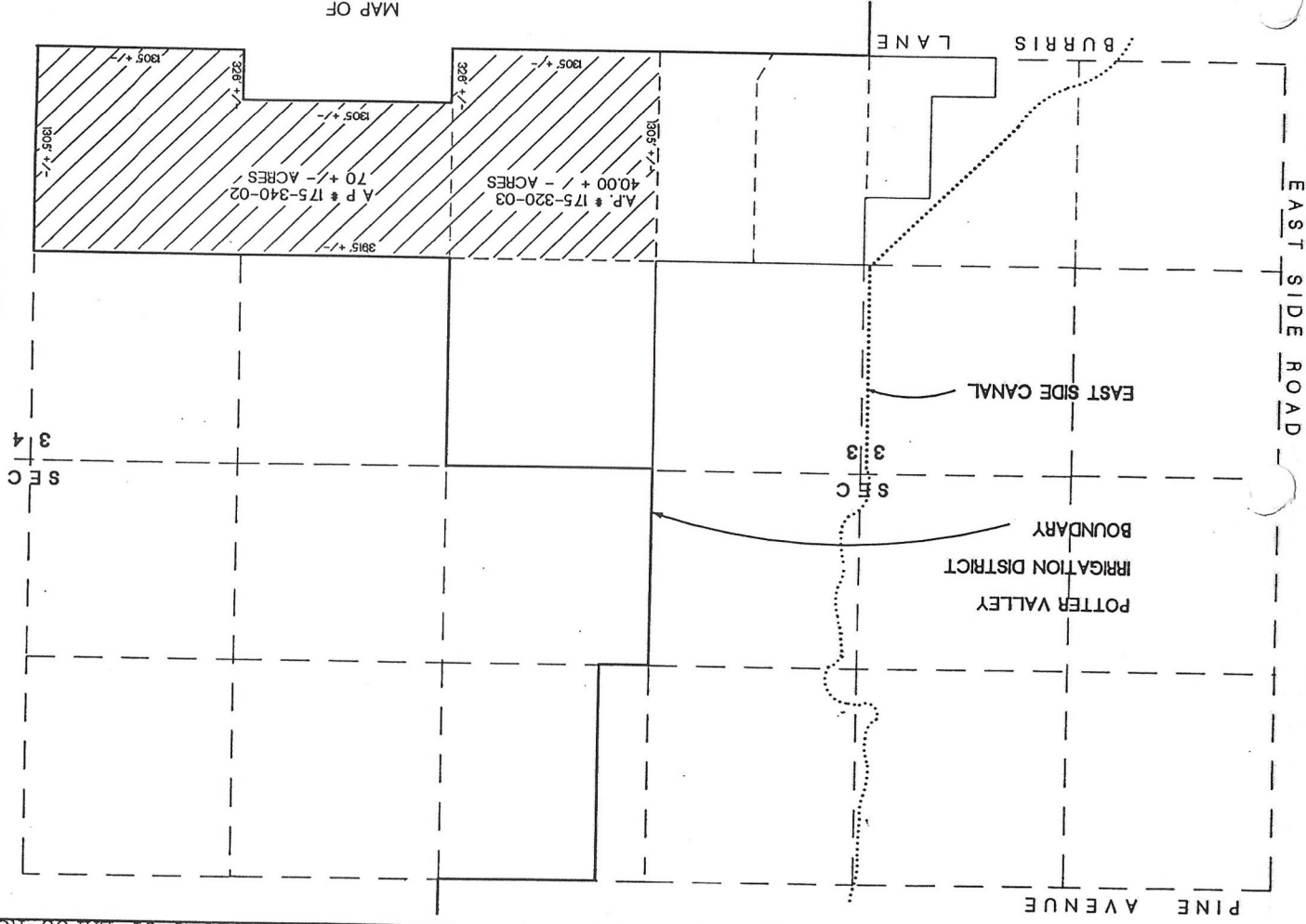
LAFCO MAP
FILE NO. 96-2
EXHIBIT B
MAP PREPARED BY
SAM TODD RA C13871
MARCH 15, 1996

POTTER VALLEY
VICINITY MAP
LEGEND
SPHERE OF INFLUENCE
DISTRICT BOUNDARY
MOERMAN ANNEXATION



CERTIFICATE OF COMPLETION
RECORDED IN BOOK _____ OF OFFICIAL RECORDS, PAGE _____
MENDOCINO COUNTY RECORDS ON _____ 1996

MAP OF
MOERMAN ANNEXATION
TO THE
POTTER VALLEY IRRIGATION DISTRICT
SCALE - 1"=500'



ACCEPTANCE CERTIFICATE
1. *Bruce Alfaro*
CHAIRMAN OF THE LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF MENDOCINO, STATE OF CALIFORNIA,
HEREBY CERTIFY THAT SAID LOCAL AGENCY FORMATION
COMMISSION BY RESOLUTION # 7-96-3, ON THE _____ DAY OF
_____, 1996, APPROVED THE WITHIN MAP
Bruce Alfaro
CHAIRMAN, LOCAL AGENCY FORMATION COMMISSION

AUTHORIZATION CERTIFICATE
Michael Block
CHAIRMAN OF THE BOARD OF DIRECTORS OF THE
POTTER VALLEY IRRIGATION DISTRICT HEREBY CERTIFY
THAT SAID BOARD OF DIRECTORS DID BY RESOLUTION DATED
1/15/96, APPROVE THE WITHIN MAP
Michael Block
CHAIRMAN, POTTER VALLEY IRRIGATION DISTRICT
BOARD OF DIRECTORS

**Moerman Annexation
Page 2
April 26, 1996**

3. In cleaning up the Matthew/Miller annexation, the District in their accepting Resolution imposed conditions on the applicant. Once LAFCO has approved a proposal no conditions can be added. The conditions were really internal policies of the District other than one, which was clarified as part of the recording process. I alerted the District Manager to not do this "conditioning" after the fact, and he submitted a request for conditions on April 9, 1996, which will become another condition of this proposal's approval.

