



**Local Agency Formation Commission of Napa County**  
Subdivision of the State of California

1030 Seminary Street, Suite B  
Napa, California 94559  
Phone: (707) 259-8645  
Fax: (707) 251-1053  
www.napa.lafco.ca.gov

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*We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture*

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**Agenda Item 8b**

**TO:** Local Agency Formation Commission

**PREPARED BY:** Brendon Freeman, Analyst

**MEETING DATE:** April 6, 2015

**SUBJECT:** Redwood Road No. 5 Annexation to the Napa Sanitation District

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**RECOMMENDATION**

Adopt the resolution (Attachment One) making California Environmental Quality Act (CEQA) findings and approving the proposed annexation. Standard approval conditions are included in the resolution.

**SUMMARY**

The Commission has received a proposal from a representative of a landowner requesting the annexation of an approximate 1.7 acre incorporated parcel to the Napa Sanitation District (NSD). The subject parcel is partially developed with one single-family residence and located at 2990 Redwood Road within NSD's sphere of influence in the City of Napa. The County Assessor identifies the parcel as 041-091-018. The purpose of the proposed annexation is to facilitate the development of the subject parcel to include two additional single-family residences as contemplated in the applicant's development proposal.

**ANALYSIS**

**BACKGROUND**

The landowner of 2990 Redwood Road recently initiated a development project with the City of Napa and received tentative approval to develop the subject parcel to include two new single-family residences. The existing single-family residence would remain. The landowner's approval from the City includes a condition that the property first be annexed to NSD to ensure the residence will have access to sewer service from the District. Accordingly, a representative for the landowner (Chaudhary & Associates) has filed an annexation proposal for purposes of extending NSD's public sewer services to the subject parcel.

The subject parcel has been assigned a *Single-Family Residential* General Plan land use designation and has been zoned as *Residential Single – 20* by the City. These land use designations restrict the growth potential within the subject parcel to a maximum total of three single-family residences. Therefore, the landowner's development project represents the maximum buildout potential for the subject parcel. NSD has provided assurances that the District can provide public sewer services to the subject parcel without adversely affecting existing ratepayers in terms of costs or service levels.

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Joan Bennett, Chair  
Councilmember, City of American Canyon

Greg Pitts, Commissioner  
Councilmember, City of St. Helena

Juliana Inman, Alternate Commissioner  
Councilmember, City of Napa

Diane Dillon, Vice Chair  
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Representative of the General Public

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Peter Banning  
Interim Executive Officer

**PROTEST PROCEEDINGS**

Protest proceedings shall be waived in accordance with G.C. Section 56662(a) given that the affected territory is uninhabited, all landowners have provided their written consent, and no written opposition to a waiver of protest proceedings has been received by any agency.

**CEQA**

The Commission serves as lead agency for the proposal. Staff has determined that the proposal qualifies for a Class 19 Categorical Exemption as allowed under CEQA given that the affected territory could only be divided into a maximum of three single-family residences located in an urbanized area.

**ATTACHMENTS**

- 1) Draft Resolution Approving the Proposal
- 2) Proposal Consistency with Government Code Sections 56668 and 56668.3
- 3) Application Materials

RESOLUTION NO. \_\_\_\_

**RESOLUTION OF  
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY  
MAKING DETERMINATIONS**

**REDWOOD ROAD NO. 5 ANNEXATION TO  
THE NAPA SANITATION DISTRICT**

**WHEREAS**, the Local Agency Formation Commission of Napa County, hereinafter referred to as the “Commission,” is responsible for regulating boundary changes affecting cities and special districts under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

**WHEREAS**, an application by an interested landowner proposing the annexation of territory to the Napa Sanitation District has been filed with the Commission’s Executive Officer, hereinafter referred to as “Executive Officer,” in a manner provided by law; and

**WHEREAS**, the proposal seeks Commission approval to annex approximately 1.7 acres of incorporated land within the City of Napa to the Napa Sanitation District and represents one entire parcel located at 2990 Redwood Road and identified by the County of Napa Assessor’s Office as 041-091-018; and

**WHEREAS**, the Executive Officer reviewed said proposal and prepared a written report, including his recommendations thereon; and

**WHEREAS**, said proposal and the Executive Officer’s report have been presented to the Commission in a manner provided by law; and

**WHEREAS**, the Commission heard and fully considered all the evidence presented at a public meeting held on said proposal on April 6, 2015; and

