

COUNTY OF SAN MATEO

Interdepartmental Correspondence

Date: July 23, 2001

Board Meeting Date: August 14, 2001

TO: Honorable Board of Supervisors

FROM: Neil R. Cullen, Director of Public Works

SUBJECT: **Annexation of Territory to the Emerald Lake Heights Sewer Maintenance District - Lands of Brown and Farahyar – Redwood City Area**

RECOMMENDATION

After conducting the public hearing:

- 1) Adopt a Resolution ordering the annexation of the Lands of Brown and Farahyar to the Emerald Lake Heights Sewer Maintenance District (District) and authorizing the President of the Board to execute a Supplement to the Redwood City – Emerald Lake Heights Sewer Maintenance District Transmission Agreement.
- 2) Instruct the Clerk of the Board to transmit to the City of Redwood City a copy of the Resolution ordering annexation, along with the executed duplicate original of the Supplemental Agreement.

Previous Board Action

1. Entered into an agreement with the City of Redwood City for the provision of sewer service by the District for properties within the corporate limits of Redwood City, but adjacent to District owned and operated facilities.
2. Set 9:00 a.m. on Tuesday, August 14, 2001, in your Chambers as the time and place of a public hearing on the annexation of the Lands of Brown and Farahyar to the Emerald Lake Heights Sewer Maintenance District (District).

Key Facts

1. The Redwood City/District agreement requires properties within the City that are to be served by the District, to be annexed to the District.
2. The Redwood City/District Agreement also requires the City to approve annexations into the District. Redwood City has consented to the proposed annexation.

Honorable Board of Supervisors

**Subject: Annexation of Territory to the Emerald Lake Sewer Maintenance District -
Lands of Brown and Farahyar -- Redwood City Area**

Date: July 23, 2001

Board Meeting Date: August 14, 2001

Page 2

3. A public hearing to consider an annexation to the District is required pursuant to Section 4860 et seq. of the Health and Safety Code.

Discussion

Christy L. Brown and Ayoub J. Farahyar, current owners of the property located within Redwood City at 747 Southview Way and identified by Assessor's Parcel Number 068-262-020, have requested that their property be annexed to the District for the purpose of receiving sewer service.

The City of Redwood City has adopted Resolution No. 14151 consenting to the proposed annexation and will execute the Supplement to the Redwood City/District Transmission Agreement once annexation is complete.

The Public Hearing for the proposed annexation has been properly noticed and the appropriate description prepared and we are therefore recommending that the annexation be approved.

Fiscal Impact

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

- Annexation Processing Fee: \$400 (has paid)
- District Connection Fees: \$13,603 (has paid)
- The State Board of Equalization's Recording and Mapping Fee: \$300 (has paid)
- Sewer Inspection Permit Fee: \$50 (will pay)
- Redwood City's Wastewater Capacity Fee: \$715.50 (has paid)
- Redwood City's Sewer Facilities Fee: \$960 (has paid)

The property owner will be subject to the annual sewer service charge in the District (currently \$233 per year), and will provide and pay for any necessary sewer main or sewer lateral needed to connect the property to the District's facilities.

There is no impact on the County General Fund.

Honorable Board of Supervisors

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Date: July 23, 2001

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Page 3

A form of resolution and agreement has been approved by County Counsel.



Neil R. Cullen
Director of Public Works

NRC:JSD:cda

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cc: Christy L. Brown and Ayoub J. Farahyar
 626 Lombardy Way
 Redwood City, CA 94062
 Silvia M. Ponte, Redwood City Sr. Deputy City Clerk
 Milt Mares, County Counsel

Resolution No. _____

Board of Supervisors, County of San Mateo, State of California

**Resolution Ordering Annexation of Territory to the
Emerald Lake Heights Sewer Maintenance District and
Authorizing the Execution of a Supplement to the
Redwood City/Emerald Lake Heights Sewer Maintenance District Agreement
Lands of Brown and Farahyar – Redwood City Area**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, on Tuesday, 24th day of July 2001, this Board adopted its Resolution of Intention No. 64625, to annex territory to the Emerald Lake Heights Sewer Maintenance District (District), a Maintenance District organized and existing under and pursuant to Section 4860 et seq. of the Health and Safety Code, the said territory being more particularly described in Exhibit "A" hereto attached and made a part hereof by reference; and

