



Local Agency Formation Commission
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MEMO

DATE: March 26, 2009

TO: LAFCO Commissioners

FROM: Bill Nicholson, Executive Officer *BN*

RE: Completion of Proceedings for the Merced County Mosquito Abatement District Annexation to the County of Merced (LAFCO File No. 0643)
Agenda Item VI. A. Consent Calendar

Attached is a copy of Resolution No. 0643A which would complete the proceedings for the Merced County Mosquito Abatement District Annexation to the County of Merced. Since there was not full consent by landowners on the petition for annexation, the Commission's approval of this application was subject to a protest hearing. This protest hearing was conducted on February 26, 2009, and no written protests were filed by land owners.

The Commission can adopt the attached resolution which will complete proceedings for this annexation.

Enclosure

RESOLUTION NO. 0643A
LOCAL AGENCY FORMATION COMMISSION OF MERCED
MAKING DETERMINATION AND ORDERS AND APPROVING THE
ANNEXATION INVOLVING THE MERCED COUNTY MOSQUITO
ABATEMENT DISTRICT

WHEREAS, a proposal for annexing 6.52 square miles to the Merced County Mosquito Abatement District (MCMAD) was heretofore filed with the Executive Officer of the Local Agency Formation Commission and said Executive Officer has examined said proposal and determined its sufficiency; and,

WHEREAS, said Executive Officer has reviewed said proposal and prepared a report, including his recommendations thereof, and said report, having been presented to and, considered by the Commission; and

WHEREAS, the public hearing by this Commission was held on said proposal and, at such hearing, this Commission heard and received all oral and written evidence, and all persons present were given an opportunity to hear and be heard in respect to any matter relating to said proposal.

WHEREAS, MCMAD by Resolution has requested the annexation set forth in the proposal to transfer mosquito abatement services from the Fresno Westside Abatement District in order to serve the 256 parcels within the 6.52 square mile area recently annexed to Merced County. MCMAD requested that proceedings be taken for a change of district organization pursuant to the Cortese/Knox/Hertzberg Act.

WHEREAS, the Executive Officer of the Commission conducted a duly noticed protest hearing on February 26, 2009.

NOW, THEREFORE, the Local Agency Formation Commission of Merced County, having considered the record of proceedings and the foregoing determinations, hereby adopts the following determinations:

1. That pursuant to Section 56048 of the Cortese/Knox/Hertzberg Act, all landowners within the annexation area were notified in writing regarding the protest hearing and the annexation territory is considered to be inhabited.
2. That no landowners within the annexation territory filed written protests to the annexation.
3. That based on these facts, there is not sufficient protest to cause an election.

NOW THEREFORE, BASED ON THE FOREGOING FINDINGS AND DETERMINATIONS, THE COMMISSION MAKES THE FOLLOWING ORDERS:

SECTION 1. That the 6.52 square mile territory be annexed to the Merced County Mosquito Abatement District without an election.

SECTION 2. The boundaries of the territory annexed area all that real property in the County of Merced, State of California, described in Exhibit "A" attached hereto and incorporated by reference herein.

SECTION 3. The regular County assessment roll will be utilized for collecting service fees.

SECTION 4. This resolution shall take effect upon its adoption

I, WILLIAM NICHOLSON, Executive Officer of the Local Agency Formation Commission of Merced, California, do hereby certify that the foregoing resolution was duly and regularly adopted by said Commission at a regular meeting thereof held upon the 26th day of March, 2009, by the following vote:

AYES:

NOES:

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of March 2009.

WILLIAM NICHOLSON, EXECUTIVE OFFICER,
LOCAL AGENCY FORMATION COMMISSION OF
MERCED, CALIFORNIA

By: _____
William Nicholson, Executive Officer

APPROVED AS TO FORM:
LEGAL COUNSEL
LOCAL AGENCY FORMATION COMMISSION
OF MERCED, CALIFORNIA

By: _____
LAFCO Counsel