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LOCAL AGENCY FORMATION COMMISSION

LAFCO

Orange County

Recorded in Official Records, Orange County
Tom Daly, Clerk-Recorder

NO FEE

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Local Agency Formation Commission

Pursuant to Government Code Section 6103, because the Local Agency Formation Commission is a government agency, no filing fee shall be charged for the filing of this document.

Recorded at the request of and return by Interoffice mail to:

ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION
12 Civic Center Plaza, Room 235
Santa Ana, CA 92701

CERTIFICATE OF COMPLETION

Pursuant to Government Code Section 57200, this Certificate is issued by the Executive Officer of the Local Agency Formation Commission of Orange County, California.

1. The short-term designation, as determined by LAFCO, is:

West Santa Ana Heights Reorganization to the City of Newport Beach (RO 06-25)
2. The name of each district or city involved in this change of organization or reorganization and the kind or type of change of organization ordered for each city of district as follows:

CITY: City of Newport Beach
TYPE OF CHANGE OR REORGANIZATION: A Sphere of influence amendment and concurrent annexation
3. The above listed cities and/or districts are located within the following county(ies):
Orange
4. A description of the boundaries of the above cited change of organization or reorganization is shown on the attached legal description and map, marked Exhibit A and B, and by this reference incorporated herein.
5. The territory is inhabited.
6. A legally noticed period of protest began on August 20, 2007 and ended on September 10, 2007: no registered voters or landowners filed valid protests during this period.

7. This change of organization has been approved subject to the following terms and conditions, if any:
- a) Payment by the applicant of the State Board of Equalization fees.
 - b) The applicant agrees to defend, hold harmless and indemnify LAFCO and/or its agents, officers and employees from any claim, action or proceeding against LAFCO and/or its agents, officers and employees to attack, set aside, void or annul the approval of LAFCO concerning this proposal or any action relating to or arising out of such approval.
 - c) The effective date shall be January 1, 2008.
7. The resolution (RO 06-25) ordering this change of organization with notice and hearing was adopted on July 18 2007, by the Local Agency Formation Commission.

I hereby certify that I have examined the resolution cited above, including any terms and conditions, and the map and legal description, and are true and complete copies.

Date: September 17, 2007



Joyce Crosthwaite
Executive Officer

EXHIBIT "A"
West Santa Ana Heights Reorganization
to the City of Newport Beach
NO. RO 06-25

1 That portion of land situated in the unincorporated territory of the County of Orange,
2 State of California, all within the Rancho Santiago de Santa Ana recorded in Book 3,
3 Pages 420 thru 423 of Patents, Records of Los Angeles County on June 28, 1884,
4 State of California, more particularly described as follows:

5 **Beginning** at the easterly corner of the "Incorporation" of the City of Costa Mesa by
6 Resolution adopted April 7, 1953, a tie from said corner bears North 86°23'41" West,
7 48.41 feet to the Orange County Surveyor's Horizontal Control Station GPS No. 6169R1
8 having a coordinate value (U. S. Survey Foot) of North 2188048.157 and East
9 6063376.525 based upon the California Coordinate System (CCS83), Zone VI, 1983
10 NAD (1991.35 epoch O. C. S. GPS adjustment) as shown on Tract Map No. 15855
11 recorded in Book 796, Pages 24 and 25 of Miscellaneous Maps, in the office of the
12 County Recorder of said County;

13 THENCE, leaving said City of Costa Mesa Boundary, along the Southeasterly right of
14 way line of Santa Ana Avenue (60.00 feet in width), as shown on Tract Map No. 456
15 recorded in Book 17, Page 9 of Miscellaneous Maps, in the office of the County
16 Recorder of said County, North 39° 48' 45" East 2064.25 Feet, to a point in the existing
17 boundary of Bristol/Red Hill Annexation to the City of Costa Mesa, said point being
18 South 40°02'40" East 30.39 Feet; from the Northwesterly terminus of that certain course
19 shown as "North 40° 02' 58" West 464.61 Feet, in said annexation, THENCE, along said
20 existing Annexation the following courses:

