

**MENDOCINO
LOCAL AGENCY FORMATION COMMISSION**

LAFCo Resolution No. 12-13-03

**A RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF MENDOCINO COUNTY
MAKING DETERMINATIONS AND APPROVING
THE DETACHMENT OF NONCONTIGUOUS TERRITORY
KNOWN AS THE WATER TREATMENT PLANT PROPERTY
FROM THE CITY OF WILLITS**

LAFCo File No. D-2012-07

WHEREAS, Government Code Section 56743 requires the City of Willits to detach noncontiguous territory no longer owned by the City; and

WHEREAS, a 5.49 acre parcel identified as Assessor Parcel Number 104-240-14 and known as the Water Treatment Plant property, was sold to Charles H. and Betty R. Schuster on February 12, 1993; and

WHEREAS, said territory is in fact noncontiguous to the corporate limits of the City of Willits; and

WHEREAS, said territory is further defined in map form attached hereto as Exhibit A, and by legal description attached hereto as Exhibit B, and

WHEREAS, the City Council of the City of Willits has confirmed the detachment of said territory through the adoption of City Council Resolution No. 2013-01, attached hereto as Exhibit C; and

WHEREAS, the Executive Officer's Report and Recommendation on the proposed detachment was presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered this matter at a public hearing held on April 1, 2013, taking into consideration all testimony both oral and written.

NOW, THEREFORE, BE IT RESOLVED that the Local Agency Formation Commission of Mendocino County does hereby approve the detachment of the Wastewater Treatment Plant property from the City of Willits subject to the following terms and conditions:

1. The detachment is exempt from environmental review under Section 15061(b)(3) of the California Environmental Quality Act Guidelines in that it can be seen with certainty that there is no possibility that the detachment may have a significant effect on the environment.
2. The subject property has less than 12 registered voters and is therefore an uninhabited detachment pursuant to Government Code Section 56046.
3. The detachment proposal has the written consent of 100% of the affected landowners and as such, the protest provisions are hereby waived.
4. In accordance with Government Code Section 56886(t), the subject territory shall be subject to the extension or continuation of any previously authorized charge, fee, assessment or tax levied by the County of Mendocino.
5. The Executive Officer is directed to prepare and execute a Certificate of Completion and a Statement of Boundary Change subject to the following conditions:
 - a. Payment shall be made by the City of Willits for the time and material costs for LAFCo to process the detachment;
 - b. Payment shall be made by the City of Willits sufficient to cover the filing fees of the State Board of Equalization.

The foregoing Resolution was passed and duly adopted at a regular meeting of the Local Agency Formation Commission of Mendocino County held on this 1st day of April, 2013, by the following vote:

AYES: Commissioners Carre Brown, Dan Hamburg, Doug Hammerstrom, Guinness McFadden, Gerald Ward, and Richard Shoemaker

NOES: None

ABSTAIN: None

ABSENT: Commissioner Mari Rodin


RICHARD SHOEMAKER, Chair

ATTEST:


BRUCE C. BARACCO, Executive Officer

APPROVED AS TO FORM:


THOMAS R. PARKER, LAFCo Counsel