RECOMMENDATIONS:

1. Ratify the action of the Executive Officer in holding this unpublished hearing.
2. Accept the Negative Declaration as adopted by the District.
3. Approve the Moerman Annexation into the Potter Valley Irrigation District, File No. 96-2 for the purpose of receiving irrigation water, with the conditions as set forth in District Resolution No. 96-3 dated March 20, 1996 as well as the conditions outlined in the April 9, 1996 letter from the District.
4. Appoint the Potter Valley Irrigation District as the Conducting Authority to proceed without public hearing in accordance with Government Code Section 56837.
5. Prior to action by the Conducting Authority, the map will be corrected to reflect the latest District Boundary (ie: Mathews/Miller territory File No. 94-5 and Moerman territory File No. 96-2) with a legal description to be prepared to reflect the entire "new" District Boundary.
6. Formalize these findings by LAFCO Resolution with the legal as Exhibit A and map as Exhibit B incorporating condition #5 above.
7. District is to replace legal descriptions of the District Boundary and District maps with those identified as a condition in #5 above, and these recommendations as Exhibit C.
8. State Board of Equalization filing is exempt as this is a non-county assessment district.

RECEIVED MAR 25 1996

CERTIFIED COPY
Original Located in
PVID Office - 10170 Main Street
Potter Valley, CA 95469
Steve Elliott 3/25/96

POTTER VALLEY IRRIGATION DISTRICT

RESOLUTION NO. 96-3

A RESOLUTION OF APPLICATION

BY THE POTTER VALLEY IRRIGATION DISTRICT REQUESTING
THE LOCAL AGENCY FORMATION COMMISSION
TO TAKE PROCEEDINGS FOR THE
MOERMAN RANCH ANNEXATION
INTO POTTER VALLEY IRRIGATION DISTRICT

RESOLVED, by the Board of Directors of the Potter Valley
Irrigation District that

WHEREAS, the Potter Valley Irrigation District desires to
initiate proceedings pursuant to the Cortese-Knox Local
Government Reorganization Act of 1985, commencing with Section
56000 of the California Government Code, for the annexation; and

WHEREAS, notice of intent to adopt this Resolution of Application
has been given to each interested and each subject agency; and

WHEREAS, the reasons for the proposed annexation are as follows:

1. To allow the annexing land owners whose lands are presently
outside of Potter Valley Irrigation District to procure the
necessary easements or rights of way to access Potter Valley
Irrigation District water.
2. The annexing land owners shall do and perform at their own
expense all work and acts necessary in order that the lands
described in Exhibit A hereto attached may be irrigated.
3. The District's last responsible point of water delivery will
always be at the end of the District owned water delivery
facility, easement or right of way as recorded or previously
accepted by the District.
4. Points of delivery from District facilities being examined
are as follows:
 - a. At Gate #83.
5. Pump facility must be capable of drafting 5 cubic feet per
second (5 CFS).

WHEREAS, this proposal is consistent with the Sphere of Influence
of the affected District; See Exhibit D;

WHEREAS, the District can serve the area as is demonstrated in
the Plan For Service attached as Exhibit C; and

WHEREAS, the District has considered the proposal and conducted
the necessary environmental review in accordance to CEQA of 1976,
which finding is proposed to be a negative declaration;

WHEREAS, the application is determined by the District as a 100% land owner consent with certification attached as Exhibit E;

WHEREAS, the District as part of this proposal, intends to apply a Benefit of Assessment to all parcels, located within the proposed territory identified as Exhibit C. "B"

for memo OK 5/16/96

NOW, THEREFORE, this Resolution of Application is hereby adopted and approved by the Board of Directors of the Potter Valley Irrigation District, and the Local Agency Formation Commission of Mendocino County is hereby requested to take proceedings for the MOERMAN RANCH annexation of territory as described in Exhibits A and B, in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985.

I, the undersigned certify the above and foregoing is a correct copy of Resolution No. 96-3 adopted at the regular meeting of the Board of Directors of the Potter Valley Irrigation District held the 20th day of March, 1996 at which the following directors were present and approved Resolution No. 96-3 as follows:

- Bob Hess - Aye
- E J McFadden - Absent
- Hank Oberfeld - Aye
- Janet Pauli - Aye
- Ken Stroh - Aye

Patricia H Brown
PATRICIA H. BROWN, Secretary

POTTER VALLEY IRRIGATION DISTRICT

P.O. BOX 186

POTTER VALLEY, CA 95469

DATE: 4-9-96

To the Local Agency Formation Commission:

Please add the following conditions to the resolution of application - No. 96-3 for the Moerman Ranch Annexation.

1. That the lands already within Potter Valley Irrigation District shall have priority of right to water at all times and under all conditions based on water availability.
2. Owners shall do and perform at their own costs all necessary acts in order that the lands described in Exhibit "A" may be irrigated;
3. That the owners pay to the District the sum of \$1100.00 the annexation fee to be collected at the time of the final resolution of annexation.
4. That the lands herein described continue to be used for agricultural purposes without division into smaller parcels without prior provision for easement for water delivery to parcels being split out.
5. That should a breach be made of any of the foregoing conditions, the District may, at its option, terminate the services of water to such lands and exclude the said lands from the District by following the legal process of detachment through LAFCO.

Potter Valley Irrigation District

By: Steve Elliott

Steve Elliott, Supt.

PVID