

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF APPLICATION ESTABLISHING TERMS AND CONDITIONS AND  
REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO BEGIN  
PROCEEDINGS FOR THE ANNEXATION OF TERRITORY  
TO THE NAPA SANITATION DISTRICT**

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**WHEREAS**, the Napa Sanitation District (the "District") 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 (the "Act"), for the annexation of a territory described herein to the District; and

**WHEREAS**, the nature of this proposal for the annexation of a territory to the District and is made pursuant to the Form, Filing, and Certification of Petition requirements of Sections 56654 and 56700 of the California Government Code and fulfills all requirements stated therein; and

**WHEREAS**, the territory proposed to be annexed is uninhabited, and a description of the boundaries of the territory and a map showing the boundaries of the territory are set forth in Exhibit "A" attached hereto and incorporated herein by this reference (the "Territory"); and

**WHEREAS**, the District desires that the Local Agency Formation Commission of Napa County ("LAFCO") annex the Territory subject to the terms and conditions described in Exhibit "B" attached hereto and incorporated herein by this reference (the "Terms and Conditions"), which are consistent with the policies and procedures of the District; and

**WHEREAS**, the reason for this proposal is to allow the District to provide sewer service to the proposed Montalcino resort; and

**WHEREAS**, the District can adequately and economically furnish sewer services to the 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; and

**WHEREAS**, this proposal is consistent with and the Territory is within the District's Sphere of Influence; and

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

1. The Board of Directors adopts and approves this Resolution, and requests that LAFCO take proceedings to annex the Territory in the matter provided by the Act, contingent upon the following:

- a. The annexation is approved subject to the Terms and Conditions;
  - b. Recordation of the annexation is contingent upon LAFCO's notification to the District that the Terms and Conditions have been met; and
  - c. The effective date of the annexation is designated by LAFCO as the date of recordation.
2. The District supports the proposed change of organization or reorganization.
  3. The General Manager of the District is authorized to perform, or cause to be performed, all such further acts and things, and shall execute and deliver all such other documents, to annex the Territory in conjunction with the owner of the Territory.
  4. The District Secretary is directed to immediately file a certified copy of this Resolution with LAFCO.

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 on November 4, 2020 by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

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Chair, Board of Directors  
Napa Sanitation District

ATTEST:

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Secretary, Napa Sanitation District

557.048 3612900.2

EXHIBIT A

MONTALCINO RESORT  
DISTRICT #2 ANNEXATION TO NAPA SANITATION DISTRICT

GEOGRAPHICAL DESCRIPTION

All that certain property, situated in a portion of Sections 1 and 2, township 4 North, Range 4 West, Mount Diablo Base Meridian, in the County of Napa, State of California, described as follows:

**Beginning** at the Southwest corner of the existing boundary of the Devlin Road District Annexation – Napa Sanitation District, per document recorded December 13, 1984 in Book 1367 at Page 699, Official Records of Napa County:

Thence (1) South  $74^{\circ} 00' 50''$  East 2444.82 feet to the west line of Devlin Road;

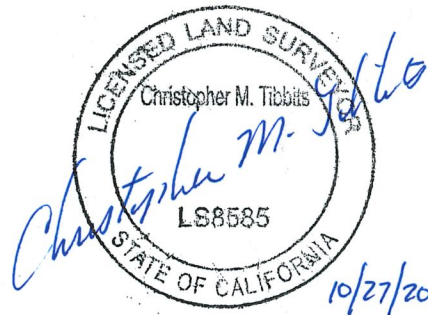
Thence (2) along the west line of Devlin Road South  $14^{\circ} 44' 16''$  West 380.90 feet to the north line of the Montalcino Resort District Annexation per document recorded April 12, 2006 as Series Number 2006-0012793, Napa County Records;

Thence (3) along said north line North  $89^{\circ} 15' 33''$  West 1652.09 feet to the northwest corner of said Montalcino Resort District Annexation;

