



## City Council Staff Report

Date: October 2, 2013

PUBLIC HEARING

Subject: AMENDMENT NO. 1 TO SEWER CONSTRUCTION REFUND AGREEMENT NO. A3283 FOR A 20-YEAR EXTENSION WITH MICHAEL SIRELSON

From: David H. Ready, City Manager

Initiated by: Public Works and Engineering Department

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### SUMMARY

The City has an established policy for sewer refund agreements dating back to 1980, which allows for reimbursements to developers for extending public sewers. The policy requires that a reimbursement agreement be prepared to identify the total costs of the sewer line extension, the properties benefitting from the sewer line extension, and the reimbursements due from each property. The Sewer Agreement No. 3283 between the City of Palm Springs (the City) and Michael Sirelson (the Developer) was approved by the City Council on October 6, 1993 and shall terminate 20 years from that date. The Developer, Mr. Sirelson, requested a 20-year extension of the Agreement. Council approval of the Amendment No. 1 for the extension of the Agreement requires consideration at a noticed Public Hearing.

### RECOMMENDATION:

- 1) Open the Public Hearing and receive public testimony; and
- 2) Approve Amendment No. 1 to Sewer Construction Refund Agreement No. A3283 for a 20-year extension with Michael Sirelson; and
- 3) Authorize the City Manager to execute all necessary documents; and
- 4) Direct the City Clerk to record the executed Amendment with the Riverside County Recorder's Office.

### HISTORY:

On August 6, 1980, the City adopted Resolution No. 13487, a Resolution "establishing a policy for reimbursement of costs for installation of all types of off-site improvements."

On April 15, 1981, the City adopted Resolution No. 13773 which has established a policy for sewer refund agreements and contributions for oversize sewer.

ITEM NO. 13

On August 15, 1984, the City adopted Resolution No. 15188 which allowed for exemptions to the mandatory requirement to connect to the public sewer, if the costs associated with the on-site sewer connection exceeded \$3,000; or, if the costs associated with the off-site sewer extension exceeded \$5,000.

On October 15, 1986, the City adopted Resolution No. 16031, and reaffirmed its policy for reimbursement of costs associated with off-site improvements, clarifying the scope of improvements to be considered for reimbursement and the procedure for establishing a reimbursement agreement.

On July 2, 2003, the City adopted Resolution No. 20650 which adjusted the prior exemptions to \$4,776 for on-site sewer connections, or \$7,960 for off-site sewer extensions, with annual adjustments in accordance with the Engineering News Record Construction Cost Index. Currently, the exemptions are \$6,483 for on-site sewer connections, or \$10,805 for off-site sewer extensions.

Generally, the City's Building Codes require a property to connect to the public sewer at the time a building permit is issued for a new construction, or if the existing on-site septic tank system fails or requires expansion. However, mandatory connections are exempted if the public sewer is more than 500 feet away, or if the costs for on-site connection or off-site extension exceed the amounts previously identified.

STAFF ANALYSIS:

The Sewer Construction Refund Agreement No. 3283 between the City of Palm Springs and Mike Sirelson (Developer) was approved by the City Council on October 6, 1993 and shall terminate 20 years from that date. Section 6. of the Agreement specifies that "City and Developer may extend said agreement at the expiration of the above termination date"

A NOTICE OF PUBLIC HEARING for October 2, 2013 was published and letters to property owners were mailed on September 19, 2013.

The purpose of the public hearing is to consider a 20 year extension of the Sewer Construction Refund Agreement between the City of Palm Springs, California, and Michael Sirelson, the terms of which provide reimbursement to Michael Sirelson for the costs associated with an off-site public sewer extension in Anza Road, Del Sol Road, and Oasis Road, which benefit adjacent properties. **Each property identified as "Paid" below has paid its assessment in full and will not be assessed any additional amounts under the proposed extension.** The total cost of the off-site public sewer extension was \$82,054.34. The total amount has been reduced by the amounts paid and the remainder of \$35,245.80 will only be assessed and collected from those properties that have not previously paid these assessments. The properties subject to the terms of the Agreement and the assessments are:

