
RESOLUTION NO. 5-12-2015

**RESOLUTION OF APPLICATION BY THE BOARD OF DIRECTORS
OF THE MALAGA COUNTY WATER DISTRICT
REQUESTING THAT FRESNO COUNTY LOCAL AGENCY FORMATION
COMMISSION TAKE PROCEEDINGS TO APPROVE THE REORGANIZATION OF
THE MALAGA COUNTY WATER DISTRICT'S SERVICE AREA BOUNDARIES AND
FIND THAT THE MALAGA COUNTY WATER DISTRICT REORGANIZATION IS
EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

WHEREAS, The Malaga County Water District ("District") is a County Water District located entirely within Fresno County that provides water, wastewater, recreation, and solid waste services to residents within its boundaries desires to initiate proceedings pursuant to the Cortese- Knox-Hurtzburg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code (hereinafter referred to as the "Reorganization Act") for the reorganization herein after described in this resolution; and

WHEREAS, the specific changes of organization requested are annexation to the Malaga County Water District of certain property consisting of approximately 26.85 acres and hereinafter referred to as the "Affected Territory"; and

WHEREAS, a description of the boundaries of the Affected Territory is set forth in Exhibit A attached hereto and incorporated by this reference herein and more particularly described in the accompanying legal description attached hereto and incorporated by this reference herein as Exhibit B; and

WHEREAS, all of the property owners of the Affected Territory have consented to the re-organization; and

WHEREAS, this proposed change in organization is within the established sphere of influence of the Malaga County Water District; and

WHEREAS, no portion of the Affected Territory is under a Williamson Act agricultural land conservation contract; and

WHEREAS, a portion of the Affected Territory is and has, within the last three years, been used as farmland; and

WHEREAS, there are no disadvantaged unincorporated communities within three hundred feet of the proposed annexation; and

WHEREAS, a portion of the affected area to be annexed is currently being utilized as an industrial development; and

WHEREAS, the affected territory is currently located within the Sphere of Influence of the Malaga County Water District; and

WHEREAS, the District currently has water and sewer services available to the affected territory therefore, annexation will not require any extension of service, expansion of capacities, or upgrade of any District facilities; and

WHEREAS, the affected territory is currently zoned for industrial and/or commercial uses which will result in no change of use for the affected territory as a result of annexation; and

WHEREAS, the proposed annexation of the affected territory will result in the early development of the affected territory by connection to District services rather than the use of private wells and/or septic systems; and

WHEREAS, because the affected territory is currently within the Sphere of Influence of the Malaga County Water District; will not result in a change of use for the affected territories, will not require any extension of services or expansion of existing District facilities; and will provide the affected territory with municipal water and wastewater services, the Board of Directors finds, based upon documentary and oral evidence received, and exercising their independent judgment, that it can be seen with certainty that there is no possibility that the proposed reorganization as referred to herein may have a significant effect on the environment and therefore the project is exempt from the California Environment Quality Act; and

WHEREAS, the Malaga County Water District desires to and hereby does request that the Fresno County Local Agency Formation Commission initiate reorganization proceedings for the annexation of the affected property as described herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MALAGA COUNTY WATER DISTRICT AS FOLLOWS:

1. That the forgoing recitals are true and correct and incorporated by reference herein as the fully set forth at this point.
2. The District desires to annex the Affected Territory Described in Exhibits A and B into the Malaga County Water District boundaries and hereby does request that the Fresno County Local Agency Formation Commission initiate reorganization proceedings.
3. That the General Manager is authorized and directed to complete an application for the reorganization as described herein and file such along with any other required documents with the Fresno County Local Agency Formation Commission.

4. That the Board of Directors of the Malaga County Water District finds, based upon documentary and oral evidence received, and exercising their independent judgment, that it can be seen with certainty that there is no possibility that the proposed reorganization as referred to in the above recitals may have a significant effect on the environment and therefore the project is exempt from the California Environmental Quality Act and adopts the Notice of Exemption attached hereto and incorporated by this reference herein as Exhibit C.

Passed and adopted by the Board of Directors of the Malaga County Water District at their meeting held on this 12th day of May 2015, by the following vote:

AYES:

NOES:

ABSENT:

Charles Garabedian, President of the
Malaga County Water District

ATTEST:

James D. Anderson, Secretary to the Board
of Directors of the Malaga County Water District