WHEREAS, a copy of said Resolution, headed by the words "NOTICE OF HEARING" was published once a week for two successive weeks in the Independent Newspaper Group, a newspaper of general circulation, circulated in the District and in the territory proposed to be annexed, deemed by this Board to be most likely to give Notice of Hearing to all inhabitants of each, and copies of said Resolution with like heading in letters of not less than one inch in height

were also posted in three conspicuous places in the District in which the territory is to be annexed, and in three conspicuous places in the territory proposed to be annexed, not less than ten days prior to the day set for hearing; and

WHEREAS, a full hearing was held thereon at the time and on the date appointed and all persons desiring to be heard were fully heard by this Board.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED as follows:

1. That all written protests and other written communications were publicly read at said hearing and all persons desiring to be heard were fully heard and that all protests to the inclusion of said territory, if any, be, and each of them are hereby overruled.

2. That the District will be benefited by the annexation of the territory described in the Resolution of Intention and this Board consents to the annexation of said area hereinafter described.

3. That, subject to the conditions set forth herein, the boundaries of the District are hereby altered to include said territory and that the territory so annexed is not within the boundaries of any other maintenance district, is situated in the City of Redwood City, and is more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof.

4. That the President of the Board of Supervisors be, and is hereby authorized and directed to execute Supplemental Agreement No. 29 with the City of Redwood City, and the signature of the Clerk of this Board shall attest thereto.

5. That the Clerk of this Board be, and is hereby directed to file with the County Assessor of San Mateo County and the State Board of Equalization statements of the annexation of said territory setting forth the legal description of the boundary thereof, together with said maps and plats prepared by the Director of Public Works pursuant to Sections 54900 and 54904, inclusive, of the Government Code.

6. That the Clerk of this Board be, and is hereby directed to transmit to the City of Redwood City statements of the annexation of said territory, together with a copy of the executed Supplemental Agreement.

* * * * *

EXHIBIT "A"

**PROPOSED
ANNEXATION OF THE LANDS OF BROWN
AND FARAHYAR TO THE EMERALD LAKE
HEIGHTS SEWER MAINTENANCE DISTRICT**

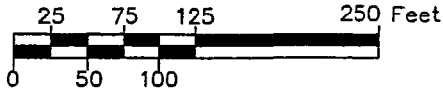
All that certain real property as described in the deed recorded in San Mateo County Recorder's File No. 99-090473 and described as follows:

Portion of lot lettered "A" in Block 603, as delineated upon that certain map entitled "Highlands of Emerald Lake Subdivision Six" filed for record in the Office of the Recorder of the County of San Mateo, State of California, on May 4, 1927 in Book 15 of maps at pages 64, 65 and 66, more particularly described as follows:

Beginning at the most Southerly corner of Lot 10 in Block 602, as shown on the above-mentioned map; thence running along the Southeasterly line of lot lettered "A" in Block 603, South $57^{\circ} 25' 50''$ West 45.24 feet; thence on the arc of a curve to the left, having a radius of 30 feet, a distance of 46.34 feet to the Southwesterly line of Lot "A"; thence along said Southwesterly line North $50^{\circ} 32' 20''$ West 200 feet to the Southerly line of lands conveyed to Henry A. Beeger by deed dated April 11, 1928 and recorded April 26, 1928 in Book 356 at page 51 of Official Records; thence along the Southerly line of said lands North 74° East 58.97 feet, more or less, to the Easterly corner thereof; thence along the Easterly line of said lot North $9^{\circ} 17' 30''$ West 58.16 feet North $30^{\circ} 20' 30''$ West 70.75 feet and North $55^{\circ} 25' 30''$ West 83.39 feet to the most Northerly corner thereof; thence Northeasterly in a direct line 170 feet more or less, to the most Westerly corner of said Lot 5, said Block 602; thence along the Southwesterly line of Lots 5, 6, 7, 8, 9 and 10 in Block 602, 340.85 feet to the Point of Beginning.