	Assessor's Parcel No. (APN)	Reimbursement Amount		Site Address
1	669-442-001	\$2,632.84	Paid	3535 N Anza Road
2	669-442-004	\$3,248.95	Paid	365 W Radio Road
3	669-443-001	\$2,225.62	Paid	3540 N Anza Road
4	669-443-002	\$2,225.62	Paid	3560 N Anza Road
5	669-443-003	\$2,531.13		353 W Radio Road
6	669-443-005	\$2,450.18	Paid	303 W Radio Road
7	669-443-006	\$2,225.62	Paid	3191 Del Sol Road
8	669-443-007	\$2,225.62	Paid	3585 Del Sol Road
9	669-444-001	\$2,508.53	Paid	285 W Radio Road
10	669-444-007	\$3,580.60		3521 N Indian Cyn. Dr.
11	669-444-008	\$1,772.53	Paid	142 W Oasis Road
12	669-444-011	\$1,550.96	Paid	190 W Oasis Road
13	669-444-012	\$3,101.92	Paid	200 W Oasis Road
14	669-444-013	\$2,080.31	Paid	280 W Oasis Road
15	669-444-014	\$3,101.92		180 W Oasis Road
16	669-451-001	\$2,225.43		3520 N Anza Road
17	669-451-004	\$2,225.43		3581 Del Sol Road
18	669-451-005	\$5,733.48	Paid	340 W Oasis Road
19	669-452-001	\$1,633.44		3573 N Anza Road
20	669-452-002	\$1,633.44		3545 N Anza Road
21	669-452-003	\$1,633.44	Paid	3443 N Anza Road
22	669-452-005	\$1,364.14	Paid	353 Del Sol Road
23	669-452-006	\$1,673.47		345 Del Sol Road
24	669-452-007	\$1,673.47	Paid	333 Del Sol Road
25	669-452-008	\$1,673.47	Paid	333 Del Sol Road
26	669-452-009	\$1,236.77		301 Del Sol Road
27	669-452-012	\$1,785.49		255 W Oasis Road
28	669-452-013	\$1,533.20		257 W Oasis Road
29	669-452-016	\$3,349.47		179 W Oasis Road
30	669-452-048	\$1,533.20		245 W Oasis Road
31	669-452-052	\$3,111.70	Paid	145 W Oasis Road
32	669-452-053	\$3,935.38		3455 N Indian Cyn. Dr.
33	669-452-055	\$1,533.20	Paid	3455 N Indian Cyn. Dr.
34	669-452-057	(Combined and	Paid with APN 669-452-058)	
35	669-452-058	\$1,836.93	Paid	3580 Del Sol Road
36	669-452-061	\$3,267.43		3452 Del Sol Road

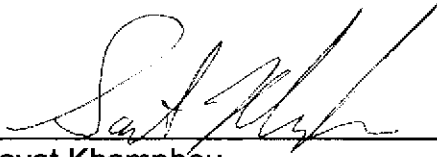
Total: \$82,054.34

FISCAL IMPACT:

Approval of the Amendment No. 1 will extend the Sewer Construction Refund Agreement No. 3283 for another 20 years. The Agreement establishes terms for payment of the individual assessments, which are paid by the benefitted property owners to the City, and then reimbursed to the developer. Payment of the individual

assessment by benefitted property owners is required at the time a permit is applied for connection to the public sewer system. The assessment is not paid, nor is any requirement to pay the assessment imposed until such time that a request is made for a sewer connection permit. It is possible that no assessments identified in the agreement will ever be paid to the City. The City reimburses the developer only if, and when, the City collects payments from the benefitted property owners at the time a sewer connection permit is issued. The extension of the agreement does not impose any obligation on the City to pay in advance, with any of its own funds, the reimbursement amount.

Prepared by:



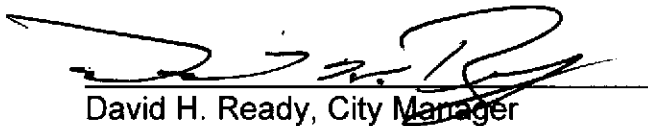
Savat Khamphou  
Assistant Director of Public Works

Recommended by:



David J. Barakian  
Director of Public Works/City Engineer

Approved by:

  
David H. Ready, City Manager

ATTACHMENTS:

1. Amendment No. 1 to Sewer Construction Refund Agreement
2. Notice of Public Hearing
3. Sewer Construction Refund Agreement No. A3283 dated October 6, 1993.

