



City Council Staff Report

Date: October 7, 2015 PUBLIC HEARING

Subject: A PUBLIC HEARING TO CONSIDER APPROVAL OF A SEWER CONSTRUCTION REFUND AGREEMENT WITH CHRISTOPHER MEYERS FOR A PUBLIC SEWER LINE EXTENSION IN CANTINA WAY

From: David H. Ready, City Manager

Initiated by: Public Works and Engineering Department

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 benefitting property. City Council approval of the reimbursement agreement requires consideration at a noticed Public Hearing.

RECOMMENDATION:

- 1) Open the Public Hearing and receive public testimony; and
- 2) Approve Agreement No. _____, a Sewer Construction Refund Agreement with Christopher Meyers for a public sewer line extension in Cantina Way; and
- 3) Direct the City Clerk to record the Sewer Construction Refund Agreement with the Riverside County Recorder.

STAFF ANALYSIS:

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." As cited in the Resolution, the City identified certain facts:

- There is a need for additional off-site improvements beyond the boundaries of a particular building site in many instances;
- The City in many instances for the public good installs off-site improvements across the frontage of vacant lands which are properly the financial responsibility of those vacant lands.

As a result, the City declared the following policy relative to reimbursement of costs for installation of all types of off-site improvements:

- A reimbursement agreement may be authorized in order to collect for the cost of installation of off-site improvements when installed beyond the boundaries of a project site by a private developer;
- Notice of intention to enter into such agreement shall be given to the owner of each parcel of property to be charged with the cost of such improvements, and each such owner shall be given an opportunity to be heard as to:
 - 1) The necessity of installation of such improvements prior to such owner's development of his property;
 - 2) The necessity for such installation by any party other than such owner;
 - 3) The reasonableness of the costs of such improvements; and
 - 4) Any other matters reasonably related to such reimbursement agreement and its effect upon such owner's property.
- The reimbursement agreement shall include a sufficient legal description of each parcel of real property to be charged with such costs, and shall be recorded in the Office of the County Recorder of Riverside County.

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.

In 1984, the City was completing extension of public sewers through most of the City. Extension of sewers to all properties was a condition of state grant funds received in 1976 for expansion of the City's wastewater treatment plant. Assessment Districts were established to facilitate payment to the City for its cost to extend public sewers to all City properties. At that time, many owners petitioned the City to be exempt from the mandatory requirement to connect to the sewer system given the high construction cost for sewers in hillside areas.

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 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, (as of September 2015) 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 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. As a result, a part of the residential area of Cantina Way, located west of S. Palm Canyon Drive, did not have public sewers and the existing homes operated with individual on-site private septic tanks.

Sewer Refund Agreement No. 2775 on Cantina Way

On September 25, 1989, the City Council approved a Sewer Construction Refund Agreement (Agreement No. 2775) with Ron Gilbreth related to his construction of a sewer extension mainline to his home located at 2340 Cantina Way identified by Assessor's Parcel Number (APN) 513-430-012, (depicted as a red line in Figure 1). Although the sewer extension in Cantina Way benefits all of the properties located on Cantina Way, Agreement No. 2775 was limited to and only effects the properties identified by APN 513-430-040, 513-430-001 (now 513-430-049), 513-430-011, and 513-430-019 as those properties that would directly benefit from (and can connect to) the sewer extension, and have an obligation to reimburse Ron Gilbreth for their fair share of the cost of the sewer extension.

Agreement No. 2775 provides for the reimbursement of the total cost (\$121,976.19) of the original sewer extension performed by Ron Gilbreth, less that portion considered the fair share for the property owned by Ron Gilbreth (\$13,529.27). Ron Gilbreth may only recover the remaining amount (\$108,446.92) at the time the benefitting lots referenced in Agreement No. 2775 connect to the sewer, at which time the Building Department will include the appropriate assessment listed in the agreement as an additional charge on the sewer connection permit.

