

## ATTACHMENT #1

## Resolution 2021-0008 of the

**Colusa Local Agency Formation Commission**  
**Colusa County, California**

*A Resolution Making Determinations and Approving the Detachment of 26.5 acres more or less from the Sacramento River Fire Protection District and concurrent Annexation of 26.5 acres more or less to the City of Colusa*

**WHEREAS**, a Resolution of Application for Annexation of 12.83 acres more or less to the City of Colusa and Detachment of 12.83 acres more or less from the Sacramento River Fire Protection District has been filed with the Executive Officer of the Colusa Local Agency Formation Commission: Colusa County, California; In its review, LAFCo has modified the application to include additional territory including 14 acres more or less to this reorganization proposal due to LAFCo policy concerns. As amended, said application complies with all the requirements of law and the Commission; and,

**WHEREAS**, the proceedings for this reorganization are governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act, Section 56000 et seq. of the Government Code; and

**WHEREAS**, Government Code Section 56662 allows the Commission to make determinations for uninhabited territory without notice and hearing since this territory is uninhabited, in the Sphere of Influence of the City of Colusa, there is 100 percent landowner consent and no agencies have objected to this reorganization; and

**WHEREAS**, the Executive Officer has reviewed the application and has prepared a report including staff recommendations thereon within the time required by law and has furnished copies of said report to the Commission and to all other persons required by law to receive it; and

**WHEREAS**, at a LAFCo meeting on November 4, 2021, the Commission considered the proposal and the report of the Executive Officer; the factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government Code Section 56668; and all other relevant evidence and information presented at said hearing, including the comments of all interested parties desiring to be heard;

**NOW THEREFORE**, the Colusa Local Agency Formation Commission does hereby resolve and order the following:

1. The foregoing recitals are true and correct.
2. The territory comprises approximately 26.5 acres more or less to be detached from the Sacramento River Fire Protection district and 26.5 acres more or less to be annexed to the City of Colusa on property known as the Cheney-Wilson Reorganization.
3. The change of organization is assigned the following distinctive short-term designation:

**LAFCO 2021-0001 – City of Colusa: Cheney-Wilson Reorganization**

4. The proposal is consistent with the sphere of influence of the City of Colusa and the Sacramento River Fire Protection District. The Commission has considered



the factors determined by the Commission to be relevant to this proposal, including, but not limited to, Sphere of Influence and General Plan consistency, and other factors specified in Government Code Section 56668 and as described in the staff report dated November 4, 2021.

5. The Commission adopts the determinations regarding consistency with LAFCO Policies contained in the staff report for this project and incorporates them by reference herein.
6. The purpose of this reorganization is to bring the Cheney-Wilson development project and other fifth street properties into the City of Colusa.
7. In reviewing this application, the Commission finds that all property owners and agencies in said territory have consented to this change of organization.
8. In reviewing this application, the Commission finds that there will not be a duplication of other powers provided by any other special district since this territory will be detached from the Sacramento River Fire Protection District.
9. In reviewing this application, this Commission has considered each of the factors required by Government Code Section 56668 and LAFCO's adopted policies.
10. The LAFCO Executive Officer's Staff Report including attachments and recommendation for approval of the proposal are hereby incorporated by reference and hereby adopted.
11. The map and boundary description shall comply with the State Board of Equalization and Colusa County Surveyor requirements. Written verification by the County Surveyor of compliance with County and LAFCO Standards must be provided to LAFCO prior to recordation. The boundary description and map, if rejected by the State Board of Equalization or amended by LAFCO, will be revised at the expense of the applicant. The applicant shall be responsible for all associated costs. The boundary description and map as revised, and if amended by action of the Commission, will be revised and checked by the Colusa County Surveyor at the expense of the applicant, prior to filing of the Certificate of Completion. The Boundary Description and Map must contain the following corrected information: *LAFCO File 2021-0001 Detachment from the Sacramento River Fire Protection District and Cheney-Wilson Annexation to the City of Colusa.*
12. The boundaries, as set forth in the proposal and amended by action of the Commission, are hereby approved as submitted and are as described in Exhibits "A" Boundary Description and "B" Map attached hereto and by this reference incorporated herein subject to the terms and conditions and corrections included. As stated in the LAFCO Staff Report dated November 4, 2021, the amount of base property tax and tax increment transferred shall be in accordance with A Joint Resolution of the City Council of the City of Colusa and the Board of Supervisors of the County of Colusa Colusa County for the territory to be annexed to the City, which is attached as Exhibit "C-1". The County has a master tax resolution for annexations and detachments from districts (See Resolution 2000-47 as Exhibit C-2) The City and County approved a Regional



Housing Needs Allocation Transfer Agreement specifying the number of housing units from the County to the concurrent with this Property Tax Transfer (Sharing) agreement (See Exhibit C-3). A completed Tax Sharing Agreement must be submitted to LAFCo prior to recordation of the Certificate of Completion

13. As authorized by Section 56886 (t) of the Government Code, all previously authorized charges, fees, assessments, or taxes currently levied by the City shall be extended to the subject territory upon completion of this reorganization.
14. Said reorganization territory is found to be uninhabited (less than 12 registered voters).
15. All Colusa County, LAFCO and State of California fees must be paid in full prior to filing the Certificate of Completion. LAFCO will forward invoices and (or) a list of required fees prior to filing the Certificate of Completion for direct payment to the agency by the project proponent.
16. Further protest proceedings are waived and the Commission orders the 26.5 acre more or less detachment from the Sacramento River Fire Protection District as well as the annexation of 26.5 acres more or less to the City of Colusa, pursuant to Part 4 commencing with Section 57000. Satisfactory proof has been given that the subject territory is uninhabited, that all landowners within the affected territory have given their written consent to the proposal and all affected agencies have not objected in writing to the waiver of conducting authority proceedings (Section 56663 of Government Code). Therefore, The Commission does hereby approve and authorize the conducting authority to annex and (or) detach the territory described in Exhibits "A" and "B" without notice and election.
17. Pursuant to Section 15096 of the State CEQA Guidelines, the Commission has considered and affirms the City of Colusa General Plan Master Environmental Impact Report as a responsible agency under the California Environmental Quality Act ("CEQA"), exercised its independent judgment and reached its own conclusions in considering the project, and the Commission hereby adopts the following findings regarding the Environmental Impact Reports. As a responsible agency, the Commission considers only the effects of those activities involved in a project over which it has jurisdiction, i.e., those associated with the reorganization action of this project. The Commission certifies that its findings are based on an assessment of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the Master Environmental Impact Report.
  - (A) On October 30, 2007 the City of Colusa, acting as lead agency under CEQA, certified the Master Environmental Impact Report ("MEIR") for the city's general plan including the proposed annexation. The EIR considers and evaluates all the potentially significant environmental effects of the proposed reorganization that is the subject of this action. The EIR analyzed impacts associated with the physical characteristics of the affected territory (including topography and drainage), short term and long-term growth in the City of Colusa and surrounding unincorporated areas, provision of public services, and impacts on the protection and management of open space and agricultural lands. The City of Colusa adopted mitigation measures to avoid or lessen potential impacts



where feasible. However, the City of Colusa found that implementation of the General Plan including reorganization of the affected territory could result in certain significant and unavoidable project and/or cumulative impacts on the environment, including:

1. Inconsistency with the Comprehensive (Airport) Land Use Plan
  2. Conversion of prime agricultural land to Urban Uses and loss of agricultural land
  3. An increase in population and the number of housing units
  4. Transportation, Increased Traffic volumes and circulation
  5. Noise
  6. Air Quality - Increase in operational impacts on air and regional air quality
  7. Visual Resources/Light and Glare
  8. Greenhouse Gas Emissions
  9. Loss of Biological Resources and the effects of Ongoing Urbanization
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18. LAFCo has reviewed the August 20, 2020 initial study, mitigated Negative Declaration (as required supplemental Environmental Review required in the City's 2007 MEIR) as well as the City's determination regarding the Cheney-Wilson Subdivision proposal as a part of this reorganization concurs and affirms the City's environmental findings regarding the 12.83 acre subdivision.
  19. The Commission has reviewed and considered the information contained in the Master Environmental Impact Report prepared for the City's General and the Initial Study prepared for the Cheney-Wilson reorganization, and makes a specific determination that the issues and mitigation measures and (or) policies as adopted by the City adequately address this reorganization.
  20. One reproducible electronic copy of the Geographic Description and Map in PDF format, four large copies (18" by 24") and two 8 ½" x 11" reductions of all maps along with four copies of the final LAFCO approved and wet stamped geographic description and map shall be submitted to LAFCO prior to recordation of the Certificate of Completion. The City shall supply maps and Geographic Descriptions suitable for recording (smaller than eight inches by fourteen inches, clearly legible) prior to recordation of the Certificate of Completion.
  21. The City of Colusa shall provide LAFCo three maps of limited addresses for all territory within the annexation/detachment territory in accordance with State Board of Equalization requirements prior to recordation of the Certificate of Completion.
  22. The City of Colusa shall provide LAFCo with a listing of the assessor's parcels within the annexation territory prior to recordation of the Certificate of Completion.
  23. Approval of this change of organization is conditioned upon the applicant's obligation to defend, indemnify, and hold harmless the Colusa Local Agency



Formation Commission and its agents, officers and employees from any claim, action or proceeding against the Commission or its agents, officers, and employees; including all costs, attorney's fees, expenses and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, or void the approval or determinations of this Commission concerning this annexation. The Colusa Local Agency Formation Commission shall promptly notify the applicant of any such claim, action, or proceeding and be entitled to representation by counsel of its choosing.