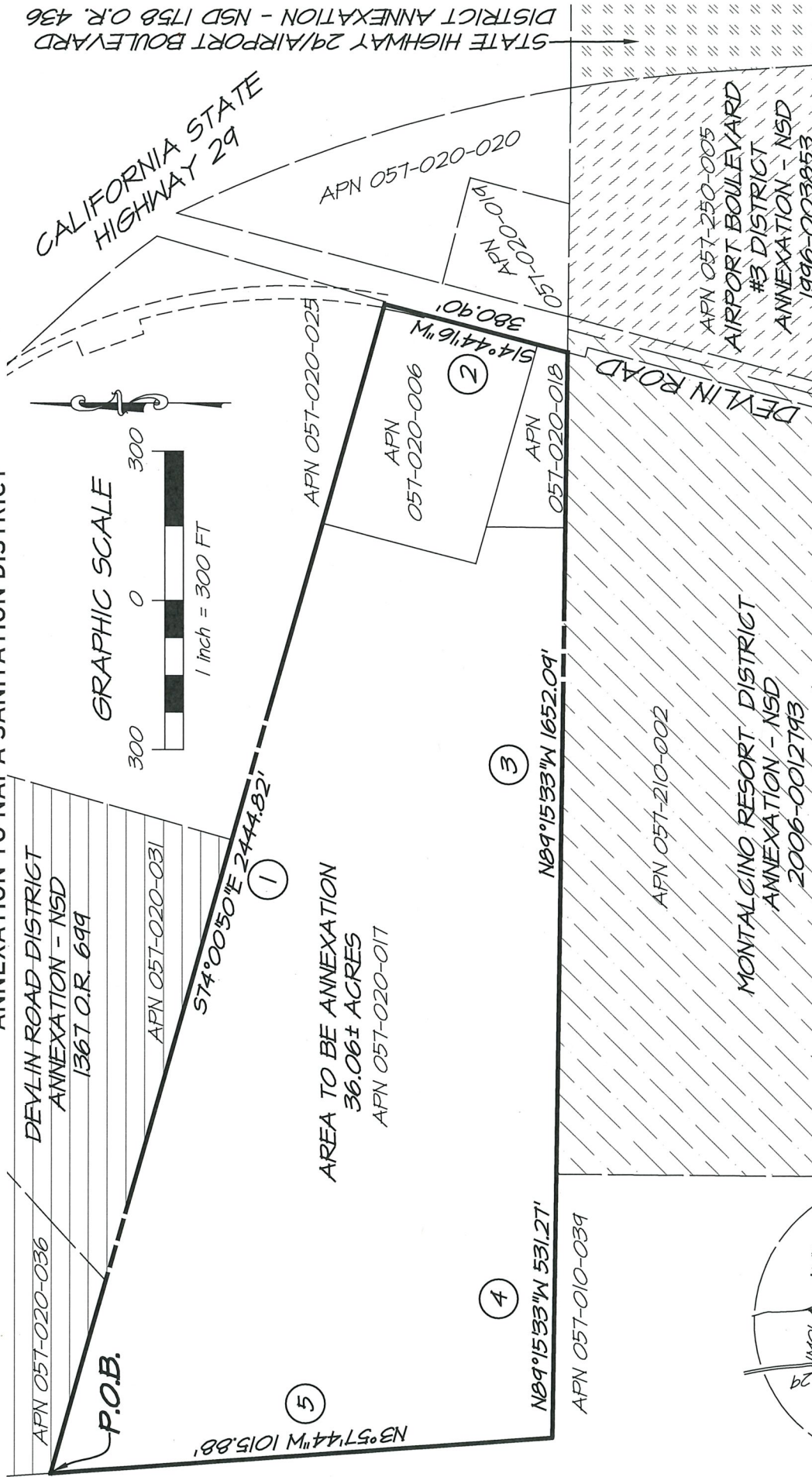
Thence (4) continuing North  $89^{\circ} 15' 33''$  West 531.27 feet;

Thence (5) North  $3^{\circ} 57' 44''$  West 1015.88 feet to the **Point of Beginning**.

Containing 36.06 Acres, more or less.



