

LAFCO No.

**Formation of Diablo
Community Services District/
Dissolution of Diablo Public
Utility District**

Approved by LAFCO

Recorded 5/15/1969

FRANK M. JORDAN
SECRETARY OF STATE



File No. 3003-03

CERTIFICATE OF FILING

I, FRANK M. JORDAN, Secretary of State of the State of California, hereby certify:

That on the 15th day of May, 1969, in accordance with Section 56452 of the Government Code, there was filed in this office a Certificate of Completion on behalf of

DIABLO PUBLIC UTILITY DISTRICT
DIABLO COMMUNITY SERVICES DISTRICT, DIABLO AREA.

That said Certificate of Completion was executed by W. T. Paasch, Clerk of the governing board of the District.

That said Certificate of Completion referred to Dissolution of Diablo Public Utility District and Concurrent Formation of Diablo Community Services District, Diablo Area.

effective 9/30/69

IN WITNESS WHEREOF, I hereunto set my hand and affix the Great Seal of the State of California this 15th day of May, 1969.

CONTRA COSTA COUNTY
RECEIVED

MAY 21 1969

LOCAL AGENCY
FORMATION COMMISSION

Frank M. Jordan
Secretary of State

Deputy Secretary of State

IN THE BOARD OF SUPERVISORS
OF
CONTRA COSTA COUNTY, STATE OF CALIFORNIA

In the Matter of the Diablo)	
Public Utility District)	RESOLUTION NO. 68/826
Reorganization by Dissolution)	
of Diablo Public Utility)	(Gov. Code Secs. 56437,
District and Concurrent)	56439, 56440)
Formation of Diablo Community)	
Services District, Diablo Area)	

RESOLUTION ORDERING DIABLO PUBLIC UTILITY DISTRICT REORGANIZATION TO DISSOLVE THE DIABLO PUBLIC UTILITY DISTRICT AND CONCURRENTLY FORM THE DIABLO COMMUNITY SERVICES DISTRICT SUBJECT TO THE CONFIRMATION OF THE VOTERS AND SETTING DATE FOR THE ELECTION ON THE QUESTION OF SAID REORGANIZATION

The Board of Supervisors of Contra Costa County RESOLVES THAT:

On October 8, 1968, this Board adopted Resolution No. 68/699 initiating proceedings for the reorganization by dissolution of Diablo Public Utility District and concurrent formation of the Diablo Community Services District. This reorganization had been proposed by a petition whose chief petitioners are Lloyd Ives and Robert P. Tiernan. A mandatory petition of application for the proposed reorganization was filed with the Executive Officer of the Local Agency Formation Commission on June 19, 1968. The reasons for the proposed reorganization as set forth in the petition include the following: (1) to provide the involved territory with lighting services; (2) to provide the involved territory with police protection or a security systems-guard force to protect and safeguard life and property; (3) to maintain certain roads within the involved territory which are subject to right-of-way by the public but have not been accepted into the county road system and to implement needed safety measures on said roads; and (4) to construct and improve bridges, culverts, curbs, gutters and works incidental to the other purposes specified in the petition.

On September 4, 1968, the Local Agency Formation Commission approved the application subject to the following terms and conditions:

(a) The Diablo Community Services District shall be the successor of the dissolved Diablo Public Utility District.

(b) Boundaries of territory proposed to be formed as the Diablo Community Services District are amended and are to be as described in attached Exhibit "B".

CERTIFIED COPY

I certify that this is a full, true & correct copy of the original document which is on file in my office, and that it was passed & adopted by the Board of Supervisors of Contra Costa County, California, on the date shown. ATTEST: W. T. BAASCH, county clerk & ex-officio clerk of said Board of Supervisors, by deputy clerk.

Barbara J. Roberts on Nov 19 1968

(c) The legislative body of the new Diablo Community Services District shall consist of five elected directors, to be first elected at the same election to be held on the question of reorganization within the boundaries as described in attached Exhibit "B".

(d) The effective date of the reorganization shall be September 30, 1969.