On September 2, 1998, the City Council approved Amendment No. 1 to Agreement No. 2775 with Ron Gilbreth, which added the property identified by APN 513-430-018 to those lots directly benefitting from the original sewer extension in Cantina Way, and recalculated the reimbursement fees based up to the buildable proportional areas of the benefitted property owners. At that time, the property identified by APN 513-430-018 connected to the public sewer in Cantina Way, and Ron Gilbreth received reimbursement of that property's fair share reimbursement (noted as \$27,111.73) leaving \$81,335.19 of the original cost yet to be reimbursed.

On November 14, 2000, the City Council approved Amendment No. 2, to Agreement No. 2775 with Ron Gilbreth, which further clarified Agreement No. 2775 by citing that additional lots "*may be added to the Agreement*" and clarifies the redistribution of the remaining construction fees of those lots that "*seek to connect by lateral*".

A copy of Agreement No. 2775, as amended, is included as **Attachment 2**.

Sometime in 2000, a new single family residence was constructed on the property located at 2401 Cahuilla Hills Drive, and the property was connected to the public sewer in Cantina Way via a private sewer lateral extension over adjoining property. The property located at 2401 Cahuilla Hills Drive was not originally part of Agreement No. 2775, however, Amendment No. 2 allowed for redistribution of reimbursements in the event a property was connected to the sewer main by laterals, as was the case for this property. Staff at that time redistributed the fair share reimbursements and determined a reimbursement of \$20,333.75 due to Ron Gilbreth for connection of the property located at 2401 Cahuilla Hills Drive, leaving a reimbursement balance due of \$61,001.44.

On December 1, 2000, a Memorandum issued by the Public Works and Engineering Department to the Building Department noting the redistribution of reimbursements and the remaining amounts owed. A copy of the Memorandum is included as **Attachment 3**.

It must be noted that the total reimbursement amount in Agreement No. 2775 owed to Ron Gilbreth is limited to the original construction cost of \$121,976.19 less fair share reimbursements paid to date leaving the balance of \$61,001.44. Although additional properties may directly or indirectly connect to the original sewer extension in Cantina Way, there may only be a redistribution of the remaining reimbursement of \$61,001.44, and the net total to Ron Gilbreth cannot increase.

Ron Gilbreth has since sold the property he owned identified by APN 513-430-012, and the current property owner is claiming rights to reimbursements of the remaining fair share costs yet paid pursuant to Agreement No. 2775. It should be noted that there are no provisions in Agreement No. 2775, as amended, that would transfer any rights in the Agreement to any successors or assigns of Ron Gilbreth, including future owners of the property owned by Ron Gilbreth at the time he performed the sewer extension.

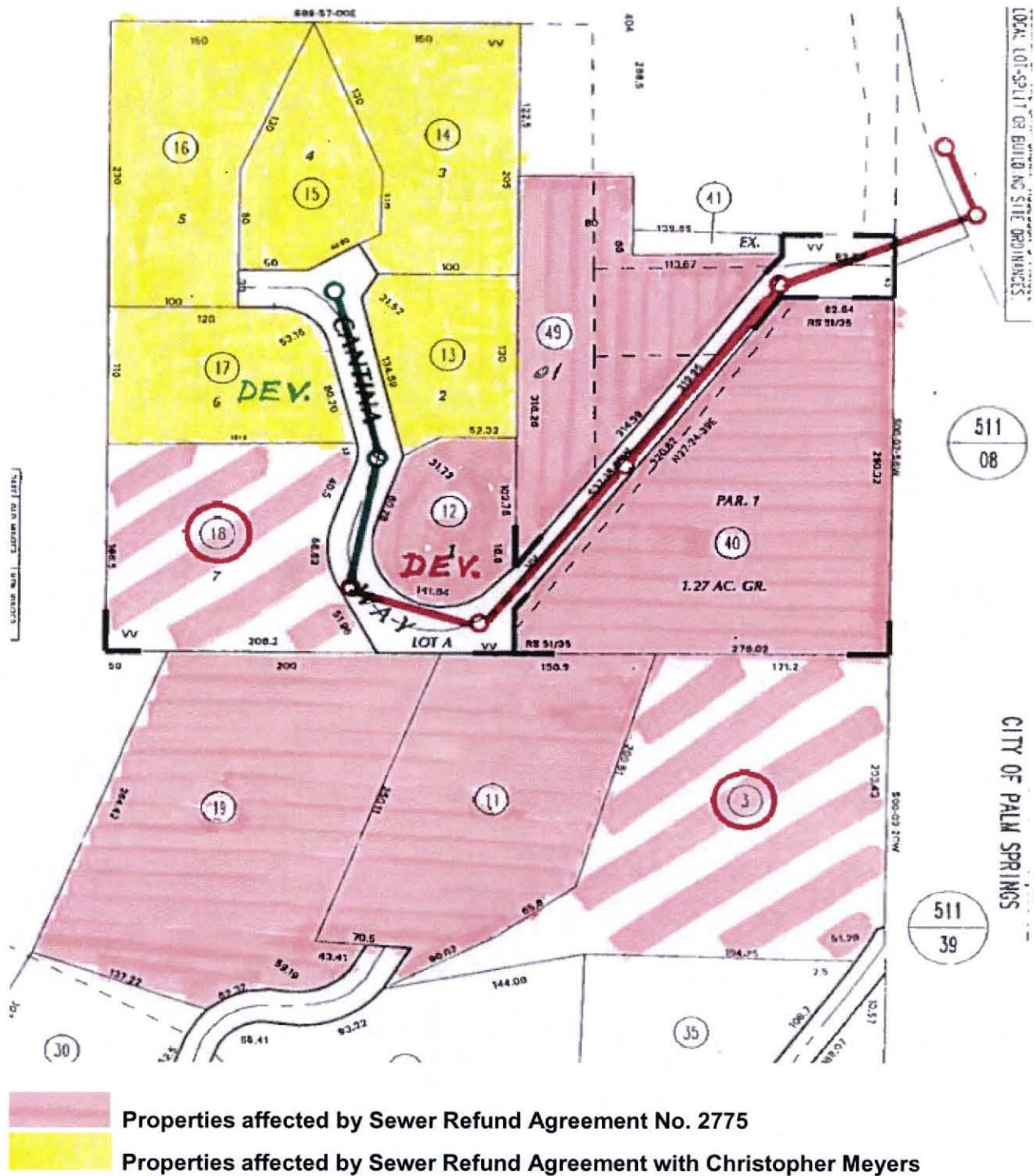


FIGURE 1

Proposed Sewer Refund Agreement with Mr. Christopher Meyers

In 2014, Christopher Meyers, the owner of the property located at 2353 Cantina Way, identified by APN 513-430-017, elected to construct a new extension of the public sewer in Cantina Way, beyond that original extended by Ron Gilbreth, to allow connection to the public sewer. Prior to initiating the public sewer extension, Mr. Meyers visited the Public Works and Engineering Department to confirm that Agreement No. 2775 did not apply to the five remaining properties located on Cantina Way (identified by APN 513-430-013 through 513-430-017, highlighted in yellow in Figure 1. After reviewing Agreement No. 2775, as amended, staff confirmed the five remaining properties were not part of Agreement No. 2775, and further determined that the additional sewer main line extension was not considered a “lateral” connection, and therefore, by Mr. Meyers extending the sewer in Cantina Way would not cause these five properties to be subject to Agreement No. 2775.

Mr. Meyers has completed the sewer main line extension (depicted as the green line in Figure 1) to the end of Cantina Way to benefit the remaining five properties, pursuant to City approvals. The sewer extension was accepted by the City Engineer on December 3, 2014, as a part of the City’s public sewer system.

