

## **Sunnyslope County Water District Annexation Procedures**

### **9030 Annexation Procedures**

**9030.1** Property must be annexed to the District prior to receiving water service (and sewer service, if applicable). Furthermore, unconditional commitments to provide service to property and/or proposed developments will not be granted until said property is annexed to the District.

**9030.2** In conformance with Policy #9040, District approval of water or sewer service to residential, commercial, industrial, or other types of development projects will not be granted by the Board of Directors until the entire site has been annexed to the District, or will be granted with the condition that the entire project site be successfully annexed to the District.

**9030.3** Annexation Procedures.

#### **A. Determine suitability.**

1. Property owners or project developers desiring annexation to the District should first determine several factors regarding their property's suitability for water service (and sewer service, if applicable).
  - (a) Is the property presently outside the District's boundaries?
  - (b) Is the property within the sphere of influence established for the District by the San Benito County Local Agency Formation Commission (LAFCo)?
  - (c) Where are the District's existing water and sewer facilities located relative to the property?
  - (d) Is there excess capacity in the District's existing facilities adequate for the property's proposed development density?
2. Information regarding District annexation, sphere of influence, and the location of existing water and sewer facilities, and whether excess capacity is available, will be provided by District staff upon request. Determination of the property's suitability for development and/or connection to the water service (and sewer service, if applicable) is the responsibility for the property owner, and his/her use of professional engineering and/or development consultants is encouraged.

**B. Application to LAFCo.** LAFCo has been established by the State Legislature to, among other duties, review and approve or disapprove proposals for annexation of territory to special districts. Approval by LAFCo of any annexation proposal is required before the District can approve the annexation and provide water and sewer services. Proposals for annexation to the District to LAFCo may be initiated by the applicant or the District and shall conform to §56650 of the California Government Code.

#### **C. Application to LAFCo by Annexation Proponents.**

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1. To initiate the LAFCo application procedure, owners of the property proposed for annexation, or the registered voters residing within the area proposed for annexation, shall submit a petition (§56704, Ca. Gov. Code) to LAFCo. The contents of the petition, itemized below, shall conform to §56700 of the California Government Code.
2. With the petition, annexation proponents shall submit to LAFCo a map and legal description of the proposal. The contents of the map and legal description, itemized below, shall conform to LAFCo and the State Board of Equalization requirements.
3. Also with the petition, annexation proponents shall submit to LAFCo a completed application form and appropriate filing and environmental review fees.

### **D. Application to LAFCo by District.**

1. To initiate the LAFCo application procedure, the District shall submit a resolution of application to LAFCo. The contents of the petition, itemized below, shall conform to §56652 and §56653 of the California Government Code.
2. With the petition, annexation proponents shall submit to LAFCo a map and legal description of the proposal. The contents of the map and legal description, itemized below, shall conform to LAFCo and the State Board of Equalization requirements.
3. Also with the petition, annexation proponents shall submit to LAFCo a completed application form and appropriate filing and environmental review fees.
4. Annexation proponents shall pay the District a deposit for all fees and expenses to be incurred by the District in the District's application for annexation. A deposit must cover LAFCo's filing and environmental review fees, State Board of Equalization fees, and District processing costs including District staff time. When the annexation process is complete or terminated, cost overruns will be billed to the applicant(s), and underruns will be refunded.

### **E. Application to District.** If annexation proponents desire to receive confirmation of District acceptance of their proposal prior to initiating the LAFCo application, then the petition, map, legal description and LAFCo application form as discussed in 9030.3, B, 3 above should be submitted to the District office. A deposit must also accompany said submittal to cover District's expenses. The District's expenses include any fees not paid directly by the applicant, and include: LAFCo's filing and environmental review fees, State Board of Equalization fees, and District processing costs including District staff time. When the annexation process is complete or terminated, cost overruns will be billed to the applicant(s), and underruns will be refunded.

