

**RESOLUTION NO. 5298**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SOLEDAD  
REQUESTING THE LOCAL AGENCY FORMATION COMMISSION (LAFCO) OF  
MONTEREY COUNTY INITIATE PROCEEDINGS FOR THE REORGANIZATION OF  
TERRITORY FOR MIRAVALLE II-B INVOLVING ANNEXATION OF 46.23 ACRES TO  
THE CITY OF SOLEDAD AND DETACHMENT FROM THE MONTEREY COUNTY  
RESOURCE CONSERVATION DISTRICT AND THE MISSION SOLEDAD RURAL  
FIRE PROTECTION DISTRICT**

**WHEREAS**, on June 7, 2017, the City of Soledad City Council did adopt Resolution 5297, requesting Monterey County LAFCO approve an amendment to the City of Soledad Sphere of Influence to enable the Miravale Phase II-B Reorganization; and

**WHEREAS**, the City of Soledad desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for a reorganization that would concurrently annex territory to the City of Soledad and detach territory from County of Monterey and the Mission Soledad Rural Fire Protection District; and

**WHEREAS**, a notice of intent to adopt this resolution of application has been published, and this Council has conducted a public hearing based upon this notification; and

**WHEREAS**, annexation of the subject properties represents a logical extension of the City of Soledad's present boundary and is a prerequisite to enable the development of the subject area in accordance with the adopted Soledad General Plan, zoning and with an approved tentative subdivision map for the Miravale Phase II project and to ensure the timely provision of public services to serve development of the subject properties as well as the overall Miravale II project; and

**WHEREAS**, the subject area proposed to be reorganized was, upon the recommendation of the Planning Commission, pre-zoned in accordance with the Soledad General Plan to enable the proposed annexation of territory through adoption of Ordinance No. 604 by the Soledad City Council on October 15, 2003; and

**WHEREAS**, services to the subject properties currently provided by the Monterey County Resource Conservation District and the Mission Soledad Rural Fire Protection District will no longer be needed upon annexation, and detachment of the subject properties from these districts is, therefore warranted; and

**WHEREAS**, the territory proposed to be reorganized is uninhabited, and a map and description of the boundaries of the territory are attached hereto as **Exhibit A** and **Exhibit B**, respectively, and by this reference incorporated herein; and

**WHEREAS**, a Plan for Services has been prepared as part of the annexation application package for consideration by Monterey County LAFCO and indicates that the City of Soledad has the capacity to provide all necessary public services to the proposed annexation area; and

**WHEREAS**, the public facilities and services required to serve the proposed annexation area will be financed through a combination of development impact fees, developer infrastructure requirements, and assessment districts; and

**WHEREAS**, it is desired to provide that the proposed reorganization be subject to the following terms and conditions: Conditions of Approval for Miravale II as approved by adoption of Resolution No. 3379 by the City Council of the City of Soledad October 15, 2003, and subsequently amended on November 2, 2005, through adoption of Resolution 3699, based on bifurcation of the project; and

**WHEREAS**, subsequent to City Council approval of the VTM and LAFCO annexation approval, the VTM was amended on November 2, 2005, following a noticed public hearing, receipt of public testimony and a Staff report concerning the same, through adoption of Resolution No. 3699; and

**WHEREAS**, all costs of the requested annexation proceedings will be funded by the developer/owner of the APN 257-111-022 in accordance with prior Resolution 3699 which stipulated that the "Applicant shall complete, and City shall support, all LAFCO annexation requirements with any fees and other costs to be borne by Applicant;" and

**WHEREAS**, the subdivision project encompassed by this proposed annexation was previously reviewed pursuant to the California Environmental Quality Act (CEQA), and a Miravale Partnership-Hamby Property Final Environmental Impact Report (FEIR) (State Clearinghouse No. 97121038) was prepared and certified by the Soledad City Council on May 19, 2000; and

**WHEREAS**, the Final Environmental Impact Report (FEIR) on the 2005 General Plan, which anticipated and reflected the growth and development of the Miravale II area, was prepared and certified by the Soledad City Council on September 21, 2005, through adoption of Resolution 3675; and

**WHEREAS**, an addendum to the FEIR was prepared to consider environmental changes to the property and regulatory changes and was certified by the City Council on May 3, 2017; and

**WHEREAS**, the regular County assessment roll will be used by the City of Soledad to carry taxes and assessments that may be levied within the reorganized territory; and

**WHEREAS**, on March 7, 2007, the City Council ratified the prior tax transfer agreement for the remaining 46 acres through adoption of Resolution 3949; and

**WHEREAS**, after the reorganization, the affected territory will be taxed for existing bonded indebtedness of the City of Soledad.

