



LAKE SHASTINA COMMUNITY SERVICES DISTRICT

RESOLUTION 7-13

RESOLUTION OF NECESSITY TO CONDEMN REAL PROPERTY

WHEREAS, Part III, Chapter 3, Title 7, of the California *Code of Civil Procedure* (§§1230.010-1273.050) authorizes acquisition of property rights for public utility purposes by eminent domain procedures; and,

WHEREAS, the real property described here is required for the improvement of the sewer system of the Lake Shastina Community Services District; and,

WHEREAS, this Board of Directors of the Lake Shastina Community Services District finds and determines that notice of its intention to adopt this Resolution of Necessity was duly given as required by law, and on the date and at the time and place fixed for hearing, this Board did hear and consider all of the evidence presented:

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of this Board of Directors under California *Code of Civil Procedure* §§1240.030 and 1245.230, that this Board of Directors finds and determines each of the following:

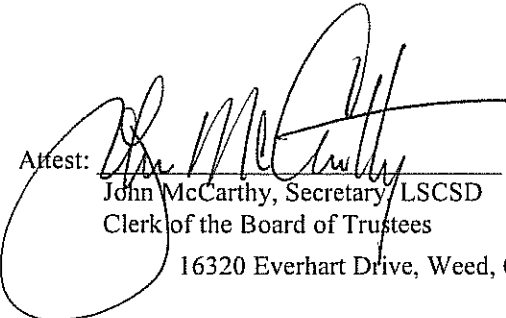
1. The public interest and necessity require the proposed project.
2. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The property sought to be acquired is necessary for the project.
4. The offer required by *Government Code* §7267.2 has been made to the property owner or owners of record.

AND BE IT FURTHER RESOLVED, that Robert D. Winston of Kirsher, Winston & Boston, LC, General Counsel to the Lake Shastina Community Services District, is authorized and directed to commence and maintain a proceeding in the Superior Court, County of Siskiyou, to acquire for the Lake Shastina Community Services District a fee simple interest in that certain real property designated and described as Exhibit A, attached hereto, and including an application for an Order for Possession Before Judgment of said real property; and,

BE IT FURTHER RESOLVED, that the Treasurer, Chief Financial Officer, or General Manager of the Lake Shastina Community Services District is hereby authorized and directed to draw its warrant on the said District in the amount of One Thousand Dollars (\$1,000.00), the warrant to be made payable to the Clerk of the Superior Court, County of Siskiyou, and delivered to the District's aforesaid General Counsel, to be deposited with the payee as security for the aforesaid Order for Possession Before Judgment; and,

THE FOREGOING was PASSED and ADOPTED by the vote of the Board of Directors, this 18th day of September, 2013, to wit:

AYES and in favor of the Resolution: Directors Cupp, Mitchell, Moller and Roths
 NOES and against the Resolution: None
 ABSENT or ABSTAIN: Director Wetter (Absent)

Attest: 
 John McCarthy, Secretary LSCSD
 Clerk of the Board of Trustees

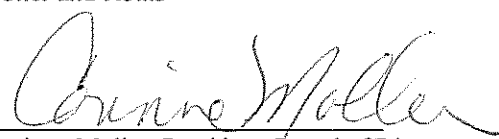

 Corinne Moller, President, Board of Directors,
 Lake Shastina Community Services District

EXHIBIT A
SEWER FACILITY PARCEL

ALL THAT REAL PROPERTY SITUATE IN THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 43 NORTH, RANGE 4 WEST. MOUNT DIABLO BASE AND MERIDIAN, COUNTY OF SISKIYOU, STATE OF CALIFORNIA, BEING A PART OF THAT CERTAIN PARCEL AS DESCRIBED IN DOC-07-0003422, RECORDED IN THE OFFICE OF THE SISKIYOU COUNTY RECORDER ON MARCH 14, 2007, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY LINE OF VALLEY VIEW DRIVE ACCORDING TO TRACT No. 1000-9-1, FILED IN THE OFFICE OF THE SISKIYOU COUNTY RECORDER ON APRIL 27, 1972 IN BOOK 5 OF TOWN MAPS, PAGE 107-110 INCLUSIVE, SAID POINT BEARS SOUTH 4°25'25" EAST, A DISTANCE OF 826.88 FEET FROM THE NORTHWEST CORNER OF SECTION 25; THENCE NORTH 89°41'17" EAST, A DISTANCE OF 78.92 FEET; THENCE SOUTH 39°09'38" EAST, A DISTANCE OF 50.00 FEET; THENCE SOUTH 50°50'22" WEST, A DISTANCE OF 55.00 FEET, MORE OR LESS TO A POINT ON THE NORTHEASTERLY LINE OF VALLEY VIEW DRIVE, SAID POINT LYING ON A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 384.94 FEET AND A RADIAL BEARING OF NORTH 54°33'48" EAST; THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°53'04" FOR AN ARC DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

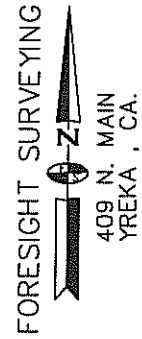
CONTAINING 0.093 ACRES MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM, ZONE 1, NAD 83 (EPOCH 2011.00) AS DETERMINED LOCALLY BY A LINE BETWEEN CONTINUOUS GLOBAL POSITIONING SYSTEMS (CGPS) STATIONS SHHOTLUM_CN2007 (P661) AND SHWHALEBAKCN2007 (P663) BEING NORTH 60°30'39" EAST AS DERIVED FROM GEODETIC VALUES PUBLISHED BY THE CALIFORNIA SPATIAL REFERENCE CENTER (CSRC).

DISTANCES PER THIS DESCRIPTION ARE GRID. MULTIPLY GRID DISTANCES BY 1.00015419 TO OBTAIN GROUND DISTANCES.

SEC. CORNER:
FD. 2" ALUM. CAP
PER CR 3282

EXHIBIT B



2007 LLOYD JAMES LEA II
& DEBORAH L. LEA REVOCABLE TRUST
07-0003422

23 | 24
26 | 25

N04°25'25"W 826.88'

POINT OF BEGINNING

N89°41'17"E 78.92'

LAKE SHASTINA C.S.D.
SEWER FACILITY
0.093 ACRES

S39°09'38"E 50.00'

S50°50'22"W 55.00'

N36°40'44"E R=384.94' Δ=14°53'04" L=100.00'
NORTH-EASTERLY LINE OF VALLEY VIEW DR.

VALLEY VIEW DR.
TRACT No. 1000-9-1
TMB 5, PG. 109

N54°33'48"E R.
TIE: N22°25'E 14.0'

DISTANCES PER THIS
DESCRIPTION ARE GRID.
MULTIPLY GRID DISTANCES BY
1.00015419 TO OBTAIN GROUND
DISTANCES.



LAKE SHASTINA

COMMUNITY SERVICES DISTRICT

Regular Meeting
 Wednesday, September 18, 2013 – 5:00 p.m.
 Administration Building
MINUTES

CALL TO ORDER AND ROLL CALL: called to order at 4:00 p.m.

LSCSD Board Roll Call: Cupp Mitchell Moller Roths Wetter absent

PUBLIC COMMENTS BEFORE CLOSED SESSION: None

CLOSED SESSION: called to order at 4:01 p.m.

Also present was GM McCarthy and District Counsel Robert Winston for Item 1.A.

1. A. Conference with Legal Counsel: Anticipated Litigation (Gov. Code Section 54956.9)
James and Deborah Lea, APN 020-270-320
- B. Conference with Legal Counsel: Existing Litigation (Gov. Code Section 54956.9)
APN: 109-090-170, DECO Industries LLC v. LSCSD et al.

With no objections by the Board, Pres. Moller adjourned Closed Session at 4:38 p.m.

REGULAR MEETING: called to order at 5:00 p.m.

Also present were GM McCarthy, PWS Moser, CPS Wilson, SAC Nelle and AA Charvez. District Counsel Robert Winston present.

There were approximately 6 people in the audience.

PLEDGE OF ALLEGIANCE: Dir. Roths led the Pledge of Allegiance.

REPORT ON CLOSED SESSION:

Items 1.A. and B: The Board received updates. Direction was given to attorney on Item 1.A.

PUBLIC COMMENTS: Cher Jewett (National Firefighters Week October 7, 2013/DPS Open House/Breakfast on October 6, 2013).

CONSENT CALENDAR: (All items accepted/approved by the Board unless otherwise noted.)

2. A. Approval of Minutes: Regular Meeting August 21, 2013
- B. Ratification of Disbursements: August 1 to August 31, 2013
- C. Budget Comparison: FY 2013/2014 YTD
- D. Approval of transfer of LAIF funds to CSD operating account

With no objection by the Board, Pres. Moller moved to approve Consent Calendar.

Ayes: Directors Cupp, Mitchell, Moller and Roths

Noes: None

Absent: Director Wetter

PUBLIC HEARING:

3. **Public Hearing: Consideration to adopt Resolution of Necessity - Eminent Domain: James and Deborah Lea, APN 020-270-320:**

Pres. Moller read proposed Resolution of Necessity to Condemn Real Property by Eminent Domain in its entirety. (District Counsel Robert Winston stated that Exhibits A and B were distributed with the proposed Resolution). Public Hearing opened at 5:07 p.m. A Rancho Hills Community Association representative asked what property was named in the resolution. No other comments or questions were received. Pres. Moller closed the Public Hearing at 5:07 p.m. GM McCarthy reviewed the purpose of the proposed Resolution: The District's Sewer Pump Station 116 is location on APN 020-270-320; it is the main pump station at Rancho Hills. The property is being taken for the station and access to the station (.093 acres).

Motion by Dir. Cupp second by Dir. Mitchell to accept information received and adopt Resolution 7-13: Resolution of Necessity to Condemn Real Property by Eminent Domain (James and Deborah Lea, APN 020-270-320).

Ayes: Directors Cupp, Mitchell, Moller and Roths

Noes: None

Absent: Director Wetter

DISCUSSION / ACTION ITEMS:

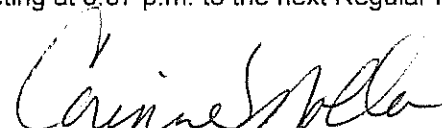
- 4. Department of Public Safety Monthly Report: Chief Wilson updated the Board on Fire and Police activities.
- 5. Update on repairs to Wastewater Lift Pump Stations B-103 and B-105: PWS Moser gave a PowerPoint presentation showing emergency repairs to Lift Pump Stations B-103 and B-105.
- 6. Discussion / consideration of Fire and Police fees for the June 3, 2014 primary election: District Counsel Robert Winston answered Board questions regarding a Public Safety fee initiative: 1) Fire and Police fees could be combined on one vote and 2) the initiative can include options to deal with inflation. The Board discussed. Pres. Moller stated that she was calling a Special Meeting on September 28, 2013, 9:00 a.m. at the Administration Building as an opportunity for the Board to receive constituent input and for an opportunity for citizens to discuss options for a successful ballot initiative.
- 7. Update on cost of appraisal study for Lake Shastina Medical Clinic: GM McCarthy reported that the cost of a commercial appraisal for the LS Medical Clinic is estimated at \$3,000 to \$4,000. Pres. Moller directed GM McCarthy to confer with attorney if the CSD should proceed with an appraisal.
- 8. Dwinnell Dam: threat to remove, by Klamath Riverkeeper Group / Karuk Tribe: No report.

BOARD MEMBER COMMENTS:

ADJOURNMENT:

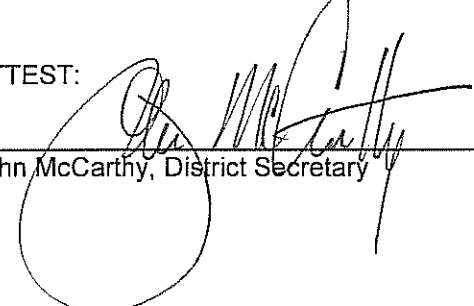
With no objections by the Board, Pres. Moller adjourned the meeting at 5:37 p.m. to the next Regular Meeting on October 16, 2013 (Open Session at 5:00 p.m.).

Approval Date: 10/16/13



 Corinne Moller, President

ATTEST:



 John McCarthy, District Secretary