

DRAFT
RESOLUTION NO. 2011 - _____

**RESOLUTION OF THE CITY OF CERES CITY COUNCIL APPROVING
A REQUEST TO PROCESS AN ANNEXATION TO THE CITY OF CERES AND
DETACHMENT FROM THE WESTPORT FIRE PROTECTION DISTRICT OF
THE WEST LANDING SPECIFIC PLAN AREA BOUNDED BY THE UNION
PACIFIC RAILROAD RIGHT-OF-WAY, SERVICE ROAD, USTICK ROAD,
AND WHITMORE AVENUE AND TO REQUEST MODIFICATIONS TO THE
SPHERE OF INFLUENCE PURSUANT THERETO AND AUTHORIZING THE
CITY TO SUBMIT AN APPLICATION TO STANISLAUS LOCAL AGENCY
FORMATION COMMISSION (LAFCO).**

THE CITY COUNCIL
City of Ceres, California

WHEREAS, an application was received from B. S. Boyle, Jr. Family L. P., G3 Enterprises, Inc, and Rutland Properties, Inc. for annexation of property bounded by Whitmore Avenue on the north, Crows Landing Road on the east, Service Road on the south, and Ustick Road on the west; and,

WHEREAS, the City Council of the City of Ceres, State of California, has considered said application proposing an Annexation to the City and detachment from the Westport Fire Protection District of the West Landing Specific Plan area, encompassing the entire area bounded by Whitmore Avenue on the north, UPRR right-of-way on the east, Service Road on the south, and Ustick Road on the west; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on May 16, 2011 at 6:00 p.m. and considered all testimony and comment presented whether orally or in writing and by a 5-0 vote, recommended the City Council approve the proposal; and,

WHEREAS, the City Council held a duly noticed public hearing on June 27, 2011 at 7:00 p.m. and considered all testimony and comment presented whether orally or in writing; and,

WHEREAS, the properties affected by this resolution encompass the entirety of the area bounded by Whitmore Avenue on the north, UPRR right-of-way on the east, Service Road on the south, and Ustick Road on the west; and,

WHEREAS, the properties affected by this resolution consist of Assessor Parcel Numbers: 056-055 – All Parcels, 056-056 – All Parcels, 056-057 – All Parcels, 086-015 – All Parcels, as described in Stanislaus County Assessor Maps; and,

WHEREAS, the properties affected by this resolution are described as:

BEING the West Half of Section 16 and all of Section 17, situate in Township 4 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State California, more particularly described as follows:

BEGINNING at the North Quarter Corner of above said Section 16, said corner also being the intersection of the centerline of Whitmore Avenue with the centerline of the Union Pacific Railroad Right-of-Way; thence South 0°25'36" West along the North-South quarter section line of said section 16 and the centerline of said Union Pacific Railroad Right-of-way, a distance of 5285.96 feet to the South Quarter Corner of said Section 16, said corner also being the intersection of the centerline of Said Union Pacific Railroad Right-of-Way with the centerline of Service Road; thence North 89°37'06" West along said centerline of Service Road and the south line of said Section 16, a distance of 2660.27 feet to the Southwest Corner of said Section 16; thence continuing along the centerline of said Service Road and the south line of above said Section 17 the following 2 courses: 1) North 89°10'58" West, 2648.41 feet to the south Quarter Corner of said Section 17; 2) South 89°11'53" East, 2648.59 feet to the Southwest Corner of said Section 17, said corner also being the intersection of the centerline of Service Road with the Centerline of Ustick Road; thence along the centerline of Ustick Road and the west line of said Section 17 the following 2 courses: 1) North 0°29'53" East, 2643.21 feet to the West Quarter Corner of said Section 17; 2) North 0°30'24" East, 2643.11 feet to the Northwest Corner of said Section 17, said corner also being the intersection of the centerline of Ustick Road with the centerline of Whitmore Avenue; thence along the centerline of Whitmore Avenue and the North Line of said Section 17 the following 2 courses: 1) South 89°12'51" East, 2643.37 feet to the North Quarter Corner of said Section 17; 2) South 89°12'37" East, 2643.42 to the Northeast Corner of said Section 17; thence South 89°34'03" East along the north line of above said Section 16 and the centerline of Whitmore Avenue, a distance of 2663.91 feet to the POINT OF BEGINNING.

The land referred to herein is situated in the State of California, County of Stanislaus; and,

WHEREAS, once the City Council has authorized staff to submit an application to LAFCO, staff will prepare and submit that application to LAFCO on behalf of the property owners. The applicant will be required to pay for all of the necessary LAFCO application fees and the State Department of Equalization fees; and,

WHEREAS, the City Council based on the evidence within the staff report and project file finds that:

1. The proposed annexation application is consistent with the purpose and intent of the General Plan and General Plan Policy 1.B.5.
2. The proposed annexation is consistent with City Council Resolution 2011-_____ for a general plan amendment of the annexation area which will designate the West Landing Specific Plan area with the following general plan designations: RC/Regional Commercial, CC/Community Commercial, NC/Neighborhood Commercial, O/HDR/Office-Mixed Use, BP/Business Park, VLDR/Very Low Density Residential, LDR, Low Density Residential, MDR/ Medium Density Residential, HDR/ High Density Residential, S/School, and P/Park and with the adoption of that resolution the annexation will be consistent.
3. The proposed annexation is consistent with City Council Resolution 2011-_____ for a specific plan covering the annexation area which will adopt the West Landing Specific

Plan encompassing the entire proposed annexation area and with the adoption of that resolution the annexation will be consistent.

4. The proposed annexation is consistent with City Council Ordinance 2011-_____ which is for a prezone of the annexation area which will prezone the West Landing Specific Plan area as PC/Planned Community with the underlying designations as set forth in the West Landing Specific Plan including GI/General Industrial, CF/Community Facilities, RC/Regional Commercial, CC/Community Commercial, NC/Neighborhood Commercial, O/HDR/Office-Mixed Use, BP/Business Park, VLDR/Very Low Density Residential, LDR, Low Density Residential, MDR/ Medium Density Residential, HDR I/High Density Residential I, HDR II/High Density Residential II, S/School, and P/Park and with the adoption of that ordinance the annexation will be consistent.
5. Modification of the Sphere of Influence of the City of Ceres is proposed to LAFCO as a part of this action to provide that the entire area be included within the City's Primary Sphere of Influence. The proposed annexation area is within the City of Ceres General Plan area that was adopted with the City of Ceres General Update in February of 1997.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council of the City of Ceres does hereby authorize the City to submit an application to Stanislaus LAFCO for modification of the City of Ceres Sphere of Influence and the annexation of, and detachment from the Westport Fire Protection District of, the area encompassed by the West Landing Specific Plan .

PASSED AND ADOPTED by the Ceres City Council at a regular meeting thereof held on the 27th day of June, 2011, by the following vote:

AYES:

NOES:

ABSENT:

Chris Vierra, Mayor

ATTEST:

Cindy Heidorn, City Clerk, CMC