



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 10/29/02
AGENDA ITEM 6
WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Utility Service Agreement 02-02 – Joachim and Maria Neumann, Paul and Mary Martin, Jack and Kristina Shane, Kevin and Tracey McGary, Stephan and Helene Hillyard, Mark and Lalaine Allen, Raymond and Elizabeth Goldberg, Dinesh Prasad, and David Duncan (Applicants/Owners) – Authorize the City Manager to Execute Utility Service Agreements for Sanitary Sewer Service and Water Service for Properties Located on Arbutus Court

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution:

- 1) Authorizing the City Manager to execute Utility Service Agreements to provide sanitary sewer service and water service for the subject properties;
- 2) Authorizing the City Manager to execute Public Street Improvement Agreements at the subject properties; and
- 2) Directing staff to apply to the Local Agency Formation Commission (LAFCO) for approval of the Utility Service Agreements.

DISCUSSION:

The Arbutus Court Sanitary Sewer Benefit District was established in 1995 at the completion of the sewer main extension along Arbutus Court. The original district included eight parcels. In February 2002, the City Council approved amending the Arbutus Court Sanitary Sewer Benefit District to include an additional 19 properties. As noted at that time, since the properties are located in the County, each property would be required to apply for and execute a utility service agreement, requiring approval by the Council and LAFCO. Subsequently, eleven of these property owners have requested that utility service agreements be processed so that they may connect to the utilities.

The applicants have requested sanitary sewer service and water service for single-family homes on subject parcels located on Arbutus Court. The City has a water main along the property frontage of adequate capacity to serve the site and connection to the City sewer will be through the Sewer Benefit District constructed sewer. The properties are located within the Castle Homes area, and are subject to the Castle Homes water service agreement executed in 1954. This agreement requires the City to maintain a sufficient water supply for the property, subject to a utility service

agreement and reasonable conditions. City staff will work with the property owners and County staff to coordinate construction of the utility connections to minimize pavement cuts and damage to the street.

Pursuant to City policy, the applicants have executed agreements committing to install frontage roadway improvements and tie-in pavement at a future date and agreeing to annex, if and when requested by the City. This is consistent with past agreements approved for providing utility service to properties outside the City limits.

The properties are slightly larger than 20 acres in size. These applications are Categorically Exempt per CEQA Guideline Section 15301(b) (existing facilities of a publicly owned utility). If the agreements are approved, the City will need to apply to LAFCO for approval of the agreements. The applicants are responsible for all LAFCO processing costs.

Prepared by:



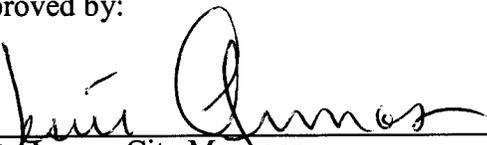
Andrew S. Gaber, Development Review Services Engineer

Recommended by:



Sylvia Ehrental
Director of Community and Economic Development

Approved by:



Jesus Armas, City Manager

Attachments:

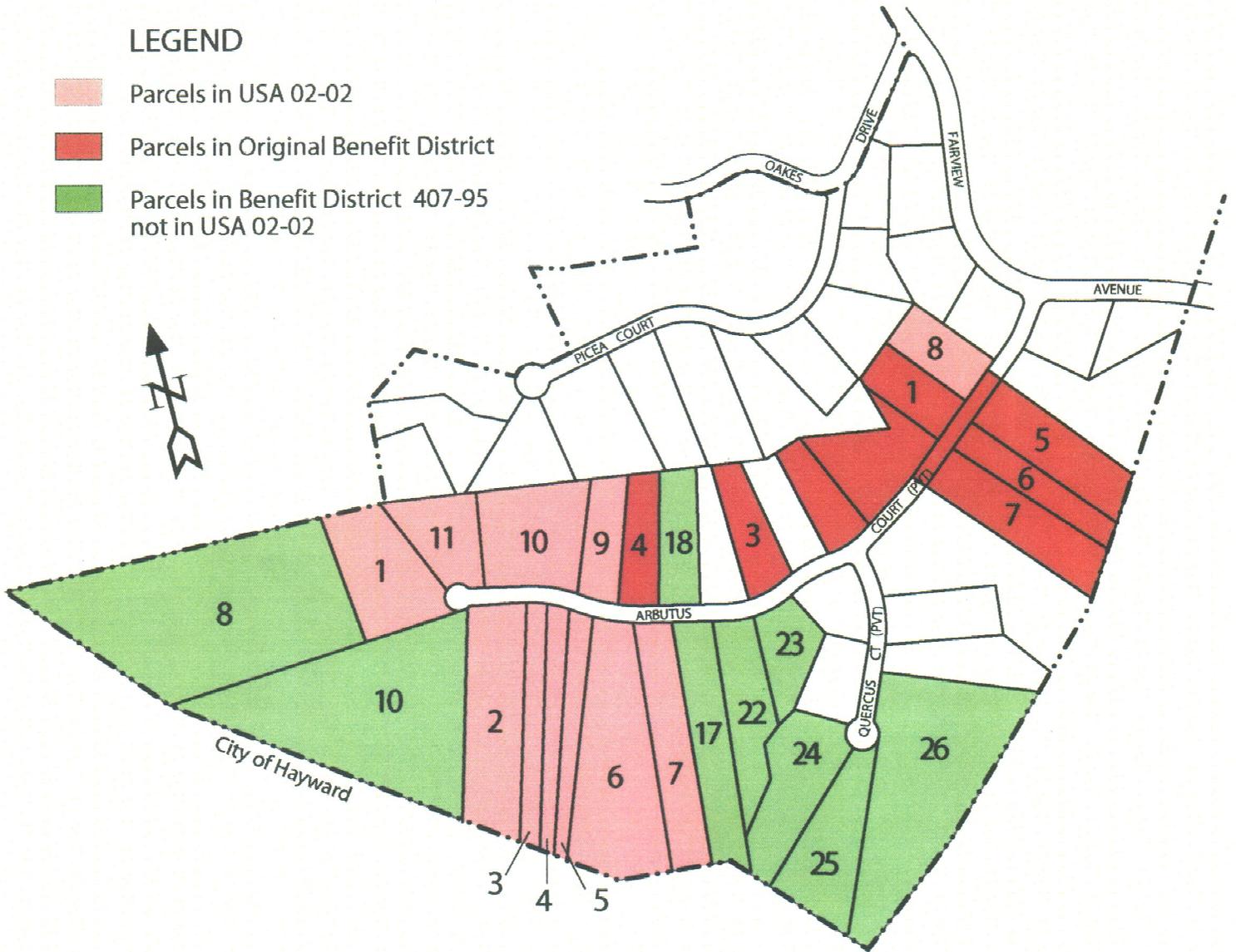
- Exhibit A
- Area Map
- Draft Resolution

10.22.02

UTILITY SERVICE AGREEMENT 02-02

LEGEND

- Parcels in USA 02-02
- Parcels in Original Benefit District
- Parcels in Benefit District 407-95 not in USA 02-02



Assessor Parcel No.	Address
1	425-0470-002 3702 Arbutus Ct.
2	425-0470-004 3723 Arbutus Ct.
3	425-0470-005 3737 Arbutus Ct.
4	425-0470-006 3751 Arbutus Ct.
5	425-0470-007 Arbutus Ct.
6	425-0470-008 Arbutus Ct.
7	425-0470-009 3801 Arbutus Ct.
8	425-0500-017 4200 Arbutus Ct.
9	425-0500-026 3800 Arbutus Ct.
10	425-0500-027 Arbutus Ct.
11	425-0500-028 3726 Arbutus Ct.

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

mm
10/8/02

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO LAFCO FOR APPROVAL OF UTILITY SERVICE AGREEMENTS (USA 02-02) TO PROVIDE SANITARY SEWER AND WATER SERVICES TO PROPERTIES LOCATED ON ARBUTUS COURT AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH AGREEMENTS, AS WELL AS AGREEMENTS FOR COMPLETION OF PUBLIC STREET IMPROVEMENTS

WHEREAS, sanitary sewer and water service has been requested for properties located on Arbutus Court, Assessor's Parcel Nos. 425-0470-002, 425-0470-004, 425-0470-005, 425-0470-006, 425-0470-007, 425-0470-008, 425-0470-009, 425-0500-017, 425-0500-026, 425-0500-027, 425-0500-028; and

WHEREAS, pursuant to City policy, the Applicants have executed agreements to install street improvements across the property frontage at a future date and agreed to annex when requested by City; and

WHEREAS, the City is required to apply to LAFCO for approval of the utility service agreements, for which the Applicants have agreed to pay.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is authorized to file an application with the Alameda County Local Agency Formation Commission ("LAFCO") for approval of the utility service agreements (Utility Service Agreement 02-02) in connection with properties located on Arbutus Court, Assessor's Parcel Nos. 425-0470-002, 425-0470-004, 425-0470-005, 425-0470-006, 425-0470-007, 425-0470-008, 425-0470-009, 425-0500-017, 425-0500-026, 425-0500-027, 425-0500-028.

BE IT FURTHER RESOLVED that the City Manager is also authorized to execute utility service agreements and public street improvement agreements in the form of the agreements on file in the office of the City Clerk, to which reference may be made for further particulars, following the LAFCO's approval of the utility service agreements pursuant to Government Code section 56133.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2002

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward