



Local Agency Formation Commission of Napa County
Subdivision of the State of California

1030 Seminary Street, Suite B
Napa, California 94559
Phone: (707) 259-8645
Fax: (707) 251-1053
www.napa.lafco.ca.gov

We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 7g

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer

MEETING DATE: December 7, 2015

SUBJECT: Browns Valley Road No. 12 Annexation to the Napa Sanitation District

RECOMMENDATION

Adopt the resolution (Attachment One) making California Environmental Quality Act (CEQA) findings and approving the proposed annexation. Standard approval conditions are included in the resolution.

SUMMARY

The Commission has received a proposal from a landowner requesting the annexation of approximately 0.1 acres of incorporated territory to the Napa Sanitation District (NSD). The territory proposed to be annexed comprises one entire parcel that is developed with one single-family residence. The subject parcel is located at 3217 Browns Valley Road, within NSD's sphere of influence, and within the City of Napa's jurisdictional boundary. The County Assessor identifies the parcel as 050-400-004. The purpose of the proposed annexation is to allow the residence to remove the existing private onsite septic system and connect to NSD's public sewer service infrastructure following the Commission's earlier approval of an outside service agreement involving the District and the residence. No new development projects are associated with the proposed annexation. An aerial map of the proposed annexation territory is provided as Attachment Two to this report.

ANALYSIS

The subject parcel has been assigned a *Single-Family Residential* City of Napa General Plan land use designation and has been zoned as *Residential Single* by the City. These land use designations restrict the growth potential within the subject parcel to a maximum total of one single-family residence and thus the subject parcel is already built-out. NSD has provided assurances that the District can provide public sewer services to the subject parcel without adversely affecting existing ratepayers in terms of costs or service levels.

Juliana Inman, Chair
Councilmember, City of Napa

Greg Pitts, Commissioner
Councilmember, City of St. Helena

Joan Bennett, Alternate Commissioner
Councilmember, City of American Canyon

Diane Dillon, Vice Chair
County of Napa Supervisor, 3rd District

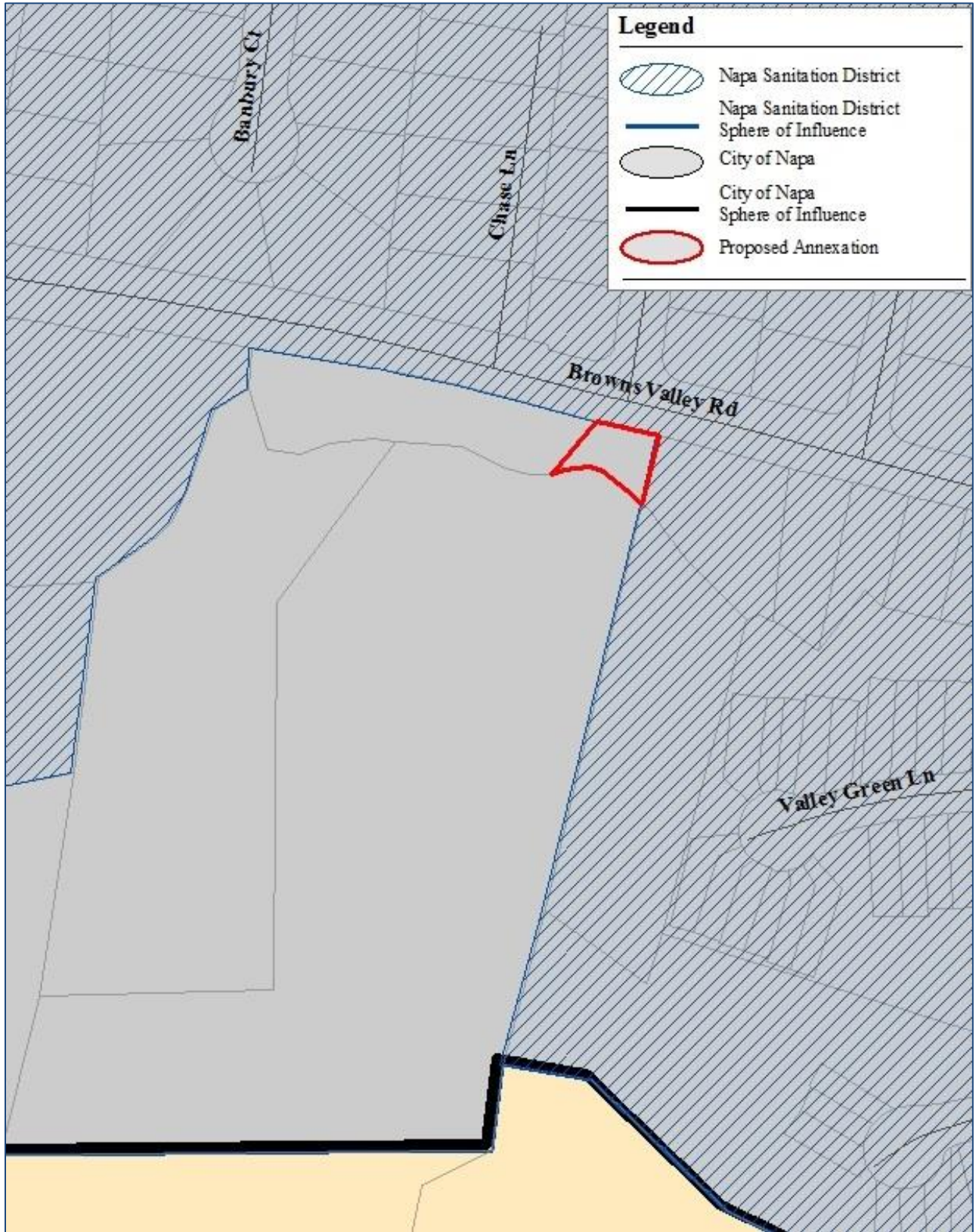
Brad Wagenknecht, Commissioner
County of Napa Supervisor, 1st District