24. The Executive Officer of this Commission is instructed to mail a certified copy of this resolution to those persons so indicated on the application and as required by Government Code Section 56882.
25. The Executive Officer is directed to record a Certificate of Completion for this proposal upon completion of all proceedings and all conditions of approval have been met. The effective date for this reorganization shall be the date of recordation of the Certificate of Completion.
26. Annexation of territory to the City of Colusa and detachment from the Sacramento River Fire Protection District referenced in the Executive Officer's report dated November 4, 2021 shall be recorded concurrently.
27. Completion of proceedings shall be concluded within one year after adoption of this resolution. If the proceedings are not concluded within one year after passage of this resolution, all proceedings shall be terminated.

**PASSED AND ADOPTED** by this Colusa Local Agency Formation Commission, **on the 4th day of November 2021**, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINS:

Signed and approved by me after its passage this fourth day of November 2021.

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Denise Carter, Chair – Colusa Local Agency  
Formation Commission

Attest:

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John Benoit, Executive Officer



Resolution 2021-0008 – LAFCO File 2021-0001  
City of Colusa Chaney-Wilson Reorganization  
November 4, 2021

## Colusa Local Agency Formation Commission



**ANNEXATION NUMBER 2021-001****WILSON-CHENEY ANNEXATION TO THE CITY OF COLUSA****EXHIBIT "A"**

ALL THAT REAL PROPERTY SITUATED IN THE COUNTY OF COLUSA STATE OF CALIFORNIA LOCATED IN SECTION 31 TOWNSHIP 16 NORTH, RANGE 1 WEST MOUNT DIABLO BASE AND MERIDIAN AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF FIFTH STREET WITH THE CENTERLINE OF HAZEL COURT; THENCE ALONG THE FOLLOWING COURSES:

- 1- N 15° 52' 07" E ALONG THE CENTERLINE OF FIFTH STREET A DISTANCE OF 529.91' TO A POINT ON THE WESTERLY PROJECTION OF THE SOUTH LINE OF PARCEL 2 OF THAT CERTAIN PARCEL MAP RECORDED IN BOOK 2 OF PARCEL MAPS AT PAGE 66 COLUSA COUNTY RECORDS; THENCE
- 2- S 89° 59' 52" W ALONG THE WESTERLY PROJECTION OF THE SOUTH LINE OF PARCEL 2 OF SAID PARCEL MAP, 31.19' TO THE WESTERLY RIGHT OF WAY LINE OF FIFTH STREET. SAID POINT BEING THE POINT OF BEGINNING OF THE PROPERTY HEREIN BEING DESCRIBED.

THENCE ALONG THE FOLLOWING COURSES;

- 1- N 15° 52' 07" E ALONG THE WESTERLY RIGHT OF WAY LINE OF FIFTH STREET A DISTANCE OF 776.09' TO A POINT ON THE CENTERLINE OF THAT 40 FEET WIDE PARCEL DESCRIBED AS PARCEL 2 IN THAT CERTAIN DEED TO COLUSA IRRIGATION COMPANY, A CALIFORNIA CORPORATION, DATED OCTOBER 17, 1908 AND RECORDED IN BOOK 67 OF DEEDS AT PAGE 108, COLUSA COUNTY RECORDS; THENCE
- 2- N 15° 52' 07" E CONTINUE ALONG THE WESTERLY LINE OF FIFTH STREET, 255.13' MORE OR LESS TO THE INTERSECTION OF THE SOUTHERLY LINE OF THAT CERTAIN PARCEL KNOWN AS WARE PARK WITH THE WESTERLY RIGHT OF WAY LINE OF FIFTH STREET; THENCE
- 3- N 25° 00' 00" E ALONG THE WESTERLY RIGHT OF WAY LINE OF FIFTH STREET, 236.51' TO A POINT OF THE NORTHERLY LINE OF SAID WARE PARK; THENCE
- 4- S 72° 58' 40" E ALONG THE SOUTHEASTERLY PROJECTION OF THE NORTH LINE OF SAID WARE PARK, 30.29' TO A PONT ON THE CENTERLINE OF FIFTH STREET, SAID POINT BEING ALSO ON THE CURRENT CITY LIMITS OF THE CITY OF COLUSA; THENCE
- 5- N 25° 00' 00" E ALONG THE CENTERLINE OF FIFTH STREET AND ALONG THE EXISTING CITY LIMITS OF THE CITY OF COLUSA, 242.48' TO A POINT SAID POINT IS LOCATED 138.26' SOUTHERLY ALONG THE CENTERLINE OF FIFTH STREET FROM THE NORTHWEST CORNER OF LOT 12 OF THE JOHN C. MOGK SUBDIVISION NO. 4, AS SAID SUBDIVISION RECORDED IN BOOK 1 OF MAPS AT PAGE 49 COLUSA COUNTY RECORDS; THENCE



- 6- S 73° 04' 07" E ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID LOT 12 AND ALONG THE EXISTING CITY LIMITS OF THE CITY OF COLUSA 675.83' TO A POINT ON THE EASTERLY LINE OF PARCEL 1 OF SAID DEED TO COLUSA IRRIGATION DISTRICT AND THE EXISTING CITY LIMITS BOUNDARY; THENCE
- 7- S 15° 55' 39" W ALONG THE EASTERLY LINE OF SAID PARCEL 1 OF THE DEED TO COLUSA IRRIGATION DISTRICT AND THE EXISTING CITY LIMITS OF THE CITY OF COLUSA, 495.88' TO A POINT ON THE CENTERLINE OF THAT CERTAIN PARCEL REFERRED TO "AS CANAL RIGHT OF WAY 40' WIDE" AND SHOWN ON SAID JOHN C. MOGH SUBDIVISION MAP; THENCE
- 8- S 15° 55' 39" W ALONG THE EASTERLY LINE OF SAID PARCEL 1 OF THE DEED TO COLUSA IRRIGATION DISTRICT AND THE EXISTING CITY LIMITS BOUNDARY A DISTANCE OF 773.79 FEET TO A POINT ON THE EASTERLY PROJECTION OF THE SOUTH LINE OF PARCEL 2 AS SHOWN ON SAID MAP RECORDED IN BOOK 2 OF PARCEL MAPS AT PAGE 66; THENCE
- 9- S 89° 59' 52" W ALONG THE EASTERLY PROJECTION OF THE SOUTH LINE OF PARCEL 2 OF SAID PARCEL MAP RECORDED IN BOOK 2 OF PARCEL MAPS AT PAGE 66 A DISTANCE OF 48.89 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 2; THENCE
- 10- S 89° 59' 52" W ALONG THE SOUTH LINE OF SAID PARCEL 2 AND ITS WESTERLY PROJECTION A DISTANCE OF 762.88 FEET TO THE POINT OF BEGINNING.

CONTAINING 24.316 ACRES MORE OR LESS

PARCEL 2:

BEGINNING AT THE NORTHWESTERLY CORNER OF PARCEL 1 AS SHOWN ON THAT CERTAIN PARCEL MAP FILED IN BOOK 1 OF PARCEL MAPS AT PAGE 201 COLUSA COUNTY RECORDS, THENCE ALONG THE FOLLOWING COURSES:

- 11- S 72° 58' 40" E ALONG THE NORTHERLY LINE OF SAID PARCEL 1, ALSO BEING THE EXISTING CITY LIMITS OF THE CITY OF COLUSA, 201.15' MORE OR LESS TO A POINT ON THE EASTERLY LINE OF THAT CERTAIN PROPERTY REFERRED TO AS PARCEL 1 IN THAT CERTAIN DEED TO COLUSA IRRIGATION COMPANY, A CALIFORNIA CORPORATION, DATED OCTOBER 17, 1908 AND RECORDED IN BOOK 67 OF DEEDS AT PAGE 108, COLUSA COUNTY RECORDS; THENCE
- 12- S 15° 55' 39" W ALONG THE EASTERLY LINE OF SAID PARCEL 1 OF THE DEED TO COLUSA IRRIGATION COMPANY, SAID LINE BEING THE EXISTING CITY LIMITS OF THE CITY OF COLUSA, 299.93' MORE OR LESS TO THE SOUTHEASTERLY CORNER OF PARCEL 3 OF SAID PARCEL MAP; THENCE
- 13- S 73° 04' 07" W ALONG THE SOUTHERLY LINE OF SAID PARCEL 3, SAID LINE BEING THE EXISTING CITY LIMITS OF THE CITY OF COLUSA, 623.73' TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF FIFTH STREET; THENCE
- 14- S 25° 00' 00" W ALONG THE EASTERLY RIGHT OF WAY OF FIFTH STREET SAID LINE BEING ALSO THE EXISTING CITY LIMITS OF THE CITY OF COLUSA, 26.29' TO A POINT OF INTERSECTION OF THE EASTERLY PROJECTION OF THE



