



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

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

Agenda Item 6b (Public Hearing)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer

MEETING DATE: December 3, 2018

SUBJECT: Proposed Alston Park Sphere of Influence Amendment and Annexation to the Napa Sanitation District and Associated CEQA Findings

RECOMMENDATION

It is recommended the Commission take the following actions:

- 1) Open the public hearing and take testimony;
- 2) Close the public hearing;
- 3) Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – Alston Park Sphere of Influence Amendment for the Napa Sanitation District (Attachment Eight) making California Environmental Quality Act (CEQA) findings, approving the fee waiver request, and approving the proposed sphere of influence amendment with standard conditions; and
- 4) Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – Alston Park Annexation to the Napa Sanitation District (Attachment Nine) making CEQA findings, approving the fee waiver request, and approving the proposed annexation with standard conditions;

SUMMARY

The City of Napa (“City”) has adopted a resolution of application proposing two concurrent actions involving the Napa Sanitation District (NSD) and approximately 158.2 acres of territory. The proposed actions involve: (1) amendment to NSD’s sphere of influence (SOI) and (2) annexation to NSD. The City’s resolution and application materials are included as Attachment Two.

Margie Mohler, Chair
Councilmember, Town of Yountville

Scott Sedgley, Commissioner
Councilmember, City of Napa

Kenneth Leary, Alternate Commissioner
Councilmember, City of American Canyon

Brad Wagenknecht, Vice Chair
County of Napa Supervisor, 1st District

Diane Dillon, Commissioner
County of Napa Supervisor, 3rd District

Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Gregory Rodeno, Commissioner
Representative of the General Public

Erik Lawrence, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

The affected territory comprises two entire parcels located along the west side of Dry Creek Road and identified by the County Assessor as 035-120-032 and 035-120-034. The parcels are owned and used by the City for municipal purposes as Alston Park (APN 035-120-034) and the Alston Park Water Tank Site (APN 035-120-032). Both parcels were previously annexed to the City and are currently located outside NSD's SOI and jurisdictional boundary.¹

Alston Park is one of the largest parks in the City and experiences a high volume of visitors on a daily basis due to the Park's parking access, walking trails, and dog park. City Park Rangers regularly observe Alston Park at or near capacity and have noticed a trend in peak visitation before and after work hours on weekdays.

Sewer service at Alston Park is currently limited to two portable restrooms located near the southern entrance to the park. A private contractor provides the furnishing and service of the portable restrooms. The portable restrooms are serviced twice weekly.

The purpose of the proposal is to facilitate the planned construction of a permanent public restroom facility at the southern entrance of Alston Park consistent with the City's Alston Park Master Plan and Capital Improvement Project #PK18PR02. The Capital Improvement Project involves replacing the portable restrooms with a permanent two-unit restroom that will be connected to NSD's public sewer infrastructure.

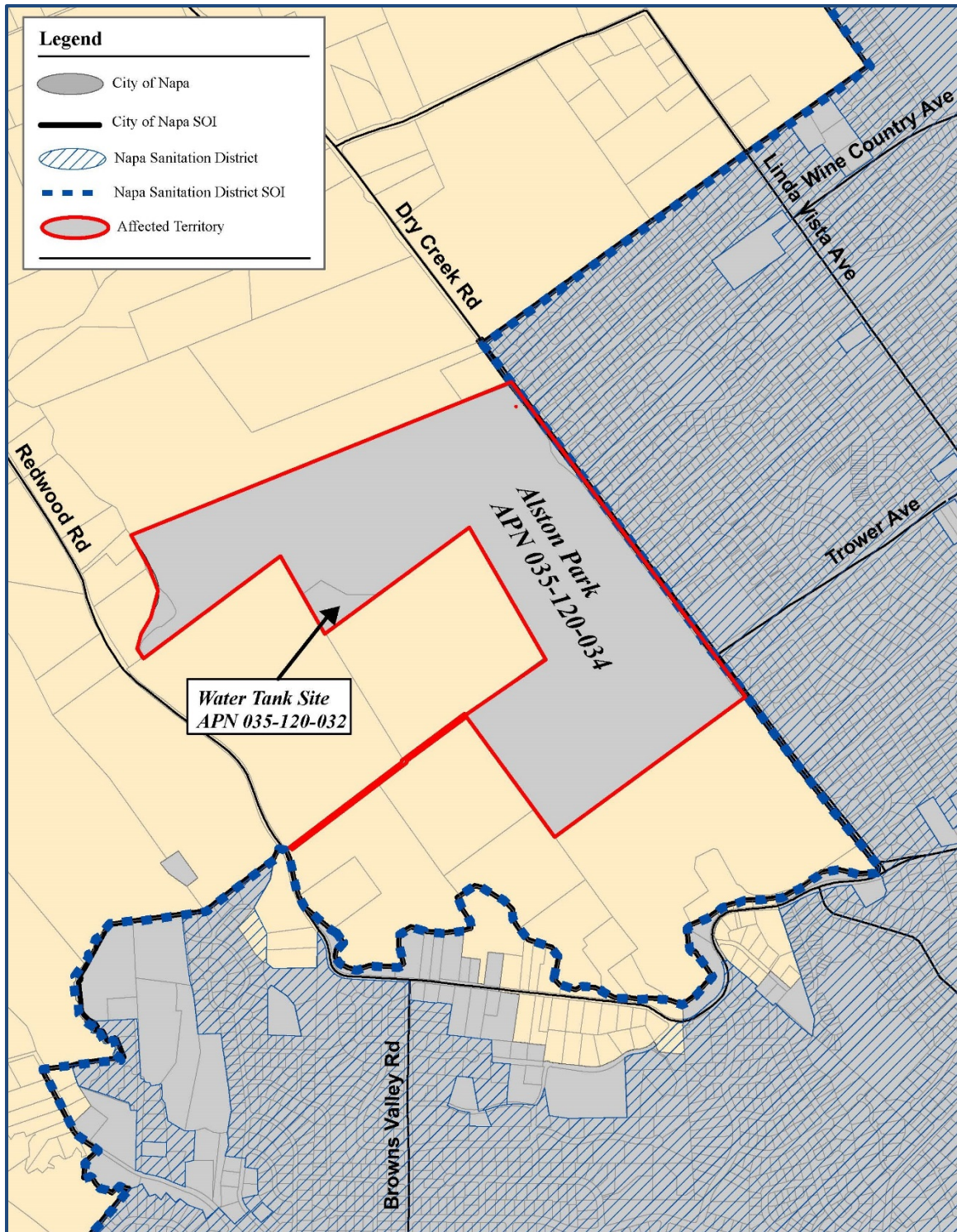
Notably, Alston Park is subject to a conservation easement held by the Land Trust of Napa County that allows for the extension of public sewer utilities to serve Alston Park. The conservation easement is included as Attachment Four. A letter from Land Trust staff expressing support for the proposal is included as Attachment Five.

In addition to the planned restroom facility project, it is anticipated the City will process a minor lot line adjustment between Alston Park and Alston Park Water Tank Site parcels in the foreseeable future to accommodate the addition of necessary water facilities at the Alston Park Water Tank Site. Therefore, to ensure the future Alston Park boundaries remain consistent with NSD's service area, it appears appropriate for both parcels to be annexed to NSD.

On November 7, 2018, NSD adopted a resolution, included as Attachment Six, establishing terms and conditions for the proposed annexation.

¹ In 1963, the Alston Park Water Tank Site was annexed to the City as part of the "Pacifica-Hacienda Annexation". In 1989, the Commission approved the annexation of the majority of Alston Park to the City pursuant to Government Code (G.C.) Section 56742 as part of the "Dry Creek Road/Trower Avenue No. 4 Annexation". G.C. Section 56742 allows for the annexation of non-contiguous territory to cities if the affected territory is owned and used by a city for a municipal purpose, such as a public park. To ensure consistency with G.C. Section 56742, the annexation boundary for Alston Park excluded a 20-foot unincorporated corridor along the eastern perimeter of the parcel along Dry Creek Road. As provided in G.C. Section 56742, if any part of Alston Park or the Alston Park Water Tank Site is sold by the City in the future, the entirety of the annexed territory immediately ceases to be part of the City.

A map of the affected territory showing the boundaries and SOIs for the City and NSD is provided below. An aerial map of the affected territory is included as Attachment One.



Fee Waiver Request

The City submitted a letter to the Commission, included as Attachment Three, stating the permanent restroom project is prioritized for health and safety purposes given the portable restrooms are deemed inadequate for current and future levels of public use. Permanent restrooms connected to NSD's public sewer infrastructure would provide adequate capacity for visitors to Alston Park in a manner that benefits the community by reducing the risk of future public health and safety threats.

With this in mind, the City's letter includes a request for the Commission to waive its proposal fees. A summary of the Commission's proposal fees is provided below:

- SOI Amendment Fee: at-cost (approximately \$615) for staff to evaluate the SOI amendment request, notice a public hearing, and prepare a written report with a recommendation;
- Initial Annexation Fee: \$4,428 for staff to evaluate the annexation proposal and prepare a written report with a recommendation; and
- Geographic Information System Update Fee: \$125 for staff to update the County of Napa's Geographic Information System to reflect the boundary change.

The Commission's adopted fee schedule includes a list of examples that may warrant fee waivers. This includes, but is not limited to, projects addressing public health or safety threats, affordable housing development, and community serving projects.

Staff concurs with the City that the underlying public restroom construction project is a community serving project that will mitigate any potential public health and safety threats posed by the portable restrooms.

In terms of the Commission's ability to absorb the fees, it should be noted the Commission is projected to finish the current fiscal year with a surplus relative to the adopted budget as further detailed in the *First Quarter Budget Report for 2017-2018* (item 5c) on today's agenda. With this in mind, staff recommends the Commission waive its proposal fees.

ANALYSIS

This section includes analysis of the proposal relative to California Government Code (G.C.) and local policy considerations.

Local Policy Considerations

The Commission's *General Policy Determinations* are included as Attachment Seven. The *General Policy Determinations* include several policies relating to SOIs that are relevant to the proposal. An evaluation of relevant policies follows.

- *General Policy Determinations Section III(B)(2)* states the Commission discourages proposals from residents, landowners, and agencies proposing SOI amendments unless justified by special conditions and circumstances. Staff believes the City's proposal is justified based on the community serving benefits and mitigated risk of public health and safety threats associated with the underlying restroom project.
- *General Policy Determinations Section III(D)(3)* relates to the exclusion of land designated agricultural or open-space from special district SOIs. The affected territory is designated in the City General Plan as *Citywide Open Space* and zoned as *Parks and Open Space*. Staff believes an exception to this policy is warranted based on consistency with all of the following criteria consistent with this policy:
 - a) The SOI amendment is necessary in order to provide public sewer to the affected territory to address public health or safety threats;
 - b) NSD can provide adequate public sewer service to the affected territory without extending any mainline more than 1,000 feet; and
 - c) The SOI amendment will not promote the premature conversion of agricultural or open-space land to urban use.
- *General Policy Determinations Section III(D)(5)* states, when an annexation is proposed outside a special district's SOI, the Commission may consider both the proposed annexation and the SOI amendment at the same meeting. The SOI amendment, however, shall be considered and resolved prior to Commission action on the proposed annexation. With this in mind, as part of this item staff recommends the Commission first adopt a resolution to approve the SOI amendment before taking a separate action to adopt a resolution to approve the annexation.

Sphere of Influence Factors for Commission Consideration

G.C. Section 56425 requires the Commission to consider five specific factors for an SOI amendment. No single factor is determinative and the intent is to provide a uniform baseline for LAFCOs with respect to considering SOI amendments in context with locally adopted policies and practices. The following is an evaluation of the proposed SOI amendment relative these five factors.

(1) Present and planned land uses, including agricultural and open-space lands.

The affected territory is owned and used by the City as Alston Park and the Alston Park Water Tank Site. The City has zoned the affected territory as *Park and Open Space* consistent with existing land uses on the Alston Park parcel. These existing land uses at Alston Park parcel will remain unchanged in the foreseeable future consistent with the Alston Park Master Plan and the Land Trust of Napa County conservation easement. The Alston Park Water Tank Site parcel is built out with two municipal water storage tanks and related infrastructure.

(2) The present and probable need for public facilities and services.

Alston Park has a present need for public sewer facilities based on the existing portable restrooms' inadequate capacity to serve the increasing visitor use. NSD is the only public sewer service provider within reasonable proximity of Alston Park. There are no other present or probable needs for other public facilities or services.

(3) The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

NSD has established sufficient capacities and controls to reasonably accommodate future sewer service needs within the District's existing SOI, including projected demands at buildout within the affected territory. This statement is predicated on information collected and analyzed in the Commission's *Central County Region Municipal Service Review* adopted in 2014.² No service deficiencies for the area were identified in the Municipal Service Review.

(4) The existence of any social or economic communities of interest if the commission determines that they are relevant to the agency.

There are no residents within the affected territory. However, the majority of the affected territory comprises a public park that is used by an increasing amount of annual visitors. Therefore, potential communities of interest would include visitors to Alston Park who would benefit from a permanent public restroom facility. Anticipated benefits for the community include improved public health and safety.

(5) The present and probable need for public sewer facilities and services of any disadvantaged unincorporated communities.

There are no disadvantaged unincorporated communities in Napa County under local policy.³ Therefore, inclusion of the affected territory within NSD's SOI is not related to the need for public services for disadvantaged unincorporated communities.

² The *Central County Region Municipal Service Review* is available online at: http://www.napa.lafco.ca.gov/uploads/documents/MSR_CentralCounty_FinalReport_2014.pdf

³ The Commission's *Policy on Disadvantaged Unincorporated Communities* is available online at: https://www.napa.lafco.ca.gov/uploads/documents/Policy_DUCs_10-1-18.pdf

Annexation Factors for Commission Consideration

G.C. Sections 56668 and 56668.3 require the Commission to consider the following 17 specific factors for a change of organization involving annexation to a special district. No single factor is determinative and the intent is to provide a uniform baseline for LAFCOs with respect to considering boundary changes in context with locally adopted policies and practices.

(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 is currently developed with a public park (Alston Park) and two municipal water storage tanks along with related infrastructure (Alston Park Water Tank Site). Alston Park includes a canine commons, walking trails, picnic tables, and two parking lots. The Alston Park Water Tank Site includes two water storage tanks and a disposal area for vegetation debris.

The affected territory – with the exception of a 20-foot unincorporated corridor – is in the City’s jurisdictional boundary and located immediately west of the *Linda Vista* neighborhood as designated in the City’s General Plan.

The affected territory is legally uninhabited given there are fewer than 12 registered voters. The affected territory is owned by the City and tax exempt, and therefore the current assessment value is \$0.

The affected territory is located within the *Salvador Channel* and *Redwood Creek* drainage basins.

Soils within the affected territory are classified as Boomer-Forward-Felta complex (30 to 50 percent slopes), Cole Silt loam (0 to 2 percent slopes), Coombs gravelly loam (2 to 5 percent slopes), Fagan clay loam (30 to 50 percent slopes), Haire loam (2 to 9 percent slopes), Perkins gravelly loam (1 to 10 percent slopes), and Pleasanton loam (0 to 5 percent slopes).

Adjacent lands to the immediate north, west, and south of the affected territory are located outside the jurisdictional boundaries and SOIs of the City and NSD. These lands are predominantly developed with planted vineyards and are ineligible for annexation to the City or NSD. Therefore, no significant growth will occur within these lands in the foreseeable future.

Adjacent lands to the immediate east of the affected territory are located within the jurisdictional boundaries and SOIs of the City and NSD. These lands are predominantly developed and built out with residential land uses. Therefore, no significant growth is expected to occur within these lands in the foreseeable future.

(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 planned restroom facility. Core municipal services already provided by the City or available to the affected territory include water, fire, emergency medical, and law enforcement; all at levels deemed adequate given current and planned uses.

Proposal approval would result in new sewer flows totaling approximately 200 gallons per day based on the projected visitor use of approximately 100 persons and an average of two gallons per flush. NSD has established sufficient capacities and controls to reasonably accommodate projected sewer service needs within the affected territory based on information collected and analyzed in the Commission's *Central County Region Municipal Service Review* adopted in 2014. No service deficiencies were identified in the Municipal Service Review.

(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 the affected territory and the general public. These ties were initially established in 1990 when the City opened Alston Park for passive public use until a Master Plan was adopted. The Alston Park Master Plan was adopted in 1991. The Alston Park Master Plan and the Alston Park Conservation Easement both contemplate the eventual extension of public sewer service to the affected territory. NSD is the region's sole public sewer service provider and therefore is the most appropriate local agency to extend public sewer service to the affected territory.

(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 adopted policies based on the analysis provided in the previous section of this report. It is important to note the affected territory qualifies as "open-space" under LAFCO law.⁴ However, the proposal would not induce, facilitate, or lead to the conversion of open-space lands to other uses, and therefore the proposal does not conflict with G.C. Section 56377.

⁴ Specifically, the affected territory is devoted to an open-space use under the 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 affected territory includes all of the property identified by the County of Napa Assessor’s Office as 035-120-032 and 035-120-034. The City, as the applicant, has submitted a draft map and geographic description of the affected territory that is undergoing review by the County Surveyor to ensure conformance with the requirements of the State Board of Equalization.

(7) Consistency with a regional transportation plan adopted pursuant to G.C. Section 65080.

The Metropolitan Transportation Commission’s regional transportation plan (RTP), *Plan Bay Area 2040*, was updated in 2017 and outlines specific goals and objectives to direct public transportation infrastructure in the Bay Area through 2040.⁵ No specific projects are included in the RTP involving the affected territory. Accordingly, the proposal impact is neutral with respect to the RTP.

(8) Consistency with the city or county general and specific plans.

Approval of the proposal would generally be considered neutral or inconsistent with the City’s General Plan land use designation for the affected territory, which contemplates open-space land use. However, the Alston Park Master Plan and the Alston Park Conservation Easement both contemplate the eventual extension of public sewer service to the affected territory. With this in mind, the proposal is consistent with the planned land use and service utilities for the affected territory.

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

The affected territory is located outside NSD’s SOI, which was comprehensively updated by the Commission in October 2015. A component of the proposal involves amending NSD’s SOI to include the affected territory.

⁵ *Plan Bay Area 2040* is a long-range integrated transportation and land-use/housing strategy through 2040 for the San Francisco Bay Area. *Plan Bay Area 2040* includes the region’s Sustainable Communities Strategy and the 2040 Regional Transportation Plan.

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

Staff provided notice of the proposal to all affected agencies, transportation agencies, and school districts inviting comments as required under G.C. Section 56658. No comments were received.

(11) 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 rates and fees to ensure the sewer system remains solvent and sufficiently capitalized to accommodate future demands: (a) capacity charge for new connections and (b) annual service charge. The capacity charge is currently \$9,624 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 service charge for a single-family unit is currently \$676.38 and is intended to proportionally recover NSD's ongoing maintenance and operation expenses.

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

The affected territory is already within the City's jurisdictional boundary and has established potable water connections at Alston Park to serve park visitors. Information collected and analyzed in the Commission's *Central County Region Municipal Service Review* concluded the City has established adequate water supplies to serve existing and projected water service needs throughout the City's jurisdictional boundary, including the affected territory.

(13) 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.

Approval of the proposal would not affect the City with respect to achieving its fair share of the regional housing needs given that the underlying project could not result in future housing development within the affected territory.

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

The City is the landowner of the affected territory and the applicant seeking annexation. There are no registered voters nor residents within the affected territory.

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

City General Plan Land Use Designation: *Citywide Open Space*
City Zoning Ordinance: *Parks and Open Space*

The City General Plan land use designation for the affected territory is *Citywide Open Space*, which is intended to guide urban development away from agricultural and open space lands that surround the City's boundaries. The City's zoning assignment for the affected territory is *Parks and Open Space*, which allows for open space (including wildlife sanctuaries and similar) and conversion of residential rental units to nonresidential uses without a permit. Proposal approval and the underlying restroom construction project are consistent with the City's land use designations.

(16) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

The proposal would promote environmental justice for the public based on the appropriate location of the planned restroom facility and the anticipated provision of public sewer service at Alston Park. The planned restroom facility will replace the existing temporary restrooms that are deemed inadequate for current and future levels of public use. Permanent restrooms connected to NSD's public sewer infrastructure would provide adequate capacity for visitors to Alston Park in a manner that benefits the community by reducing the risk of future public health and safety threats.

(17) 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 the City as the landowner of the affected territory as well as all current and future visitors to Alston Park. Public sewer service eliminates the need for temporary restrooms in an area in which any failings or spills could pose a public health and safety threat for visitors and nearby residents.

Property Tax Agreement

The assessed valuation of the affected territory is \$0. To ensure consistency with California Revenue and Taxation Code Section 99(b)(6), the affected agencies agreed to apply the existing master property tax exchange agreement adopted in 1980. This agreement specifies no adjustment in the allocation of property taxes shall result from annexations involving NSD.

