

OLIVEHURST PUBLIC UTILITY DISTRICT

RESOLUTION NO. 2127

A RESOLUTION OF APPLICATION OF THE REQUESTED ANNEXATION TO THE OLIVEHURST PUBLIC UTILITY DISTRICT (ROSS RANCH)

WHEREAS, The owners of the real property, known as the Ross Ranch Project, have requested annexation to the Olivehurst Public Utilities District for the purpose of receiving services provided by the District, including domestic water, waste water collection and treatment, and park maintenance and recreation services, and

WHEREAS, The District's engineer has confirmed that the real property to be annexed is adequately described in the legal description attached hereto and marked Exhibit "A" and is shown on the plat map attached hereto and marked Exhibit "B", and

WHEREAS, On the terms and conditions set forth in the Agreement attached hereto as Exhibit A, the District desires to annex the real property and, and upon completion of the improvements required of Developer, will have both the capacity and ability to adequately provide the requested services without adversely impacting the provision of these services to the District's existing customers, and

WHEREAS, The District acknowledges the requirement that the Yuba County Local Agency Formation Commission must concur in the approval of this annexation before it may be deemed complete.

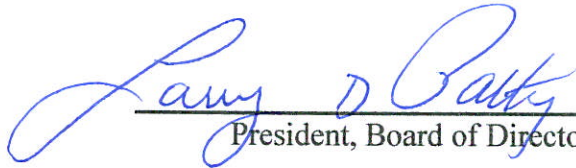
NOW, THEREFORE, be it resolved, determined and ordered by the Board of Directors of the Olivehurst Public Utilities District that:

1. The above Recitals are true and correct.
2. The requested annexation of the real property described in Exhibit "A" is hereby approved by this Board of Directors subject to the performance of all of the terms and conditions set forth in the Pre-Annexation Agreement, a signed copy of which is attached hereto and marked Exhibit "C".
3. The approval of this annexation does not guaranty to the property owner any rights to receive the requested services until this annexation has been approved by Yuba County Local Agency Formation Commission and all of the terms and conditions relating to the provision of such services as described in Exhibit A have been fully performed. Additional terms and conditions could be imposed by LAFCO subject to their acceptance by this Board.

4. Pursuant to the District's adopted annexation procedure an application for approval of this annexation has been or will be filed with Local Agency Formation Commission, together with all required legal descriptions, boundary surveys, location maps, and filing fees. The General Manager is instructed to deliver a certified copy of this Resolution to the Yuba County Local Agency Formation Commission, together with any other requested information required to support the Commission's action.
5. The District agrees, for purposes of this annexation, it shall not receive nor will there be any exchange of any share of property tax revenue (including base tax revenue and annual tax increment) belonging to the County or any taxing agency within the Ross Ranch Project.
6. The District designates the Yuba County Local Agency Formation Commission as the "lead Agency" with respect to any environmental assessment that is required in the consideration of this annexation request.
7. When a certified copy of the LAFCO Commission's Resolution approving the annexation has been returned to the District, and any additional terms and / or conditions imposed thereon accepted by this Board of Directors, the District's engineer shall amend the legal description and jurisdictional boundary map of the District to reflect the approved annexation.

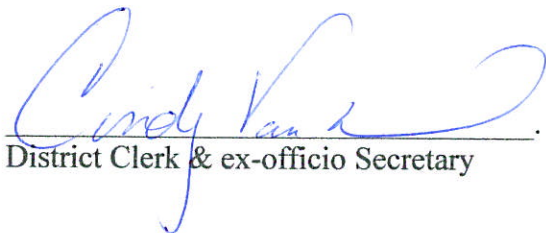
PASSED AND ADOPTED THIS 20th DAY OF JULY 2006.

OLIVEHURST PUBLIC UTILITY DISTRICT



President, Board of Directors

ATTEST:



District Clerk & ex-officio Secretary

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY



Jeff Melth, Legal Counsel

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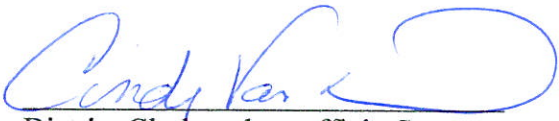
I hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly adopted and passed by the Board of Directors of the Olivehurst Public Utility District, Yuba County, California, at a meeting thereof held on the 20th day of July 2006, by the following vote:

AYES, AND IN FAVOR THEREOF : Director Morrison, Carpenter,
Hollis, and Patty.

NOES : None.

ABSTAIN : None.

ABSENT : Director Miller.


District Clerk and ex-officio Secretary