

# STANISLAUS LAFCO

Stanislaus Local Agency Formation Commission

1010 – 10th Street, 3<sup>rd</sup> Floor ♦ Modesto, CA 95354

(209) 525-7660 ♦ FAX (209) 525-7643

www.stanislauslafco.org

## FILING REQUIREMENTS FOR SUBMITTING APPLICATIONS

This checklist is provided as a guide for the preparation of a complete application packet to LAFCO. **You are required to consult with LAFCO staff prior to the submittal of the completed application.** If you have any questions regarding your proposal or your application packet, please contact LAFCO Staff at (209) 525-7660.

1. Application form completed with **original signatures** and required attachments.
2. Filing fee (deposit) payable to Stanislaus LAFCO. (See [Schedule of Fees and Deposits.](#))
3. Vicinity Map (8½"x11" paper)
4. Legal description and map prepared to formatting requirements. Provide an original copy, stamped by the engineer on 8½"x11" paper. (See [Legal Description and Map Requirements.](#)) *A separate fee for the State Board of Equalization filing will be determined and collected at time of project approval.*
5. Evidence of approval. Please check the appropriate items:
  - A. If annexation is to a city, the resolution and map of rezoning is required. Include the CEQA Initial Study, Notice of Determination, and copy of Fish & Wildlife receipt.
  - B. If annexation is to a district, resolution or copy of development approval (e.g. tentative subdivision map, use permit, conditions of approval, etc). Include the CEQA Initial Study, Notice of Determination, and copy of Fish & Wildlife receipt.
  - C. If applicant is city or district, a Resolution of Application by the city council or district governing board.
  - D. If application is by petition of registered voters or landowners, a [Notice of Intent to Circulate Petition](#) has been provided and a completed petition is attached. (See [Petition for Proceedings](#) template.)
6. Plan for Services prepared pursuant to Government Code Section 56653 demonstrating the agency's ability to provide services, a financing plan, and evidence of the timely availability of water supplies adequate for projected needs (Section 56668k).
7. Plan for Agricultural Preservation: For a sphere of influence expansion or annexation to a city or special district providing one or more urban services (i.e. potable water, sewer) that includes agricultural lands, a Plan for Agricultural Preservation must be provided, consistent with Commission Policy 22.
8. Property Tax-Sharing Agreement resolutions adopted by affected agencies in accordance with Revenue and Taxation Code 99, if not using a master property tax sharing agreement.
9. Two (2) separate sets of mailing labels for property owners and registered voters within the boundaries of the proposal and one (1) set of mailing labels for property owners and registered voters within a 300ft radius, outside the proposal area (provide a map showing this area).

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### APPLICATION FOR (Check all that apply):

- Sphere of Influence Amendment  
 Annexation to: City of: Waterford District: \_\_\_\_\_  
 Detachment from: City of: \_\_\_\_\_ District: \_\_\_\_\_  
 Formation of a Special District: - Type of District: \_\_\_\_\_  
 Other: \_\_\_\_\_

NAME OF PROPOSAL: Fahmy Annexation

### GENERAL DESCRIPTION OF PROPOSAL:

The proposal includes an annexation of approximately 43.27 acres into the City of Waterford. The proposed annexation area is located within the City's adopted primary Sphere of Influence.

### REASONS FOR PROPOSAL:

Annexation allows the subject properties within the Project site to ultimately connect to City services (i.e., water, sewer, etc.) as they are developed. 19.2 acres of the proposed annexation would accommodate the creation of ninety-eight (98) new single-family residential lots.

### LOCATION AND ASSESSOR'S PARCEL NUMBERS (attach additional sheets if necessary):

The project is located on N. Reinway Avenue, between N. Reinway Avenue and N. Eucalyptus Avenue (APNs 080-003-050, -012, -015, -034, -040, and -049).

