

**RESOLUTION NO. 2004-357**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF MAY 11 2004

**A RESOLUTION ESTABLISHING A MAIN EXTENSION  
FEE TO RECOVER COSTS OF EXTENDING  
A 12-INCH WATER LINE IN EL CENTRO ROAD**

**BE IT RESOLVED BY THE SACRAMENTO CITY COUNCIL THAT:**

WHEREAS, in accordance with the provisions of an Agreement for Water Service between the City of Sacramento and the owners of the 49'er Travel Plaza (referred to hereafter as the "49'er Agreement"), approved by the City Council on October 15, 2002, the owners of the 49'er Travel Plaza designed and constructed approximately 4300 feet of 12" water line in El Centro Road from San Juan Road to Tomato Patch Lane; and

WHEREAS, the new water line was designed and constructed in accordance with City specifications and requirements, and has been accepted as a City water line; and

WHEREAS, the total cost for the project was \$366,489.00. Under the 49'er Agreement, the City advanced \$99,999.00 of this cost and 49'er Travel Plaza funded the balance of \$266,490.00; and

WHEREAS, the new water line will benefit those properties located on the east side of El Centro Road from San Juan Road to West El Camino Avenue, if these properties obtain City water service from the water line. These properties are shown in Exhibit A, attached hereto, labeled as the "Main Extension Service Area". None of these properties, with the exception of the 49'er Travel Plaza property, currently receive City water service; and

WHEREAS, the new water line also will provide water to a portion of the Tomato Patch property located east of El Centro Road south of West El Camino Avenue; and

WHEREAS, because the properties described above are located outside of the current City limits, City Council approval is required for the provision of City water service to such properties, as provided in Section 13.04.390 of the Sacramento City Code; and