21 THENCE, South 40°52'40" East 434.16 Feet;

22 THENCE, South 87°39'15" East 232.00 Feet;

23 THENCE, South 72°49'15" East 77.00 Feet;

24 THENCE, South 61°49'15" East 87.00 Feet;

EXHIBIT "A"
West Santa Ana Heights Reorganization
to the City of Newport Beach
NO. RO 06-25

- 1 THENCE, South 52°49'15" East 183.60 Feet;
- 2 THENCE, South 83°29'15" East 145.15 Feet;
- 3 THENCE, South 68°29'15" East 81.00 Feet;
- 4 THENCE, South 50°29'15" East 131.93 Feet; To the Southeasterly line of Lot 23 of
- 5 Tract No.456, recorded in Book 17, Page 9 of Miscellaneous Maps, Records of said
- 6 Orange County, California;
- 7 THENCE, leaving said existing Annexation, along said southeasterly line of said Lot 23,
- 8 South 39°48'45" West 981.40 Feet; to the Southwesterly corner of said Lot, also being
- 9 the Northeasterly right of way of Orchard Drive (50.00 Foot in width) as shown on said
- 10 Tract No. 456,
- 11 THENCE, along said right of way and the Southwesterly line of Lot 22 of said Tract No.
- 12 456, South 50° 11' 45" West 436.75 Feet, to the Southwesterly corner of said Lot 22,
- 13 THENCE, along the Southwesterly prolongation of the Southeasterly line of said Lot 22,
- 14 South 30°09'53" West 2.81 Feet;
- 15 THENCE, South 46°40'45" West 22.40 Feet, to the Northeasterly Corner of existing
- 16 Annexation No. 78 to the City of Newport Beach (Irvine Avenue-Mesa Drive Annex), by
- 17 Resolution No. 8145;
- 18 THENCE, along the Northwesterly Boundary of said existing Annexation No. 78 through
- 19 the following courses;
- 20 THENCE, South 46°40'45" West 406.60 Feet;
- 21 THENCE, South 43°29'45" West 130.50 Feet;
- 22 THENCE, South 72°22'45" West 687.58 Feet;

EXHIBIT "A"
West Santa Ana Heights Reorganization
to the City of Newport Beach
NO. RO 06-25

1 THENCE, South 39°48'45" West 176.65 Feet, to it's intersection with the Southeasterly
2 prolongation of the Northeasterly right of way line of Mesa Drive (60.00 Foot in width) as
3 shown on said Tract No. 456;

4 THENCE, leaving said annexation, along said Southeasterly prolongation and said right
5 of way line of Mesa Drive, North 50°11'45" West 1290.00 Feet to the **POINT OF**
6 **BEGINNING.**

7
8
9 Unless otherwise noted, all distances are ground and are based upon the California
10 Coordinate System (CCS 83), Zone VI, 1983 NAD (1991.35 EPOCH OCS GPS
11 Adjustment). To obtain grid distances, multiply the ground distances by 0.99997271

12
13 The above-described parcel of land contains 70.6 acres, more or less.

14
15 All as shown on Exhibit "B" attached hereto and by this reference, made a part thereof.

16
17 This document was prepared by me or
18 under my direction and supervision.