### APPLICANT:

Name: City of Waterford

Address: 101 E Street, Waterford, CA 95386

Phone: 209.874.2328 Fax: \_\_\_\_\_ E-Mail: mark@jbandersonplanning.com

Contact Person: Mr. Mark Niskanen Title: Planning Manager

### APPLICANT'S REPRESENTATIVE:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_

### LAFCO Use Only:

Submittal Date: \_\_\_\_\_ Cert. of Filing Date: \_\_\_\_\_

LAFCO Filing Fee: \$ \_\_\_\_\_ Fees Paid? \_\_\_\_\_ Yes \_\_\_\_\_ No

SBOE Fee: \$ \_\_\_\_\_ Fees Paid? \_\_\_\_\_ Yes \_\_\_\_\_ No

100% Property Owners Consent? \_\_\_\_\_ Yes \_\_\_\_\_ No

Territory Uninhabited? \_\_\_\_\_ Yes \_\_\_\_\_ No

**PROPERTY OWNER(S):**

If multiple property owners, please provide the names, with address information, on a separate page.

Name: Fahmy Living Trust  
Address: 331 Santa Rosa Drive, Los Gatos, CA 95032  
Phone: 408.453.7777 Fax: \_\_\_\_\_ E-Mail: stewart@fahmy.com

Name: See attached Property Owner Information document.  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**SUBJECT AGENCIES WITHIN PROPOSAL AREA THAT WILL GAIN OR LOSE TERRITORY:**

If more than three subject agencies, please provide the names and information on a separate page.

Name: City of Waterford  
Address: 101 E Street, Waterford, CA 95386  
Phone: 209.874.2328 Fax: \_\_\_\_\_ E-Mail: mark@jbandersonplanning.com  
Contact Person: Mr. Mark Niskanen Title: Planning Manager

Name: Stanislaus County  
Address: 1010 Tenth Street, Suite 3400, Modesto, CA 95354  
Phone: 209.525.6330 Fax: 209.525.5911 E-Mail: angela@stancounty.com  
Contact Person: Ms. Angela Freitas Title: Planning Director

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_  
Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_

**AFFECTED AGENCIES WITHIN PROPOSAL AREA:** (Agencies that may have overlying boundaries or sphere of influence.) If more than two affected agencies, please provide the names and information, on a separate page.

Name: Modesto Irrigation District  
Address: 1231 - 11th Street, Modesto, CA 95354  
Phone: 209.526.7447 Fax: \_\_\_\_\_ E-Mail: lien.campbell@mid.org  
Contact Person: Mr. Lien Campbell Title: Risk and Property Analyst

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_  
Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_

**SCHOOL DISTRICTS:** (School districts within the proposal area)

Name: Waterford Unified School District  
Address: 219 North Reinway Avenue, Building 2, Waterford, CA 95386  
Phone: 209.874.1809 Fax: 209.874.3109 E-Mail: jaldaco@waterford.k12.ca.us  
Contact Person: Mr. Jose M. Aldaco Title: Superintendent

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_  
Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_

INTERESTED AGENCIES: (Other agencies which provide facilities or services to proposal area.) If more than two interested agencies, please provide the name and information, on a separate page.

Name: Stanislaus County Sheriff's Department / Waterford Police Services  
Address: 115 E Street, Waterford, CA 95386  
Phone: 209.525.7055 Fax: \_\_\_\_\_ E-Mail: dmullins@stansheriff.com  
Contact Person: Mr. David Mullins Title: Chief of Police

Name: Stanislaus Consolidated Fire Protection District  
Address: 129 E Street, Waterford, CA 95386  
Phone: 209.613.5317 Fax: \_\_\_\_\_ E-Mail: cbray@scfpd.us  
Contact Person: Mr. Clint Bray Title: Fire Chief

PERSONS REQUESTING TO BE NOTIFIED:

If more than two names, please provide the names and information on a separate page.

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_  
Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_  
Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_

**Please respond to all items in this questionnaire and indicate N/A when a question does not apply. Any additional information that is pertinent to the application filing should be included in the application at the time of submittal.**

**I. LANDOWNER CONSENT**

Have all property owners involved with the proposal given their written consent?

- YES (If yes, please attach the original signed petitions, letters or applications)
- NO (If no, please attach the petitions, letters or applications with the original signatures of those consenting and provide the name, address and APN of those property owners not consenting.)

**II. REGISTERED VOTER INFORMATION**

A. Number of Registered Voters residing within the proposal: Pending County Response

*(This information can be obtained from the Stanislaus County Elections Office along with the mailing address information – See Checklist Item #9.)*

**III. LAND USE**

A. Area of Proposal (Gross Acres): 43.27

B. Land Uses of Proposed Area:

	EXISTING	PROPOSED
Zoning	A-2-10, General Agriculture <input type="checkbox"/> City <input checked="" type="checkbox"/> County	RS, Residential Single-Family <input checked="" type="checkbox"/> City <input type="checkbox"/> County
General Plan Designation	LD, Low Density Residential <input checked="" type="checkbox"/> City <input type="checkbox"/> County	LD, Low Density Residential <input checked="" type="checkbox"/> City <input type="checkbox"/> County
Use of Proposal Area	Agricultural uses and mobile home park (with 43 mobile home and RV spaces)	98 single-family residential lots on 19.2 acres; remaining land to maintain (E) condition

C. Surrounding Land Uses:

	Describe (including specific uses)	Zoning	General Plan Designation	City or County Designation
North	Agricultural uses, Residential	AG	LD	<input type="checkbox"/> City <input checked="" type="checkbox"/> County
South	State Highway 132/Yosemite Blvd, Residential	CH / PS	CO / PG	<input checked="" type="checkbox"/> City <input type="checkbox"/> County
East	Moon School, N. Reinway Ave	RS / PS	LD / PG	<input checked="" type="checkbox"/> City <input type="checkbox"/> County
West	Eucalyptus Ave, Agricultural Uses	AG	RE	<input type="checkbox"/> City <input checked="" type="checkbox"/> County

D. Describe any public easements/oil well operations/cellular site leases, etc. that currently exist on the site:

There is an existing W.I.D. Main Canal in the western area of the Project, and an existing W.I.D. Lateral through the middle of the Project. See attached legal description and map.

E. Evidence of Approval -- Are there any land use entitlements involved in the project?

Yes  No

If yes, please provide a copy of the documentation for this entitlement. Please check those documents, which may apply:

- Tentative Map and Conditions
- Subdivision Map or Parcel Map
- Specific Plan
- Rezoning
- General Plan Amendment
- Rezoning
- Other - (provide explanation):

Mitigated Negative Declaration (SCH No. 2024090068) and associated Mitigation Monitoring and Reporting Plan



**VI. AGRICULTURE AND OPEN SPACE**

A. Is the current zoning classification for the site: Agriculture?  Yes  No  
 Open Space?  Yes  No

B. Is the current general plan designation for the site: Agriculture?  Yes  No  
 Open Space?  Yes  No

C. Is the site currently used for agriculture?:  Yes  No

D. Number of Acres considered Prime Agricultural Land: 29.18  
 (as defined by the CA Dept. of Conservation as being prime, unique or of statewide importance, and defined by Government Code Section 51201(c) and 56064)

E. Number of Acres considered Agricultural Lands: 29.18  
 (as defined by Gov. Code Section 56016)

F. Is the site under Williamson Act Contract(s)?:  Yes  No  
 If yes, please provide the following information (attach additional sheets if necessary):  
 Contract Number(s): \_\_\_\_\_  
 Date of Williamson Act contract execution: \_\_\_\_\_  
 Has a non-renewal been filed for the contract? \_\_\_\_\_  
 Date of Williamson Act contract expiration/cancellation: \_\_\_\_\_

G. Number of Acres considered Open Space Lands: N/A  
 (as defined by Gov. Code Section 56059)

H. Does the site have an open space easement?:  Yes  No

I. Is the site within or adjacent to an approved greenbelt?:  Yes  No

If yes, name/location: \_\_\_\_\_

**VII. POPULATION AND HOUSING**

A. Population: Existing conditions: Approximately 129 people based on household of 3  
Overall development capacity: Approximately 621 people

B. Number/Type of Dwelling Units within the proposed area:  
 Existing: 43 Mobile Home/RV units  
 Proposed: 98 proposed single-family residential units, existing to remain.  
 Overall development capacity is 207 single-family residential units.

C. Please explain the extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the appropriate council of governments (Government Code Section 56668):  
The Project includes 98 above-moderate income homes on a site that will have access to  
infrastructure, including roads, sewer, and water. The overall development capacity within the  
annexation area is estimated at approximately 207 single-family residential units, inclusive of the 43  
existing mobile home/RV park units and the 98 proposed homes.

**VIII. PUBLIC SERVICES**

A. Services for the Proposal Area:

1. Is the request for a proposed development?  Yes  No
2. Describe what services will be provided to subject property: (Please attach any “will serve” letters for water and/or sewer services). If sewer and/or water agency annexation is also part of the request, please expand upon the agency’s ability to provide services in the Plan for Services document and attach any relevant studies/master plans.  
*Note: Evidence must also be included to demonstrate the timely availability of water supplies adequate for projected needs of the area (Government Code Section 56668).*

(A)	(B)	(C)	(D)	(E)	(F)
Service	Current Service Provider	Level & Range of Service	To be Provided by this Proposal?	If YES to (D), Approx. Date Service Will Be Available	If YES to (D), Method to Finance
<b>WATER</b>	Private / Waterford	N/A	Yes	Upon development	Private financing, impact fees, connection fees
<b>SEWER</b>	Private	N/A	Yes	Upon development	Private financing, impact fees, connection fees
<b>POLICE</b>	Waterford Police Services	N/A	Yes	Upon development	Private financing, CFD assessments, impact fees/CFFs
<b>FIRE</b>	Stanislaus Consolidated Fire Protection District	N/A	Yes	Upon development	Private financing, CFD assessments, impact fees, property taxes

B. Assessment and Indebtedness of Service Areas:

1. Does the City/District/County have current plans to establish any new assessment districts in order to pay for new or extended service(s) to the proposal area?  Yes  No  
 If yes, please describe: \_\_\_\_\_
2. Will the subject territory assume any existing bonded indebtedness upon annexation to the City/District?:  Yes  No  
 If yes, how will indebtedness be repaid? (e.g., property taxes, assessments, fees):  
 \_\_\_\_\_
3. Will the proposal area be subject to new special assessments or fees?:  Yes  No  
 Explain: See Planning Dept. Condition of Approval #s 3&9 in the attached VTSM resolution.
4. Is the subject territory located within an existing landscape and/or lighting district or County Service Area?:  Yes  No  
 If yes, identify which district(s): \_\_\_\_\_

C. Sewer Information:

1. Is extension of sewer service part of this application?  Yes  No
2. Is a developed parcel requesting annexation due to failed septic system?  
 Yes  No  
If yes, please include a copy of any letters from the Dept. of Environmental Resources or a private septic system company.
3. Is the subject parcel(s) within the sphere of influence of a district or city that provides public sewer service?  Yes  No  
If yes, which agency? City of Waterford
4. Has the agency that will be providing service issued an "Intent to Serve" or will-serve letter?  
 Yes  No (If yes, please attach letter to application.)  
  
If no: Will the agency be prepared to furnish sewer service upon annexation?  
 Yes  No
5. Does the agency have the necessary contractual and design capacity to provide sewer service to the proposed area?  Yes  No  
If no, please describe the agency's plan to increase capacity: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Indicate the method of financing improvements and on-going operations (e.g., general property tax, assessment district, landowner/developer fees, etc.):  
The Project will pay all applicable connection fees, development impact fees, improvement costs, and assessments in effect at the time of development.
7. What is the distance for connection to the agency's existing sewer system?:  
There is an existing line located in N. Reinway Avenue adjacent to the Project.  
\_\_\_\_\_

D. Water Information:

1. Is extension of water part of this application?  Yes  No
2. Is a well or other on-site water system currently used on this property?  Yes  No
3. Is the subject parcel(s) within the sphere of influence of a district or city that provides public water service?  Yes  No  
If yes, which agency? \_\_\_\_\_
4. Please list:  
Wholesale Water Agency: City of Waterford  
Retail Water Agency: City of Waterford
5. Has the agency that will be providing service issued an "Intent to Serve" or will-serve letter?  Yes  No (If yes, please attached letter to application)  
  
If no: Will the agency be prepared to furnish water service upon annexation?  
 Yes  No

6. Does the agency have the necessary contractual and design capacity to provide water service to the proposed area?  Yes  No

If no, please describe the agency's plan to increase capacity: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Indicate the method of financing improvements and on-going operations (e.g. general property tax, assessment district, landowner/developer fees, etc.):

The Project will pay all applicable connection fees, development impact fees, improvement costs, and assessments in effect at the time of development.

8. What is the distance for connection to the agency's existing water system?

The Project will connect to the existing water main within N. Reinway Avenue.

#### E. Police Service

1. If annexation to a City, what are the existing police service levels provided within the City limits? See attached "Police Protection Services" section in the attached Plan for Services document.

2. What level of police services will be provided to the area upon full development?

See attached "Police Protection Services" section in the attached Plan for Services document. Extension of police services to the annexation area would occur in an orderly and efficient manner and would not require construction of new police facilities at this time.

Will the service levels be maintained?  Yes  No

If yes, how will the City finance or maintain existing service levels to the area (master service plans, CIP, etc.)? Explain: The Project is required to pay all applicable Capital Facilities Fees, including the portion allocated for police services.

#### F. Fire Protection Service

1. If annexation to a City, what are the existing fire protection service levels provided within the City limits? See attached "Fire Protection Services" section in the attached Plan for Services document.

2. What level of fire protection services will be provided to the area upon full development?

See attached "Fire Protection Services" section in the attached Plan for Services document. The District has adequate organizational capacity and service capability to provide fire protection and emergency medical services to the proposed annexation area.

Will the service levels be maintained?  Yes  No

If yes, how will the City finance or maintain existing service levels to the area (master service plans, CIP, etc.)? Explain: SCFPD maintains a special assessment for fire protection services that the Project is required to contribute to. Development impact fees are also required for the Project.

3. What are the "Insurance Services Office (ISO)" Class ratings of the affected agencies?

City Fire N/A

District Class 3





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## COMPLIANCE WITH POLITICAL EXPENDITURE AND CONTRIBUTION DISCLOSURE REQUIREMENTS

Effective January 1, 2008: Pursuant to Government Code Sections 56700.1 and 57009 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, and 82015 and 82025 of the Political Reform Act, applicants for LAFCO approvals and those opposing such proposals are required to report to LAFCO all political contributions and expenditures with respect to the proposal that exceed \$1,000. By your signature to this application, you are binding the applicant to abide by these disclosure requirements. You are further agreeing that should LAFCO be required to enforce these requirements against you (or if the agency is the formal applicant, the real party in interest) that you will reimburse LAFCO for all staff cost and legal fees, and litigation expenses incurred in that enforcement process.

Date: 1/15/26

APPLICANT OR APPLICANT'S REPRESENTATIVE:  
(Proof of authority must be provided)

Signature:   
Name: Mark Niskanen  
Title: Planning Manager  
Agency: City of Waterford  
Address: 101 E Street  
Waterford, CA 95386

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## FINANCIAL DISCLOSURE STATEMENT

Consistent with the requirements of the State of California Fair Political Practices Commission, each applicant or their agent must complete and submit this Statement of Disclosure form with any application that requires discretionary action by Stanislaus LAFCO (Government Code §84308 of the Political Reform Act).

Person is defined as: "Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other group or combination acting as a unit."

1. List the names of all persons having any ownership interest in the property involved or any financial interest in the application. (Use additional sheets if necessary.)

See attached Property Owner Information document.

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2. If any person identified pursuant to #1 is a corporation or partnership, list the names of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

N/A

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3. If any person identified pursuant to #1 is a non-profit organization or a trust, list the names of any person serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

APN 080-003-050: Sarwat Sabet Fahmy and Colette Jane Fahmy; APN 080-003-040: Jack H Jr & Marline C Newell; APN 080-003-034: Anh T Devers;

APN 080-003-012: Mitchell A & Rachael T Bashnick

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4. Has any person identified pursuant to #1 had **\$500 or more worth of business** transacted with any Commissioner or Alternate or Commission staff person within the past 12 months?  Yes /  No

If Yes, please indicate person's name/s:

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5. Has any person identified pursuant to #1, or his or her agent, contributed \$500 or more to any Commissioner or Alternate within the past 12 months?  Yes /  No


If Yes, please indicate person(s) or agent(s) making contribution:

\_\_\_\_\_

Name/s of Commissioner(s)/Alternate(s) receiving contribution:

\_\_\_\_\_

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Applicant Signature:  \_\_\_\_\_

Printed Name: Mark Niskanen \_\_\_\_\_

Date: 1/15/24

# Property Owner Information – Fahmy Annexation

## APN: 080-003-050

**Property Owner Name:** Fahmy Sarwat Sabet & Colette Jane Trs  
**Mailing Address:** 6528 Little Falls Dr San Jose 95120

## 11831 YOSEMITE BLVD WATERFORD, 95386 (APN: 080-003-012)

**Property Owner Name:** Bashnick Mitchell A & Rachael T Trs  
**Mailing Address:** P O Box 121 Hickman 95323

## 11707 YOSEMITE BLVD WATERFORD, 95386 (APN: 080-003-015)

**Property Owner Name:** Covarrubias Raul & Gregoria  
**Mailing Address:** 11707 Yosemite Blvd Waterford 95386

## 218 N EUCALYPTUS AVE WATERFORD, 95386 (APN: 080-003-034)

**Property Owner Name:** Devers Anh T Tr  
**Mailing Address:** P O Box 655 Turlock 95381

## 11819 YOSEMITE BLVD WATERFORD, 95386 (APN: 080-003-040)

**Property Owner Name:** Newell Jack H Jr Trs & Newell Marline C  
**Mailing Address:** 4171 Suisun Valley Rd Ste F Fairfield 94534

## 443 N REINWAY AVE WATERFORD, 95386 (APN: 080-003-049)

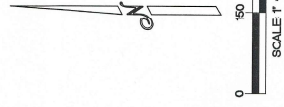
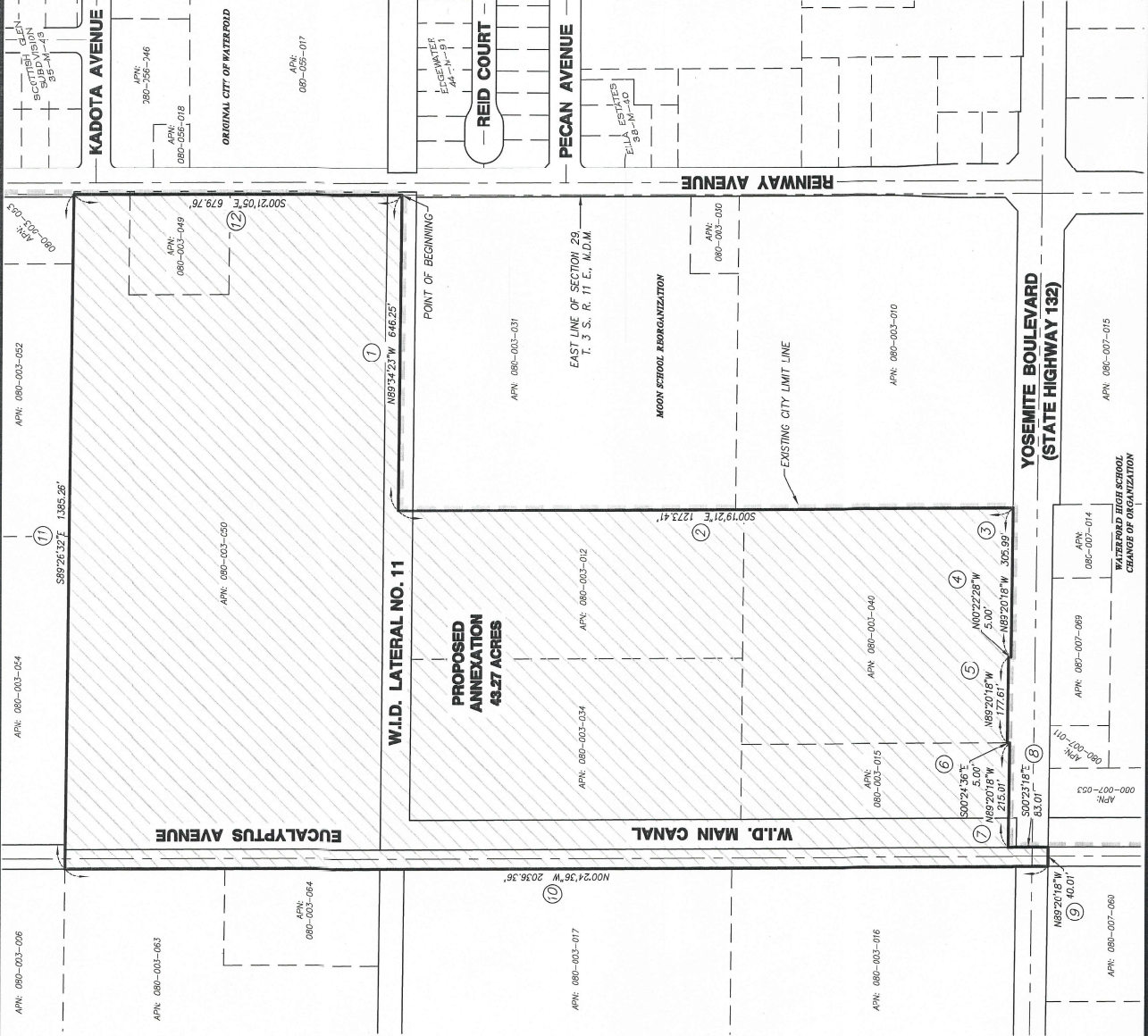
**Property Owner Name:** Almeida Daniel J & Elizabeth  
**Mailing Address:** 443 N Reinway Ave Waterford 95386

VICINITY MAP

EXHIBIT 'B'  
FAHMY ANNEXATION

TO THE  
CITY OF WATERFORD  
BEING A PORTION OF THE SOUTHEAST QUARTER OF  
SECTION 29, TOWNSHIP 3 S, RANGE 11 E, T1  
MOUNT DIABLO MERIDIAN,  
STANISLAUS COUNTY, CALIFORNIA

SEPTEMBER, 2023  
NORTHSTAR ENGINEERING GROUP, INC.  
620 12th Street, Modesto, CA 95354  
(209) 524-3525



③ LINE NUMBER; SEE LEGAL DESCRIPTION