Protest Proceedings

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Commission serves as Responsible Agency for the proposal pursuant to CEQA Guidelines Section 15051(b)(2). The City, as Lead Agency, has determined the underlying project is statutorily exempt under Public Resources Code Section 21080.21 and categorically exempt under CEQA Guidelines Section 15303. Staff recommends the Commission as Responsible Agency concur with the City's determination for both the SOI amendment and annexation.

ALTERNATIVES FOR COMMISSION ACTION

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

Alternative Action One (Recommended):

Adopt the two resolutions identified as Attachments Eight and Nine to approve the SOI amendment, annexation, and fee waiver request.

Alternative Action Two:

Adopt the two resolutions identified as Attachments Ten and Eleven to approve the SOI amendment and annexation conditioned on the collection of the Commission's proposal fees (i.e., deny the fee waiver request).

Alternative Action Three:

Continue consideration of the proposal to a specified future meeting.

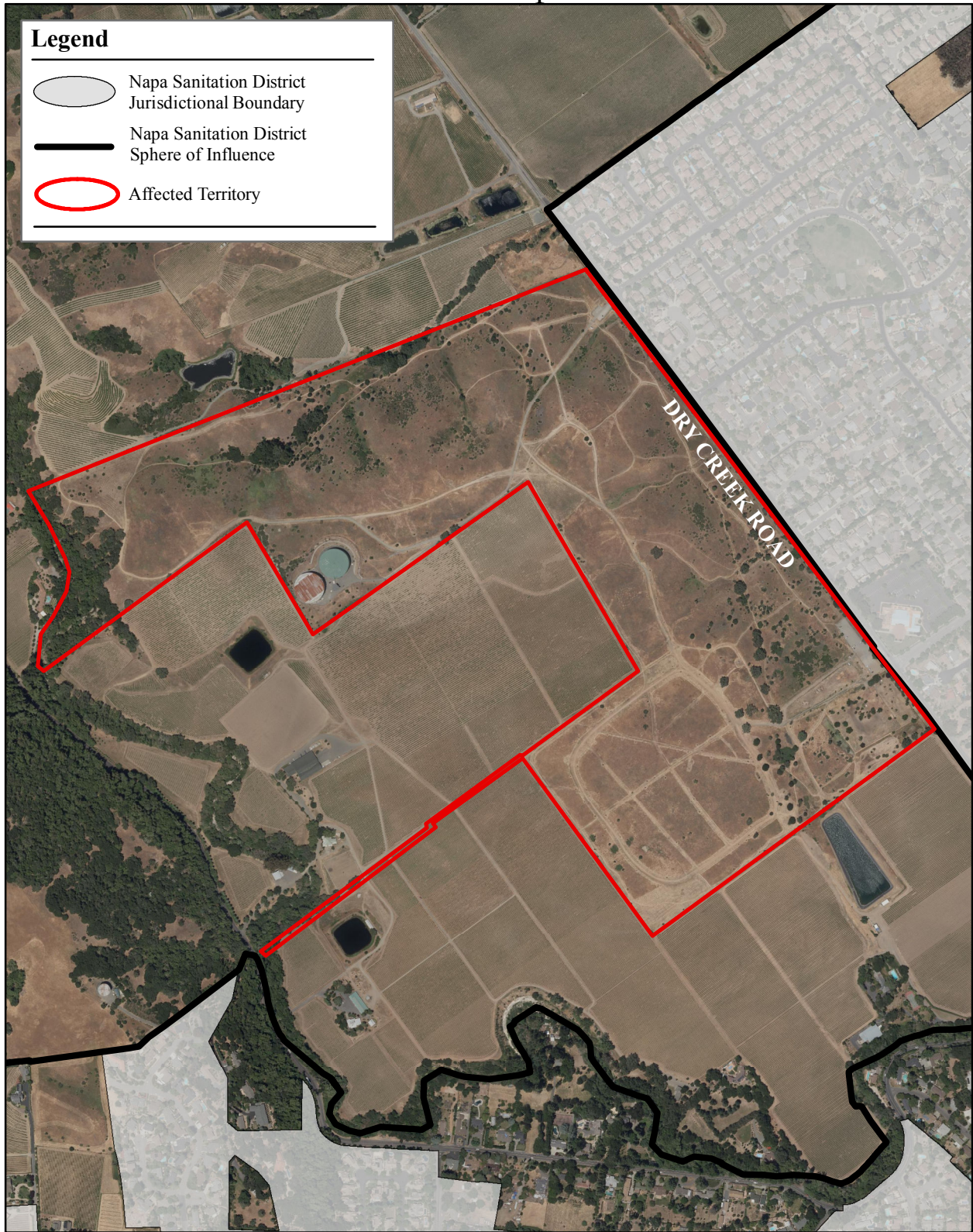
Alternative Action Four:

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




ATTACHMENTS

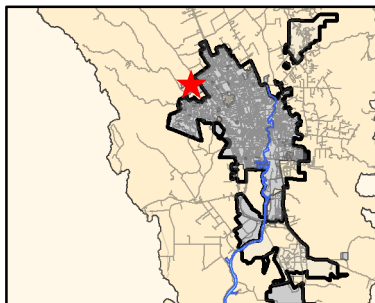
- 1) Aerial Map of Affected Territory
- 2) City of Napa Resolution of Application and Application Materials
- 3) Fee Waiver Request from City of Napa
- 4) Alston Park Conservation Easement
- 5) Letter of Support from Land Trust of Napa County
- 6) Napa Sanitation District Resolution No. 18-025
- 7) General Policy Determinations
- 8) Draft Resolution Approving the Sphere of Influence Amendment and Fee Waiver Request
- 9) Draft Resolution Approving the Annexation and Fee Waiver Request
- 10) Draft Resolution Approving the Sphere of Influence Amendment and Denying the Fee Waiver Request
- 11) Draft Resolution Approving the Annexation and Denying the Fee Waiver Request

Alston Park Sphere of Influence Amendment and Annexation to the Napa Sanitation District Attachment One



Legend

-  Napa Sanitation District Jurisdictional Boundary
-  Napa Sanitation District Sphere of Influence
-  Affected Territory



0 0.05 0.1 0.2 Miles

December 3, 2018
Prepared by BF



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

RESOLUTION R2018-125

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, REQUESTING THAT THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY INITIATE PROCEEDINGS FOR A SPHERE OF INFLUENCE AMENDMENT AND CHANGE OF ORGANIZATION TO ANNEX ALSTON PARK AND ALSTON WATER TANK SITE TO NAPA SANITATION DISTRICT; AUTHORIZING THE PARKS AND RECREATION DIRECTOR TO EXECUTE THE APPLICATION ON BEHALF OF THE CITY; AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION ARE EXEMPT FROM CEQA

WHEREAS, the City of Napa (“City”) desires to initiate proceedings pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000 (the “Act”), commencing with Section 56000 of the California Government Code, for a sphere of influence amendment and change of organization to annex Alston Park (APN 035 – 120 – 034 (155.48 acres)) and the Alston Water Tank Site (APN 035 – 120 – 032 (2.68 acres)) (collectively, the “Site”) into the Napa Sanitation District; and

WHEREAS, the reason for the proposed change of organization and sphere of influence amendment is to enable the City to install public restrooms in Alston Park as part of Capital Improvement Project, Restroom, Alston Park (“PK18PR02”) in accordance with City’s adopted Alston Park Master Plan; and

WHEREAS, the Site is not currently within the Napa Sanitation District’s sphere of influence; therefore, the City is also requesting LAFCO to concurrently amend the District’s sphere of influence to include the Site; and

WHEREAS, a description of the Site is set forth in Exhibit “A” attached hereto and incorporated herein; and

WHEREAS, the Site is uninhabited pursuant to the Act; and

WHEREAS, the Site is subject to the Alston Park Conservation Easement and Declaration of Restrictions dated May 31, 1988 by and between the City and the Napa County Land Trust which prohibits development on the Site except for development of structures and infrastructure consistent with the permitted recreational, agricultural, and nature study uses of the Site, such as public restrooms; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Napa, as follows:

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct and establish the factual basis for the City Council's adoption of this Resolution.

2. The City Council hereby determines that the actions authorized by this Resolution are exempt from CEQA pursuant to Public Resources Code Section 21080.21 and CEQA Guidelines Section 15303.

3. The City Council hereby authorizes the Parks and Recreation Director to execute and submit the annexation and sphere of influence amendment applications to LAFCO on behalf of the City.

4. The City Council hereby requests LAFCO to initiate proceedings for the sphere of influence amendment and annexation of the Site as shown in Exhibit A according to the terms and conditions stated herein and in the manner provided by the Act.

5. This Resolution shall take effect immediately upon its adoption.

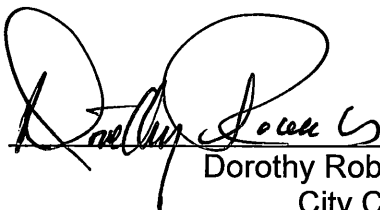
I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 16th day of October, 2018, by the following vote:

AYES: Krider, Mott, Gentry, Sedgley, Techel

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST: 
Dorothy Roberts
City Clerk

Approved as to form:



Michael W. Barrett
City Attorney

Local Agency Formation Commission of Napa County

1030 Seminary Street, Suite B

Napa, California 94559

(707) 259-8645 Telephone

<http://www.napa.lafco.ca.gov>**Questionnaire for Amending the Sphere of Influence for Napa Sanitation District**

1. Applicant information:

Name: City of NapaAddress: 955 School Street, Napa, CA 94559Telephone Number: 707-257-9500 (Primary) _____ (Secondary)E-Mail Address: jcoates@cityofnapa.org ; cc: akoenig@cityofnapa.org

2. What is the purpose for the proposed sphere of influence amendment?

To maintain consistency of services and logical boundaries
for two city-owned parcels as they relate to
Napa Sanitation District:

APN 035-120-032 ; APN 035-120-034

3. Describe the affected territory in terms of location, size, topography, and any other pertinent characteristics.

- APN 035-120-032 contains two water tanks and related infrastructure
- APN 035-120-034 is an open space park with several distinct vegetation and relatively stable topography

4. Describe the affected territory's present and planned land uses.

- APN 035-120-032 - it is anticipated that staff will propose a minor lot line adjustment to accommodate the addition of necessary water facilities
- APN 035-120-034 - Alston Park is an open space park in the City of Napa highly frequented, permanent restrooms connected to utilities will replace the existing portable restrooms.

5. Identify the current land use designation and zoning standard for the affected territory.

Parks and Open Space Zoning District

6. Is the affected territory subject to a Williamson Act contract? If yes, please provide a copy of the contract along with any amendments.

NO

7. If applicable, identify the governmental agencies currently providing the listed municipal services to the affected territory.

Water: City of Napa

Sewer: _____

Fire: city of Napa

Police: City of Napa

Print Name: John Coates

Date: 10/18/18

Signature: John Coates

FORM D

Attachment Two
Date Filed: 10/18/18
Received By: BF

JUSTIFICATION OF PROPOSAL
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: John Coates City of Napa
Contact Person Agency/Business (If Applicable)
Address: 955 School Street Napa 94559
Street Number Street Name City Zip Code
Contact: 707-257-9500 jcoates@cityofnapa.org
Phone Number Facsimile Number E-Mail Address
cc: akoenig@cityofnapa.or

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

II. PROPOSAL DESCRIPTION

A. Affected Agencies: Napa Sanitation District 1515 SCHOOL FERRY ROAD,
Name Address Napa, CA 94558
Name Address
Name Address

Use Additional Sheets as Needed

B. Proposal Type: Annexation Detachment City Incorporation District Formation
(Check as Needed)
 City/District Dissolution City/District Merger Service Activation (District Only) Service Divestiture (District Only)

C. Purpose Statement: To maintain consistency of services and
(Specific) logical boundaries for two
city-owned parcels as they relate
to Napa Sanitation District.

III. GENERAL INFORMATION

A. Location:

2037 Dry Creek Rd, Napa 035-120-034 155.48
Street Address Assessor Parcel Number Acres

N30°43'00" W 035-120-032 2.68
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)

B. Landowners:

(1) Assessor Parcel Number : 035-120-034 Name: City of Napa
Mailing Address: 955 School Street, Napa, CA 94559
Phone Number: E-mail:

(2) Assessor Parcel Number : 035-120-032 Name: City of Napa
Mailing Address: 955 School Street, Napa, CA 94559
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: 0

(2) Total Number of Registered Voters: 0

D. Land Use Factors:

- (1a) County General Plan Designation: N/A
- (1b) County Zoning Standard: N/A
- (2a) Applicable City General Plan Designation: City-wide Open Space
- (2b) Applicable City Rezoning Standard: Parks and Open Space ("POS")

E. Existing Land Uses:
(Specific)

Existing land uses include a canine commons in the southeast area of the Park, an off-leash area at the southwest portion of the Park, trails, picnic tables and two parking lots. A water tank and disposal area for leaves and landscape debris is located at the northwesterly portion of the park.

F. Development Plans:

- (1a) Territory Subject to a Development Project?
(Private)

Yes

No

- (1b) If Yes, Describe Project: _____
- _____

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

G. Physical Characteristics:

- (1) Describe Topography:

Property is relatively stable in its natural state with the exception of minor slope movements observed in the cut along Dry Creek Road

- (2) Describe Any Natural Boundaries:

The majority of land immediately adjacent to the Park is in vineyard production.

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

Three culverts located along Dry Creek Road drain the low-lying southeast corner area of the Park.

- (4) Describe Vegetation:

Several distinct vegetation includes grassland, oak woodland and Valley Oak

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:

Public sewer service. The restroom will be used by park visitors.

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

The level and range of services to the affected territory would be for a two unit restroom facility. The flow is approximately 2 gallons per flush.

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

Projected between Spring 2019 - Spring 2020

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

As recommended by the Napa Sanitation District, a sewer lateral could be extended to the nearest manhole approximately 80 feet in distance.

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

City of Napa General Fund, as other public restroom projects are financed.

V. ENVIRONMENTAL INFORMATION

A. Environmental Analysis

(1) Lead Agency for Proposal: City of Napa
Name

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

Environmental Impact Report

Negative Declaration/Mitigated Negative Declaration

Categorical/Statutory Exemption: Public Resources Code Section 21080.21
Type and CEQA Guidelines Section 15303.

None

Provide Copies of Associated Environmental Documents

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

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: Napa Sanitation District
Mailing Address: 1515 Soscol Ferry Road, Napa, CA 94558
E-Mail: _____

(2) Recipient Name: Land Trust of Napa County
Mailing Address: 1700 Soscol Ave #20, Napa, CA 94559
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: John Coates

Printed Name: John Coates

Title: Director of Parks and Recreation

Date: 10/18/18

Indemnification Agreement

Name of Proposal: Alston Park Annexation to USD

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 City of Napa and/or _____ (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.

John Coates
 Agency Representative Signature

John Coates
 Print Name

10/18/18
 Date

 Principal Landowner Signature

 Print Name

 Date

PROPOSED ANNEXATION TO THE NAPA SANITATION DISTRICT

GEOGRAPHIC DESCRIPTION

ALSTON PARK ANNEXATION TO NAPA SANITATION DISTRICT

A.P.N.s 035-120-032 & 034

All that certain real property, situate in the City of Napa and the and County of Napa, State of California, being a portion of the Napa Rancho and also being more particularly described as follows:

BEGINNING at a point on the southwesterly line of Dry Creek Road at the most westerly corner of the Four Oaks Park Annexation (1973 No. 2) to the Napa Sanitation District per District Resolution No. 3674 dated June 26, 1973;

Thence along said southwesterly line of Dry Creek Road and the southwesterly boundary of said Four Oaks Park Annexation (1973 No. 2), the following two courses:

- (1) South 33°30'13" East 123.45 feet; and
- (2) South 37°14'36" East 345.87 feet to the most easterly corner of the land described in the deed to the City of Napa, recorded November 22, 1978 in Volume 1105 of Official Records at Page 456, Napa County Records, distant thereon North 52°54'00" East 25.00 feet from the most easterly corner of the Dry Creek Road/Trower Avenue No. 4 Annexation to the City of Napa per Local Agency Formation Commission of Napa County Resolution No. 89-38 dated November 8, 1989;

Thence (3) South 52°54'00" West 25.00 feet to said easterly corner of the Dry Creek Road/Trower Avenue No. 4 Annexation;

Thence along the boundary of said Dry Creek Road/Trower Avenue No. 4 Annexation, the following five courses:

- (4) South 52°54'00" West 697.28 feet;
- (5) South 53°39'00" West 1212.60 feet;
- (6) North 36°24'00" West 1210.00 feet;
- (7) South 52°56'00" West 900.00 feet; and
- (8) South 53°46'00" West 897.60 feet to a point on the centerline of Napa Creek at the most southerly corner of the land described in the deed to the Alston Land Account, E.F. Alston, Manager, recorded June 17, 1970 in Volume 830 of Official Records at Page 328, Napa County Records;

Thence (9) along said centerline of Napa Creek and continuing along said boundary of the Dry Creek Road/Trower Avenue No. 4 Annexation, North 19°49'00" West 20.90 feet, more or less, to an angle point in said boundary;

Thence leaving said centerline and continuing along said boundary of the Dry Creek Road/Trower Avenue No. 4 Annexation, the following four courses:

- (10) North 52°41'00" East 1146.40 feet;
- (11) North 53°31'00" East 1477.00 feet;
- (12) North 31°22'00" West 1254.00 feet; and
- (13) South 53°31'00" West 976.91 feet to the most easterly corner of Parcel No. 1 of the Pacifica-Hacienda Annexation District to the City of Napa as shown on the map entitled "Map Delineating the Boundary of Pacific-Hacienda Annexation District, recorded March 28, 1963 in Volume 671 of Official Records at Page 125, Napa County Records; thence along the boundary of said Parcel No. 1, the following two courses:
 - (14) South 53°44'40" West 500.09 feet to the most southerly corner of said Pacifica-Hacienda Annexation District;
 - (15) North 30°43'00" West 368.74 feet to an angle point in the boundary of said Dry Creek Road/Trower Avenue No. 4 Annexation; and

Thence continuing along the boundary of said Dry Creek Road/Trower Avenue No. 4 Annexation, the following four courses:

- (16) North 31°22'00" West 367.26 feet;
- (17) South 53°42'00" West 1400.00 feet, more or less, to the center of said Napa Creek;
- (18) Northwesterly along said centerline of said Napa Creek; and
- (19) Leaving said centerline, North 67°41'00" East 3332.04 feet to the most northerly corner of said Dry Creek Road/Trower Avenue No. 4 Annexation, distant thereon South 67°41'00" West 25.71 feet from a point on the southwesterly line of Dry Creek Road and the southwesterly line of the Dry Creek Road/Grapevine Drive No. 2 District Annexation to the Napa Sanitation District per District Resolution No. 7303 dated October 18, 1989;

Thence (20) North 67°41'00" East 25.71 feet to said point;

Thence (21) along said southwesterly line of Dry Creek Road and said southwesterly line of the Dry Creek Road/Grapevine Drive No. 2 District Annexation, South 35°57'54" East 213.52 feet to the most westerly corner of the Dry Creek Road/Grapevine Drive District Annexation to the Napa Sanitation District per District Resolution No. 7310 dated November 15, 1989;

Thence continuing along said southwesterly line of Dry Creek Road and said southwesterly line of the Dry Creek Road/Grapevine Drive District Annexation, the following three courses:

(22) South 35°57'54" East 374.25 feet (shown as North 35°56'54" West 374.25 feet in said District Annexation Legal Description);

(23) South 4°30'29" East 83.22 feet (shown as North 4°29'29" West 83.22 feet in said District Annexation Legal Description);

(24) South 37°14'36" East 151.32 feet (shown as North 37°13'36" West 151.32 feet in said District Annexation Legal Description) to the most westerly corner of The Vineyard Unit No. 2 Annexation (1972 No.17) to the Napa Sanitation District per District Resolution No. 3466 dated August 8, 1972;

Thence continuing along said southwesterly line of Dry Creek Road and said southwesterly line of The Vineyard Unit No. 2 Annexation (1972 No.17), the following three courses:

(25) South 37°14'36" East 3.68 feet;

(26) South 50°58'47" East 231.62 feet; and

(27) South 37°14'36" East 338.33 feet to the most westerly corner of the Dry Creek Road/Vintage Street District Annexation to the Napa Sanitation District per District Resolution No. 7174 dated March 15, 1989;

Thence (28) continuing along said southwesterly line of Dry Creek Road and said southwesterly line of the Dry Creek Road/Vintage Street District Annexation, South 37°14'36" East 429.41 feet to the most westerly corner of the Dry Creek Road No. 2 District Annexation to the Napa Sanitation District per District Resolution No.00-6 dated April 26, 2000;

Thence (29) continuing along said southwesterly line of Dry Creek Road and said southwesterly line of the Dry Creek Road No. 2 District Annexation, South 37°14'36" East 246.00 feet to the most westerly corner of the Dry Creek Road District Annexation to the Napa Sanitation District per District Resolution No. 7277 dated September 6, 1989;

Thence (30) continuing along said southwesterly line of Dry Creek Road and said southwesterly line of the Dry Creek Road District Annexation, South 37°14'36" East 289.88 feet (shown as South 37°13'36" East 289.88 feet in said District Annexation Legal Description), more or less, to the most westerly corner of the Dry Creek Road/Trower Avenue Annexation (1976 No. 1) to the Napa Sanitation District per District Resolution No. 4405 dated July 26, 1976;

Thence continuing along said southwesterly line of Dry Creek Road and said southwesterly line of the Dry Creek Road/Trower Avenue Annexation (1976 No. 1), the following two courses:

(31) South 37°14'36" East 194.03 feet (shown as North 37°13'36" West 194.03 feet in said District Annexation Legal Description); and

(32) South 33°30'13" East 229.34 feet (shown as North 33°29'13" West 229.34 feet in said District Annexation Legal Description) to the POINT OF BEGINNING.