19
20 Dated this 8 day of August, 2007

21 Wanda Bale
22

23 Wanda Bale L.S. 7695

24 My license expires 12-31-08



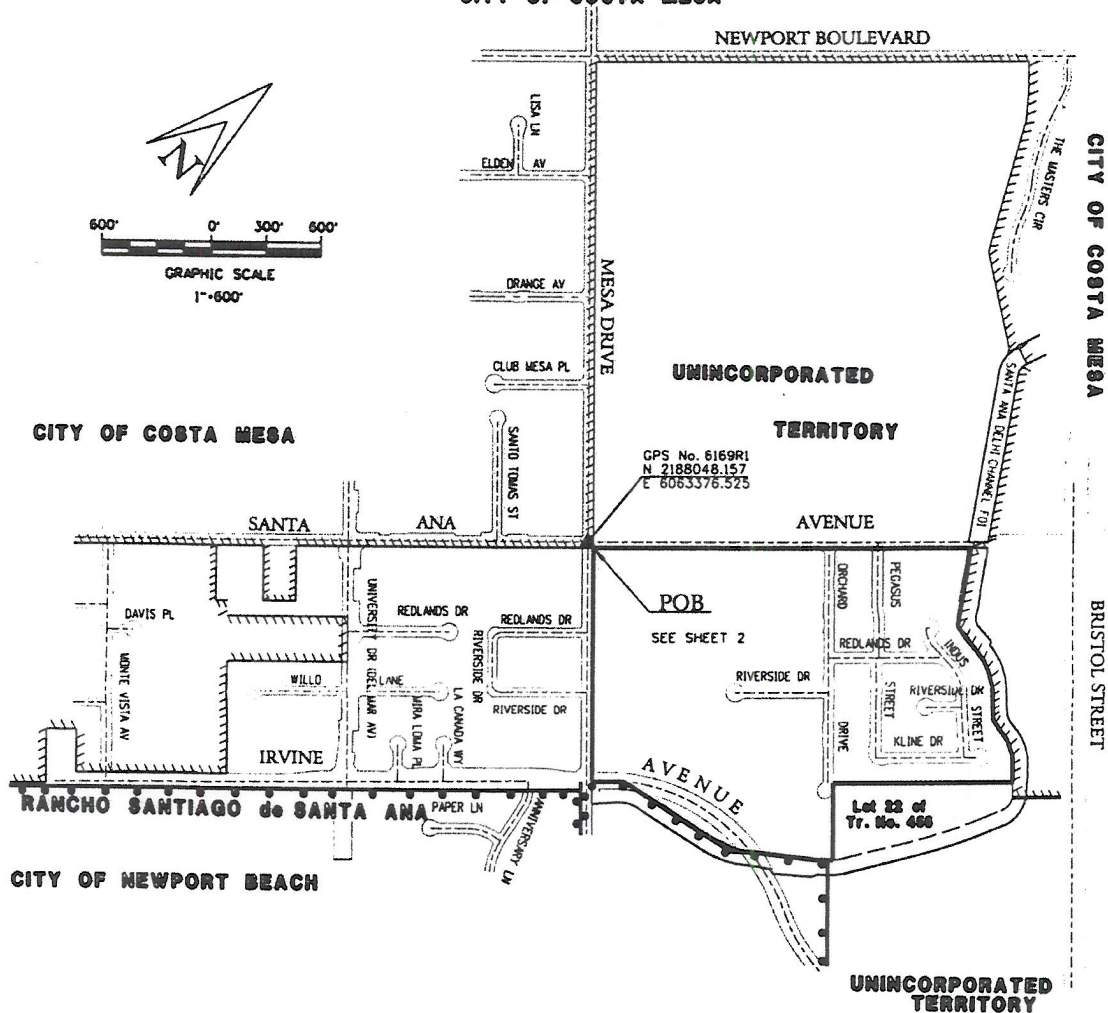
EXHIBIT "B"

WEST SANTA ANA HEIGHTS REORGANIZATION TO THE CITY OF NEWPORT BEACH

NO. RO 06-25

LOCATION MAP

CITY OF COSTA MESA



THIS PROPOSAL WAS PREPARED BY ME OR UNDER MY DIRECTION.

Wanda Bale

WANDA BALE, L.S. 7695
MY LICENSE EXPIRES 12/31/08



THIS PARCEL OF LAND CONTAINS
70.6 ACRES ±.

THIS PROPOSAL DOES MEET THE APPROVAL OF THE
ORANGE COUNTY SURVEYORS OFFICE
DATED THIS 9th DAY OF August 2007.

