

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: AUGUST 20, 2008



PUBLIC HEARING – REIMBURSEMENT FOR FUTURE CONNECTIONS TO
DEVELOPER INSTALLED WATER AND SEWER IMPROVEMENTS
IN HONEY GROVE LANE

ITEM

Public hearing – reimbursement for future connections to developer-installed water and sewer improvements in Honey Grove Lane [ADOPT RESOLUTION].

BACKGROUND

Mr. Robert Newdoll developed a project on Honey Grove Lane, CO 03-0089, Lots 107 through 116. In order to develop the project, Mr. Newdoll was required to construct extensions of the public water and sanitary sewer pipelines on Honey Grove Lane. The public service extensions were accepted by the District on June 27, 2007 and may serve adjacent landowners as provided in the Rules and Regulations of the District.

Mr. Newdoll requested a reimbursement agreement for a portion of the costs of the public service extensions that may serve adjacent landowners in the future and provided a deposit in the amount of \$3000 for District's engineering, legal, and administrative costs related to processing the reimbursement agreement. The Board approved the agreement on December 12, 2007.

The applicant subsequently provided all of the required submittals and the District Engineer determined the reimbursement amount and apportioned the amount against all lots or parcels that could be served by the Public Service Extensions. Attached is a copy of the reimbursement area map with the proration of costs. Notice was sent to all property owners including the reimbursement cost for each lot on July 25, 2008 and property owners were allowed 14 days to protest the apportionment of costs. No written protests have been received to date.

District Code 5.01.030(C)(5) provides:

"If no protest is filed for a property within the fourteen-day period after the first or any subsequent notice of prorated amount is mailed for that property, the proration shall become final as to the property".

The Board is to hold a public hearing to consider any comments on the reimbursement cost apportionment. After the public hearing, the Board may approve the area of proration and the reimbursement apportionment of the costs by resolution. The resolution also authorizes the General Manager to record a Notice on all properties that are subject to the reimbursement cost.

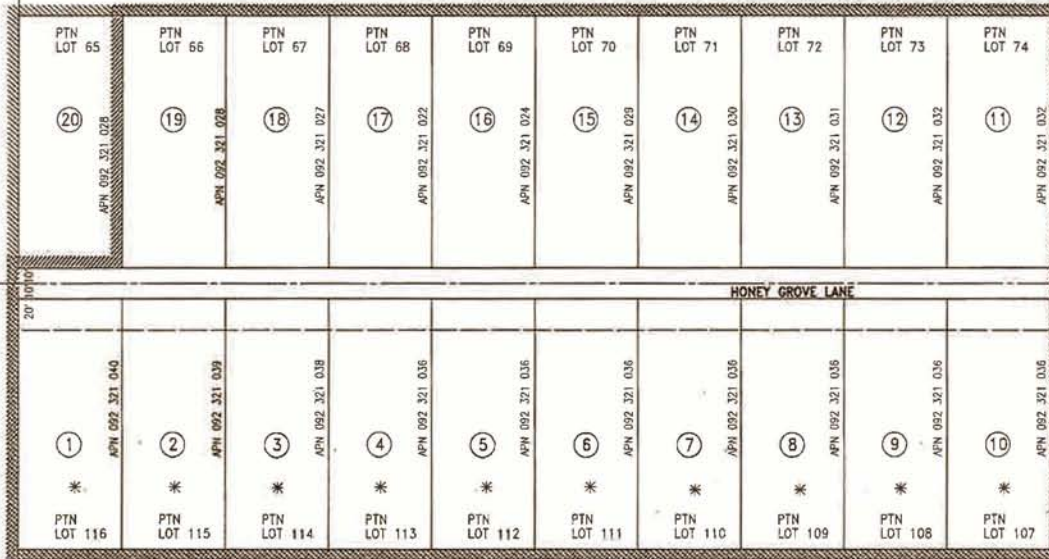
RECOMMENDATION

Staff recommends that your Honorable Board conduct the public hearing and consider adopting the attached resolution approving the area of proration, approving the final proration of costs, and authorizing the General Manager to record a Notice on all properties that are subject to the reimbursement cost.

ATTACHMENTS

- Reimbursement Area Map with Proration of Costs
- Draft Resolution 2008-XXXX Honey Grove Lane IV Reimbursement Apportionment

WATER AND SEWER REIMBURSEMENT AREA MAP FOR HONEY GROVE LANE IV



WATER AND SEWER REIMBURSEMENT SPREAD HONEY GROVE LANE IV FOR: NIPOMO COMMUNITY SERVICES DISTRICT

NO.	ASSESSORS NO.	WATER REIMB. SHARE PER LOT	SEWER REIMB. SHARE PER LOT	TOTAL REIMB. SHARE PER LOT
1	092 321 040	\$ 3,556.70	\$ 2,388.21	\$ 5,944.91
2	092 321 039	\$ 3,556.70	\$ 2,388.22	\$ 5,944.92
3	092 321 038	\$ 3,556.70	\$ 2,388.21	\$ 5,944.91
4	092 321 036	\$ 3,556.70	\$ 2,388.21	\$ 5,944.91
5	092 321 036	\$ 3,556.69	\$ 2,388.22	\$ 5,944.91
6	092 321 036	\$ 3,556.70	\$ 2,388.21	\$ 5,944.91
7	092 321 036	\$ 3,556.70	\$ 2,388.21	\$ 5,944.91
8	092 321 036	\$ 3,556.70	\$ 2,388.21	\$ 5,944.91
9	092 321 036	\$ 3,556.70	\$ 2,388.22	\$ 5,944.92
10	092 321 036	\$ 3,556.69	\$ 2,388.22	\$ 5,944.91
11	092 321 032	\$ 3,556.70	\$ 2,388.21	\$ 5,944.91
12	092 321 032	\$ 3,556.70	\$ 2,388.22	\$ 5,944.92
13	092 321 031	\$ 3,556.70	\$ 2,388.22	\$ 5,944.92
14	092 321 030	\$ 3,556.70	\$ 2,388.22	\$ 5,944.92
15	092 321 029	\$ 3,556.69	\$ 2,388.22	\$ 5,944.91
16	092 321 024	\$ 3,556.70	\$ 2,388.21	\$ 5,944.91
17	092 321 022	\$ 3,556.70	\$ 2,388.22	\$ 5,944.92
18	092 321 027	\$ 3,556.70	\$ 2,388.22	\$ 5,944.92
19	092 321 028	\$ 3,556.69	\$ 2,388.22	\$ 5,944.91
20	092 321 026	\$ -	\$ 2,388.22	\$ 2,388.22