1. The Board of Directors will consider the annexation proposal at a regularly scheduled meeting. Acceptance by the Board of the proposed annexation shall be formalized by the adoption of a resolution. Said resolution shall contain the following:

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- (a) All of the information required in the petition, as itemized below, excepting provisions regarding signatories and signatures;
- (b) The annexation map and legal description as attachments;
- (c) Verification that the District desires to annex the subject territory;
- (d) Authorization for the resolution to be submitted as an application for annexation approval by LAFCo; and,
- (e) A request that LAFCo approve and authorize the District to conduct proceedings for the annexation without notice and hearing and without an election (only if the petition has been signed by all of the owners of land within the boundaries of the proposed annexation).

**F. District Approval of Annexation.** The District Board will consider approving an annexation to the District after LAFCo accepts the annexation proposal, adopts a resolution, and forwards same to the District. After confirmation of LAFCo acceptance, and after the annexation proponent(s) tenders to the District applicable annexation fees (discussed below) and appropriate recording and State Board of Equalization fees, as determined by LAFCo, the District's Board of Directors, at a regularly scheduled meeting, will consider approval of the proposed annexation. Approval by the Board of the proposed annexation shall be formalized by the adoption of a resolution.

1. Said resolution shall contain the following provisions:
  - (a) That a description of the annexed lands shall be attached to said resolution;
  - (b) The annexed land shall be subject to the District's policies, rules and regulations, charges made, and assessments levied pursuant to the provisions of the laws pertaining to water and sewer districts to pay for outstanding obligations of said District, and also shall be subject to all and any combination of assessments, tolls and charges as may exist at the adoption of the resolution and as thereafter may be established and/or levied by the County of San Benito and/or the District for any District purpose;
  - (c) The District shall be under no obligation to install a water and sewer system or any facilities in connection with the subject annexation, and the owners of the land to be annexed shall install, as and when water service (and sewer service, if applicable) is desired, without cost, charge, or obligation to the District, a complete water and sewer system as may be specified by the District, in accordance with plans and specifications approved by the General Manager, in a manner meeting his/her approval, and shall convey, at no cost to the District, all of said water and sewer system, including rights-of-way over all parts thereof, to the District; and,
  - (d) The project developers and/or owners of the annexed property, and their heirs, successors, and assigns shall agree to abide by all Board policies, rules, and regulations of the District presently established and as shall be established by the Board in the future.

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2. After adoption of said Resolution of Approval by the Board of Directors, it shall be sent to LAFCo along with necessary fees for processing of State filings, local recordings, and filing with the State Board of Equalization.

**G. Annexation Petition.** In accordance with §56700 of the California Government Code, the petition proposing annexation of property to the District shall do all of the following:

1. State that the proposal is made pursuant to said §56700;
2. State the nature of the proposal (i.e., annexation of property to Sunnyslope County Water District);
3. Include a description of the boundaries of the affected territory accompanied by a map showing the boundaries;
4. State any proposed terms and conditions;
5. Explain the reason for the proposal (e.g., to receive water service);
6. State whether the petition is signed by registered voters or owners of land;
7. Designate no more than three persons as chief petitioners, including their names and mailing addresses;
8. Request that proceedings be taken for the proposal pursuant to said §56700; and,
9. State whether the proposal is consistent with the sphere of influence designated by LAFCo for the District.

**H. Descriptions and Maps.** In accordance with State Board of Equalization and District requirements, annexation descriptions and maps shall conform to the following conditions:

1. All documents must be capable of producing a readable photographic image;
2. Every description must be self-sufficient within itself and without the necessity of reference to any extraneous document, with references to deeds of record used only as a secondary reference;
3. When writing a metes and bounds description of a contiguous annexation, all details of the contiguous portion(s) of the boundary may be omitted, with the points of departure from the existing boundary clearly established;
4. A specific parcel description in sectionalized land is permissible without a metes and bounds description of the perimeter boundary;
5. A parcel description making reference only to a subdivision or a lot within a subdivision is not acceptable, unless all dimensions needed to plot the boundaries are given on an accompanying plat, and the relationship of lot lines with street rights-of-way must be clearly indicated;

