



**Solano Local Agency Formation Commission**

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**DATE:** March 25, 2019

**TO:** Local Agency Formation Commission

**FROM:** Rich Seithel, Executive Officer

**SUBJECT:** **LAFCO Project No. 2016-02: SEECON Properties Detachment from Reclamation District 2034 with concurrent Sphere of Influence Update**, located approximately two miles southwesterly of the city of Suisun City. It is northwesterly of Grizzly Bay and north of the Sacramento River. Approximately 808 acres, APNs: 046-010-160, 046-060-030, 046-060-040, 046-010-120, 046-060-190, 046-060-200, 0046-320-090.

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**RECOMMENDATION:**

Staff recommends the Commission:

- 1) **DETERMINE** that the sphere of influence update is exempt pursuant to Title 14 California Code of Regulations, Chapter 3 Guidelines for Implementation of the California Environmental Quality Act (CEQA), Section 15061 (b)(3) General Rule Exemption.
- 2) **DIRECT** staff to prepare and file a Notice of Exemption pursuant to CEQA Guidelines Section 15062.
- 3) **REVIEW** the staff draft determinations contained in draft resolution NO. 19-03 (Attachment A).
- 4) **ADOPT** Resolution No. 19-03, making determinations and updating sphere of influence amendment as detailed in the draft resolution.
- 5) **REVIEW** the staff draft determinations contained in draft resolution NO. 19-04 (Attachment B), making determinations and detaching seven parcels from Reclamation District 2034.
- 6) **ADOPT** Resolution No. 19-04 detaching parcels from Reclamation District 2034.
- 7) **DETERMINE** that the Solano LAFCO Executive Officer shall be designated as the protest hearing authority and proceed with notice, hearing, and possible election.
- 8) **DIRECT** the Executive Officer to complete the necessary filings and transmittals as required by statute.

**EXECUTIVE SUMMARY:**

SEECON Financial & Construction Company (applicant) filed a petition of application to detach seven parcels from Reclamation District 2034 (RD 2034 or District) in November 2016 (LAFCO Application # 2016-02). The applicant is the majority land-owner in RD 2034 representing 54.7% of the acreage and

56.2% of land value (see Table 1 following). Therefore, the applicant satisfies the threshold of GC§ 56864 to file a petition of application for detachment.

RD 2034 is a landowner-voter district, which is defined as a district whose principal act provides that owners of land within the district are entitled to vote. RD 2034 was formed in 1919 under Article II of the California Political Code which was replaced by the addition of Division 15 of the Water Code in 1951. RD 2034 was formed for general reclamation purposes and operates as an Independent Special District. The levees were constructed under a 1912 cost-sharing agreement (attachment C) between the property owners for land reclamation. Maintenance and repair of the levee system was, and remains, the responsibility of individual property owners.

SEECON's petition of application to detach approximately 808 acres from the 1,476-acre District requires a current Sphere of Influence (SOI) per Commission policy. Updating a SOI requires a current Municipal Service Review (MSR). The Commission adopted "Reclamation District 2034 Municipal Service Review and Sphere of Influence Update Study" at the February 11, 2019 Solano LAFCO Commission hearing.

Today's action includes two recommendations: 1. approve the RD 2034 SOI Update, and; 2. detach the seven parcels from RD 2034. Following is an analysis including additional background and the factors required by the Government Code.

### **BACKGROUND:**

SEECON Financial & Construction Company (applicant) filed a petition of application to detach seven parcels from Reclamation District 2034 (RD 2034 or District) in November 2016 (LAFCO Application # 2016-02). RD 2034 is a landowner-voter district, which is defined as a district whose principal act provides that owners of land within the district are entitled to vote. Landowners may petition LAFCO for detachment if the petition is signed by not less than 25% of the number of landowners who own not less than 25% of the assessed value of land within the affected territory (GC §56864).

SEECON is one of four landowner groups in Reclamation District 2034. The applicant is the majority land-owner in RD 2034 representing 54.7% of the acreage and 56.2% of land value (see Table 1 following). Therefore, the applicant satisfies the threshold of GC§ 56864.

RD 2034 was formed in 1919 under Article II of the California Political Code which was replaced by the addition of Division 15 of the Water Code in 1951. RD 2034 was formed for general reclamation purposes and operates as an Independent Special District. A District has the right to improve and maintain levee and drainage systems for flood control purposes and other reclamation works within the affected territory.

It is important to note that although the District has the right to improve and maintain levee and drainage systems, property owners are responsible for maintaining the levees under the 1912 Agreement. This Agreement serves as a binding covenant that runs with the land. Property owners are responsible for maintaining the levees and drainage systems on their respective properties.

The District's current SOI was established March 7, 1983 and is contiguous with the District boundaries. The following table (*Table 1: RD 2034 Parcel Information*) identifies the 14 parcels comprising the District and includes, by parcel: acreage, land value, current zoning, Williamson Act contract #s, and the applicable tax rate area:

**TABLE 1: RD 2034 Parcel Information**

#	Landowner	APN	Acreage	Acre%	Land Value	Value%	Zoning	WA Contract <sup>3</sup>	TRA
1	SEECON	0046-010-160	103.85	7.04%	\$ 26,585	6.53%	ASM80 <sup>1</sup>	491	60007
2	SEECON	0046-060-030	158.49	10.74%	\$ 40,573	9.96%	ASM80	494	60007
3	SEECON	0046-060-040	78.92	5.35%	\$ 78,821	19.36%	MP <sup>2</sup>	857	60007
4	SEECON	0046-010-120	171.30	11.60%	\$ 24,495	6.02%	ASM80	1374	60007
5	SEECON	0046-060-190	9.10	0.62%	\$ 3,880	0.95%	ASM80	N/A	60007
6	SEECON	0046-060-200	238.80	16.18%	\$ 34,148	8.39%	ASM80	1374	60007
7	SEECON	0046-320-090	47.91	3.25%	\$ 20,601	5.06%	ASM80	1374	60007
	<i>Subtotal</i>		<i>808.37</i>	<i>54.76%</i>	<i>\$ 229,103</i>	<i>56.26%</i>			
8	Grizzly	0046-050-080	80.00	5.42%	\$ 11,440	2.81%	ASM80	1363	60037
9	Grizzly	0046-060-180	193.10	13.08%	\$ 44,799	11.00%	ASM80	1363	60007
10	Grizzly	0046-060-210	179.70	12.17%	\$ 41,690	10.24%	ASM80	1375	60007
	<i>Subtotal</i>		<i>452.80</i>	<i>30.68%</i>	<i>\$ 97,929</i>	<i>24.05%</i>			
11	Anderson	0046-320-060	29.00	1.96%	\$ 7,424	1.82%	ASM80	1363	60036
12	Anderson	0046-320-080	29.00	1.96%	\$ 7,424	1.82%	ASM80	495	60007
13	Anderson	0046-320-200	99.50	6.74%	\$ 25,472	6.26%	ASM80	1363	60012
	<i>Subtotal</i>		<i>157.50</i>	<i>10.67%</i>	<i>\$ 40,320</i>	<i>9.90%</i>			
14	Chadbourne	0046-320-190	57.42	3.89%	\$ 39,836	9.78%	ASM80	1363	60012
	<b>TOTAL</b>		<b>1,476.09</b>	<b>100%</b>	<b>\$ 407,188</b>	<b>100%</b>			

<sup>1</sup> "ASM80" is Suisun Marsh Agricultural, 80 = minimum lot area

<sup>2</sup> "MP" is Marsh Preservation District

<sup>3</sup> "WA" = Williamson Act

**ANALYSIS:**

The following analysis measures the proposed reorganization against the Cortese-Knox-Hertzberg (CKH) Act and the Solano LAFCO's adopted policies and standards for: I) the SOI Update, and; II) the detachment of the seven parcels. The following analysis includes: A. Project Description and Purpose; B. Project Location; C. CEQA; D. SOI Update Analysis; E. Detachment Analysis; and, F: Conclusion.

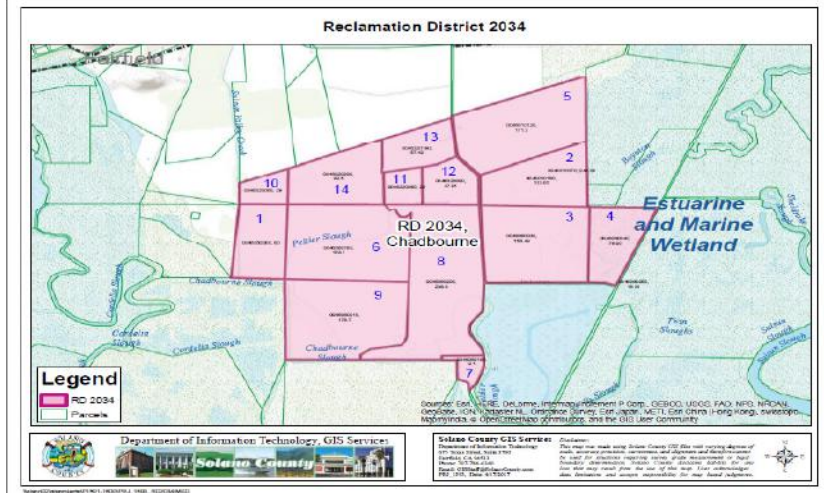
**A: Project Description and Purpose**

The purpose of the reorganization is to update the SOI and to detach seven parcels that the applicant has determined that District services are not needed and because cost-sharing has been problematic as identified in the February 11, 2019 adopted Municipal Service Review. The District was formed for general reclamation purposes that the applicant remains responsible for according to a 1912 Agreement. It is important to note that additional pumps are being installed by remaining District members, as identified during the February 11 MSR adoption, to address pumping capacity.

