

DATE SUBMITTED 11/27/2024
 SUBMITTED BY COMMUNITY DEVELOPMENT DIRECTOR
 DATE ACTION REQUIRED 12/04/2024

COUNCIL ACTION (x)
 PUBLIC HEARING REQUIRED ()
 RESOLUTION ()
 ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING ()
 CITY CLERK'S INITIALS ()

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: DOMESTIC WATER AND SANITARY SEWER SERVICE TO PROPERTY OUTSIDE CITY BOUNDARIES. 1. ADOPT RESOLUTION APPROVING THE EXTENSION OF DOMESTIC WATER AND SANITARY SEWER SERVICE FOR 111 DAHLIA LN APN 064-020-030 2. APPROVE SERVICE AGREEMENT FOR DOMESTIC WATER AND SANITARY SEWER SERVICE	
DEPARTMENT INVOLVED:	COMMUNITY DEVELOPMENT
BACKGROUND/SUMMARY: There is currently no City domestic water and sanitary sewer system servicing APN 064-020-030 a property located along Dahlia Ln. Mr. Omar Franco submitted his encroachment application and his receipt from LAFCO showing his intent to establish service with the City. For details, see the attached Exhibit "A" illustrating the location of the existing City's Domestic Water and Sanitary Sewer main in the vicinity of said parcel. The fully executed "Will Serve" letters are attached as Exhibit "B". Resolution No. 2024-62 is attached as Exhibit "C". Service Agreement for Domestic Water and Sanitary Sewer Service is attached as Exhibit "D"	
FISCAL IMPACT: NO FISCAL IMPACT	ADMIN SERVICES SIGN INITIALS <u>JMS</u>
STAFF RECOMMENDATION: 1. Staff recommends adoption of resolution approving of Domestic Water and Sanitary Sewer service outside of city boundaries for APN 064-020-030. 2. Staff recommends approval of Domestic Water and Sanitary Sewer Service Agreement.	DEPT. INITIALS <u>OM</u>
MANAGER'S RECOMMENDATION: <u>approve</u>	CITY MANAGER'S INITIALS <u>JAM</u>
MOTION: SECONDED: APPROVED () REJECTED () AYES: DISAPPROVED () DEFERRED () NAYES: ABSENT: REFERRED TO:	

RESOLUTION NO. 2024-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL AUTHORIZING DOMESTIC WATER AND SANITARY SEWER SERVICE CONNECTION FOR 111 DAHLIA LANE (APN 064-020-030), PROPERTY LOCATED OUTSIDE OF THE CITY OF IMPERIAL.

WHEREAS, there is currently no domestic water and no city sanitary sewer system servicing 111 Dahlia Lane (APN 064-020-030), a property located outside of the City of Imperial; and

WHEREAS, Mr. Omar Franco, owner of said property, filed an application to the Local Agency Formation Commission (LAFCO) requesting their approval to establish service with the City; and

WHEREAS, Mr. Omar Franco understands and accepts that the extension of domestic water and of sanitary sewer service to the property at 111 Dahlia Lane is strictly for that property and will not extend to any other properties without LAFCO and City approvals; and

WHEREAS, a “Will Serve” letter was issued on October 07, 2024 stating that the City of Imperial has the capacity to provide adequate domestic service and adequate sanitary sewer service for one (1) single family dwelling to the property at 111 Dahlia Lane after Public Services Department and Community Development Department reviewed the request.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Imperial hereby agrees:

- a. To authorize the City of Imperial to approve a sanitary domestic water connection and a sanitary sewer service connection for 111 Dahlia Lane as outlined.

The City Attorney is authorized to make minor typographical changes to this Resolution that does not change the substance of this Resolution;

THE FOREGOING RESOLUTION was passed and adopted by the City Council of the City of Imperial on _____, 2024.

ROBERT AMPARANO,
Mayor

ATTEST:

KRISTINA SHIELDS,
City Clerk

CERTIFICATION

I, Kristina Shields, City Clerk of the City of Imperial, California, hereby certify that the foregoing Resolution No. 2024-62 was duly adopted at a meeting of the City Council of said City at its meeting held on the 4th day of December, 2024, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Imperial, California, this 4th day of December, 2024.

