

**LOCAL AGENCY FORMATION COMMISSION
MEETING AGENDA**

Wednesday, June 25, 2008
9:00 a.m.

Room 381B
Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles 90012

A person with a disability may contact the LAFCO office at (818) 254-2454 at least 72 hours before the scheduled meeting to request receipt of an agenda in an alternative format or to request disability-related accommodations, including auxiliary aids or services, in order to participate in the public meeting. Later requests will be accommodated to the extent feasible.

1. **CALL MEETING TO ORDER.**
2. **PLEDGE OF ALLEGIANCE WILL BE LED BY CHAIRMAN GLADBACH.**
3. **PUBLIC HEARING**
 - a. Continued Hearing – City of Azusa Annexation No. 2005-44.
4. **CONSENT ITEMS**

All matters are approved by one motion unless held by a Commissioner or member(s) of the public for discussion or separate action.

 - a. Approve Minutes of May 28, 2008.
 - b. Receive and file update on pending applications.
5. **OTHER ITEMS**
 - a. Nomination of Commissioner Gladbach to the CALAFCO Executive Board
 - b. Conference Report.
 - c. Report on East Los Angeles, Rowland Heights and West Ranch Proposed Incorporations.

6. **PUBLIC COMMENT**

This is the opportunity for members of the public to address the Commission on items that are not on the posted agenda, provided that the subject matter is within the jurisdiction of the Commission. Speakers are reminded of the three-minute time limitation.

7. **FUTURE MEETINGS**

July 9, 2008
July 23, 2008
August 13, 2008
August 27, 2008

8. **FUTURE AGENDA ITEMS**

Items not on the posted agenda which, if requested, will be referred to staff or placed on a future agenda for discussion and action by the Commission, or matters requiring immediate action because of an emergency situation or where the need to take immediate action came to the attention of the Commission subsequent to the posting of the agenda.

9. **ADJOURNMENT MOTION**

STAFF REPORT

June 25, 2008

CITY OF AZUSA ANNEXATION NO. 2005-44

AGENDA ITEM NO. 3a

Agenda Item No. 3a is a continuation of the May 28, 2008 public hearing regarding City of Azusa Annexation No. 2005-44. The proposal is a request to annex approximately 5.7 acres of uninhabited, unincorporated county territory to the City of Azusa. The applicant of record is the City of Azusa, the proposal having been initiated by City of Azusa Resolution No. 05-C71. The application was received on December 20, 2005.

History:

The annexation territory encompasses three parcels 8621-024-001, 8621-024-002, and 8621-024-017. The owner of record for Lot 1 is the Fowler Family Trust. The owner of record for Lot 2 is the Clark Allen Trust. County records show that the owners of record of the Lot 17 are Cynthia Perri and William Allen. Lot 17 is the largest parcel and represents the majority of land ownership, respectively 88% of the subject territory. Correspondence received on the proposal indicates that there are two property owners in opposition, Mr. Clark Allen and Ms. Cynthia Perri. Mr. William Allen previously testified that his brother's interest in Lot 17 was fraudulently transferred to Ms. Perri. Mr. William Allen is not opposed to the annexation. The owners of record of Lot 1 have not formally submitted a position on the annexation.

At the April 9, 2008 Commission hearing, representatives of the City of Azusa (Francis Delach, City Manager, and Robert Person, Assistant City Manager) testified that the two subject properties, owned by the Allen brothers are presently under court ordered sale pursuant to a stipulated settlement in a quiet title action. The City is working diligently to purchase the larger of the two parcels, Lot 17.

Testimony was received by the City that the property has been a public nuisance for over twenty years, with homeless people residing in a condemned building on site. In the interest of cleaning the area up, the County allowed the City of Azusa to designate it as a city redevelopment area, even though the territory remains in the County.

At the May 28, 2008 hearing, Mr. William Allen, the majority landowner, testified that he was no longer in opposition to the annexation. He stated that efforts were being made to sell the property to the City of Azusa; however, there were legal issues involving ownership and the court ordered sale of the property. It was staff's recommendation that the Commission deny the proposal; however, the Commission adopted a motion to continue the matter to June 25, 2008. The Commission granted the time extension to the City of Azusa to allow the City time to complete purchase of the property.

The Commission discussed accepting staff's previous recommendation to deny the proposal without prejudice if the City was not in escrow at the end of the 30 day continuation period or by the June 25th hearing.

In the event that the sale of the property is not finalized by the June 25th hearing, the Commission may opt to give the applicant another time extension or deny the application. In the latter case, the Commission has the discretion to allow the City to file a new application and waive the application fees and the one-year waiting period required by the Government Code.