**B. Project Location**

The project is located approximately two miles southwesterly of the city of Suisun City (Township 4 North, Range 2 West, Mt. Diablo Base and Meridian). It is northwesterly of Grizzly Bay and north of the Sacramento River.

A map and geographical description are attached to the Resolution as Exhibit A. A vicinity map is provided for reference. →

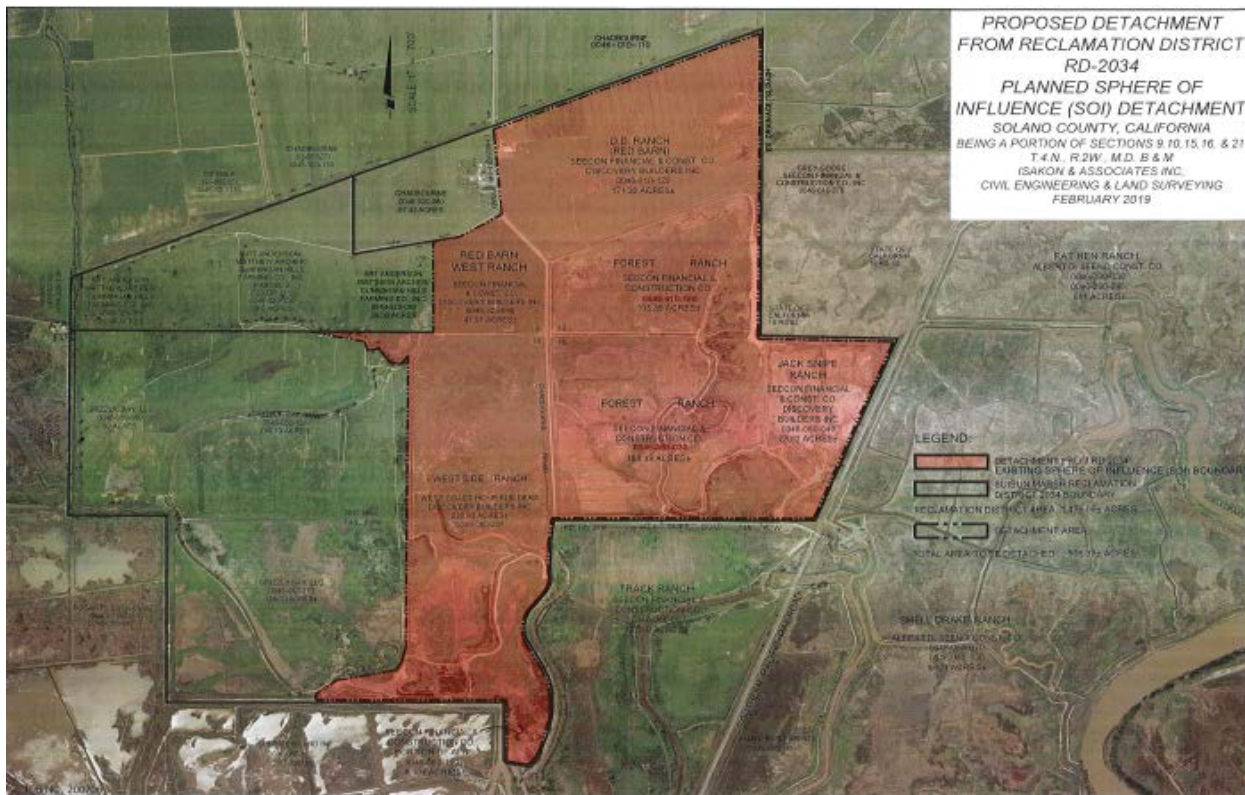


**C. CEQA**

Acting as the Lead Agency, the LAFCO determines the project is exempt from CEQA pursuant to Section 15061 (b)(3) which states, “The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

**D: Analysis for the Sphere of Influence Update**

Prior to considering a change of organization, the Commission must first update the District’s SOI. When updating the SOI, the Commission is required to conduct analyses and make determinations as prescribed in the CKH Act. A map showing the proposed SOI is shown below:





**Sphere of Influence: Govt. Code § 56425(e)**

Pursuant to GC § 56425(e) the Commission must make written determinations on the following five factors when establishing or updating a proposed SOI:

1. *The present and planned land uses in the area, including agricultural and open space lands.*

As identified in Table 1: RD 2034 Parcel Information, of the fourteen parcels, thirteen are zoned “Suisun Marsh Agricultural” and one parcel is zoned Marsh Preservation District. Thirteen of the parcels are under Williamson Act contract. Of the seven parcels being considered for detachment six are zoned Suisun Marsh Agricultural and one is the Marsh Preservation District parcel.

The land and property within the District are part of, and subject to the polices of, the Suisun Marsh Local Protection Program and meets the requirements of the California Suisun Marsh Preservation Act of 1977 which “encourages continued long-term agriculture and wildlife use of lands within the Marsh and to limit urban assessments against lands within the Marsh.”

There are no planned or proposed changes to land use.

2. *The present and probable need for public facilities and services in the area.*

The District is an uninhabited area in unincorporated Solano County consisting of marsh and overflow lands. The District does not require municipal services.

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

A system of levees, drainage channels, and pumping system are used to move floodwater off district lands and into the surrounding sloughs to maintain the habitat and current farming and ranching activities. The present levee and drainage system is adequate to meet the intended purpose for which the District was established.

4. *The existence of any social or economic communities of interest in the area.*

There are no social or economic communities of interest within or adjacent to the boundary of RD 2034. RD 2034 has one registered voter and is considered uninhabited.

5. *The present and probable need for those public facilities and services of any disadvantaged and unincorporated communities within the existing sphere of influence.*

RD 2034 is uninhabited and there is no present or probable need for public facilities or services related to sewers, municipal and industrial water, or structural fire protection. In addition, there are no disadvantaged unincorporated communities within or contiguous to existing District boundaries or SOI.

**§ GC §56426.6(b)(1)(B) – Change to sphere of influence; Land under Williamson Act**

In addition to the above written determinations, the Commission must make a determination with respect to lands under Williamson Act contracts located within the proposed SOI. Seven parcels, totaling approximately 808.37 acres, are being considered for detachment from the District. Of the seven parcels, six are under Williamson Act Contracts (see **Table 1: RD 2034 Parcel Information**). APN # 0046-060-190, approximately 9.10 acres or 1.1%, is not under a Contract.

The proposed detachment from the District will not affect the continuation of the Williamson Act Contracts.

**Sphere of Influence Conclusion:**

Based on the above analysis, there is no indication that removing the SEECON properties from the District will negatively affect the District. The District will continue to operate under the 1912 agreement which follows the land and not landowners or district members. Thus, each individual landowner is responsible for the maintenance of their individual levees. The District will continue to own easements throughout the District’s boundary and on SEECON’s properties. The District will continue to be able to receive federal and state assistance in the event of a natural disaster. Based on the above, staff recommends the Commission approve the Sphere of Influence Update removing the SEECON Properties from the District’s SOI as proposed.

***E. Analysis for Detachment of the SEECON Properties: Local Policies- Suisun Marsh Preservation policies, Government Code, and Standards***

When considering a request for a change of organization, the Commission is required to conduct analysis and measure the appropriateness of the proposal against its policies and the CKH Act.

**Suisun Marsh Preservation Act of 1977 - Marsh Protection Plan**

*The California Legislature passed the Suisun Marsh Preservation Act of 1977. This legislation serves to protect the Marsh by adopting provisions of the Suisun Marsh Protection Plan as prepared by the Bay Conservation and Development Commission (BCDC). The Act divides the Suisun Marsh into the Primary Management Area, consisting of waterways, managed wetlands, tidal marshes and lowland grasslands; and the Secondary Management Area, consisting of upland grasslands and agricultural areas. The Preservation Act requires local governments and districts with jurisdiction over the Marsh to prepare a Local Protection Program for the Marsh consistent with the provisions of the Preservation Act and policies of the Protection Plan. In addition, the Act and Plan ensure appropriate marsh preservation policies are incorporated into local plans and ordinances.*

*Approximately 90% of the District is within the secondary management area of the Marsh Protection Plan. APN 0046-060-040, approximately 78.92 acres, is within the primary management area.*

**Solano County Marsh Protection Plan**

(excerpt from Solano County Component of the Suisun Marsh): Local Protection Program: Amended October 2, 2018)

Purpose of Suisun Marsh Agriculture Districts for ASM80 and ASM 160 zoning districts:

“This Section lists the uses of land that may be allowed within the Suisun Marsh Agricultural zoning districts, established by Section 28.13 (Districts Designated and Established). It also determines the type of land use approval required for each type of use and provides general standards for site development.

Agriculture is the major industry in Solano County, generating the majority of the tax revenue in the unincorporated County. In addition, certain agricultural lands serve an important function in buffering contiguous environmentally sensitive lands of the Suisun Marsh from the effects of urbanization. Therefore, the Board of Supervisors has determined that it is in the interest of the County to prevent further encroachment upon such agricultural lands by incompatible uses of property.

The purpose and intent of the ASM districts is to preserve lands best suited for permanent agricultural use while limiting certain intensive agricultural practices which may conflict with adjoining sensitive lands. A primary intent of the A-SM districts is to assure the retention of upland and lowland grasslands adjacent to the Suisun Marsh in uses compatible with its protection.”