AMENDMENT NO. 1

TO SEWER CONSTRUCTION REFUND AGREEMENT NO. 3283

BETWEEN

THE CITY OF PALM SPRINGS (THE CITY) AND MICHAEL SIRELSON (THE DEVELOPER)

The following Section of the Sewer Construction Refund Agreement No. 3283, approved by the City Council of the City of Palm Springs on October 6, 1993, is hereby amended to read as follows:

SECTION 6. This agreement and any rights or obligations hereunder shall be extended 20 years from the date of October 6, 2013.

Except as specifically amended by this Amendment No. 1, all terms and provisions of Agreement No. 3283 remain in full force and effect.

**IN WITNESS WHEREOF**, the City and the Developer have caused this Amendment to be executed the day and year first above written.

ATTEST:

DEVELOPER

By: \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Michael Sirelson

APPROVED AS TO FORM:

CITY OF PALM SPRINGS,  
a California charter city

By: \_\_\_\_\_  
City Attorney

By: \_\_\_\_\_  
City Manager

Attachments:

1. Notice of Public Hearing
2. Sewer Construction Refund Agreement dated 10/06/1993

CITY OF PALM SPRINGS  
NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting on October 2, 2013. The City Council meeting begins at 6:00 p.m., in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of this meeting is to consider a 20 year extension of the Sewer Construction Refund Agreement between the City of Palm Springs, California, and Mike Sirelson, the terms of which provide for the reimbursement to Mike Sirelson for costs associated with an off-site public sewer extension in Anza Road, Del Sol Road, and Oasis Road, which benefit adjacent properties. **Each property identified as "Paid" below has paid its assessment in full and will not be assessed any additional amounts under the proposed extension.** The total cost of off-site public sewer extension was \$82,054.34. The total amount has been reduced by the amounts paid and the remainder of \$35,245.80 will only be assessed and collected from those properties that have not previously paid these assessments. The properties subject to the terms of the Agreement and the proposed assessments are:

	<b>Assessor's Parcel No.</b>	<b>Reimbursement Amount</b>		<b>Site Address</b>
1	669-442-001	\$2,632.84	Paid	3535 N Anza Road
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9	669-444-001	\$2,508.53	Paid	285 W Radio Road
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13	669-444-012	\$3,101.92	Paid	200 W Oasis Road
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33	669-452-055	\$1,533.20	Paid	3455 N Indian Cyn. Dr.
34	669-452-057	(Combined and	Paid	with 669-452-058)
35	669-452-058	\$1,836.93	Paid	3580 Del Sol Road
36	669-452-061	\$3,267.43		3452 Del Sol Road

Total: \$82,054.34


**REVIEW OF INFORMATION:** The staff report and other supporting documents regarding this are available for public review at City Hall between the hours of 8:00 a.m. to 6:00 p.m., Monday through Thursday. Please contact the Office of the City Clerk at (760) 323-8204 if you would like to schedule an appointment to review these documents.

**COMMENTS:** Response to this notice may be made verbally at the Public Hearing and/or in writing before the meeting. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

James Thompson, City Clerk  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

Any challenge of the proposed project in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior, to the public hearing. (Government Code Section 65009(b)(2)). An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this may be directed to David J. Barakian, Director of Public Works, at (760) 323-8253. Pursuant to California Government Code Section 66016 and 66018, this Notice shall be published twice, at least ten days prior to the public hearing.

Si necesita ayuda con esta carta, por favor llame a la Ciudad de Palm Springs y puede hablar con Felipe Primera telefono (760) 323-8253 x 8742.

  
James Thompson, City Clerk

DOC # 2008-0122977

03/13/2008 08:00A Fee:NC

Page 1 of 7

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder

PLEASE COMPLETE THIS INFORMATION  
RECORDING REQUESTED BY:

AND WHEN RECORDED MAIL TO:

CITY OF PALM SPRINGS  
PO Box 2743  
PALM SPRINGS, CA 92269

ATTN: OFFICE OF CITY CLERK



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SEWER CONSTRUCTION REFUND AGREEMENT BETWEEN  
THE CITY OF PALM SPRINGS, CALIFORNIA AND MIKE SIRELSON  
SEWER AGREEMENT N.G. 3283

Title of Document

THIS AREA FOR  
RECORDER'S  
USE ONLY

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION  
(\$3:00 Additional Recording Fee Applies)



SEWER CONSTRUCTION REFUND AGREEMENT BETWEEN  
THE CITY OF PALM SPRINGS, CALIFORNIA, AND  
MIKE SIRELSON  
SEWER AGREEMENT NO. 3283

THIS AGREEMENT made and entered into this 6th day of October, 1993, between the CITY OF PALM SPRINGS, CALIFORNIA, a municipal corporation, hereinafter called the CITY, and Mike Sirelson, hereinafter called the DEVELOPER.