Containing 158.16 acres of land, 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.

Prepared by Cinquini & Passarino, Inc.




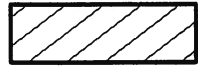
Mark P. Andrilla, PLS 8985



Date



LEGEND

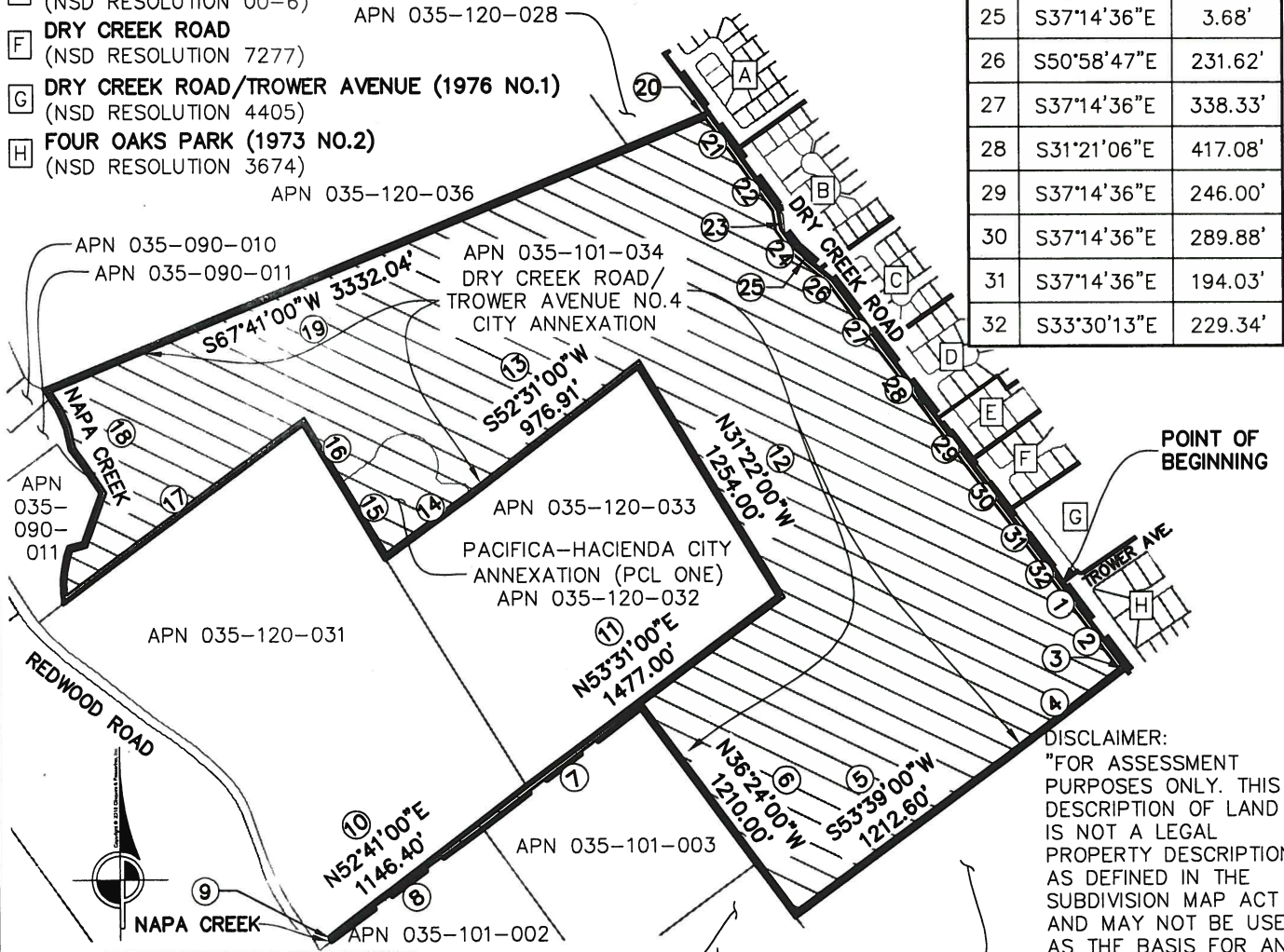
-  EXISTING NSD BOUNDARY
-  PROPOSED NSD ANNEXATION (±158.16 ACRES)

ANNEXATION DISTRICTS

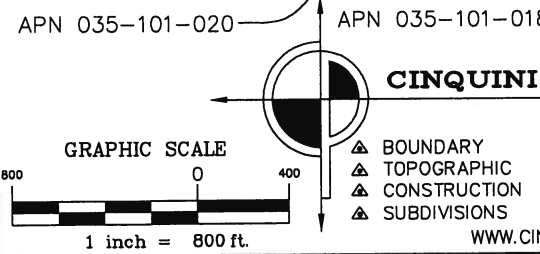
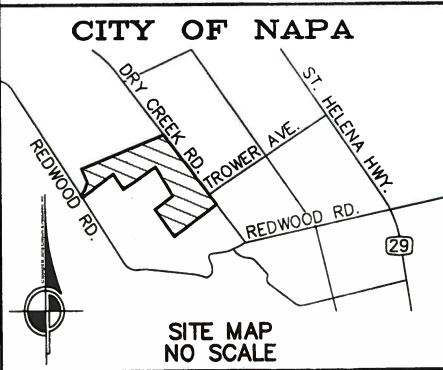
- A** DRY CREEK ROAD/ GRAPEVINE DRIVE NO.2 (NSD RESOLUTION 7303)
- B** DRY CREEK ROAD/GRAPEVINE DRIVE (NSD RESOLUTION 7310)
- C** THE VINEYARD UNIT NO.2 (1972 NO.17) (NSD RESOLUTION 3466)
- D** DRY CREEK ROAD/VINTAGE STREET (NSD RESOLUTION 7174)
- E** DRY CREEK ROAD NO.2 (NSD RESOLUTION 00-6)
- F** DRY CREEK ROAD (NSD RESOLUTION 7277)
- G** DRY CREEK ROAD/TROWER AVENUE (1976 NO.1) (NSD RESOLUTION 4405)
- H** FOUR OAKS PARK (1973 NO.2) (NSD RESOLUTION 3674)

LINE TABLE		
#	BEARING	DIST.
1	S33°30'13"E	123.45'
2	S37°14'36"E	345.87'
3	S52°54'00"W	25.00'
4	S52°54'00"W	697.28'
7	S52°56'00"W	900.00'
8	S53°46'00"W	897.60'
9	N19°49'00"W	20.90'
14	S53°44'40"W	500.09'

LINE TABLE		
#	BEARING	DIST.
15	N30°43'00"W	368.74'
16	N31°22'00"W	367.26'
17	S53°42'00"W	1400.00'
20	N67°41'00"E	25.71'
21	S35°57'54"E	213.52'
22	S35°57'54"E	374.25'
23	S04°30'29"E	83.22'
24	S37°14'36"E	151.32'
25	S37°14'36"E	3.68'
26	S50°58'47"E	231.62'
27	S37°14'36"E	338.33'
28	S31°21'06"E	417.08'
29	S37°14'36"E	246.00'
30	S37°14'36"E	289.88'
31	S37°14'36"E	194.03'
32	S33°30'13"E	229.34'



DISCLAIMER:
 "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 AREA DESCRIBED."



CINQUINI & PASSARINO, INC.
LAND SURVEYING
 1804 Soscol Avenue, Suite 202
 Napa, CA. 94559
 Phone: (707) 690-9025
 Fax: (707) 542-2106
 WWW.CINQUINIPASSARINO.COM

APNS 035-120-032 & 034	DRAWN BY: CAF	CHECKED BY: MPA
ALSTON PARK ANNEXATION TO NAPA SANITATION DISTRICT	SCALE: 1"=800'	DATE: 9/4/18
	JOB #: 8258-18	PAGE: 5 OF 5

Y:\8258\Cad\8258 ALSTON NSD ANNEX PLAT.dwg
 Sep 04, 2018 - 9:13am





October 19, 2018

Margie Mohler
Madam Chairman
LAFCO of Napa County Commission Chair
1030 Seminary Street
Suite B
Napa, California 94559

Dear Madam Chairman,

It is with great pleasure that the City of Napa submits an application to the LAFCO of Napa County regarding the Alston Park Annexation to Napa Sanitation District. The reason for the proposed changes of organization is to enable the City to install public restrooms in Alston Park as part of the Alston Park Restroom Capital Improvement Project in accordance with City's adopted Alston Park Master Plan. This project is prioritized for health and safety to address the increased park use at Alston Park. The existing temporary restroom facilities are not deemed adequate for the increasingly heavy public use.

The project is subject to the Alston Park Conservation Easement and Declaration of Restrictions dated May 31, 1988 by and between the City and the Napa County Land Trust which prohibits development in Alston Park except for development of structures and infrastructure consistent with the permitted recreational, agricultural, and nature study uses, such as public restrooms.

As part of our application, we are respectfully requesting a fee waiver for all LAFCO fees for annexation and sphere of influence amendments.

As a community-serving agency, we strive to be fiscally responsible stewards of public space, as well as mindful of the relatively high construction market when considering project costs. We greatly appreciate your consideration as we strive to judiciously balance funding for capital improvement projects for the citizens of Napa.

On behalf of the City of Napa, thank you for your consideration and partnership.

Sincerely,


John Coates
City of Napa Parks & Recreation Services Director

City Clerk's copy

116/357;11949;05/24/88;06/15/88;06/27/88

VOL 1592 PAGE 778

Attachment Four

RECORDED IN
OFFICIAL RECORDS
OF NAPA COUNTY, CA

1988 JUL -5 PM 2:22

ELEANOR E. KIMBROUGH
COUNTY RECORDER

NJee

City Agreement No. 5493

Recorded at Request of and
when Recorded Return to:

City of Napa
P.O. Box 660
Napa, CA 94559
APN 35-120-34

ALSTON PARK

CONSERVATION EASEMENT AND

DECLARATION OF RESTRICTIONS

THIS AGREEMENT, made as of the 31st day of May, 1988,
by and between the CITY OF NAPA, (the Grantor), and THE NAPA
COUNTY LAND TRUST, a California non-profit corporation (the
Trust), provides:

RECITALS

1. The Grantor is the owner of certain real property
comprised of 157 acres located in Napa County, California, more
particularly described in Exhibit "A," attached hereto and made a
part hereof (the Property).

2. The Property is a very important asset to the City of
Napa park system and as such possesses natural, scenic,
recreational and open space features and values which are of great
importance to the City of Napa and the people of California.

3. The Grantor desires and intends that the natural,
scenic, recreational, open space, and agricultural features of the
Property be preserved and maintained by the continuation of land
use patterns on the Property that will not destroy, impair or
interfere with those features.

18112

4. The Grantor, as owner of the Property, holds all of the affirmative rights to identify and preserve the natural, scenic, recreational, open space, and agricultural values of the Property. The Grantor desires and intends to transfer those rights to the Trust in perpetuity.

5. The Trust is a publicly supported, tax-exempt, non-profit organization, qualified under Section 501 (c) (3) of the Internal Revenue Code. The primary purpose of the Trust is to facilitate the preservation, protection, and enhancement of land in its natural, scenic, historical, agricultural, forested, or open space condition.

6. The Trust, in entering into this Agreement, intends to assist the Grantor in carrying out the Grantor's intention to preserve and protect in perpetuity the natural, scenic, recreational, open space, and agricultural values of the Property.

7. To effectuate the intention of the parties, the Grantor intends to give to the Trust a perpetual and irrevocable conservation easement in gross over the Property, to create certain restrictive covenants and equitable servitudes for the benefit of the Trust in gross which will bind and run with the Property, and to extinguish irrevocably and perpetually the right to develop the Property, except as expressly permitted in this Agreement.

AGREEMENT

1. Grant of Easement. In recognition of the foregoing and acting pursuant to Sections 815, et seq., of the California Civil Code, the Grantor hereby grants to the Trust as a charitable

contribution a perpetual and irrevocable conservation easement in gross over the Property for the purpose of preserving the natural, scenic, recreational, open space, and agricultural values of the Property, such easement to incorporate as its terms all of the restrictive covenants and other provisions set forth in this Agreement.

2. Declaration of Restrictions. The Grantor hereby declares that the Property shall be held, transferred, sold, conveyed, given, leased, occupied, and used subject to all of the restrictions, covenants, easements, equitable servitudes, and affirmative obligations set forth in this Agreement.

3. Conservation Purpose. It is the purpose of the foregoing easement and declaration to assure that the Property will be retained forever in its predominantly natural, scenic, and open space condition and to prevent any use of the Property that will destroy impair or interfere with the natural, scenic, recreational, open space, and agricultural features of the Property.

4. Specific Rights Conveyed to the Trust. To carry out the purposes of this Agreement, the Grantor expressly conveys the following rights to the Trust:

a. To identify, preserve, and protect the natural, scenic, recreational, open space, and agricultural features of the Property, including, without limitation, topography, soil, water, vegetation, and wildlife;

b. To enter upon the Property at reasonable times to enforce the rights herein granted and to observe, study, and make

scientific observations of the Property, in a manner that will not interfere with the use and enjoyment of the Property by the Public;

c. To enjoin any activity on or use of the Property that is inconsistent with the purpose of this Agreement and to enforce the restoration of such areas or features of the Property as may be damaged by any inconsistent activity or use; and

d. To require compliance with and enforcement of the Agreement as provided in section 9.

5. Permitted Uses. The Grantor intends that this Agreement will confine the use of the Property to activities that are consistent with the purposes of this Agreement provided that any and all applicable governmental approvals are properly obtained, including that of Grantor. The following uses and practices, while not an exhaustive recital of consistent uses and practices, are consistent with the Grantor's intent and the purpose of this Agreement, and are not precluded by it:

a. All public recreation activities as determined appropriate within the sole discretion of the City Council of the City of Napa.

b. Agriculture in conformity with applicable law and as approved by the City Council of the City of Napa.

c. Nature study and the conservation of natural resources, including but not limited to the preservation of wildlife habitat for native plants and animals.

d. Development and maintenance of structures and infrastructures needed to support the permitted uses, provided

that the location, form, function, scale and construction of such facilities are designed in a manner consistent with this Agreement.

e. Annexation of the Property to the City of Napa.

Grantor and Trust specifically acknowledge and agree that (provided it is consistent with this Agreement) the Trust has neither the power or authority to approve or disapprove a proposed use of the Property.

f. Changes in topography and natural drainage patterns of land required by recreational use approved by the City Council of the City of Napa.

g. The installation or extension of public utility lines or facilities on the Property.

6. Prohibited Uses. The following uses and practices, though not an exhaustive recital of inconsistent uses and practices, are inconsistent with and the purpose of this Agreement and are, therefore, prohibited by it; provided, however, that a use shall not be deemed to be inconsistent if it reasonably results from the implementation of a use permitted pursuant to paragraph 5 of this Agreement:

a. The legal or de facto subdivision of the Property for any purpose;

b. Any commercial or industrial use of or activity on the Property;

c. The construction of any permanent residential living units or any other buildings, structures, or other

improvements, except as permitted under Paragraph 5;

d. Any dumping of toxic material.

7. Public Access. The right of access by the general public to any portion of the Property is controlled by Grantor such control to be exercised in a manner consistent with this Agreement and according to law.

8. Costs and Liabilities Related to Property.

a. The Grantor agrees to bear all costs and liabilities of any kind related to the operation, upkeep, and maintenance of the Property and do hereby indemnify and hold the Trust harmless therefrom. Without limiting the foregoing, the Grantor agrees to pay any and all real property taxes and assessments levied by competent authority on the Property.

b. The Grantor shall be solely responsible for any costs related to the maintenance of general liability insurance covering acts on the Property.

c. The Trust shall have no responsibility whatever for the operation of the Property, the monitoring of hazardous conditions thereon, or the protection of the Grantor, the public, or any third parties from risks relating to conditions on the Property.

d. Grantor will indemnify, hold harmless, release and assume the defense of any action of law or in equity Trust, its officers, employees, and agents from all claims, losses, damages, including property damage, personal injury, including death, directly or indirectly arising from the operations of Grantor arising out of this Agreement, but not including the sole

negligence of Trust arising out of activities of the Trust related to and occurring on the Property.

c. Trust will indemnify, hold harmless, release and assume the defense of any action of law or in equity Grantor, its officers, employees, agents and elective and appointed boards from all claims, losses damages, including property damage, personal injury, including death, directly or indirectly arising from the operations of Trust arising out of this Agreement but not including the sole negligence arising out of activities of the Grantor related to and occurring on the Property.

9. Compliance and Enforcement.

a. In the event of a violation by Grantor, Trust, successors in interest, tenants or third parties of the terms, conditions, or restrictions set forth in this Agreement, the Trust or the Grantor may take whatever legal action is necessary to require the restoration of the portion of the Property affected by such activity to the condition that existed prior to the undertaking of the unauthorized activity. The parties expressly agree that the Property, by virtue of its protected features, is unique. The violation of this Agreement and any ensuing harm or alteration of the Property will result in damages which are irremediable and not subject to quantification. The parties accordingly agree that, in the event of any violation or threatened violation of this Agreement, the party to be harmed shall be entitled to all remedies and relief available at law or in equity, including without limitation, specific performance of this Agreement and injunctive relief. The party to be harmed

shall notify the party violating the Agreement in writing thirty (30) days prior to beginning legal or equitable action of the alleged violation and the means required to correct the violation. Such notice shall be a condition precedent to filing an action to enforce this Agreement.

b. The Trust shall have the right to enter upon the Property at all reasonable times to enforce its rights hereunder, as provided in Section 4(b).

c. The Trust and the Grantor shall have the right to enjoin any activity or use of the Property that is inconsistent with the purposes of this Easement.

d. If the Grantor fails, after notice from the Trust, to cure within thirty (30) days a condition on the Property resulting from a violation of the terms of this Agreement, the Trust shall have the right, but not the obligation, to enter upon the Property and cure the condition at the expense of the Grantor. The failure by the Trust to make use of this remedy shall in no way impair or constitute a waiver of the other remedies available to it.

e. Any costs incurred by the Trust or the Grantor in enforcing, judicially or otherwise, the terms and restrictions of this Agreement against the Grantor, its successors or assigns, costs of suit, attorneys' fees, and any costs of restoration necessitated by the violation of this Agreement by the Grantor or the Trust, shall be borne by the violating party.

f. The enforcement of the terms and provisions of this Agreement shall be at the discretion of either party. Any

forbearance on behalf of either party to exercise its rights hereunder in the event of any breach hereof shall not be deemed or construed as a waiver of either party's rights hereunder in the event of any subsequent breach.

10. Successors and Assigns. The Trust agrees that it will hold its rights hereunder exclusively for conservation and recreational purposes. If it becomes necessary or desirable for the Trust to terminate its corporate existence or to otherwise withdraw from its duties hereunder, it shall assign its rights and delegate its duties to a governmental entity or to another organization qualified to hold such interests under applicable state and federal laws and committed to holding them exclusively for conservation and recreational purposes. Any such successor to the Trust shall succeed to all of its rights and duties hereunder. This Agreement shall be binding on the parties hereto and their agents, personal representatives, heirs, assigns, and all other successors to them, and shall continue as easements, restrictive covenants, and equitable servitudes, running with and binding the Property and its successive owners in perpetuity. All references to the parties shall be interpreted to include the successors referred to in this Section.

11. Notices. All notices, consents, approvals, or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor at the address set forth opposite their signatures below, or at such other address as may be substituted by like notice.

