

POTTER VALLEY IRRIGATION DISTRICT

RESOLUTION NO. 97-9

A RESOLUTION OF APPLICATION

BY THE POTTER VALLEY IRRIGATION DISTRICT REQUESTING  
THE LOCAL AGENCY FORMATION COMMISSION  
TO TAKE PROCEEDINGS FOR THE  
KIMMEL, FIELD, TYLER, LINDGREN, HILL, STRICKLAND ANNEXATION  
INTO POTTER VALLEY IRRIGATION DISTRICT

RESOLVED, 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 Exhibits A1, A2, A3, A4, A5, A6, 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: Service Gate #83, Service Gate #42, and Service Gate #45-1.
5. The water delivery facility must be capable of delivering 4 to 5 cubic feet per second.

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

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 with 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 the parcels located within the proposed territory identified as Exhibit "B".

WHEREAS, all lands within the District boundaries are bound by the District ByLaws and regulations;

WHEREAS, the lands already within the Potter Valley Irrigation District shall have priority to right to water at all times and under all conditions based on water availability due to water shortage beyond the District's control;

WHEREAS, owners shall do and perform at their own costs all necessary acts in order that the lands described in Exhibits A1, A2, A3, A4, A5, A6, may be irrigated;

WHEREAS, the owners shall pay to the District the sum of \$10/Acre for the annexation fee to be collected at the time of the final resolution of annexation, a total of \$820.10: Kimmel - \$470.00, Field - \$306.00, Tyler - \$10.40, Lindgren - \$11.70, Hill - \$11.80 Strickland - \$10.20;

WHEREAS, the lands herein described shall continue to be used for agricultural purposes without division into smaller parcels without prior provision for easement for water delivery to the parcels being split out;

WHEREAS, 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;

WHEREAS, the District Boundary Legal Description, Exhibit "A" has been updated to include the above proposed annexation;

NOW, THEREFORE, this Resolution of Annexation 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 Kimmel, Field, Tyler, Lindgren, Hill, Strickland annexation of territory as described in Exhibits A1, A2, A3, A4, A5, A6, in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985.

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I, the undersigned certify the above and foregoing is a correct copy of Resolution No. 97-9 adopted at the regular meeting of the Board of Directors of the Potter Valley Irrigation District held the 17th of December, 1997, at which the following Directors were present and approved Resolution No. 97-9 as follows:

BOB HESS	- AYE
E J MCFADDEN	- AYE
HANK OBERFELD	- AYE
JANET PAULI	- ABSENT
KEN STROH	- AYE

Patricia H. Brown  
PATRICIA H. BROWN, Secretary