# MAP DELINEATING THE BOUNDARY OF MONTALCINO RESORT DISTRICT #2 ANNEXATION ANNEXATION TO NAPA SANITATION DISTRICT



STATE HIGHWAY 29/AIRPORT BOULEVARD  
DISTRICT ANNEXATION - NSD 1758 O.R. 436

CALIFORNIA STATE  
HIGHWAY 29

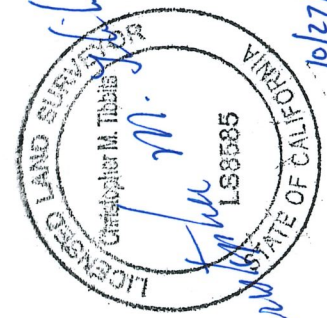


APN 057-250-005  
AIRPORT BOULEVARD  
#3 DISTRICT  
ANNEXATION - NSD  
1996-003853

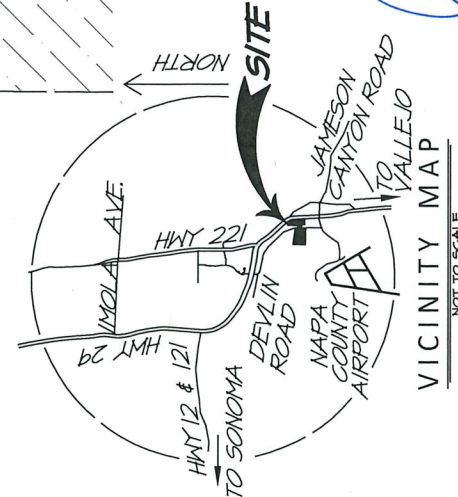
DEVLIN ROAD

MONTALCINO RESORT DISTRICT  
ANNEXATION - NSD  
2006-0012793

APN 057-210-002



BEING A PORTION OF  
SECTION 1 & 2  
MONTALCINO RESORT  
DISTRICT #2  
ANNEXATION



VICINITY MAP  
NOT TO SCALE

1515 FOURTH STREET  
NAPA, CALIF. 94559  
OFFICE [707]252.3301  
+ www.RSACivil.com +

RSA+ | CONSULTING CIVIL ENGINEERS + SURVEYORS + 1980  
OCT 2020 5205 ANNEX BASE 1 OF 1

5205  
NapaSan Annex Clos  
10-27-2020

North: 14963.2562' East: 3514.9863'

Segment #1 : Line

Course: S74°00'50"E Length: 2444.82'

North: 14289.9422' East: 5865.2614'

Segment #2 : Line

Course: S14°44'16"W Length: 380.90'

North: 13921.5737' East: 5768.3621'

Segment #3 : Line

Course: N89°15'33"W Length: 1652.09'

North: 13942.9346' East: 4116.4102'

Segment #4 : Line

Course: N89°15'33"W Length: 531.27'

North: 13949.8037' East: 3585.1846'

Segment #5 : Line

Course: N3°57'44"W Length: 1015.88'

North: 14963.2556' East: 3514.9886'

Perimeter: 6024.97' Area: 1570788.69 Sq. Ft.

Error Closure: 0.0024 Course: S75°14'47"E

Error North: -0.00061 East: 0.00230

Precision 1: 2510400.00



EXHIBIT "B"

**TERMS AND CONDITIONS**

MONTALCINO RESORT - NAPASAN ANNEXATION ANNEX-000038

APN: 057-020-006, 057-020-017, and 057-020-018

Address: Devlin Road

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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 property owner 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. The property owner agrees that prior to connection to the facilities of the District; property owner 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 property owner 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.
  4. The property owner shall deposit with the District an annexation fee of \$1,328 (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.
  5. The property owner 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. Property owner 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.



6. 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 property owner 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.

7. The property owner shall eliminate any privately owned sewage disposal system(s) located on the subject property to the Napa County Division of Environmental Health requirements.

8. The property owner shall enter into an Improvement Agreement with the District for construction of public sanitary sewer or recycled water facilities.

9. The property owner shall install approximately 1,300 lineal feet of 12-inch recycled water main in Devlin Road from the existing 24-inch recycled water main near the southern boundary of the proposed development to the northern property line of the development.

10. The proposed project shall connect to the existing 15-inch sanitary sewer main running east/west near the southern boundary of the proposed development.

11. The property owner shall submit a Plan and Profile of the aforesaid sanitary sewer and recycled water improvements prepared by a registered civil engineer, conforming to District standards, and post the appropriate Labor and Materials and Faithful Performance Bonds guaranteeing said installations.

12. All public sanitary sewer and recycled water mains installed outside of the public right of way shall be located within a 20-foot wide easement centered on the mains and dedicated to the District.

13. All sanitary sewer and recycled water 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.

14. The property owner shall pay to the District the required inspection and development fees at the rates in effect at the time of construction for each building located on the property.

15. The property owner shall fulfill condition number 4 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.