TOTALS \$ 67,577.26 \$ 47,764.32 \$ 115,341.58 **

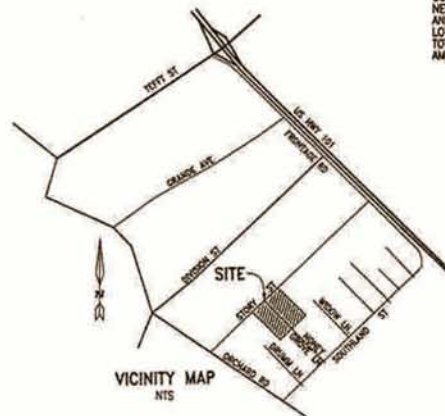
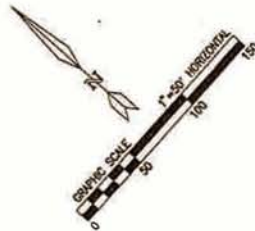
** DEVELOPER'S APPROVED COSTS

REIMBURSEMENT FORMULA

COSTS FOR SEWER AND WATER IMPROVEMENTS ARE TO BE DISTRIBUTED TO EACH NEW LOT REQUIRING WATER OR SEWER SERVICE CONNECTIONS TO THE NEW WATER AND SEWER SYSTEM AT THE RATE OF ONE WATER AND ONE SEWER CONNECTION PER LOT. LOTS 1 THROUGH 20 SHALL REIMBURSE A SEWER FEE AMOUNTING 1/20TH OF THE TOTAL SEWER SYSTEM COSTS. LOTS 1 THROUGH 19 SHALL REIMBURSE A WATER FEE AMOUNTING TO 1/16TH OF THE WATER SYSTEM COSTS.

LEGEND

- ⑬ Reimbursement Lot Number
- APN Assessors Parcel Number
- PTN Portion of Lot Number in Block A, 1 Maps 25, Southland Tract
- ▨ Sewer Reimbursement Area Boundary
- ▨ Water Reimbursement Area Boundary
- * Developer's Lot



AS REQUESTED BY:
Nipomo Community Services District
148 South Wilson Street
Nipomo, CA 93444

GA Gary Taylor & Associates
Civil Engineering
Surveying
Project Development
R. E. Lupinek
141 South D St
Arroyo Grande, CA 93420
805/488-1321

Sheet 1 of 1

File Date: 07/10/09

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2008-XXXX**

**A RESOLUTION OF THE
BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING THE REIMBURSEMENT AMOUNTS
FOR HONEY GROVE LANE IMPROVEMENTS (NEWDOLL)**

WHEREAS, the Nipomo Community Services District ("District") has accepted the water and sewer improvements ("Improvements") in Honey Grove Lane IV on June 27, 2007 from Robert Newdoll ("Developer"); and

WHEREAS, Robert Newdoll, developer of Honey Grove Lane IV Improvements, requested a Reimbursement Agreement for the Improvements installed on Honey Grove Lane; and

WHEREAS, the District approved the Reimbursement Agreement on December 12, 2007; and

WHEREAS, the District Engineer has approved the Developer's Costs related to the Honey Grove Lane Improvements at one hundred fifteen thousand three hundred forty-one dollars and fifty-eight cents (\$115,341.58) ("Improvement Costs"); and

WHEREAS, the Board of Directors conducted a Public Hearing on August 27, 2008, to consider final approval of the reimbursement spread and the Area of Benefit; and

WHEREAS, based on the Staff Report, Staff presentation and public comments the Board of Directors finds:

- A. The Improvement Costs have been spread (prorated) against all lots that are under the control or ownership of Developer (Lots 1 through 10) and those lots and parcels that may in the future be served by said Improvements ("Area of Benefit" or Lots 11 through 20).
- B. That the property owners within the Area of Benefit have been provided notice of this hearing and the prorated cost that is subject to reimbursement pursuant to District Code.
- C. No protests have been filed within the fourteen-day period of the above referenced notice.
- D. The proration is final as to the individual lots within the Area of Benefit.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AS FOLLOWS:

- 1. The reimbursement spread as shown on the attached Exhibit A is hereby approved.
- 2. The costs for Improvements in Honey Grove Lane were spread equally to each lot that may receive service (Area of Benefit).
- 3. The General Manager is authorized to record a Notice on all properties within the Area of Benefit (Lots 11 through 20) of the reimbursement obligation.
- 4. The above Recitals are true and correct and constitute findings of the Board of Directors in support of this Resolution.

PASSED AND ADOPTED by the Board of Directors of the Nipomo Community Services District this 27th day of August, 2008, on the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Michael Winn, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
District Legal Counsel