12. General Provisions. This Agreement is the entire agreement of the parties relating to the subject matter hereof and supersedes all prior or contemporaneous written or oral agreements or understandings. This Agreement shall be governed by California law. If any provision of this Agreement is found to be invalid, the remainder of the provisions of this Agreement, and the application thereof, shall not be affected thereby. The Grantor agrees that the terms, conditions, restrictions, and purposes of this Agreement will be inserted by them in any subsequent deed or other legal instrument by which the Grantor divests themselves of any interest in the Property, provided that failure to reference this Agreement will not affect its enforceability. The Grantor further agrees to notify the Trust within ten (10) days of any conveyance by the Grantor of their interest in the Property.

This Agreement may be executed in counterparts, each of

which shall be deemed an original, and which collectively shall constitute but one and the same instrument.

WITNESS the following signatures.

Dated: May 31, 1988

Address

P. O. Box 2903
Yountville, California 94599

City Hall
Napa, California 94558

Approved As To Form:

NAPA COUNTY LAND TRUST

BY: *Gordon James*

CITY OF NAPA

BY: *David Crawford*
Mayor

Patricia Lawson
City Clerk- Acting

COOMBS & DUNLAP

BY: *Harold M. Seehorn*
Attorneys For Trust

CITY ATTORNEY

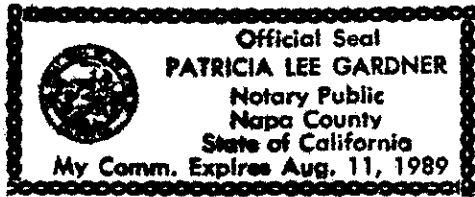
BY: *Shirley*
Attorney for
City of Napa

COUNTERSIGNED: _____

BY: *[Signature]*
FINANCE DIRECTOR

State of California,)
)ss.
County of Napa)

On this 1st day of July, 1988, before me, a Notary Public for the State of California, personally appeared Gordon Davies, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that he executed it.



Patricia Lee Gardner
Notary Public

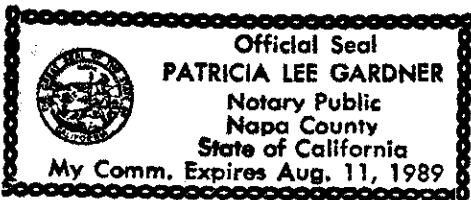
State of California }
)ss.
County of Napa }

On this the 1st day of July 1988, before me,

Patricia Lee Gardner,
the undersigned Notary Public, personally appeared

David Crawford and Patricia Lawson,

personally known to me to be the persons who executed this instrument as Mayor and the Acting City Clerk, respectively of the City of Napa, a Municipal Corporation, and acknowledged to me that they executed it.



WITNESS my hand and official seal.

Patricia Lee Gardner
Notary's Signature

EXHIBIT "A"

APN: 35-120-34

ALSTON PARK PROPERTY

All that real property in the County of Napa, State of California, described in the deed from ALSTON LAND ACCOUNT, a partnership to the CITY OF NAPA, a municipal corporation, as recorded on November 22, 1978, in Volume 1105 at Pages 456 through 459, Napa County Records.

NAPA COUNTY

C.K.

RECORDING REQUESTED BY
Western Title Ins Co

RECORDED AS MORTGAGE OF
Western Title Ins Co
NAPA COUNTY RECORDS
NOV 22 1978
RECORDED BY
[Signature]

City of Napa
P.O. Box 660
Napa, CA.

Title Order No. Escrow No. 82396 A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Demeritary transfer tax \$ *336.70*

Computed on full value of property conveyed, or
Computed on full value less liens and encumbrances
remaining thereon at time of sale.

M. Kyle WTI
Notary Public

Individual Grant Deed

WESTERN TITLE FORM NO. 104

FOR VALUE RECEIVED,
ALSTON LAND ACCOUNT, a partnership

GRANT to
CITY OF NAPA, a municipal corporation

all that real property situate in the
County of Napa, State of California, described as follows:

DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF

STATE OF CALIFORNIA,
County of Napa }
On this 19 day of Sept. 1978 in the year one thousand nine hundred and seventy-eight

before me, Arthur J. Hamilton, a Notary Public, State of California,
duly commissioned and sworn, personally appeared
FACIUS KERR
known to me to be one of the partners of the partnership that executed the within instrument,
and acknowledged to me that such partnership executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal,
in the County of NAPA the day and year in this
certificate first above written.

Arthur J. Hamilton
Notary Public, State of California.

My Commission Expires _____

County's Form No. 29 (Acknowledgment-Partnership)
(C.C.S. 11310)

Dated September 19 1978

[Signature]
Edwin F. Alston
Doree K. Alston

STATE OF CALIFORNIA
County of SAN FRANCISCO }
On Sept. 22 1978 before me, the undersigned,
a Notary Public, in and for said State, personally appeared
EDWIN F. & DOREE K. ALSTON
known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me that
they executed the same.

Michael J. Lavarin
Notary Public

MANAGING PARTNERS OF
ALSTON LAND ACCOUNT
BY: *[Signature]*
Facius Kerr
[Signature]
Myron Schaffer
[Signature]
Majorie Schaffer

FOR NOTARY SEAL OR STAMP

[Seal]
MICHAEL J. LAVARIN
NOTARY PUBLIC
STATE OF CALIFORNIA
My Commission Expires May 15, 1982

CG6297

MAIL TAX STATEMENTS AS DIRECTED ABOVE

NAVA COUNTY

va 1105 pg 457

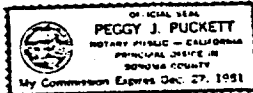
STATE OF CALIFORNIA

County of Sonoma

On this 28 day of September in the year one thousand nine hundred and Seventy Eight before me, PEGGY J. PUCKETT a Notary Public, State of California, duly commissioned and sworn, personally appeared Myron Schaffer and Marjorie Schaffer

Known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the County of Sonoma the day and year first certified for above written.



Peggy J. Puckett

Notary Public, State of California

County's Form No. 32 - Acknowledgments - General (C. C. Sec. 1197) (Revised 7-30-66) 61-0115

My Commission Expires December 27, 1981

All that real property in the County of Napa, State of California, described as follows:

Commencing on the southwestern line of Dry Creek Road at the point of intersection thereof with the southwestern extension of the southeastern line of Trower Avenue, said point being South 55 degrees 58 minutes 40 seconds West 20.03 feet and South 37 degrees 22 minutes East 20.03 feet from a brass pin at the intersection of the center lines of said Dry Creek Road and Trower Avenue; running thence South 37 degrees 22 minutes East, along said southwestern line of Dry Creek Road, 390.94 feet to a point which bears South 52 degrees 43 minutes West 20.00 feet from a brass pin on the center line of said Dry Creek Road; thence along an orchard tree row South 52 degrees 43 minutes West 761.20 feet to an iron pipe at a fence line; thence South 53 degrees 28 minutes West 188.28 feet to an iron pipe at a fence line; thence parallel to the orchard tree row South 53 degrees 28 minutes West 1024.32 feet to a point on the northeastern line of a 46.56 acre tract of land conveyed by E. L. Goldstein Company to O. A. Taylor et al, by deed of record in Book 42 of Official Records, at page 399, said Napa County Records; thence along said Northeastern line of said 46.56 acre tract parallel to the orchard tree rows North 36 degrees 35 minutes West 1210.00 feet to the most northern corner of said 46.56 acre tract; thence along the Northwestern line of said 46.56 acre tract South 52 degrees 45 minutes West 900.00 feet; thence along Northwestern line of the 30 acre tract of land conveyed by E. L. Goldstein Company to John L. White, by deed of record in Book 96 of Deeds, page 247, said Napa County Records, South 53 degrees 35 minutes West 897.60 feet to the center of Napa Creek; thence up the center of said creek North 20 degrees West 20.90 feet, more or less, to a corner of the 140.54 acre tract of land conveyed by Martha M. Butman et al, to George W. Henry et ux by Deed of record in Book 146 of Official Records, page 186, said Napa County Records; thence along the Southeasterly line of said 140.54 acre tract North 52 degrees 30 minutes East 1146.40 feet and North 23 degrees 20 minutes East 1472.00 feet to the most Easterly corner thereof; thence continuing along the boundary line of said 140.54 acre tract North 31 degrees 33 minutes West 1254.00 feet, South 53 degrees 20 minutes West 1477.00 feet, North 31 degrees 33 minutes West 736.00 feet and South 53 degrees 51 minutes West 1400.00 feet, more or less, to the center of Napa Creek; thence up the center of said Creek northwesterly to the most Southern corner of the 100 acre tract of land heretofore conveyed to Enrico Giovannelli by deed of record in Book 102 of Deeds, page 134, said Napa County Records; thence along the Southeasterly line of said 100 acre tract North 67 degrees 30 minutes East 3385 feet, more or less, to the Southwestern line of Dry Creek Road; thence South 37 degrees East, along last mentioned line, to the point of commencement.

arb 30
Bek o
Napa Ranch

EXCEPTING THEREFROM that certain Parcel of Land described in the Deed to City of Napa, recorded May 11, 1961 in Book 630 of Official Records, at page 92. 18

ALSO EXCEPTING THEREFROM that certain Parcel of Land described in the Deed to City of Napa, recorded September 28, 1961 in Book 637 of Official Records, at page 832. 19

ALSO EXCEPTING THEREFROM that certain Parcel of Land described in the Deed to County of Napa, recorded May 21, 1969 in Book 808 of Official Records, page 92. 25

NAPA COUNTY

vl 1105 PAGE 458

RESOLUTION NO. 78-387

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA
ACCEPTING GRANT DEED/~~XXXXXXXXXXXXXXXXXXXX~~ AND AUTHORIZING
RECORDATION THEREOF

BE IT RESOLVED by the City Council of the City of Napa,
State of California, that the City of Napa does hereby accept the
grant deed/~~XXXXXXXXXXXXXXXXXXXX~~ from ALSTON LAND ACCOUNT, a
partnership,
for the real property described in said deed/~~XXXXXXXX~~, a copy of
which is attached hereto and made a part hereof, and the Clerk is
authorized to record said deed/~~XXXXXXXX~~ in the office of the County
Recorder of Napa County.

I HEREBY CERTIFY that the foregoing resolution was duly
and regularly adopted by the City Council of the City of Napa at
a regular meeting of said City Council held on the 21st day of
November, 19 78, by the following roll call vote:

- AYES: Moore, Kelly, Chew and Bolin.
- NOES: None.
- ABSENT: Searcy.

ATTEST: Allen D. Shupe
CITY CLERK OF THE CITY OF NAPA

NAPA COUNTY

va.1105 page 459

STATE OF CALIFORNIA }
 } SS
COUNTY OF NAPA }

In this day of , 19 , before me,
the undersigned, a Notary Public in and for the said County and
State residing therein, duly commissioned and sworn, personally
appeared

known to me to be the person whose name subscribed to the
within instrument, and acknowledged to me that he executed the
same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written.

NOTARY PUBLIC
In and for the County of Napa
State of California

This is to certify that the interest in real property
conveyed by the deed or grant dated the 19th day of September
1978, from ALSTON LAND ACCOUNT, a partnership

to the City of Napa, a municipal corporation, is hereby accepted
by order of the City Council of the City of Napa, on the 21st day
of November, 1978, and the grantees consent to recordation
thereof by its duly authorized officer.

By Allen P. Shroy
CITY CLERK OF THE CITY OF NAPA

END OF DOCUMENT

RECEIVED
JUN 28 1988

Attachment Four

CITY OF NAPA
CITY CLERK

Coombs & Dunlap

Attorneys at Law

1211 Division Street

Napa, California 94559-3398

(707) 252-9100

June 27, 1988

St. Helena Office

1110 Adams Street

St. Helena, California 94574

(707) 963-5202

Frank L. Coombs (1853-1934)
Nathan F. Coombs (1881-1972)
Frank L. Dunlap (1913-1984)
Malcolm A. Mackenzie
C. Preston Shackelford
Randolph F. Snowden
Duncan Footman
Diane M. Price
Diane L. Dillon
L. Randolph Skidmore
Douglas N. Akay

File no. 11949-11949

Ms. Pam Means
City Clerk
City Hall
P.O. Box 660
Napa, California 94559-0660

Alston Park Easement-Napa County Land Trust

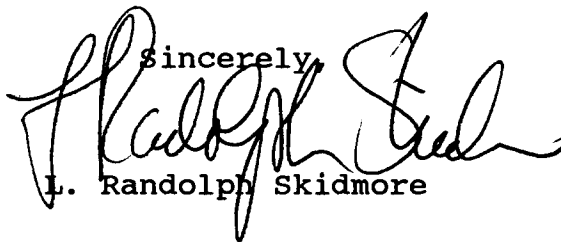
Dear Ms. Means:

Per request of Joan Vilms, I have enclosed a copy of the above captioned Easement with pages one and six revised as follows:

1. Page 1 - Assessor's Parcel Number has been added below the recording information; and
2. Page 6 - Paragraph 7, "No Public Access" has been changed to "Public Access".

Please also note that Exhibit "A", which is the legal description of the property, needs to be attached to the Easement before recording.

If you should have any questions, please give me a call.

sincerely,

L. Randolph Skidmore

/357
Enclosures
cc: Ms. Joan Vilms



CITY HALL
955 SCHOOL STREET
COMMUNITY SERVICES BLDG.
1600 FIRST STREET
MAILING ADDRESS: P.O. BOX 660
NAPA, CALIFORNIA 94559-0660
(707) 252-7711

June 1, 1988

Office of the City Attorney
Elizabeth A. Strauss
1505 Fourth Street
Napa, California 94559
Telephone: (707) 257-2456

Randy Skidmore
Coombs & Dunlap
1211 Division Street
Napa, California 94559

re: Alston Park Easement: Napa County Land Trust

Dear Randy:

On May 31, 1988, the City Council of the City of Napa approved the Alston Park Conservation Easement and Declaration of Restrictions with two minor changes. The purpose of this letter is to ask that you provide the City with a corrected copy since the Agreement is on your word processing equipment. The changes are as follows:

1. Amend paragraph 5 by adding subparagraph 5(f) to read as follows:

"(f) Changes in topography and natural drainage patterns of land required by recreational use approved by the City Council of the City of Napa."

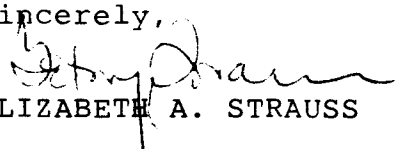
2. Amend paragraph 5 by adding subparagraph 5(g) to read as follows:

"(g) The installation or extension of public utility lines or facilities on the Property."

3. Amend paragraph 6 by deleting subparagraphs (d) and (e).

Thank you very much for your help. Please provide the corrected copy to Pam Means, City Clerk at City Hall.

Sincerely,


ELIZABETH A. STRAUSS

EAS:tb
cc Joan Vilms
~~Pam Means~~



CITY CLERK
955 School Street
PO Box 660
Napa, California 94559-0660
(707) 257-9503

City of Napa
Notice of Public Hearing
Alston Park Easement Project

The City Council of the City of Napa will conduct a public hearing on Tuesday, May 31, 1988 at 7:15:p.m. in the Council Chambers, City Hall, 955 School Street, regarding the Alston Park Easement Project.

The City Council will consider granting a conservation easement over Alston Park to the Napa County Land Trust. The grant of this easement would prohibit any use of the property other than for recreation, conservation or open space purposes.

Written material submitted to the Council regarding this item will be available to the public after Thursday, May 26, 1988 from the City Clerk's Office.

Napa Register:
Publish as 1/8 page display ad on
Wednesday, May 25, 1988
PO #881565



CITY CLERK
955 School Street
PO Box 660
Napa, California 94559-0660
(707) 257-9503

May 12, 1988

Phyllis Moore
88 Belvedere Court
Napa, CA 94558

Dear Phyllis:

The matter of Alston Park deed restriction has again been postponed.
It has tentatively been scheduled for the May 31, 1988 regular meeting.
Please call my office on Thursday, May 26th to confirm.

Sincerely,



Pamyla C. Means, CMC
City Clerk
PCM:plg

RECEIVED
MAY - 4 1988

Frank L. Coombs (1853-1934)
Nathan F. Coombs (1881-1972)
Frank L. Dunlap (1913-1984)
Malcolm A. Mackenzie
C. Preston Shackelford
Randolph F. Snowden
Duncan Footman
Diane M. Price
Diane L. Dillon
L. Randolph Skidmore
Douglas N. Akay

Coombs & Dunlap
Attorneys at Law
1211 Division Street
Napa, California 94559-3398
(707) 252-9100
May 2, 1988

CITY OF NAPA
CITY CLERK'S OFFICE

St. Helena Office
1110 Adams Street
St. Helena, California 94574
(707) 963-5202

File no. 11949-11949

Elizabeth A. Strauss, Esq.
Office of the City Attorney
1505 Fourth Street
Napa, California 94559

Alston Park Easement

Dear Ms. Strauss:

We have reviewed your letter of March 29, 1988, and have circulated a revised draft of the Easement, prepared with your letter in mind, to the members of the Land Trust Project Committee for their review. I would hope to mail a draft as approved by the committee sometime this week. Meanwhile, I wonder if we could request that we be tentatively placed on the council agenda before the end of May.

Sincerely,

L. Randolph Skidmore

116/357
cc: Mr. Harold Kelly
Ms. Joan Vilms
City Clerk ✓



CITY CLERK
955 School Street
PO Box 660
Napa, California 94559-0660
(707) 257-9503

April 27, 1988

Phyllis Moore
88 Belvedere Court
Napa, CA 94558

Dear Phyllis:

The discussion of the deed restriction alternatives for Alston Park has been removed from the agenda for May 3, 1988. The drafts have not been received back from the other party, so we are not sure when this will be scheduled on the Council's agenda.

Sincerely,

A handwritten signature in cursive script that reads "Pat Lawson".

Pat Lawson
City Clerk's Assistant

Notified of 5/17

5/5



CITY CLERK
955 School Street
PO Box 660
Napa, California 94559-0660
(707) 257-9503

April 11, 1988

Phyllis Moore
88 Belvedere Court
Napa, CA 94558

Dear Phyllis:

The City Council will discuss deed restriction alternatives for Alston Park on April 29, 1988.

¹⁹
The agenda for that meeting will be available the morning of April 14, 1988.

Sincerely,

A handwritten signature in cursive script that reads "Pamyła Means".

Pamyła Means, CMC
City Clerk
PM:plg

4/12/88

Phyllis:

This item has been postponed to May 3, 1988 Council meeting.

Pam



21 September 2018

Ali Koenig
Parks Project Manager
Parks & Recreation, City of Napa
1850 Soscol Avenue
Napa, CA 94559

Dear Ali,

Thank you for the information regarding the City of Napa's plans for recreational use upgrades to Alston Park. As we have discussed over the last eight months, the Conservation Easement on Alston Park allows for passive, open space recreational uses while prohibiting most structural development.

Under Paragraph 5(d), the City is permitted to develop structures that support the permitted recreational uses, like the proposed permanent restroom facilities. We understand that the permanent structure will replace the long-standing portable toilets, based on increased use of the park by the public as well as direct feedback the City sought at public forums. The Land Trust appreciates being part of the ongoing dialogue for the Alston Park improvement projects.

We understand the City is seeking approval by the Local Agency Formation Commission (LAFCO) in Napa County to annex the Alston Park parcel into the Napa Sanitation District's Sphere of Influence. Said annexation is necessary for the appropriate utility connections of the proposed restroom structure. The conservation easement is silent as to this activity, therefore the Land Trust does not oppose the City's request to LAFCO.

The Alston Park Conservation Easement does prohibit any residential development on the property, though. The Land Trust believes that the existing terms and conditions of the conservation easement will continue to preserve the open space and recreational conservation values, thereby minimizing any threat for future residential development on the property. We will continue to uphold our obligation to monitor and enforce these terms of the easement.

Please keep us informed as to the progress of the Alston Park improvement projects, and specifically the permanent restroom facilities. If you have any questions of the Land Trust, please feel free to contact me (E: lena@napalandtrust.org, P: 707.261.6316).

Regards,

A handwritten signature in black ink, appearing to read "Lena", is written over a horizontal line.

Lena Pollastro
Land Programs Manager



RESOLUTION NO. 18-025

**A RESOLUTION ESTABLISHING TERMS AND CONDITIONS AND ORDERING ANNEXATION OF
TERRITORY**

NAPA SANITATION DISTRICT, NAPA COUNTY, CALIFORNIA

ALSTON PARK - DISTRICT ANNEXATION ANNEX-000025

APN's: 035-120-032 and 035-120-034

Address: 2037 Dry Creek Rd.