WHEREAS, the DEVELOPER is, at the time of this agreement, the owner of Parcel No. 1 (Assess. No. 669-442-001-4) and Parcel No. 32 and 31 (Assess. No. 669-442-004), inclusive of the Wright and Leonard Tract, Map Book 23/83 and Parcel Map No. 16349, Map Book 90/01, 02, delineated on the plat "Sewer Construction Refund Agreement" attached hereto, marked Exhibit "A", and hereby made a part; and

WHEREAS, the CITY has established a policy for sewer refund agreements and contributions for oversize sewer by City Council Resolution No. 13773 dated April 15, 1981, which by reference is hereby made a part of this agreement; and

WHEREAS, said sanitary sewers have been dedicated to public use by the DEVELOPER, and have been accepted by the CITY; and

WHEREAS, the DEVELOPER has submitted a financial statement of construction costs for said sewers from:

1. Hallmark Engineering, dated February 24, 1982
2. City of Palm Springs, dated October 2, 1980
3. Eagle Bonding and Surety, dated February 11, 1981
4. Trench Shoring, dated June 25, 1981
5. Mission Clay Products, dated May 31, 1981
6. South Bay Foundry, dated June 24, 1981
7. A & H Concrete Products, Inc., dated May 20, 1981
8. Jerry L. Barton, dated July 8, 1981
9. Matich Corp., dated July 6, 8, & 9, 1981
10. Matich Corp., dated October 19, 23, and November 25, 1981
11. C.V. Concrete Products, dated December 14, 1981
12. So. Calif. Testing, dated August 17, 1981
13. Sing & Son Construction, dated January 11, 1982
14. Massey Sand and Rock, dated October 22, 1981
15. Total Labor and Equipment, dated May 20, 1981 thru January 6, 1982

copies of which are attached hereto, and marked "Exhibit B". and made part of this agreement; and

WHEREAS, the DEVELOPER, in accordance with the before mentioned Council resolution has requested that the CITY AND THE DEVELOPER enter in to a Sewer Refund Agreement to reimburse the DEVELOPER for the cost of off-site sewer which benefits other properties; and

WHEREAS, the CITY has determined that benefit from the construction of off-site sewer will accrue to properties connecting to the off-site sewer; and

21A3



WHEREAS, the CITY had determined that said benefit will be in proportion to the frontages and lot square footages of that portion of Section 34, Township 3 South, Range 4 East as shown on Assessor's Parcel No. 669-442-001, 669-442-004, 669-443-001, 669-443-002, 669-443-003, 669-443-005, 669-443-006, 669-443-007, 669-444-001, 669-444-007, 669-444-008, 669-444-014, 669-444-011, 669-444-012, 669-444-013, 669-451-001, 669-451-004, 669-451-005, 669-452-001, 669-452-002, 669-452-003, 669-452-005, 669-452-006, 669-452-007, 669-452-008, 669-452-009, 669-452-012, 669-452-013, 669-452-016, 669-452-048, 669-452-052, 669-452-053, 669-452-055, 669-452-057, 669-452-058, 669-452-061, as shown on Exhibit "A";

WHEREAS, the CITY intends to collect such refunds at the time the properties benefitting are developed and receive permits to connect to the sewer, but the CITY shall have no liability for the failure to collect said refunds.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that for and in consideration of the mutual covenants indicated between the CITY and the DEVELOPER, the parties hereby agree as follows:

Section 1. When developers, owners, or lessees of lots shown on Exhibit "A" abutting said sewer seek to develop their property, prior to issuance of a permit for connection to said sewer, CITY shall collect from the developer, owner, or lessee those fees established in Section 2, plus any connection fees in effect at such time.