CENTERLINE OF WARE AVENUE AND THE EASTERLY RIGHT OF WAY LINE OF FIFTH STREET; THENCE

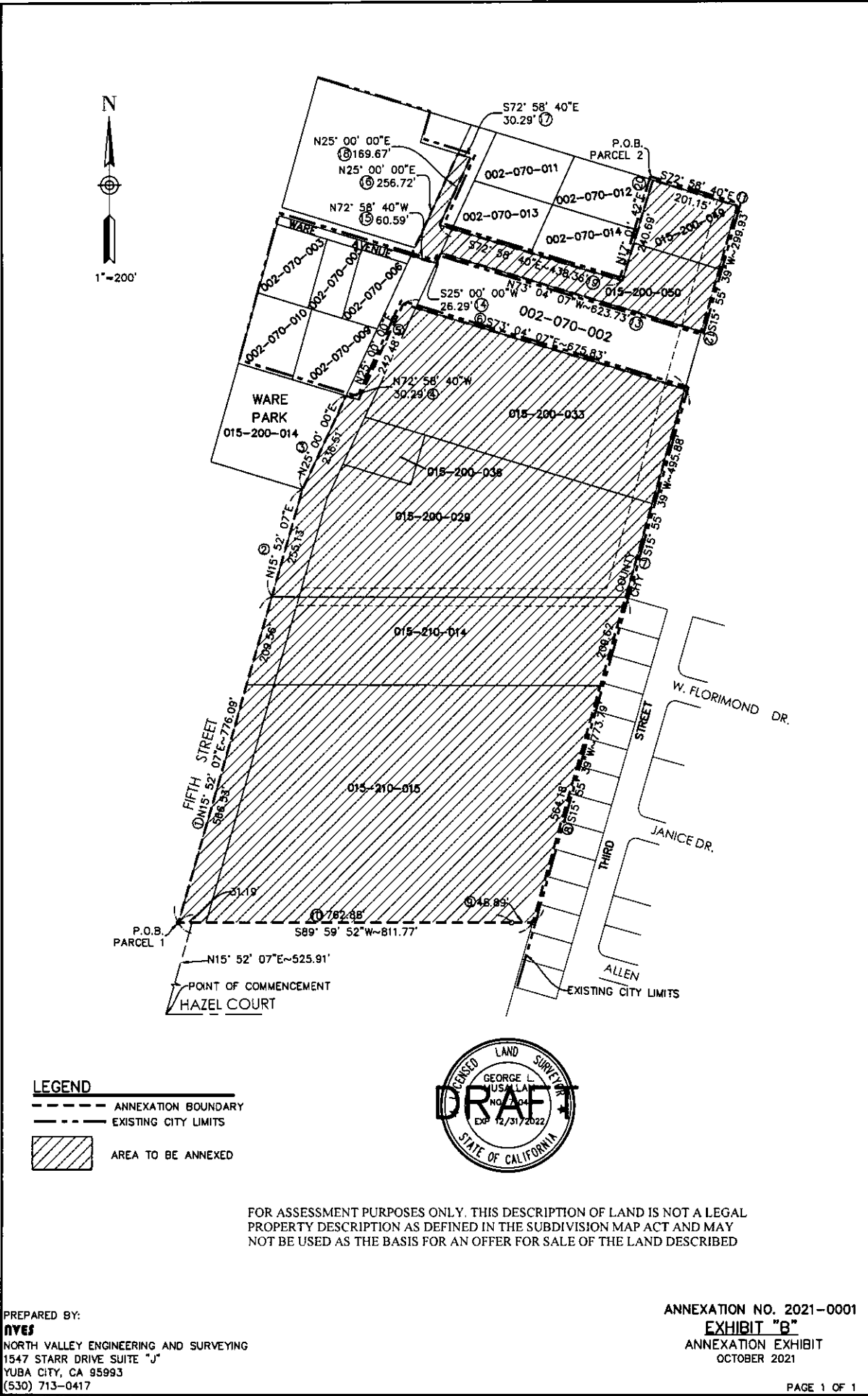
- 15- N 72° 58' 40" W ALONG THE EASTERLY PROJECTION OF THE CENTERLINE OF WARE STREET THIS LINE ALSO BEING THE EXISTING CITY LIMITS OF THE CITY OF COLUSA, 60.59' TO A POINT OF INTERSECTION OF SAID CENTERLINE WITH THE WESTERLY RIGHT OF WAY LINE OF FIFTH STREET; THENCE
- 16- N 25° 00' 00" E ALONG THE WESTERLY RIGHT OF WAY LINE OF FIFTH STREET, 256.72 TO A POINT ON THE NORTHERLY LINE OF THAT CERTAIN PARCEL AS DESCRIBED IN A DEED WITH DOCUMENT REFERENCE NUMBER 2016 R 1255 COLUSA COUNTY RECORDS, SAID POINT BEING THE POINT OF INTERSECTION OF THE EXISTING CITY OF COLUSA CITY LIMITS WITH THE WESTERLY RIGHT OF WAY LINE OF FIFTH STREET; THENCE
- 17- S 72° 58' 40" E ALONG THE NORTHERLY LINE OF SAID PARCEL AS DESCRIBED IN DOCUMENT REFERENCE NUMBER 2016 R 1255 AND ALONG THE EXISTING LIMITS OF THE CITY OF COLUSA, 30.29' TO A POINT ON THE CENTERLINE OF FIFTH STREET; THENCE
- 18- S 25° 00' 00" W ALONG THE CENTERLINE OF FIFTH STREET AND ALONG THE EXISTING LIMITS OF THE CITY OF COLUSA, 169.67' TO A POINT OF INTERSECTION OF SAID CENTERLINE WITH THE WESTERLY PROJECTION OF THE SOUTH LINE OF PARCEL 2 OF SAID PARCEL MAP; THENCE
- 19- S 72° 58' 40" E ALONG THE WESTERLY PROJECTION OF SAID SOUTH LINE AND ALONG SAID SOUTHERLY LINE OF PARCEL 2 SAID LINES BEING ON THE EXISTING LIMITS OF THE CITY OF COLUSA, 438.68' TO THE SOUTHEASTERLY CORNER OF PARCEL 2 OF SAID PARCEL MAP; THENCE;
- 20- N 17° 01' 42" ALONG THE WESTERLY LINE OF PARCELS 1 AND 3 OF SAID PARCEL MAP BEING THE EXISTING LIMITS OF THE CITY OF COLUSA 240.69' MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 2.209 ACRES MORE OR LESS

FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED



B



PREPARED BY:  
**YES**  
NORTH VALLEY ENGINEERING AND SURVEYING  
1547 STARR DRIVE SUITE "J"  
YUBA CITY, CA 95993  
(530) 713-0417

ANNEXATION NO. 2021-0001  
**EXHIBIT "B"**  
ANNEXATION EXHIBIT  
OCTOBER 2021



**COLUSA OF COUNTY RESOLUTION NO. \_\_\_\_ - \_\_\_\_**

**CITY OF COLUSA RESOLUTION NO 21-53**

**A JOINT RESOLUTION OF THE COLUSA COUNTY BOARD OF SUPERVISORS  
AND THE COLUSA CITY COUNCIL  
ENTERING INTO A TAX SHARING AGREEMENT FOR THE PROPOSED  
ANNEXATION TO THE CITY OF CERTAIN TERRITORY  
COMMONLY KNOWN AS THE CHENEY-WILSON ANNEXATION  
AND FURTHER ENTERING INTO A REGIONAL HOUSING NEEDS  
ALLOCATION TRANSFER AGREEMENT**

**WHEREAS**, a reorganization application has been submitted to the Colusa Local Agency Formation Commission ("LAFCO") for an annexation to the City of Colusa LAFCO File 2021-0001, involving an annexation of unincorporated land consisting of approximately 26.5± acres ("Cheney-Wilson Annexation");

**WHEREAS**, Section 99(b) of the Revenue and Taxation Code provides that upon the filing of an application of a jurisdictional change, prior to the issuance of a certificate of filing by the Local Agency Formation Commission, the Parties must first agree to a mutually acceptable exchange of real property ad valorem and sales and use taxes imposed and collected as authorized by the Revenue and Taxation Code; and

**WHEREAS**, the Parties want to enter into a tax sharing Agreement providing for the apportionment and exchange of real property ad valorem tax revenues with regard to the Cheney-Wilson Annexation.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF COLUSA AND THE BOARD OF SUPERVISORS FOR THE COUNTY OF COLUSA** that the County of Colusa and the City of Colusa enter into the Tax Sharing Agreement and the Regional Housing Needs Allocation Transfer Agreement attached to this Resolution.



**PASSED AND ADOPTED BY THE COUNTY OF COLUSA** this 26th day of October 2021,  
by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

\_\_\_\_\_  
Gary J. Evans, Board Chair

**ATTEST:** Wendy G. Tyler, Clerk of the  
Board of Supervisors

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
\_\_\_\_\_, Deputy Clerk

\_\_\_\_\_  
Richard Stout, County Counsel

**PASSED AND ADOPTED BY THE CITY OF COLUSA** this 21<sup>st</sup> day of October 2021, by the  
following vote:

**AYES:** Ponciano, Reische, Conrado and Hill.

**NOES:** None.

**ABSENT:** Vaca.

  
\_\_\_\_\_  
JOSH HILL, MAYOR

**ATTEST:**

**APPROVED AS TO FORM:**

By:   
\_\_\_\_\_  
Shelly Kittle, City Clerk

  
\_\_\_\_\_  
Ryan Jones, Counsel for the City of Colusa



**PROPERTY TAX REVENUE SHARING AGREEMENT  
BETWEEN THE CITY OF COLUSA AND THE COUNTY OF COLUSA  
FOR THE CHENEY-WILSON SUBDIVISION**

This Property Tax Revenue Sharing Agreement is made and executed in duplicate by and between the County of Colusa, a political subdivision of the State of California ("County") and the City of Colusa, a municipal corporation ("City"). The County and City are collectively referred to as the "Parties".

**RECITALS**

The City filed an application (#2021-0001) with the Colusa County Local Agency Formation Commission ("Colusa LAFCo"), pursuant to the Cortese-Knox Local Reorganization Act of 1985 (Gov. Code, §§ 56000, et seq.), requesting approval of the annexation into the City of that real property described in Exhibits A and B to this Agreement ("Annexation Area").

Revenue and Taxation Code section 99 requires a city seeking to annex property and the county affected by such annexation to agree upon a property tax revenue exchange agreement in order for Colusa LAFCO to issue a Certificate of Completion.

The City and the County wish to work together to develop a fair and equitable approach to the sharing of tax revenue within the Annexation Area. The City and the County recognize the importance of the City's and the County's services and the need to maintain adequate service levels to the Annexation Area for the health, safety and welfare of the citizens of the City and the County. The City and the County wish to cooperate as provided in this Agreement in an effort to address the City's and the County's fiscal considerations in providing such services, as well as their respective present and future economic and planning needs.

1. Incorporation of Recitals. The Parties agree that the Recitals, above, constitute the factual basis upon which the City and the County have entered into this Agreement. The City and the County each acknowledge the accuracy of the Recitals and agree that the Recitals are incorporated into this Agreement as though fully set forth at length.
2. Definitions. For purposes of this Agreement, the following words, phrases, and terms are defined as follows:

- A. "Affected Tax Rate Areas" (or "TRA" or "TRAs") shall mean as to this Agreement those base property tax levies and/or incremental property tax levies available from the Sphere of Influence. The TRAs are to be re-numbered during the annexation process.

