

**MEMORANDUM
DEPARTMENT OF FACILITY SERVICES
COUNTY OF PLACER**

To: **BOARD OF SUPERVISORS** Date: **OCTOBER 8, 2013**

From: **MARY DIETRICH / BILL ZIMMERMAN**

Subject: **PUBLIC HEARING: EXCLUSION OF BOUGHTON PROPERTY FROM SEWER
MAINTENANCE DISTRICT 1**

ACTION REQUESTED/RECOMMENDATION:

1. After holding a Public Hearing, adopt a Resolution excluding the property owned by Timothy and Rhonda Boughton, APN 051-100-046, located on Kemper Road in Auburn from the boundaries of Placer County Sewer Maintenance District 1 (SMD 1) at no net County cost.
2. Direct the Auditor-Controller's Office to refund the sum of \$36,044 to Timothy and Rhonda Boughton.

BACKGROUND: Timothy and Rhonda Boughton are requesting that the above referenced parcel, consisting of 5.1 acres located on Kemper Road (with access via Atwood Road) in Auburn, be excluded from SMD 1 as it will not benefit by remaining in the District.

On February 28, 2007, the Boughtons' requested to annex the Kemper Road parcel into SMD 1 in order to connect to the public sewer as a requirement for subdividing the parcel. On March 12, 2007, the Boughtons' paid the annexation processing fee of \$500, which covers the County Surveyor's review and approval of the metes and bounds, and the cost of the required Public Hearing. On August 28, 2007, the Board held a Public Hearing and approved the Boughtons' request for annexation into SMD 1 by Resolution 2007-288 conditioned upon payment of the \$28,050 annexation fee. On October 11, 2007, the Boughtons' paid the annexation fee and the Resolution was subsequently recorded. In anticipation of constructing public sewer, on October 1, 2012, the Boughtons' purchased sewer permit 14889 in the amount of \$7,994.

On January 30, 2013, a letter was received from the Boughtons' stating they had abandoned their plans to subdivide the property and no longer wished to connect to public sewer. The Boughtons' are requesting to be excluded from SMD 1 and have their annexation fee and sewer permit fees totaling \$36,044 returned. The annexation processing fee is not included in the refund as the annexation was processed to completion.

A Public Hearing is required in order to exclude the property from the Sewer District. In accordance with Section 4906.1 of the Health and Safety Code, your Board must hold a Public Hearing and adopt a Resolution which finds that the property is not benefited from remaining in the Sewer District. The attached Resolution satisfies that requirement and includes a legal description and plot map.

ENVIRONMENTAL CLEARANCE: Approval of the recommended action is not a Project as defined in the California Environmental Quality Act.

FISCAL IMPACT: Upon the Board's action to exclude the property from SMD 1, the annexation fee and sewer permit fees in the total amount of \$36,044 will be refunded to the Boughtons'. SMD 1 has sufficient funding to allow payment of the refund. Returning these funds will have no impact on the County General Fund.

MD/BZ/KK/LM
RESOLUTION

CC: COUNTY EXECUTIVE OFFICE
COMMUNITY DEVELOPMENT RESOURCE AGENCY

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Before the Board of Supervisors County of Placer, State of California

In the matter of: A RESOLUTION EXCLUDING
THE PROPERTY OF TIMOTHY AND RHONDA
BOUGHTON, APN 051-100-046 FROM THE
BOUNDARIES OF PLACER COUNTY
SEWER MAINTENANCE DISTRICT 1

Resol. No: _____

The following RESOLUTION was duly passed by the Board of Supervisors of the
County of Placer at a regular meeting held _____, by the following
vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:
Clerk of said Board

BE IT RESOLVED, by the Board of Supervisors of the County of Placer, State of California, as follows:

1. The Board of Supervisors hereby determines that the property shown on Exhibit "A", and on the map entitled Exhibit "B", approximately 5.1 acres, (the "Parcel") attached hereto and incorporated herein, will not be benefited by remaining in Placer County Sewer Maintenance District 1 (SMD1),
2. Further, the Board of Supervisors determines that the territory not proposed to be excluded will be benefited by continuing as SMD 1, and
3. Further, it is declared that SMD 1 shall be re-established excluding the Parcel therefrom.
4. The Auditor-Controller is directed to refund annexation and sewer connection fees paid for the Parcel in the total amount of \$36,044 to Timothy and Rhonda Boughton.

ATTACHMENTS: EXHIBIT A
EXHIBIT B

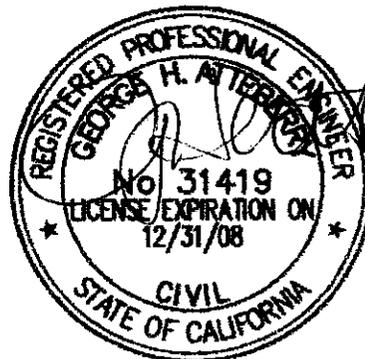
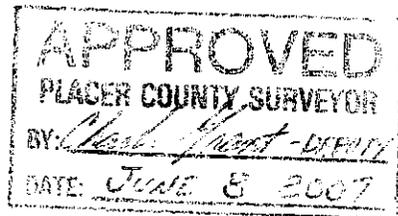
EXHIBIT 'A'

ANNEXATION TO
SEWER MAINTENANCE DISTRICT #1
ANNEXATION # 130

A PORTION OF SECTION 32, T. 13N., R. 8 E., M.D.M., ALSO BEING A
PORTION OF PARCEL MAP P-73195, FILED IN BOOK 16, PARCEL MAPS,
PAGE 70, DESCRIBED AS FOLLOWS;

Parcel B, of Parcel Map P-73195 filed April 16, 1980 in Book 16 of Parcel Maps,
page 70, Official Records Placer County.

Containing 5.10 acres.



S89°19'42"W
273.88'

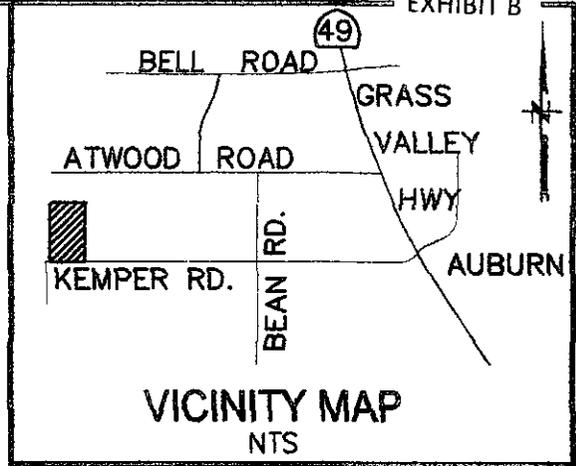


N00°15'00"E
814.96'

N00°24'44"E
815.00'

PARCEL "B"
16 PM 70

N89°19'42"E
271.57'



APPROVED
PLACER COUNTY SURVEYOR
BY: *Charles H. Atterbury*
DATE: *JUNE 8 2007*

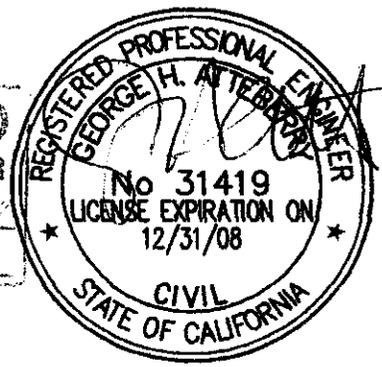


EXHIBIT "B"
PARCEL MAP NO. 73195
PARCEL B, BOOK 16, PARCEL MAPS, PAGE 70
ANNEXATION TO SMD #1
ANNEXATION NO. 130
A PORTION OF SECTION 32, T. 13 N., R. 8 E., M.D.M.
PLACER COUNTY, CALIFORNIA
SCALE 1"=100'
APRIL 2007

A.R. ASSOCIATES
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