



Local Agency Formation Commission
2222 M Street
Merced, CA 95340
Phone (209) 385-7671 / Fax (209) 726-1710
www.lafcomerced.org

MEMORANDUM

DATE: July 15, 2021 (Agenda)
TO: LAFCO Commissioners
FROM: Tiffany Ho, LAFCO Planner
RE: Completion of Proceedings for the Letteau Avenue Annexation to the Delhi County Water District (LAFCO File No. 0690)
(Agenda Item IV.B)

Attached is a copy of Resolution No. 0690A, which would complete the proceedings for the Letteau Avenue Annexation to the Delhi County Water District. The Commission's approval was subject to a protest hearing because consent of all the landowners was not received on a petition. The protest hearing was conducted on June 14, 2021, where no additional written protests were filed by the landowners. One landowner protest was received by mail prior to the protest hearing.

In accordance with Section 57075(a)(3) of the Cortese-Knox-Hertzberg Local Government Reorganization Act, the value of written landowner protest received (\$142,049) did not exceed 25% of the value of the lands within the annexation boundary (\$6,979,562). Therefore, the Commission is authorized to order the change of organization (annexation) without an election through adoption of the attached resolution which will complete Commission proceedings for this annexation. This item is administrative in nature, in accordance with Government Code section 57075(a)(3), and has been placed on the consent calendar for the July 15, 2021 meeting.

Enclosure – Resolution No. 0690A

RESOLUTION NO. 0690A
LOCAL AGENCY FORMATION COMMISSION OF MERCED COUNTY
MAKING DETERMINATION AND ORDERS AND COMPLETING
THE LETTEAU AVENUE ANNEXATION TO THE DELHI COUNTY WATER DISTRICT
(LAFCO FILE No. 0690)

WHEREAS, a proposal for the Annexation Involving the Delhi County Water District 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, a public hearing by this Commission was held on April 15, 2021, regarding 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, the Commission approved the annexation on April 15, 2021, subject to a protest hearing; and

WHEREAS, the Executive Officer of the Commission conducted a duly noticed protest hearing on June 14, 2021; and

WHEREAS, at said protest hearing, no written protests were submitted or received, although two landowner protests were submitted in advance of the hearing; and

WHEREAS, there was not a sufficient protest submitted to cause an election or to discontinue the reorganization proceedings.

NOW THEREFORE, BE IT RESOLVED, the Local Agency Formation Commission of Merced County, having considered the record of proceedings and the foregoing considerations, hereby makes the following determinations, findings and orders:

1. Determines that pursuant to Section 56663 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, a resolution was submitted by the Delhi County Water District requesting the submittal of this annexation application without the written consent of all property owners within the reorganization boundary, thereby requiring a protest hearing.
2. Determines that the Commission approved the reorganization on April 15, 2021, subject to a protest hearing.
3. Determines that a protest hearing was conducted by the Executive Officer of the Commission on June 14, 2021, with two landowners filing a written protest to the annexation prior to the hearing representing one parcel, and no additional protests filed by the close of the hearing, and that the assessed value of the written protests was much less than the 25% valuation to require an election.
4. Finds that based on these facts, there is not sufficient protest to cause an election.
5. Determines that all the original determinations from Resolution No. 0690, adopted by the Commission on April 15, 2021, are still valid as to the annexation.

6. Orders that the territory identified in Exhibits A and B designated as the "Letteau Avenue Annexation to the Delhi County Water District" be annexed to the District without an election in accordance with Government Code section 57075(a)(3).
7. Orders that this resolution shall take effect upon its adoption.

I, WILLIAM NICHOLSON, Executive Officer of the Local Agency Formation Commission of Merced County, California, do hereby certify that the foregoing resolution was duly and regularly adopted by said Commission at a regular meeting thereof held upon the 15th day of July, 2021, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of July, 2021.