RAYMOND L. MATHE, COUNTY SURVEYOR, L.S. 6185
MY LICENSE EXPIRES 3/31/08



LEGEND

- ANNEXATION BOUNDARY
- EXISTING CITY OF NEWPORT BEACH BOUNDARY
- EXISTING CITY OF COSTA MESA BOUNDARY
- ▲ ORANGE COUNTY SURVEY HORIZONTAL CONTROL STATION

UNLESS OTHERWISE NOTED, ALL BEARINGS AND DISTANCES ON
THIS MAP ARE GROUND AND ARE BASED UPON THE CALIFORNIA
COORDINATE SYSTEM (CCS83), ZONE VI, 1983 NAD (1991.35 EPOCH
OCS GPS ADJUSTMENT).

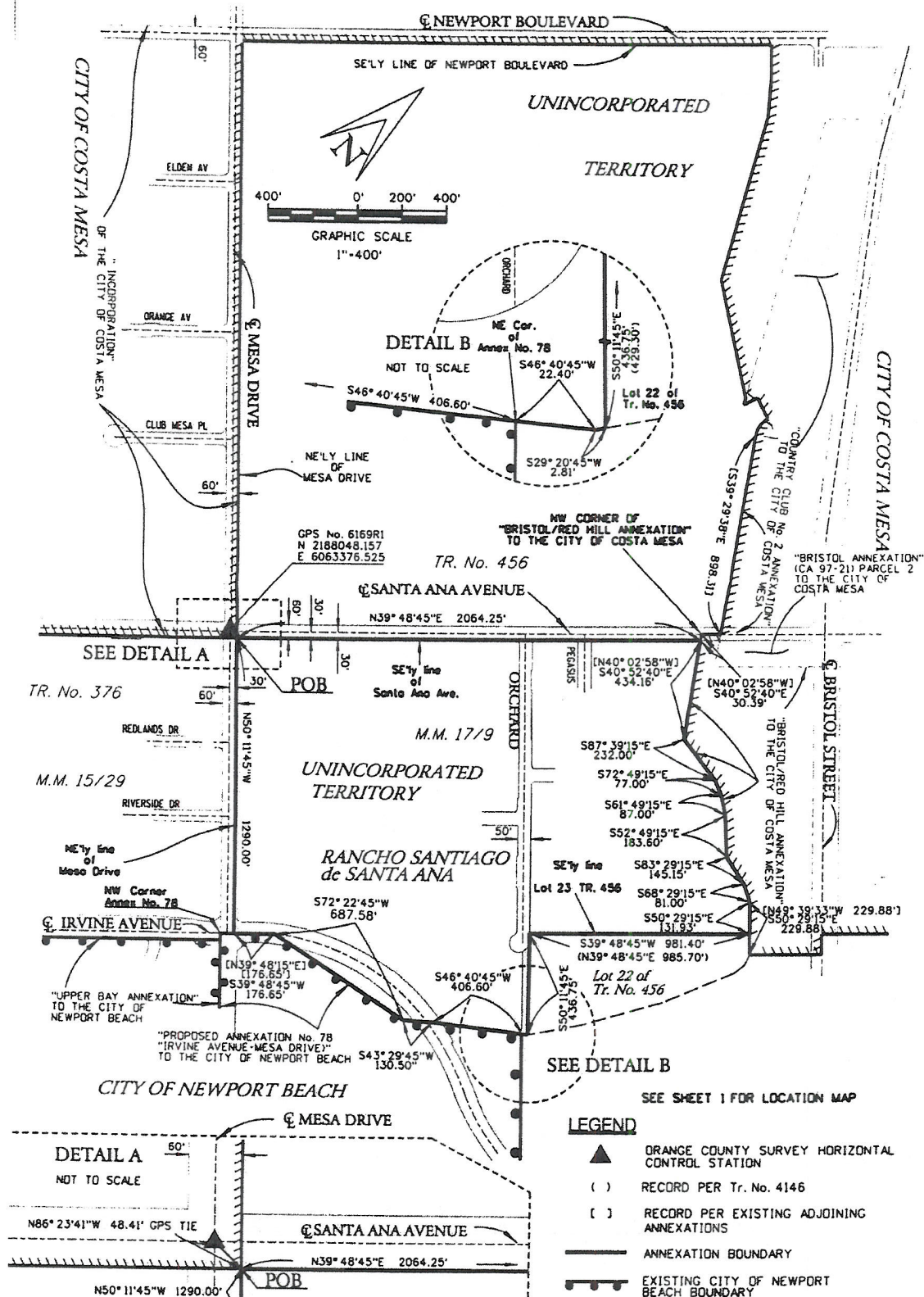
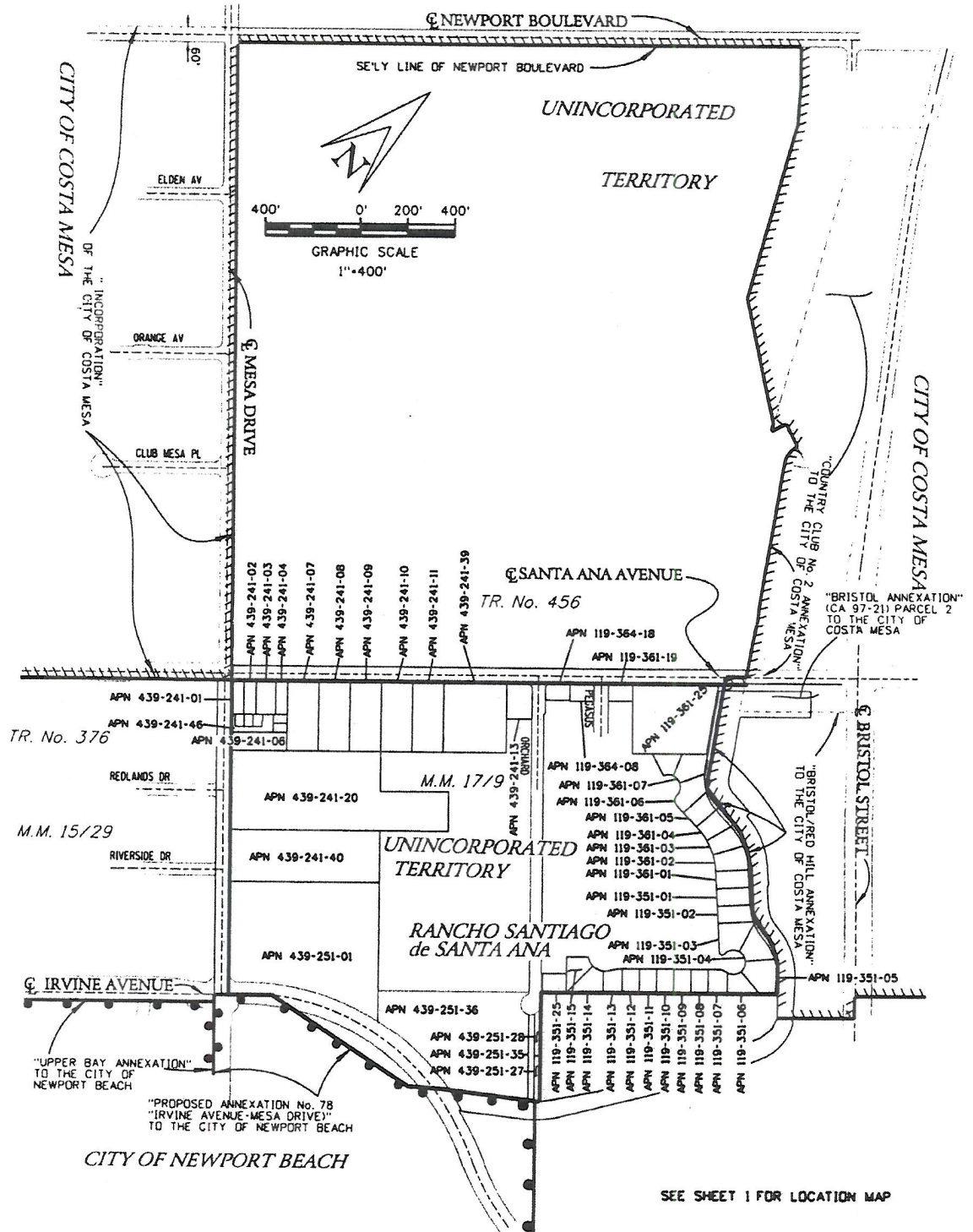