The County Auditor has notified the City and County pursuant to Revenue and Taxation Code section 99(b)(2), that, of the 1% Ad Valorem Property Tax imposed pursuant to Article 13A, section 1 of the State Constitution, the Property Tax Revenue which is subject to negotiated exchange consists of the following elements.



Amounts are estimates and are subject to correction.

Secured:

TRA 058-003: General Fund \$2,079 (0.261316%), Sheriff Department \$447 (0.056233%), Bridge Fund \$45 (0.005642%), Road District \$340 (0.042740%), Sacramento River Fire \$166 (0.020930%) and Other Remaining Entities \$4,877 (0.613139%).

Unsecured:

TRA 058-003: General Fund \$51 (0.261316%), Sheriff Department \$11 (0.056233%), Bridge Fund \$1 (0.005642%), Road District \$8 (0.042740%), Sacramento River Fire \$4 (0.020930%) and Other Remaining Entities \$121 (0.613139%).

- B. "Base Year" shall mean the fiscal year in which the Tax Rate Areas are approved by the State Board of Equalization.
- C. "Base Year Property Tax Revenues" shall mean the tax revenue portion of the one percent (1%) property tax authorized by Article 13A, section 1 of the California Constitution, and more particularly described in subsection (c) of Section 95 of the California Revenue and Taxation Code, and includes both the Base (total amount of property tax revenue based upon the AB-8 gross levy for the fiscal year) and supplemental property tax revenues as more particularly defined in Section 75 of the California Revenue and Taxation Code, accruing to the County, excluding property tax revenues allocated to the Colusa Cemetery District, the Colusa Mosquito Abatement District, the Yuba Community College, the Colusa Unified School District, and the Colusa County of Education Superintendent of Schools in the Base Year.
- D. "Property Tax Revenue" means all revenue from "ad valorem real property taxes on real property," as that term is used in Section 1 of Article XIII.A of the California Constitution and as more particularly defined in Revenue and Taxation Code §95(c), that is collected from within the Annexation Area and available for allocation to the City and County.
- E. "Property Tax Base Year Increment" means the amount of one percent (1%) ad valorem property tax revenues in excess of the Base Year Tax Revenues accruing to each agency (by the applicable Tax Rate Area) in the Annexation Area resulting from the increase in assessed valuation of the property, buildings, and all other improvements from which property taxes are derived in existence in the Base Year. For the purposes of this Agreement, Property Base Year Tax Increment shall be cumulative.
- F. "Property Tax Development Increment" means the amount of one percent (1%) ad valorem property tax revenues in excess of the Base Year Tax Revenues and the



Property Tax Base Year Increment accruing to each agency (by the applicable Tax Rate Area) in the Annexation Area resulting from the increase in assessed valuation from one year to the next caused by property and building improvements and new construction. For the purposes of this Agreement, the Property Tax Development Increment shall be cumulative.

3. General Purpose of Agreement. The general purpose of this Agreement is to devise an equitable exchange of Property Tax Revenue between the City and the County on and after the Annexation Date as required by Government Code section 56815(b) and Revenue and Taxation Code section 99.
4. Assumption of Services After Annexation: The parties understand and acknowledge that following completion of the Annexation, the City will assume full responsibility for providing road, law enforcement, and all other municipal services to the Annexation Area.
5. Establishment of Separate Tax Rate Area. County and County Auditor will work with the State Board of Equalization to establish separate Tax Rate Areas ("new TRAs") for the Annexation Area prior to allocation and distribution of Property Tax Revenue under this Agreement. For purposes of establishing new TRAs and setting the AB 8 calculation. County Auditor will report to City and County the actual amount of the Ad Valorem Property Tax Revenue levied from the new TRAs pursuant to this Agreement.
6. Property Tax Revenue Distribution Methodology. The Parties agree that, as to the Annexation Area only, any Secured and Unsecured Property Tax Revenue will be distributed as follows beginning the first fiscal year after the Base Year:
  - A. Property Tax Base. The County will retain forty percent (40%) and the City shall receive sixty percent (60%) of the Property Tax Base.
  - B. Property Tax Base Year Increment. Following annexation, the County shall retain twenty-five percent (25%) and the City shall retain seventy-five percent (75%) of the Base Year Tax Increment Revenues.
  - C. Property Tax Development Increment. Following annexation, the City shall receive one hundred percent (100%) of the Property Tax Development Increment.
7. Development Impact Fees. The City of Colusa will require each developer within the Annexation Area to pay the County of Colusa's Development Impact Fees adopted pursuant to Ordinance No. 705 and/or Chapter 38 of the Colusa County Code for Sheriff Facilities, Health & Human Services Facilities, Behavioral Health Facilities, Library Facilities, District Attorney Facilities, and Probation Facilities as the fees exist or may be amended from time to time for any project approved within the Annexation Area. If the County's current impact fees increase by 25% or more, the County agrees that they will reopen this tax share agreement. The City will fulfill this obligation by including this requirement in any development agreement or condition of approval adopted in connection with the approval of any development project proposed within the Annexation Area. Prior



to issuance of a building permit for construction of any development, the City will require the developer to confirm payment of the County Development Impact Fees identified in this Section to the County, all in accordance with the County's Service Impact Fee Ordinance. County agrees to consider reduction or waiver of Development Impact Fees on a project by project basis.

8. Regional Housing Needs Allocation. Concurrent with the execution of this Property Tax Transfer Agreement by and between the County and City, the attached Regional Housing Needs Allocation Transfer Agreement shall be executed to transfer thirty-three (33) above-moderate Regional Housing Needs Allocation housing units from the County to the City pursuant to the County's adopted 2020-2028 Housing Element Program HO 2-7.

9. Allocation to Other Public Entities. All Property Tax Revenue allocated to other Special Districts and entities shall remain unchanged unless otherwise agreed between City and said entity.
10. Exchange by County Auditor. The Parties agree that all of the exchanges of Property Tax Revenues required by this Agreement shall be performed by the County Auditor in the customary time and manner for such exchanges based on other similar agreements with local jurisdictions.
11. Effect of Agreement. This Agreement applies solely to the Cheney-Wilson Subdivision Area.
12. Utility Bills. Within 60 days of the Annexation Date the City shall have completed the transfer process with Pacific Gas and Electric and take full responsibility for the utility bills for streetlights in the new TRAs.
13. Administrative Charges. Administrative charges for preparation of property tax calculations and tracking shall be charged to the City annually. The County will charge the City the Property Tax Administration Fee per R&T Code 95.3 and 97.75 and the Colusa County Board of Supervisors Ordinance No. 529.
14. Effective Date of Agreement. This Agreement shall become effective on the last date of execution set forth below ("Effective Date").
15. Mutual Defense; Waiver of Retroactive Recovery. If the validity of this Agreement is challenged in a legal action by a party other than City or County, then the Parties agree to jointly defend the legal action and share equally all related costs, fees, and expenses arising from the action. Further, the Parties waive any right to the retroactive recovery of any City or County tax revenues exchanged under this Agreement prior to the date on which such legal action is filed in a court of competent jurisdiction. The remedy available in any such legal action shall be limited to a prospective invalidation of the Agreement.
16. Amendment. This Agreement may only be modified or amended by a writing duly authorized and executed by the Parties.



7. Entire Agreement. With respect to the Cheney-Wilson Subdivision Area only, this Agreement supersedes any and all previous negotiations, proposals, commitments, writings, and understandings between the City and the County with respect to the sharing of Property Tax Revenue for the Annexation Area.
17. Agreement or Consent. Wherever this Agreement requires a party's agreement or consent, the party shall make its decision to give or withhold such agreement or consent in good faith and shall not withhold such agreement unreasonably or without good cause.
18. Construction of Captions. Captions of the sections of this Agreement are for convenience and reference only. The words in the captions in no way explain, modify, amplify, or interpret this Agreement.
19. Authority to Execute Agreement. City has authorized the execution of this Agreement by its City Manager through adoption of Resolution No. 21-53 by its Council. County has authorized the execution of this Agreement by the County Administrator through adoption of Resolution No. \_\_\_\_\_ by the Board of Supervisors.
20. Venue. This Agreement is made in the County of Colusa in the State of California. Any action to enforce or interpret its terms shall be brought in Colusa County Superior Court.
21. Severability. Should any part, term or provision of this Agreement be decided by the courts to be illegal or in conflict with any law of the State of California, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining parts, terms or provisions hereof shall not be affected thereby.
22. Notices. Notices may be delivered or mailed to the respective representatives of the Parties at the following addresses:

**City:** City of Colusa  
ATTN: City Manager  
425 Webster St.  
Colusa, Ca. 95932  
(530) 458-4740

**County:** County of Colusa  
ATTN: County Administrative Officer  
547 Market Street, Room 102  
Colusa, CA 95932  
(530) 458-0508

Any party may change the contact information to which such communications are to be given by providing the other parties with written notice of such change at least fifteen (15) calendar days prior to the effective date of the change.



**PASSED AND ADOPTED BY THE COUNTY OF COLUSA** this 26th day of October 2021,  
by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

\_\_\_\_\_  
Gary J. Evans, Board Chair

**ATTEST:** Wendy G. Tyler, Clerk of the  
Board of Supervisors

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
\_\_\_\_\_, Deputy Clerk

\_\_\_\_\_  
Richard Stout, County Counsel

**PASSED AND ADOPTED BY THE CITY OF COLUSA** this 21<sup>st</sup> day of October 2021, by the  
following vote:

**AYES:** Ponciano, Reische, Conrado and Hill.

**NOES:** None.

**ABSENT:** Vaca.

  
\_\_\_\_\_  
JOSH HILL, MAYOR

**ATTEST:**

**APPROVED AS TO FORM:**

By:   
\_\_\_\_\_  
Shelly Kittle, City Clerk

  
\_\_\_\_\_  
Ryan Jones, Counsel for the City of Colusa



All notices shall be effective upon receipt and shall be deemed received through delivery if personally served, or on the fifth (5th) day following deposit in the mail if sent by first class mail.