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

By: _____
William Nicholson, LAFCO Executive Officer

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

By: _____
Malathy Subramanian, LAFCO Counsel

EXHIBIT "A"

Being a portion of Lot 23 and Lot 24, all of Lot 25 and all of Lot 26 lying in the south half of Section 5 and a portion of Lot 2, Lot 3, Lot 4 and Lot 9 lying in the north half of Section 8 as shown on the map of "Shanks Delhi Tract", recorded in Book 3 of Official Plats, Page 48, Merced County Records, all lying in Township 6 South, Range 11 East, Mount Diablo Meridian, situate in the County of Merced, State of California being more particularly described as follows;

BEGINNING at a point which bears South 01° 43' 48" West, 20.00 feet from the southwest corner of said Lot 26, said point also lying on south line of said Section 5 and also on the easterly boundary of Delhi County Water District Annexation 92-1:

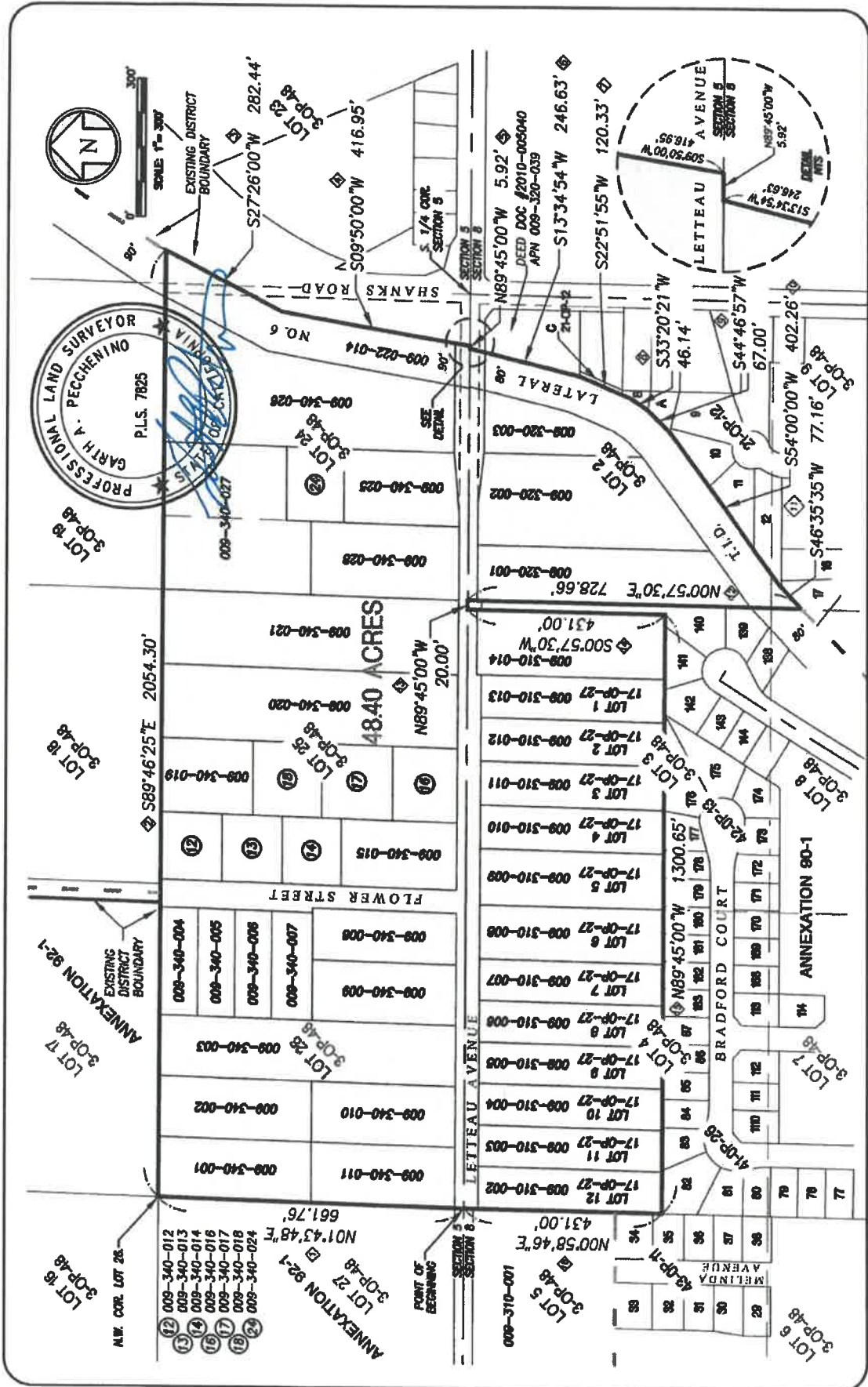
1. Thence North 01° 43' 48" East, 661.76 feet along the easterly boundary of said Annexation 92-1 and the westerly line of Said Lot 26 to the northwest corner of said Lot 26:
2. Thence South 89° 46' 25" East, 2054.30 feet along the north line of said Lot 26, Lot 25, Lot 24 and Lot 23 to the east line of Turlock Irrigation District's Lateral No. 6, said east line of Lateral No. 6 also being the Delhi County Water District's westerly boundary:
3. Thence South 27° 26' 00" West, 282.44 feet along the easterly line of said Lateral No.6:
4. Thence South 09° 50' 00" West, 416.95 feet along the easterly line of said Lateral No.6 to the centerline of Letteau Avenue, said center line also being the south line of Section 5:
5. Thence North 89° 45' 00" West, 5.92 feet along the centerline of said Letteau Avenue:
6. Thence South 13° 34' 54" West, 246.63 feet along the easterly line of said Lateral No.6:
7. Thence South 22° 51' 55" West, 120.33 feet along the southeasterly line of said Lateral No.6:
8. Thence South 33° 20' 21" West, 46.14 feet along the southeasterly line of said Lateral No.6:
9. Thence South 44° 46' 57" West, 67.00 feet along the southeasterly line of said Lateral No.6:
10. Thence South 54° 00' 00" West, 402.26 feet along the southeasterly line of said Lateral No.6:
11. Thence South 46° 35' 35" West, 77.16 feet along the southeasterly line of said Lateral No.6 to the west line of said Lot 9, west line of said Lot 9 also being the easterly line of Delhi County Water District Annexation 90-1:
12. Thence North 00° 57' 30" East, 728.66 feet along the west line of said Lot 9 and said Lot 2 to the northeast corner of said Annexation 90-1, said corner lying on the north line of said Section 8:
13. Thence North 89° 45' 00" West, 20.00 feet along said north line of said Section 8:
14. Thence South 00° 57' 30" West, 431.00 feet along a line parallel with and 20 feet westerly of the west line of said Lot 9 to a point of intersection with the easterly projection of the southerly subdivision boundary of the map entitled "MAP OF SMALLWOOD TRACT", recorded in Book 17 of Official Plats, Page 27, Merced County Records,
15. Thence North 89° 45' 00" West, 1,300.65 feet along said easterly projection and said southerly boundary line of Smallwood Tract to the southwest corner of Lot 12 thereof:
16. Thence North 00° 58' 46" East, 431.00 feet along the westerly line of said Lot 12 to the **TRUE POINT OF BEGINNING**.

Containing 48.40 acres, more or less.

See Exhibit "B", attached hereto and by this reference made a part hereof.

END OF DESCRIPTION.





PROFESSIONAL LAND SURVEYOR
 GARTH A. PECCHENINO
 P.L.S. 7825
 SCALE 1" = 300'



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EXHIBIT "B"

PORTION OF LOT 28 AND LOT 24, ALL OF LOT 26 AND ALL OF LOT 28, LYING IN S. 1/2 SEC. 6 AND PORTION OF LOT 2, LOT 3, LOT 4 AND LOT 9 LYING IN N. 1/2 SEC. 8. ALL IN T. 6 S., R. 11 E., M.D.M.

PROJECT NO.: 200027
 DRAWN BY: DBP
 QA/QC BY: GAP
 SCALE: AS SHOWN
 SHEET NO.: **2 of 2**