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**GOVERNMENT CODE - GOV**

**TITLE 6. DISTRICTS [58000 - 62464]** ( Title 6 added by Stats. 1951, Ch. 331. )

**DIVISION 1. GENERAL [58000 - 60375.5]** ( Heading of Division 1 renumbered from Division 2 by Stats. 1987, Ch. 56, Sec. 88. )

**CHAPTER 1. The District Organization Law [58000 - 58200]** ( Chapter 1 added by Stats. 1951, Ch. 331. )

**ARTICLE 4. Final Hearing [58090 - 58110]** ( Article 4 added by Stats. 1951, Ch. 331. )

**58090.** The supervising authority shall fix the time and place for the final hearing on the petition and shall order the clerk to give notice of the hearing.

(Added by Stats. 1951, Ch. 331.)

**58091.** The notice of final hearing shall state:

(a) The name and nature of the district.

(b) That the petition may be inspected at the clerk's office.

(c) The boundaries of the proposed district and the estimated initial annual special ad valorem tax rate to the taxable property within the proposed district as computed based on the verified information provided pursuant to subdivision (d) of Section 58034 of this code.

(d) The time and place for the final hearing.

(e) That protests will be considered at the hearing.

(f) That written requests for exclusion from or inclusion of land in the proposed district will be heard and considered.

(Amended by Stats. 1963, Ch. 1358.)

**58092.** The clerk shall give notice of the final hearing.

(Added by Stats. 1951, Ch. 331.)

**58093.** The supervising authority is not deprived of jurisdiction to proceed with the hearing, and no action on the petition is invalid, because of clerical error in the notice.

(Added by Stats. 1951, Ch. 331.)

**58094.** If the notice is materially defective, the supervising authority shall reset the hearing and cause new notice to be given.

(Added by Stats. 1951, Ch. 331.)

**58095.** If the supervising authority determines that the petition does not comply with the law, the matter may be dismissed without prejudice to the right to present a new petition on the same matter.

(Added by Stats. 1951, Ch. 331.)

**58096.** A finding by the supervising authority in favor of the genuineness and sufficiency of the petition and notice is conclusive against all persons except the State in a proceeding brought by the Attorney General within one year after the order establishing and describing the boundaries of the district.

(Added by Stats. 1951, Ch. 331.)

**58097.** Oral or written protest may be made at the hearing by any person interested in the formation of the proposed district.

*(Added by Stats. 1951, Ch. 331.)*

**58098.** Any protest to the regularity or sufficiency of the proceedings shall be written and shall clearly set forth the defects to which objection is made.

*(Added by Stats. 1951, Ch. 331.)*

**58099.** Written protests shall be filed with the clerk on or before the time fixed for the final hearing.

*(Added by Stats. 1951, Ch. 331.)*

**58100.** The hearing may be continued from time to time not exceeding 60 days.

*(Added by Stats. 1951, Ch. 331.)*

**58101.** At the hearing any owner of land in the proposed district may present to the supervising authority a written request for exclusion of all or part of such land.

*(Added by Stats. 1951, Ch. 331.)*

**58102.** At the hearing any owner of land outside the proposed district may present to the supervising authority a written request for inclusion of such land.

*(Added by Stats. 1951, Ch. 331.)*

**58103.** If the supervising authority finds that protest has been made, prior to the supervising authority's final determination for formation, by the owners of real property within the proposed district the assessed value of which, as shown by the last equalized assessment roll, constitutes more than one-half of the total assessed value of the real property within the proposed district, the proceeding shall terminate. The supervising authority shall order the proceedings terminated when such protests are received.

*(Amended by Stats. 1955, Ch. 916.)*

**58104.** The supervising authority shall not consider a petition or other proceedings for the formation of the same district for the same project until after one year from the order of termination.

*(Added by Stats. 1951, Ch. 331.)*

**58105.** If at the final hearing the supervising authority determines that the project is feasible, economically sound, and for the public interest, it shall fix the boundaries of the proposed district.

*(Added by Stats. 1951, Ch. 331.)*

**58105.1.** If at the final hearing the supervising authority determines that the project, or the proposed district as its boundaries are described in the petition or as changed by the supervising authority as hereafter provided, is infeasible, not economically sound, or not for the public interest, it may terminate the proceedings.

*(Added by Stats. 1961, Ch. 1343.)*

**58106.** At the final hearing the supervising authority shall exclude any land which it finds will not be benefited by the proposed project and shall make a specific finding as to each parcel of land with respect to which a written request for exclusion has been presented on the question of whether it will or will not be benefited by the proposed project. In making such finding the supervising authority shall consider present use of such land, reasonable prospective use, topography, the nature of the proposed improvements, and any other pertinent factors. The present use of lands for rights-of-way for railroads, power and communication lines, or other public utility facilities shall be presumed by the supervising authority to be permanent.

The supervising authority may include any land if it finds that the land will be benefited and that its inclusion will be to the interest of the district.

If lands are excluded by the supervising authority pursuant to this section, such lands shall not thereafter be annexed to or included in the district in the absence of a finding, based on substantial evidence, of a change in the circumstances upon which the decision to exclude such lands was based.

*(Amended by Stats. 1961, Ch. 1343.)*

**58107.** The supervising authority may make such inclusion upon the owner's application or upon giving him notice of and hearing on the inclusion.

*(Added by Stats. 1951, Ch. 331.)*

**58108.** The clerk shall publish notice of inclusion and mail it, postage prepaid, to the address of the owner of such land as shown by the last equalized county assessment roll and to any person who has filed with the clerk his name, address, and a description of land in which he has a legal or equitable interest.

*(Added by Stats. 1951, Ch. 331.)*

**58109.** The notice shall describe the land proposed to be included and state the time and place at which objections to inclusion will be heard.

*(Added by Stats. 1951, Ch. 331.)*

**58110.** If the supervising authority determines that the district should be established, by resolution it shall fix and describe the boundaries, and designate a name for, the district. The name may be that proposed in the petition or any other name the supervising authority selects.

*(Added by Stats. 1951, Ch. 331.)*