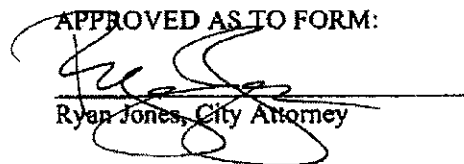
CITY OF COLUSA, a municipal corporation

  
Jesse Cain, City Manager

ATTEST:

  
Shelly Kittle, City Clerk

Date approved by City Council: October 21, 2021  
Resolution No. 21-53

APPROVED AS TO FORM:  
  
Ryan Jones, City Attorney

COUNTY OF COLUSA

\_\_\_\_\_  
Wendy G. Tyler, County Administrative Officer

ATTEST:

Wendy G. Tyler, Clerk of the Board

\_\_\_\_\_  
By \_\_\_\_\_, Deputy Clerk of the Board

Date approved by Board of Supervisors: \_\_\_\_\_  
Resolution No. \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
, County Counsel



**REGIONAL HOUSING NEEDS ALLOCATION TRANSFER AGREEMENT  
BETWEEN THE COUNTY OF COLUSA AND THE CITY OF COLUSA**

**THIS REGIONAL HOUSING NEEDS ALLOCATION TRANSFER AGREEMENT** ("Agreement") is made and entered into by and between the County of Colusa, a political subdivision of the State of California (herein referred to as "COUNTY") and the City of Colusa, a municipal corporation (herein referred to as "CITY") wherein the CITY agrees to accept a Regional Housing Needs Allocation (RHNA) transfer of thirty-three (33) above-moderate housing units as part of the Cheney-Wilson Fifth Street Annexation.

**WHEREAS**, the COUNTY'S adopted 2020-2028 Housing Element included Program HO 2-7 which requires that as part of a residential development that is proposed to be annexed to a city that an agreement be obtained with said city to transfer the commensurate share of the County's fair share of regional very low, low, moderate, and above moderate income housing needs to the city annexing the unincorporated lands.

**WHEREAS**, Government Code section 65584.07 authorizes such a mutually acceptable agreement upon a revised determination of regional housing need; and

**WHEREAS**, the CITY and the COUNTY have negotiated and reached a mutually acceptable agreement for a RHNA transfer of thirty-three (33) above-moderate housing units for the proposed reorganization which is commonly referred to as the Cheney-Wilson Fifth Street Annexation.

**NOW, THEREFORE, IT IS AGREED**, in consideration of the mutual covenants and conditions contained:

1. COUNTY hereby transfers thirty-three (33) above-moderate Regional Housing Needs Allocation housing units for the proposed reorganization commonly referred to as the Cheney-Wilson Fifth Street Annexation to the City.
2. CITY hereby accepts the transfer of thirty-three (33) above-moderate Regional Housing Needs Allocation housing units for the proposed reorganization commonly referred to as the Cheney-Wilson Fifth Street Annexation as described herein without objection from the County.
3. The COUNTY shall submit this executed Agreement to State of California Department of Housing and Community Development (HCD) to adjust the adopted RHNA allocations for both parties as set forth in this agreement.
4. Should HCD require any amendment to this Agreement, the County and City shall cooperatively and in good faith make any necessary amendment to implement the transfer of thirty-three (33) above-moderate Regional Housing Needs Allocation housing units from the County to the City as a result of the proposed reorganization commonly referred to as the Cheney-Wilson Fifth Street Annexation as described herein.



C21-202

IN WITNESS WHEREOF, the parties have executed this Agreement to be effective on the latter of the two dates upon which the Join Resolution authorizing this agreement is approved.

COUNTY OF COLUSA

  
GARY J. EVANS, Chairman  
Board of Supervisor  
CALIFORNIA

CITY OF COLUSA

\_\_\_\_\_  
JOSH HILL, Mayor  
City Council

Attest: Wendy G. Tyler, Clerk of the  
Board of Supervisor

Attest: Shelly Kittle, City Clerk

By:

  
Melissa Kitts Deputy

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Richard Stout, County Counsel

\_\_\_\_\_  
Ryan Jones, City Attorney



IN WITNESS WHEREOF, the parties have executed this Agreement to be effective on the latter of the two dates upon which the Join Resolution authorizing this agreement is approved.

COUNTY OF COLUSA

CITY OF COLUSA

\_\_\_\_\_  
GARY J. EVANS, Chairman  
Board of Supervisor

\_\_\_\_\_  
JOSH HILL, Mayor  
City Council

Attest:

Attest:

By: \_\_\_\_\_  
Wendy G. Tyler, Clerk of the Board

\_\_\_\_\_  
Shelly Kittles, City Clerk

Approved as to form:

\_\_\_\_\_  
Richard Stout, County Counsel

\_\_\_\_\_  
Ryan Jones, City Attorney



**ANNEXATION NUMBER 2021-001**

**WILSON-CHENEY ANNEXATION TO THE CITY OF COLUSA**

**EXHIBIT "A"**

ALL THAT REAL PROPERTY SITUATED IN THE COUNTY OF COLUSA STATE OF CALIFORNIA LOCATED IN SECTION 31 TOWNSHIP 16 NORTH, RANGE 1 WEST MOUNT DIABLO BASE AND MERIDIAN AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF FIFTH STREET WITH THE CENTERLINE OF HAZEL COURT; THENCE ALONG THE FOLLOWING COURSES:

- 1- N 15° 52' 07" E ALONG THE CENTERLINE OF FIFTH STREET A DISTANCE OF 529.91' TO A POINT ON THE WESTERLY PROJECTION OF THE SOUTH LINE OF PARCEL 2 OF THAT CERTAIN PARCEL MAP RECORDED IN BOOK 2 OF PARCEL MAPS AT PAGE 66 COLUSA COUNTY RECORDS; THENCE
- 2- S 89° 59' 52" W ALONG THE WESTERLY PROJECTION OF THE SOUTH LINE OF PARCEL 2 OF SAID PARCEL MAP, 31.19' TO THE WESTERLY RIGHT OF WAY LINE OF FIFTH STREET. SAID POINT BEING THE POINT OF BEGINNING OF THE PROPERTY HEREIN BEING DESCRIBED.

THENCE ALONG THE FOLLOWING COURSES;

- 1- N 15° 52' 07" E ALONG THE WESTERLY RIGHT OF WAY LINE OF FIFTH STREET A DISTANCE OF 776.09' TO A POINT ON THE CENTERLINE OF THAT 40 FEET WIDE PARCEL DESCRIBED AS PARCEL 2 IN THAT CERTAIN DEED TO COLUSA IRRIGATION COMPANY, A CALIFORNIA CORPORATION, DATED OCTOBER 17, 1908 AND RECORDED IN BOOK 67 OF DEEDS AT PAGE 108, COLUSA COUNTY RECORDS; THENCE
- 2- N 15° 52' 07" E CONTINUE ALONG THE WESTERLY LINE OF FIFTH STREET, 255.13' MORE OR LESS TO THE INTERSECTION OF THE SOUTHERLY LINE OF THAT CERTAIN PARCEL KNOWN AS WARE PARK WITH THE WESTERLY RIGHT OF WAY LINE OF FIFTH STREET; THENCE
- 3- N 25° 00' 00" E ALONG THE WESTERLY RIGHT OF WAY LINE OF FIFTH STREET, 236.51' TO A POINT OF THE NORTHERLY LINE OF SAID WARE PARK; THENCE
- 4- S 72° 58' 40" E ALONG THE SOUTHEASTERLY PROJECTION OF THE NORTH LINE OF SAID WARE PARK, 30.29' TO A POINT ON THE CENTERLINE OF FIFTH STREET, SAID POINT BEING ALSO ON THE CURRENT CITY LIMITS OF THE CITY OF COLUSA; THENCE
- 5- N 25° 00' 00" E ALONG THE CENTERLINE OF FIFTH STREET AND ALONG THE EXISTING CITY LIMITS OF THE CITY OF COLUSA, 242.48' TO A POINT SAID POINT IS LOCATED 138.26' SOUTHERLY ALONG THE CENTERLINE OF FIFTH STREET FROM THE NORTHWEST CORNER OF LOT 12 OF THE JOHN C. MOGK SUBDIVISION NO. 4, AS SAID SUBDIVISION RECORDED IN BOOK 1 OF MAPS AT PAGE 49 COLUSA COUNTY RECORDS; THENCE



- 6- S 73° 04' 07" E ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID LOT 12 AND ALONG THE EXISTING CITY LIMITS OF THE CITY OF COLUSA 675.83' TO A POINT ON THE EASTERLY LINE OF PARCEL 1 OF SAID DEED TO COLUSA IRRIGATION DISTRICT AND THE EXISTING CITY LIMITS BOUNDARY; THENCE
- 7- S 15° 55' 39" W ALONG THE EASTERLY LINE OF SAID PARCEL 1 OF THE DEED TO COLUSA IRRIGATION DISTRICT AND THE EXISTING CITY LIMITS OF THE CITY OF COLUSA, 495.88' TO A POINT ON THE CENTERLINE OF THAT CERTAIN PARCEL REFERRED TO "AS CANAL RIGHT OF WAY 40' WIDE" AND SHOWN ON SAID JOHN C. MOGH SUBDIVISION MAP; THENCE
- 8- S 15° 55' 39" W ALONG THE EASTERLY LINE OF SAID PARCEL 1 OF THE DEED TO COLUSA IRRIGATION DISTRICT AND THE EXISTING CITY LIMITS BOUNDARY A DISTANCE OF 773.79 FEET TO A POINT ON THE EASTERLY PROJECTION OF THE SOUTH LINE OF PARCEL 2 AS SHOWN ON SAID MAP RECORDED IN BOOK 2 OF PARCEL MAPS AT PAGE 66; THENCE
- 9- S 89° 59' 52" W ALONG THE EASTERLY PROJECTION OF THE SOUTH LINE OF PARCEL 2 OF SAID PARCEL MAP RECORDED IN BOOK 2 OF PARCEL MAPS AT PAGE 66 A DISTANCE OF 48.89 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 2; THENCE
- 10- S 89° 59' 52" W ALONG THE SOUTH LINE OF SAID PARCEL 2 AND ITS WESTERLY PROJECTION A DISTANCE OF 762.88 FEET TO THE POINT OF BEGINNING.