**Solano LAFCO Marsh Protection Plan:**

Solano LAFCO adopted a resolution February 4, 1980, establishing policies for the long-term preservation of lands within the Suisun Marsh. Regarding parcels in the secondary management area:

- “The upland grasslands and cultivated lands surrounding the Suisun marsh are included in the secondary management area. Agricultural uses consistent with protection of the marsh, such as grazing and train production, should be maintained within this area.”

Regarding the parcel located in the primary management area:

- “Within the Suisun Marsh, the managed wetlands, tidal marshes, low-land grasslands and seasonal marshes are included in the primary management area. Within this area existing land uses should continue and both land and water areas should be protected and managed to enhance the quality and diversity of the habitats.”

**Local Solano LAFCO Policies – Govt. Code §56375(g)**

The Commission has adopted eleven written standards as required by GC §56375. The Commission’s policy requires that the application is consistent with Standards 1-6, and may be less than consistent with Standards 7-11. (The Commission retains the authority to make determinations for applications that are less than consistent for Standards 7-11.) The subject reorganization is consistent with the Commission’s adopted written Standards as detailed below:

#	STANDARD	POLICY CONSISTENCY	ANALYSIS
1	Consistency with SOI	Consistent	Upon approval of detachment, SOI will be coterminous with District boundaries.
2	Annexation to the Limits of the SOI	Consistent	Land is within the Suisun Marsh Protection Plan. Land use is designated as “agricultural and marshland”. No changes are proposed.
3	Consistency with Appropriate City General Plan, Specific Plan, etc.	Consistent	Not applicable. This is not a City reorganization. This is a District reorganization.

#	STANDARD	POLICY CONSISTENCY	ANALYSIS
4	County General Plan Consistency	Consistent	The Solano County General Plan shows the current land use designation as “agricultural and marshland”, there are no planned or proposed changes to land use.
5	Pre-Approval Requirement	Consistent	<p>Not applicable. The District has not been meeting, abiding by cost-sharing agreement, or compliant with state requirements.</p> <p>Initiated by Landowner Petition on November 7, 2016. RD 2034 has not adopted a resolution regarding the detachment. Two of the three remaining landowners have submitted written notice that they will not protest the detachment.</p>
6	Effect on Natural Resources, CEQA	Consistent	<p>This reorganization does not include a change in land-use designation. This reorganization includes the detachment of parcels from a District. No development is planned or proposed on these parcels. Land is within Suisun Marsh Protection Plan.</p> <p>Solano LAFCO finds the proposal is exempt from further environmental review under §15061(b)(3).</p>
7	Boundaries, roads, lines of assessment, remaining unincorporated and populated areas	Consistent	<p>The boundary of the proposed detachment, as well as, the boundary of the remaining parcels are composed of existing legal parcels.</p> <p>There are no irregularities, overlapping, or illogical boundaries.</p> <p>There is no loss of taxing revenues since District does not collect any assessments nor ad-valorem tax.</p> <p>No Islands are being created and the territory is uninhabited.</p>
8	Likelihood of significant growth and effect on other incorporated or unincorporated territory	Consistent	Not applicable. There are no proposed changes to land use or plans to develop. Furthermore, this area is in the Suisun Marsh Resource Conservation District and is further subject to the Suisun Marsh Protection Plan. The likelihood of significant growth effecting other territory is minimal.
9	Protection of prime agricultural land	Consistent	There are no proposed changes to land use or development. The land and property within the District are part of, and subject to, the policies of the Suisun Marsh Local Protection Program that meets the requirements of the California Suisun Marsh Preservation Act of 1977.
10	Provision and Cost of Community Services	Consistent	<p>RD 2034 does not receive ad-valorem taxes nor do they assess properties. Levee expenses are individual property owner responsibilities and other expenses are expected to be paid through a cost-sharing arrangement between members.</p> <p>Future expenses that are considered “District expenses” may be shared by fewer members due to change in pro-rata acreage percentage. Reported District shared expenses have been related to the single-pump energy and maintenance expense. The installation of the additional pumps should eliminate this expense.</p>



#	STANDARD	POLICY CONSISTENCY	ANALYSIS
			There are no special district mitigation fees.
11	Effect on Adjacent Areas, Mutual Social and Economic Interests and Local Government Structure	Consistent	<p>The detachment will have no effect on adjacent areas. Parcels will remain in the unincorporated area.</p> <p>A Solano Irrigation District maintenance agreement with RD 2034 will remain in-force.</p>

**Statutory Requirements, CKH Act**

The Commission is required to consider various sections of the Government Code, including the Factors listed under 56668. Below are the factors LAFCOs are required to consider in their review of a proposal. The following analyses are provided as required:

	GC §56668 FACTORS	STATUTE CONSISTENCY	ANALYSIS
a.	Population  Land Area	Consistent  Consistent	<p>Population within RD 2034 unchanged. District uninhabited and no development planned.</p> <p>RD 2034 is 1,476 acres. Detachment will be 7 parcels, 808 acres of the 1,476 acres. Assessed Land Value = \$407,188.</p> <p>County General Plan shows current land use designation as Ag Preserve and Marsh Protection with no planned changes</p>
b.	Community Services	Consistent	<p>Landowners remain responsible for maintenance of their individual levies in accordance with the 1912 Agreement.</p> <p>District members are installing additional pumps to ensure adequate pumping.</p> <p>Remaining District members are working to bring the District into compliance with state special district requirements.</p>
c.	Effect on Adjacent Areas	Consistent	The detachment will have no effect on adjacent areas. Parcels will remain in the unincorporated area.
d.	Efficient Patterns of Urban Development	Consistent	No effect. The Solano County General Plan shows the current land use designation as “agricultural and marshland”, there are no planned or proposed changes to land use.
e.	Effect on Agricultural Lands	Consistent	<p>No effect. The land-use designation is “agricultural and marshland”, there are no proposed changes to land-use.</p> <p>13 of the 14 parcels are under Williamson Act Contracts. The 7 detached parcels are Williamson Act Contract parcels.</p>
f.	Island Creation	Consistent	Detachment will not create unincorporated islands.
g.	Regional Transportation	Consistent	Not applicable. It will not create transportation demands. It is uninhabited and has no development plans.

	GC §56668 FACTORS	STATUTE CONSISTENCY	ANALYSIS
h.	Consistency with County General Plan	Consistent	The Solano County General Plan identifies the current land use designation as agricultural and marshland. There are no planned or proposed changes to land use.
i.	SOI of Applicable Local Agency	Consistent	Sphere update to remove SEECOM's 7 parcels from RD 2034's SOI is included in Resolution. This detachment and the update will not result in any other changes to local SOIs.
j.	Comments from local agencies	Consistent	Solano Irrigation District submitted comments that they supported detachment versus dissolution of Reclamation District 2034 based to their maintenance agreement with the District.
k.	Sufficient Revenues for Services	Consistent	RD 2034 does not receive ad-valorem taxes nor do they assess properties. Levee expenses are individual property owner responsibilities and other expenses are expected to be paid through a cost-sharing arrangement between members. Future expenses that are considered "District expenses" may be shared by fewer members due to change in pro-rata acreage percentage. Reported District shared expenses have been related to the single-pump energy and maintenance expense. The installation of the additional pumps should eliminate this expense.
l.	Water Supplies	Consistent	Not applicable. No change in water supply needs is anticipated.
m.	Regional Housing Needs Allocation	Consistent	The parcels being detached are primarily zoned Suisun Marsh Agricultural 80. They are not designated for residential development and there are no proposed development plans, per Solano County Resource Management. These parcels are intended to insulate the habitats from the adverse impacts of both urban development and other practices incompatible with Marsh preservation.
n.	Information or Comments from Landowners	Consistent	<p>During the December 10, 2018 RD 2034 Commission hearing, two of the four District land-owners requested that consideration be given to preserving the District agency either in whole or, if detachment occurs, for the remaining properties. Primarily, their concern was related to FEMA and Cal OES eligibility. Detachment will not affect their eligibility.</p> <p>District members also expressed concern regarding their reliance on a single pump that is located on one of the parcels that are being detached. This issue has since been addressed by landowners installing pumps on their properties.</p>
o.	Land Use Designation	Consistent	The Solano County General Plan shows the current land use designation as "agricultural and marshland", there are no planned or proposed changes to land use.
p.	Environmental Justice	Consistent	No environmental issues identified. There are no changes are issues with public facilities or the provision of public services.
q.	Local Hazard Mitigation Plan; Safety Element; or Very High Fire Hazard Zone	Consistent	<p>District is not in Cal Fire's Fire Hazard Severity Zone or SRA.</p> <p>Managed wetlands located in primary and secondary management areas of the Suisun Marsh are subject to additional policies in the Suisun Marsh Protection Plan and the Suisun Marsh Preservation Act of 1977.</p>

**SEECON Detachment Conclusion:**

Based on the above analysis, there is no indication that removing the SEECON properties from the District will negatively affect the District. The District will continue to operate under the 1912 agreement which follows the land and not landowners or district members. Thus, each individual landowner is responsible for the maintenance of their individual levees. The District will continue to own easements throughout the District's boundary and on SEECON's properties. The District will continue to be able to receive federal and state assistance in the event of a natural disaster. Based on the above, staff recommends the Commission approve the Detachment of the SEECON Properties from Reclamation District 2034 as proposed.

