

EXHIBIT H

RESOLUTION NO. 15-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLTVILLE APPROVING THE ANNEXATION HV4-15 AND PRE-ZONE FOR PROPERTIES WITH APN 045-390-051 AND 045-390-053 OWNED BY EARNEST AND TERESA HIGGINS AND APPROVING THE CORRESPONDING TAX AND FISCAL IMPACT AGREEMENT BETWEEN THE COUNTY OF IMPERIAL AND THE CITY OF HOLTVILLE

WHEREAS, Property Owner Earnest Higgins, has submitted to the City of Holtville and the Imperial County Local Agency Formation Commission (LAFCo) an application for annexation of APN's 045-390-051 and 045-390-053, currently located in an unincorporated area of Imperial County, abutting the Holtville City Limits; and

WHEREAS, Earnest Higgins, has further duly initiated a request for a Pre-zone to accommodate low density residential land uses to be located at the northwest corner of 9th Street and Cedar Avenue, on Parcel's 045-390-051 and 045-390-053 proposed to be annexed into the City of Holtville; and

WHEREAS, the subject property is proposed to be pre-zoned R-1 Single Family Residential concurrent with annexation; and

WHEREAS, the subject property is within the City of Holtville's adopted Sphere of Influence and has a current Land Use Designation per the adopted General Plan of Low Density Residential, which is consistent with the proposed land use and zoning; and

WHEREAS, the City of Holtville has reviewed the Tax and Fiscal Impact Agreement, incorporated herein by reference, between the City and the County of Imperial and finds it satisfactory for applicability to the proposed Annexation HV4-15; and

WHEREAS, a Notice of Exemption was filed with Imperial County on November 4, 2015 for the proposed project in accordance with the California Environmental Quality Act (CEQA) Section 21000 through 21176 of the Public Resources Code; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on November 16, 2015 and that resulted in the Planning Commissions recommended to City Council for approval of the proposed Annexation and Pre-Zone via Resolution PC 15-06; and

WHEREAS, a duly noticed public hearing was held by City Council on December 28, 2015 and upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written and oral comment received, the Council considered all facts relating to the Tax Share Agreement and to the request for Annexation and Pre-Zone; and

WHEREAS, the City of Holtville has determined that the proposed actions are in the best interest of the City of Holtville and recognizes that the proposed actions are further subject to approval by the Imperial County LAFCo at a duly noticed public hearing scheduled for January 28, 2016; and

NOW THEREFORE, LET IT BE RESOLVED that the City Council of the City of Holtville determines as follows:

- A) That the foregoing recitations are true and correct; and
- B) The project has been reviewed in accordance with the requirements set forth by the City of Holtville for implementation of the California Environmental Quality Act Section 21000 through 21176 of the Public Resources Code; and
- C) That based on the evidence presented at the public hearing, the City Council hereby **APPROVES** Annexation HV4-15 and pre-zone to R-1 Single Family Residential of the properties with APN's 045-390-051 and 045-390-053, owned by Earnest and Teresa Higgins, and the respective Tax and Fiscal Impact Agreement between Imperial County and City of Holtville subject to the approval by the Imperial County LAFCo and based on the following findings:

Findings:

1. That the annexation shows that there is no substantial evidence that the project may have a significant impact on the environment, and;
2. That the proposed pre-zoned annexation is consistent with the intent of the Holtville General Plan to maintain land use designation consistency within the incorporated are of the City and its sphere of influence and the policies adopted in the Holtville General Plan;
3. That the proposed Pre-Zoned Annexation is consistent with the objectives of the General Plan and City of Holtville Zoning Ordinance.

4. That the City Council find the Tax and Fiscal Impact Agreement between the City of Holtville and the County of Imperial for the exchange of property tax revenues due to annexation to the City to be satisfactory and in the best interest of the City.

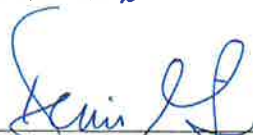
PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Holtville held on the 28th day of December 2015 by the following roll call vote:

AYES: Bradshaw, Predmore, Layton, Goodsell

NOES: *Ø*

ABSENT: Ward

ABSTAIN: *Ø*



Denise Garcia, City Clerk



Jim Predmore, Mayor

I, Denise Garcia, City Clerk of the City of Holtville, DO HEREBY CERTIFY that the foregoing resolution was duly passed, approved, and adopted by the City Council of said City of Holtville at a regular meeting thereof held on the 28th day of December 2015.

ATTEST:



Denise Garcia, City Clerk