Section 2. The Assessment for Parcels is established as follows:

\$ 10.78 Per Front Lot Line Footage

\$ 0.09 Per Square Foot

The assessment spread is based on one half (1/2) the cost per front lot line footage and one half (1/2) the cost per square foot. The front lot line footage number was determined in the following manner:

(Parcel Front Lot Line Footage divided by Total Front Lot Line Footage) X (Total Front Lot Line Footage plus Remainder Lot Line Footage) = Adjusted Parcel Lot Line Footage.

ASSESSOR'S PARCEL NO.	ADJUSTED LOT LINE FOOTAGE	LOT SQUARE FOOTAGE	COST PER LOT
669-442-001 *	126.09	13,504.00	\$2,632.84
669-442-004 *	171.83	14,810.00	\$3,248.95
669-443-001	91.64	13,122.00	\$2,225.62
669-443-002	91.64	13,122.00	\$2,225.62
669-443-003	114.50	13,750.00	\$2,531.13
669-443-005	114.64	12,875.00	\$2,450.18
669-443-006	91.64	13,122.00	\$2,225.62
669-443-007	91.64	13,122.00	\$2,225.62
669-444-001	114.59	13,500.00	\$2,508.53
669-444-007	177.48	17,680.00	\$3,580.60
669-444-008	91.64	8,320.00	\$1,772.53



669-444-011	80.19	7,280.00	\$1,550.96
669-444-012	160.37	14,560.00	\$3,101.92
669-444-013	97.44	10,920.00	\$2,080.31
669-444-014	160.37	14,560.00	\$3,101.92
669-451-001	91.64	13,120.00	\$2,225.43
669-451-004	91.64	13,120.00	\$2,225.43
669-451-005	318.48	24,394.00	\$5,733.48
669-452-001	85.91	7,500.00	\$1,633.44
669-452-002	85.91	7,500.00	\$1,633.44
669-452-003	85.91	7,500.00	\$1,633.44
669-452-005	49.19	8,840.00	\$1,364.14
669-452-006	77.90	8,840.00	\$1,673.47
669-452-007	77.90	8,840.00	\$1,673.47
669-452-008	77.90	8,840.00	\$1,673.47
669-452-009	52.17	7,150.00	\$1,236.77
669-452-012	98.27	7,700.00	\$1,785.49
669-452-013	68.73	8,400.00	\$1,533.20
669-452-016	137.46	19,800.00	\$3,349.47
669-452-048	68.73	8,400.00	\$1,533.20
669-452-052	137.46	17,280.00	\$3,111.70
669-452-053	193.57	19,602.00	\$3,935.38
669-452-055	68.73	8,400.00	\$1,533.20
669-452-057	LOT 57 HAS BEEN COMBINED WITH LOT 58		
669-452-058	89.88	9,204.00	\$1,836.93
669-452-061	74.37	26,136.00	\$3,267.43
TOTAL:	3807.46	434,813.00	\$82,054.34

\*Developer's Property

The following parcels in Section 34, Township 4 South, Range 4 East have been developed and have connected to the said sewer prior to this agreement. The dollar amount collected by the City for the Sewer Main Fee and the date of permit are also shown.

ASSESSOR'S PARCEL NO.	PROPERTY ADDRESS	DATE OF HOOK UP	SEWER MAIN FEE PAID
669-443-005	303 Radio Road	3/12/81	\$1,648.00
669-442-001	367 Radio Road	7/14/80	DEVELOPER
669-442-004	367 Radio Road	7/14/80	DEVELOPER



669-444-008	142 Oasis Road	3/13/84	\$880.00
669-452-052	145 Oasis Road	3/13/84	\$1,920.00
669-444-011	190 Oasis Road	2/18/85	
669-444-012	200 Oasis Road	2/18/85	
669-452-012	255 Oasis Road	12/8/86	
669-444-013	280 Oasis Road	2/28/85	\$1,550.00
669-452-009	301 Del Sol Road	3/12/84	
669-452-007	333 Del Sol Road	7/31/91	\$1,088.00
669-451-005	340 Del Sol Road	6/26/87	\$3,936.40
669-452-006	345 Del Sol Road	6/28/85	
		TOTAL	\$11,022.40

Section 3. At the time of collection of the above fees, CITY shall deposit said funds in segregated accounts, to be paid thereafter, within 30 days, to the DEVELOPER at the address stated in Section 4.