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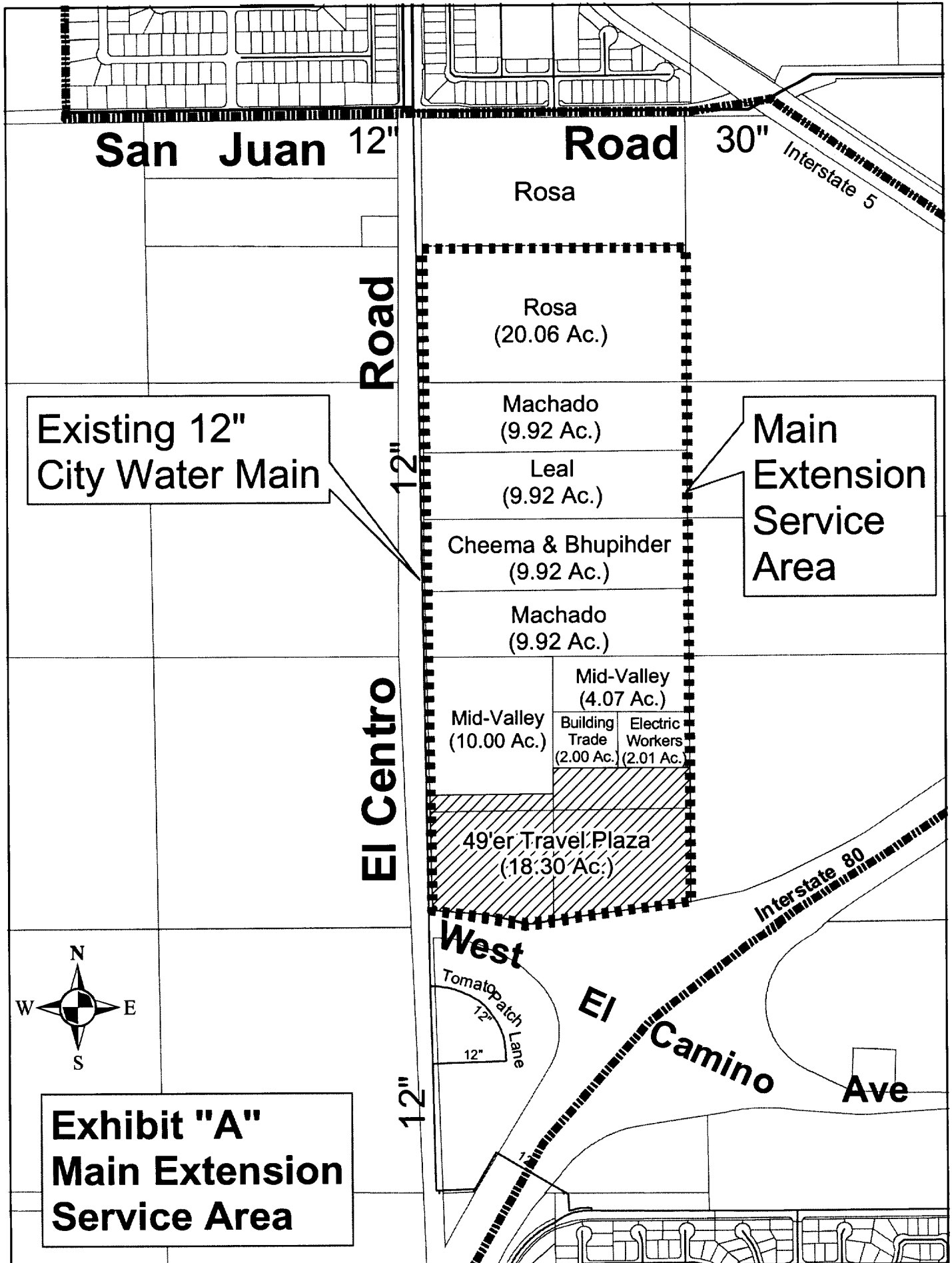
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3. The Main Extension Fees set forth in Exhibit B will be collected by the Department of Utilities, and will be used solely to repay costs advanced and incurred by the City and the owners of the 49'er Travel Plaza to design and construct the new water line, as provided in the 49'er Agreement.
4. The Main Extension Fees set forth in Exhibit B will be due and payable as provided herein, regardless of whether the Main Extension Service Area or any portion thereof is annexed into the City at a future date.
5. The amount of the Main Extension Fees set forth in Exhibit B shall be adjusted on January 1 of each year based on the annual change in the ENR Construction Cost Index (beginning January 1, 2005).
6. The Main Extension Fees set forth in Exhibit B will be in addition to the regular meter fees, connection charges, development fees or other fees collected by the City to provide water service to properties outside the City limits, and the owner of any property in the Main Extension Service Area shall obtain any approval(s) required under the City Code prior to receiving City water service.
7. Based on the City staff report, all comments submitted, public testimony and all other information included in the record of proceedings, the City Council makes the following findings:
  - A. Consistent with Government Code Section 66013, the City Council finds and determines that the Main Extension Fees set forth in Exhibit B are capacity charges to pay for facilities in existence at the time the charge is imposed, and the amount of the fees does not exceed the actual costs of providing the service for which the fees are imposed.
  - B. The City Council further finds and determines that:
    - (1) Basing the amount of the Main Extension Fee for each property in the Main Extension Service Area on the size of the property is reasonable and appropriate because this assures that the amount of the Fee is directly proportional to the property area that can be provided water service from the new water line, thus assuring that each property owner requesting City water service will be charged its fair share of costs incurred to design and construct the water line providing such service.

