



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 09/14/04

AGENDA ITEM 4

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Amendment of Benefit District 400-92, Tract 4007 to Oakes Drive Sanitary Sewer Benefit District, to Annex Two Parcels into the District - Schumate (Applicants) and Utility Service Agreement 03-06 - Schumate (Applicants/Owners) - Authorize the City Manager to Execute Utility Service Agreements for Sanitary Sewer Service for Properties Located on Picea Court

RECOMMENDATION:

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

- 1) Amending Benefit District 400-92, Tract 4007 to Oakes Drive;
- 2) Authorizing the City Manager to execute a Utility Service Agreement to provide sanitary sewer service for the subject property;
- 3) Authorizing the City Manager to execute Public Street Improvement Agreements at the subject property; and
- 4) Directing staff to apply to the Local Agency Formation Commission (LAFCO) for approval of the Utility Service Agreement.

DISCUSSION:

Benefit District

When the Prominence tract was developed on Hayward Boulevard and Fairview Avenue by Presley of Northern California, a sanitary sewer main was extended to serve the parcels within the tract as well as parcels off Oakes Drive outside the tract. On April 25, 1995, the City Council approved the formation of Benefit District 400-92 to provide reimbursement to the developer of the tract for expenses incurred in extending the sanitary sewer main from the Prominence tract to Oakes Drive. In addition to serving the tract, 13 parcels in the vicinity were included in the benefit district, and some of them have chosen to connect to the sanitary sewer main. The size of the sanitary main is such that it can serve additional parcels. The benefit district expires in 2008,

and those connecting to the sanitary sewer before that date must pay their proportionate share of the costs of that main extension.

In December 2003, the City received a request from the applicants for a Utility Service Agreement to connect to the sanitary sewer main, including annexation into the benefit district. The applicants' septic system failed, and Alameda County Public Health Department is requiring that they connect to the sewer main. There are other parcels along Picea Court that could also connect to this main, and these property owners were contacted and provided the opportunity to participate in the benefit district. Several other property owners did respond, but since they have existing septic systems that function adequately, and with the Benefit District set to expire in April 2008, they choose not to participate. This benefit district was established prior to, and is distinct from Benefit District 407- 95, which encompasses Arbutus and Quercus Court.

The Council is being asked to approve the engineer's report (Exhibit B), which was prepared to include the applicants' parcels and recalculated the benefit district payment formula. The current payment for District parcels is \$8,406.84, plus processing fees and compounded interest, as determined at the time the property connects to the sanitary sewer. With the inclusion of the applicants' parcels, the District fee would be restructured and reduced to \$7,760.85 per parcel.

All property owners, both presently in the district, and those who could be annexed in the future, were notified of this public hearing. The attached resolution anticipates that the applicants' properties will be added to the benefit district. If additional owners request to be added to the district at the time of the hearing, Council may direct revisions to the engineer's report to incorporate these additional properties.

Utility Service Agreements

Since this property is outside the City limits, but within the City's service area, the property owner is required to apply for and execute a utility service agreement, requiring approval by both the City Council and Alameda County Local Area Formation Commission, (LAFCO).

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.

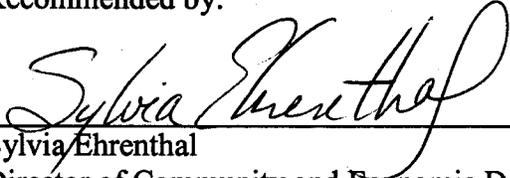
These applications are Categorical Exempt per CEQA Guideline Section 15301(b) (existing facilities of a publicly owned utility). If the agreements are approved, the City will need to apply to LAFCO for approval of the agreements. The applicants are responsible for all LAFCO processing costs.

Prepared by:



Andrew S. Gaber, P.E.
Development Review Engineer

Recommended by:



Sylvia Ehrental
Director of Community and Economic Development

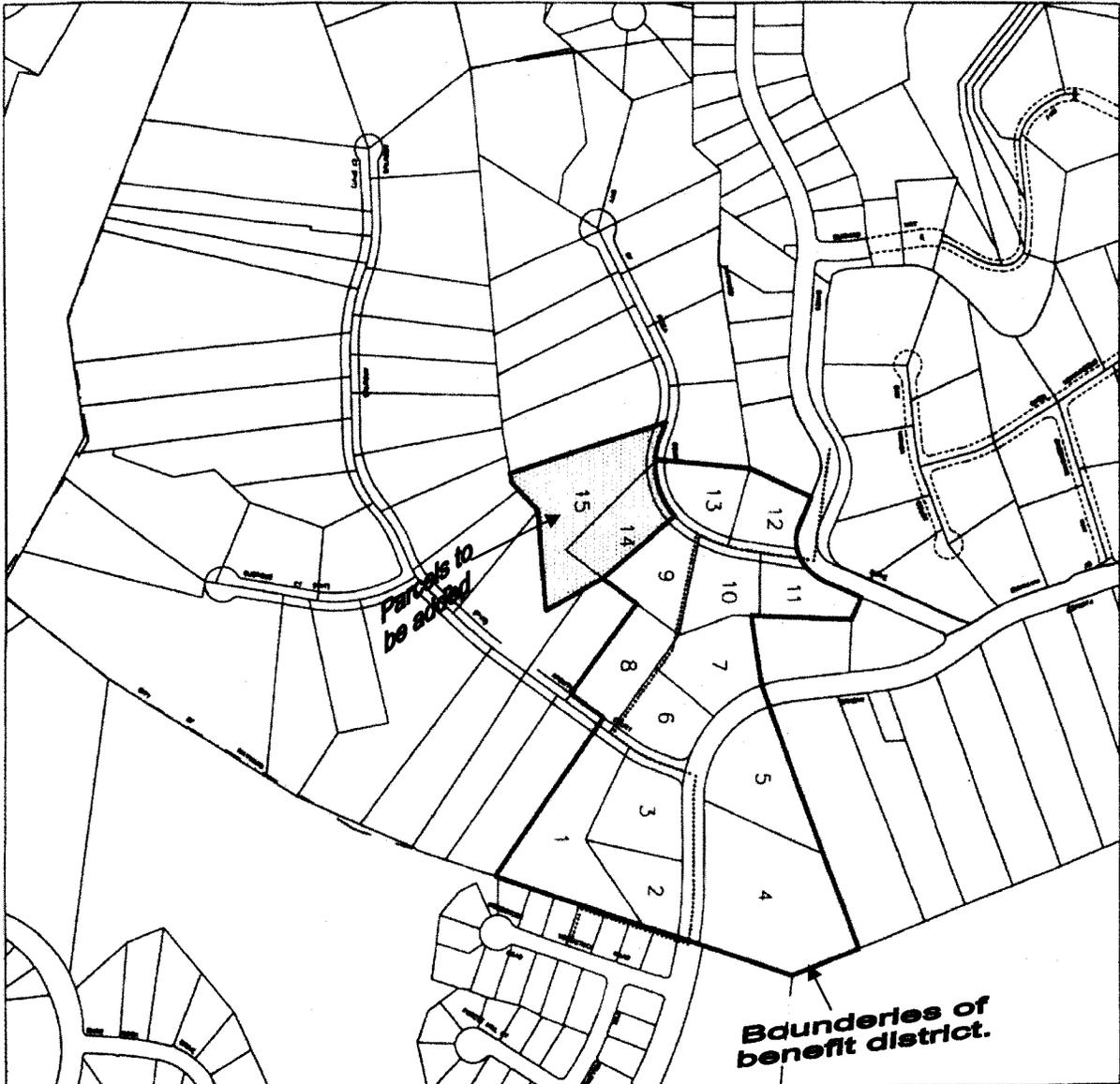
Approved by:



Jesús Armas, City Manager

Attachments: Exhibit A. Area Diagram
Exhibit B. Amended Engineer's Report
Draft Resolutions
Abatement Notices

9/4/03



AMENDED ENGINEER'S REPORT

CITY OF HAYWARD

BENEFIT DISTRICT 400-92
(TRACT 4007, PROMINENCE, TO OAKES DRIVE)

SANITARY SEWER BENEFIT DISTRICT

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1. Background
2. Benefit Districts costs, method of cost allocation, properties, acreage, administration, etc.
3. Benefit District Roll
4. Map of Benefit District – Properties, acreage, information
5. Benefit District Boundary Diagram

BENEFIT DISTRICT 400-92
(TRACT 4007 TO OAKES DRIVE)
SANITARY SEWER BENEFIT DISTRICT

CERTIFICATIONS

I have prepared this Amended Engineer's Report ("Report") and hereby certify that said Report was prepared as directed by the City Council as expressed by its Resolution No. _____, as duly adopted on September 14, 2004, and that the monetary obligations on the properties within the benefit district boundaries were derived from costs furnished to the City by Presley of Northern California (the "Developer"). Indicated in the attached Benefit District Roll are the properties within the Benefit District and the monetary obligations as determined at the time of filing of this Report with the City Clerk.

By: _____
Andrew S. Gaber, P.E., Engineer of Work
RCE No. 45187

I, the City Clerk of the City of Hayward, California, hereby certify that this Amended Engineer's Report for subject Benefit District was filed with me on _____, 2004.

By: _____
Angelina Reyes
City Clerk, City of Hayward

I, the City Clerk of the City of Hayward, California, hereby certify that this Report and the foregoing monetary obligations, in the amounts set forth on the Benefit District Roll attached to this Report was approved and confirmed by the City Council of said City on _____, 2004, by Resolution No. _____.

By: _____
Angelina Reyes
City Clerk, City of Hayward

I, the City Clerk of the City of the City of Hayward, California, hereby certify that a certified copy of the Amended Boundary Diagram of Benefit District 400-92 was filed in the office of the County Recorder of the County of Alameda, California, on _____, 2004.

By: _____
Angelina Reyes
City Clerk, City of Hayward

BENEFIT DISTRICT 400-92
(TRACT 4007 TO OAKES DRIVE)
SANITARY SEWER BENEFIT DISTRICT

BASE MONETARY OBLIGATION

WHEREAS, on September 15, 1992, by Resolution No. 92-247 the City Council of the City of Hayward, California, pursuant to the provisions of the Municipal Code, Chapter 8, Article 16 adopted its Resolution initiating proceedings for the formation of Benefit District No. 400-92 to provide reimbursement to Presley of Northern California (the "Developer") for expenses incurred in providing a sanitary sewer main which will serve properties outside the boundaries of Tract 4007, commonly known as Prominence, more particularly herein described;

WHEREAS, said resolution directed the preparation and filing of an Engineer's Report pursuant to said Municipal Code;

WHEREAS, on April 20, 1993, by Resolution No. 93-083 the City Council of the City of Hayward, California, pursuant to the provisions of the Municipal Code, Chapter 8, Article 16 adopted its Resolution forming Benefit District 400-92;

WHEREAS, subsequent to the formation of Benefit District 400-92, the property owner representing Assessor Parcel Numbers 425-0500-008 and 425-0500-009 requested to be annexed into Benefit District 400-92;

WHEREAS, on September 14, 2004, by Resolution No. 04-_____ the City Council of the City of Hayward, California, pursuant to the provisions of the Municipal Code, Chapter 8, Article 16 adopted its Resolution initiating proceedings to amended Benefit District No. 400-92 in order to annex Assessor Parcel Numbers 425-0500-008 and 425-0500-009 to the Benefit District;

NOW THEREFORE, the undersigned, by virtue of the power vested in me under said City Ordinance and by the order of the City Council, hereby prepared and filed an Amended Engineer's Report which reassigns the benefit district monetary obligation to the properties within the boundaries of said district as indicated in the herein attached Benefit District rolls.

An Amended Boundary Diagram is hereto attached. For the lines and dimensions of each lot or parcel, reference is made to the County Assessor's maps for the Fiscal Year 2004-05. If the Amended Engineer's Report is approved, said Amended Boundary Diagram will be filed in the Office of the County Recorder.

Attached hereto is the Amended Benefit District Map on file in the Office of the City Engineer, which therein indicates the parcels within the boundaries and various instructional and record keeping information and which will serve as the map to be utilized in administration of the Benefit District.

Dated: _____

By: _____

Andrew S. Gaber, P.E., Engineer of Work
RCE No. 45187

BENEFIT DISTRICT 400-92
SANITARY SEWER MAIN
(TRACT 4007 TO OAKES DRIVE)

I. Background

Tract 4007, Prominence, is a 151-lot single-family residential subdivision located at the intersection of Hayward Boulevard and Fairview Avenue (southwesterly corner).

To provide a sanitary sewer system to serve 74 single family lots within the 151 lot subdivision, the Developer extended an 8-inch diameter sanitary sewer main from Woodstock Road to the existing City sewer main in Oakes Drive. To reach the City main in Oakes Drive, the Developer installed the sewer main in a portion of Fairview Avenue, Arbutus Court, Arbutus Court to Picea Court, in a portion of Picea Court and to Oakes Drive, and westerly in Oakes Drive to a point of connection with the existing City sewer main in Oakes Drive.

This extension of the main was paid for entirely by the Developer, no City funds were involved. The sewer main has been accepted by the City of Hayward and thereby, the sewer main is owned and maintained by the City as a part of the City sewer system.

II. Discussion

A number of properties between Tract 4007 and Oakes Drive have frontage or direct access to the sewer main installed by the Developer. Prior to this main extension, the only sanitary sewer system available was a septic tank system. Presently the off-tract properties which benefit from this sewer main extension are not within the City limits. The City does have a procedure whereby property owners who have access to a City sanitary sewer main can

request City Council approval of a "Utility Service Agreement to connect to the City sewer".

In that the entire cost was borne by the Developer, and properties other than the subdivision could benefit from its use, the Developer requested the establishment of Benefit District No. 400-92 to provide for a "fair share" monetary recovery when said properties make use of the facility. This method of cost recovery is provided for in both the State Map Act and the City of Hayward Municipal Code (Chapter 8, Article 16) which provides for the basis of forming the Benefit District.

In that when the district was formed, the primary basis was to establish a method whereby all benefiting parties utilizing the sewer, as near as possible, share equitably in the monetary recovery. In considering how to spread the cost obligation for this Benefit District, a number of factors were considered. The major factors were as follows:

- a) All properties utilizing the sewer main are, or will be developed under the present zoning and general plan designation with single-family homes.
- b) The off-tract parcels which are within the "Castle Homes area" have deed restrictions limiting the minimum lot size to one acre and the City has rezoned the parcels RSB40 (40,000 sq. ft. minimum lot size).
- c) The elevations of a majority of the off-site properties which would eventually utilize this sewer main are at an elevation whereby they could not drain by gravity to this sewer main. To provide service to the majority of these parcels would require construction of a pumping facility and an extension of the existing main. A few of the properties could be served by gravity by an extended main. The pumping facility and any main extensions would have to be constructed by the property owners at their expense.
- d) Within the 151 home tract subdivision, 74 single family residences were connected to the sewer main and therefore benefited from the construction of the sewer main. The entire sewer main system which benefited these 74 single family residences and the off-tract parcels were treated as one system.
- e) The sewer main was 8-inches in diameter which is the normal standard size of a City sewer main for this type of development. It is more than

adequate to serve all the properties under consideration, including future extensions thereof.

- f) The sewer main was not oversized to provide additional capacity to accommodate the anticipated ultimate service area; therefore, no area-wide monetary surcharge is considered.

III. Cost Allocation

Considering the preceding facts, the following determinations were made and the method for allocating the costs to construct the sewer main were determined accordingly:

- a) All properties within the Benefit District are anticipated to be developed with single-family residences. Therefore the use of the sewer main will be considered an equal benefit to each single family residence, with only the number of permitted residences on each parcel being a factor.
- b) The number of permitted residences that can be developed within the Benefit District will be divided into the total cost to determine the cost per permitted residence.
- c) In determining the number of lots or parcels to be served and benefited by the subject sewer main and their corresponding number of permitted residences, the assumption was made that the sewer main from the point of connection at Oakes Drive to the tract, and the main or mains within the tract which serves the 74 lots were considered one single sewer main.
 - 1) The off-tract properties which front on the sewer main or had direct access to the main were included in the Benefit District. These off-tract parcels consist of 13 parcels which have the potential of 17 permitted single family residences.
 - 2) Although some of the in-tract lots connect to the primary main via a secondary branch main, being that the branch main was installed by the Developer and is integral with the primary main, all of the 74 in-tract lots discharging to Oakes Drive were treated as being on the sewer main.
 - 3) The property owner representing two (2) off-tract parcels which do not front or have direct access to the sewer main requested to

be annexed to the Benefit District. These two (2) parcels will have City authorization for one (1) permitted residence.

IV. Cost and Benefit Determination

The Developers cost breakdown of construction costs for installation of the sanitary sewer main from Woodstock Road to Oakes Drive and within the tract to provide service to the 74 in-tract homes which are served by this sewer main. These costs are as indicated in Section VI of this Report.

Pursuant to City ordinance, all City costs incurred in the preparation and processing of the formation of this benefit district were paid by the installer and are a portion of the recoverable costs.

With a benefit district, the monetary obligation assigned to a property is only due and payable when development on the property actually makes use of the subject facility; therefore, it may be a period of time before the obligation is collected and the Developer recovers any of their original costs. For that reason, the Developer is eligible to receive interest on the outstanding money due. The method to determine this interest is set fourth in the City Municipal Code, Chapter 8 Article 16, Section 8-16.01 (m).

V. Future Service-Fairview Avenue, Picea Court and Arbutus Court

Certain properties cannot be directly connected to the sewer main installed by the Developer, however, for informational purposes, it is appropriate to describe how it is foreseen for other properties to eventually be served by the sewer main.

There are five (5) lots on the easterly side of Fairview Avenue, between 27660 Fairview Avenue and Oakes Drive, and several lots on the westerly side, which are not within this Benefit District which are anticipated to be served by a future extension of a main. These lots are at the high point of elevation on Fairview Avenue and may extend a sewer in Fairview Avenue to Arbutus Court or in Fairview and in Oakes Drive to a connection point with the existing sewer.

Also, there are lots on Picea Court and Arbutus Court which are not within the Benefit District. These lots are served by an extension of the gravity sewer main within Arbutus Court and construction of private force mains within Arbutus and Quercus Courts. Property owners are required to install their own pump systems when they connect to the private force main. The City

has no plans to install any main extensions or pumping systems within the area or local streets. A privately funded main and pumping system could be installed along Picea Court.

VI. Cost of Installation of Sewer Main and Miscellaneous Ancillary Costs

A) Off-Tract 4007 to Oakes Drive

1. SSManholes	9 each	@ \$	3,400	\$	30,600
2. SStein at Oakes	1 each	@ \$	1,000	\$	1,000
3. 8" VCP	2,448 LF	@	107/foot	\$	261,936
4. Restoration for Offsite	LS	@ \$	7,000	\$	7,000
5. Pavement Repair	LS	@ \$	30,000	\$	30,000
6. Hydroseed	LS	@ \$	1,000	\$	1,000
7. Retaining wall at Espicia	LS	@ \$	10,000	\$	10,000
8. Storm drain to drain Espicia Sewer support fill	LS	@ \$	12,000	\$	12,000
9. Engineering					
a.) Field	T&M			\$	2,450
b.) Office	T&M			\$	2,368
10. Sheet Piling & Bulkheads	LS			\$	171,000
		Sub-total		\$	529,354

B) In-Tract

11. SSManholes	21 each	@ \$	2,600	\$	54,600
12. 8" VCP-	3,739 LF	@ \$	37	\$	138,343
		Sub-total		\$	192,943

Total A & B \$ 722,297

VII. Other Applicable and/or Miscellaneous Costs

- 1) There was no specific record identification of City charges billed to the Developer for the processing, plan checking and inspection of the subject facilities; therefore, costs of these items were not included.
- 2) A special activity number (960-9298) was established to account for the costs incurred in preparing the district documents, reports and processing necessary to create the district. The City cost was 10% of the project cost which was \$7,223.00.
- 3) The Developer did not have adequate records to establish interest on the money expended to construct the subject sewer facilities therefore; no

amount was included to reflect interest paid on the money for construction.

- 4) Easements for the sewer main extension were acquired from off-site property owners, and Ponderosa Homes (the original subdivider), and the Developer, a value was not assigned to the easements acquired from the property owners for the extension of the sewer main; therefore, the Developer did not request reimbursement for such value. The preceding also pertains to the necessary easements within the lots in the subdivision.

VIII. Spread of future Benefit District charges and various properties to which the charges apply (1993 Assessor's Tax Role)

The assessment is spread on a per dwelling unit basis. In tract, each lot was considered for construction of one unit, per approval of Tract 4007. Off-site the calculation is based on one unit per acre. All properties which are divisible into 2 or more acres are considered to have the potential for additional units on the basis of one per acre. Where lots are not evenly divisible into acreage, the unit number is rounded off to nearest lowest whole acre. The exception to the above is the property at 27660 and 27794 Fairview Avenue, which presently contains 2 dwelling units on a 1.7 acre property.

IX. Assignment of Costs to Benefiting Properties

- 1) Total cost to be assigned to benefiting properties = \$729,520.00 (This includes the City costs)
- 2) Number of units anticipated to be served by the "main"

Tract 4007	74 units
Off-Tract Original	17 units
Off-Tract Annexed (2004)	<u>3 unit</u>
Total units	94 units

Cost per unit is $\$729,520/94 \text{ units} = \$7,760.85$

- 3) The following sets forth an identification of those properties upon which the Benefit District cost calculations were based. The reason for their inclusion is explained in previous sections of this Report.

Because the in-tract properties were owned and developed by the Developer, they are not included in the boundary of the Benefit District

In-Tract Parcels (Developer Parcels) – 74 Single Family Residences

Assessor Parcel No.	Lot No.	Assessor Parcel No.	Lot No.
425-490-34	111	425-490-73	148
425-490-35	112	425-490-74	149
425-490-36/37	113	425-490-75	150
425-490-38/39	114	425-490-76	151
425-490-40	115	425-490-77	1
425-490-41	116	425-490-78	2
425-490-42	117	425-490-79	3
425-490-43	118	425-490-80	4
425-490-44	119	425-490-81	5
425-490-45	120	425-490-82	6
425-490-46	121	425-490-83	7
425-490-47	122	425-490-84	8
425-490-48	123	425-490-85	9
425-490-49	124	425-490-86	10
425-490-50	125	425-490-87	11
425-490-51	126	425-490-88/89	12
425-490-52	127	425-490-90/91	13
425-490-53	128	425-490-92/93	14
425-490-54	129	425-490-94/95	15
425-490-55	130	425-490-96/97	16
425-490-56	131	425-490-99/100	17
425-490-57	132	425-490-101	18
425-490-58	133	425-490-102	19
425-490-59	134	425-490-103	20
425-490-60	135	425-490-104	21
425-490-61	136	425-490-105	22
425-490-62	137	425-490-106/107	23
425-490-63	138	425-490-108/109	24
425-490-64	139	425-490-110/111	25
425-490-65	140	425-490-112	26
425-490-66	141	425-490-113	27
425-490-67	142	425-490-114	28
425-490-68	143	425-490-115	29
425-490-69	144	425-490-116	30
425-490-70	145	425-490-117	31
425-490-71	146	425-490-118	32
425-490-72	147	425-490-119	33