Keith Caldwell, Alternate Commissioner
County of Napa Supervisor, 5th District

Brian J. Kelly, Commissioner
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer



FACTORS FOR COMMISSION CONSIDERATION

Government Code (G.C.) Sections 56668 and 56668.3 require the Commission to consider 16 specific factors anytime it reviews proposals for change of organization or reorganization involving special districts. No single factor is determinative and the intent is to provide a uniform baseline for LAFCOs in considering boundary changes in context to locally adopted policies and practices. References to the “affected territory” hereafter include 3217 Browns Valley Road.

(1) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent areas, during the next 10 years.

The affected territory lies within a residential area consisting of low to moderate density housing and part of the “Browns Valley” neighborhood designation under the City of Napa General Plan. The affected territory is built-out with one single-family residence. Proposal approval would not facilitate any future development of the affected territory based on existing City of Napa zoning and General Plan designations. The current assessment value of the affected territory totals \$122,604.

The affected territory is legally uninhabited given there are under 12 registered voters based on the most recent list provided by County Elections. Topography is relatively flat with an elevation of approximately two feet above sea-level. The affected territory is located within the Napa River Watershed drainage basin. Browns Valley Creek is located approximately 80 feet to the south of the affected territory.

Adjacent lands to the immediate north and east of the affected territory are incorporated and located within NSD’s jurisdictional boundary. Adjacent lands to the immediate west and south are incorporated and located outside NSD’s jurisdictional boundary. Potential future growth opportunities in the area are primarily limited to adjacent lands to the south of the affected territory. If built-out as allowed under the City of Napa’s land use authority, these adjacent lands to the south could potentially be developed to include up to a maximum of 34 single-family residential units.

(2) The need for municipal services; the present cost and adequacy of municipal services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

The present need for municipal services within the affected territory is limited to public sewer for the existing single-family residence within the affected territory; a residence that has received Commission approval for an outside service agreement involving NSD. Core municipal services already provided or available to the affected territory directly or indirectly by the City of Napa include water, fire, emergency medical, police, roads, storm drainage, and garbage collection; all at levels deemed adequate given current and planned uses and based on information collected and analyzed in the Commission’s *Central County Region Municipal Service Review*.

Annexation to NSD would memorialize the previously approved outside service agreement and provide permanent public sewer service to the affected territory going forward. It is estimated the current daily sewer flow generated from the affected territory is 210 gallons on average and increases by two and one-half to 525 gallons during peak periods. These current flow estimates represent less than one one-hundredth of a percent of NSD's current system demand.

(3) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on local governmental structure.

The proposal would recognize and strengthen existing social and economic ties between NSD and the affected territory. These ties were initially established in 1975 when the Commission included the affected territory in NSD's sphere of influence, marking an expectation the site would eventually develop for urban type uses and require public sewer from the region's sole service provider, the District.

(4) The conformity of the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in G.C. Section 56377.