**WHEREAS**, the Commission considered all the factors required by law under Sections 56668 and 56668.3 of the California Government Code; and

**WHEREAS**, the Commission found the proposal consistent with the sphere of influence established for the Napa Sanitation District; and

**WHEREAS**, the Commission determined to its satisfaction that all owners of land included in said proposal consent to the subject annexation; and

**WHEREAS**, in accordance with applicable provisions of the California Environmental Quality Act (hereinafter “CEQA”), the Commission serves as lead agency for the annexation and has determined the annexation is a “project” subject to CEQA. The annexation is categorically exempt from further environmental review under California Code of Regulations (CCR), Title 14, Section 15319(b). This code section exempts annexations of individual small parcels of the minimum size for facilities that are exempted by CCR, Title 14, Section 15303, New Construction or New Conversion of Small Structures. Section 15303 (a) exempts the construction of up to three single-family residences in an urbanized area; and

**NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE, AND ORDER** as follows:

1. The Commission’s determinations on the proposal incorporate the information and analysis provided in the Executive Officer’s written report.
2. The Commission serves as lead agency for the annexation as it relates to complying with the provisions of CEQA. Staff has determined the annexation is a “project” subject to CEQA and has found the annexation is categorically exempt from further environmental review under CCR, Title 14, Section 15319(b). This code section exempts annexations of areas that are exempt under CCR, Title 14, Section 15303 including the construction of up to three single-family residences in an urbanized area. The Commission’s findings are based on its independent judgment and analysis. The records upon which these findings are made are located at the Commission office at 1030 Seminary Street, Suite B, Napa, California 94559.
3. The proposal is APPROVED subject to completion of item number 11 below.
4. This proposal is assigned the following distinctive short-term designation:

**REDWOOD ROAD NO. 5 ANNEXATION TO  
THE NAPA SANITATION DISTRICT**

5. The affected territory is shown on the attached map and is more precisely described in the attached Exhibit “A”.
6. The affected territory so described is uninhabited as defined in California Government Code Section 56046.
7. The Napa Sanitation District utilizes the regular assessment roll of the County of Napa.
8. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
9. The proposal shall be subject to the terms and conditions of the Napa Sanitation District.
10. The Commission authorizes conducting authority proceedings to be waived in accordance with California Government Code Section 56662(a).

11. Recordation is contingent upon receipt by the Executive Officer of the following:
  - (a) Payment of any and all outstanding fees owed to the Commission and/or other agencies involved in the processing of this proposal.
  - (b) Written confirmation by Napa Sanitation District that its terms and conditions have been satisfied.
12. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be recorded within one calendar year unless an extension is requested and approved by the Commission.

The foregoing resolution was duly and regularly adopted by the Commission at a regular meeting held on the April 6, 2015, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSTAIN: Commissioners

ABSENT: Commissioners

ATTEST: Kathy Mabry  
Commission Secretary

**DISCLAIMER:**

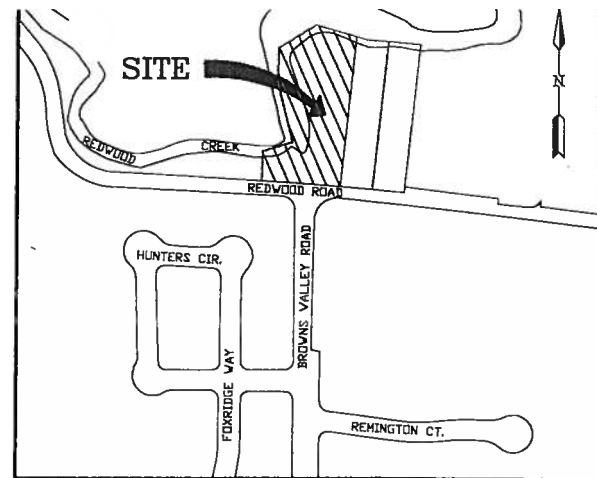
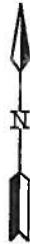
FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED BY THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR A SALE OF THE LAND DESCRIBED.

**GRAPHIC SCALE**



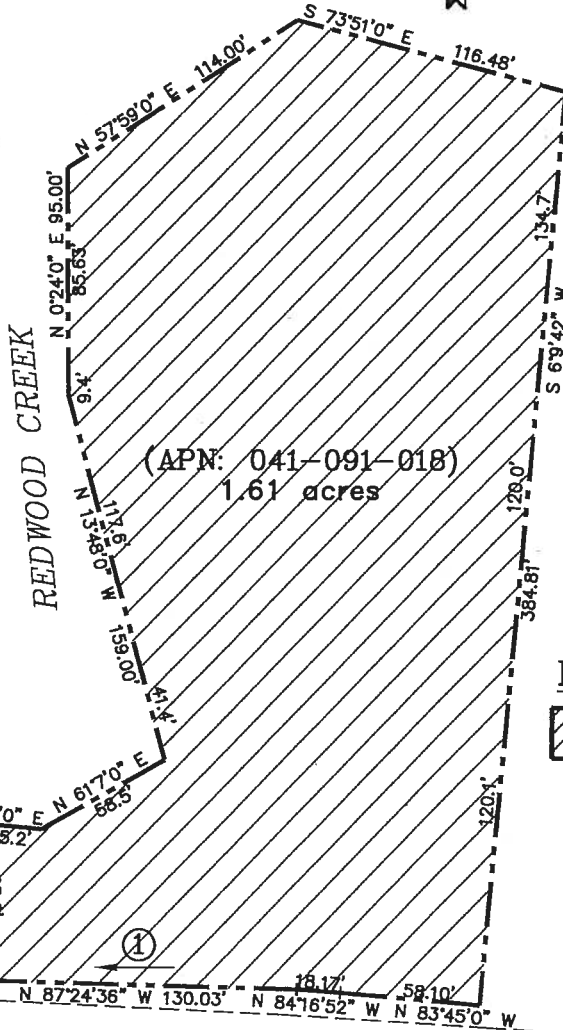
( IN FEET )  
1 inch = 80 ft.

LANDS OF  
HENDRY GEORGE ORR  
APN 035-101-002



**VICINITY MAP**

NO SCALE



LANDS OF  
CITY OF NAPA  
APN 041-030-0400

LANDS OF  
BUNTER JOETTA G  
APN 041-091-0800

**LEGEND**



PROPOSED AREA TO  
BE ANNEXED

EXISTING NAPA SANITATION  
DISTRICT

N.S.D.

NAPA SANITATION DISTRICT

P.O.B.

POINT OF BEGINNING



COURSE NUMBER

REDWOOD ROAD

BROWNS  
VALLEY ROAD

**APPLICANT**

DAVE RIORDAN  
1012 STONEBRIDGE DRIVE  
NAPA, CA 94558

EXHIBIT A

RIORDAN PARCEL

ANNEXATION TO THE NAPA SANITATION DISTRICT  
BEING A PORTION OF NAPA RANCHO  
(2990 Redwood Road, NAPA, CA 94558)



**CHAUDHARY  
& ASSOCIATES, INC.**

ENGINEERS SURVEYORS INSPECTORS

211 GATEWAY ROAD WEST, SUITE 204

NAPA, CALIFORNIA 94558

Tel: (707) 255-2729 FAX: (707) 255-5021 WWW.CHAUDHARY.COM

FEBRUARY 2, 2015

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**ATTACHMENT TWO**

***Proposed Redwood Road No. 5 Annexation to the Napa Sanitation District:  
Proposal Consistency with Government Code §56668 and §56668.3***

G.C. Sections 56668 and 56668.3 require the Commission to consider 16 specific factors anytime it reviews proposals for change of organization or reorganization involving special districts. No single factor is determinative and the intent is to provide a baseline for LAFCOs in considering boundary changes in context to locally adopted policies and practices. 2990 Redwood Road will hereinafter be referred to as “the affected territory.”

***(1) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent areas, during the next 10 years.***

The affected territory is currently partially developed with one single-family residence and has a population of two. Annexation of the affected territory would help facilitate the construction of two additional single-family residences and result in a future buildout population of seven. The City of Napa assigns a residential General Plan designation and zoning standard for the affected territory. These land use designations restrict the potential development of the affected territory to a maximum of three single-family residences. Redwood Creek traverses the northernmost portion of the affected territory. All adjacent areas are already built-out as allowed under their respective land use designations and therefore annexation would not result in significant growth.

***(2) The need for municipal services; the present cost and adequacy of municipal services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.***

The affected territory is partially developed and located within the City of Napa’s jurisdictional boundary and is therefore already eligible to receive public water, fire protection/emergency medical, and law enforcement services. Core municipal services that will still be needed within the affected territory based on its anticipated residential land uses are limited to sewer. Upon annexation and development, the affected territory will receive public sewer services from NSD.

***(3) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on local governmental structure.***

The proposal would recognize and strengthen existing social and economic ties between NSD and the affected territory that were initially established in 1975 when the Commission included the affected territory in NSD’s sphere of influence.

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Councilmember, City of American Canyon

Greg Pitts, Commissioner  
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Peter Banning  
Interim Executive Officer

***(4) The conformity of the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in G.C. Section 56377.***

The proposal is consistent with the Commission's General Policy Determinations. This includes consistency with the predominantly residential land use designation for the affected territory, avoidance of premature conversion of agricultural uses, and consistency with NSD's adopted sphere of influence. Therefore, the proposal does not conflict with G.C. Section 56377.

***(5) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by G.C. Section 56016.***

Proposal will have no effect given that the affected territory does not qualify as "agricultural land" under LAFCO law.

***(6) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.***

The proposal includes all of the property identified by the County of Napa Assessor's Office as 041-091-018. Annexation would not result in the creation of any islands or corridors of unincorporated territory.

***(7) Consistency with the city or county general plans, specific plans, and adopted regional transportation plan.***

Consistent with its residential City of Napa General Plan designation. The Metropolitan Transportation Commission's regional transportation plan (RTP) was updated in 2009 and outlines specific goals and objectives to direct public transportation infrastructure in the Bay Area through 2035. No projects are included in the RTP involving the affected territory. Accordingly, the proposal impact is neutral with respect to the RTP.

***(8) The sphere of influence of any local agency affected by the proposal.***

The affected territory is located entirely within NSD's sphere of influence, which was most recently comprehensively updated by the Commission in August 2006.

***(9) The comments of any affected local agency or other public agency.***

No comments received.



***(10) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.***

Information collected and analyzed in the Commission's recent municipal service review on NSD concluded the District has established adequate administrative controls and capacities in maintaining appropriate service levels. This includes regularly reviewing and amending – as needed – NSD's two principal user fees to ensure the sewer system remains solvent and sufficiently capitalized to accommodate future demands: (a) connection fees and (b) user fees. The connection fee is currently \$8,723 and serves as NSD's buy-in charge for new customers to contribute their fair share for existing and future facilities necessary to receive sewer service. The annual user fee for a single-family unit is currently \$470 and is intended to proportionally recover NSD's ongoing maintenance and operation expenses.

***(11) Timely availability of water supplies adequate for projected needs as specified in G.C. Section 65352.5.***

Proposal approval and development of the affected territory would generate new water demand for Napa. Napa's available water supplies are drawn from three separate sources: 1) Lake Hennessey; 2) Milliken Reservoir; and 3) the State Water Project. Napa's most recent Urban Water Management Plan (UWMP) was adopted in 2011 and estimates the total annual water supply generated from these three sources during normal conditions and based on historical patterns is 31,340 acre-feet. These historical patterns also indicate the total annual water supply decreases to 19,896 and 13,533 acre-feet during multiple and single dry year conditions, respectively.

Information provided in the UWMP identifies Napa's available water supplies are more than sufficient in accommodating both current annual demands – 13,889 acre-feet – and the projected new demands within the affected territory – 0.8 acre-feet – during normal and multiple dry year conditions. Napa's available water supplies, however, are deficient under current estimated single dry years; a deficit that would be slightly increased with approval of the proposal along with the development of two new residences as contemplated in the applicant's tentatively approved development project. Napa, accordingly, has established conservation efforts within its UWMP to address the projected deficiency during single dry years. These factors provide reasonable assurances of Napa's ability to effectively accommodate water demands with the minimal increases tied to the affected territory in accordance with G.C. Section 65352.5.

***(12) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments.***

The proposal could potentially result in a benefit to Napa with respect to achieving the City's fair share of the regional housing need as a result of the eventual development of the affected territory as contemplated in the applicant's tentatively approved residential development project.

***(13) Any information or comments from the landowner or owners, voters, or residents of the affected territory.***

The landowner is the petitioner seeking the annexation. NSD has provided a resolution of approval in support of the annexation.

***(14) Any information relating to existing land use designations.***

City General Plan: *Single-Family Residential*  
City Zoning Ordinance: *Residential Single – 20*

***(15) The extent to which the proposal will promote environmental justice***

There is no documentation or evidence suggesting the proposed annexation will have any implication for environmental justice in Napa County.

***(16) For annexations involving special districts, whether the proposed action will be for the interest of the landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district.***

Proposal approval would help facilitate an appropriate residential use of the affected territory as contemplated in the landowner's tentatively approved development project.

***Napa LAFCO adopted policies on annexations involving special districts.***

Consistent.

FORM B

Date Filed: 2/11/15  
Received By: BT

PETITION FOR PROPOSAL

For Filing with the Local Agency Formation Commission of Napa County

A proposal for a change of organization made by a landowner or registered voter shall be initiated by petition. The petition shall state the nature of the proposal and all associated proposed changes of organization. It shall also state the reason for the proposal and enumerate and include supporting information as required under Government Code Section 56700. The petition must be submitted to the Executive Officer for filing within 60 days after the last signature is affixed. Applicants are encouraged to use this form.

Nature of Proposal and All Associated Changes of Organization:

Facilitate development of property

Description of Boundaries of Affected Territory Accompanied by Map:

See draft map (attached)

Reason for Proposal and Any Proposed Conditions:

Facilitate connection to NSD's public sewer infrastructure.  
No terms or conditions.

Type of Petition:

Landowner


Registered Voter

Sphere of Influence Consistency:

Yes

No

**If Landowner Petition, Complete the Following:**

1) Name: DAVE RIORDAN  
Mailing Address: 1012 STONEBRIDGE DRIVE, NAPA, CA 94558  
Assessor Parcel: 041-091-018  
Signature:  Date: 2/10/2015

2) Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Assessor Parcel: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

3) Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Assessor Parcel: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**If Registered Voter Petition, Complete the Following:**

1) Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Resident Address: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

2) Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Resident Address: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

3) Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Resident Address: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

FORM D

JUSTIFICATION OF PROPOSAL  
Change of Organization/Reorganization

I. APPLICANT INFORMATION

CHAUDHARY ASSOCIATES, INC.

A. Name: SUDHIR CHAUDHARY  
Contact Person Agency/Business (If Applicable)

Address: 211 GATEWAY RD WEST, SUITE 204, NAPA, CA 94558  
Street Number Street Name City Zip Code

Contact: 707-295-2729 Sudhir@Chaudhary.com  
Phone Number Facsimile Number E-Mail Address

B. Applicant Type: (Check One)  Local Agency  Registered Voter  Landowner

II. PROPOSAL DESCRIPTION

A. Affected Agencies: NAPA SANITATION DISTRICT  
Name Address

Name Address

Name Address

Use Additional Sheets as Needed

B. Proposal Type: (Check as Needed)  Annexation  Detachment  City Incorporation  District Formation  
 City/District Dissolution  City/District Merger  Service Activation (District Only)  Service Divestiture (District Only)

C. Purpose Statement: (Specific) comply with condition of approval for the development of the property

III. GENERAL INFORMATION

A. Location:

2990 REDWOOD ROAD, NAPA, CAI-091-018 1.65 AC ±  
Street Address Assessor Parcel Number Acres

\_\_\_\_\_  
Street Address Assessor Parcel Number Acres

\_\_\_\_\_  
Street Address Assessor Parcel Number Acres

\_\_\_\_\_  
Street Address Assessor Parcel Number Acres

Total Location Size  
(Including Right-of-Ways) \_\_\_\_\_

B. Landowners:

(1) Assessor Parcel Number : 041-091-018 Name: DAVE RIORDAN  
Mailing Address: 1012 STONEBRIDGE DRIVE, NAPA, CA 94958  
Phone Number: 707-392-8737 E-mail: davee@centric.com.com

(2) Assessor Parcel Number : \_\_\_\_\_ Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

(3) Assessor Parcel Number : \_\_\_\_\_ Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

(4) Assessor Parcel Number : \_\_\_\_\_ Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

*Use Additional Sheets As Needed*

C. Population:

(1) Total Number of Residents: 2

(2) Total Number of Registered Voters: 2

**D. Land Use Factors:**

- (1a) County General Plan Designation: N/A
- (1b) County Zoning Standard: N/A
- (2a) Applicable City General Plan Designation: SFR 43
- (2b) Applicable City Prezoning Standard: RS 20

**E. Existing Land Uses:**  
(Specific)

One single-family residence, which shall remain post-development

**F. Development Plans:**

- (1a) Territory Subject to a Development Project?  Yes  No
- (1b) If Yes, Describe Project: ~~Construct one single family residence~~  
Approved tentative map for two SFR lots
- (1c) If No, When Is Development Anticipated? \_\_\_\_\_

**G. Physical Characteristics:**

- (1) Describe Topography: Relatively flat, no major slopes
- (2) Describe Any Natural Boundaries: Redwood Creek on west side of property
- (3) Describe Soil Composition and Any Drainage Basins: Redwood Creek on west side of property, no soils classified as agriculture or prime agriculture
- (4) Describe Vegetation: Fruit trees, native grass

**H. Williamson Act Contracts**  
(Check One)

Yes

No

**IV. GOVERNMENTAL SERVICES AND CONTROLS**

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**A. Plan For Providing Services:**

(1) Enumerate and Describe Services to Be Provided to the Affected Territory:

*Extend Sewer Services*

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(2) Level and Range of Services to Be Provided to the Affected Territory:

*Sufficient to provide Sanitary Sewer Services to two single family residences.*

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(3) Indication of When Services Can Feasibly Be Extended to the Affected Territory:

*As soon as Annexation's application is approved*

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(4) Indication of Any Infrastructure Improvements Necessary to Extend Services to the Affected Territory:

*No new infrastructure improvements will be needed*

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(5) Information On How Services to the Affected Territory Will Be Financed:

*Personal financing from landowner*

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**V. ENVIRONMENTAL INFORMATION**

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**A. Environmental Analysis**

(1) Lead Agency for Proposal:

LAFCO  
Name

(2) Type of Environmental Document Previously Prepared for Proposal:

Environmental Impact Report

Negative Declaration/Mitigated Negative Declaration

Categorical/Statutory Exemption:

Class 19 Categorical  
Type

None

*Provide Copies of Associated Environmental Documents*

**VI. ADDITIONAL INFORMATION**

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**A. Approval Terms and Conditions Requested For Commission Consideration:**

None

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*Use Additional Sheets As Needed*

**B. Identify Up to Three Agencies or Persons to Receive Proposal Correspondence:**  
(Does not include affected landowners or residents)

(1) Recipient Name:

Dave Riseman

Mailing Address:

1012 Stoneridge Drive, Napa, CA 94558

E-Mail:

daver@centric.com.com

(2) Recipient Name:

Mailing Address:

E-Mail:

(3) Recipient Name:

Mailing Address:

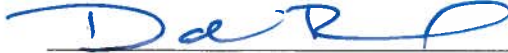
E-Mail:

**VII. CERTIFICATION**

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I certify the information contained in this application is correct. I acknowledge and agree the Local Agency Formation Commission of Napa County is relying on the accuracy of the information provided in my representations in order to process this application proposal.

Signature:



Printed Name:

David Rowson

Title:

Date:

2/10/2015

## Indemnification Agreement

Name of Proposal:

Should the Local Agency Formation Commission of Napa County ("Napa LAFCO") be named as a party in any litigation (including a "validation" action under California Civil Code of Procedure 860 et seq.) or administrative proceeding in connection with a proposal, the applicant Dave Riosdam and/or \_\_\_\_\_ (real party in interest: the landowner) agree to indemnify, hold harmless, and promptly reimburse Napa LAFCO for:

1. Any damages, penalties, fines or other costs imposed upon or incurred by Napa LAFCO, its agents, officers, attorneys, and employees 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. The Napa LAFCO Executive Officer may require a deposit of funds to cover estimated expenses of the litigation. Applicant and/or real party in interest agree that Napa LAFCO shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest, and that such actions shall not relieve or limit Applicant's and/or real party in interest's obligations to indemnify and reimburse defense cost; and
  
2. All reasonable expenses and attorney's fees in connection with the defense of Napa LAFCO.

This indemnification obligation shall include, but is not limited to, expert witness fees or attorney 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. This indemnification is intended to be as broad as permitted by law.

~~\_\_\_\_\_  
City Representative~~

~~\_\_\_\_\_  
Print Name~~

~~\_\_\_\_\_  
Date~~

Dave Riosdam  
Principal Landowner Signature

DAVID RIOSDAM  
Print Name

2/10/2015  
Date