

**ALAMEDA LAFCo RESOLUTION No. 2013-XX**  
(Option 1 – Annexation territory as submitted)  
**APPROVING AN ANNEXATION FOR UNION SANITARY DISTRICT**  
**AND WAIVER OF PROTEST PROCEEDINGS: Mission Creek Annexation, U-289**

**WHEREAS**, the City of Fremont filed a resolution application with the Executive Officer of the Alameda Local Agency Formation Commission (LAFCo) pursuant to Title 5, Division 3, commencing with California Government Code §56000; and

**WHEREAS**, said application shall be known as the Union Sanitary District Mission Creek Annexation, U-289; and

**WHEREAS**, said annexation shall include two parcels of 12.15 acres (APNs 513-472-8-4 and 513-472-9-4) located near Interstate 680, bounded by Mission Boulevard, Mission Creek, and Palm Avenue to the Union Sanitary District (USD) for the purpose of providing wastewater treatment, collection, and disposal services to property that is within the Mission Creek Planned District development; and

**WHEREAS**, the Executive Officer has reviewed the application and prepared a report, including her recommendations therein, noting that the City of Fremont, as Lead Agency, prepared and certified an Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Program for the Mission Creek Planned District on July 17, 2012, and an Environmental Impact Report was prepared for the General Plan Update and certified by the City of Fremont on December 13, 2011. In accordance with Alameda LAFCo Guidelines, adopted California Environmental Quality Act (CEQA) procedures, and applicable provisions of CEQA, LAFCo staff finds that the prior environmental documents adequately discuss and disclose the potential environmental impacts of the proposed annexation; all potential environmental impacts have appropriate mitigation measures and a mitigation monitoring program is in place; and staff finds the proposed project will not introduce any new impacts not previously disclosed; and

**WHEREAS**, the subject territory is uninhabited as it contains zero registered voters (Gov. Code §56046), that 100% of the landowners have given their written consent to this annexation, and that no affected agency has submitted written opposition to a waiver of protest proceedings; and

**WHEREAS**, the Commission considered all factors required by law under Section 56668 of the California Government Code; and

**WHEREAS**, USD does not share in the 1% property tax distribution formula and, therefore, no exchange of property taxes is required pursuant to Revenue and Taxation Code Section 99; and

**WHEREAS**, at a public hearing held on May 9, 2013, LAFCo heard and received all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said application.

**NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE AND ORDER** as follows:

1. Conclude that LAFCo has reviewed and considered the information contained in the environmental documents prepared and certified by the City of Fremont and finds them adequate and complete for LAFCo review purposes.
2. Approve the application referenced as Union Sanitary District Mission Creek Annexation, U-289, which includes the annexation of 12.15 acres of territory (APNs 513-472-8-4 and 513-472-9-4) to the Union Sanitary District subject to the following terms and conditions:
  - a. Correction of the Final Maps and Geographic Description as may be required by the County Surveyor.
  - b. The territory being annexed shall be liable for the continuation of any authorized or existing special taxes, assessments and charges comparable to properties presently within the annexing agency (Government Code §57330).
3. That the territory subject to this proposal is uninhabited, that 100% of the landowners have given their written consent to this annexation, and that no affected agency has submitted written opposition to a waiver of protest proceedings; therefore, LAFCo does hereby waive the protest proceedings for this annexation action in accordance with the provisions of Government Code §56663.
4. Approve and authorize the execution of the certified Resolution of Annexation and Waiver of Protest Proceedings.