The proposal is consistent with the Commission's policies as codified under its General Policy Determinations. This includes consistency with urban land use designations for the affected territory under the County and City General Plans, avoidance of premature conversion of agricultural uses, and consistency with NSD's adopted sphere of influence. The affected territory does not qualify as "open-space" under LAFCO law and therefore does not conflict with G.C. Section 56377. Specifically, the affected territory is neither substantially unimproved nor devoted to an open-space use under the County or City General Plan.

(5) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by G.C. Section 56016.

The affected territory does not qualify as "agricultural land" under LAFCO law. Specifically, the affected territory is not used for any of the following purposes: producing an agricultural commodity for commercial purposes; left fallow under a crop rotational program; or enrolled in an agricultural subsidy program.

(6) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

The proposal is parcel-specific and includes all of the property identified by the County of Napa Assessor's Office as 050-400-004. Commission approval would include a standard condition requiring the applicant to submit a final map and geographic description of the affected territory in conformance with the requirements of the State Board of Equalization. The final map and geographic description would be subject to County Surveyor review and possible edits by the Executive Officer before filing.

(7) Consistency with the city or county general plans, specific plans, and adopted regional transportation plan.

The proposal would provide permanent public sewer service to the affected territory. The availability of this municipal service is consistent with Napa's General Plan, which designates the affected territory for single-family residential uses (*Single-Family Residential – 42*), as well as Napa's Zoning Ordinance, which designates the affected territory for similar residential uses (*Residential Single – 7*). The Metropolitan Transportation Commission's regional transportation plan (RTP) was updated in 2013 and outlines specific goals and objectives to direct public transportation infrastructure in the Bay Area through 2040. No specific projects are included in the RTP involving the affected territory. Accordingly, the proposal impact is neutral with respect to the RTP.

(8) The sphere of influence of any local agency affected by the proposal.

The affected territory is located entirely within NSD's sphere of influence, which was comprehensively updated by the Commission in October 2015.

(9) The comments of any affected local agency or other public agency.

Staff provided notice of the proposal to all subject agencies and interested parties as required under LAFCO law on October 29, 2015. No comments were received.

(10) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

Information collected and analyzed in the Commission's *Central County Region Municipal Service Review* concluded NSD has established adequate administrative controls and capacities in maintaining appropriate service levels. This includes regularly reviewing and amending – as needed – NSD's two principal user fees to ensure the sewer system remains solvent and sufficiently capitalized to accommodate future demands: (a) connection fees and (b) user fees. The connection fee is currently \$8,723 and serves as NSD's buy-in charge for new customers to contribute their fair share for existing and future facilities necessary to receive sewer service. The annual user fee for a single-family unit is currently \$470 and is intended to proportionally recover NSD's ongoing maintenance and operation expenses.

(11) Timely availability of water supplies adequate for projected needs as specified in G.C. Section 65352.5.

Proposal approval would not generate new water demand for the City of Napa given the affected territory is already built-out with one existing single-family residence.

(12) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments.

The proposal would not impact any local agencies in accommodating their regional housing needs. The affected territory is already located entirely within the City of Napa's jurisdictional boundary, and as a result, all potential units tied to the land are assigned to the City by the Association of Bay Area Governments.

(13) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

The landowner is the petitioner seeking the annexation to NSD.

(14) Any information relating to existing land use designations.

City General Plan: *Single-Family Residential*
City Zoning Ordinance: *Residential Single*

(15) The extent to which the proposal will promote environmental justice.

There is no documentation or evidence suggesting the proposed annexation will have any implication for environmental justice in Napa County.

(16) For annexations involving special districts, whether the proposed action will be for the interest of the landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district.

Proposal approval would benefit current and future landowners as well as residents by providing permanent access to public sewer service. Public sewer service eliminates the need for septic systems in an urbanizing area in which any failings would create a public health and safety threat for immediate and adjacent residents. Establishing permanent public sewer service would also eliminate set-aside land requirements dedicated to the existing septic systems. Additionally, the affected territory has already received Commission approval for an outside service agreement to allow the affected territory to transition from a failing private septic system to public sewer services provided by NSD.

PROPERTY TAX AGREEMENT

Revenue and Taxation Code Section 99(b)(6) requires adoption of a property tax exchange agreement by affected local agencies before the Commission can consider a proposed boundary change.¹ With this in mind, staff provided notice to NSD and the County of the proposed jurisdictional change affecting both agencies and the need to apply a property tax exchange to the proceedings. Both agencies confirmed a master property tax agreement adopted in 1980 shall apply to the proposal if approved by the Commission. This master property tax agreement specifies no exchange or redistribution of property tax revenues will occur as a result of annexations to NSD.