KRISTINA SHIELDS,
City Clerk

EXHIBIT "A"

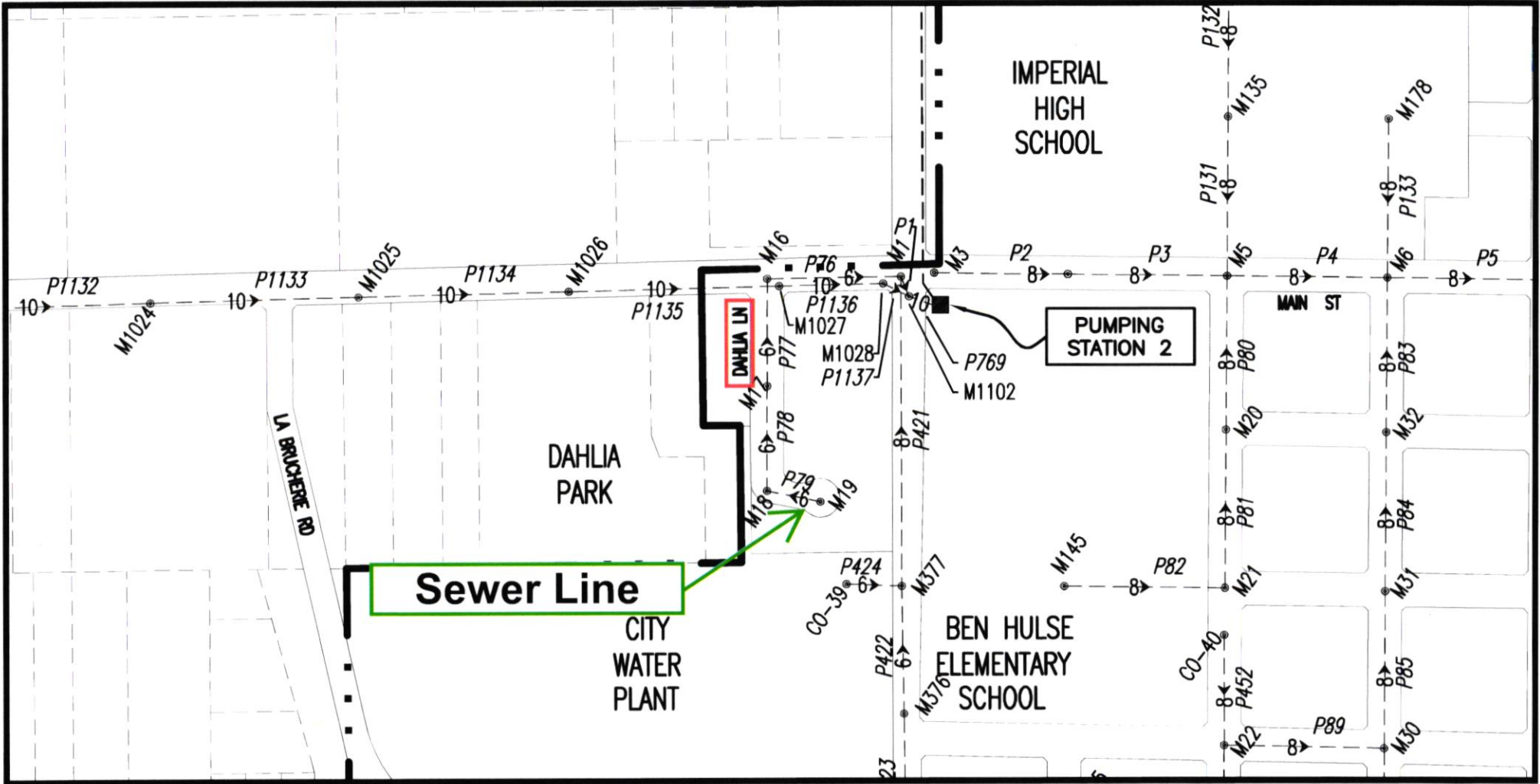




EXHIBIT B

CITY COUNCIL
Robert Amparano – Mayor
James Tucker – Mayor Pro-tem
Katherine Burnworth – Council Member
Stacy Mendoza – Council Member
Ida Obeso-Martinez – Council Member

CITY CLERK
Kristina Shields

October 7, 2024

Franco & Sons LLC
3017 D Avenue
National City, CA 91950

RE: **Sanitary Sewer "Will Serve" Letter
For 111 Dahlia Lane, Imperial CA 92251
APN 064-020-030**

Dear Mr. Franco,

The City of Imperial has the capacity to provide adequate sanitary sewer service, for one (1) single family dwelling, to the property at 111 Dahlia Lane, Imperial CA 92251, an unincorporated area within the County of Imperial.