Section 4. Any payment made to DEVELOPER shall be made to DEVELOPER by mail at the following location:

Mr. Michael Sirelson Telephone No: 619-327-2628  
 954 West Via Olivera  
 Palm Springs, CA 92262

It shall be the duty of DEVELOPER to keep CITY informed of its current address. Failure to keep the CITY advised of such current address shall excuse CITY from paying such funds, and in such event CITY shall retain such funds in its Sewer Fund.

Section 5. Notwithstanding any provision herein to the contrary, CITY shall have no liability for failure to collect the aforesaid fees, or to pay the same to DEVELOPER. CITY shall not be liable to DEVELOPER for damages for its failure to fulfill the terms of this Agreement. In no event shall CITY pay DEVELOPER any monies hereunder except from monies actually collected pursuant to this agreement.

Section 6. This agreement and any rights or obligations hereunder shall terminate twenty (20) years from the date hereof. CITY and DEVELOPER may extend said agreement at the expiration of the above termination date.

IN WITNESS WHEREOF, the CITY and the DEVELOPER have hereunto caused these presents to be executed the day and year first above mentioned.

ATTEST: Michael Sirelson  
 (NAME)

By -SEE ATTACHED ACKNOWLEDGEMENT- Michael Sirelson  
 MICHAEL SIRELSON

ATTEST: CITY OF PALM SPRINGS, CALIFORNIA

By Judith Sumich City Clerk JUDITH SUMICH Robert Parkins City Manager ROBERT PARKINS

Reviewed and Approved [Signature]

4 APPROVED BY THE CITY COUNCIL  
 BY RES. NO. 18194, 10-6-93  
 A.3283

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Ventura

On 02/26/2008 before me, Habib Sekander (Notary Public)  
Date Here Insert Name and Title of the Officer

personally appeared Michael ~~Sirelson~~ Sirelson  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) (s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal Above

Signature Habib Sekander  
Signature of Notary Public

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

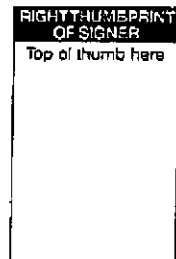
- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

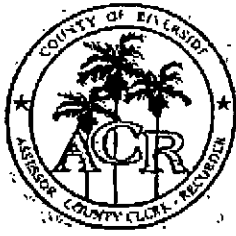
Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_





LARRY W. WARD  
COUNTY OF RIVERSIDE  
ASSESSOR-COUNTY CLERK-RECORDER

Recorder  
P.O. Box 751  
Riverside, CA 92502-0751

## NOTARY CLARITY

Under the provisions of Government Code 27361.7, I certify under the penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary: HABIB SEKANDER

Commission #: 1586672

Place of Execution: VENTURA COUNTY, CA.

Date Commission Expires: JUN 11, 2009

Date: 3/3/08

Signature: Felipe Primera

Printed Name: FELIPE PRIMERA



2009-0122977  
03/13/2009 08:00A  
7 of 7

**CITY OF PALM SPRINGS  
PUBLIC HEARING NOTIFICATION**



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Date: October 2, 2013  
Subject: Sewer Refund Agreement, Amendment No. 1

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**AFFIDAVIT OF PUBLICATION**

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on September 21, 2013.

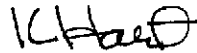
I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Kathie Hart, CMC  
Chief Deputy City Clerk

**AFFIDAVIT OF POSTING**

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board, and in the Office of the City Clerk and on September 19, 2013.

I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Kathie Hart, CMC  
Chief Deputy City Clerk

**CITY OF PALM SPRINGS  
PUBLIC HEARING NOTIFICATION**



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Date: October 2, 2013  
Subject: Sewer Refund Agreement, Amendment No. 1

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**AFFIDAVIT OF MAILING**

I, Savat Khamphou, Assistant Director of Public Works/Assistant City Engineer, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on September 19, 2013, in a sealed envelope, mailed certified and return receipt requested with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "Savat Khamphou", is written over a horizontal line.