**Government Code Section 56662 – Protest Hearing:**

GC §56662 authorizes elimination of public hearing and protest for a detachment when there is 100% landowner/voter consent. One hundred percent can be achieved one of two ways: Support signatures on the petition of application or written consent of the proposal by ALL the owners of the land in the affected territory accompanying the proposal. As of March 18, only two of the three remaining District members have provided written consent.

Therefore, pursuant to GC §57076 for a landowner-voter district where a change of organization consists solely of annexation or detachments, LAFCO must hold a protest hearing after the 30-day reconsideration period, but within 35 days of the LAFCO hearing. Not more than 30 days after the conclusion of the Protest Hearing, the Commission shall make a finding regarding the value of written protests filed and not withdrawn and take one of the following actions:

- Order the detachment if written protests have been filed by less than 25% of or landowners owning less than 25% of the assessed value of land within the subject area; or
- Terminate proceedings if a majority protest exists; or
- Order the change of organization or reorganization subject to an election within the affected territory if written protests that have been filed and not withdrawn represent either of the following: 25% or more of the number of owners of land who also own 25% or more of the assessed value of land within the territory; 25% or more of the voting power of landowner voters entitled to vote as a result of owning property within the territory.

Given that the applicant is one of four land-owners (25%), 54.7% of the acreage, and 56.2% of land value, it is almost certain that the protest hearing will result in ordering the detachment.

***F: Conclusion***

Based on the, the Sphere of Influence Update and the Detachment proposal are consistent with the Government Code, Solano LAFCO and the Solano County Marsh Protection Plans, and local LAFCO policies and standards. In addition, all fourteen parcels will continue to operate under the 1912 agreement which follows the land and not landowners or district members.

In response to remaining District members concern regarding FEMA eligibility, the detachment will not affect the special district status of the remaining parcels. As a special district, they remain eligible for FEMA funds. The District will continue to own easements throughout the District's boundary and on SEECON's properties. The District will continue to be able to receive federal and state assistance in the event of a natural disaster.

Based on the above, staff recommends the Commission: approve the Sphere of Influence Update and the Detachment of the SEECON Properties from Reclamation District 2034 as proposed; adopt

Resolution No. 19-03, making determinations and updating sphere of influence amendment as detailed in the draft resolution; and adopt Resolution No. 19-04 detaching parcels from Reclamation District 2034.

Att: Attachment A: Draft Resolution 19-03  
Attachment B: Draft Resolution 19-04  
Exhibit 1 – SOI Map  
Exhibit 2 – Detachment Map and legal description  
Attachment C: 1912 Agreement  
Notice of Exemption

**RESOLUTION NO. 19-03**  
**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF SOLANO COUNTY**  
**APPROVING THE SPHERE OF INFLUENCE UPDATE OF**  
**RECLAMATION DISTRICT 2034**

**WHEREAS**, pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act, commencing with §56000, et seq. of the Government Code, and specifically in accordance with §56425 and the adopted Sphere of Influence (SOI) Policy of the Solano Local Agency Formation Commission (LAFCO); and,

**WHEREAS**, a comprehensive municipal services review has been completed as of February 11, 2019 and was found by LAFCO to be adequate and complete for review and update of the Reclamation District 2034 SOI; and,

**WHEREAS**, and the municipal service review describes and discloses the information required for the review and update of Sphere of Influence of the Reclamation District 2034; and;

**WHEREAS**, the update of the sphere of Influence is initiated by the LAFCO, proposing that the sphere of influence update remove APNs 046-010-160, 046-060-030, 046-060-040, 046-010-120, 046-060-190, 046-060-200, 0046-320-090. The proposed sphere of influence is shown in the attached Map (Exhibit A); and

**WHEREAS**, the Solano LAFCO acting as the Lead Agency under the California Environmental Quality Act determines that the subject sphere of influence update is exempt pursuant to Section 15061 (b)(3); and

**WHEREAS**, at the times and in the form and manner required by law, the Executive Officer has given notice of the hearing by this Commission, and

**WHEREAS**, upon the date, time and place specified in said notice of hearing and in any order or orders containing such hearing, the Commission has received, heard, discussed and considered all oral and written testimony related to the sphere of influence, including but not limited to comments, objections, the Executive Officer's written and oral report and recommendation, information and determinations of the municipal service review and the environmental documents and determination.

**NOW, THEREFORE, BE IT HEREBY RESOLVED, DETERMINED AND ORDERED** as follows:

1. Pursuant to Section 15061 (b) (3) of the CEQA Guidelines, acting as Lead Agency, the LAFCO determines the project is exempt from CEQA.
2. The sphere of influence of Reclamation District 2034 is determined and approved as shown on the attached map marked "Exhibit A", and includes all territory within the District's boundary.

3. Determinations with respect to the Sphere of Influence for Reclamation District 2034 are set forth and described in the attached "Exhibit B" and are incorporated herein by this reference.
4. The Executive Officer is hereby directed to file a Notice of Exemption in compliance with the California Environmental Quality Act and local ordinances implementing the same.

The foregoing resolution was duly passed and adopted by the Local Agency Formation Commission of the County of Solano at a special meeting thereof, held on March 25, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Jim Spering, Chair  
Presiding Officer

ATTEST:

---

Michelle McIntyre, Commission Clerk  
Solano Local Agency Formation Commission



**RESOLUTION NO. 19-03**

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION  
OF SOLANO APPROVING THE SPHERE OF INFLUENCE UPDATE  
FOR RECLAMATION DISTRICT 2034**

**1. The present and planned land uses in the area, including agricultural and open space lands.**

The land and property within the District are part of, and subject to the polices of, the Suisun Marsh Local Protection Program and meets the requirements of the California Suisun Marsh Preservation Act of 1977 which “encourages continued long-term agriculture and wildlife use of lands within the Marsh and to limit urban assessments against lands within the Marsh.”

There are no planned or proposed changes to land use.

**2. The present and probable need for public facilities and services in the area.**

The District is an uninhabited area in unincorporated Solano County consisting of marsh and overflow lands. The District does not require municipal services.

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

A system of levees, drainage channels, and pumping system are used to move floodwater off district lands and into the surrounding sloughs to maintain the habitat and current farming and ranching activities. The present levee and drainage system is adequate to meet the intended purpose for which the District was established.

**4. The existence of any social or economic communities of interest in the area.**

There are no social or economic communities of interest within or adjacent to the boundary of RD 2034. RD 2034 has one registered voter and is considered uninhabited.

**5. The present and probable need for those public facilities and services of any disadvantaged and unincorporated communities within the existing sphere of influence.**

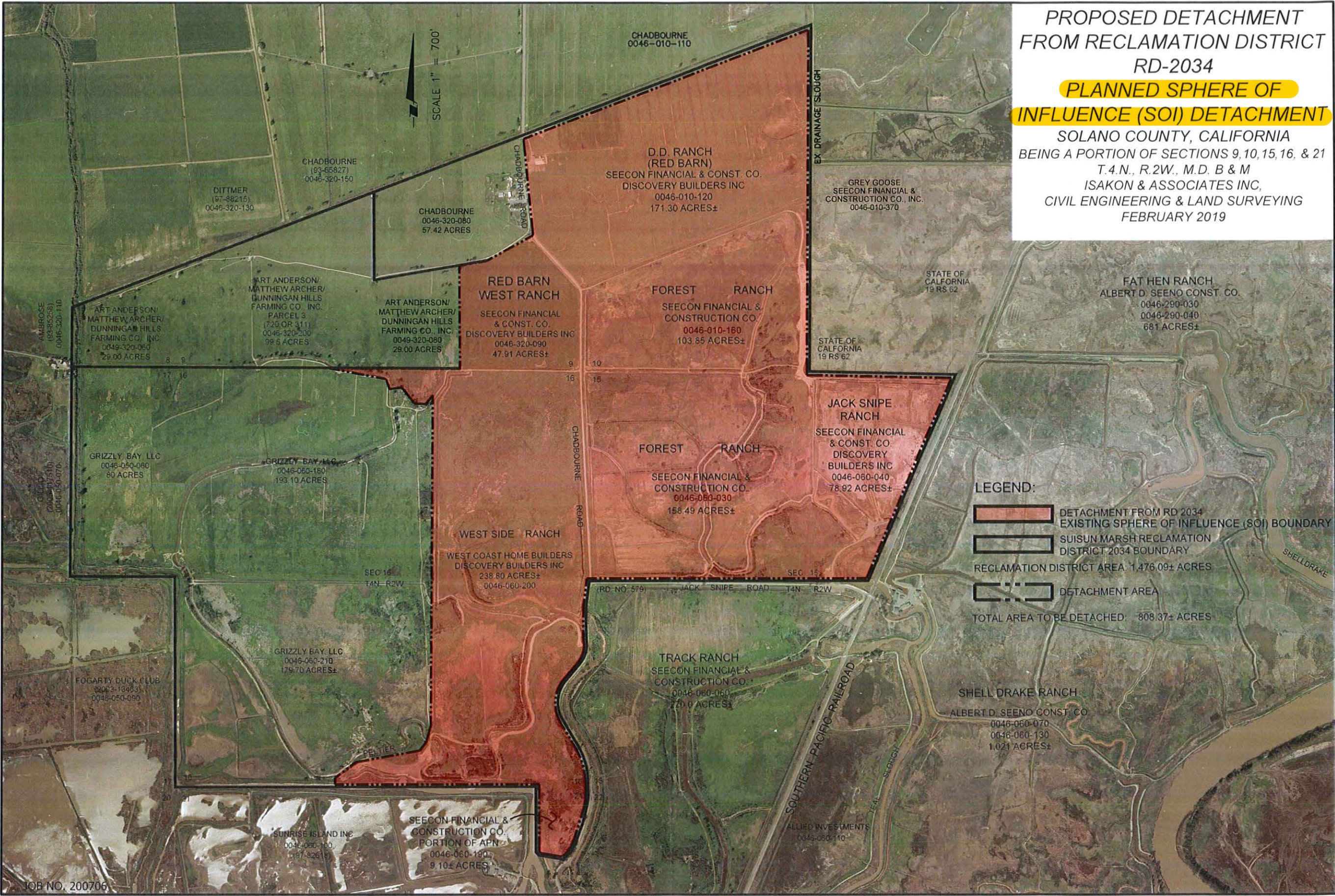
RD 2034 is uninhabited and there is no present or probable need for public facilities or services related to sewers, municipal and industrial water, or structural fire protection. In addition, there are no disadvantaged unincorporated communities within or contiguous to existing District boundaries or SOI.