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**EXHIBIT B**

**MAIN EXTENSION FEES**

<b>Main Extension Service Area</b>	<b>APN</b>	<b>Area (acres)</b>	<b>Main Extension Fee</b>
Rosa Trust	225 0220 014	20.06	\$69,548.00
Machado Trust	225 0220 060	9.92	\$34,392.00
Leal Trust	225 0220 061	9.92	\$34,392.00
Cheema & Bhupinder	225 0220 062	9.92	\$34,392.00
Machado Trust	225 0220 063	9.92	\$34,392.00
Mid-Valley	225 0220 051	10.00	\$34,670.00
Mid-Valley	225 0220 048	4.07	\$14,111.00
Building Trade Association	225 0220 103	2.00	\$6,934.00
Electrical Workers	225 0220 075	2.01	\$6,969.00
49'er Travel Plaza*	225 0220 054/055/056/057	18.30	\$63,446.00
<b>Total</b>		<b>96.12</b>	<b>\$333,246.00</b>
*Main Extension Fee Paid			

Note: The Main Extension Fee is based on a cost allocation of \$3,467.00 per acre, and the amount of the Fee will be adjusted each year on January 1 (beginning on January 1, 2005), based on the annual change in the ENR Construction Cost Index.

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WHEREAS, these properties should be required to pay a fair share of the costs incurred to design and construct the new water line, as a condition of receiving City water service from the water line; and

WHEREAS, the owners of the Tomato Patch property receiving City water service from the new water line already have paid their fair share of these costs by paying \$33,243.00 for the cost of the portion of the new water line extending south on El Centro Road from the 49'er Truck Plaza to Tomato Patch Road, where the new line was connected to an existing City water main that the Tomato Patch property owners previously constructed and paid for under a 1992 agreement with the City. Deducting this payment by the Tomato Patch property owners results in a total cost for this project of \$333,246.00; and

WHEREAS, the property owners in the Main Extension Service Area should be required to pay their fair share of this cost, based on their property area capable of receiving City water service from the new water line, as a condition of receiving City water service from the water line.

**NOW, THEREFORE, BE IT RESOLVED BY THE SACRAMENTO CITY COUNCIL THAT:**

1. The fees set forth in Exhibit B, attached hereto (hereafter referred to as the "Main Extension Fees"), are adopted and established, to recover costs incurred for the design and construction of a 12 inch water line in El Centro Road from the owners of property in the Main Extension Service Area who receive City water service from the water line.
2. The amount of the Main Extension Fee set forth in Exhibit B for each property in the Main Extension Service Area is based on the size of the property that can receive water service from the new water line. The Main Extension Fee shall be paid by an owner of property in the Main Extension Service Area, in the amount set forth for such property in Exhibit B, prior to the property receiving a City water service connection from the new water line.<sup>1</sup> If any property in the Main Extension Service Area is subdivided in the future, then each subdivided parcel will pay a pro-rata share of the property's Main Extension Fee based on the size of the new parcel, prior to the parcel receiving a City water service connection from the new water line.

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<sup>1</sup>By funding a portion of the project costs as set forth above, the owners of the 49'er Travel Plaza property already have paid more than their property's Main Extension Fee.

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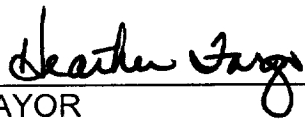
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- (2) There is a reasonable relationship between the use of the Main Extension Fees and the type of projects on which the fees are imposed, because the fees will be imposed only on owners of property in the Main Extension Service Area who request and are approved for City water service from the new water line, and the fee revenues will be used solely to repay the property owners' fair share of costs incurred to design and construct the water line.
- (3) There is a reasonable relationship between the need for the water line and the type of projects on which the Main Extension Fees are imposed, because the water line is necessary to provide City water service to the properties that will be subject to the fees, and the owners of such properties will only be required to pay the fees for their fair share of the cost to design and construct the water line, if they request and are approved for City water service from the water line.
- (4) There is a reasonable relationship between the amount of the Main Extension Fees and the cost of designing and constructing the portion of the water line that will serve any developments on which the fees are imposed, because each property owner in the Main Extension Service Area who requests and is approved for City water service from the new water line will only be required to pay such owner's fair share of this cost, based on the land area of their property that can receive City water service from the water line.

8. The Main Extension Fees set forth in Exhibit B shall apply to all requests for City water service to properties located in the Main Extension Service Area made on or after MAY 12 2004.

  
MAYOR

ATTEST:

  
CITY CLERK

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