Status: A formal purchase offer has been made by the City of Azusa, and the City is seeking court approval of its substitution as the purchaser of the property pursuant to a stipulated settlement previously approved by the court in the quiet title action. The City of Azusa is seeking a determination by the court prior to the hearing on this matter.

Conclusion:

Although the City of Azusa is working diligently to pursue purchase of the property, the parties involved have not closed escrow. Staff recommends that the City of Azusa's request for annexation of the subject territory be disapproved by the Commission without prejudice.

In the event that the property is eventually purchased by the City, the City may submit a new application for annexation. Staff further recommends that Commission also grant the applicant a waiver of fees and relief from the one-year waiting period requirement. Government Code Section 56884 states that no proposal involving the same or substantially the same territory shall be initiated for one year after the date of adoption of the resolution terminating proceedings, but this waiting period may be waived if the Commission finds that it is detrimental to the public interest. Should the City acquire the subject property within the next year, it would be detrimental to the public interest to prohibit the City from moving forward with annexation and redevelopment of the property as soon as possible in order to alleviate the existing nuisance conditions on the parcels, and therefore, it would be appropriate for the Commission to waive the one-year waiting period. Government Code Section 56383 states that the Commission may waive a fee if it finds that payment would be detrimental to the public interest. Since the City has already paid its fees for the current application, and the staff work necessary to process it is already largely complete, it would be in the public's interest for the Commission to waive the application fees, should the City file another application.

Recommendation:

- 1) Open the public hearing and receive testimony on the proposed annexation.
- 2) There being no further testimony, close the public hearing.
- 3) Pursuant to Government Code Section 56884, grant a waiver of the one-year waiting period in the event that the City of Azusa submits a new application for the same proposal.
- 4) Pursuant to Government Code Section 56383, grant a waiver of application fees in the event that the City of Azusa submits a new application for the same proposal.

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- 5) Adopt the resolution making determinations and disapproving City of Azusa Annexation No. 2005-44.

RESOLUTION NO. 2008 - __ RMD

**RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR LOS ANGELES COUNTY
MAKING DETERMINATIONS AND DISAPPROVING
"CITY OF AZUSA ANNEXATION NO. 2005-44"**

WHEREAS, the City of Azusa (the "City") adopted a resolution of application to initiate proceedings before the Local Agency Formation Commission for Los Angeles County (the "Commission"), pursuant to, Part 3, Division 3, Title 5, of the California Government Coded (commencing with section 56000, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000), for annexation of territory herein described to the City of Azusa, including the detachment of said territory from Los Angeles County Road District No. 1, and withdrawal from the County Library; and

WHEREAS, the proposed annexation consists of 5.7 ± acres of uninhabited, unincorporated County of Los Angeles territory and is assigned the following distinctive short form designation: "City of Azusa Annexation No. 2005-44;" and

WHEREAS, the principal reason for this annexation is to implement the City of Azusa's General Plan goals of visually improving major corridors that serve as portals of entry into the city; thereby allowing the City to make improvements along the main gateway entrance into Azusa; and

WHEREAS, the Executive Officer has reviewed the proposal and submitted to the Commission a report, including his recommendations thereon; and

WHEREAS, on October 10, 2007, after being duly and properly noticed, this proposal came on for hearing with subsequent continuations of the hearing on this matter held on January 9, 2008, April 9, 2008, May 28, 2008, and June 25, 2008 at which time this Commission heard and received all oral and written testimony, objections and evidence which were made, presented or filed,

and all persons present were given an opportunity to hear and be heard with respect to this proposal and the report of the Executive Officer.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. A description of the boundaries and map of the proposal, as approved by this Commission, are set forth in Exhibits A and B, attached hereto and by this reference incorporated herein.
2. The subject territory consists of 5.7 acres, is uninhabited, and is assigned the following short form designation:

“City of Azusa Annexation No. 2005-44”
3. Annexation No. 2005-44 to the City of Azusa is hereby disapproved, without prejudice, subject to the following terms and conditions:
 - a. Waiver of the one-year waiting requirement pursuant to Government Code Section 56884, in the event the City of Azusa is the subject landowner and submits a new application for annexation of the same territory.
 - b. Waiver of application fees, pursuant to Government Code Section 56383, in the event the City of Azusa is the subject landowner and submits a new application for annexation of the same territory.
4. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner provided for in Government Code Section 56882.

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PASSED AND ADOPTED this 28th day of May 2008.

Ayes:

Noes:

Absent:

Abstain:

SANDOR L. WINGER, Executive Officer