**PROPOSED DETACHMENT  
FROM RECLAMATION DISTRICT  
RD-2034**

**PLANNED SPHERE OF  
INFLUENCE (SOI) DETACHMENT**

SOLANO COUNTY, CALIFORNIA  
BEING A PORTION OF SECTIONS 9, 10, 15, 16, & 21  
T.4N., R.2W., M.D. B & M  
ISAKON & ASSOCIATES INC,  
CIVIL ENGINEERING & LAND SURVEYING  
FEBRUARY 2019



**LEGEND:**

- DETACHMENT FROM RD 2034
- EXISTING SPHERE OF INFLUENCE (SOI) BOUNDARY
- SUISUN MARSH RECLAMATION DISTRICT 2034 BOUNDARY
- RECLAMATION DISTRICT AREA: 1,476.09± ACRES
- DETACHMENT AREA
- TOTAL AREA TO BE DETACHED: 808.37± ACRES

M:\LAND DEVELOPMENT\RACHEL\_BROOKS\DWG\300706\DWG\EXHIBIT MAPS\300706-PROPOSED RECLAMATION DISTRICT\_01.DWG

JOB NO. 200706



**LAFCO RESOLUTION NO. 19-04**

**RESOLUTION APPROVING THE SEECON PROPERTIES (APPLICANT) DETACHMENT  
FROM RECLAMATION DISTRICT 2034**

**(LAFCO PROJECT 2016-02)**

**WHEREAS**, a petition of application for the proposed detachment of certain territory from Reclamation District 2034 in Solano County was filed with the Executive Officer of this Local Agency Formation Commission pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act, commencing with Section §56000, et seq. of the Government Code by SEECON Properties, majority landowner; and,

**WHEREAS**, RD 2034 was formed for general reclamation purposes including providing drainage and levee maintenance services within its boundaries; and,

**WHEREAS**, the District land-owners are primarily responsible for levees on their properties according to a 1912 Agreement, and

**WHEREAS**, the applicant does not require the services of the District; and,

**WHEREAS**, the Executive Officer, pursuant to Government Code §56665 has reviewed this proposal and prepared an analysis and report including recommendations, and has furnished a copy of this report to each person entitled to a copy; and

**WHEREAS**, the Executive Officer has examined the proposal and certified that it is complete and has accepted the proposal for filing as of March 14, 2019; and,

**WHEREAS**, the notice of the public hearing was published and mailed 21 days prior to the public hearing in accordance with the CKH Act; and,

**WHEREAS**, Solano LAFCO, as lead agency for the SEECON Properties Detachment, has the principal responsibility for approving the proposal, finds the Detachment exempt from further environmental review under §15061(b)(3) because the project does not have potential for causing a significant effect on the environment; and

**WHEREAS**, the Commission has received, heard, discussed and considered all oral and written testimony related to the proposal, including but not limited to comments and objections, the Executive Officer's report and recommendation, the Municipal Service Review, the plans for providing service, spheres of influence, and applicable general plans;

**WHEREAS**, the Commission has considered and made findings with respect to the change of organization's compliance with Solano LAFCO's "STANDARDS FOR THE EVALUATION OF PROPOSALS FOR CHANGES OF ORGANIZATION OR REORGANIZATION"; and,

**WHEREAS**, the Commission does hereby make the following findings and determinations regarding the proposal:

1. The subject territory is "uninhabited" per Government Code §54046. Application for this

reorganization is made subject to Government Code §56864 et seq. by Petition of Application by the District's majority landowner, SEECON Properties.

2. The boundaries are definite and certain and conform to lines of ownership and parcel lines.
3. The change in organization will not hinder the District's ability to provide services. Existing agreements entered into between and amongst the landowners and District, including, but not limited to, the "1912 Agreement" shall remain in place. The District SOI Update and detachment of SEECON properties will not alter existing agreements.

**NOW, THEREFORE, BE IT HEREBY RESOLVED, DETERMINED AND ORDERED** as follows:

1. Pursuant to Section 15061 (b)(3) of the CEQA Guidelines, acting as Lead Agency, the LAFCO determines the project is exempt from CEQA because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
2. Said territory is detached as proposed and as set forth and described in the attached descriptive map and geographical description marked "Exhibit A" and by this reference incorporated herein.
3. Said territory includes APNs: 046-010-160, 046-060-030, 046-060-040, 046-010-120, 046-060-190, 046-060-200, 0046-320-090 totaling approximately 808.37 acres and is found to be uninhabited, and the territory is assigned the following short form designation:

SEECON Properties Detachment from Reclamation District 2034

4. The following changes of organization or reorganization are approved:
  - a. Detachment from Reclamation District 2034
5. The proposal area shall be removed from the sphere of influence of the Reclamation District 2034 District concurrent with the subject detachment.
6. All subsequent proceedings in connection with this detachment shall be conducted only in compliance with the approved boundaries and conditions set forth in the attachments and any terms and conditions specified in this resolution.
7. Pursuant to GC §57076 for a landowner-voter district where a change of organization consists solely of annexation or detachments, LAFCO must hold a protest hearing after the 30-day reconsideration period, but within 35 days of the LAFCO hearing. Not more than 30 days after the conclusion of the Protest Hearing, the Commission shall make a finding regarding the value of written protests filed and not withdrawn.
8. The Solano LAFCO Executive Officer shall be designated as the protest hearing

authority and proceed with notice, hearing, and possible election.

9. The Executive Officer is hereby directed to file a Notice of Exemption in compliance with the California Environmental Quality Act and local ordinances implementing the same.
10. The effective date shall be the date of recording of the Certificate of Completion.

The foregoing resolution was duly passed and adopted by the Local Agency Formation Commission of Solano County at a special meeting, held on the 25th day of March 2019, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

James Spering, Chair  
Presiding Officer Solano Local Agency  
Formation Commission

ATTEST:

---

Michelle McIntyre, Clerk to the Commission

Att. Exhibit "A"

Exhibit 2: Detachment Map and Legal Description

DETACHMENT FROM RECLAMATION DISTRICT RD-2034

SOLANO COUNTY, CALIFORNIA

BEING A PORTION OF SECTIONS 9, 10, 15, 16, & 21 T.4.N., R.2W., M.D. B & M

ISAkson & ASSOCIATES INC CIVIL ENGINEERING & LAND SURVEYING 2255 YGNACIO VALLEY ROAD SUITE 'C' WALNUT CREEK, CALIFORNIA

OCTOBER, 2016

SURVEYOR'S STATEMENT

I, DAVID O. ISAKSON, HEREBY STATE THAT THIS MAP ENTITLED "DETACHMENT FROM RECLAMATION DISTRICT RD-2034" WAS PREPARED BY ME OR UNDER MY DIRECTION FROM RECORD DATA AT THE REQUEST OF ALBERT D. SEENO, IN OCTOBER 2016.

Signature of David O. Isakson, Registered Professional Engineer No. 21764

11/1/16 DATED



OWNER'S STATEMENT

THE UNDERSIGNED DO HEREBY STATE THAT THEY ARE THE ONLY PARTIES HAVING RECORD TITLE INTEREST IN THE REAL PROPERTY ENBRACED WITHIN THE DISTINCTIVE BORDER UPON SHEET 2 OF THAT CERTAIN MAP ENTITLED "DETACHMENT FROM RECLAMATION DISTRICT RD-2034", SOLANO COUNTY, CALIFORNIA, AND THAT THEY CONSENT TO THE PREPARATION AND FILING OF SAID MAP.

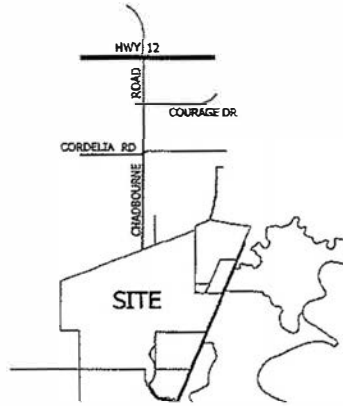
SECON FINANCIAL & CONSTRUCTION, CO., INC.

WEST COAST HOME BUILDERS

BY: ALBERT D. SEENO JR., PRESIDENT

DISCOVERY HOME BUILDERS, INC.