Please consider this correspondence as a "Will-Serve" letter which warrants sanitary sewer capacity specifically for the above-referenced project up to October 7, 2025.

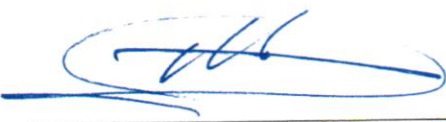
Should you have any questions, or need additional information, please do not hesitate to contact our office at your earliest convenience at any of the following numbers:

- a) (760) 355-3336 - Public Services
- b) (760) 355-1152 - Community Development

Sincerely,



David Dale
Public Service Director



Othon Mora
Community Development Director



EXHIBIT B

CITY COUNCIL
Robert Amparano – Mayor
James Tucker – Mayor Pro-tem
Katherine Burnworth – Council Member
Stacy Mendoza - Council Member
Ida Obeso-Martinez - Council Member

CITY CLERK
Kristina Shields

October 7, 2024

Franco & Sons LLC
3017 D Avenue
National City, CA 91950

RE: **Water "Will Serve" Letter
For 111 Dahlia Lane, Imperial CA 92251
APN 064-020-030**

Dear Mr. Franco,

The City of Imperial has the capacity to provide adequate domestic water supply service to the property at 111 Dahlia Lane, Imperial CA 92251, an unincorporated area within the County of Imperial.

Please consider this correspondence as a "Will-Serve" letter which warranties water capacity specifically for the above-referenced project up to October 7, 2025.


Should you have any questions, or need additional information, please do not hesitate to contact our office at your earliest convenience at any of the following numbers:

- a) (760) 355-3336 - Public Services
- b) (760) 355-1152 - Community Development

Sincerely,



David Dale
Public Service Director



Othon Mora
Community Development Director

EXHIBIT C

RESOLUTION NO. 2024-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL AUTHORIZING DOMESTIC WATER AND SANITARY SEWER SERVICE CONNECTION FOR 111 DAHLIA LANE (APN 064-020-030), PROPERTY LOCATED OUTSIDE OF THE CITY OF IMPERIAL.

WHEREAS, there is currently no domestic water and no city sanitary sewer system servicing 111 Dahlia Lane (APN 064-020-030), a property located outside of the City of Imperial; and

WHEREAS, Mr. Omar Franco, owner of said property, filed an application to the Local Agency Formation Commission (LAFCO) requesting their approval to establish service with the City; and

WHEREAS, Mr. Omar Franco understands and accepts that the extension of domestic water and of sanitary sewer service to the property at 111 Dahlia Lane is strictly for that property and will not extend to any other properties without LAFCO and City approvals; and

WHEREAS, a “Will Serve” letter was issued on October 07, 2024 stating that the City of Imperial has the capacity to provide adequate domestic service and adequate sanitary sewer service for one (1) single family dwelling to the property at 111 Dahlia Lane after Public Services Department and Community Development Department reviewed the request.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Imperial hereby agrees:

- a. To authorize the City of Imperial to approve a sanitary domestic water connection and a sanitary sewer service connection for 111 Dahlia Lane as outlined.

The City Attorney is authorized to make minor typographical changes to this Resolution that does not change the substance of this Resolution;

THE FOREGOING RESOLUTION was passed and adopted by the City Council of the City of Imperial on _____, 2024.

AYES:
NOES:
ABSTAIN:
ABSENT:

Signed: _____
Robert Amparano, Mayor

ATTEST:

Signed: _____
Kristina Shields, City Clerk

EXHIBIT D

RECORDING REQUESTED AND
WHEN RECORDED MAIL TO:

CITY OF IMPERIAL
ATTN:

This Space Reserved for Recorder Only Gov. Code 27361.6

AGREEMENT FOR DOMESTIC WATER AND SANITARY SEWER SERVICE

This agreement, made and entered into between the City of Imperial, a municipal corporation, hereinafter referred to as “City” and Omar Franco for 111 Dahlia Lane (APN 064-020-030), hereinafter referred to as “Consumer” collectively referred to as “Parties.”