RESOLVED, by the Board of Directors of the Napa Sanitation District, Napa County, California, as follows:

WHEREAS, on October 18, 2018 the Executive Officer of the Local Agency Formation Commission of Napa County (the "Commission") notified the Napa Sanitation District (the "District") that an application to annex territory to the District designated as "Proposed Alston Park Sphere of Influence Amendment and Annexation to Napa Sanitation District" (the "Application") had been submitted to the Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq, the "Act");

WHEREAS, because of the geographical location of the territory to be annexed, the District can adequately and economically furnish services which are urgently needed within said territory, and no other governmental agency is now able to so furnish such services and there is presently no prospect that any other such agency will be able to so furnish such services within the reasonably foreseeable future;

WHEREAS, the regular County assessment roll is utilized by this District;

WHEREAS, the affected territory will be taxed for existing general bonded indebtedness of this District;

WHEREAS, it is the practice of the District to impose Terms and Conditions on annexing territory that represent and are consistent with the policies and procedures of the District;

WHEREAS, the affected local agencies associated with the Application are the County of Napa and the District; and

WHEREAS, Government Code Section 56662(a), a portion of the Act, provides that conducting authority proceedings for a proposed change of organization may be waived without hearing and notice if the Commission receives the consent of all affected local agencies that will gain or lose territory as a result of the respective change of organization and by the owner of the involved affected territory.

NOW, THEREFORE, IT IS FOUND, DETERMINED AND ORDERED, that

1. The District offers its consent to the waiver of the conducting authority proceedings for the annexation of the subject territory of the Application contingent upon the following:
 - a. The Application is approved by the Commission subject to the Terms and Conditions described in Exhibit "B" hereto attached and by reference incorporated herein;
 - b. Recordation of the annexation by the Executive Officer of the Commission is made contingent upon notification from the District that the Terms and Conditions described in Exhibit "B" have been met to the satisfaction of the District; and
 - c. The effective date of the annexation is designated by the Commission as the date of recordation.
2. To ensure compliance with the policies and procedures of the District, and to ensure the timely completion of annexation proceedings, any modifications desired by the Commission to the Terms and Conditions set forth in Exhibit "B" shall be reviewed and approved by the District prior to consideration and approval of the annexation by the Commission.
3. The General Manager of the District is hereby authorized to determine that the Terms and Conditions described in Exhibit "B" have been met and to notify the Executive Officer of the Commission upon this determination.
4. The District Secretary is directed to immediately file a certified copy of this Resolution in the office of the Commission.

I hereby certify that the foregoing is a full, true and correct copy of a Resolution duly adopted and passed by the Board of Directors of the Napa Sanitation District, Napa County, California, on the 7th day of November 2018 by the following vote:

AYES, and in favor thereof, Directors: GRAVES, GREGORY, GENTRY, LUROS, TECHEL

NOES, Directors: NONE

ABSENT, Directors: NONE



Secretary, Napa Sanitation District
Napa County, California

APPROVED:



Chair of the Board of Directors
Napa Sanitation District

EXHIBIT "B"

TERMS AND CONDITIONS

ALSTON PARK - DISTRICT ANNEXATION ANNEX-000025

APN's: 035-120-032 and 035-120-034

Address: 2037 Dry Creek Rd.


1. Upon and after the effective date of said annexation, the Territory, all inhabitants within such Territory, and all persons entitled to vote by reason of residing or owning land with the Territory, shall be subject to the jurisdiction of the Napa Sanitation District, hereinafter referred to as "the District"; shall have the same rights and duties as if the Territory had been a part of the District upon its original formation; shall be liable for the payment of principal, interest, and any other amounts which shall become due on account of any outstanding or then authorized by thereafter issued bonds, including revenue bonds, or other contracts or obligations of the District; shall be subject to the levying or fixing and collection of any and all taxes, assessments, service charges, rentals or rates as may be necessary to provide for such payment; and shall be subject to all of the rates, rules, regulations and codes of the District, as now or hereafter amended.
2. The City of Napa (City) hereby agrees to abide by all codes, rules and regulations of the District governing the manner in which sewers shall be used, the manner of connecting thereto, and the plumbing and drainage in connection therewith.
3. In the event that pursuant to rules, regulations or codes of the District, as now or hereafter amended, the District shall require any payment of a fixed or determinable amount of money, either as a lump sum or in installments, for the acquisition, transfer, use or right of use of all or any part of the existing property, real or personal, of the District, such payment will be made to the District in the manner and at the time as provided by the rules, regulations or codes of the District, as now or hereafter amended.
4. The City agrees that prior to connection to the facilities of the District; City shall pay all applicable fees and charges to the District associated with connection of the property in accordance with the computation of regular capacity charges and charges in effect at the time paid. The City further agrees to pay the regular permit and inspection charges in effect at the time paid for the connection to be made to the District's system.
5. The City shall deposit with the District an annexation fee of \$1,240 (current rate) to reimburse the District engineering, legal, and all other costs incurred by the District in preparing and examining maps and plans, legal descriptions, agreements and other documents associated with processing subject annexation. Fees due to the District will be those in effect at the time of payment. Fees are subject to change, revised per Code.

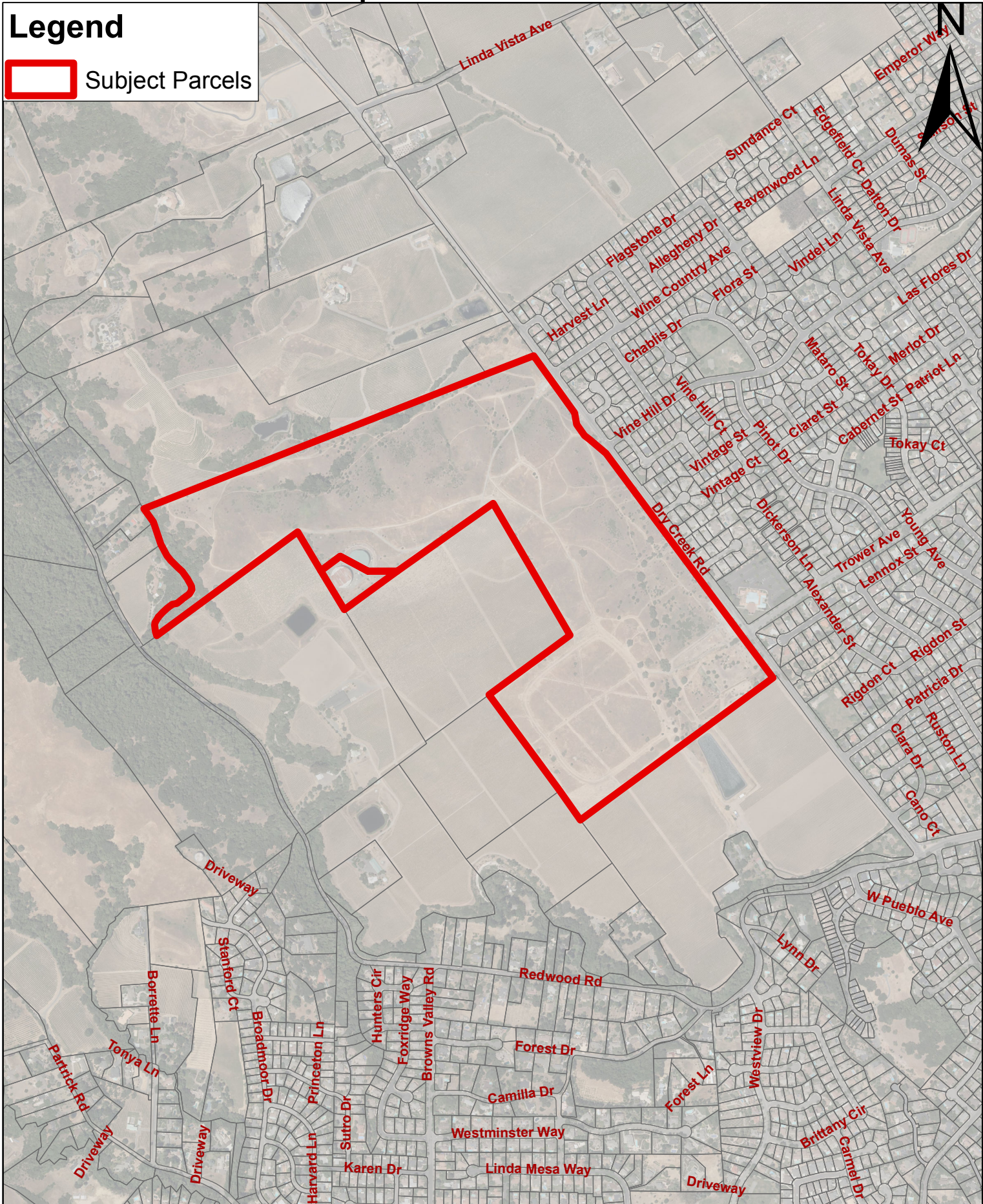
6. The City further agrees to pay such annual sewer service fees to the District as may be established, from time to time, by the rules and regulations of the District which are of universal application within the District. City hereby authorizes the District to collect such charges on the tax roll pursuant to California Health and Safety Code section 5473 and specifically waive any right to challenge the District's ability to do so because the Property is outside of the District Boundaries.
7. No change in the facilities to be connected to the District's system shall be made without first having given written notice to the District that such change is to be made. No additional connections shall be connected to the facilities of the Napa Sanitation District without having first given written notice to the District that such additional facilities are to be connected to the system. Prior to making any such change in facilities or to the addition of any units to the District's system, the City shall pay to the District such additional inspection, capacity, and annual fees which may then be established by the Board of Directors of the District.
8. The City shall eliminate any privately owned sewage disposal system(s) located on the subject property to the Napa County Division of Environmental Health requirements.
9. The City shall design and install approximately 80 linear feet of 4-inch sanitary sewer lateral from the existing manhole at the existing intersection of Trower Avenue and Dry Creek Road to western boundary line of APN 035-120-034.
10. The City shall design and install any required private onsite sewer facilities to serve the proposed use.
11. The City shall submit a Plan and Profile of the aforesaid sanitary sewer improvements prepared by a registered civil engineer, conforming to District standards, and post the appropriate Permit Bond guaranteeing said installations.
12. All sewer work performed in the public right of way shall be performed by a Class A licensed contractor who bonds the public work with the District. The contractor shall pay to the District public lateral inspection fees and sanitary sewer main inspection fees based on the inspection rates in effect at the time construction permits are issued.
13. The City shall pay to the District the required inspection and development fees, including capacity charges, at the rates in effect at the time of construction for each facility on the property.
14. The City shall fulfill condition number 5 and agree to all other conditions prior to the District's issuance of a letter to LAFCO authorizing recordation of subject annexation, and in no case more than 1 year after LAFCO's adoption of a resolution approving subject annexation, unless extended by LAFCO. Any extensions granted shall in total not exceed 1 year.

Location Map - Alston Park Annexation

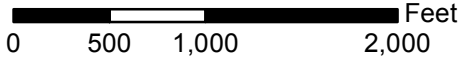
Map created by GIS

Legend

 Subject Parcels



Key



1 inch = 1,000 feet

KO 7/23/2018



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

General Policy Determinations

(Adopted: August 9, 1972; Last Amended: February 5, 2018)

I. Background

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 specifies the Commission's principal objectives are discouraging urban sprawl, preserving open-space and agricultural resources, and encouraging the orderly formation and development of cities and special districts and their municipal services based on local conditions. Regulatory duties include approving or disapproving proposals involving the formation, reorganization, expansion, and dissolution of cities and special districts. The Commission's regulatory actions must be consistent with its adopted written policies and procedures. The Commission must also inform its regulatory duties through a series of planning activities, which includes establishing and updating spheres of influence.

II. General Policies

The intent of these policies is to serve as the Commission's constitution with regards to outlining clear goals, objectives, and requirements in uniformly fulfilling its prescribed duties. The Commission reserves discretion in administering these policies, however, to address special conditions and circumstances as needed.

A) Legislative Declarations

The Commission acknowledges and incorporates into its own policies, the policies of the Legislature regarding the promotion of orderly, well-planned development patterns that avoid the premature conversion of agricultural and open-space lands and ensure effective, efficient, and economic provision of essential public services. The Commission wishes to specifically note the following declarations and policies contained in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000:

- (1) The Legislature recognizes that the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with sometimes competing state interests of discouraging urban sprawl, preserving open-space and prime agricultural lands, and efficiently extending government services. (G.C. §56000)
- (2) It is the intent of the Legislature that each commission, not later than January 1, 2002, shall establish written policies and procedures and exercise its powers pursuant to this part in a manner consistent with those policies and procedures, and that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space lands within those patterns. (G.C. §56300)

- (3) In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the commission shall consider all of the following policies and priorities:
 - a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.
 - b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing sphere of influence of the local agency. (G.C. §56377)

B) Commission Declarations

The Commission declares its intent not to permit the premature conversion of designated agricultural or open-space lands to urban uses. The Commission shall adhere to the following policies in the pursuit of this intent, and all proposals, projects, and studies shall be reviewed with these policies as guidelines.

- (1) Use of County General Plan Designations:
In evaluating a proposal, the Commission will use the Napa County General Plan to determine designated agricultural and open-space lands. The Commission recognizes that inconsistencies may occur between the County General Plan and the affected city general plan with respect to agricultural and open-space designations. Notwithstanding these potential inconsistencies, the Commission will rely on the Napa County General Plan in recognition of the public support expressed in both the incorporated and unincorporated areas of Napa County for the County's designated agricultural and open-space lands through enactment of Measure "J" in 1990 and Measure "P" in 2008.
- (2) Location of Urban Development:
The Commission shall guide urban development away from designated agricultural or open-space lands until such times as urban development becomes an overriding consideration as determined by the Commission.

- (3) Timing of Urban Development:
The Commission discourages proposals involving the annexation of undeveloped or underdeveloped lands to cities and special districts that provide potable water, sewer, fire protection and emergency response, or police protection services. This policy does not apply to proposals in which the affected lands are subject to a specific development plan or agreement under consideration by a land use authority. This policy does not apply to city annexation proposals in which the affected lands are part of an unincorporated island.
- (4) Factors for Evaluating Proposals Involving Agricultural or Open-Space Lands:
The Commission recognizes there are distinct and varying attributes associated with agricultural and open-space designated lands. A proposal which includes agricultural or open-space designated land shall be evaluated in light of the existence of the following factors:
- a) "Prime agricultural land", as defined by G.C. §56064.
 - b) "Open-space", as defined by G.C. §56059.
 - c) Land that is under contract to remain in agricultural or open-space use, such as a Williamson Act Contract or Open-Space Easement.
 - d) Land which has a County General Plan agricultural or open-space designation (Agricultural Resource or Agriculture, Watershed and Open-Space).
 - e) The adopted general plan policies of the County and the affected city.
 - f) The agricultural economic integrity of land proposed for conversion to urban use as well as adjoining land in agricultural use.
 - g) The potential for the premature conversion of adjacent agricultural or open-space designated land to urban use.
 - h) The potential of vacant non-prime agricultural land to be developed with a use that would then allow the land to meet the definition of prime agricultural land under the Williamson Act.
- (5) Encouragement of Reorganizations:
The Commission encourages reorganization proposals as a means of coordinating actions of local governmental agencies involving, but not limited to, annexation of land to two or more public agencies. The Commission recognizes the usefulness of the reorganization concept as a vehicle designed to simplify and expedite such actions.

III. Policies Concerning Spheres of Influence

It is the intent of the Commission to establish spheres of influence that promote the orderly expansion of cities and special districts to ensure effective, efficient and economic provision of essential public services, including public sewer and water, fire protection and emergency response, and police protection.

A) Legislative Declarations

The Commission acknowledges and incorporates into its own policies, the policies of the Legislature as they relate to spheres of influence. The Commission wishes to specifically note the following declarations and policies contained in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000:

- (1) "Sphere of influence" means a plan for the probable physical boundaries and service area of a local agency, as determined by the Commission. (G.C. §56076)
- (2) In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities, the Commission shall develop and determine the sphere of influence of each local governmental agency within the county and enact policies designed to promote the logical and orderly development of areas within the sphere. (G.C. §56425(a)).
- (3) The Commission encourages cities and the County to meet and agree to sphere of influence changes. The Commission shall give "great weight" to these agreements to the extent they are consistent with its policies. (G.C. §56425(b) and (c))
- (4) On or before January 1, 2008, and every five years thereafter, the Commission shall, as necessary, review and update each sphere of influence. (G.C. §56425(g))

B) General Guidelines for the Review of Spheres of Influence

It is the intent of the Commission to consider the following factors whenever reviewing a proposal that includes the adoption, amendment, or update of a sphere of influence.

- (1) The Commission incorporates the following definitions:
 - a) An “establishment” refers to the initial development and determination of a sphere of influence by the Commission.
 - b) An “amendment” refers to a limited change to an established sphere of influence typically initiated by a landowner, resident, or agency.
 - c) An “update” refers to a comprehensive change to an established sphere of influence typically initiated by the Commission.
- (2) The Commission discourages proposals from residents, landowners, and agencies proposing amendments to spheres of influence unless justified by special conditions and circumstances.
- (3) The Commission shall consider the following land use criteria in establishing, amending, and updating spheres of influence:
 - a) The present and planned land uses in the area, including designated agricultural and open-space lands.
 - b) Consistency with the County General Plan and the general plan of any affected city.
 - c) Adopted general plan policies of the County and of any affected city that guide future development away from designated agricultural or open-space land.
 - d) Adopted policies of affected agencies that promote infill of existing vacant or underdeveloped land.
 - e) Amount of existing vacant or underdeveloped land located within any affected agency’s jurisdiction and current sphere of influence.
 - f) Adopted urban growth boundaries by the affected land use authorities.

- (4) The Commission shall consider the following municipal service criteria in establishing, amending, and updating spheres of influence:
 - a) The present capacity of public facilities and adequacy of public services provided by affected agencies within the current jurisdiction and the adopted plans of these agencies to improve any municipal service deficiency, including adopted capital improvement plans.
 - b) The present and probable need for public facilities and services within the area proposed for inclusion within the sphere of influence and the plans for the delivery of services to the area.
- (5) The Commission shall endeavor to maintain and expand, as needed, spheres of influence to accommodate planned and orderly urban development. The Commission, however, shall consider removal of land from an agency's sphere of influence if any of the two conditions apply:
 - a) The land is outside the affected agency's jurisdictional boundary but has been within the sphere of influence for 10 or more years.
 - b) The land is inside the affected agency's jurisdictional boundary, but is not expected to be developed for urban uses or require urban-type services within the next 10 years.

C) City Spheres of Influence

The Commission shall adhere to the following policies in the establishment, amendment, or update of a city's sphere of influence.

- (1) Location of Urban Development:
It shall be a basic policy of the Commission is that the sphere of influence shall guide and promote the affected city's orderly urban growth and development.
- (2) Sphere of Influence to Reflect Service Capacities:
A city's sphere of influence should reflect existing and planned service capacities based on information collected by, or submitted to, the Commission.
- (3) Use of County General Plan Agricultural and Open-Space Designations:
The Commission shall use the most recently adopted County General Plan as the basis to identify designated agricultural and open-space lands in establishing, amending, and updating a city's sphere of influence.

- (4) Avoidance of Inclusion of Agricultural and Open-Space Lands:
Land specifically designated as agricultural or open-space lands shall not be approved for inclusion within any city's sphere of influence for purposes of urban development unless exceptions are warranted based on the criteria outlined in Section B(3) and (4).
- (5) Preference for Infill:
The Commission will consider the amount of vacant land within the established sphere of influence of a city when considering amendments and updates. The Commission encourages sphere of influence proposals that promote the infill of existing vacant or underdeveloped land thereby maximizing the efficient use of existing city services and infrastructure as well as discouraging urban sprawl. Conversely, the Commission discourages sphere of influence proposals involving vacant or underdeveloped land that requires the extension of urban facilities, utilities, and services where infill is more appropriate.
- (6) Spheres of Influence as Guides for City Annexations:
A city's sphere of influence shall generally be used to guide annexations within a five-year planning period. Inclusion of land within a sphere of influence shall not be construed to indicate automatic approval of an annexation proposal; an annexation will be considered on its own merits with deference assigned to timing.
- (7) Joint Applications:
When an annexation is proposed outside a city's sphere of influence, the Commission may consider both the proposed annexation and the necessary change in the sphere of influence at the same meeting. The change to the sphere of influence to include the affected territory, however, shall be considered and resolved prior to Commission action on the annexation.
- (8) Cooperative Planning and Development:
Spheres of influence shall be developed by the Commission in cooperation with input from the cities and the County.
 - a) The urban areas as delineated by the spheres of influence or other boundary adopted by the Commission should be recognized and considered as part of planning and development programs of the affected cities as well as any affected special districts and the County.
 - b) The Commission shall encourage cities to first develop existing vacant and underdeveloped infill lands located within their jurisdictions and spheres of influence to maximize the efficient use of available services and infrastructure and discourage the premature conversion of agricultural and open-space lands to urban uses. The Commission shall encourage the development of vacant or underdeveloped infill lands located within cities' jurisdictions before the annexation of lands requiring the extension of urban facilities, utilities, and services.

