

## EXHIBIT B

CONFIDENTIAL AND PROPRIETARY

**CERTIFICATE OF FILING**

(Government Code 56658 (g) Cortese-Knox-Hertzberg Reorganization Act of 2000)

I, JURG HEUBERGER, C.E.P., as the Executive Officer to the Local Agency Formation Commission of the County of Imperial (LAFCD), do hereby certify that:

1. The APPLICATION referenced and described below has been submitted to me and has been found to be in the form prescribed by the Local Agency Formation Commission of Imperial County, and in substantial conformity with the Act.
2. The APPLICATION contains the information and the data and signatures as required by this Commission and applicable provisions of State law and has been accepted for filing.

EFFECTIVE DATE: 11/11/15

APPLICATION TITLE: HV 3-15 (Bornt Annexation/DeAnnexation)

APPLICANT(S): City of Holtville

LEGAL DESCRIPTION: (See map and legal description)

GENERAL LOCATION: Southwest of the City of Holtville, See attached map for Details

DATE OF HEARING: January 28, 2016  
[NOTE: Hearing date is tentative and may vary.]

AFFECTED AGENCIES: **(See listing at the end of notice)**

CEQA LEAD AGENCY: City of Holtville

This certificate of filing is issued pursuant to Section 56658 of the Government Code, State of California. All time requirements and limitations for processing and consideration of this application specified by State law and/or rules and the regulations of the Imperial County Local Agency Formation Commission shall become effective on the date of issuance of this certificate.


**NOTICE TO READER & EACH SUBJECT AGENCY & RESPONSIBLE AGENCY:**

Under the provisions of the CORTESE-KNOX-HERTZBERG REORGANIZATION ACT OF 2000 (Gov. Code 56000 et. seq.) you have certain responsibilities as well as opportunities to respond to this application. You must respond to the Executive Officer in a timely manner in order for your concerns or comments to be addressed!

**SPECIAL NOTE:**

This application was received by LAFCO on October 2, 2015. It was deemed incomplete due to the fact that the City of Holtville had not yet prepared the Land Use and Environmental reviews. The LAFCO according to policy and in an effort to allow for a project to be on "parallel" track "conditionally" accepted the application.

LAFCO has now been informed that the project is being reviewed by the City of Holtville with the first hearing is unknown dependant on City land use time for a determination on the CEQA issues. Therefore to commence the completion of the LAFCO process, this certificate of filing is issued pursuant to the express understanding that if the City of Holtville does not complete the processing on the Land Use and Environmental side of the project, the tentative hearing may be continued.



Jurg Heuberger, C.E.P. # 05785  
Executive Officer to LAFCO

**Notification listing:**

County Planning Commission	(with copies)
Clerk of the Board of Supervisors	(with copies)
Clerk of IID Board of Directors	(with copies)
City of Holtville City Clerk	(with copies)
City of Holtville City Manager	
City of Holtville Planning Director	
City of Holtville Public Works Director	
IID General Manager, General Manager	
California Highway Patrol Office	
Calif Dept of Transportation (CALTRANS)	
Superintendent of ICDE	
Southern California Gas Company	
County Sheriff Department, Ray Loera	
County Executive Officer, Ralph Cordova	
County Counsel, Katherine Turner	
County Public Works, Bill Brunel	
Assessor's Office, Mr. Robert Mervielle	
Auditor's Office, Doug Newland	
County Planning Director J. Minnick	
LAFCO file: HV 4-15 (Higgins)	
Applicant: Mr & Mrs Higgins	

JHDEBSLAFCO\CityofHoltville\COF HV 3-15 (Bornt)

# APPLICATION

## PETITION FOR PROCEEDINGS PURSUANT TO THE CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000

*The undersigned hereby petition(s) the Local Agency Formation Commission of Imperial County for approval of a proposed change of organization, and stipulate(s) as follows:*

OWNER INFORMATION	
NAME Don and Donna Osborne	COMPANY
MAILING ADDRESS 251 Maple Avenue	TELEPHONE NUMBER 760-960-5962
CITY, STATE, ZIP Holtville, CA 92256	EMAIL ADDRESS dosborne@hblp.com
APPLICANT INFORMATION (IF DIFFERENT FROM THE OWNER)	
NAME	COMPANY
MAILING ADDRESS	TELEPHONE NUMBER
CITY, STATE, ZIP	EMAIL ADDRESS
PROJECT INFORMATION	
NAME OF PROPOSAL <sup>3<sup>rd</sup></sup> Holtville Annexation <sup>2-15</sup>	DATE October 28, 2015
PROJECT ADDRESS 251 Maple Avenue	APN(S) 045-330-071 and 045-340-029
CITY, STATE, ZIP Holtville, CA 92256	TOTAL LAND AREA (ACRES) 1.00 ac (detachment) and 0.25 ac (annexation)
<b>THIS PROPOSAL IS MADE PURSUANT TO CALIFORNIA GOVERNMENT CODE (COMMENCING WITH SECTION 56000, CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000).</b>	
<b>1</b>	PROPOSED CHANGE(S) OF ORGANIZATION:  <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> ANNEXATION   <input checked="" type="checkbox"/> DETACHMENT   <input type="checkbox"/> INCORPORATION             </div> <div> <input type="checkbox"/> SPHERE OF INFLUENCE   <input type="checkbox"/> CONSOLIDATION   <input type="checkbox"/> FORMATION OF _____             </div> <div> <input type="checkbox"/> OTHER   <input type="checkbox"/> EXTENSION OF SERVICES             </div> </div>
<b>2</b>	NAME OF THE CITY/SPECIAL DISTRICT BEING AFFECTED  <b>City of Holtville</b>
<b>3</b>	THE PROPOSED BOUNDARIES OF THE TERRITORY(IES) INCLUDED IN THE PROPOSAL ARE AS DESCRIBED IN THE EXHIBIT(S) ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN.  <input checked="" type="checkbox"/> YES, BOUNDARY EXHIBITS ARE ATTACHED

4	PLEASE LIST ANY OTHER DOCUMENTS BEING SUBMITTED WITH THE APPLICATION (EXCEPT THOSE ALREADY REQUIRED BY LAFCO).	
5	THE TERRITORY(IES) INCLUDED IN THE PROPOSAL IS/ARE:	<input checked="" type="checkbox"/> UNINHABITED <input type="checkbox"/> INHABITED (12 OR MORE REGISTERED VOTERS)
6	CURRENTLY, THE TERRITORY(IES) INCLUDED IN THE PROPOSAL IS/ARE:	<input checked="" type="checkbox"/> DEVELOPED <input type="checkbox"/> UNDEVELOPED
7	IS THIS PROPOSAL CONSISTENT WITH THE SPHERE OF INFLUENCE OF THE AFFECTED CITY AND/OR DISTRICT?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
8	PLEASE DESCRIBE IN DETAIL, THE REASONS FOR THE PROPOSED CHANGE OF ORGANIZATION (ANNEXATION, DETACHMENT, ETC.). USE ATTACHED SHEET IF NECESSARY. The annexation will allow 0.25 acres to be added to an existing parcel of land in the City of Holtville. The detachment will allow an existing parcel with portions in City and County to be entirely within the County.	
9	THE PROPOSED CHANGE OF ORGANIZATION IS REQUESTED, SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:	
10	WOULD THIS PROPOSAL CREATE AN ISLAND OF UNINCORPORATED TERRITORY? IF YES, PLEASE EXPLAIN.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
11	IS THERE A GOOD LIKELIHOOD OF A SIGNIFICANT INCREASE IN POPULATION IN THE SUBJECT AREA WITHIN THE NEXT TEN YEARS? IN UNINCORPORATED AREAS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IN INCORPORATED AREAS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO ESTIMATED ADDITIONAL POPULATION: _____	
12	WHAT IS THE EXISTING ZONING? <u>M1-NU</u> WHAT IS THE PROPOSED ZONING? <u>M1-NU</u>	
13	HAS OR IS THE AREA BEEN/BEING PRE-ZONED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO WHAT IS THE PRE-ZONING CLASSIFICATION? _____ WHAT DATE WAS THIS PRE-ZONED? _____	

14	WHAT IS THE PLANNED GENERAL PLAN DESIGNATION OF THE AREA BY THE AFFECTED CITY? Light manufacturing			
15	DESCRIBE ANY SPECIAL LAND USE CONCERNS EXPRESSED IN THE ABOVE PLANS.			
16	SPECIFY ANY AND ALL EXISTING LAND USES. Farm labor shop and yard  WHAT ARE THE PROPOSED LAND USES? Farm labor shop and yard DESCRIBE YOUR PROJECT IN DETAIL:			
17	DOES THE APPLICATION CONTAIN 100% WRITTEN CONSENT OF EACH PROPERTY OWNER IN THE SUBJECT TERRITORY?	<input checked="" type="checkbox"/>	YES	
		<input type="checkbox"/>	NO	
18	WILL THE ANNEXED TERRITORY BE LIABLE FOR ITS SHARE OF EXISTING BONDED INDEBTEDNESS?	<input checked="" type="checkbox"/>	YES	
		<input type="checkbox"/>	NO	
19	WILL THE ANNEXED TERRITORY BE INCLUDED WITHIN ANY PARTICULAR TAX DIVISION OR ZONE OF THE ANNEXING TERRITORY? PLEASE SPECIFY. N/A			
20	IF THE PROPOSAL INCLUDES THE CONSOLIDATION OF SPECIAL DISTRICTS, THE PROPOSED NAME OF THE CONSOLIDATED DISTRICT IS: N/A			
21	IF AN INCORPORATION IS INCLUDED IN THE PROPOSAL:			
	(A)	THE NAME PROPOSED FOR THE NEW CITY IS: N/A		
	(B)	PROVISIONS ARE REQUESTED FOR APPOINTMENT OF:		
	(i)	CITY MANAGER	<input type="checkbox"/>	YES <input type="checkbox"/> NO
	(ii)	THE CITY CLERK AND CITY TREASURER	<input type="checkbox"/>	YES <input type="checkbox"/> NO







## INDEMNIFICATION AGREEMENT

As part of this application, applicant and real party in interest, if different, agree to defend, indemnify, hold harmless, and release the Imperial County Local Agency Formation Commission, its agents, officers, attorneys, and employees (including consultants) from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent negligence on the part of the Imperial County Local Agency Formation Commission, its agents, officers, attorneys, or employees (including consultants).

If any claim, action, or proceeding is brought against Imperial County Local Agency Formation Commission, its agents, officers, attorneys, or employees, to attack, set aside, void, or annul the approval of the application or adoption of the environmental document which accompanies it, then the following procedures shall apply:

1. The Executive Officer shall promptly notify the Commission of any claim, action or proceeding brought by an applicant challenging the Commission's action. The Commission, its agents, attorneys and employees (including consultants) shall fully cooperate in the defense of that action.
2. The Commission shall have final determination on how to best defend the case and may defend it with in-house counsel, or by retaining outside counsel. In either case applicant shall be fully responsible for all costs incurred. Applicant may request to provide his or her own counsel to defend the case, however prior written approval of the Commission shall be obtained. Said independent counsel shall work with LAFCO counsel to provide a joint defense and shall include a complete defense of LAFCO to the satisfaction of the Commission.

EXECUTED IN EL CENTRO, CALIFORNIA ON NOVEMBER, 2, 2015  
(CITY) (MONTH) (DAY) (YEAR)

### APPLICANT

NAME (PRINT): DONALD R. OSBORNE  
DONNA J. OSBORNE

TITLE: OWNERS

SIGNATURE: Donald R Osborne Donna J Osborne

MAILING ADDRESS:

251 WALNUT AVE.

HOLTVILLE, CA 92250

### REAL PARTY IN INTEREST / PROPERTY OWNER (IF DIFFERENT FROM APPLICANT)

NAME (PRINT): \_\_\_\_\_

TITLE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

### FOR LAFCO USE ONLY

RECEIVED BY: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

PROJECT NO. \_\_\_\_\_

J:\HDEBIS\LAFCO\Forms\2014 Forms\Indemnification Agreement.doc Updated 06/30/2014





HEMLOCK & RED CEDAR  
GRAIN ELEVATOR TOWER  
CONSTRUCTION, 1900-1905

Engineering &  
Construction Management  
180 North 4th St., Century, Co. 39244  
1450 117-1150  
1450 197-9430 (E-4)