PROTEST PROCEEDINGS

Protest proceedings shall be waived in accordance with G.C. Section 56662(a) given that the affected territory is uninhabited, all landowners have provided their written consent, and no written opposition to a waiver of protest proceedings has been received by any agency.

CEQA

The Commission serves as lead agency for the proposal. Staff has determined that the proposal qualifies for a Class 19 Categorical Exemption as allowed under CEQA given that the affected territory could not be further developed based on its existing City General Plan and zoning designations.

ALTERNATIVES FOR COMMISSION ACTION

Staff has identified two options for Commission consideration with respect to the proposal. These options are summarized below.

Alternative Action One (Recommended):

Adopt the draft resolution identified as Attachment One approving the proposal with standard terms and conditions.

Alternative Action Two:

Disapprove the proposal. Disapproval would statutorily prohibit the initiation of a similar proposal for one year.

PROCEDURES FOR COMMISSION CONSIDERATION

This item has been agenzized for action. The following procedures are recommended with respect to the Commission's continued consideration of this item:

- 1) Receive verbal report from staff;
- 2) Invite comments from any interested audience members (voluntary); and
- 3) Discuss item and consider action on recommendation.

ATTACHMENTS

- 1) Draft Resolution Approving the Proposal
- 2) Aerial Map of Affected Territory
- 3) Application Materials

¹ Revenue and Taxation Code 99(b)(5) states property tax exchanges for jurisdictional changes affecting the service areas or service responsibilities of districts shall be negotiated by the affected county on behalf of the districts.

RESOLUTION NO. ____

**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
MAKING DETERMINATIONS**

**BROWNS VALLEY ROAD NO. 12 ANNEXATION TO
THE NAPA SANITATION DISTRICT**

WHEREAS, the Local Agency Formation Commission of Napa County, hereinafter referred to as the “Commission,” is responsible for regulating boundary changes affecting cities and special districts under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, an application by landowners Debbi Grenn and Marc Babin proposing the annexation of territory to the Napa Sanitation District has been filed with the Commission’s Executive Officer, hereinafter referred to as “Executive Officer,” in a manner provided by law; and

WHEREAS, the proposal seeks Commission approval to annex approximately 0.1 acres of incorporated land within the City of Napa to the Napa Sanitation District and represents one entire parcel located at 3217 Browns Valley Road and identified by the County of Napa Assessor’s Office as 050-400-004; and

WHEREAS, the Executive Officer reviewed said proposal and prepared a written report, including his recommendations thereon; and

WHEREAS, said proposal and the Executive Officer’s report have been presented to the Commission in a manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a public meeting held on said proposal on December 7, 2015; and

WHEREAS, the Commission considered all the factors required by law under Sections 56668 and 56668.3 of the California Government Code; and

WHEREAS, the Commission found the proposal consistent with the sphere of influence established for the Napa Sanitation District; and

WHEREAS, the Commission determined to its satisfaction that all owners of land included in said proposal consent to the subject annexation; and

WHEREAS, in accordance with applicable provisions of the California Environmental Quality Act (hereinafter “CEQA”), the Commission serves as lead agency for the annexation and has determined the annexation is a “project” subject to CEQA. The annexation is categorically exempt from further environmental review under California Code of Regulations (CCR), Title 14, Section 15319(a). This code section exempts annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities; and

NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

1. The Commission’s determinations on the proposal incorporate the information and analysis provided in the Executive Officer’s written report.
2. The Commission serves as lead agency for the annexation as it relates to complying with the provisions of CEQA. Staff has determined the annexation is a “project” subject to CEQA and has found the annexation is categorically exempt from further environmental review under CCR, Title 14, Section 15319(a). This code section exempts annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities. The Commission’s findings are based on its independent judgment and analysis. The records upon which these findings are made are located at the Commission office at 1030 Seminary Street, Suite B, Napa, California 94559.
3. The proposal is APPROVED subject to completion of item number 11 below.
4. This proposal is assigned the following distinctive short-term designation:

**BROWNS VALLEY ROAD NO. 12 ANNEXATION TO
THE NAPA SANITATION DISTRICT**

5. The affected territory is shown on the map in the attached Exhibit “A”.
6. The affected territory so described is uninhabited as defined in California Government Code Section 56046.
7. The Napa Sanitation District utilizes the regular assessment roll of the County of Napa.
8. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
9. The proposal shall be subject to the terms and conditions of the Napa Sanitation District.

10. The Commission authorizes conducting authority proceedings to be waived in accordance with California Government Code Section 56662(a).
11. Recordation is contingent upon receipt by the Executive Officer of the following:
 - (a) A final map and geographic description of the affected territory determined by the County Surveyor to conform to the requirements of the State Board of Equalization.
 - (b) Payment of any and all outstanding fees owed to the Commission and/or other agencies involved in the processing of this proposal.
 - (c) Written confirmation by the Napa Sanitation District that its terms and conditions have been satisfied.
12. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be recorded within one calendar year unless an extension is requested and approved by the Commission.

The foregoing resolution was duly and regularly adopted by the Commission at a regular meeting held on the December 7, 2015, by the following vote:

AYES: Commissioners

NOES: Commissioners

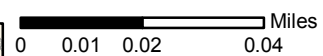
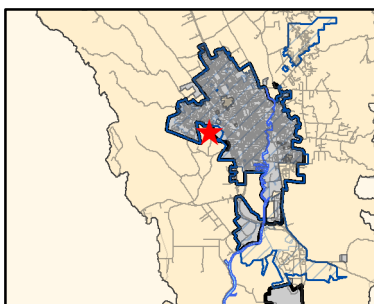
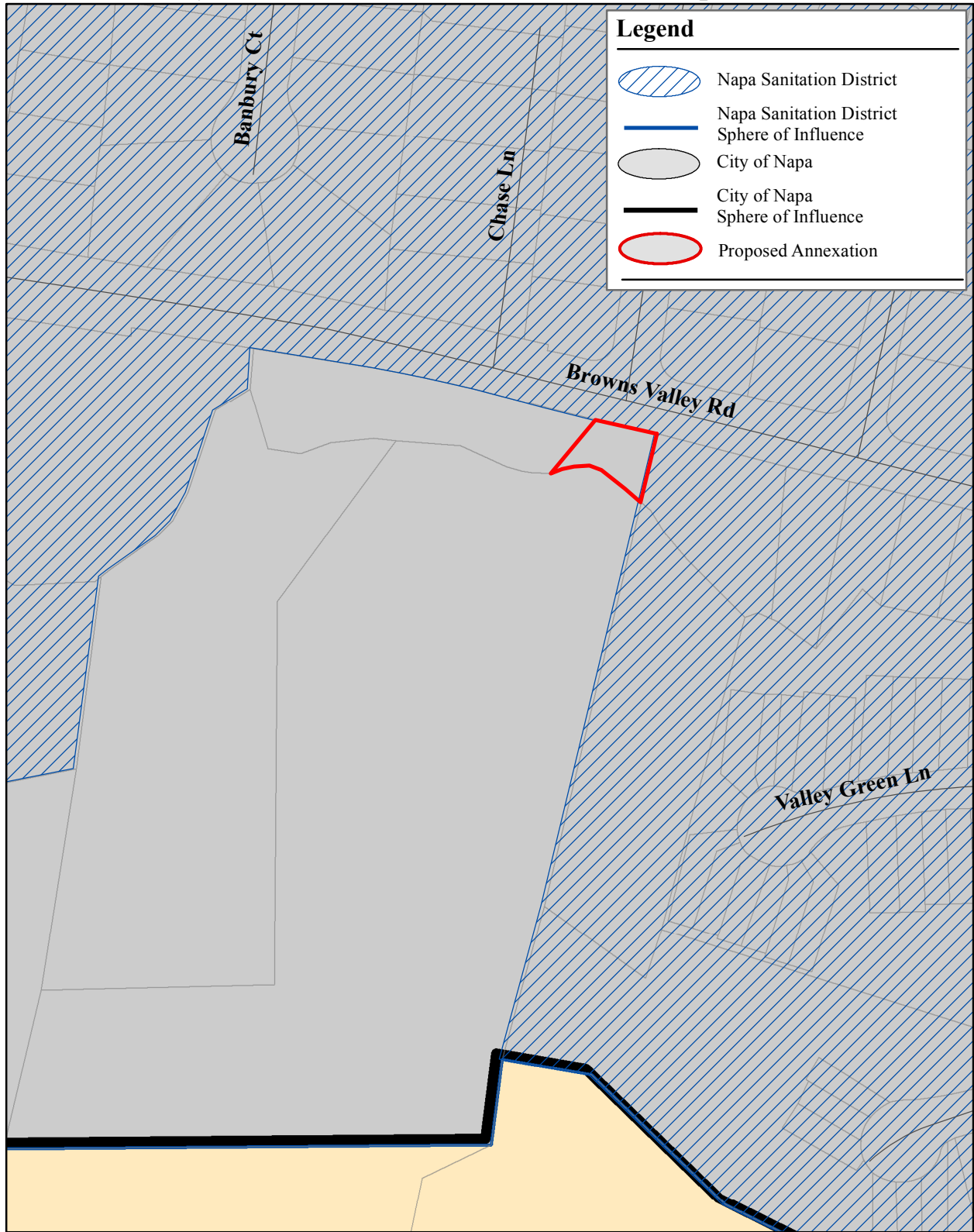
ABSTAIN: Commissioners