- c) No urban development should be permitted by the County to occur on unincorporated lands within a city's sphere of influence. If approval of urban development in such areas is legally required of the County, such development should conform to applicable city standards and be the subject of a joint city-County planning effort.

D) Special District Spheres of Influence

The Commission shall adhere to the following policies in the establishment, review, amendment, or update of a special district's sphere of influence.

- (1) Urbanizing Effect of Services:
It shall be a basic policy of the Commission that the establishment, amendment, or update of a special district's sphere of influence serves to promote urban development with limited exceptions.
- (2) Sphere of Influence to Reflect Service Capacities:
A special district's sphere of influence should reflect existing and planned service capacities based on information collected by, or submitted to, the Commission.
- (3) Exclusion of Agricultural and Open-Space Lands:
Land designated agricultural or open-space by the applicable city or County general plan shall not be approved for inclusion within any special district's sphere of influence for purposes of urban development through the extension of essential public services. Such designations shall be recognized by the Commission as designating the land as non-urban in character in regard to the existing use of the area or its future development potential. The Commission may consider exceptions to this policy based on evidence provided by the affected special district demonstrating all of the following:
 - a) The expansion is necessary in order to provide potable water or sewer to the territory to respond to a documented public health or safety threat.
 - b) The affected special district can provide adequate potable water or sewer service to the affected territory without extending any mainline more than 1,000 feet.
 - c) The expansion will not promote the premature conversion of agricultural or open-space land to urban use.

- (4) Sphere of Influence as a Guide to Special District Annexations:
A special district's sphere of influence shall generally be used to guide annexations within a five-year planning period. Inclusion of land within a sphere of influence shall not be construed to indicate automatic approval of an annexation proposal; an annexation will be considered on its own merits with deference assigned to timing.
- (5) Joint Applications:
When an annexation is proposed outside a special district's sphere of influence, the Commission may consider both the proposed annexation and the necessary change in the sphere of influence at the same meeting. The change to the sphere of influence to include the affected territory, however, shall be considered and resolved prior to Commission action on the proposed annexation.
- (6) Cooperative Planning and Development Programs:
Spheres of influence shall be developed by the Commission in cooperation with any affected cities and the County.
 - a) The service area of a special district as delineated by the sphere of influence or other boundary adopted by the Commission should be recognized and considered as part of the planning and development programs of any affected district, city, and the County.

IV. Policies Concerning the County Of Napa

A) Location of Urban Development

- (1) Development of an urban character and nature should be located within areas designated as urban areas by the County General Plan in close proximity to a city or special district which can provide essential public services.
- (2) Urban development should be discouraged if it is apparent that essential services necessary for the proposed development cannot readily be provided by a city or special district.
- (3) The Commission shall review and comment, as appropriate, on the extension of services or the creation of new service providers to furnish services into previously unserved territory within unincorporated areas.

B) Use of County Service Areas and Community Services Districts

- (1) In those unincorporated urban areas where essential urban services are being provided by the County, the Board of Supervisors should consider the establishment of county service areas or community services districts so that area residents and landowners pay their fair and equitable share for the services received.

V. Policies Concerning Cities

A) Incorporations

- (1) The Commission discourages proposals to incorporate communities unless substantial evidence suggests the County and any affected special district are not effectively meeting the needs of the community.
- (2) The Commission discourages proposals to incorporate communities involving land that is not already receiving essential public services from a special district.
- (3) Any community proposed for incorporation in Napa County shall have at least 500 registered voters residing with the affected area at the time proceedings are initiated with the Commission as required under G.C. §56043.

VI. Policies Concerning Special Districts

A) In Lieu of New District Creation

- (1) Where a limited-purpose special district exists and additional services are required for an unincorporated area designated as urban by the County General Plan, the Commission encourages reorganizations to provide the extended services of the existing limited services special district.

B) Preference for Districts Capable of Providing All Essential Services

- (1) All new special districts proposed for formation in the unincorporated urban areas as designated under the County General Plan should be capable of providing essential urban type services which include, but are not limited to, water, sanitation, fire protection, and police protection.

C) Establishing New Services or Divestiture of Existing Service Powers

- (1) Commission approval is required for a special district to establish new services or divest existing service powers within all or parts of its jurisdictional boundary. Requests by a special district shall be made by adoption of a resolution of application and include all the information required and referenced under G.C. §56824.12.
- (2) The Commission incorporates the following definitions in administering these policies:
 - a) “New” shall mean activating a latent service not previously authorized.
 - b) “Divestiture” shall mean deactivating a service power previously authorized.
- (3) The Commission shall consider the effect of the proposal in supporting planned and orderly growth within the affected territory.

VII. Policies Concerning Annexations

A) General Policies Concerning Annexations to a City

- (1) Inclusion in Sphere of Influence:
The affected territory shall be included within the affected city sphere of influence prior to issuance of the Executive Officer's certificate of filing for the subject annexation proposal. The Executive Officer may agendize both a sphere of influence amendment and annexation application for Commission consideration and action at the same meeting.
- (2) Substantially surrounded:
For the purpose of applying the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act, most notably G.C. §56375, the affected territory of an annexation proposal shall be deemed “substantially surrounded” if the following two conditions apply:
 - a) The affected territory lies within the city’s sphere of influence.
 - b) The affected territory is surrounded by no less than 66.6% by the city, as set forth in a boundary description accepted by the Executive Officer.

B) Policies Concerning Island Annexations

- (1) Boundary of Areas Not 100% Surrounded by City:
The outside boundary of an unincorporated island less than 100% surrounded shall be the affected city sphere of influence boundary line.
- (2) Criteria for Determining a Developed Island:
A developed island shall substantially meet all the following criteria:
 - a) The island shall have a housing density of at least 0.5 units per gross acre.
 - b) All parcels within the island can readily receive from the affected city or any affected special district basic essential services including but not limited to police protection, fire protection, potable water and sanitation.
- (3) Policy Regarding Annexations Within an Identified Island Area:
When an annexation proposal includes territory within a developed island, the Commission shall invite the affected city to amend the boundary of the proposed annexation to include the entire island. To the extent permitted by law, the Commission reserves the right to expand the boundaries of the proposed annexation to include the entire island.

C) Policies Concerning Annexation of Municipally-Owned Land

- (1) Restricted Use Lands Owned by Public Agencies:
The Commission shall disapprove annexation of publicly-owned land designated agricultural or open-space or subject to a Williamson Act contract unless the land will be used for a municipal purpose and no suitable alternative site reasonably exists within the affected city's sphere of influence.
- (2) Facilities Exempt from Policy:
Municipal purpose shall mean a public service facility which is urban in nature such as water and sewage treatment facilities and public buildings, but shall not include land which is vacant or used for wastewater reclamation irrigation, a reservoir, or agricultural, watershed or open-space.

D) Concurrent Annexation Policies

It is the intent of the Commission to promote concurrent annexations to cities and special districts whenever appropriate. The Commission may waive its concurrent annexation policies based on unique conditions or circumstances surrounding the annexation proposal which make application of the policy impractical and will not result in the annexation of lands designated agricultural or open-space by the applicable city or County General Plan.

- (1) City of Napa and Napa Sanitation District
 - a) Annexations to the District:
All annexation proposals to the Napa Sanitation District located outside of the City of Napa shall first be required to annex to the City if the affected territory is located within the City's sphere of influence as adopted by the Commission, is located within the City Residential Urban Limit Line (RUL) as adopted by the City, and annexation is legally possible.
 - b) Annexations to the City:
All 100% consent annexation proposals to the City of Napa located outside of the Napa Sanitation District shall be required to annex to the Napa Sanitation District if the affected territory is located within the District's sphere of influence and if sanitation service is available.
- (2) City of American Canyon and American Canyon Fire Protection District
 - a) Annexations to the District:
All annexation proposals to the American Canyon Fire Protection District located outside of the City of American Canyon shall be required to annex to the City if the affected territory is located within the City's sphere of influence as adopted by the Commission and if annexation is legally possible.

b) Annexations to the City:

All annexation proposals to the City of American Canyon located outside of the American Canyon Fire Protection District shall be required to annex to the District if the affected territory is located within the District's sphere of influence.

(3) County Service Area No. 4

a) Annexations to Cities:

All annexation proposals to a city shall be required to concurrently detach from County Service Area No. 4 unless the affected territory has been, or is expected to be, developed to include planted vineyards totaling one acre or more in size.

RESOLUTION NO. ____

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

**ALSTON PARK SPHERE OF INFLUENCE AMENDMENT
FOR THE NAPA SANITATION DISTRICT**

WHEREAS, the City of Napa has adopted a resolution of application seeking a sphere of influence amendment for the Napa Sanitation District and filed a proposal with the Local Agency Formation Commission of Napa County, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the proposal seeks Commission approval to amend the sphere of influence of the Napa Sanitation District to include approximately 158.2 acres of territory comprising two entire parcels owned by the City and identified by the County of Napa Assessor’s Office as 035-120-032 and 035-120-034; and

WHEREAS, the City also formally requests the Commission waive its proposal fees; and

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a noticed public hearing held on December 3, 2018; and

WHEREAS, the Commission considered all the factors required by law under California Government Code Section 56425; and

WHEREAS, in accordance with applicable provisions of the California Environmental Quality Act (hereinafter “CEQA”), the Commission serves as Responsible Agency for the sphere of influence amendment pursuant to CEQA Guidelines Section 15051(b)(2); and

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

1. The sphere of influence of the Napa Sanitation District is hereby amended to include all areas within the current sphere of influence of the Napa Sanitation District as of the date of this resolution plus the area shown in Exhibit One.
2. The Commission serves as Responsible Agency for the sphere of influence amendment pursuant to CEQA Guidelines Section 15051(b)(2). The City, as Lead Agency, has determined the underlying project is statutorily exempt under Public Resources Code Section 21080.21 and categorically exempt under CEQA Guidelines Section 15303. The Commission concurs with the Lead Agency’s determination.

3. Pursuant to California Government Code Section 56425, the Commission adopts the statement of determinations as shown in Exhibit Two.
4. The Commission hereby directs staff to file a Notice of Exemption in compliance with CEQA.
5. The City's request for a fee waiver of the Commission's proposal fees is APPROVED in accordance with the Commission's adopted fee schedule.
6. The effective date of this sphere of influence update shall be December 3, 2018.
7. The Executive Officer shall revise the official records of the Commission to reflect this update of the sphere of influence.

The foregoing resolution was duly and regularly adopted by the Commission at a regular meeting held on December 3, 2018, by the following vote:

AYES: Commissioners _____
NOES: Commissioners _____
ABSENT: Commissioners _____
ABSTAIN: Commissioners _____

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Kathy Mabry
Commission Secretary

EXHIBIT ONE

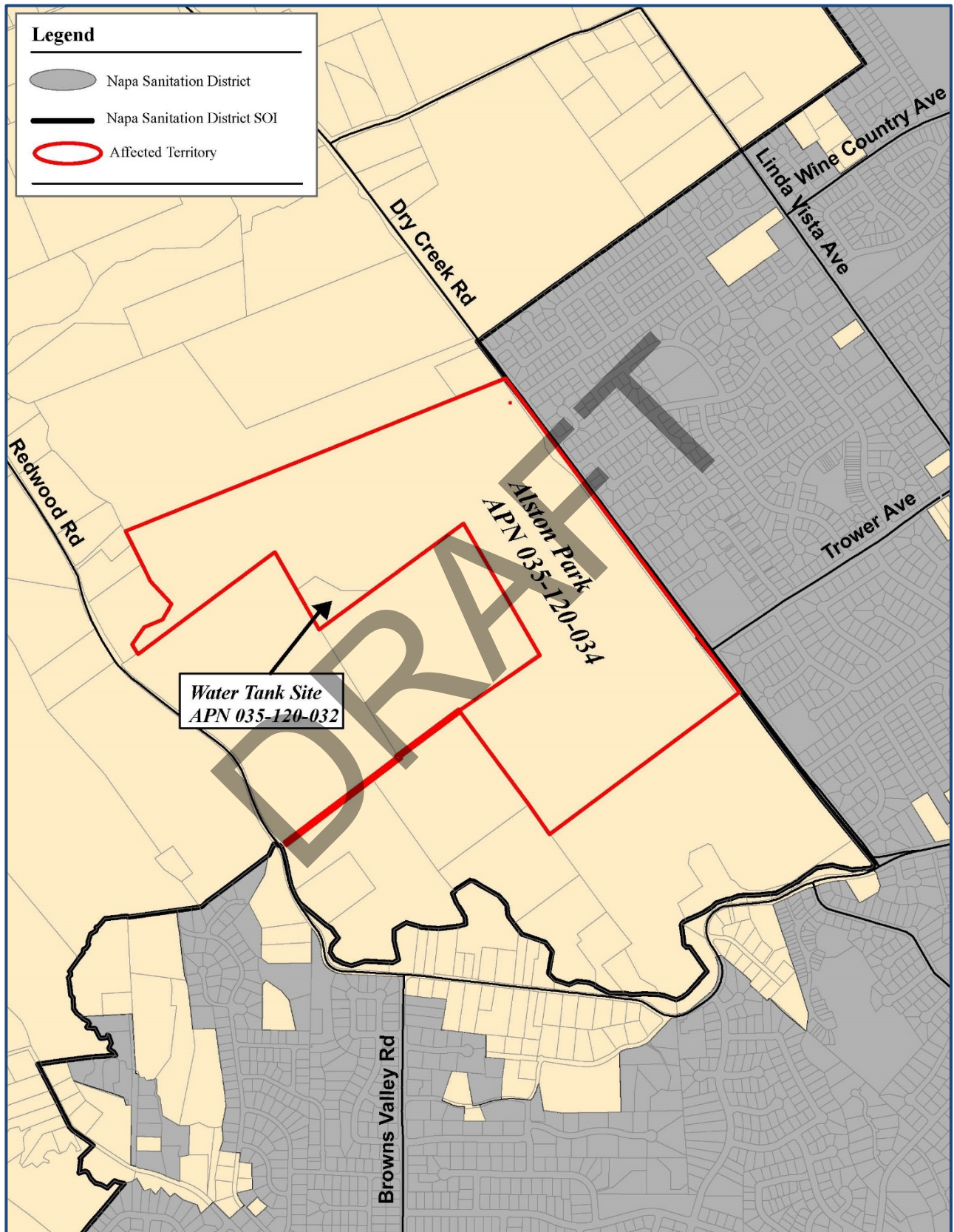


EXHIBIT TWO**STATEMENT OF DETERMINATIONS****ALSTON PARK SPHERE OF INFLUENCE AMENDMENT
FOR THE NAPA SANITATION DISTRICT**

1. Present and planned land uses in the sphere, including agricultural and open-space lands (Government Code 56425(e)(1)):

The affected territory is owned and used by the City as Alston Park and the Alston Park Water Tank Site. The City has zoned the affected territory as *Park and Open Space* consistent with existing land uses on the Alston Park parcel. These existing land uses at Alston Park parcel will remain unchanged in the foreseeable future consistent with the Alston Park Master Plan and the Land Trust of Napa County conservation easement. The Alston Park Water Tank Site parcel is built out with two municipal water storage tanks and related infrastructure.

2. The present and probable need for public facilities and services in the sphere (Government Code 56425(e)(2)):

Alston Park has a present need for public sewer facilities based on the existing portable toilets' inadequate capacity to serve the increasing visitor use. Napa Sanitation District is the only public sewer service provider within reasonable proximity of Alston Park. There are no other present or probable needs for other public facilities or services.

3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide (Government Code 56425(e)(3)):

Napa Sanitation District has established sufficient capacities and controls to reasonably accommodate future sewer service needs within the District's existing sphere of influence, including projected demands at buildout within the affected territory. This statement is predicated on information collected and analyzed in the Commission's *Central County Region Municipal Service Review* adopted in 2014. No service deficiencies for the area were identified in the Municipal Service Review.

4. The existence of any social or economic communities of interest in the sphere if the Commission determines that they are relevant to the agency (Government Code 56425(e)(4)):

There are no residents within the affected territory. However, the majority of the affected territory comprises a public park that is used by an increasing amount of annual visitors. Therefore, potential communities of interest would include visitors to Alston Park who would benefit from a permanent public restroom facility. Anticipated benefits for the community include improved public health and safety.

5. Present and probable need for public services for disadvantaged unincorporated communities (Government Code 56425(e)(5)):

There are no disadvantaged unincorporated communities in Napa County and therefore inclusion of the affected territory within Napa Sanitation District's sphere of influence is not related to the need for public services for disadvantaged unincorporated communities.

RESOLUTION NO. ____

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

ALSTON PARK ANNEXATION TO THE NAPA SANITATION DISTRICT

WHEREAS, the City of Napa has adopted a resolution of application proposing a change of organization and filed a proposal with the Local Agency Formation Commission of Napa County, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the proposal seeks Commission approval to annex approximately 158.2 acres of territory to the Napa Sanitation District comprising two entire parcels owned by the City and identified by the County of Napa Assessor’s Office as 035-120-032 and 035-120-034; and

WHEREAS, the City also formally requests the Commission waive its proposal fees; and

WHEREAS, the Commission’s Executive Officer has reviewed the proposal and prepared a report with recommendations; and

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a noticed public hearing held on the proposal on December 3, 2018; and

WHEREAS, the Commission considered all the factors required by law under Government Code Sections 56668 and 56668.3 as well as adopted local policies and procedures; and

WHEREAS, the Commission finds the proposal consistent with Napa Sanitation District’s sphere of influence following the Commission’s adoption of Resolution No. _____; and

WHEREAS, the Commission finds that all owners of land included in said modified 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 Responsible Agency for the annexation pursuant to CEQA Guidelines Section 15051(b)(2); 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 Responsible Agency for the annexation pursuant to CEQA Guidelines Section 15051(b)(2). The City, as Lead Agency, has determined the underlying project is statutorily exempt under Public Resources Code Section 21080.21 and categorically exempt under CEQA Guidelines Section 15303. The Commission concurs with the Lead Agency's determination.
3. The proposal is APPROVED.
4. This proposal is assigned the following distinctive short-term designation:

ALSTON PARK ANNEXATION TO THE NAPA SANITATION DISTRICT
5. The affected territory is shown on the map and described in the geographic description 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. While there is currently no general bonded indebtedness of the Napa Sanitation District, the affected territory may be taxed for any future 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) 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.

- 13. The Commission hereby directs staff to file a Notice of Exemption in compliance with CEQA.
- 14. The City’s request for a fee waiver of the Commission’s proposal fees is APPROVED in accordance with the Commission’s adopted fee schedule.

The foregoing resolution was duly and regularly adopted by the Commission at a regular meeting held on December 3, 2018 by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

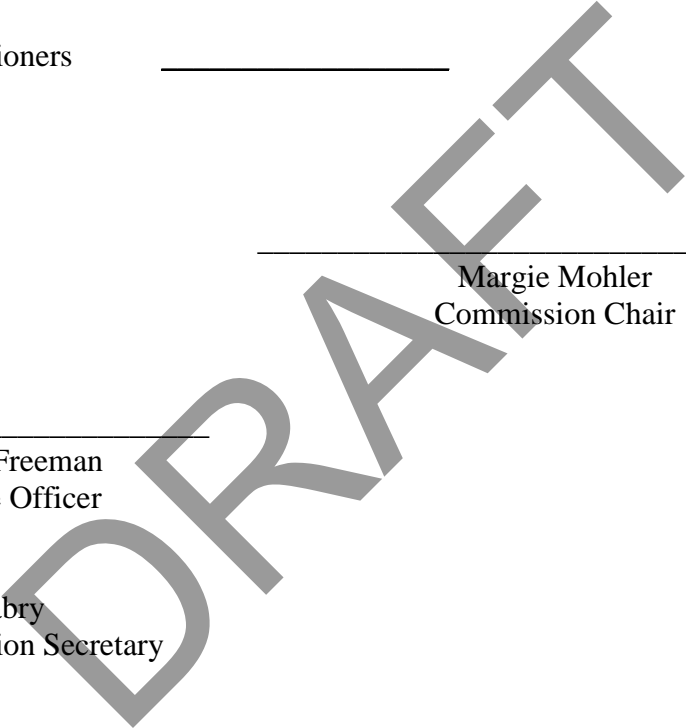
ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

 Margie Mohler
 Commission Chair

ATTEST: _____
 Brendon Freeman
 Executive Officer

Recorded by: Kathy Mabry
 Commission Secretary



PROPOSED ANNEXATION TO THE NAPA SANITATION DISTRICT

GEOGRAPHIC DESCRIPTION

ALSTON PARK ANNEXATION TO NAPA SANITATION DISTRICT

A.P.N.s 035-120-032 & 034

All that certain real property, situate in the City of Napa and the and County of Napa, State of California, being a portion of the Napa Rancho and also being more particularly described as follows:

BEGINNING at a point on the southwesterly line of Dry Creek Road at the most westerly corner of the Four Oaks Park Annexation (1973 No. 2) to the Napa Sanitation District per District Resolution No. 3674 dated June 26, 1973;

Thence along said southwesterly line of Dry Creek Road and the southwesterly boundary of said Four Oaks Park Annexation (1973 No. 2), the following two courses:

- (1) South 33°30'13" East 123.45 feet; and
- (2) South 37°14'36" East 345.87 feet to the most easterly corner of the land described in the deed to the City of Napa, recorded November 22, 1978 in Volume 1105 of Official Records at Page 456, Napa County Records, distant thereon North 52°54'00" East 25.00 feet from the most easterly corner of the Dry Creek Road/Trower Avenue No. 4 Annexation to the City of Napa per Local Agency Formation Commission of Napa County Resolution No. 89-38 dated November 8, 1989;

Thence (3) South 52°54'00" West 25.00 feet to said easterly corner of the Dry Creek Road/Trower Avenue No. 4 Annexation;

Thence along the boundary of said Dry Creek Road/Trower Avenue No. 4 Annexation, the following five courses:

- (4) South 52°54'00" West 697.28 feet;
- (5) South 53°39'00" West 1212.60 feet;
- (6) North 36°24'00" West 1210.00 feet;
- (7) South 52°56'00" West 900.00 feet; and
- (8) South 53°46'00" West 897.60 feet to a point on the centerline of Napa Creek at the most southerly corner of the land described in the deed to the Alston Land Account, E.F. Alston, Manager, recorded June 17, 1970 in Volume 830 of Official Records at Page 328, Napa County Records;

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CPI No.: 8258-18

Page 1 of 5

 **DRAFT**

Thence (9) along said centerline of Napa Creek and continuing along said boundary of the Dry Creek Road/Trower Avenue No. 4 Annexation, North 19°49'00" West 20.90 feet, more or less, to an angle point in said boundary;

Thence leaving said centerline and continuing along said boundary of the Dry Creek Road/Trower Avenue No. 4 Annexation, the following four courses:

- (10) North 52°41'00" East 1146.40 feet;
- (11) North 53°31'00" East 1477.00 feet;
- (12) North 31°22'00" West 1254.00 feet; and
- (13) South 53°31'00" West 976.91 feet to the most easterly corner of Parcel No. 1 of the Pacifica-Hacienda Annexation District to the City of Napa as shown on the map entitled "Map Delineating the Boundary of Pacific-Hacienda Annexation District, recorded March 28, 1963 in Volume 671 of Official Records at Page 125, Napa County Records; thence along the boundary of said Parcel No. 1, the following two courses:
 - (14) South 53°44'40" West 500.09 feet to the most southerly corner of said Pacifica-Hacienda Annexation District;
 - (15) North 30°43'00" West 368.74 feet to an angle point in the boundary of said Dry Creek Road/Trower Avenue No. 4 Annexation; and

Thence continuing along the boundary of said Dry Creek Road/Trower Avenue No. 4 Annexation, the following four courses:

- (16) North 31°22'00" West 367.26 feet;
- (17) South 53°42'00" West 1400.00 feet, more or less, to the center of said Napa Creek;
- (18) Northwesterly along said centerline of said Napa Creek; and
- (19) Leaving said centerline, North 67°41'00" East 3332.04 feet to the most northerly corner of said Dry Creek Road/Trower Avenue No. 4 Annexation, distant thereon South 67°41'00" West 25.71 feet from a point on the southwesterly line of Dry Creek Road and the southwesterly line of the Dry Creek Road/Grapevine Drive No. 2 District Annexation to the Napa Sanitation District per District Resolution No. 7303 dated October 18, 1989;

Thence (20) North 67°41'00" East 25.71 feet to said point;

Thence (21) along said southwesterly line of Dry Creek Road and said southwesterly line of the Dry Creek Road/Grapevine Drive No. 2 District Annexation, South $35^{\circ}57'54''$ East 213.52 feet to the most westerly corner of the Dry Creek Road/Grapevine Drive District Annexation to the Napa Sanitation District per District Resolution No. 7310 dated November 15, 1989;

Thence continuing along said southwesterly line of Dry Creek Road and said southwesterly line of the Dry Creek Road/Grapevine Drive District Annexation, the following three courses:

(22) South $35^{\circ}57'54''$ East 374.25 feet (shown as North $35^{\circ}56'54''$ West 374.25 feet in said District Annexation Legal Description);

(23) South $4^{\circ}30'29''$ East 83.22 feet (shown as North $4^{\circ}29'29''$ West 83.22 feet in said District Annexation Legal Description);

(24) South $37^{\circ}14'36''$ East 151.32 feet (shown as North $37^{\circ}13'36''$ West 151.32 feet in said District Annexation Legal Description) to the most westerly corner of The Vineyard Unit No. 2 Annexation (1972 No.17) to the Napa Sanitation District per District Resolution No. 3466 dated August 8, 1972;

Thence continuing along said southwesterly line of Dry Creek Road and said southwesterly line of The Vineyard Unit No. 2 Annexation (1972 No.17), the following three courses:

(25) South $37^{\circ}14'36''$ East 3.68 feet;

(26) South $50^{\circ}58'47''$ East 231.62 feet; and

(27) South $37^{\circ}14'36''$ East 338.33 feet to the most westerly corner of the Dry Creek Road/Vintage Street District Annexation to the Napa Sanitation District per District Resolution No. 7174 dated March 15, 1989;

Thence (28) continuing along said southwesterly line of Dry Creek Road and said southwesterly line of the Dry Creek Road/Vintage Street District Annexation, South $37^{\circ}14'36''$ East 429.41 feet to the most westerly corner of the Dry Creek Road No. 2 District Annexation to the Napa Sanitation District per District Resolution No.00-6 dated April 26, 2000;

Thence (29) continuing along said southwesterly line of Dry Creek Road and said southwesterly line of the Dry Creek Road No. 2 District Annexation, South $37^{\circ}14'36''$ East 246.00 feet to the most westerly corner of the Dry Creek Road District Annexation to the Napa Sanitation District per District Resolution No. 7277 dated September 6, 1989;

Thence (30) continuing along said southwesterly line of Dry Creek Road and said southwesterly line of the Dry Creek Road District Annexation, South 37°14'36" East 289.88 feet (shown as South 37°13'36" East 289.88 feet in said District Annexation Legal Description), more or less, to the most westerly corner of the Dry Creek Road/Trower Avenue Annexation (1976 No. 1) to the Napa Sanitation District per District Resolution No. 4405 dated July 26, 1976;

Thence continuing along said southwesterly line of Dry Creek Road and said southwesterly line of the Dry Creek Road/Trower Avenue Annexation (1976 No. 1), the following two courses:

(31) South 37°14'36" East 194.03 feet (shown as North 37°13'36" West 194.03 feet in said District Annexation Legal Description); and

(32) South 33°30'13" East 229.34 feet (shown as North 33°29'13" West 229.34 feet in said District Annexation Legal Description) to the POINT OF BEGINNING.

Containing 158.16 acres of land, 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.


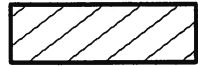
Prepared by Cinquini & Passarino, Inc.

Mark P. Andrilla, PLS 8985

Date



LEGEND

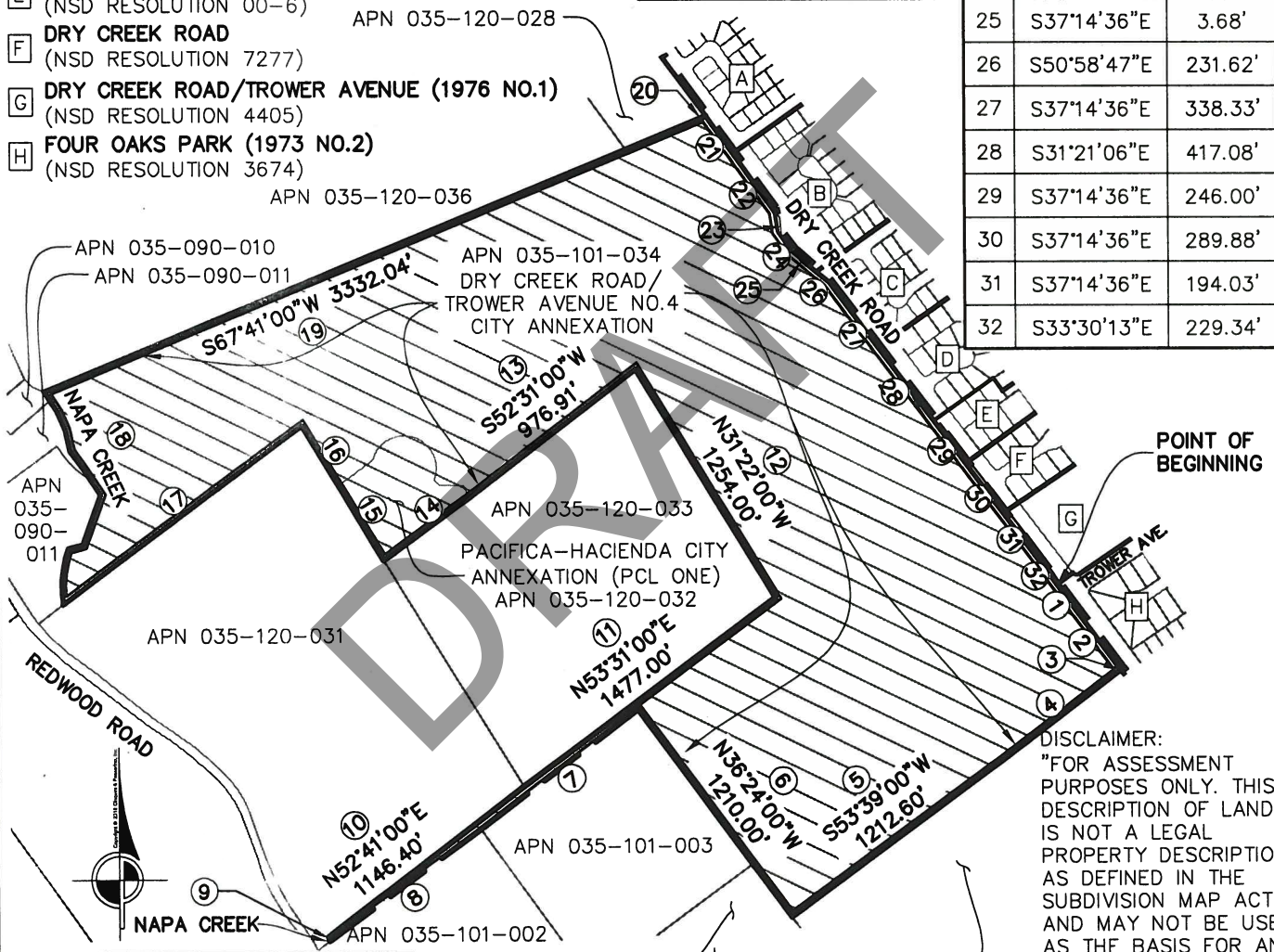
-  EXISTING NSD BOUNDARY
-  PROPOSED NSD ANNEXATION (±158.16 ACRES)

ANNEXATION DISTRICTS

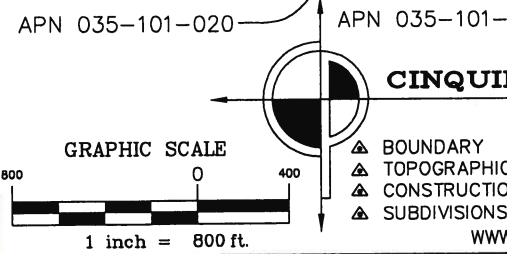
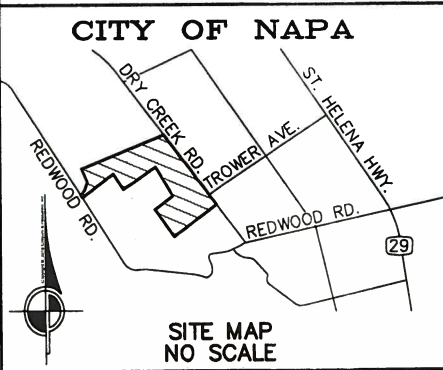
- A** DRY CREEK ROAD/ GRAPEVINE DRIVE NO.2
(NSD RESOLUTION 7303)
- B** DRY CREEK ROAD/GRAPEVINE DRIVE
(NSD RESOLUTION 7310)
- C** THE VINEYARD UNIT NO.2 (1972 NO.17)
(NSD RESOLUTION 3466)
- D** DRY CREEK ROAD/VINTAGE STREET
(NSD RESOLUTION 7174)
- E** DRY CREEK ROAD NO.2
(NSD RESOLUTION 00-6)
- F** DRY CREEK ROAD
(NSD RESOLUTION 7277)
- G** DRY CREEK ROAD/TROWER AVENUE (1976 NO.1)
(NSD RESOLUTION 4405)
- H** FOUR OAKS PARK (1973 NO.2)
(NSD RESOLUTION 3674)

LINE TABLE		
#	BEARING	DIST.
1	S33°30'13"E	123.45'
2	S37°14'36"E	345.87'
3	S52°54'00"W	25.00'
4	S52°54'00"W	697.28'
7	S52°56'00"W	900.00'
8	S53°46'00"W	897.60'
9	N19°49'00"W	20.90'
14	S53°44'40"W	500.09'

LINE TABLE		
#	BEARING	DIST.
15	N30°43'00"W	368.74'
16	N31°22'00"W	367.26'
17	S53°42'00"W	1400.00'
20	N67°41'00"E	25.71'
21	S35°57'54"E	213.52'
22	S35°57'54"E	374.25'
23	S04°30'29"E	83.22'
24	S37°14'36"E	151.32'
25	S37°14'36"E	3.68'
26	S50°58'47"E	231.62'
27	S37°14'36"E	338.33'
28	S31°21'06"E	417.08'
29	S37°14'36"E	246.00'
30	S37°14'36"E	289.88'
31	S37°14'36"E	194.03'
32	S33°30'13"E	229.34'



DISCLAIMER:
"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 AREA DESCRIBED."



CINQUINI & PASSARINO, INC.
LAND SURVEYING
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Napa, CA. 94559
Phone: (707) 690-9025
Fax: (707) 542-2106
WWW.CINQUINIPASSARINO.COM

APNS 035-120-032 & 034	DRAWN BY: CAF	CHECKED BY: MPA
ALSTON PARK ANNEXATION TO NAPA SANITATION DISTRICT	SCALE: 1"=800'	DATE: 9/4/18
	JOB #: 8258-18	PAGE: 5 OF 5

Y:\8258\Cad\8258 ALSTON NSD ANNEX PLAT.dwg
Sep 04, 2018 - 9:13am



RESOLUTION NO. ____

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

ALSTON PARK ANNEXATION TO THE NAPA SANITATION DISTRICT

WHEREAS, the City of Napa has adopted a resolution of application proposing a change of organization and filed a proposal with the Local Agency Formation Commission of Napa County, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the proposal seeks Commission approval to annex approximately 158.2 acres of territory to the Napa Sanitation District comprising two entire parcels owned by the City and identified by the County of Napa Assessor’s Office as 035-120-032 and 035-120-034; and

WHEREAS, the City also formally requests the Commission waive its proposal fees; and

WHEREAS, the Commission’s Executive Officer has reviewed the proposal and prepared a report with recommendations; and

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a noticed public hearing held on the proposal on December 3, 2018; and

WHEREAS, the Commission considered all the factors required by law under Government Code Sections 56668 and 56668.3 as well as adopted local policies and procedures; and

WHEREAS, the Commission finds the proposal consistent with Napa Sanitation District’s sphere of influence following the Commission’s adoption of Resolution No. _____; and

WHEREAS, the Commission finds that all owners of land included in said modified 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 Responsible Agency for the annexation pursuant to CEQA Guidelines Section 15051(b)(2); and

RESOLUTION NO. ____

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

**ALSTON PARK SPHERE OF INFLUENCE AMENDMENT
FOR THE NAPA SANITATION DISTRICT**

WHEREAS, the City of Napa has adopted a resolution of application seeking a sphere of influence amendment for the Napa Sanitation District and filed a proposal with the Local Agency Formation Commission of Napa County, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the proposal seeks Commission approval to amend the sphere of influence of the Napa Sanitation District to include approximately 158.2 acres of territory comprising two entire parcels owned by the City and identified by the County of Napa Assessor’s Office as 035-120-032 and 035-120-034; and

WHEREAS, the City also formally requests the Commission waive its proposal fees; and

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a noticed public hearing held on December 3, 2018; and

WHEREAS, the Commission considered all the factors required by law under California Government Code Section 56425; and

WHEREAS, in accordance with applicable provisions of the California Environmental Quality Act (hereinafter “CEQA”), the Commission serves as Responsible Agency for the sphere of influence amendment pursuant to CEQA Guidelines Section 15051(b)(2); and

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

1. The sphere of influence of the Napa Sanitation District is hereby amended to include all areas within the current sphere of influence of the Napa Sanitation District as of the date of this resolution plus the area shown in Exhibit One.
2. The Commission serves as Responsible Agency for the sphere of influence amendment pursuant to CEQA Guidelines Section 15051(b)(2). The City, as Lead Agency, has determined the underlying project is statutorily exempt under Public Resources Code Section 21080.21 and categorically exempt under CEQA Guidelines Section 15303. The Commission concurs with the Lead Agency’s determination.

3. Pursuant to California Government Code Section 56425 and conditioned upon the receipt of the Commission’s proposal fees, the Commission adopts the statement of determinations as shown in Exhibit Two.
4. The Commission hereby directs staff to file a Notice of Exemption upon the receipt of the Commission’s proposal fees in compliance with CEQA.
5. The effective date of this sphere of influence update shall be immediate upon the Executive Officer’s receipt of the Commission’s proposal fees.
6. The Executive Officer shall revise the official records of the Commission to reflect this update of the sphere of influence upon the receipt of the Commission’s proposal fees.

The foregoing resolution was duly and regularly adopted by the Commission at a regular meeting held on December 3, 2018, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

DRAFT

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Kathy Mabry
Commission Secretary

EXHIBIT ONE

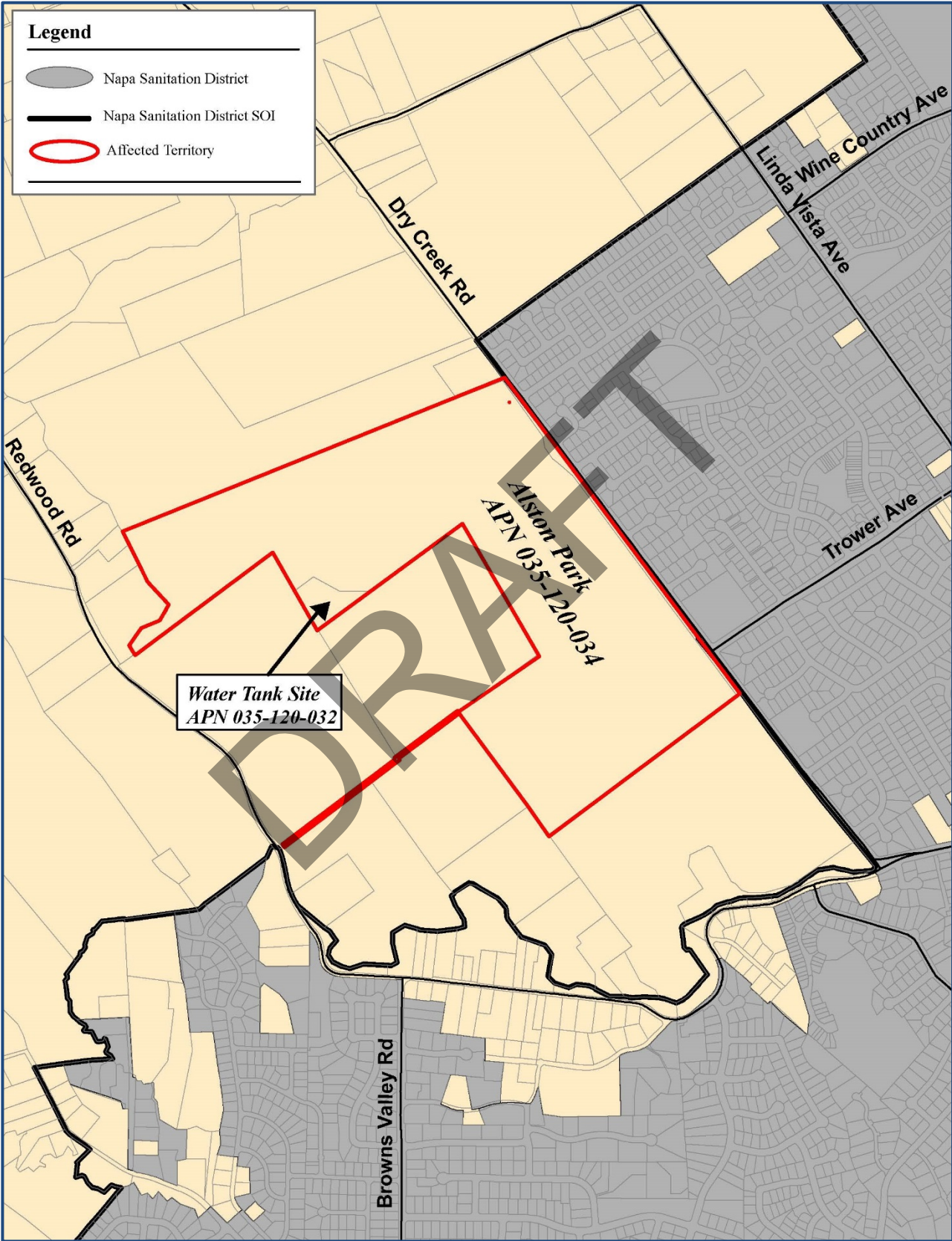


EXHIBIT TWO**STATEMENT OF DETERMINATIONS****ALSTON PARK SPHERE OF INFLUENCE AMENDMENT
FOR THE NAPA SANITATION DISTRICT**

1. Present and planned land uses in the sphere, including agricultural and open-space lands (Government Code 56425(e)(1)):

The affected territory is owned and used by the City as Alston Park and the Alston Park Water Tank Site. The City has zoned the affected territory as *Park and Open Space* consistent with existing land uses on the Alston Park parcel. These existing land uses at Alston Park parcel will remain unchanged in the foreseeable future consistent with the Alston Park Master Plan and the Land Trust of Napa County conservation easement. The Alston Park Water Tank Site parcel is built out with two municipal water storage tanks and related infrastructure.

