

RESOLUTION NO. 2024 - 7705

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE RESCINDING RESOLUTION 2024-7657 AND (1) APPROVING A SEWER SERVICE ALLOCATION TO A NEWLY MERGED PARCEL APN 073-061-250 (MERGING APNS: 073-061-110 AND 073-061-100), PURSUANT TO MUNICIPAL CODE SECTION 51.124; AND (2) AUTHORIZING THE TOWN MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT BETWEEN THE TOWN OF WOODSIDE AND FAIR OAKS SEWER MAINTENANCE DISTRICT FOR THE TRANSFER OF A SEWER CONNECTION IN THE REDWOOD CREEK SEWER ASSESSMENT DISTRICT

WHEREAS, the Woodside Municipal Code provides Sewer Service Allocation Regulations beginning at Section 51.120; and

WHEREAS, the parcel located at the end of Otis Avenue is the product of a lot merger, which merged the parcels with APNs 073-061-110 AND 073-061-100 (the "merged parcel"), and is located in Service Area I as defined in Section 51.123 of the Sewer Service Allocation Regulations; and

WHEREAS, the merged parcel holds 75% of one existing sewer service allocation, which is shared with an adjacent, developed parcel known as 163 Otis Avenue and identified as APN 073-061-120; and

WHEREAS, Section 51.124(F) of the Municipal Code provides the process whereby merged parcels with partial sewer service allocations that lie in Service Area I can apply for additional sewer service allocations; and

WHEREAS, the owners of both APN 073-061-120 and the adjacent merged parcel have requested that the merged parcel APN 073-061-250 be granted a full sewer service allocation under the terms of Section 51.124(F); and

WHEREAS, pursuant to the requirements of Section 51.124(F), the owners propose to transfer the percentage of the existing sewer assessment held by the merged parcel to the developed parcel (APN 073-061-120) so that the developed parcel retains a full sewer service allocation; and

WHEREAS, the owners have requested that, pursuant to Section 51.124(F), the Town Council approve a new sewer service allocation to the merged parcel, which meets the minimum lot area as set forth in Section 153.205 of the Municipal Code; and

WHEREAS, the Town Engineer finds that the parcel meets all of the conditions outlined in Section 51.124(F) and advises that there is sufficient sewer capacity available to serve the merged parcel; and

WHEREAS, the merged lot is within the boundary of the Redwood Creek Sewer Assessment District and was granted a partial sewer allocation when the District was formed, but will have no remaining sewer assessment upon the transfer of its interest in the assessment shared with APN 073-061-120; and

WHEREAS, prior to sewer connection, sewer capacity rights are required to be transferred to the merged parcel; and

WHEREAS, the Fair Oaks Sewer Maintenance District will need to agree to amend the agreement with the Town of Woodside pertaining to the Redwood Creek Sewer Assessment District in order to allow this property to be served by the District and the Town will need to execute amended agreements accordingly; and

WHEREAS, on January 23, 2024, the Town Council adopted Resolution 2024-7657, which granted a sewer allocation to the merged parcel APN 073-061-250 and authorized the Town Manager to execute a Supplemental Agreement with the Fair Oaks Sewer Maintenance District so that the merged parcel could be served; and

WHEREAS, Resolution 2024-7657 incorrectly indicated that the merged parcel needed to annex into the Fair Oaks Sewer Maintenance District to be served, and indicated that the Council consented to such annexation; and

WHEREAS, the Fair Oaks Sewer Maintenance District confirmed that the merged parcel had already been annexed and requested that the Town rescind Resolution 2024-7657 and readopt a corrected resolution to remove the unnecessary references to annexation.

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WOODSIDE that:

1. Resolution 2024-7567, adopted January 23, 2024, is hereby rescinded;
2. a sewer service allocation is granted in the Redwood Creek Sewer Assessment District to the merged parcel APN 073-061-250 made up of parcels previously identified with APNs 073-061-110 and 073-061-100; and

3. that the Town Manager is authorized to execute a Supplemental Agreement with the Fair Oaks Sewer Maintenance District, in the form attached hereto as Exhibit A and made part hereof, or similar form, on behalf of the Town.

* * * * *

PASSED AND ADOPTED by the Town Council of the Town of Woodside, at a meeting thereof held on the 10th day of September, 2024, by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers: Brown, Dombkowski, Fluet, Goeld, and Mayor Wall

NOES, Councilmembers:

ABSENT, Councilmembers: Shaw

ABSTAIN, Councilmembers:

Signed by:

3792BC1A739D4A8...

Mayor of the Town of Woodside

ATTEST:



Clerk of the Town of Woodside

EXHIBIT A - DRAFT SUPPLEMENTAL AGREEMENT

SUPPLEMENT AGREEMENT BETWEEN FAIR OAKS SEWER MAINTENANCE DISTRICT AND THE TOWN OF WOODSIDE REGARDING TRANSFER OF SEWER CONNECTION IN THE REDWOOD CREEK MAIN TRUNK - GLENS SEWER COLLECTION SYSTEM ASSESSMENT DISTRICT

THIS AGREEMENT, made and entered into this ____ day of _____, 2024, by and between the TOWN OF WOODSIDE, a municipal corporation, hereinafter called "Town," and the FAIR OAKS SEWER MAINTENANCE DISTRICT, a sewer maintenance district of the County of San Mateo, State of California, hereinafter called "District".

WITNESSETH:

WHEREAS, Town and District have previously entered into an agreement dated April 2, 1968, assigning certain rights and responsibilities to Town and District for the purpose of providing sewer service to the Redwood Creek Main Trunk - Glens Sewer Collection System Assessment District; and

WHEREAS, said agreement provides that no parcel exterior to the boundary of said assessment district, nor parcels split and creating additional building sites, shall be permitted to connect to the sewer system acquired or constructed by said assessment district without first obtaining the approval of both the Town and the District; and

WHEREAS, the capacity purchased in the sewer treatment facilities of the City of Redwood City to treat the effluent generated within said assessment district is a finite amount, namely 150,000 gallons per day; and

WHEREAS, certain of these sewer connections remain unused at this time; and

WHEREAS, at the time of initial assessment, one shared sewer service connection assessment was levied on three parcels in common ownership, identified as APN 073-061-100, 073-061-110, and 073-061-120, such that APN 073-061-120 was assessed the equivalent of 25% of a full assessment and the remaining parcels were each assessed 25% and 50% of a full assessment; and

WHEREAS, the three parcels referenced above remain in common ownership, and the owners of those parcels have merged APNs 073-061-100 and 073-061-110, and requested one additional sewer service connection to serve the merged parcel through the facilities constructed by said assessment district; and

WHEREAS, the merged parcel (APN 073-061-250) can be served by gravity sewage flow to the facilities constructed by said assessment district as required by District policy; and

WHEREAS, in order to maintain the integrity of the purchased sewage treatment capacity hereinabove cited it is necessary to delete one unused sewer connection assigned within said assessment district for each sewer connection granted outside of said assessment district; and

WHEREAS, Town desires to grant a connection to said merged parcel from among those presently assigned but unused sewer connections within said assessment district, and District concurs.

NOW, THEREFORE IT IS AGREED as follows:

1. All interest in the sewer connection previously assigned to be shared by APNs 073-061-100, 073-061-110, and 073-061-120, and currently utilized by APN 073-061-120, shall be transferred to APN 073-061-120.
2. The merged parcel APN 073-061-250 (made up of the land previously identified as APNs 073-061-100 and 073-061-110) shall be assigned one (1) sewer connection representing a portion of the 150,000 gallons per day capacity purchased to treat the sewage generated within the Redwood Creek Main Trunk - Glens Sewer Collection System Assessment District.
3. The number of sewer connections assigned as "excess" referenced as assessment district parcel number 70 shall be reduced by one (1) sewer connection from twenty-two (22) sewer connections to twenty-one (21) sewer connections. Said assessment district parcel number 70 had its sewer connections previously reduced from twenty-three (23) connections to twenty-two (22) connections by Town-District Agreement dated December 4, 2023.
4. The Town shall make appropriate notation on the sewer records filed with the Town Engineer's office in the Town of Woodside.
5. The merged parcel APN 073-061-250 (made up of the land previously identified as APNs 073-061-100 and 073-061-110), assigned certain sewer connections by this agreement, previously annexed to the Fair Oaks Sewer Maintenance District pursuant to Section 5820 et seq. of the Streets and Highway Code and paragraph 6 of the above referenced agreement between Town and District dated April 2, 1968, and to which this agreement is supplemental, and therefore may connect to the facilities constructed by said above mentioned assessment district.

IN WITNESS WHEREOF, the parties hereto have caused this supplemental agreement to be executed by their duly authorized officers on the day and year first above written.

****Signatures appear on the following page****

TOWN OF WOODSIDE:

Dated: _____

By: _____
Kevin Bryant, Town Manager

ATTEST:

Dated: _____

By: _____
Melissa A. Cardinale, Interim
Town Clerk

FAIR OAKS SEWER MAINTENANCE DISTRICT
A Sewer Maintenance District of the County of San Mateo

Dated: _____

By: _____
President, Board of Supervisors

Attest: _____
Clerk of the Board