CONTAINING 24.316 ACRES MORE OR LESS

PARCEL 2:

BEGINNING AT THE NORTHWESTERLY CORNER OF PARCEL 1 AS SHOWN ON THAT CERTAIN PARCEL MAP FILED IN BOOK 1 OF PARCEL MAPS AT PAGE 201 COLUSA COUNTY RECORDS, THENCE ALONG THE FOLLOWING COURSES:

- 11- S 72° 58' 40" E ALONG THE NORTHERLY LINE OF SAID PARCEL 1, ALSO BEING THE EXISTING CITY LIMITS OF THE CITY OF COLUSA, 201.15' MORE OR LESS TO A POINT ON THE EASTERLY LINE OF THAT CERTAIN PROPERTY REFERRED TO AS PARCEL 1 IN THAT CERTAIN DEED TO COLUSA IRRIGATION COMPANY, A CALIFORNIA CORPORATION, DATED OCTOBER 17, 1908 AND RECORDED IN BOOK 67 OF DEEDS AT PAGE 108, COLUSA COUNTY RECORDS; THENCE
- 12- S 15° 55' 39" W ALONG THE EASTERLY LINE OF SAID PARCEL 1 OF THE DEED TO COLUSA IRRIGATION COMPANY, SAID LINE BEING THE EXISTING CITY LIMITS OF THE CITY OF COLUSA, 299.93' MORE OR LESS TO THE SOUTHEASTERLY CORNER OF PARCEL 3 OF SAID PARCEL MAP; THENCE
- 13- S 73° 04' 07" W ALONG THE SOUTHERLY LINE OF SAID PARCEL 3, SAID LINE BEING THE EXISTING CITY LIMITS OF THE CITY OF COLUSA, 623.73' TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF FIFTH STREET; THENCE
- 14- S 25° 00' 00" W ALONG THE EASTERLY RIGHT OF WAY OF FIFTH STREET SAID LINE BEING ALSO THE EXISTING CITY LIMITS OF THE CITY OF COLUSA, 26.29' TO A POINT OF INTERSECTION OF THE EASTERLY PROJECTION OF THE



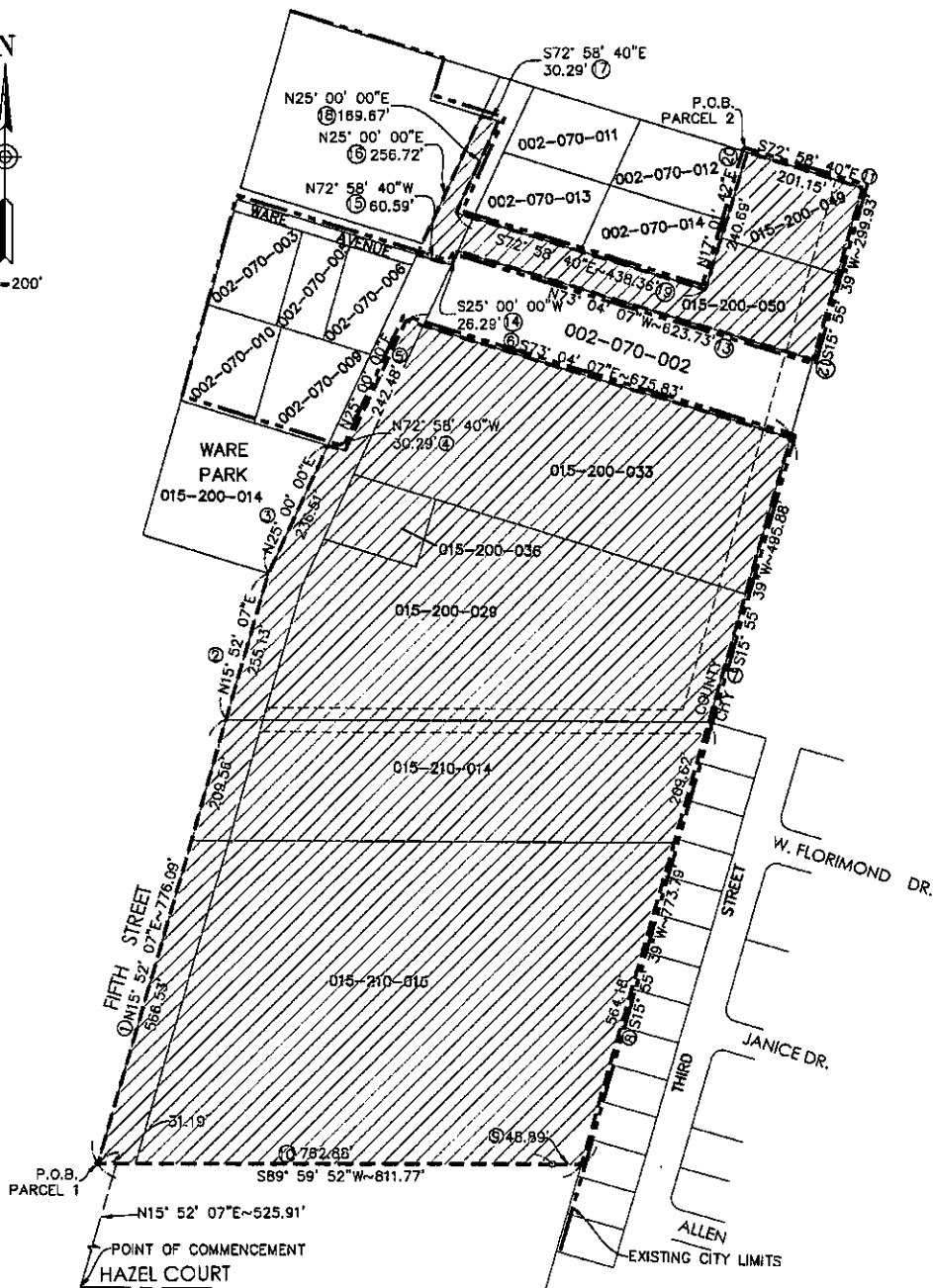
CENTERLINE OF WARE AVENUE AND THE EASTERLY RIGHT OF WAY LINE OF FIFTH STREET; THENCE

- 15- N 72° 58' 40" W ALONG THE EASTERLY PROJECTION OF THE CENTERLINE OF WARE STREET THIS LINE ALSO BEING THE EXISTING CITY LIMITS OF THE CITY OF COLUSA, 60.59' TO A POINT OF INTERSECTION OF SAID CENTERLINE WITH THE WESTERLY RIGHT OF WAY LINE OF FIFTH STREET; THENCE
- 16- N 25° 00' 00" E ALONG THE WESTERLY RIGHT OF WAY LINE OF FIFTH STREET, 256.72 TO A POINT ON THE NORTHERLY LINE OF THAT CERTAIN PARCEL AS DESCRIBED IN A DEED WITH DOCUMENT REFERENCE NUMBER 2016 R 1255 COLUSA COUNTY RECORDS, SAID POINT BEING THE POINT OF INTERSECTION OF THE EXISTING CITY OF COLUSA CITY LIMITS WITH THE WESTERLY RIGHT OF WAY LINE OF FIFTH STREET; THENCE
- 17- S 72° 58' 40" E ALONG THE NORTHERLY LINE OF SAID PARCEL AS DESCRIBED IN DOCUMENT REFERENCE NUMBER 2016 R 1255 AND ALONG THE EXISTING LIMITS OF THE CITY OF COLUSA, 30.29' TO A POINT ON THE CENTERLINE OF FIFTH STREET; THENCE
- 18- S 25° 00' 00" W ALONG THE CENTERLINE OF FIFTH STREET AND ALONG THE EXISTING LIMITS OF THE CITY OF COLUSA, 169.67' TO A POINT OF INTERSECTION OF SAID CENTERLINE WITH THE WESTERLY PROJECTION OF THE SOUTH LINE OF PARCEL 2 OF SAID PARCEL MAP; THENCE
- 19- S 72° 58' 40" E ALONG THE WESTERLY PROJECTION OF SAID SOUTH LINE AND ALONG SAID SOUTHERLY LINE OF PARCEL 2 SAID LINES BEING ON THE EXISTING LIMITS OF THE CITY OF COLUSA, 438.68' TO THE SOUTHEASTERLY CORNER OF PARCEL 2 OF SAID PARCEL MAP; THENCE;
- 20- N 17° 01' 42" ALONG THE WESTERLY LINE OF PARCELS 1 AND 3 OF SAID PARCEL MAP BEING THE EXISTING LIMITS OF THE CITY OF COLUSA 240.69' MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 2.209 ACRES MORE OR LESS

FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED





- LEGEND**
- ANNEXATION BOUNDARY
  - EXISTING CITY LIMITS
  - AREA TO BE ANNEXED



FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED

PREPARED BY:  
**NVES**  
 NORTH VALLEY ENGINEERING AND SURVEYING  
 1547 STARR DRIVE SUITE "J"  
 YUBA CITY, CA 95993  
 (530) 713-0417