ABSENT: Commissioners

ATTEST: Kathy Mabry
Commission Secretary

EXHIBIT A

Browns Valley Road No. 12 Annexation to the Napa Sanitation District

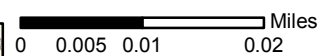
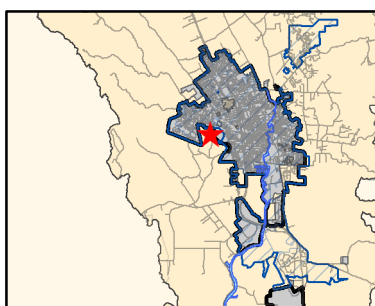
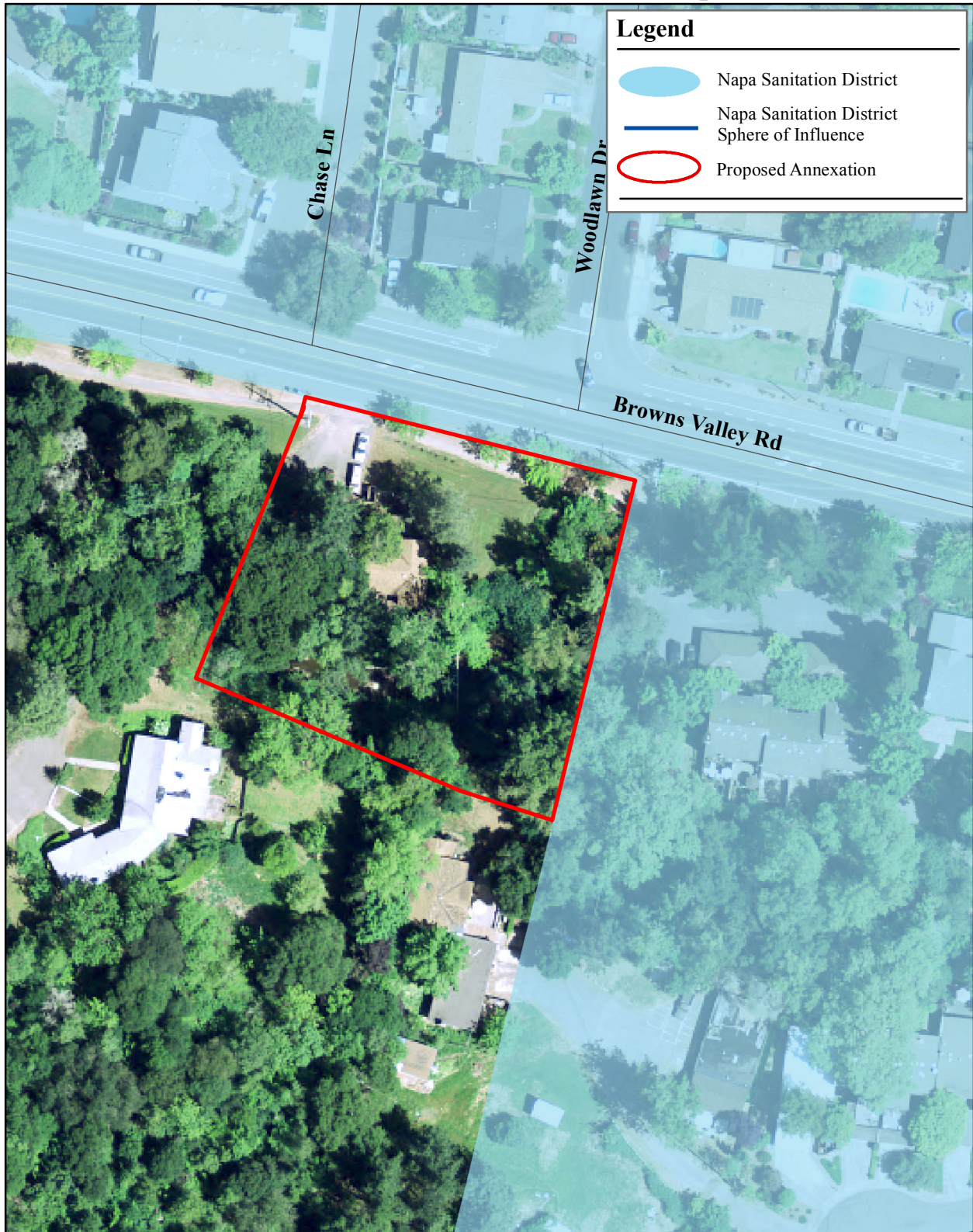


November 5, 2015
Prepared by BF



LAFCO of Napa County
1030 Seminary Street, Suite B
Napa, California 94559
www.napa.lafco.ca.gov

Browns Valley Road No. 12 Annexation to the Napa Sanitation District



November 5, 2015
Prepared by BF



LAFCO of Napa County
1030 Seminary Street, Suite B
Napa, California 94559
www.napa.lafco.ca.gov

FORM B

Date Filed:

10/28/15

Received By:

BF

PETITION FOR PROPOSAL

For Filing with the Local Agency Formation Commission of Napa County

A proposal for a change of organization made by a landowner or registered voter shall be initiated by petition. The petition shall state the nature of the proposal and all associated proposed changes of organization. It shall also state the reason for the proposal and enumerate and include supporting information as required under Government Code Section 56700. The petition must be submitted to the Executive Officer for filing within 60 days after the last signature is affixed. Applicants are encouraged to use this form.

Nature of Proposal and All Associated Changes of Organization:

ANNEXTION TO NSA FOR PURPOSES OF
INSTALLING A SEWER LINE CONNECT TO NSA

Description of Boundaries of Affected Territory Accompanied by Map:

0.12 ACRE PARCEL, IN CITY LIMITS, ON BLOWNS
VALLEY RD

Reason for Proposal and Any Proposed Conditions:

POST EARTHQUAKE SEPTIC SYSTEM DAMAGE

Type of Petition:



Landowner



Registered Voter

Sphere of Influence Consistency:




Yes



No

If Landowner Petition, Complete the Following:

- 1) Name: TERRY MARC BASIN - Debbi GREENN
Mailing Address: 3217 BROWNS VALLEY RD
Assessor Parcel: 050-400-004
Signature:  Date: 10-28-15
- 2) Name: _____
Mailing Address: _____
Assessor Parcel: _____
Signature: _____ Date: _____
- 3) Name: _____
Mailing Address: _____
Assessor Parcel: _____
Signature: _____ Date: _____

If Registered Voter Petition, Complete the Following:

- 1) Name: _____
Mailing Address: _____
Resident Address: _____
Signature: _____ Date: _____
- 2) Name: _____
Mailing Address: _____
Resident Address: _____
Signature: _____ Date: _____
- 3) Name: _____
Mailing Address: _____
Resident Address: _____
Signature: _____ Date: _____

10/28/15
BF

FORM D

JUSTIFICATION OF PROPOSAL
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: T. MARC BABIN - Debbi GRENN
 Contact Person Agency/Business (If Applicable)

Address: 3217 BROWNS VALLEY RD NAPA 94558
 Street Number Street Name City Zip Code

Contact: 650-863-1986 OVORAH GRENN@ME.COM
 Phone Number Facsimile Number E-Mail Address

B. Applicant Type: (Check One) Local Agency Registered Voter Landowner

II. PROPOSAL DESCRIPTION

A. Affected Agencies: NAPA SANITATION DIST.
 Name Address

 Name Address

 Name Address

Use Additional Sheets as Needed

B. Proposal Type: (Check as Needed) Annexation Detachment City Incorporation District Formation

City/District Dissolution City/District Merger Service Activation (District Only) Service Divestiture (District Only)

C. Purpose Statement: (Specific) CONNECT EXISTING HOME TO NSD

III. GENERAL INFORMATION

A. Location: 3217 BROWNS VALLEY Rd 050-400-004 .12
 Street Address Assessor Parcel Number Acres

Street Address Assessor Parcel Number Acres

Street Address Assessor Parcel Number Acres

Street Address Assessor Parcel Number Acres

Total Location Size
 (Including Right-of-Ways) .12

B. Landowners:

- (1) Assessor Parcel Number : SEE ABOVE Name: T.M. BABIN - Debbi Green
 Mailing Address: 3217 BROWNS VALLEY Rd, NAPA, CA. 94558
 Phone Number: 650-863-1986 E-mail: DVORAK GREEN@mc.com
- (2) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____
- (3) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____
- (4) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____