BY: ALBERT D. SEENO III, CHIEF EXECUTIVE OFFICER



VICINITY MAP

RECLAMATION STATEMENT

AREA RESERVED FOR RECLAMATION STATEMENT



OWNER'S NOTARY

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA COUNTY OF SOLANO

ON \_\_\_\_\_ BEFORE ME, \_\_\_\_\_, A NOTARY PUBLIC,

PERSONALLY APPEARED \_\_\_\_\_, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/ THEY EXECUTED THE SAME IN HIS/HER/ THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/ THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT

WITNESS MY HAND AND OFFICIAL SEAL:

SIGNATURE \_\_\_\_\_

PRINTED NAME \_\_\_\_\_ NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

PRINCIPAL COUNTY OF BUSINESS: \_\_\_\_\_

COMMISSION EXPIRES: \_\_\_\_\_

COMMISSION # OF NOTARY: \_\_\_\_\_

ASSESSOR / RECORDER'S STATEMENT

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ O'CLOCK \_\_\_\_M. IN BOOK \_\_\_\_\_

OF MAPS, AT PAGE \_\_\_\_\_, IN THE OFFICE OF THE COUNTY ASSESSOR/RECORDER IN THE COUNTY

OF SOLANO, STATE OF CALIFORNIA AT THE REQUEST OF OLD REPUBLIC TITLE COMPANY.

INSTRUMENT NUMBER: \_\_\_\_\_

MARC C. TONNESSEN COUNTY ASSESSOR / RECORDER

BY: \_\_\_\_\_, DEPUTY COUNTY RECORDER

PRINT NAME \_\_\_\_\_



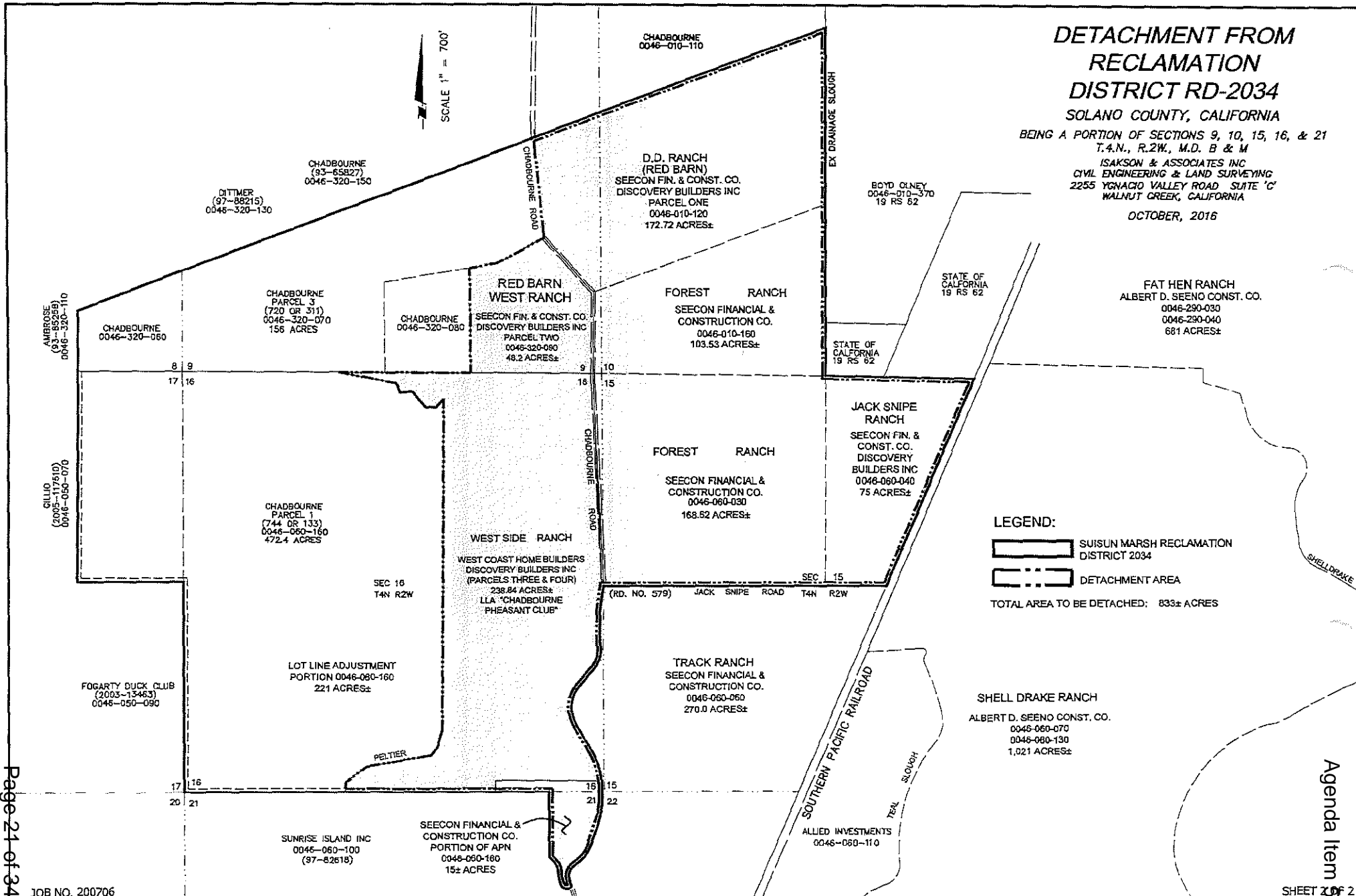
# DETACHMENT FROM RECLAMATION DISTRICT RD-2034

SOLANO COUNTY, CALIFORNIA

BEING A PORTION OF SECTIONS 9, 10, 15, 16, & 21 T.4N., R.2W., M.D. B & M

ISAKSON & ASSOCIATES INC  
CIVIL ENGINEERING & LAND SURVEYING  
2255 YGNACIO VALLEY ROAD SUITE 'C'  
WALNUT CREEK, CALIFORNIA

OCTOBER, 2016



### LEGEND:

SUISUN MARSH RECLAMATION DISTRICT 2034

DETACHMENT AREA

TOTAL AREA TO BE DETACHED: 833± ACRES

SHELL DRAKE RANCH  
ALBERT D. SEENO CONST. CO.  
0046-060-070  
0046-060-130  
1,021 ACRES±

Agenda Item

## DETACHMENT FROM RECLAMATION DISTRICT RD-2034

### METES AND BOUNDS LEGAL DESCRIPTION OF EACH OF THE LEGAL PARCELS TO BE DETACHED:

**1. Assessor Parcel #: 0016-010-120**

The land referred to in this Report is situated in the County of Solano, City of, State of California, and is described as follows:

Beginning at the northeast corner of the tract of land containing 250 acres conveyed by G. Tomasini and wife, to Louis Titus by deed dated November 30, 1903, and recorded August 25, 1905 in Book 146 of Deeds, Page 335, thence along the northerly boundary of said tract of land South 68 degrees 45' West, 58.44 chains to the easterly line of County Road No. 579; thence along same South 6 degrees 10' East, 18.96 chains, South 41 degrees 50' East, 13.95 chains to the southerly line of said 250 acre tract; thence along same North 68 degrees 45' East, 46.70 chains to the westerly boundary of land formerly of J.C. Peyton; thence along the said boundary North 33.38 chains to the place of beginning, being a part of Swamp and Overflowed Land Surveys Nos. 16, 87 and 112, Solano County, California; together with all interest in the County Road No. 579, adjacent to the land herein described.

**2. Assessor Parcel #: 0046-010-160**

The land referred to in this Report is situated in the County of Solano, City of, State of California, and is described as follows:

Beginning at a point which is North 89° 50' West 3 chains from the corner of Sections 9, 10, 15, 16, in Township 4 North, Range 2 West, M.D.M.; thence North 15 chains; thence North 68° 45' East 47.52 chains to land of E. B. Stone and J. H. Pahl; thence along the West boundary of said land South 0° 10' East 32.39 chains to land of F. A. Chadbourne; thence along the boundary of said land North 89° 50' West 44.34 chains to the place of beginning.

**3. Assessor Parcel #: 0046-060-030**

The land referred to in this Report is situated in the County of Solano, City of, State of California, and is described as follows:

That portion of Swamp and Overflow Survey No. 88, lying within the Northwest Quarter of projected Section 15, Township 4 North, Range 2 West, Mount Diablo Base & Meridian, and

also that portion of said Survey lying between the West line of the Northwest Quarter of said projected Section 15 and the centerline of County Road No. 579.

TOGETHER WITH that portion of Jacksnipe Road (County Road No. 579) vacated by Resolution No. 2008-221 of the Solano County Board of Supervisors, a certified copy of which recorded October 15, 2008, in Official Records, as Instrument No. 200800082427, title to which would pass with a conveyance of the herein described land, as also quitclaimed to Seecon Financial & Construction Co., a California corporation, by Quitclaim Deed recorded January 14, 2009, in Official Records, as Instrument No. 200900002040.

**EXCEPTING THEREFROM:**

Rights reserved in the Deed from George J. Tomasini and Juanita W. Tomasini, Trustees of the George J. Tomasini and Juanita W. Tomasini Family Trust and Ruth T. Corson, Trustee of the Ruth T. Corson Family Trust, recorded July 21, 1993, Series No. 1993-00065829 as follows: a life estate in all oil, gas, and other hydrocarbons and minerals now or at any time hereafter situate therein and thereunder, together with all easements and rights necessary, incidental, convenient, or otherwise appurtenant to the exploration for, production, storage, and transportation thereof. Upon the death of the grantors herein, the mineral rights shall revert to the grantee in the deed to which this description is attached.

**4. Assessor Parcel #: 0046-060-040**

The land referred to in this Report is situated in the County of Solano, City of , State of California, and is described as follows:

**PARCEL ONE:**

Lot 13, as the same is shown on that certain map entitled "Map of Land of Edward Dinkelspiel, Frank Maskey, Frank Deroux and Estate of Joseph Harvey, Deceased" made by E. N. Eager, Surveyor, dated September 1907 and recorded October 24, 1910, in Book 3 of Maps, at Page 32, Solano County Records, and being more particularly described as all that portion of Swamp and Overflow Land Survey No. 572 lying westerly of the westerly line of the right of way of the Southern Pacific Railroad Company, together with that portion of Jacksnipe Road vacated by Resolution No. 2008-221 of the Solano County Board of Supervisors on October 14, 2008, a certified copy of which was recorded October 15, 2008, as Instrument No. 200800082427, title to which would pass with a conveyance of the herein described land, and as further described in that certain Quitclaim Deed executed by the County of Solano, a political subdivision of the State of California, to Jacksnipe Duck Club, LLC, a California limited liability company, recorded January 14, 2009, as Instrument No. 200900002041, in the Official Records of Solano County, California.

**5. Assessor Parcel #: 0046-060-190**

The land referred to in this Report is situated in the County of Solano, City of Fairfield, State of California, and is described as follows:

A portion of Swamp and Overflow Survey Number 583, located in projected Sections 16 and 21, Township 4 North, Range 2 West, M.D.B. & M., Solano County, California, described as follow:

Commencing at a point in the middle of County Road No. 579 at the South end of County Road No. 480; thence South  $0^{\circ} 34'$  West along the middle of said County Road No. 579 a distance of 2436.72 feet to an angle point therein; thence continuing along said County Road No. 579 South  $6^{\circ} 10'$  East a distance of 1256.64 feet to an angle point therein; thence South  $60^{\circ} 15'$  West a distance of 26.40 feet to a point on the Southwesterly line of said County Road 579, thence South  $41^{\circ} 50'$  East along the Southwesterly line of said County Road No. 579 a distance of 914.10 feet to an angle point therein; thence South along the West line of said County Road No. 579 a distance of 990.0 feet; thence South  $89^{\circ} 50'$  East a distance of 198.0 feet to the corner of projected Sections 9, 10, 15, 16, Township 4 North, Range 2 West, M.D.M.; thence South  $0^{\circ} 10'$  East a distance of 5280.00 feet to corner Sections 15, 16, 21 and 22, Township 4 North, Range 2 West, M.D.B. & M., thence West 635.14 feet and North 100 feet to the true point of beginning of the herein described property, said point of beginning being on the North line of 100 foot right of way for a ditch and levee of Reclamation District No. 2034; thence from said point of beginning Southerly along said right of way line a distance of 872.00 feet; thence Easterly along said right of way line 330.00 feet; more or less, to a fence in the Westerly line of County Road No. 579; thence following said fence and its meanderings thereof in a Northerly direction 990.00 feet, more or less, to a point 150.00 feet North of the South line of Section 16; thence West, parallel with and 150.00 feet North of the South line of Section 16, a distance of 1340.00 feet, more or less, to a point; thence South 50.00 feet to the North line of aforesaid 100 foot right of way for a ditch and levee of Reclamation District No. 2034; thence East along the North line of said right of way a distance 792.00 feet to the point of beginning.

**6. Assessor Parcel #0046-060-200**

The land referred to in this Report is situated in the unincorporated area of the County of Solano, State of California, and is described as follows:

Parcel A, as set forth and described in that certain Certificate of Compliance Lot Line Adjustment CC-12-09 issued by the County of Solano and recorded April 5, 2013, in Official Records as Instrument No. 201300034113, being more particularly described therein as follows:

Being a portion of Parcel One as described in the Deed to the Chadbourne 2012 Irrevocable Trust recorded on October 10, 2012, under Recorder's Series Number 2012-102253 in the Office of the County Recorder of Solano County, State of California, together with all of Parcel Three as described in the Deed to West Coast Home Builders, Inc., filed on November 21, 2006 under Recorder's Series Number 2006-148451 in the Office of the County Recorder of Solano County, State of California, more particularly described as follows:

Commencing at the southwest corner of Section 16, Township 4 North, Range 2 West, MDB&M, thence along the exterior boundary line of said Parcel One (2012-102253), said line being the south line of said Section 16 North  $89^{\circ} 55' 38''$  East 2001.36 feet to the point of beginning;

Thence continuing along said South line of Section 16, North  $89^{\circ} 55' 38''$  East 1859.64 feet;

Thence leaving said South line, North  $00^{\circ} 20' 38''$  East, 147.00 feet;

Thence South  $89^{\circ} 44' 41''$  East 1318.72 feet to a point on the centerline of Chadbourne Road;

Thence, along said centerline, along a nontangent curve to the left, having a radius of 882.13 feet, which radius point bears South  $84^{\circ} 43' 07''$  West, through a central angle of  $25^{\circ} 14' 32''$  and an arc distance of 388.63 feet;

Thence North  $30^{\circ} 31' 25''$  West 382.31 feet;

Thence along a tangent curve to the right with a radius of 430.67 feet, through a central angle of  $70^{\circ} 20' 44''$  and an arc distance of 528.76 feet;

Thence North  $39^{\circ} 49' 19''$  East 278.17 feet;

Thence along a tangent curve to the left with a radius of 325.80 feet through a central angle of  $37^{\circ} 11' 41''$  and an arc distance of 211.50 feet;

Thence North  $02^{\circ} 37' 38''$  East 100.74 feet;

Thence along a tangent curve to the left with a radius of 1646.54 feet through a central angle of  $07^{\circ} 38' 18''$  and an arc distance of 219.51 feet;

Thence along a reverse curve to the right with a radius of 992.00 feet, through a central angle of  $11^{\circ} 46' 54''$  and an arc distance of 203.98 feet;

Thence North  $06^{\circ} 46' 14''$  East 365.43 feet;

Thence North 02° 50' 40" West 2519.09 feet;

Thence North 00° 38' 35" East 101.07 feet;

Thence leaving said centerline North 89° 41' 20" West 3153.41 feet to a point on the exterior boundary line of said Parcel One (2012-102253);

Thence along said exterior boundary line South 79° 09' 22" East 726.08 feet;

Thence South 19° 20' 22" East 132.00 feet;

Thence North 82° 14' 38" East 152.00 feet;

Thence South 39° 21' 22" East 264.00 feet;

Thence South 87° 49' 22" East 132.00 feet;

Thence North 39° 20' 38" East 144.35 feet;

Thence South 00° 20' 38" West 4143.95 feet;

Thence leaving said exterior boundary line, South 15° 10' 01" West 217.44 feet;

Thence South 38° 06' 23" West 135.70 feet;

Thence South 79° 35' 06" West 816.23 feet;

Thence South 52° 51' 35" West 321.70 feet;

Thence South 01° 16' 39" West 121.70 feet to the point of beginning.

**7. Assessor Parcel # 0046-320-090**

The land referred to in this Report is situated in the County of Solano, City of Fairfield, State of California, and is described as follows:

A PORTION OF S & O LAND SURVEY NO. 112, SOLANO COUNTY, CALIFORNIA,  
DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LAND CONVEYED BY SUISUN GUN CLUB TO F.A. CHADBOURNE BY DEED DATED APRIL 27, 1914, SAID POINT OF



BEGINNING BEING NORTH 89 DEGREES 50' WEST, 25.42 CHAINS FROM THE CORNER OF SECTIONS 9, 10, 15 AND 16 IN TOWNSHIP 4 NORTH RANGE 2 WEST, MOUNT DIABLO BASE & MERIDIAN, RUNNING THENCE ALONG THE EAST BOUNDARY OF LAND CONVEYED TO F.A. CHADBOURNE, NORTH 0 DEGREES 45' WEST 19.46 CHAINS TO THE NORTHEAST CORNER OF SAID LAND; THENCE NORTH 80 DEGREES EAST 5.22 CHAINS; THENCE NORTH 60 DEGREES 45' EAST, 9.75 CHAINS; THENCE ALONG THE WESTERLY SIDE OF COUNTY ROAD NO. 579, SOUTH 41 DEGREES 50' EAST 13.85 CHAINS; THENCE SOUTH 15 CHAINS TO THE NORTH BOUNDARY OF S & O LAND SURVEY NO. 88; THENCE NORTH 89 DEGREES 50' WEST 22.42 CHAINS TO THE PLACE OF BEGINNING.

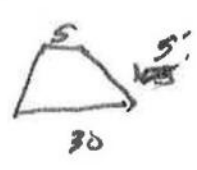
Whereas, W. H. Chadbourne, Joseph Peltier, N. Tomacini, Quasim Fortchet, a corporation Edward Dimplespirt and C. S. Long, are the owners of certain lands in the County of Colusa, State of California, bordering on a proposed levee ditch, and ~~land~~ hereinafter more particularly described: and, Whereas, the parties hereto intend to enter into a certain contract with E. S. Peabody, of Elmhurst, County of Alameda, State of California, whereby the said E. S. Peabody will agree to build a levee at least thirty <sup>30</sup> feet wide on the bottom, five feet wide on the top, and five feet in height when completed, and to build it in two courses, the first one three feet, and the second to be placed on top of the first one thirty days, afterwards, as nearly as possible; also to dam such sloughs and construct such floodgates and other works as may be necessary for the complete reclamation of said lands, amounting in all to 1474 acres, more or less, for a sum not exceeding seven dollars (\$7.00) per acre, or Ten Thousand Three Hundred and Eighteen Dollars (\$10,318.00) in all;

Now, therefore, in consideration of the premises and the mutual promises herein contained, said parties agree to pay for the said work in proportion to the number of acres of land owned by them, bordering on the said proposed ditch, and ~~land~~ and dams and benefited thereby, and agree to deposit to the credit of F. A. Chadbourne and Joseph Peltier, in the First National Bank of San Francisco, on or before the 25th day of each and every month while said work is being done, a sum not less than Three Thousand Dollars (\$3,000.00). And the said F. A. Chadbourne and Joseph Peltier are hereby authorized and directed to pay to the said E. S. Peabody such moneys out of the said sums as may be due to him under the terms of said agreement.