2. The present and probable need for public facilities and services in the sphere (Government Code 56425(e)(2)):

Alston Park has a present need for public sewer facilities based on the existing portable toilets' inadequate capacity to serve the increasing visitor use. Napa Sanitation District is the only public sewer service provider within reasonable proximity of Alston Park. There are no other present or probable needs for other public facilities or services.

3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide (Government Code 56425(e)(3)):

Napa Sanitation District has established sufficient capacities and controls to reasonably accommodate future sewer service needs within the District's existing sphere of influence, including projected demands at buildout within the affected territory. This statement is predicated on information collected and analyzed in the Commission's *Central County Region Municipal Service Review* adopted in 2014. No service deficiencies for the area were identified in the Municipal Service Review.

4. The existence of any social or economic communities of interest in the sphere if the Commission determines that they are relevant to the agency (Government Code 56425(e)(4)):

There are no residents within the affected territory. However, the majority of the affected territory comprises a public park that is used by an increasing amount of annual visitors. Therefore, potential communities of interest would include visitors to Alston Park who would benefit from a permanent public restroom facility. Anticipated benefits for the community include improved public health and safety.

5. Present and probable need for public services for disadvantaged unincorporated communities (Government Code 56425(e)(5)):

There are no disadvantaged unincorporated communities in Napa County and therefore inclusion of the affected territory within Napa Sanitation District's sphere of influence is not related to the need for public services for disadvantaged unincorporated communities.

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 Responsible Agency for the annexation pursuant to CEQA Guidelines Section 15051(b)(2). The City, as Lead Agency, has determined the underlying project is statutorily exempt under Public Resources Code Section 21080.21 and categorically exempt under CEQA Guidelines Section 15303. The Commission concurs with the Lead Agency's determination.
3. The proposal is APPROVED.
4. This proposal is assigned the following distinctive short-term designation:

ALSTON PARK ANNEXATION TO THE NAPA SANITATION DISTRICT
5. The affected territory is shown on the map and described in the geographic description 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. While there is currently no general bonded indebtedness of the Napa Sanitation District, the affected territory may be taxed for any future 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) Written confirmation by the Napa Sanitation District that its terms and conditions have been satisfied.
 - c) Payment of any the Commission's proposal fees.

- 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.
- 13. The Commission hereby directs staff to file a Notice of Exemption in compliance with CEQA.

The foregoing resolution was duly and regularly adopted by the Commission at a regular meeting held on December 3, 2018 by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

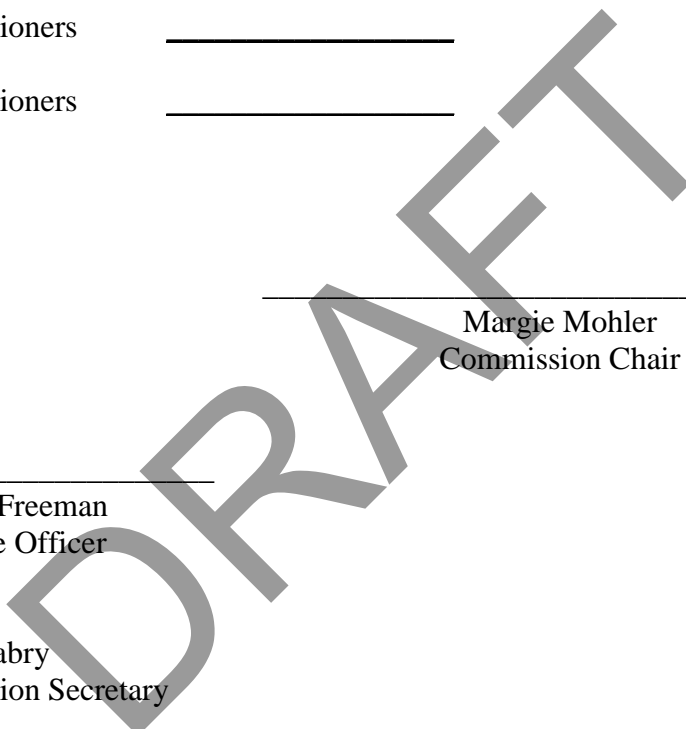
ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Kathy Mabry
Commission Secretary



PROPOSED ANNEXATION TO THE NAPA SANITATION DISTRICT

GEOGRAPHIC DESCRIPTION

ALSTON PARK ANNEXATION TO NAPA SANITATION DISTRICT

A.P.N.s 035-120-032 & 034

All that certain real property, situate in the City of Napa and the and County of Napa, State of California, being a portion of the Napa Rancho and also being more particularly described as follows:

BEGINNING at a point on the southwesterly line of Dry Creek Road at the most westerly corner of the Four Oaks Park Annexation (1973 No. 2) to the Napa Sanitation District per District Resolution No. 3674 dated June 26, 1973;

Thence along said southwesterly line of Dry Creek Road and the southwesterly boundary of said Four Oaks Park Annexation (1973 No. 2), the following two courses:

- (1) South 33°30'13" East 123.45 feet; and
- (2) South 37°14'36" East 345.87 feet to the most easterly corner of the land described in the deed to the City of Napa, recorded November 22, 1978 in Volume 1105 of Official Records at Page 456, Napa County Records, distant thereon North 52°54'00" East 25.00 feet from the most easterly corner of the Dry Creek Road/Trower Avenue No. 4 Annexation to the City of Napa per Local Agency Formation Commission of Napa County Resolution No. 89-38 dated November 8, 1989;

Thence (3) South 52°54'00" West 25.00 feet to said easterly corner of the Dry Creek Road/Trower Avenue No. 4 Annexation;

Thence along the boundary of said Dry Creek Road/Trower Avenue No. 4 Annexation, the following five courses:

- (4) South 52°54'00" West 697.28 feet;
- (5) South 53°39'00" West 1212.60 feet;
- (6) North 36°24'00" West 1210.00 feet;
- (7) South 52°56'00" West 900.00 feet; and
- (8) South 53°46'00" West 897.60 feet to a point on the centerline of Napa Creek at the most southerly corner of the land described in the deed to the Alston Land Account, E.F. Alston, Manager, recorded June 17, 1970 in Volume 830 of Official Records at Page 328, Napa County Records;

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CPI No.: 8258-18

Page 1 of 5

 **DRAFT**

Thence (9) along said centerline of Napa Creek and continuing along said boundary of the Dry Creek Road/Trower Avenue No. 4 Annexation, North 19°49'00" West 20.90 feet, more or less, to an angle point in said boundary;

Thence leaving said centerline and continuing along said boundary of the Dry Creek Road/Trower Avenue No. 4 Annexation, the following four courses:

- (10) North 52°41'00" East 1146.40 feet;
- (11) North 53°31'00" East 1477.00 feet;
- (12) North 31°22'00" West 1254.00 feet; and
- (13) South 53°31'00" West 976.91 feet to the most easterly corner of Parcel No. 1 of the Pacifica-Hacienda Annexation District to the City of Napa as shown on the map entitled "Map Delineating the Boundary of Pacific-Hacienda Annexation District, recorded March 28, 1963 in Volume 671 of Official Records at Page 125, Napa County Records; thence along the boundary of said Parcel No. 1, the following two courses:
 - (14) South 53°44'40" West 500.09 feet to the most southerly corner of said Pacifica-Hacienda Annexation District;
 - (15) North 30°43'00" West 368.74 feet to an angle point in the boundary of said Dry Creek Road/Trower Avenue No. 4 Annexation; and

Thence continuing along the boundary of said Dry Creek Road/Trower Avenue No. 4 Annexation, the following four courses:

- (16) North 31°22'00" West 367.26 feet;
- (17) South 53°42'00" West 1400.00 feet, more or less, to the center of said Napa Creek;
- (18) Northwesterly along said centerline of said Napa Creek; and
- (19) Leaving said centerline, North 67°41'00" East 3332.04 feet to the most northerly corner of said Dry Creek Road/Trower Avenue No. 4 Annexation, distant thereon South 67°41'00" West 25.71 feet from a point on the southwesterly line of Dry Creek Road and the southwesterly line of the Dry Creek Road/Grapevine Drive No. 2 District Annexation to the Napa Sanitation District per District Resolution No. 7303 dated October 18, 1989;

Thence (20) North 67°41'00" East 25.71 feet to said point;

Thence (21) along said southwesterly line of Dry Creek Road and said southwesterly line of the Dry Creek Road/Grapevine Drive No. 2 District Annexation, South 35°57'54" East 213.52 feet to the most westerly corner of the Dry Creek Road/Grapevine Drive District Annexation to the Napa Sanitation District per District Resolution No. 7310 dated November 15, 1989;

Thence continuing along said southwesterly line of Dry Creek Road and said southwesterly line of the Dry Creek Road/Grapevine Drive District Annexation, the following three courses:

(22) South 35°57'54" East 374.25 feet (shown as North 35°56'54" West 374.25 feet in said District Annexation Legal Description);

(23) South 4°30'29" East 83.22 feet (shown as North 4°29'29" West 83.22 feet in said District Annexation Legal Description);

(24) South 37°14'36" East 151.32 feet (shown as North 37°13'36" West 151.32 feet in said District Annexation Legal Description) to the most westerly corner of The Vineyard Unit No. 2 Annexation (1972 No.17) to the Napa Sanitation District per District Resolution No. 3466 dated August 8, 1972;

Thence continuing along said southwesterly line of Dry Creek Road and said southwesterly line of The Vineyard Unit No. 2 Annexation (1972 No.17), the following three courses:

(25) South 37°14'36" East 3.68 feet;

(26) South 50°58'47" East 231.62 feet; and

(27) South 37°14'36" East 338.33 feet to the most westerly corner of the Dry Creek Road/Vintage Street District Annexation to the Napa Sanitation District per District Resolution No. 7174 dated March 15, 1989;

Thence (28) continuing along said southwesterly line of Dry Creek Road and said southwesterly line of the Dry Creek Road/Vintage Street District Annexation, South 37°14'36" East 429.41 feet to the most westerly corner of the Dry Creek Road No. 2 District Annexation to the Napa Sanitation District per District Resolution No.00-6 dated April 26, 2000;

Thence (29) continuing along said southwesterly line of Dry Creek Road and said southwesterly line of the Dry Creek Road No. 2 District Annexation, South 37°14'36" East 246.00 feet to the most westerly corner of the Dry Creek Road District Annexation to the Napa Sanitation District per District Resolution No. 7277 dated September 6, 1989;

Thence (30) continuing along said southwesterly line of Dry Creek Road and said southwesterly line of the Dry Creek Road District Annexation, South 37°14'36" East 289.88 feet (shown as South 37°13'36" East 289.88 feet in said District Annexation Legal Description), more or less, to the most westerly corner of the Dry Creek Road/Trower Avenue Annexation (1976 No. 1) to the Napa Sanitation District per District Resolution No. 4405 dated July 26, 1976;

Thence continuing along said southwesterly line of Dry Creek Road and said southwesterly line of the Dry Creek Road/Trower Avenue Annexation (1976 No. 1), the following two courses:

(31) South 37°14'36" East 194.03 feet (shown as North 37°13'36" West 194.03 feet in said District Annexation Legal Description); and

(32) South 33°30'13" East 229.34 feet (shown as North 33°29'13" West 229.34 feet in said District Annexation Legal Description) to the POINT OF BEGINNING.

Containing 158.16 acres of land, 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.



Prepared by Cinquini & Passarino, Inc.

Mark P. Andrilla, PLS 8985

Date



LEGEND

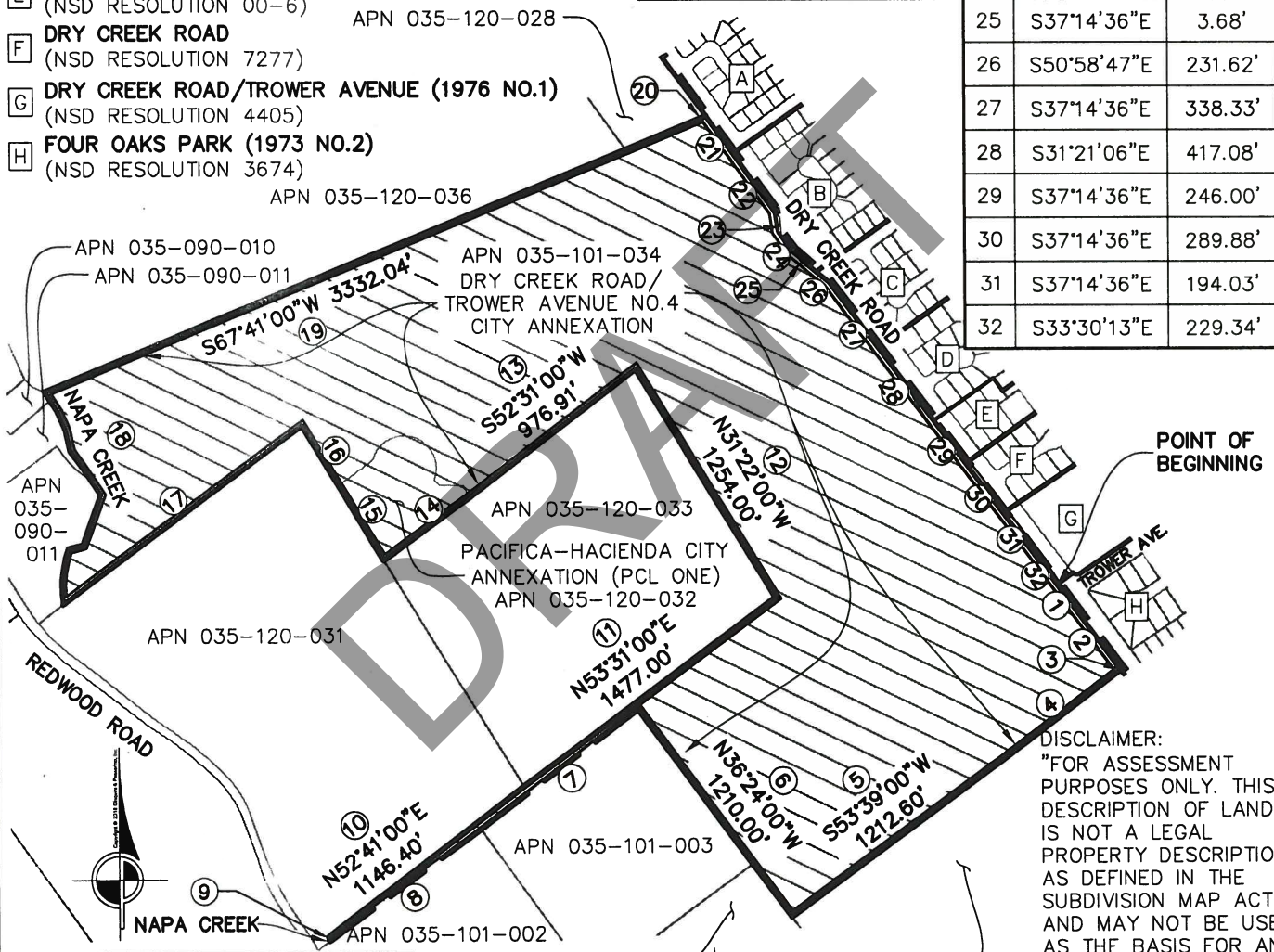
-  EXISTING NSD BOUNDARY
-  PROPOSED NSD ANNEXATION (±158.16 ACRES)

ANNEXATION DISTRICTS

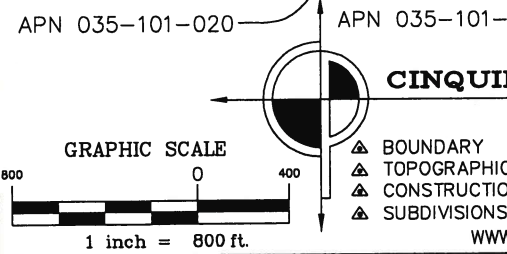
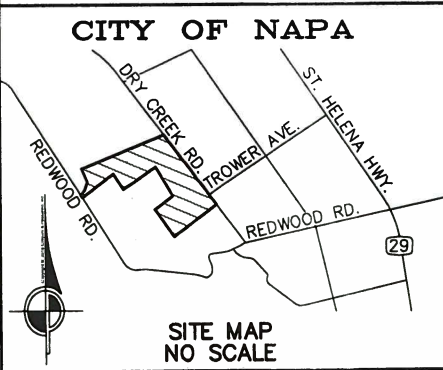
- A** DRY CREEK ROAD/ GRAPEVINE DRIVE NO.2 (NSD RESOLUTION 7303)
- B** DRY CREEK ROAD/GRAPEVINE DRIVE (NSD RESOLUTION 7310)
- C** THE VINEYARD UNIT NO.2 (1972 NO.17) (NSD RESOLUTION 3466)
- D** DRY CREEK ROAD/VINTAGE STREET (NSD RESOLUTION 7174)
- E** DRY CREEK ROAD NO.2 (NSD RESOLUTION 00-6)
- F** DRY CREEK ROAD (NSD RESOLUTION 7277)
- G** DRY CREEK ROAD/TROWER AVENUE (1976 NO.1) (NSD RESOLUTION 4405)
- H** FOUR OAKS PARK (1973 NO.2) (NSD RESOLUTION 3674)

LINE TABLE		
#	BEARING	DIST.
1	S33°30'13"E	123.45'
2	S37°14'36"E	345.87'
3	S52°54'00"W	25.00'
4	S52°54'00"W	697.28'
7	S52°56'00"W	900.00'
8	S53°46'00"W	897.60'
9	N19°49'00"W	20.90'
14	S53°44'40"W	500.09'

LINE TABLE		
#	BEARING	DIST.
15	N30°43'00"W	368.74'
16	N31°22'00"W	367.26'
17	S53°42'00"W	1400.00'
20	N67°41'00"E	25.71'
21	S35°57'54"E	213.52'
22	S35°57'54"E	374.25'
23	S04°30'29"E	83.22'
24	S37°14'36"E	151.32'
25	S37°14'36"E	3.68'
26	S50°58'47"E	231.62'
27	S37°14'36"E	338.33'
28	S31°21'06"E	417.08'
29	S37°14'36"E	246.00'
30	S37°14'36"E	289.88'
31	S37°14'36"E	194.03'
32	S33°30'13"E	229.34'



DISCLAIMER:
 "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 AREA DESCRIBED."



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APNS 035-120-032 & 034	DRAWN BY: CAF	CHECKED BY: MPA
ALSTON PARK ANNEXATION TO NAPA SANITATION DISTRICT	SCALE: 1"=800'	DATE: 9/4/18
	JOB #: 8258-18	PAGE: 5 OF 5

Y:\8258\Cad\8258 ALSTON NSD ANNEX PLAT.dwg
 Sep 04, 2018 - 9:13am

