

**RESOLUTION NO. 98-62**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA, ESTABLISHING REIMBURSEMENT FEES FOR THE INSTALLATION OF A SANITARY SEWER MAIN IN GOLDEN HILL ROAD**

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WHEREAS, the City of El Paso de Robles, on June 21, 1994, accepted the sewer main installed in Golden Hill Road from an existing manhole near Highway 46 up to Rolling Hills Road; and

WHEREAS, said sewer main was constructed as part of the development of a residential tract known as Tract 1886, and qualifies for reimbursement pursuant to Title 14, Section 14.08.070 M1B of the Municipal Code of the City of El Paso de Robles, which provides that a developer of off-site sewer improvements is entitled to "a pro rata share of the cost of installing all sewer lines and appurtenances beyond the property line of installer where sewer lines are wholly outside the property of applicant and are subject to probable future use by connectors other than applicant."; and

WHEREAS, the City Engineer has determined that the real properties identified in Exhibit "A" are subject to probable future use of said off-site sewer line; and

WHEREAS, the City Engineer has determined that the pro rata eligible amount of reimbursement is \$221,805.00; and

WHEREAS, the City Engineer has determined that the reasonable reimbursement charge for connection to the offsite sewer line is \$263.00 per residential dwelling, unit and \$993.00 per commercial/industrial acre; and

WHEREAS, City will begin collecting these fees as individuals connect into the sewer line; and

WHEREAS, the City has received written notification from three separate persons claiming to be entitled to reimbursement for said off-site sewer line; and

WHEREAS, any amounts so received by the City will be held in a Trust Account and not be paid to any third party pending either 1) an agreement amongst the developers as to who is entitled to receive the moneys (with proper indemnification provisions regarding the City); or 2) a court order determining who is entitled to receive payment.

WHEREAS, in accordance to Title 14 of the Municipal Code, this Reimbursement shall expire ten (10) years from the date of the acceptance of the sewer main.

WHEREAS, based on the study performed by the City Engineer, as reflected in the Staff Reports, and testimony received at hearing on this matter, the City finds as follows:

1. That the eligible amount for reimbursement for the off-site sewer improvements is \$221,805.00.

2. That the real properties identified in Exhibit "A" are subject to probable future connections to said off-site sewer line.

3. That the reasonable reimbursement for connection to said off-site sewer line is \$263.00 per residential dwelling unit, and \$993.00 per commercial/industrial acre.

4. That the reimbursement charges approved by this Resolution are a "condition of development" and are therefore exempt from the guidelines and procedures of Proposition 218 (Article XIII D Section 1(b) of the California Constitution).

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

**Section 1.** That the City is authorized to enter into an agreement with the applicant to collect from those real properties identified in Exhibit "A" who connect to the off-site sewer improvement, the sum of \$263.00 per residential dwelling unit, and \$993.00 per commercial/industrial acre per exhibit "B". These charges shall be collected at the time the building permit is issued.

**Section 2.** That the City Council direct staff to deposit the fees into a Trust Account.

**Section 3.** That amounts collected shall be transmitted to the appropriate developer as determined by the City Attorney and monthly thereafter.

**Section 4.** That the amount paid to the developer shall not exceed \$221,805.00.

**Section 5.** That pursuant to Title 14, Section 14.08.070 M5B, the collection of reimbursements shall expire on June 21, 2004.

**PASSED AND ADOPTED** by the City Council of the City of Paso Robles, this 21st day of April, 1998, on the following vote:

**AYES:** Baron, Iversen, Macklin, Swanson, and Picanco  
**NOES:** None  
**ABSENT:** None

  
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MAYOR DUANE PICANCO

**ATTEST:**  
  
\_\_\_\_\_  
Madelyn Paasch, City Clerk

## EXHIBIT A

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	DESCRIPTION (TRACT OR A.P.N.)	AREA (ACRES)	DWELLING (UNITS)	ACRES (COM./IND.)	Qavg (gpd)	Qavg (gpd)
	TRACT 1022	9.00	9		2093	0
	TRACT 1474	7.70	7		1628	0
	TRACT 1886	47.00	81		18833	0
	TRACT 1930	5.45	14		3255	0
	TRACT 1961	4.18	12		2790	0
	TRACT 1962	10.70	32		7440	0
	TRACT 1964	5.45	15		3488	0
	TRACT 1965	5.00	11		2558	0
	TRACT 1966	3.32	5		1163	0
	TRACT 2223	40.38	105		24413	0
001 )	25-401-08	2.93		2.93	0	2578
002 )	25-401-17	1.45		1.45	0	1276
003 )	25-401-18	1.74		1.74	0	1531
004 )	25-401-19	1.45		1.45	0	1276
005 )	25-401-21	1.90		1.90	0	1672
006 )	25-401-23	1.37		1.37	0	1206
007 )	25-401-26	3.10		3.10	0	2728
008 )	25-401-27	2.05		2.05	0	1804
009 )	25-401-28	2.76		2.76	0	2429
010 )	25-401-29	1.25	2		465	0
011 )	25-401-33	1.83	2		465	0
012 )	25-401-34	1.93	3		698	0
013 )	25-401-35	2.47	4		930	0
014 )	25-401-42	0.90		0.90	0	792
015 )	25-401-45	1.41		1.41	0	1241
016 )	25-401-47	2.39		2.39	0	2103
017 )	25-401-52	0.88		0.88	0	774
018 )	25-401-56	1.34		1.34	0	1179
019 )	25-401-57	1.97		1.97	0	1734
020 )	25-401-58	0.90		0.90	0	792
021 )	25-401-61	0.90	1		233	0
022 )	25-401-62	0.90	1		233	0
023 )	25-401-64	1.76		1.76	0	1549
024 )	25-401-65	1.14	2		465	0
025 )	25-401-66	1.51		1.51	0	1329
026 )	25-401-67	1.11	2		465	0
027 )	25-401-68	1.54		1.54	0	1355
028 )	25-401-77	1.76		1.76	0	1549
029 )	25-401-78	3.16		3.16	0	2781
030 )	25-401-84	0.36		0.36	0	317
031 )	24-401-85	0.31		0.31		273
032 )	25-401-87	1.49		1.49	0	1311
033 )	25-401-88	1.69		1.69	0	1487
034 )	25-402-01	12.58	28		6510	0
035 )	25-402-02	7.43	17		3953	0
036 )	25-402-03	5.01	11		2558	0