EXHIBIT "B"

WEST SANTA ANA HEIGHTS REORGANIZATION TO THE CITY OF NEWPORT BEACH NO. RO 06-25

SHEET 3 OF 3



SEE SHEET 1 FOR LOCATION MAP

LEGEND

- APN ASSESSORS PARCEL MAP NUMBER
- ANNEXATION BOUNDARY
- EXISTING CITY OF NEWPORT BEACH BOUNDARY

RO 06-25P
RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF ORANGE COUNTY, CALIFORNIA
MAKING DETERMINATIONS AND ORDERING THE
WEST SANTA ANA HEIGHT REORGANIZATION TO
THE CITY OF NEWPORT BEACH (RO 06-25)

September 10, 2007

Pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 of Title 5 of the California Government Code, the following Resolution was adopted:

WHEREAS, pursuant to Government Code Section 57000(c), the Local Agency Formation Commission of Orange County has delegated the authority and functions for protest proceedings to the Executive Officer and directed the Executive Officer to conduct protest proceedings for the "West Santa Ana Heights Reorganization to the City of Newport Beach" (RO 06-25), with notice and hearing in compliance with LAFCO Resolution RO 06-25 and Government Code Section 57000 et seq.; and

WHEREAS, the proposed annexation, designated as "West Santa Ana Heights Reorganization to the City of Newport Beach" (RO 06-25) was considered by the Local Agency Formation Commission of Orange County and approved by LAFCO Resolution RO 06-25 on July 18, 2007; and

WHEREAS, notice of this proceeding was provided in accordance with Government Code Section 57025; and

WHEREAS, the reorganization site consists of approximately 70.6 acres of unincorporated territory known as West Santa Ana Heights, generally located between the Cities of Costa Mesa and Newport Beach, and as described in Exhibits A and B; and

WHEREAS, the reasons for the change of organization are as set forth in the application on file with the Local Agency Formation Commission; and

WHEREAS, in accordance with Government Code Section 57000 et seq., a period of protest

RO 06-25P

was established by the Commission in which registered voters residing in the West Santa Ana Heights reorganization territory and landowners owning property within West Santa Ana Heights may protest the Commission's approval of the "West Santa Ana Heights Reorganization to the City of Newport Beach" (RO 06-25) by submitting written protests to the LAFCO Executive Officer; and

WHEREAS, in accordance with Government Code Section 57050 et seq., a period of protest was legally noticed to begin on August 20, 2007 and conclude at the close of the Protest Hearing held on September 10, 2007, and

WHEREAS, a legally noticed Protest Hearing was held on September 10, 2007 in which written protests were collected by the Executive Officer; and

WHEREAS, no written protests were submitted or collected during the protest period; and

NOW, THEREFORE, BE IT RESOLVED that the Executive Officer of the Local Agency Formation Commission of Orange County does hereby find and determine as follows:

1. The foregoing recitals are true and correct;
2. The Orange County Local Agency Formation Commission delegated the authority and functions for protest proceedings to the Executive Officer pursuant to Government Code Section 57000(c) and directed the Executive Officer to conduct proceedings for the "West Santa Ana Heights Reorganization to the City of Newport Beach" (RO 06-25) with notice and hearing in compliance with LAFCO Resolution RO 06-25 and Government Code Section 57000 et seq.;
3. No registered voter or landowners protests were filed during the protest period;

BE IT FURTHER RESOLVED that, acting as the conducting authority pursuant to the Cortese-Knox-Hertzberg Act and pursuant to direction from the Orange County Local Agency Formation Commission, the Executive Officer does hereby order the "West Santa Ana Heights Reorganization to the City of Newport Beach" (RO 06-25) to be effective January 1, 2008.

STATE OF CALIFORNIA)

) SS.

COUNTY OF ORANGE)

I, JOYCE CROSTHWAITE, Executive Officer of the Local Agency Formation Commission of Orange County, California, hereby certify that the above and foregoing resolution was duly and regularly adopted by the Executive Officer at a protest hearing thereof, held on the 10th day of September 2007.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of September 2007.

JOYCE CROSTHWAITE
Executive Officer of the
Local Agency Formation Commission

By:


Joyce Crosthwaite

RO 06-25

**AMENDED RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF ORANGE COUNTY, CALIFORNIA
MAKING DETERMINATIONS AND APPROVING
A SPHERE OF INFLUENCE AMENDMENT AND CONCURRENT ANNEXATION OF
WEST SANTA ANA HEIGHTS TO THE CITY OF NEWPORT BEACH**

July 18, 2007

On motion of Commissioner Herzog, duly seconded and carried, the following resolution was adopted:

WHEREAS, the proposed reorganization to the City of Newport Beach, designated as "West Santa Ana Heights Reorganization to the City of Newport Beach (RO 06-25)" was heretofore filed and accepted for filing on June 22, 2006 by the Executive Officer of this Local Agency Formation Commission pursuant to Title 5, Division 3, commencing with Section 56000 et seq of the Government Code; and

WHEREAS, in addition to the proposed annexation of West Santa Ana Heights, the reorganization also includes a sphere of influence change for the subject territory from the City of Newport Beach to the City of Costa Mesa; and

WHEREAS, the Executive Officer, pursuant to Government Code Section 56658, set July 18, 2007 as the hearing date of this proposal; and

WHEREAS, the Executive Officer, pursuant to Government Code Section 56665, has reviewed this proposal and prepared a report including her recommendation thereon, and has furnished a copy of this report to each person entitled to a copy; and

WHEREAS, this Commission on July 18, 2007 considered the proposal and the report of the Executive Officer, and considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government Code Section 56668; and

WHEREAS, this Commission called for and held a public hearing on the proposal on July 18, 2007 and at the hearing, this Commission 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 hear and be heard with respect to this proposal and the report of the Executive Officer; and

WHEREAS, this Commission has fulfilled its obligations as a responsible agency as defined by the California Environmental Quality Act and has reviewed and considered the Negative Declaration adopted by the City of Newport Beach, and has made findings pursuant to Sections 15096(g)(2) and 15096(h) of the State CEQA Guidelines; and

NOW, THEREFORE, the Local Agency Formation Commission of the County of Orange based on the findings, discussion and conclusions set forth in the Executive Officer's report, which is incorporated herein by this reference, DOES HEREBY RESOLVE, DETERMINE and ORDER as follows:

Section 1. Environmental Action:

- a) LAFCO, as a responsible agency, has reviewed and considered the Negative Declaration prepared by the City of Newport Beach which determined that the sphere of influence amendment and annexation of West Santa Ana Heights would not have a significant effect on the environment as determined by CEQA.

Section 2: Determinations:

- a) The Commission hereby approves the West Santa Ana Heights Reorganization (CA 06-25), including a sphere of influence amendment for West Santa Ana Heights from the City of Costa Mesa to the City of Newport Beach and a concurrent annexation of West Santa Ana Heights to the City of Newport Beach as shown on "Exhibit A."
- b) The Commission has adopted the accompanying Statement of Determinations, shown as "Exhibit B."