Use Additional Sheets As Needed

C. Population:

- (1) Total Number of Residents: 2
- (2) Total Number of Registered Voters: 2

D. Land Use Factors:

- (1a) County General Plan Designation: _____
- (1b) County Zoning Standard: _____
- (2a) Applicable City General Plan Designation: SFR - 42
- (2b) Applicable City Rezoning Standard: RESIDENTIAL

E. Existing Land Uses:
(Specific)

SFR

F. Development Plans:

- (1a) Territory Subject to a Development Project? Yes No
- (1b) If Yes, Describe Project: _____

- (1c) If No, When Is Development Anticipated? _____

G. Physical Characteristics:

- (1) Describe Topography: LEVEL GROUND -

- (2) Describe Any Natural Boundaries: CREEK

- (3) Describe Soil Composition and Any Drainage Basins: NAPA VALLEY CLAY -

- (4) Describe Vegetation: OAK, REDWOOD, PINE, BAY TREES
WILD GRASSES. TYPICAL OF NAPA NATIVE GROWTH

H. Williamson Act Contracts
(Check One)

Yes

No

IV. GOVERNMENTAL SERVICES AND CONTROLS

A. Plan For Providing Services:

(1) Enumerate and Describe Services to Be Provided to the Affected Territory:

SEWER CONNECT TO NSD

(2) Level and Range of Services to Be Provided to the Affected Territory:

SUFFICIENT TO SERVE ONE (1)
SINGLE FAMILY RESIDENCE

(3) Indication of When Services Can Feasibly Be Extended to the Affected Territory:

AS SOON AS POSSIBLE

(4) Indication of Any Infrastructure Improvements Necessary to Extend Services to the Affected Territory:

PHYSICAL SEWER PIPE FROM
NSD MAIN TO PROPERTY.

(5) Information On How Services to the Affected Territory Will Be Financed:

- FINANCED VIA A HOUSING REHABILITATION LOAN
AND PERSONAL FUNDS -

V. ENVIRONMENTAL INFORMATION

A. Environmental Analysis

(1) **Lead Agency for Proposal:**

N/A LAFCO
Name

(2) **Type of Environmental Document Previously Prepared for Proposal:**

- Environmental Impact Report
- Negative Declaration/Mitigated Negative Declaration
- Categorical/Statutory Exemption: _____
Type
- None

Provide Copies of Associated Environmental Documents

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

N/A

Use Additional Sheets As Needed

B. Identify Up to Three Agencies or Persons to Receive Proposal Correspondence:

(Does not include affected landowners or residents)

(1) Recipient Name:

JOE WIENCZEK

Mailing Address:

1115 SEMINARY ST, NAPA, CA

E-Mail:

JWIENCZEK@CITYOFNAPA.ORG

(2) Recipient Name:

Mailing Address:

E-Mail:

(3) Recipient Name:

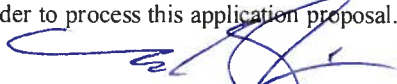
Mailing Address:

E-Mail:

VII. CERTIFICATION

I certify the information contained in this application is correct. I acknowledge and agree the Local Agency Formation Commission of Napa County is relying on the accuracy of the information provided in my representations in order to process this application proposal.

Signature:



Printed Name:

T. MARC BABIN

Title:

LANDOWNER

Date:

10-28-2015

Indemnification Agreement

Name of Proposal: Browns Valley Road No. 12 annexation to NSD

Should the Local Agency Formation Commission of Napa County ("Napa LAFCO") be named as a party in any litigation (including a "validation" action under California Civil Code of Procedure 860 et seq.) or administrative proceeding in connection with a proposal, the applicant T.M. BABIN and/or DEBBI GREEN (real party in interest: the landowner) agree to indemnify, hold harmless, and promptly reimburse Napa LAFCO for:

1. Any damages, penalties, fines or other costs imposed upon or incurred by Napa LAFCO, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. The Napa LAFCO Executive Officer may require a deposit of funds to cover estimated expenses of the litigation. Applicant and/or real party in interest agree that Napa LAFCO shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest, and that such actions shall not relieve or limit Applicant's and/or real party in interest's obligations to indemnify and reimburse defense cost; and
2. All reasonable expenses and attorney's fees in connection with the defense of Napa LAFCO.

This indemnification obligation shall include, but is not limited to, expert witness fees or attorney fees that may be asserted by any person or entity, including the applicant, arising out of, or in connection with, the approval of this application. This indemnification is intended to be as broad as permitted by law.

City Representative

Print Name

Date



Principal Landowner Signature

T. MARC BABIN

Print Name

8/28/2015

Date