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## EXHIBIT A

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	DESCRIPTION (TRACT OR A.P.N.)	AREA (ACRES)	DWELLING (UNITS)	ACRES (COM./IND.)	Qavg (gpd)	Qavg (gpd)
037 )	25-402-04	5.01	11		2558	0
038 )	25-402-05	5.00	11		2558	0
039 )	25-402-08	4.51	10		2325	0
040 )	25-402-09	4.36	10		2325	0
041 )	25-362-01	1.16		1.16	0	1021
042 )	25-362-02	1.47		1.47	0	1294
043 )	25-362-07	8.00		8.00	0	7040
044 )	25-362-08	8.00		8.00	0	7040
045 )	25-362-09	1.70		1.70	0	1496
046 )	25-362-10	1.70		1.70	0	1496
047 )	25-362-11	3.50		3.50	0	3080
048 )	25-362-12	2.00		2.00	0	1760
049 )	25-362-13	5.00		5.00	0	4400
050 )	25-362-15	1.30		1.30	0	1144
051 )	25-362-16	13.47	20		4650	0
052 )	25-362-28	12.00	20		4650	0
053 )	25-362-29	2.20	2		465	0
054 )	25-011-33	1.00	1		233	0
055 )	25-013-01	1.00	1		233	0
056 )	25-013-02	1.42	1		233	0
057 )	25-013-03	1.26	1		233	0
058 )	25-013-04	1.20	1		233	0
059 )	25-021-05	1.00	1		233	0
060 )	25-021-07	1.00	1		233	0
061 )	25-021-09	2.00	1		233	0
062 )	25-021-12	1.00	1		233	0
063 )	25-021-14	1.00	1		233	0
064 )	25-021-15	1.00	1		233	0
065 )	25-021-16	0.99	1		233	0
066 )	25-041-09	1.00	1		233	0
067 )	25-061-09	1.50	1		233	0
068 )	25-061-10	1.00	1		233	0
069 )	25-061-11	1.62	1		233	0
070 )	25-061-12	1.50	1		233	0
071 )	25-061-13	1.00	1		233	0
072 )	25-061-14	1.00	1		233	0
073 )	25-111-13	1.00	1		233	0
074 )	25-111-14	1.00	1		233	0
075 )	25-111-15	1.00	1		233	0
076 )	25-111-16	1.00	1		233	0
077 )	25-111-17	1.00	1		233	0
078 )	25-111-18	1.00	1		233	0
079 )	25-111-19	1.00	1		233	0
080 )	25-361-12	32.00	64		14880	0
081 )	25-361-27	2.30	5		1163	0
082 )	25-391-50	4.50	14		3255	0
	<b>TOTALS</b>	<b>365.52</b>	<b>557.00</b>	<b>75.95</b>	<b>129502.50</b>	<b>66836.00</b>

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## GOLDEN HILL SEWER REIMBURSEMENT

TOTAL REIMBURSEMENT = \$221,805.00

$$Q_{(\text{gpd})\text{RESIDENTIAL}} = 557_{(\text{UNITS})} \times 93_{(\text{GPC/DAY})} \times 2.5_{(\text{PERSONS/UNIT})} = 129,503_{(\text{gpd})}$$

$$Q_{(\text{gpd})\text{COMMERCIAL}} = 880_{(\text{GPD/ACRE})} \times 75.95_{(\text{ACRES})} = 66,836_{(\text{gpd})}$$

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$$= 196,339_{(\text{gpd})}$$

### RESIDENTIAL

$$[(129,503)/(196,339)] \times 100 = 66\%$$

$$[(.66) \times (\$221,805.00)] / 557_{(\text{UNITS})} = \boxed{\$263.00/\text{UNIT}}$$

### COMMERCIAL/INDUSTRIAL

$$[(66,836)/(196,339)] \times 100 = 34\%$$

$$[(.34) \times (\$221,805.00)] / 75.95_{(\text{ACRES})} = \boxed{\$993.00/\text{ACRE}}$$