And the said F. A. Chadbourne and Joseph Peltier are hereby authorized to enter into such detailed contracts with said E. S. Peabody as will insure the completion of the work herein contemplated within a period of one hundred twenty (120) days, barring accidents, changes and unavoidable delays. After the said levee, dams, floodgates and other necessary works have been

Recorded

BK 7  
OF AGREEMENT  
PAGE 464



F. A. Chadbourne

completed, they shall be kept in good repair by the parties hereto. The cost thereof shall be paid in proportion to the number of acres bordering on the said levee and dams or benefited thereby.

In the event of the levee flood-gates, pumping plants, or other works necessary to the reclamation of the herein mentioned lands not being kept in good repair, any of the parties hereto may repair the said levee, flood-gates, pumping plants, or other ~~works~~ necessary works, and the other parties hereto shall be liable to him for their proportion of the cost of said repairs, according to the number of acres bordering on said levee and dams, or benefited thereby. The cost of operating the pumps shall be borne by the parties hereto in proportion to the acreage owned by them and benefited thereby.

pumps

Said proposed levee is in Quawan Township, County of Colusa, State of California and is along the following line:

Commencing at a point on the west side of the right-of-way of the Southern Pacific Railroad comprising fifty (50) feet northerly from the north bank of Quawan Slough where the said Quawan Slough last crosses the said right-of-way; thence southwesterly in an arc to a point on the south boundary line of the land of D. M. Kleopail and Long; thence westerly along the south boundary line of the lands of D. M. Kleopail and Long and J. A. L. Hadbourn to the northeasterly corner of Quawan and Crowflow Querry No. 583; thence southerly along the easterly line of Quawan and Crowflow Querry No. 583; thence southwesterly to the corner of said Quawan and Crowflow Querry No. 583; thence westerly along the southerly line of said Q & C Querry No. 583; thence north along the westerly line of Quawan and Crowflow Querry No. 583 to a point one hundred (100) feet south of where the Frank Moran Slough crosses the said west boundary line of Q & C Querry No. 583; thence to a point on the line of Q & C Querry No. 583; one hundred (100) feet from the northwest corner thereof; thence in a semi-circle to a point on the south boundary of Quawan and Crowflow Querry No. 628, one hundred (100) feet west from the northwest corner of Q & C Querry No. 583; thence along the south line of Q & C Querry No. 628 to the southwest corner of land of Joseph Peltier; thence north along the west boundary line of said Joseph Peltier to the north-west corner thereof; thence along the west boundary line

of J. Tomacum's lands to its intersection by the  
 northerly prolongation of the north boundary line  
 of said lands of the Quannum Run. Clark; thence north-  
 westerly through the lands of J. Tomacum to the north-  
 west corner of the lands of the Quannum Run. Clark;  
 thence southerly along the north boundary line of the  
 lands of the Quannum Run. Clark to the north-west  
 corner thereof; thence south on the east boundary line  
 of said Quannum Run. Clark to the north boundary  
 line of the lands of Sandberg and Jorg; thence east-  
 along said north boundary line to a railroad track;  
 parallel, however, any minor deviations from the  
 said boundary line of the above described tract of  
 land found necessary and proper in the proce-  
 sion of the work shall not affect the true  
 intention of this agreement.

It is especially understood that no use of the term  
 go to be prohibited shall be given or granted to any  
 person or persons in connection with the relocation  
 of any other land than that hereinafter described,  
 except by consent of all parties hereto, or their heirs,  
 executors, administrators, successors, or assigns, and  
 that any compensation for any such use shall be  
 divided among the then holders of the hereinafter  
 described land, according to the acreage of that land owned  
 by each of such owners.  
 This agreement is and shall be a covenant running  
 with the hereinafter described land, and shall be  
 binding upon the heirs, executors, administrators  
 and assigns of the parties hereto.  
 In witness whereof, the parties hereto executed  
 their presents this 30th day of August, A.D. 1912.

J. Tomacum (S) (S) (S)  
 Joseph Patton (S) (S) (S)  
 G. Tomacum (S) (S) (S)  
 (Emphatic Seal) William Dean Clark  
 J. E. Bennett  
 by J. E. Bennett  
 J. E. Bennett  
 Edward Sweetland (S) (S) (S)  
 G. E. Long (S) (S) (S)



City and County of San Francisco } ss.  
 State of California

On this 27<sup>th</sup> day of September in the year One Thousand Nine Hundred and twelve, before Ceda de Galdo a Notary Public in and for the said City and County, residing therein, duly commissioned and sworn, personally appeared Joseph Pelletier known to me to be the person whose name is 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 <sup>official</sup> seal, at my office in the City and County of San Francisco, the day and year in this certificate first above written.

(Seal) Ceda de Galdo

Notary Public

In and for the City and County of San Francisco  
 State of California.

State of California } ss.  
 City and County of San Francisco

On this 27<sup>th</sup> day of September, in the year One Thousand Nine Hundred and twelve, before me Ceda de Galdo, a Notary Public in and for said City and County, residing therein, duly commissioned and sworn, personally appeared E. E. Brownell known to me to be the President of Quarin Gun Club the Corporation, that executed the within and foregoing instrument, and to be the Officer who executed the said instrument on behalf of said Corporation therein named and acknowledged to me that such Corporation executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal, at my office, in the said City and County of San Francisco, the day and year in this certificate last above written.

(Seal) Ceda de Galdo  
 Notary Public

In and for the City and County of San Francisco,  
 State of California.

State of California }  
 City and County of San Francisco } ss

On this 15<sup>th</sup> day of September in the year one thousand nine hundred and Twelve before Charles Edelman, a Notary Public in and for the City and County of San Francisco, personally appeared

Allen S. Hesterling

known to me to be the Secretary of the corporation described in, and that executed the within instrument, and also known to me to be the persons who executed on behalf of the corporation therein named, and he acknowledged to me that such corporation executed the same.

Witness my hand and official seal the day and year first above written.

(Seal) Charles Edelman

Notary Public.

In and for the City and County of San Francisco, State of California

My Commission Expires April 9, 1914.

State of California }  
 County of Colano } ss.

On this 30<sup>th</sup> day of August in the year one thousand nine hundred twelve, before me, Edward Dunkelapir, a Notary Public in and for said Colano County, residing therein, duly commissioned and sworn, personally appeared J. R. F. Hadbourne, J. Tomaciri and E. S. Long, each of the County of Colano, State of California, known to me to be the persons described in, whose names are subscribed to, and who executed the within instrument, and who acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal, at my office in the said County of Colano, the day and year in this certificate first above written.

(Seal) Edward Dunkelapir, Notary Public

In and for Colano County, State of California



State of California }  
 County of Colusa } S.S.

On this 27<sup>th</sup> day of August, in the year one thousand nine hundred twelve, before me, E. D. Holly, a Notary Public in and for said Colusa County, residing therein, duly commissioned and sworn, personally appeared Edward D. Inglehart, of the County of Colusa, State of California, known to me to be the person described in, whose name is subscribed to, and who executed the within instrument, and who acknowledged to me that he executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal at my office in the said County of Colusa, the day and year in this certificate first above written.

( Seal )

E. D. Holly, Notary Public  
 In and for Colusa County,  
 State of California.

A true copy, Recorded at the Request of  
 J. P. Griffiths, Oct 1st A. D. 1912 at  
 26 minutes past 11 o'clock A.M.

T. C. Lorcovan  
 County Recorder  
 M. M. Moore  
 Deputy Recorder.

**Notice of Exemption**

**TO:** \_\_\_\_\_ Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814  
  X   County Clerk  
County of Solano

**FROM:** Public Agency:  
Solano LAFCO  
675 Texas St. Ste. 6700  
Contact: (707) 439-3897  
rseithel@solanolafco.com

**Project Title:** CA Gov't Code Section 56425 Sphere of Influence Update: Reclamation District 2034 and SEECON Properties Detachment

**Project Location - Specific:** located approximately two miles southwesterly of the city of Suisun City. It is northwesterly of Grizzly Bay and north of the Sacramento River in unincorporated Solano County

**Project Location – City: Project Location - County:** Solano County

**Description of Project:** Sphere of Influence Update for Reclamation District 2034 and detachment of 7 parcels from Reclamation District 2034.

**Name of Public Agency Approving Project:** Solano LAFCO

**Name of Person or Agency Carrying out Project:** Solano LAFCO

**Exempt Status:** (check one)

**Ministerial (Sec. 21080(b)(1);15268);**

**Declared Emergency (Sec.21080(b)(3);15269(a);**

**X Categorical Exemption. State type and selection number: General Exemption Section 15061 (b)(3)**

**Statutory Exemptions. State code number:**

**Reasons why project is exempt:** There are no services required nor planned or proposed development. These parcels are within the Suisun Marsh Protection Plan.

Signature: \_\_\_\_\_ Date: 3/25/19 Title: Executive Officer

  X   Signed by Lead Agency      Date received for filing at OPR: \_\_\_\_\_  
\_\_\_\_ Signed by Applicant

POSTED ON: