



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Public Works



Date: December 20, 2013
Board Meeting Date: January 28, 2014
Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors
From: James C. Porter, Director of Public Works
Subject: Annexation of Property to the Emerald Lake Heights Sewer Maintenance District – Lands of Mokhtarzadeh

RECOMMENDATION:

Acting as the Governing Board of the Emerald Lake Heights Sewer Maintenance District, adopt a Resolution setting Tuesday, February 25, 2014 at 9:00 A.M. at your regularly scheduled Board meeting, as the time and place for a public hearing on the proposed annexation of the Lands of Mokhtarzadeh (477 Hillcrest Way, Redwood City, APN 068-120-360) to the Emerald Lake Heights Sewer Maintenance District.

BACKGROUND:

The Emerald Lake Heights Sewer Maintenance District (District) entered into an agreement (Agreement) with the City of Redwood City (City) that allows the District to provide sewer service to properties within the corporate limits of the City that are adjacent to District-owned and operated facilities.

The Agreement requires properties within the City that are proposed to be served by the District to be annexed to the District, and also requires the City to approve said annexations into the District. The City adopted Resolution No. 15298 on October 7, 2013 (attached), consenting to the proposed annexation of this property and executing Supplemental Agreement No. 36 to the Agreement. Sections 4860 et seq. of the Health and Safety Code authorize your Board to adopt a resolution setting the time and place for the hearing upon the question of annexation, and to conduct a hearing to determine whether the territory shall be annexed.

DISCUSSION:

Patrick Mokhtarzadeh is the current owner of the property at 477 Hillcrest Way, which is also identified as Assessor's Parcel Number 068-120-360. He has requested that his property be annexed to the District in order to receive sewer service.

Sewage treatment capacity for the property will be from rights allocated to the City by the South Bayside System Authority, owner of the treatment facilities serving the City and the area within the District. Department staff has determined that the property can be served through the facilities of the District, and is recommending that a public hearing be set for your regular meeting of February 25, 2014, at 9:00 A.M., to consider the proposed annexation.

County Counsel has reviewed and approved the Resolution as to form. The required notices will be posted and published subject to your Board adopting the proposed Resolution.

Approval of this action contributes to the Shared Vision 2025 outcome of a Healthy Community as it is a required step in the process to provide effective sanitary sewer service to a parcel in a suburban area that would otherwise use an “on-site” method to handle wastewater.

FISCAL IMPACT:

The property owner has paid or will pay all required fees for the parcel as follows:

- | | |
|--|------------|
| • Annexation Processing Fee: | \$1,800 |
| • District Connection Fee: | \$19,000 |
| • Plan Review Fee: | \$300 |
| • Sewer Inspection Permit Fee: | \$300 |
| • State Board of Equalization's Recording and Mapping Fee: | \$300 |
| • Redwood City Sewer Facilities Fee: | \$960 |
| • Redwood City Wastewater Treatment Fee: | \$2,135.70 |

If the annexation is approved, the property owner will be subject to the annual sewer service charge levied by the District, which has been set at \$890 for Fiscal Year 2013-2014. The property owner will construct and pay for the lateral that is necessary to bring sewer service to this property.

There is no impact to the General Fund.

ORIGINAL

RESOLUTION NO. 15298

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF
SUPPLEMENTAL AGREEMENT NO. 36 TO AGREEMENT RELATING
TO SEWAGE TRANSMISSION, TREATMENT AND DISPOSAL; AND
CONSENTING TO ANNEXATION OF CERTAIN TERRITORY TO THE
EMERALD LAKE HEIGHTS SEWER MAINTENANCE DISTRICT**

WHEREAS, pursuant to the agreement entitled "Agreement for Sewage Transmission, Treatment, and Disposal of Sanitary Sewage By and Between the City of Redwood City, the County of San Mateo and the Emerald Lake Heights Sewer Maintenance District" dated August 22, 1983 (the "Transmission Agreement"), the Emerald Lake Heights Sewer Maintenance District (the "District") receives transmission, treatment and disposal services for sewage emanating from the District; and

WHEREAS, pursuant to that certain agreement entitled "Agreement -- Wastewater Treatment Capacity (Emerald Lake Hills Area)" by and between the City of Redwood City (the "City") and the County of San Mateo (the "County") dated August 20, 1980 (the "Capacity Agreement"), the City allocated 0.5 mgd (millions of gallons per day) sanitary sewerage treatment capacity rights to the County for the benefit of lands located within the area thereafter established as the District; and

WHEREAS, application for annexation of the lands hereinafter described (the "Annexing Territory") to the District has been made by the owner thereof; and

WHEREAS, the parties to the Transmission Agreement desire to include the Annexing Territory within the service area of the Transmission Agreement; and

WHEREAS, paragraph XI of the Transmission Agreement provides that the parties thereto may revise, alter, amend or supplement said agreement in writing; and

WHEREAS, the parties to the Capacity Agreement desire to confirm that sanitary sewerage treatment capacity rights allocated thereunder shall not be utilized for treatment of sewage emanating from the Annexing Territory.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF REDWOOD CITY, AS FOLLOWS:

1. Consent is hereby granted to the annexation of the Annexing Territory to the District of the County, and consent is hereby granted to the discharge, transmission, treatment and disposal of sewage emanating from said Annexing Territory pursuant to the Transmission Agreement subject to all terms and conditions thereof and subject, further, to the condition that all applicable wastewater capacity and facility fees and charges shall be paid to the City.

2. This Council hereby finds and determines that sanitary sewerage treatment capacity rights allocated to the City by the South Bayside System Authority, owner of the sanitary sewerage treatment plant which provides treatment service for sewage emanating from the City and the District, shall be the source of treatment capacity for sewage emanating from the Annexing Territory, and treatment capacity rights allocated to the County pursuant to the Capacity Agreement shall not be the source of treatment capacity for the Annexing Territory.

3. The Annexing Territory is all that certain real property located in the County, more particularly depicted and described in Exhibit "A" attached hereto and by this reference incorporated herein.

4. The Mayor and City Clerk are hereby authorized and directed to execute, and to attest thereto respectively, that certain agreement by and between the City, the

10/07/2013

County, and the District entitled, "Supplemental Agreement No. 36 to Agreement for Sewage Transmission, Treatment and Disposal of Sanitary Sewerage By and Between the City of Redwood City, the County of San Mateo and the Emerald Lake Heights Sewer Maintenance District" in the form of Exhibit "B" hereof, attached hereto and by this reference incorporated herein.

5. The City Clerk is hereby authorized and directed to transmit a certified copy of this resolution to the County and to the owner of the Annexing Territory.

* * *

Passed and adopted by the Council of the City of Redwood City at a
Regular City Council Meeting thereof held on the 7th of October, 2013 by the
following votes:

Council members: Bain, Foust, Gee, Ira, Seybert and Mayor Aguirre

NOES: None


RECUSED: None

ABSENT: Pierce



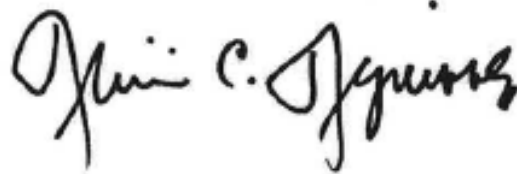
Alicia C. Aguirre
Mayor of the City of Redwood City

Attest:



Silvia Vonderlinden
City Clerk of Redwood City

I hereby approve the foregoing
resolution this 8th day of October 2013.



Alicia C. Aguirre
Mayor of the City of Redwood City

RESO #15298
MUFF #607

I

"Exhibit A"
Proposed Annexation of the Lands of Mokhtarzadeh to the
Emerald Lake Heights Sewer Maintenance District
477 Hillcrest Way, Redwood City
(APN 068-120-360)
Geographic Description

All that certain real property being portion of the Pulgas Rancho, situate in the City of Redwood City, County of San Mateo, State of California, also being all of Parcel C and a portion of Hillcrest Way as shown on the Parcel Map filed in book 53 of Parcel Maps on pages 28 and 29 in the Office of the Recorder of San Mateo County.

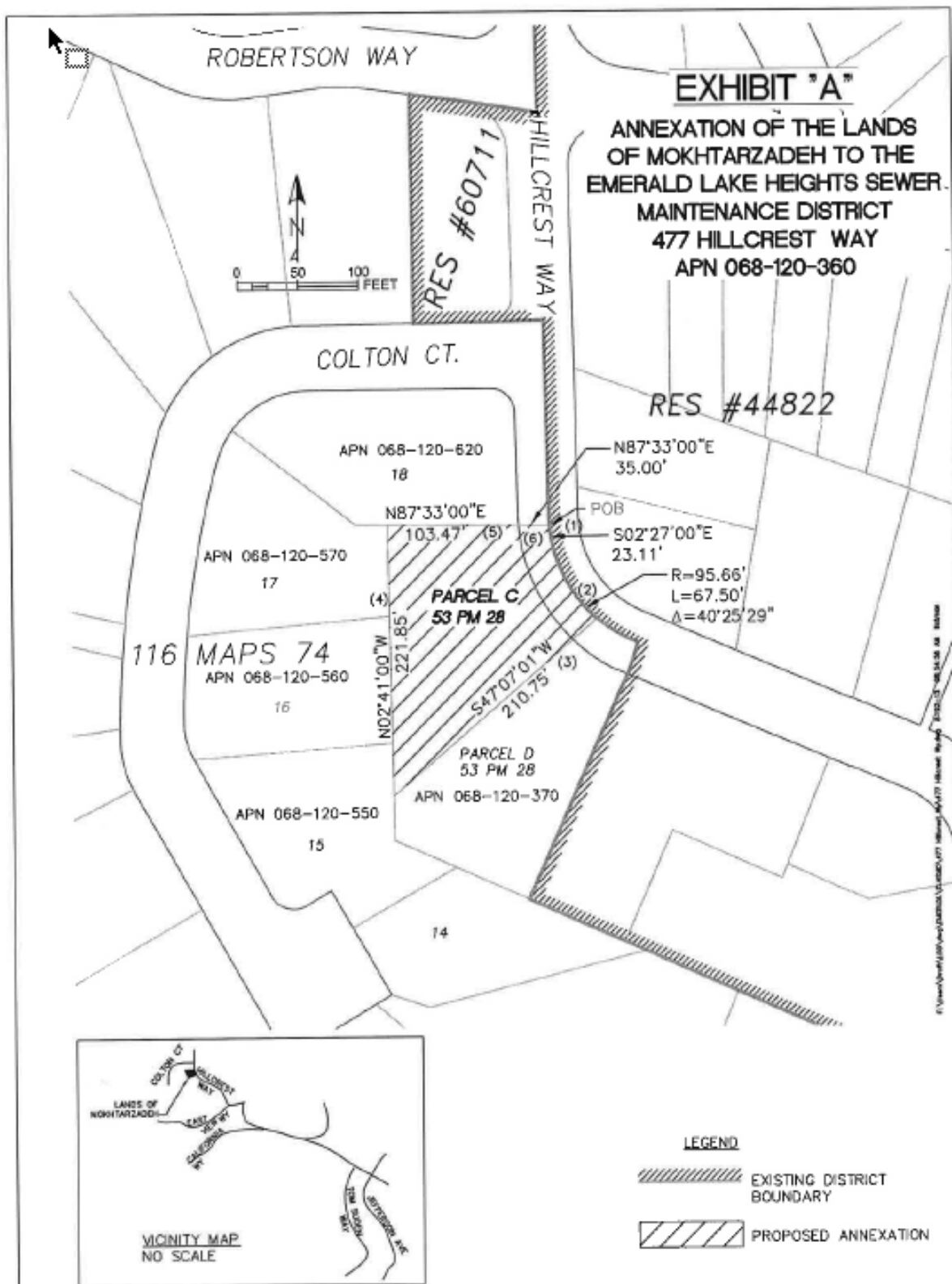
Commencing at a point on the Westerly line of the Emerald Lake Heights Sewer Maintenance District (ELHSMD) boundary adopted on August 9, 1983 by Resolution No. 44822, said point also being a point of intersection of centerline of Hillcrest Way as shown on said map and prolongation of Northerly line of said Parcel C.

1. Thence from said point along said center line South 02°27'00" East 23.11 feet, to the beginning of the curve to the left
2. Thence Southeasterly, along said curve having radius of 95.66 feet, through central angle of 40°25'29", an arc length of 67.50 feet
3. Thence leaving said centerline from end point of said curve South 47°07'01" West 210.75 feet to a most southerly point of said Parcel C
4. Thence along Westerly line of said Parcel C North 02°41'00" West, 221.85 feet to the most Northwesterly point of said Parcel C.
5. Thence along Northern line of said Parcel C North 87°33'00" East, 103.47 feet to the Northeasterly point of said Parcel C
6. Thence North 87°33'00" East 35.00 feet to the Point of Beginning.

Containing an area of 23,200.45 square feet, 0.53 acres more or less

End of description

The herein described Parcel is shown on attached map, Exhibit "A", of legal description and is made a part of hereof.



SUPPLEMENTAL AGREEMENT NO. 36

AGREEMENT FOR SEWAGE TRANSMISSION, TREATMENT AND DISPOSAL OF SANITARY SEWERAGE BY AND BETWEEN THE CITY OF REDWOOD CITY, THE COUNTY OF SAN MATEO AND THE EMERALD LAKE HEIGHTS SEWER MAINTENANCE DISTRICT

THIS AGREEMENT entered into this 21 day of October, 2013, by and between the **CITY OF REDWOOD CITY**, a charter city and municipal corporation of the State of California (the "City"), the **COUNTY OF SAN MATEO**, a political subdivision of the State of California (the "County"), and the **EMERALD LAKE HEIGHTS SEWER MAINTENANCE DISTRICT** (the "District"), a public corporation.

WITNESSETH:

WHEREAS, the City, the County and the District entered into an agreement dated August 22, 1983, entitled "Agreement for Sewage Transmission, Treatment and Disposal of Sanitary Sewerage By and Between the City of Redwood City, the County of San Mateo and the Emerald Lake Heights Sewer Maintenance District" (the "Transmission Agreement"), pursuant to which the City provides the District with sewage transmission, treatment and disposal services, subject to the terms and conditions thereof; and

WHEREAS, the City and the County entered into an agreement entitled "Agreement – Wastewater Treatment Capacity (Emerald Lake Hills Area)" dated August 19, 1980 (the "Capacity Agreement"), pursuant to which the City has allocated to the County 0.5 mgd (millions of gallons per day) sanitary sewerage treatment capacity rights for the benefit of lands located within the area thereafter established as the District; and

WHEREAS, application for annexation to the District has been made by the owners of the land hereinafter described (the "Annexing Territory"); and

WHEREAS, the County and the City desire to confirm that treatment capacity rights allocated to the County pursuant to the Capacity Agreement shall not be used for treatment of sewage emanating from the Annexing Territory; and

WHEREAS, paragraph XI of the Transmission Agreement provides that said agreement may be revised, altered, amended or supplemented by written agreement; and

WHEREAS, the parties hereto desire to supplement the Transmission Agreement by providing for the inclusion of the Annexing Territory in the service area specified in said agreement;

NOW, THEREFORE, in consideration of the above premises, the parties hereto agree as follows:

1. Exhibit "A" of the Transmission Agreement shall be, and is hereby, amended to include the Annexing Territory comprised of all that certain real property (A.P.N. 068-120-360) situated in the County, described and depicted on Exhibit "A" hereof, attached hereto and by this reference incorporated herein.
2. The parties hereto confirm and agree that treatment capacity for sewage emanating from the Annexing Territory shall be furnished pursuant to sanitary sewerage treatment capacity rights allocated to the City by the South Bayside System Authority, owner of the treatment facilities serving the City and the area within which the Annexing Territory is located, and shall not be furnished pursuant to the Capacity Agreement.

3. The County hereby agrees to collect all applicable wastewater capacity and facility fees and charges of the City from the owner(s) of the Annexing Territory as a condition to the issuance of said County's permits, approvals or other entitlements pertaining to said Territory, and thereupon to remit said fees and charges to the City.

I **IN WITNESS WHEREOF**, the parties hereto have executed this Agreement the day and year first hereinabove written.

ATTEST:  01/21/13
Silvia Vonder Linden, City Clerk

CITY OF REDWOOD CITY, a charter city and
municipal corporation in the State of California

Mayor

COUNTY OF SAN MATEO, a political subdivision of
the State of California

President, Board of Supervisors

ATTEST:

Clerk of the Board

EMERALD LAKE HEIGHTS SEWER MAINTENANCE
DISTRICT, a public Corporation

President, Board of Supervisors

ATTEST:

"Exhibit A"
Proposed Annexation of the Lands of Mokhtarzadeh to the
Emerald Lake Heights Sewer Maintenance District
477 Hillcrest Way, Redwood City
(APN 068-120-360)
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Containing an area of 23,200.45 square feet, 0.53 acres more or less

End of description

The herein described Parcel is shown on attached map, Exhibit "A", of legal description and is made a part of hereof.