ANNEXATION NO. 2021-0001  
**EXHIBIT "B"**  
 ANNEXATION EXHIBIT  
 OCTOBER 2021



RESOLUTION NO. 00-47

**MASTER PROPERTY TAX REVENUE EXCHANGE RESOLUTION OF THE  
BOARD OF SUPERVISORS OF THE COUNTY OF COLUSA  
TO ESTABLISH A DISTRIBUTION OF PROPERTY TAX REVENUE ON  
ANNEXATIONS AND DETACHMENTS OF SPECIAL DISTRICTS WITHIN  
COLUSA COUNTY**

**WHEREAS**, under the provisions of Proposition 13 adopted in 1978, the distribution of property taxes within each county became the responsibility of the County Board of Supervisors; and

**WHEREAS**, Proposition 13 failed to make any provision for the redistribution of these taxes, as a result of reorganization of cities and districts within the county; and

**WHEREAS**, Revenue and Taxation Code Section 99(b) designates the Colusa County Board of Supervisors as the agency responsible for deciding what sort of property tax revenue exchanges should occur in the case of special district annexations and detachments within the County; and

**WHEREAS**, a resolution must be adopted establishing the extent and nature of property tax exchanges before any annexation or detachment is complete.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the Board of Supervisors of the County of Colusa as follows:

1. All exchanges of property tax revenue for special district annexations and detachments shall be governed by this resolution;

2. The exchange of property taxes shall be effective beginning any roll year only if the special district annexation or detachment has been completed and approved by the State Board of Equalization prior to December 1<sup>st</sup> of the preceding year;

3. Regarding the property tax revenue exchange for special district annexations, no share of property tax revenue (including base tax revenue and annual tax increment) belonging to the County or any taxing agency within the subject territory shall be exchanged with the annexed special district as a result of the annexation;

4. Regarding the property tax revenue exchange for special district detachments, any share of property tax revenue (including base tax revenue and annual tax increment) belonging to the detached property shall be distributed to the County and to all of the other taxing agencies within the subject territory based on their share of property tax revenue within the subject tax rate area.

5. The Colusa County Auditor-Controller is hereby directed to distribute the property tax revenues for the taxing agencies within the subject annexation or detachment area in accordance with this resolution.

**BE IT FURTHER RESOLVED** per the direction of the California State Controller, this master property tax revenue exchange resolution is retroactive to July 1, 1978 and is effective on that date and thereafter.




The foregoing master property tax revenue exchange resolution was passed and adopted at a Regular meeting of the Board of Supervisors of the County of Colusa held on the 11<sup>th</sup> day of July, 2000, by the following vote:

AYES: Supervisors Womble, Scofield, Maltby, Waite and White.

NOES: None.

ABSENT: None.

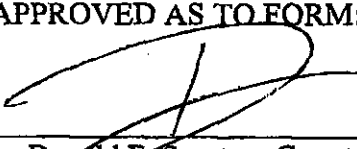
ABSTAIN: None.

  
\_\_\_\_\_  
E. Douglas White, Chairman  
Colusa County Board of Supervisors

Attest: KATHLEEN MORAN  
Clerk and Ex-Officio Clerk to the  
Board of Supervisors

By:   
\_\_\_\_\_  
Maria Perez-Mendiola, Deputy Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Donald F. Stanton, County Counsel



## RESOLUTION 20-61

**RESOLUTION OF APPLICATION BY THE COUNCIL OF THE CITY OF COLUSA  
REQUESTING THE COLUSA COUNTY LOCAL AGENCY FORMATION COMMISSION  
INITIATE PROCEEDINGS FOR THE ANNEXATION OF UNINCORPORATED TERRITORY TO  
THE CITY OF COLUSA INVOLVING APPROXIMATELY 12.83 ACRES OF PROPERTY, WITH  
ADJACENT PUBLIC RIGHTS-OF-WAY**

WHEREAS, on January 3, 2019, Joh and Julieann Cheney and Jeffrey Wilson ("Applicants") filed a City of Colusa master planning application to annex, prezone, and subdivide approximately 12.83 acres of property ("Property") located at 1425 5<sup>th</sup> Street ("Project"); and

WHEREAS, the Council of the City of Colusa desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code Section 56000 *et seq.*, for a reorganization to annex the Property located in the unincorporated area of Colusa County to the City of Colusa; and

WHEREAS, the 12.83-acre Property is located within the City of Colusa Sphere of Influence; and

WHEREAS, a description (Exhibit A) and map (Exhibit B) of the boundaries of the Property proposed to be annexed into the City of Colusa are attached hereto and made a part hereof, respectively; and

WHEREAS, the Colusa County Local Agency Formation Commission ("LAFCO") is the agency with jurisdiction over such reorganizations within Colusa County ("County"); and

WHEREAS, a notice of intent to adopt this Resolution of Application has been given and published pursuant to Government Code Section 56654; and

WHEREAS, the principal reasons for the proposed reorganization are as follows:

1. The City Council has determined that the proposed reorganization will promote the general health, safety and welfare of the community.
2. The City Council has determined that the reorganization, including the annexations and detachments listed herein, is consistent with and facilitates fulfillment of the goals, policies and objectives set forth in the *City of Colusa General Plan*.
3. The City Council has determined that, with future low-density residential development, annexation of the property will comply with and implement the *City of Colusa General Plan*.
4. The City Council has determined that there is sufficient infrastructure to serve the Subject Property, based upon the *Cheney-Wilson Subdivision Plan for Services* (Exhibit C).
5. The City has, prior to or concurrent with the approval of this resolution, adopted an ordinance pre-zoning the subject Property; and



WHEREAS, the following agency or agencies would be affected by the proposed jurisdictional changes:

<u>Agency</u>	<u>Nature of Change</u>
City of Colusa / City of Colusa Fire Dept.	Annexation of approximately 12.83 acres
Sacramento River Fire Protection District	Detachment of approximately 12.83 acres

WHEREAS, the City of Colusa, as "Lead Agency," prepared an Initial Study/Mitigated Negative Declaration ("IS/MND"), dated August 2020, to evaluate the potential environmental impacts associated with the Project. The IS/MND was prepared in compliance with CEQA Guidelines Sections 15063, 15070 & 15071 and identified mitigation measures that would avoid or mitigate the potential environmental effects of the Project to a point where clearly no significant effects would occur.

WHEREAS, the City and the County have previously entered into, or will enter into, a tax-sharing agreement pursuant to Revenue and Taxation Code Section 99.

WHEREAS, on August 26, 2020 and September 21, 2020, the Planning Commission held duly noticed public hearings –at which times a Planning Department staff report, the *City-CIP Annexation Area Plan for Services*, and oral and/or written testimony were considered– and recommended that the City Council pre-zone and annex the subject Property; and

WHEREAS, The Colusa County Airport Land Use Compatibility Plan requires review of the Project by the Colusa County Airport Land Use Commission; and

WHEREAS, On November 6, 2020, during a duly noticed public hearing, the Colusa County Airport Land Use Commission considered and, and by a vote of 5-0-2, approved a resolution determining limited compatibility with the Colusa County Airport Land Use Compatibility Plan, and establishing Project conditions to minimize impacts to the Colusa County Airport; and

WHEREAS, the City Council held a duly-notice public hearing on the Project on December 15, 2020, and has considered all public testimony, staff reports, correspondence, and other information provided.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COLUSA DOES HEREBY RESOLVE:**

1. Recitals. That the foregoing recitals and findings are true and correct.
2. Findings of Fact. The City Council hereby finds and determines the following facts related to the proposed annexation:
  - A. The Cheney-Wilson annexation conforms with the policies and guidelines of the *City of Colusa General Plan* and the *Colusa Municipal Code*.



- B. The Project site is located within the City of Colusa Sphere of Influence, the City of Colusa General Plan Area, and is adjacent to the existing incorporated boundary of the City of Colusa, as required by the Colusa County LAFCO policies and the Cortese-Knox-Hertzberg Local Government Reorganization Act.
- C. The proposed annexation boundary represents a logical expansion of the incorporated City limits and is consistent with the Colusa County LAFCO policies and the Cortese-Knox-Hertzberg Local Government Reorganization Act.
- D. The Project site was planned for various infrastructure & essential services and accommodated within all City of Colusa master infrastructure planning reports, prepared subsequent to the 2007 *City of Colusa General Plan*.
- E. The *Cheney-Wilson Subdivision Plan for Services* illustrates that various systems of City infrastructure & essential services would be available to support the proposed Project. This preliminary plan has been reviewed by City staff and is deemed sufficient to accommodate the requested annexation and pre-zoning.
- F. The project, with mitigations and/or conditions of approval implemented, would not have a detrimental effect on the health, safety, peace, and welfare of persons residing or working in the neighborhood of the project, or be detrimental or injurious to property and improvements in the neighborhood, or the general welfare of the City of Colusa.
- G. Notice of a hearing on the proposed annexation and pre-zoning was sent to all persons owning property within 300-feet of the project site as identified on the Colusa County Assessor rolls, and publicly-noticed.
- H. Subsequent to City Council review, LAFCo will review the proposed annexation with the applicant's plan for services, conduct a fiscal analysis, hold a public hearing, and will vote on the annexation.
- I. The project is consistent with land-use goals and the applicable policies of the *City of Colusa General Plan*, for the following reasons:
  - 1. The Project site is located within the area directly adjoining the current City Limits and will provide opportunities for future employment and housing consistent with General Plan Land Use Policy LU-6.1 which states "Growth shall provide a strong diversified economic base and a reasonable balance between employment and housing for all income groups";
  - 2. The Project site is located within the area directly adjoining the current City Limits and therefore is consistent with General Plan Land Use Policy LU-5.1; Development patterns shall tier off of existing development and avoid leap-frogging, including areas intended for annexation that are presently outside the city limit,
  - 3. Implementation of the *Cheney-Wilson Subdivision Plan for Services* and compliance with standard City requirements for new infrastructure services will ensure protection of the public's health, safety, and welfare (re: Policy LU-6.3);
  - 4. The Project site is currently serviced by private utility infrastructure. Plans for future public infrastructure and essential services are illustrated, and deemed sufficient by City staff, within the *Cheney-Wilson Subdivision Plan for Services* (re: Policy LU-6.4);
  - 5. All new City water connections within the Project site will be metered and monitored to assist with water conservation efforts (re: Policy MFS-7.2);



6. City and/or private wastewater collection and treatment capacity is currently available to serve the Project properties, following Annexation and once physical improvements to the sewer main are approved and constructed (re Policy MFS-8.2 & -8.5);
- J. Development of utility infrastructure within the project would comply with the standards, rules, and regulations of City ordinances and regulations, subject to approval of infrastructure improvement plans and/or encroachment permits by City Engineering, Public Works and Planning Department staff.
- K. Based on the analysis contained in the IS/MND, the City Council finds and determines that the Project would have NO SIGNIFICANT EFFECT on the environment, and that the Project IS WITHIN THE SCOPE of the *City of Colusa General Plan Update Master Environmental Impact Report*, approved and certified by the *City of Colusa City Council*.
3. Adoption and Approval. That this Resolution of Application is hereby adopted and approved and the Local Agency Formation Commission of Colusa County is hereby requested to take proceedings for the reorganization of the Subject Property, and for the Amendment to the City of Colusa Sphere of Influence, as authorized and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
4. Authorization to City Manager. That City staff is hereby directed to prepare all such documents as may be required to facilitate the Cheney-Wilson Annexation, and the City Manager is hereby authorized to execute such documents, if required.
5. Notification. That the names of the officers who are to be furnished with copies of the report by the LAFCo executive application, and to be given mailed notice of the hearing are Jessie Cain, City Manager and Bryan Stice, Community Development Manager.
6. Effective Date. This Resolution shall be effective immediately.

PASSED AND ADOPTED AT A MEETING OF THE CITY COUNCIL OF THE CITY OF COLUSA ON THE 15<sup>th</sup> DAY OF DECEMBER 2020, BY THE FOLLOWING VOTE:

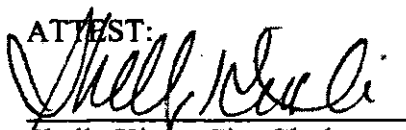
AYES: Ponciano, Reische, Conrado, Vaca and Hill.

NOES: None.

ABSENT: None.

  
JOSH HILL, MAYOR

ATTEST:

  
Shelly Kittle, City Clerk

EXHIBITS

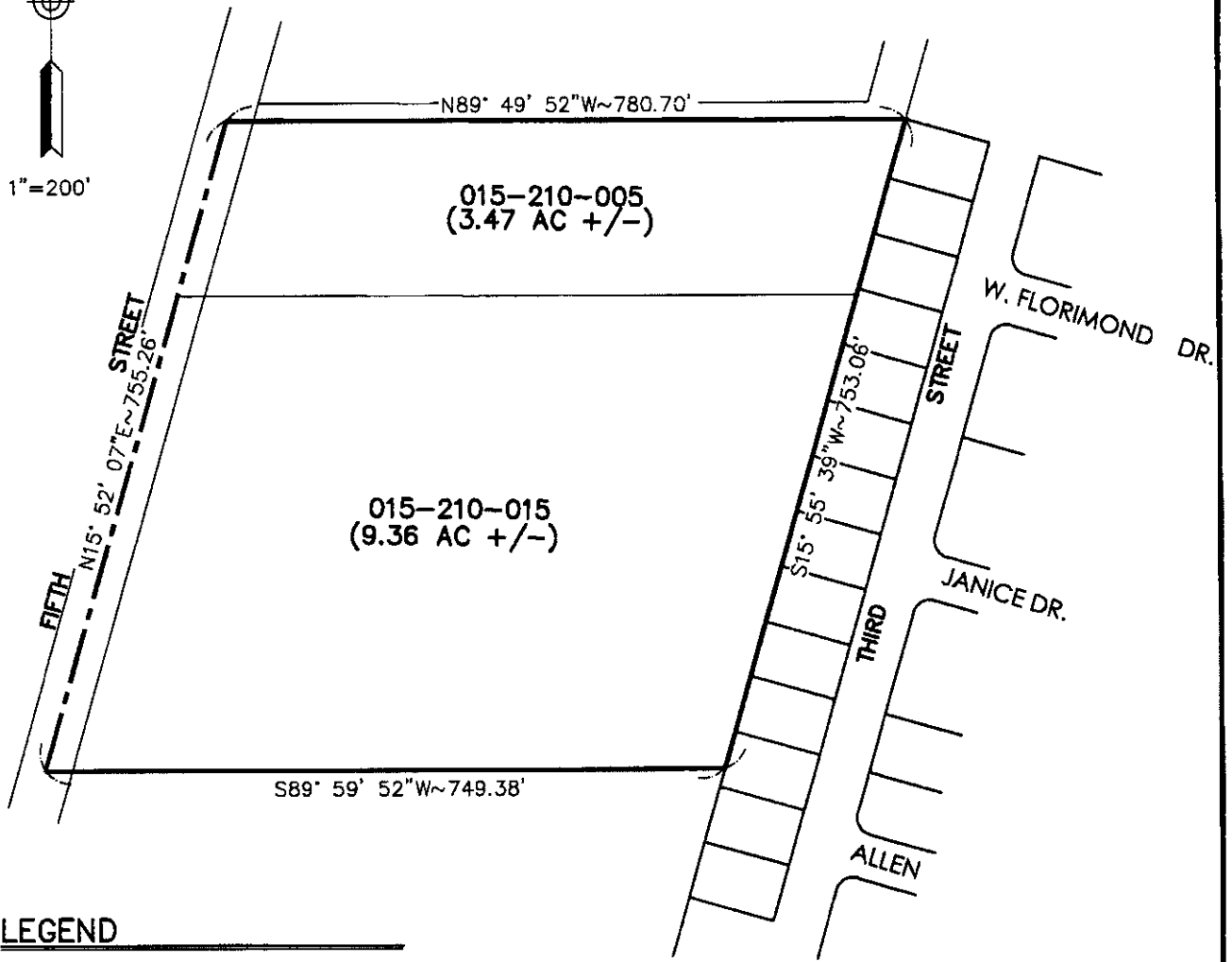
A: Annexation Exhibit

B: Cheney-Wilson Subdivision Plan for Services



**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**(pending)**





# LEGEND

— PROPERTY BOUNDARY

## EXHIBIT "B"

ANNEXATION EXHIBIT

## CHENEY-WILSON SUBDIVISION

BEING A PORTION OF LOT 14 OF THE JOHN C. MOGK  
SUBDIVISION NO. 4 AS RECORDED IN BOOK 1 OF  
MAPS, PAGE 49 COLUSA COUNTY RECORDS  
CITY OF COLUSA, STATE OF CALIFORNIA.

AUGUST 2020

PAGE 1 OF 1

PREPARED BY:

**NVES**

NORTH VALLEY ENGINEERING AND SURVEYING  
1547 STARR DRIVE SUITE "J"  
YUBA CITY, CA 95993  
(530) 713-0417



# ***Cheney-Wilson Subdivision Plan for Services***

## **I EXISTING FACILITIES**

The current property is primarily an open field with a single-family resident. The following is a list of existing City services adjacent to the proposed subdivision.

### **Water System**

A 12" water main is located on the west side of 5<sup>th</sup> Street within the street right of way. Also, an existing 8" water main is located within the right of way of 3<sup>rd</sup> street on the easterly side of the property.

### **Sewer System**

A 10" sewer main runs along the easterly side of 5<sup>th</sup> Street in front of the subdivision. Also, according to the City sewer base maps a 10" sewer line runs diagonally along the southerly portion of the subdivision.

### **Storm Drainage**

A 30" storm drainpipe is located in 3<sup>rd</sup> Street on the easterly side of this property. No storm drainage pipes are located in 5<sup>th</sup> street in front of this property.

### **Streets**

The existing 5<sup>th</sup> Street is approximately 16' total paved width with no curb or gutters or sidewalks.,

### **Parks and Recreation**

A small City park is located on 3<sup>rd</sup> Street at the easterly side of the property.

## **II PLAN FOR SERVICES**

The information presented in this section of the document is intended to address how the City services will be made available for this property and at what costs, if any, will be incurred by the City. Many of the already existing City services such as Police and Fire require little or no infrastructure upgrades, however other City services; sewer, water and storm drain will have to be extended by the developers into the property to serve the new lots in the subdivision.



**A. Wastewater Improvements**

The existing 12" sewer main along 5<sup>th</sup> Street will be utilized to serve this subdivision. A sewer collection system will be installed by the developers within the subdivision along with individual sewer services to each new lot. The on-site sewer system will be connected to the existing 12" sewer main. The cost of these improvements will be the responsibility of the developers along with the payment of any City sewer connection fees.

**b. Water Improvements**

The existing 12" water main in 5<sup>th</sup> Street will be utilized to serve this subdivision. A water distribution system will be installed by the developers within the subdivision along with water services to each new lot. The developers will also be required to install fire hydrants as required by the City Fire Department. The cost of the improvements will be the responsibility of the developers along with the payment of any City water connection fees.

**c. Storm Drainage Improvements**

A storm drain collection system will be installed within the subdivision directing all drainage to a detention basin which is proposed to be constructed within the limits of the subdivision. The purpose of the drainage pond is to store the drainage generated by the subdivision and then meter it into the city existing drainage improvements on 3<sup>rd</sup> Street after the passing of the storm. The construction of the pond will also satisfy the State Water Quality requirements related to storm drainage generated by new development. The cost of these improvements will be the responsibility of the developers. The property owners will be responsible for the maintenance of the pond either by the payment of a fee to the City or by the formation of a home owners association which will be responsible for maintaining the pond.

**d. Street Improvements**

All on-site streets will be constructed and funded by the developers. The easterly half of 5<sup>th</sup> Street will be improved and funded by the developers also. The future street section of the easterly half of 5<sup>th</sup> street will be constructed to the width required by the City.