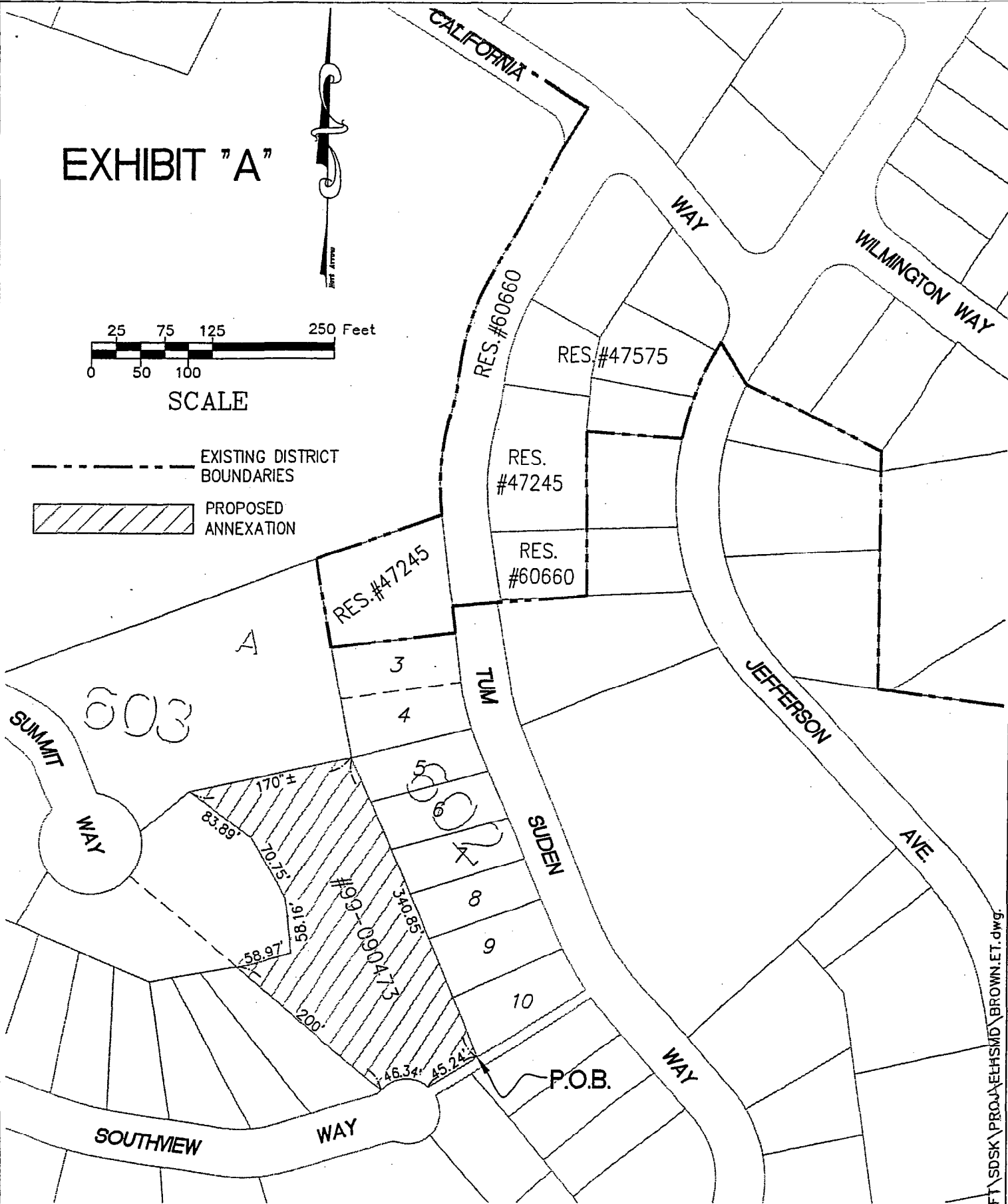
Containing 1.10 acres more or less.

EXHIBIT "A"



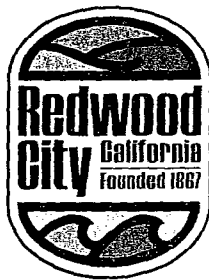
SCALE

- EXISTING DISTRICT BOUNDARIES
- ▨ PROPOSED ANNEXATION



PROPOSED ANNEXATION OF THE
LANDS OF BROWN AND FARAHYAR TO THE
EMERALD LAKE HEIGHTS SEWER MAINTENANCE DISTRICT

Office of City Clerk



1017 Middlefield Road
P.O. Box 391
Redwood City, California 94064-0391
Telephone (650) 780-7220
FAX (650) 261-9102

March 1, 2001

Joe D'Angelo, Utilities Section
555 County Center, 5th Floor
Redwood City, CA 94063-1665

MAR 05 2001

APPROVED
CITY CLERK

Subject: Supplemental Agreement No. 29 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 Project

Dear Mr. D'Angelo:

Enclosed please find the original and duplicate original agreements for the project referenced above. Please be kind enough to have the agreement fully executed by the County representatives listed in the signature page.

Once this agreement is fully executed I would appreciate being sent the "Original" or "Duplicate Original" Agreement for my records.

Your promptness in addressing this issue is greatly appreciated. If you have any questions, please do not hesitate to contact me at 650-780-7221.

Sincerely,

A handwritten signature in black ink, appearing to read 'Silvia M. Ponte', written over a horizontal line.

Silvia M. Ponte
Senior Deputy City Clerk

Enclosure

cc: Brian Lee (Engineering)

EXHIBIT "I"

SUPPLEMENTAL AGREEMENT NO. 29

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 _____ day of _____, 2001 by and between the **CITY OF REDWOOD CITY**, a municipal corporation of the State of California, the **COUNTY OF SAN MATEO**, a political subdivision of the State of California, and the **EMERALD LAKE HEIGHTS SEWER MAINTENANCE DISTRICT**, a public corporation;

WITNESSETH:

WHEREAS, the City of Redwood City, the County of San Mateo, and the Emerald Lake Heights Sewer Maintenance District entered into that certain agreement dated August 23, 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 said District with sewage transmission, treatment and disposal services, subject to the terms and conditions thereof; and

WHEREAS, the City of Redwood City and the County of San Mateo entered into that certain 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 Emerald Lake Heights Sewer Maintenance District; and

WHEREAS, application for annexation to the Emerald Lake Heights Sewer Maintenance 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:

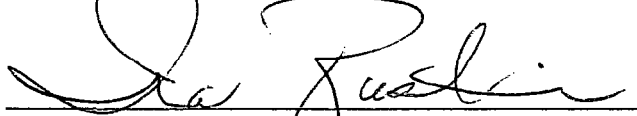
1. Exhibit "A" of the Transmission Agreement shall be, and is hereby, amended to include the Annexing Territory comprised of all that certain real property (A.P.N. 068-262-020) situate in the County of San Mateo, State of California, described and depicted on Exhibit "A" hereof, attached hereto and by 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 of Redwood City by the South Bayside System Authority, owner of the treatment facilities serving the City of Redwood City and the area within which the Annexing Territory is located, and shall not be furnished pursuant to the Capacity Agreement.

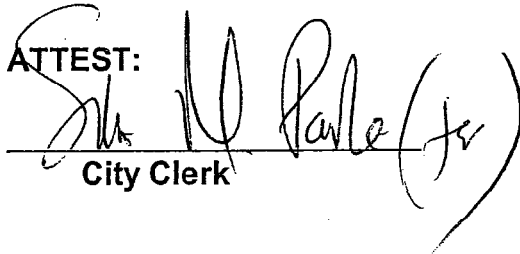
3. The County of San Mateo hereby agrees to collect all applicable wastewater capacity and facility fees and charges of the City of Redwood City from the owner(s) of the Annexing Territory as a condition to the issuance of said County's permits, approvals or other entitlements pertaining to said Territory,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

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

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



Mayor

ATTEST:

City Clerk

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

President, Board of Supervisors

ATTEST:

County Clerk of the Board

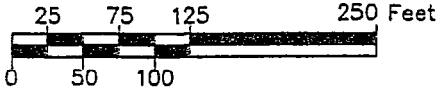
EMERALD LAKE HEIGHTS SEWER MAINTENANCE DISTRICT, a public Corporation

President, Board of Supervisors

ATTEST:

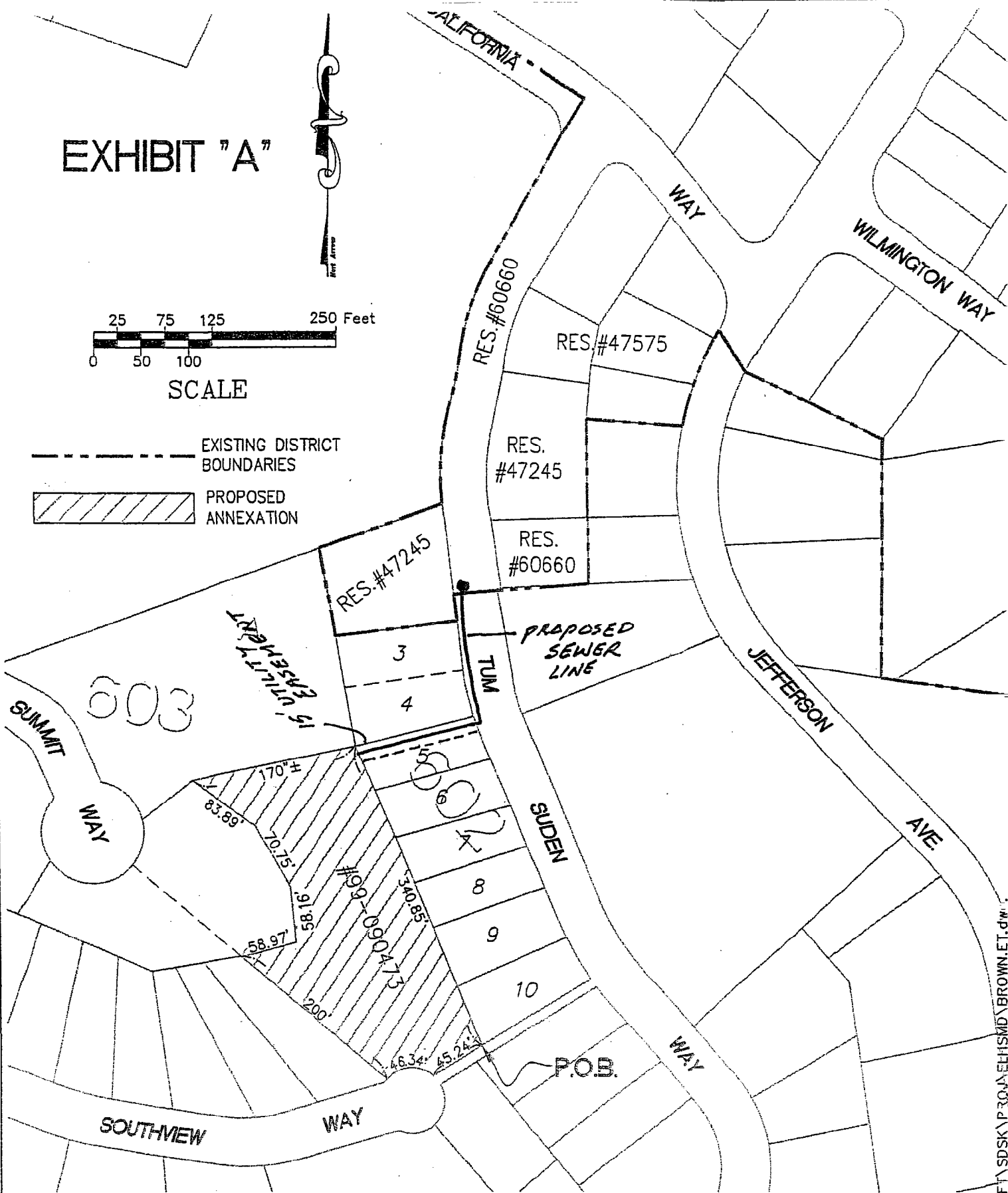
County Clerk of the Board

EXHIBIT "A"



SCALE

- EXISTING DISTRICT BOUNDARIES
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PROPOSED ANNEXATION OF THE LANDS OF BROWN AND FARAHYAR TO THE EMERALD LAKE HEIGHTS SEWER MAINTENANCE DISTRICT

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Containing 1.10 acres more or less.