Savat Khamphou, P.E.  
Assistant Director of Public Works/  
Assistant City Engineer



CITY OF PALM SPRINGS  
NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting on October 2, 2013. The City Council meeting begins at 6:00 p.m., in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of this meeting is to consider a 20 year extension of the Sewer Construction Refund Agreement between the City of Palm Springs, California, and Mike Sirelson, the terms of which provide for the reimbursement to Mike Sirelson for costs associated with an off-site public sewer extension in Anza Road, Del Sol Road, and Oasis Road, which benefit adjacent properties. **Each property identified as "Paid" below has paid its assessment in full and will not be assessed any additional amounts under the proposed extension.** The total cost of off-site public sewer extension was \$82,054.34. The total amount has been reduced by the amounts paid and the remainder of \$35,245.80 will only be assessed and collected from those properties that have not previously paid these assessments. The properties subject to the terms of the Agreement and the proposed assessments are:

	<b>Assessor's Parcel No.</b>	<b>Reimbursement Amount</b>		<b>Site Address</b>
1	669-442-001	\$2,632.84	Paid	3535 N Anza Road
2	669-442-004	\$3,248.95	Paid	365 W Radio Road
3	669-443-001	\$2,225.62	Paid	3540 N Anza Road
4	669-443-002	\$2,225.62	Paid	3560 N Anza Road
5	669-443-003	\$2,531.13		353 W Radio Road
6	669-443-005	\$2,450.18	Paid	303 W Radio Road
7	669-443-006	\$2,225.62	Paid	3191 Del Sol Road
8	669-443-007	\$2,225.62	Paid	3585 Del Sol Road
9	669-444-001	\$2,508.53	Paid	285 W Radio Road
10	669-444-007	\$3,580.60		3521 N Indian Cyn. Dr.
11	669-444-008	\$1,772.53	Paid	142 W Oasis Road
12	669-444-011	\$1,550.96	Paid	190 W Oasis Road
13	669-444-012	\$3,101.92	Paid	200 W Oasis Road
14	669-444-013	\$2,080.31	Paid	280 W Oasis Road
15	669-444-014	\$3,101.92		180 W Oasis Road
16	669-451-001	\$2,225.43		3520 N Anza Road
17	669-451-004	\$2,225.43		3581 Del Sol Road
18	669-451-005	\$5,733.48	Paid	340 W Oasis Road
19	669-452-001	\$1,633.44		3573 N Anza Road
20	669-452-002	\$1,633.44		3545 N Anza Road
21	669-452-003	\$1,633.44	Paid	3443 N Anza Road
22	669-452-005	\$1,364.14	Paid	353 Del Sol Road
23	669-452-006	\$1,673.47		345 Del Sol Road
24	669-452-007	\$1,673.47	Paid	333 Del Sol Road

25	669-452-008	\$1,673.47	Paid	333 Del Sol Road
26	669-452-009	\$1,236.77		301 Del Sol Road
27	669-452-012	\$1,785.49		255 W Oasis Road
28	669-452-013	\$1,533.20		257 W Oasis Road
29	669-452-016	\$3,349.47		179 W Oasis Road
30	669-452-048	\$1,533.20		245 W Oasis Road
31	669-452-052	\$3,111.70	Paid	145 W Oasis Road
32	669-452-053	\$3,935.38		3455 N Indian Cyn. Dr.
33	669-452-055	\$1,533.20	Paid	3455 N Indian Cyn. Dr.
34	669-452-057	(Combined and	Paid	with 669-452-058)
35	669-452-058	\$1,836.93	Paid	3580 Del Sol Road
36	669-452-061	\$3,267.43		3452 Del Sol Road

Total: \$82,054.34

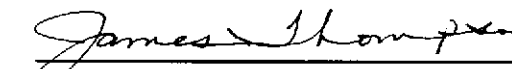
**REVIEW OF INFORMATION:** The staff report and other supporting documents regarding this are available for public review at City Hall between the hours of 8:00 a.m. to 6:00 p.m., Monday through Thursday. Please contact the Office of the City Clerk at (760) 323-8204 if you would like to schedule an appointment to review these documents.

**COMMENTS:** Response to this notice may be made verbally at the Public Hearing and/or in writing before the meeting. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

James Thompson, City Clerk  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

Any challenge of the proposed project in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior, to the public hearing. (Government Code Section 65009(b)(2)). An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this may be directed to David J. Barakian, Director of Public Works, at (760) 323-8253. Pursuant to California Government Code Section 66016 and 66018, this Notice shall be published twice, at least ten days prior to the public hearing.

Si necesita ayuda con esta carta, por favor llame a la Ciudad de Palm Springs y puede hablar con Felipe Primera telefono (760) 323-8253 x 8742.

  
James Thompson, City Clerk