Section 3. The proposal is approved subject to the following terms and conditions:

- a) Payment by the applicant of Recorder and State Board of Equalization fees.
- b) Upon the effective date of annexation, the City shall accept the County Master Plan of Drainage (MPD) that is in effect for the annexation area. County of

Orange Resources and Development Management Department, Planning & Development Services/Subdivision & Infrastructures, should be contacted to provide any MPD which may be in effect in the annexation area. Deviations from the MPD shall be submitted to the Manager of the Flood Control Division, County of Orange, Resources and Management Department, for review to ensure that such deviations will not result in diversion between watersheds and/or will not result in adverse impacts to OCFCD's flood control facilities.

- c) Upon the effective date of annexation, the City shall be responsible for the administration of floodplain zoning and Federal Emergency Management Agency (FEMA) floodplain regulations within the annexation area.
- d) Upon the effective date of annexation, the City shall coordinate development within the annexation area that is adjacent to any existing flood control facilities for which OCFCD has a recorded flood control easement or owns fee interest, by submitting plans and specifications to the Manager of the Flood Control Division, County of Orange, Resources and Development Management Department, for review and comment. If such facilities are in need of improvement to provide the required flood control and/or erosion protection for the development, the City shall require the developer to enter into an agreement with OCFCD for the design, review, construction, acceptance and maintenance of such necessary flood control improvements.
- e) Upon the effective date of annexation, the City shall require developers of development proposals, which are adjacent to regional drainage course which are not owned or maintained by OCFCD but are in need of improvement to provide the required flood control and/or erosion protection for the development, to enter into an agreement with OCFCD for the design, review, construction, acceptance, and maintenance of proposed regional flood control facilities.
- f) Upon the effective date of annexation, all right, title and interest of the County,

including the underlying fee title where owned by the County in an any and all sidewalks, trails, landscaped areas, open space, street lights, signals, storm drains, water quality treatment basins and/or structures, and water quality treatment basins or systems serving roadways and bridges shall vest in the City, except for those properties to be retained by the County specifically listed by these conditions.

- g) Upon the effective date of annexation, the City shall be the owner of all of the following property owned by the County: public roads, adjacent slopes, street lights, traffic signals, mitigation sites that have or have not been accepted by regulatory agencies but exist or are located in public right-of-way and were constructed or installed as part of a road construction project within the annexed area, and storm drains within street right-of-way and any appurtenant slopes, medians and adjacent property. City shall be responsible for the ongoing mitigation, but not the ownership of, mitigations sites that were installed on other County property, such as flood control and/or Harbors, Beaches and Parks property that were installed as a condition of road construction projects in association with the road projects in the annexed area and the mitigation site that is annexed to the City.
- h) Prior to the issuance of the Certificate of Completion by the Executive Officer, the City shall agree to continue to participate in the San Joaquin Hills Transportation Corridor Fee Program, including collecting fees as required by the fee program and depositing said fees together with earned interest on a quarterly basis with the Transportation Corridor Agency (San Joaquin Hills).
- i) The City shall defend, hold harmless and indemnify LAFCO and/or its agents, officers and employees from any claim, action or proceeding against LAFCO and/or its agents, officers and employees to attach, set aside, void or annul approval of LAFCO concerning this proposal or any action relating to or arising out of such approval.
- j) Prior to recordation of the annexation, the City of Newport Beach shall submit

k) The effective date of the annexation shall be January 1, 2008.

Section 4. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution as provided in Section 56882 of the Government Code.

NOES: NONE

Page 5 of 6

I, Bill Campbell, Chair of the Local Agency Formation Commission of Orange County, California, hereby certify that the above and foregoing resolution was duly and regularly adopted by said Commission at a regular meeting thereof, held on the 18th day of July, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of July 2007.

BILL CAMPBELL
Chair of the Orange County
Local Agency Formation Commission

By: Bill Campbell
Bill Campbell