The Local Agency Formation Commission assigned the proposal designation as "Diablo Public Utility District Reorganization". The powers to be exercised by the Diablo Community Services District, when formed, are designated in the Petition for Reorganization, a copy of which is attached hereto and by reference incorporated herein as Exhibit "A". The exterior boundaries of the community services district to be formed are as described in Exhibit "B" attached hereto and by reference incorporated herein. The subject districts are located entirely within Contra Costa County.

The Board's Resolution No. 68/699 fixed 10 a.m. on Tuesday, November 19, 1968, in the Chambers of the Board of Supervisors, Administration Building, Martinez, California, as the time and place for a public hearing on the proposed reorganization. Notice of said hearing was duly given by (1) publication in the "Valley Pioneer", (2) posting on the Board's Bulletin Board, and (3) mailing notice to each affected district, each person who had filed a request for special notice with the County Clerk, and the chief petitioners, if any. This Board, at the time and place set for said hearing, had the determination of the Local Agency Formation Commission read aloud and then called for evidence or protests as provided for by Government Code section 56434, and no protests were made either orally or in writing by any person or taxpayer.

This Board hereby finds that the proposed reorganization is in the best interests of the people in the area of the said reorganization. This Board hereby orders the reorganization to dissolve the Diablo Public Utility District and concurrently form the Diablo Community Services District, subject to the confirmation of the voters. The Board also orders that the election on the question of the aforesaid reorganization be held on April 15, 1969, within the boundaries as described in attached Exhibit "B". Said election shall be held and conducted and the votes canvassed in accordance with the provisions of Government Code sections 56440 and 56443.

PASSED AND ADOPTED on November 19, 1968, by this Board.

MDF:pk

JUN 19 1968

In the Matter of the
Reorganization of
Diablo Community Service
District and Diablo Public
Utility District

LOCAL AGENCY
FORMATION COMMISSION

PETITION FOR REORGANIZATION

- a) This proposal is made pursuant to the District Reorganization Act of 1965.
- b) Proposed changes of organization:
- 1) Creation of a new community service district to be known as Diablo Community Service District.
 - 2) Dissolution of Diablo Public Utility District.
- c) In addition to the existing boundaries of the Diablo Public Utility District, the proposed district will include the Mt. Diablo Estate Park Subdivision Unit No. 3.
- d) The principal act under which the proposed community service district is proposed to be formed is the Community Services District Law (Calif. Govt. Code section 61000 et fol.) The description of the boundaries of the proposed district is attached hereto as Exhibit "A". A map showing said boundaries is attached as Exhibit "B". Both said exhibits are incorporated herein as if set forth in detail.
- e) Petitioners submit conditions as follows: That the successor community service district shall succeed to all of the rights, duties and obligations of the extinguished Diablo Public Utility District with respect to the enforcement, performance and payment of the outstanding bond and contracts, and that furthermore the successor district shall succeed to all of the present, existing, contingent or future assets of said Diablo Public Utility District.
- f) Reasons for proposal:
- 1) The area included within the boundaries of the proposed district is located in the unincorporated portion of the county and is some distance from

any other center of population. The affected area includes the Diablo Country Club and quality single family dwellings. The area is subject to extensive acts of vandalism, and frequent burglaries. Experience has shown that the limited protection offered by the Sheriff's Department is insufficient to control the vandalism and burglaries.

2) With few exceptions, the roads within the proposed district are private in nature, but subject to a right of way reserved to the public. The roads are narrow and visibility is limited. The posted speed limit is 25 miles per hour, but experience has indicated that the posted speed limit (25mph) is rarely observed. Again, because of the limited patrols by Sheriff's personnel, there is no way to control the situation.

Since the area is primarily residential and recreational, the risk of personal injury and property damage due to vehicular traffic is inordinately high.

The petitioners herein are convinced that both of the above situations can be significantly decreased if adequate control measures were adopted. The proposed district would employ a private patrol, equipped with a suitable vehicle, to make random patrols of the area.

The only method to procure sufficient consistent income to support this proposal is through and by means of a tax assessment.

3) The Diablo Public Utility District was formed to provide and maintain suitable sanitation service to the area and to maintain said private roads. The said district

incurred a bonded indebtedness to put the said sanitation facilities in a condition in which Central Sanitation District would annex the area, and this is now an accomplished fact.

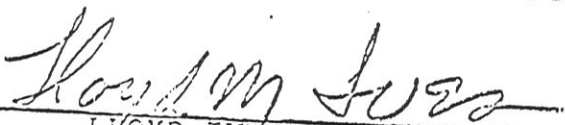
Consequently, the main function of said Diablo Public Utility District is to maintain said roads within their boundaries.

The maintenance of said roads would be assumed by the proposed district as well as providing the required security as described herein.

Section 61600 of the Government Code lists the powers which can be granted to a community service district. If this proposed district is formed, the following powers would be requested:

- 1) Street lighting;
- 2) Equipment, maintenance and administration of police protection or security systems-guard force to protect and safeguard life and property.
- 3) The opening, closing, widening, extending, straightening, surfacing and resurfacing, in whole or in part, of any street or road which is subject to a right-of-way by the public, but which has not been accepted into the county road system in such district, and the implementation of these safety measures deemed necessary to safeguard life and property.
- 4) The construction and improvement of bridges, culverts, curbs, gutters and works incidental to the purposes specified in the preceding paragraphs.
- g) The Board of Directors shall be composed of five (5) members.
- h) The chief petitioners are Lloyd Ives and Robert P. Tiernan.

WHEREFORE petitioners pray that proceedings be taken for reorganization as proposed herein.


LLOYD IVES

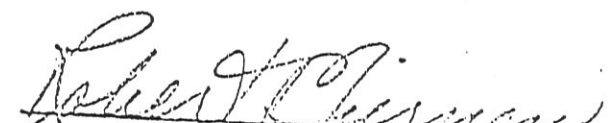

ROBERT P. TIERNAN

EXHIBIT "B"

DIABLO PUBLIC UTILITY DISTRICT REORGANIZATION

1
2
3 All that real property situated in the County of Contra Costa, State
4 of California, more particularly described as follows:

5 Beginning in the center line of the County Road known as Diablo Road
6 at the southerly extension of the eastern line of Parcel One in the deed
7 from Elynore B. Mills to Alexander C. Farrell, et ux, recorded August
8 17, 1960, in Volume 3684 of Official Records, page 20; thence Easterly
9 along the center line of said Diablo Road to its intersection with the
10 center line of a road known as Calle Crespi, as shown on the map of
11 Mount Diablo Estate Park Subdivision, First Unit filed May 6, 1916 in
12 Map Book 15, page 301; thence Northerly along the center line of Calle
13 Crespi to its intersection with the center line of a road known as
14 Calle Los Calladas; thence Northerly along the center line of Calle Los
15 Calladas and the center line of Mount Diablo Scenic Boulevard to its
16 intersection with the northwestern boundary of the 4.50 acre tract of
17 land deeded to E. S. and A. H. Onken of record in Recorders File No.
18 39462-46; thence Southwesterly along the northwestern line of said 4.50
19 acre tract to the center of a road known as Alameda Diablo; thence
20 Southerly along the center line of Alameda Diablo to the northern line
21 of the 0.56 acre tract deeded to R. H. and L. H. Gibson, of record in
22 Volume 1195 of Official Records at page 249; thence North $73^{\circ} 05' 30''$
23 West, 323.89 feet; South $20^{\circ} 39'$ West, 811.40 feet; South $30^{\circ} 31'$ West,
24 175.0 feet to the northern line of a road known as Vista Grande; thence
25 Northwesterly along the northern line of Vista Grande to the most
26 eastern corner of Lot 24, Mount Diablo Estate Park Subdivision, Third
27 Unit, filed December 12, 1952, in Volume 49 of Maps, at page 7; thence
28 Northerly and Northwesterly along the eastern and northeastern boundary
29 of said Third Unit, to the northeastern corner of Lot 13 of said Mount
30 Diablo Estate Park Subdivision, Third Unit, being a point on the eastern
31 line of the parcel of land described in the deed to Stephen K. Jones,
32 et ux, recorded July 1, 1965 in Volume 4901 of Official Records, page
60; thence North $12^{\circ} 34' 45''$ East, 375.46 feet to the northeastern

1 corner of said Jones parcel, being a point on the southeastern boundary
2 of a parcel of land described as Parcel Two in the deed to Eugene J.
3 Lehner, et al, recorded September 12, 1966 in Volume 5201 of Official
4 Records, page 211; thence Southwesterly along the southeastern boundary
5 of said Lehner Parcel Two, to the most southern corner thereof, being the
6 most northern corner of Lot 12 of said Third Unit (49 M 7); thence South
7 $53^{\circ} 33' 12''$ West, 87.21 feet to the most western corner of said Lot 12;
8 thence North $25^{\circ} 06' 54''$ West, 34.85 feet to an angle corner in the
9 southeastern boundary of the 17.38 acre parcel of land described as Parcel
10 Three, in the deed to Southern Public Utility District, recorded December
11 20, 1950, Recorders File No. 65547; thence South $45^{\circ} 53' 45''$ West, 373.06
12 feet to the most southern corner of said 17.38 acre parcel, being the most
13 eastern corner of Lot 204, Cameo Acres Unit No. 3, filed April 19, 1950
14 in Map Book 40, page 4; thence Southwesterly along the southeastern boundary
15 of Cameo Acres No. 3 to the most southern corner of Lot 103, being the
16 most eastern corner of Lot 54, Cameo Acres Unit No. 2, filed February 23,
17 1950 in Map Book 39, page 24; thence Southwesterly along the southeastern
18 boundary of Cameo Acres No. 2, to the most southern corner of Lot 46,
19 being the most eastern corner of Lot 33, Cameo Acres Unit No. 1, filed
20 November 15, 1949 in Map Book 38, page 28; thence Southwesterly along the
21 southeastern line of Cameo Acres No. 1 to the northwestern corner of Tract
22 2246, filed May 15, 1956 in Map Book 63, page 49; thence Easterly and
23 Southerly along the northern and eastern boundary of said Tract 2246 to
24 the northwestern corner of Tract 2538, filed May 29, 1957 in Map Book 67,
25 page 52; thence Easterly along the northern boundary of Tract 2538 to the
26 most northern corner of Lot 6, being the most western corner of the parcel
27 of land described as Parcel One in the deed from William C. Helfrich, et
28 al, to Robert Mainhardt, et ux, recorded January 27, 1960 in Volume 3544
29 of Official Records, page 371; thence Easterly along the northern line of
30 said Parcel One to the northeastern corner thereof; being the northwestern
31 corner of the parcel of land described as Parcel Two in said Mainhardt
32

1 deed (3544 OR 371); thence Easterly and Southerly along the northern and
2 eastern lines of said Parcel Two to the southeastern corner thereof, being
3 the northeastern corner of the 1.01 acre parcel of land described in the
4 deed from William C. Helfrich, et ux, to Robert Mainhardt, et ux, recorded
5 June 9, 1958 in Volume 3174 of Official Records, page 441; thence Southerly
6 along the eastern line of said 1.01 acre Mainhardt parcel to the southeastern
7 corner thereof, being the northeastern corner of Lot 5, Tract 2538; thence
8 Southerly along the eastern line of Tract 2538 to the northwestern corner
9 of the parcel of land described as Parcel Three in said Farrell deed (3684
10 OR 20); thence Easterly along the northern lines of Parcels Three, Two and
11 One to the northeastern corner of the .868 acre parcel described as Parcel
12 One in said Farrell deed (3684 OR 20); thence South 17° 19' 45" West along
13 the eastern line of Parcel One of said Farrell deed and the southerly
14 extension thereof to the point of beginning.

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