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PASSED AND ADOPTED THIS 9th day of May 2013 by the following vote: < >. Motioned by Commissioner < >, seconded by Commissioner < >:

Ayes:

Noes:

Excused:

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Nate Miley, Chair  
Alameda Local Agency Formation Commission

Approved as to Form:

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Andrew Massey  
LAFCo Counsel

**I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated above.**

Attest: \_\_\_\_\_  
Mona Palacios  
Executive Officer

Dated: \_\_\_\_\_

**ALAMEDA LAFCo RESOLUTION No. 2013-XX**

(Option 2 – Annexation territory includes SFPUC parcel and territory owned by the State of California)

**APPROVING AN ANNEXATION FOR UNION SANITARY DISTRICT  
AND WAIVER OF PROTEST PROCEEDINGS: Mission Creek Annexation, U-289**

**WHEREAS**, the City of Fremont filed a resolution application with the Executive Officer of the Alameda Local Agency Formation Commission (LAFCo) pursuant to Title 5, Division 3, commencing with California Government Code §56000; and

**WHEREAS**, said application shall be referred to as the Union Sanitary District Mission Creek Annexation, U-289; and

**WHEREAS**, said annexation shall include four parcels of approximately 14.21 acres (APNs 513-472-8-4, 513-472-9-4, 513-472-13-2, and 0.93 acres owned by the State of California) located near Interstate 680, bounded by Mission Boulevard, Mission Creek, and Palm Avenue to the Union Sanitary District (USD) for the purpose of providing wastewater treatment, collection, and disposal services to property that is within the Mission Creek Planned District development, and to eliminate an unserved island area; and

**WHEREAS**, the Executive Officer has reviewed the application and prepared a report, including her recommendations therein, noting that the City of Fremont, as Lead Agency, prepared and certified an Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Program for the Mission Creek Planned District on July 17, 2012, and an Environmental Impact Report was prepared for the General Plan Update and certified by the City of Fremont on December 13, 2011. In accordance with Alameda LAFCo Guidelines, adopted California Environmental Quality Act (CEQA) procedures, and applicable provisions of CEQA, LAFCo staff finds that the prior environmental documents adequately discuss and disclose the potential environmental impacts of the proposed annexation; all potential environmental impacts have appropriate mitigation measures and a mitigation monitoring program is in place; and staff finds the proposed project will not introduce any new impacts not previously disclosed; and

**WHEREAS**, the subject territory is uninhabited as it contains zero registered voters (Gov. Code §56046), that 100% of the landowners have given their written consent to this annexation, and that no affected agency has submitted written opposition to a waiver of protest proceedings; and

**WHEREAS**, the Commission considered all factors required by law under Section 56668 of the California Government Code; and

**WHEREAS**, USD does not share in the 1% property tax distribution formula and, therefore, no exchange of property taxes is required pursuant to Revenue and Taxation Code Section 99; and

**WHEREAS**, at a public hearing held on May 9, 2013, LAFCo heard and received all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said application.

**NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE AND ORDER** as follows:

1. Conclude that LAFCo has reviewed and considered the information contained in the environmental documents prepared and certified by the City of Fremont and finds them adequate and complete for LAFCo review purposes.
2. Approve the application referenced as Union Sanitary District Mission Creek Annexation, U-289, which includes the annexation of 14.21 acres of territory (APNs 513-472-8-4, 513-472-9-4, 513-472-13-2, and 0.93 acres owned by the State of California) to the Union Sanitary District subject to the following terms and conditions:
  - a. Correction of the Final Maps and Geographic Description as may be required by the County Surveyor.
  - b. The territory being annexed shall be liable for the continuation of any authorized or existing special taxes, assessments and charges comparable to properties presently within the annexing agency (Government Code §57330).
3. That the territory subject to this proposal is uninhabited, that 100% of the landowners have given their written consent to this annexation, and that no affected agency has submitted written opposition to a waiver of protest proceedings; therefore, LAFCo does hereby waive the protest proceedings for this annexation action in accordance with the provisions of Government Code §56663.
4. Approve and authorize the execution of the certified Resolution of Annexation and Waiver of Protest Proceedings.

\* \* \* \* \*

PASSED AND ADOPTED THIS 9th day of May 2013 by the following vote: < >. Motioned by Commissioner < >, seconded by Commissioner < >:

Ayes:

Noes:

Excused:

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Nate Miley, Chair  
Alameda Local Agency Formation Commission

Approved as to Form:

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Andrew Massey  
LAFCo Counsel

**I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated above.**

Attest: \_\_\_\_\_  
Mona Palacios  
Executive Officer

Dated: \_\_\_\_\_