Off-Tract Parcels – 20 Single Family Residences

	Assessor Parcel No.	Acreage	Potential Units	
(1)	425-500-41	2.7 Ac	2	
(2)	425-500-43	1.0 Ac	1	
(3)	425-500-42	1.2 Ac	1	
(4)	85A-6200-18	3.8 Ac	3	
(5)	85A-6200-17	1.7 Ac	2	
(6)	425-500-16	1.0 Ac	1	
(7)	425-500-15	1.1 Ac	1	
(8)	425-500-17	1.0 Ac	1	
(9)	425-500-10	1.0 Ac	1	
(10)	425-500-11	1.0 Ac	1	
(11)	425-500-12	1.0 Ac	1	
(12)	425-280-15	1.0 Ac	1	
(13)	425-280-16	1.0 Ac	1	
(14)	425-500-08/09	3.12 Ac	3	(Only one unit authorized by the C

() Numbers correspond to numbers assigned on the Boundary Diagram and Benefit District Map.

- 4) In order to extend the sewer main off-tract easements had to be acquired from a number of parcels. As a part of acquiring the easement, Ponderosa Homes (the original subdivider) entered into an agreement whereby, the property owner would not be subject to any benefit district charge for development, and or connection, of one residential unit on the parcel. The affected parcels are Benefit District parcels No. 6, 7, 8, 9, & 10. Although no Benefit District charges will be levied for connection of one residential unit for the subject parcels, those parcels were included in arriving at the final per unit calculation. To do otherwise would shift the burden disproportionately to other properties and the fact that the Developer agrees to waive the charges was their option.

Those parcels which will not be subject to the charge have been noted on the Benefit District Roll and the Map.

X. City Collection and Processing Costs

For each property collection, the City shall collect \$300.00/residence to cover cost of collection and processing. This charge is over and above the money collected as reimbursement to the Developer. This cost has been adopted by

Council as an amendment to the City Master Fee Resolution and thereby, may be adjusted if cost of the service increases or decreases.

The money collected to cover City administration shall be deposited in the general fund, fund 100 – object 4896.

The money collected for reimbursement shall be deposited in fund 100 – object 2283. The preceding is based on City accounting procedures in 1993.

In various sections of this Report, reference is made to various account numbers, the reference is for information and applicability at the date of this Report and is not intended to restrict any future changes which the Finance Department may make in modifying any City accounting procedure.

XI. Value Adjustment

Pursuant to City Ordinance, the beneficiary is entitled to receive interest from the date of approval of this Benefit District, on the money expended to provide capacity to serve other properties. The interest rates will be those rates earned by the City on deposits in financial institutions, as averaged and determined by the City Finance Director on a fiscal year basis (HMC, Chapter 8, Article 6, Section 8-16.01).

Money collected during the fiscal year shall be calculated on a monthly basis, based on the last day of the preceding month, at the interest rate set at the end of the preceding fiscal year.

XII. Reimbursement to Developer

Money received which is to be reimbursed to the Developer shall be deposited in an interest bearing account and disbursed by the Finance Director pursuant to HMC, Chapter 8, Article 16, Section 8-16.60.

If at the time of collection of any fees from obligated property owners there is money under accounts receivable, fund 960, activity No. 9298, due and payable, to the City, such money due the City shall be deducted from any funds received prior to being reimbursed to the Benefit District Developer.

Developer:
Presley of Northern California
1850 Mt. Diablo Blvd., Suite 540
Walnut Creek, CA 94596

XIII. Termination of the District

The collection of money from obligated property owners shall terminate on April 19, 2008 or upon payment of the obligation of all the properties within the District, whichever occurs first.

Benefit District Roll

In-Tract Parcels (Developer Parcels) – 74 Single Family Residences

<u>Assessor Parcel No.</u>	<u>Lot No.</u>	<u>Benefit Assessment</u>	<u>Assessor Parcel No.</u>	<u>Lot No.</u>	<u>Benefit Assessment</u>
425-490-34	111	\$7,760.85	425-490-73	148	\$7,760.85
425-490-35	112	\$7,760.85	425-490-74	149	\$7,760.85
425-490-36/37	113	\$7,760.85	425-490-75	150	\$7,760.85
425-490-38/39	114	\$7,760.85	425-490-76	151	\$7,760.85
425-490-40	115	\$7,760.85	425-490-77	1	\$7,760.85
425-490-41	116	\$7,760.85	425-490-78	2	\$7,760.85
425-490-42	117	\$7,760.85	425-490-79	3	\$7,760.85
425-490-43	118	\$7,760.85	425-490-80	4	\$7,760.85
425-490-44	119	\$7,760.85	425-490-81	5	\$7,760.85
425-490-45	120	\$7,760.85	425-490-82	6	\$7,760.85
425-490-46	121	\$7,760.85	425-490-83	7	\$7,760.85
425-490-47	122	\$7,760.85	425-490-84	8	\$7,760.85
425-490-48	123	\$7,760.85	425-490-85	9	\$7,760.85
425-490-49	124	\$7,760.85	425-490-86	10	\$7,760.85
425-490-50	125	\$7,760.85	425-490-87	11	\$7,760.85
425-490-51	126	\$7,760.85	425-490-88/89	12	\$7,760.85
425-490-52	127	\$7,760.85	425-490-90/91	13	\$7,760.85
425-490-53	128	\$7,760.85	425-490-92/93	14	\$7,760.85
425-490-54	129	\$7,760.85	425-490-94/95	15	\$7,760.85
425-490-55	130	\$7,760.85	425-490-96/97	16	\$7,760.85
425-490-56	131	\$7,760.85	425-490-99/100	17	\$7,760.85
425-490-57	132	\$7,760.85	425-490-101	18	\$7,760.85
425-490-58	133	\$7,760.85	425-490-102	19	\$7,760.85
425-490-59	134	\$7,760.85	425-490-103	20	\$7,760.85
425-490-60	135	\$7,760.85	425-490-104	21	\$7,760.85
425-490-61	136	\$7,760.85	425-490-105	22	\$7,760.85
425-490-62	137	\$7,760.85	425-490-106/107	23	\$7,760.85
425-490-63	138	\$7,760.85	425-490-108/109	24	\$7,760.85
425-490-64	139	\$7,760.85	425-490-110/111	25	\$7,760.85
425-490-65	140	\$7,760.85	425-490-112	26	\$7,760.85
425-490-66	141	\$7,760.85	425-490-113	27	\$7,760.85
425-490-67	142	\$7,760.85	425-490-114	28	\$7,760.85
425-490-68	143	\$7,760.85	425-490-115	29	\$7,760.85
425-490-69	144	\$7,760.85	425-490-116	30	\$7,760.85
425-490-70	145	\$7,760.85	425-490-117	31	\$7,760.85
425-490-71	146	\$7,760.85	425-490-118	32	\$7,760.85
425-490-72	147	\$7,760.85	425-490-119	33	\$7,760.85

Off-Tract Parcels – 20 Single Family Residences

	Assessor Parcel No.	Acreage	Potential Units	Benefit Assessment
(1)	425-500-41	2.7 Ac	2	\$15,521.70
(2)	425-500-43	1.0 Ac	1	\$7,760.85
(3)	425-500-42	1.2 Ac	1	\$7,760.85
(4)	85A-6200-18	3.8 Ac	3	\$23,282.55
(5)	85A-6200-17	1.7 Ac	2	\$15,521.70
(6)	425-500-16	1.0 Ac	1	No Charge
(7)	425-500-15	1.1 Ac	1	No Charge
(8)	425-500-17	1.0 Ac	1	No Charge
(9)	425-500-10	1.0 Ac	1	No Charge
(10)	425-500-11	1.0 Ac	1	No Charge
(11)	425-500-12	1.0 Ac	1	\$7,760.85
(12)	425-280-15	1.0 Ac	1	\$7,760.85
(13)	425-280-16	1.0 Ac	1	\$7,760.85
(14)	425-500-08/09	3.12 Ac	3	\$23,282.55

() Numbers correspond to numbers assigned on the Boundary Diagram and Benefit District Map.

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 04-

Introduced by Council Member _____

9/10/04
mal

**RESOLUTION AMENDING BENEFIT DISTRICT 400-92,
OAKES DRIVE SANITARY SEWER BENEFIT DISTRICT,
TO ANNEX TWO PARCELS INTO THE DISTRICT,
EXECUTE UTILITY SERVICE AGREEMENT 03-06 AND A
PUBLIC STREET IMPROVEMENT AGREEMENT**

WHEREAS, on April 25, 1995, the City Council of the City of Hayward approved the Oakes Drive Sanitary Benefit District, Benefit District 400-92, which provided reimbursement to Presley of Northern California, for expenses incurred in extending a sanitary sewer main from the Prominence tract to Oakes Drive which serves the homes within the tract, as well as an additional 13 parcels in the vicinity; and

WHEREAS, the applicants septic system has failed and Alameda County Health is requiring that they connect to the sewer main; the City has received a request from the applicant for a Utility Service Agreement, including annexation into the benefit district, to connect to the sewer; and

WHEREAS, the method for calculating the fee charged to the benefit district properties was developed using the established equations in the amended Engineer's Report attached as Exhibit "B"; and

WHEREAS, the applications are categorically exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to section 15301(b) existing facilities of a publicly owned utility.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes the amendment of the Oakes Drive Sanitary Sewer Benefit District, Benefit District 400-92, as shown in Exhibit "A" attached hereto, annexing the properties into the district for connection to the sewer main extension, subject to application for and execution of a utility service agreement with the City of Hayward as approved by LAFCO and payment of the appropriate fees, and approves the amended Engineer's Report attached as Exhibit "B" and the method for calculating the fee contained therein.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to negotiate and execute public street improvement agreements at the subject property.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2004

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

ORDER TO ABATE

**4075 Picea Court
Hayward, CA 94542
APN: 425-500-8**

Pursuant to the June 18, 2003 Administrative Hearing with Alameda County Department of Environmental Health (the Department), this revised Abatement Order is hereby issued to Mrs. Joan Shumate to abate the public nuisance (substandard condition) which currently exists on the property bearing the address and Alameda County Assessors Parcel Number (APN) described above.

The following timeframe shall apply for the abatement of the substandard condition of the onsite sewage disposal system:

- 1. October 24, 2003** Submittal of verification to this Agency that an application has been made to the City of Hayward to connect subject residence to the municipal sewer.

Excavation of gravel from original leach field to meet required 10 foot setback from property line, with proper seal to prevent migration of runoff to adjacent downhill property
- 2. December 19, 2003** Subject residence must be completely connected to City of Hayward municipal sewer

Failure to comply with this Abatement Order constitutes a misdemeanor, and may result in further legal action to abate the substandard condition on the subject property.

ALAMEDA COUNTY

HEALTH CARE SERVICES**AGENCY**

DAVID J. KEARS, Agency Director



EXT 17

CERTIFIED MAIL: 7001 0320 0002 7818 6467

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
 1131 Harbor Bay Parkway
 Alameda, CA 94502-8577
 (510) 567-6777 Fax (510) 337-9135

June 26, 2003

Mrs. Joan Shumate
 4075 Picea Court
 Hayward, CA 94542

**Subject: Findings of June 19, 2003 Administrative Hearing regarding
 4075 Picea Court, Hayward, CA 94542
 APN: 425-500-8**

Dear Mrs. Shumate:

This letter serves to summarize the findings of the Administrative Hearing held on June 19, 2003 at 1131 Harbor Bay Parkway. Present during the hearing were the following individuals: Mee Ling Tung, Director of Environmental Health and presiding Hearing Officer, Ronald Browder, Chief of Environmental Protection, and myself, Ron Torres, Supervising Environmental Health Specialist. With your consent, the proceedings were tape recorded.

During the Hearing, a summary of violations leading up to the Hearing were reviewed and discussed. A time-line for complete abatement of the substandard sewage system for your residence was discussed, including the "temporary" nature of the sewage holding tank and the possibility of connecting your residence to the City of Hayward municipal sewer system.

Attached please find the Abatement Order pursuant to the June 18, 2003 Administrative Hearing. The Abatement Order specifies the compliance schedule, which will be enforced by this Department. Any modification to the Abatement Order will require a written request to the Hearing Officer, Mee Ling Tung. Such request will be reviewed by Mrs. Tung, and is subject to her approval.

Please note that the "Red-Tag" issued to the subject residence was officially lifted after the installation of the temporary holding tank on May 29, 2003. Be advised that if evidence of surfacing sewage is traced back to your residence, a "Red-Tag" will be re-issued immediately.

Please contact me should you have any questions regarding this matter. I can be reached at 510.567.6736.

Regards,

Ronald J. Torres, R.E.H.S.
 Supervising Environmental Health Specialist

- c: Mee Ling Tung, Director
 Tamara Wiggins, County Counsel
 Tona Henninger, Alameda County Code Enforcement
 Margaret Elliot, Alameda County Building Department
 Joe DeVries, Alameda County Board of Supervisors Office, District 4
 Mrs. Joan Shumate (alternate address):
 44254 Thomas Creek
 Scio, OR 97374

(attachment)

ORDER TO ABATE

**4075 Picea Court
Hayward, CA 94542
APN: 425-500-8**

Pursuant to the June 18, 2003 Administrative Hearing with Alameda County Department of Environmental Health (the Department), this Abatement Order is hereby issued to Mrs. Joan Shumate to abate the public nuisance (substandard condition) which currently exists on the property bearing the address and Alameda County Assessors Parcel Number (APN) described above.

The following timeframe shall apply for the abatement of the substandard condition of the onsite sewage disposal system:

- 1. July 11, 2003** Completion of a site assessment by a qualified onsite wastewater system professional. Site assessment must include soil profile and soil percolation test(s) witnessed by a representative of the Department.
- 2. August 7, 2003** Submittal of sewage disposal plans plans to the Department for review and approval. Plans are to be professionally drawn to scale, and shall include all applicable engineering details and calculations.
- 3. August 18, 2003** Completion of installation of approved means of sewage disposal.

Failure to comply with this Abatement Order constitutes a misdemeanor, and may result in further legal action to abate the substandard condition on the subject property.