RECITALS

WHEREAS, Consumer is the owner of certain real property located outside the city limits of the City of Imperial (“Property”); and

WHEREAS, the Property is more particularly described in the attached Exhibit A; and

WHEREAS, Consumer is desirous of connecting to City’s existing domestic water and sanitary sewer collection system for domestic use; and

WHEREAS, City is agreeable to providing domestic water and sanitary sewer service to Consumer’s real property, as more particularly described below, upon certain conditions.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions herein, City and consumer agree as follows:

1. The recitals set forth above are true and correct and are incorporated herein by this reference.
2. City hereby grants to Consumer permission to connect to the Domestic Water and Sanitary Sewer System (“System”) to the property of Consumer, more particularly described in the attached Exhibit A which is incorporated by this reference.
3. Consumer agrees to be bound by all the ordinances, rules and regulations of the City pertaining to Domestic Water and Sanitary Sewer, and to pay such rates for said service as set forth herein and as the City Council of the City may fix by ordinance, resolution or motion duly adopted or amended from time to time.
4. Parties agree that City will not extend its System or pay to allow extension of the System to enable Consumer to connect to the System, and that Consumer will, at Consumer’s own expense, install such infrastructure as may be required to connect to the System. Consumer agrees that all material and labor for installing

any such infrastructure shall be at the expense of Consumer and that such infrastructure must be properly constructed to City specifications in a good and workmanlike manner and meet the reasonable satisfaction of the building inspector of the City. Plans for such installation shall be approved by City prior to installation. The design will be such that existing users will not be adversely impacted.

5. Consumer shall, at Consumer's sole expense, obtain all permits, including, but not limited to, any necessary encroachment permits. Additionally, Consumer shall, at Consumer's sole cost, obtain approval from the Imperial County Local Agency Formation Commission for obtaining the service described herein.

6. Upon application for a permit, Consumer shall pay to City a connection fee as set forth by the City Council in an amount as may be established from time to time and in effect at the time of payment. Additionally, Consumer shall pay any other applicable fees and charges, including, but not limited to, monthly fees and reimbursement for previously installed infrastructure as determined by City.

7. This agreement authorizes Domestic Water and Sanitary Sewer for the real Property described in Exhibit A. In the event any portion of said property is sold, transferred, conveyed or occupied by any party and/or parties other than Consumer, this Agreement shall terminate as to the portion transferred and, said party and/or parties must apply to the City for a permit, pay the permit fee required by the City, and enter into an agreement with the City for Domestic Water and Sanitary Sewer. It is agreed that non-compliance with this paragraph by Consumer, or any person holding under or through Consumer or a grantee of Consumer, will justify the City in immediately terminating Consumer's water service.

8. Parties agree that the Domestic Water and Sanitary Sewer service provided to Consumer under this agreement shall be for one single family dwelling only. In the event Consumer wishes to have City water to any additional residential dwelling, Consumer must make separate application and enter an agreement for Domestic Water and Sanitary Sewer service. City may grant or deny such application in its sole and unfettered discretion. Parties further agree that the water service provided to Consumer under this agreement shall be used for domestic personal use only for Consumer's residence and not commercial or industrial use

9. Consumer agrees, as a condition of receiving Domestic Water and Sanitary Sewer service from the City, to voluntarily participate in an assessment district, should one be formed, to construct infrastructure improvements. The infrastructure improvements anticipated to be constructed include water and sewer lines, storm drains, roadway improvement and street lighting improvement. Consumer is hereby put on notice that the assessment district improvement will be funded by an increase in property taxes for all parcels included within the boundary of the district. Further, by the execution of this agreement, Consumer hereby gives its irrevocable consent to the annexation of the real property described herein to the City of Imperial, when at such times as the City Council of the City determines it would be in the best interest of City to annex said property.

10. The parties agree that this agreement shall be recorded in the official records of the Imperial County Recorders office so that any successors in interest to Consumer of the real property described in Exhibit A shall have notice of the re-application provisions contained above.

IN WITNESS WHEREOF, the parties hereto set their hands this _____ day
of _____, 20__.

CITY:

CONSUMER:

CITY OF IMPERIAL

By _____
Mayor

ATTEST:

By _____
City Clerk