**NOW THEREFORE, BE IT HEREBY RESOLVED**, this Resolution of Application is hereby adopted and approved by the City Council of Soledad, and the Local Agency Formation Commission of Monterey County is hereby requested to take proceedings for the reorganization of territory as authorized and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, with annexation of the 46.23 acre subject territory to the City of Soledad and concurrent detachment from the Monterey County

Resource Conservation District and the Mission Soledad Rural Fire Protection District.

**PASSED AND ADOPTED** this 7<sup>th</sup> day of June by the City Council of Soledad, by the following vote:

**AYES**, and in favor thereof, Councilmembers: Christopher Bourke, Carla Stewart, Anna Velazquez, Mayor Pro Tem Alejandro Chavez and Mayor Fred Ledesma

NOES, Councilmembers: None

ABSENT, Councilmembers: None

ABSTAIN, Councilmembers: None

  
FRED J. LEDESMA, Mayor

ATTEST:



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MICHAEL McHATTEN, City Clerk



**LEGAL DESCRIPTION FOR THE  
ANNEXATION OF LAND  
FROM  
THE COUNTY OF MONTEREY TO THE CITY OF SOLEDAD  
MIRAVALLE II b**

CERTAIN real property situated in a portion of Parcel A of Lot 2, Map Number 1; San Vicente Rancho, County of Monterey, State of California described as follows:

BEGINNING at a 1" pipe with plastic plug "LS, 3772" marking the northeast corner of Parcel 1, 41.775 acres as said parcel is shown on that certain map entitled "MS 94-015, Resolution No. 95-001, Record of Survey, etc.", recorded 28 February 1996 in Volume 20 of Surveys at Page 13, Records of Monterey County, California, said point also being on the westerly line of Bryant Canyon Road (a county road); thence along the boundary common to hereinabove Parcel 1 and the west line of Bryant Canyon Road.

1. S 01° 31' 05" W, 915.28 feet; thence leaving said boundary of Parcel 1 and the west line of Bryant Canyon Road
2. S 65° 38' 21" E, 43.40 feet to the northwest corner of that certain parcel designated as "Soledad Cemetery District, A.P.No. 22-281-07", on said map, said point also being an angle point on the east line of Bryant Canyon Road; thence along the east line of Bryant Canyon Road, said line is also the north and west boundary of Soledad Cemetery District Parcel and the corporate limits boundary of the City of Soledad.
3. S 47° 12' 12" E, 411.16 feet; thence
4. S 01° 36' 56" W, 734.67 feet to the intersection of the east line of Bryant Canyon Road and the north line of Metz Road (State Route 146) as shown on said map; thence along the prolongation of the last said course
5. S 01° 36' 56" W, 45.96 feet to a point within the right-of-way of Metz Road (State Route 146) said point being an angle point on corporate limits boundary for the City of Soledad; thence along the corporate limits boundary for the City of Soledad and lying within the right-of-way for Metz Road (State Route 146)
6. N 76° 39' 26" W, 928.32 feet along the corporate limits boundary for the City of Soledad and the southerly prolongation of the west line of that certain parcel designated as "60 Orchard Lane, A.P.No. 22-281-06, Volume 981/852 1.74 acres", as said parcel is shown on said map; thence along the prolongation of the west line of said Orchard Lane
7. N 01° 31' 59" E, 45.97 feet to the intersection of said "60 Orchard Lane APN. 22-281-06" parcel and the north line of Metz Road (State Route 146) as shown on hereinabove said map; thence continuing along the west line of said Orchard Lane parcel
8. N 01° 31' 59" E, 1,256.69 feet to the southwest corner of said Parcel 1, 41.775 acres, said corner also being the northwest corner of that certain "60 Orchard Lane,