

EAST NILES COMMUNITY SERVICES DISTRICT

BOARD POLICY & PROCEDURE: ANNEXATION Policy

APPROVED & ADOPTED: November 20, 2006

The following procedure shall be used for all proposed annexations of property into the District's boundaries, and shall supersede other District policies to the extent they are inconsistent with this policy. The Board of Directors may allow for variances to this policy upon good and sufficient cause, as determined by the Board of Directors. A copy of this policy shall be made available to any person or entity desiring to have property annexed into the district.

- A. A letter addressed to the District and signed by the property owner requesting annexation must be received. The letter must indicate size of property, legal description including assessors parcel number and intended use of the property (residential, commercial, industrial).
 1. The request will be reviewed by staff to determine if the District can service the property or if a special study is required to determine how the property can be served. The property owner shall provide any additional information deemed necessary by district staff.
 - a. If a special study is deemed necessary by district staff, the landowner will be requested to make a deposit to cover engineering and/or legal fees that the District may incur for such study.
 2. Upon review by staff or completion of the special study if one was required, the request will be presented to the Board of Directors of the District for consideration.
- B. After Board consideration, staff will respond to the property owner's request. If the request is approved by the Board, the response will describe the annexation fees that must be paid by the annexation applicant, to wit: all costs associated with the annexation procedure and process, including but not limited to, District engineering and legal fees, costs, and expenses incurred in the annexation process, and Kern County Local Agency Formation Commission (LAFCO) fees, costs, and expenses. The response will also indicate that the annexation fees must be paid prior to the start of the annexation process.
- C. The property owner must acknowledge in writing staff's response letter and indicate their desire to proceed. If the owner chooses to have the District proceed with the annexation process on the owner's behalf, an amount equal to the anticipated LAFCO, engineering and legal expenses incurred by the District must be deposited by the owner at this time. The owner may use an engineer or attorney other than those engaged by the District with the understanding that there will be costs incurred by the District's engineer and attorney for checking and monitoring the annexation proceedings, and these costs must be deposited by the applicant prior to the start of the annexation process. Temporary service will not be allowed unless all anticipated annexation fees are paid prior to receiving service.

1. A petition for annexation must be prepared with legal description and map. There must be 100% landowner participation, unless the possibility of an election is contemplated and the District is advised of such issue at the owner's initial request for annexation.
2. The annexation will undergo various steps and hearings before the County, Local Agency Formation Commission, the District and the Secretary of State. Prior to the Completion of the District's hearing, the following are required from the Owner:
 - a. Acknowledgment of terms and conditions of annexation and a statement Indicating the owner understands them and wishes to proceed.
 - b. Payment of all annexation fees. To the extent the owner's deposits are insufficient to cover all costs referenced above, the owner shall upon district request, immediately deposit additional funds to cover the annexation process. To the extent the owner's deposit(s) exceed all of the foregoing costs and expenses, such excess shall be refunded to the owner.