On December 23, 2014, Mr. Meyers submitted a formal request to the City for a sewer construction refund agreement for the off-site sewer line extension in Cantina Way and submitted a full accounting of the costs for the extension. City staff has reviewed the accounting of costs, copies of invoices and agreements, and other related documents and has determined the reimbursement cost directly related to the off-site sewer line extension in Cantina Way, (excluding any on-site sewer construction or other development costs), to be \$113,115.18.

Staff conferred with the City Attorney who has confirmed with staff’s prior determination that Agreement No. 2775, as amended, does not apply to the sewer extension completed by Mr. Meyers, and reimbursement of costs associated with this sewer extension shall be segregated from the original sewer line extension as a separate agreement.

Benefit Area Spread of Cost

The City has identified five properties located on Cantina Way which directly benefit from the sewer line extension in Cantina Way completed by Mr. Meyers. The individual assessments to the benefitted properties for the off-site sewer line extension in Cantina Way will be collected at the time building permits are issued for connection of these properties to the public sewer system.

The benefit area is identified by the area highlighted in yellow in Figure 1, and is defined on Exhibit “B” (Boundary Map) of the proposed Sewer Construction Refund Agreement with Christopher Meyers, included as **Attachment 4**. The off-site sewer line extension

cost in Cantina Way is equitably spread to each property which directly benefits from the sewer line extension.

On May 21, 2015, the City mailed a draft copy of the Sewer Construction Refund Agreement to all benefitting properties, and scheduled a property owners meeting for July 27, 2015. The property owners meeting was held, and attendance was limited to Mr. Meyers, and staff discussed the issues related to the proposed agreement. On September 10, 2015, a letter, which included the final proposed sewer construction refund agreement, was mailed to all benefitting properties. The letter also provided the required legal notice of the Public Hearing scheduled for October 7, 2015; a copy of the notice is included as **Attachment 5**.

FISCAL IMPACT:

Approval of the sewer construction refund 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. A total cost of \$113,115.18 was paid by Mr. Meyers for extension of public sewer which is being equitably spread to the five benefitting properties as follows:

1	513-430-017	\$22,623.04	2353 W. Cantina Way
2	513-430-016	\$22,623.04	2290 W. Cantina Way
3	513-430-015	\$22,623.04	2300 W. Cantina Way
4	513-430-014	\$22,623.04	2320 W. Cantina Way
5	<u>513-430-013</u>	<u>\$22,623.04</u>	2332 W. Cantina Way
	TOTAL:	\$113,115.20	

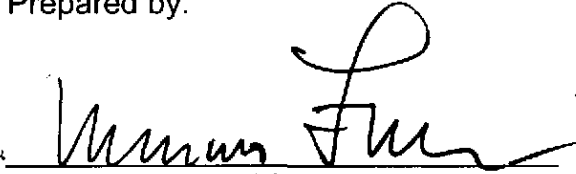
Mr. Meyers' personal residence is identified by property #1, APN 513-430-017, located at 2353 W. Cantina Way, and the fair share reimbursement of \$22,623.04 is excluded from the total reimbursement otherwise due. For the purposes of this Agreement, a total reimbursement due of \$90,492.16 will be established.

Payment of the individual assessment by benefitted property owners is required at the time a permit is applied to connect 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. 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 agreement does not impose any obligation on the City to pay in advance, with any of its own funds, the reimbursement amount.

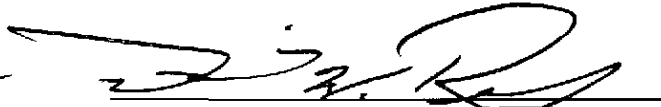
SUBMITTED:

Prepared by:

Approved by:



Marcus L. Fuller, MPA, P.E., P.L.S.
Assistant City Manager/City Engineer



David H. Ready, Esq., Ph.D.
City Manager

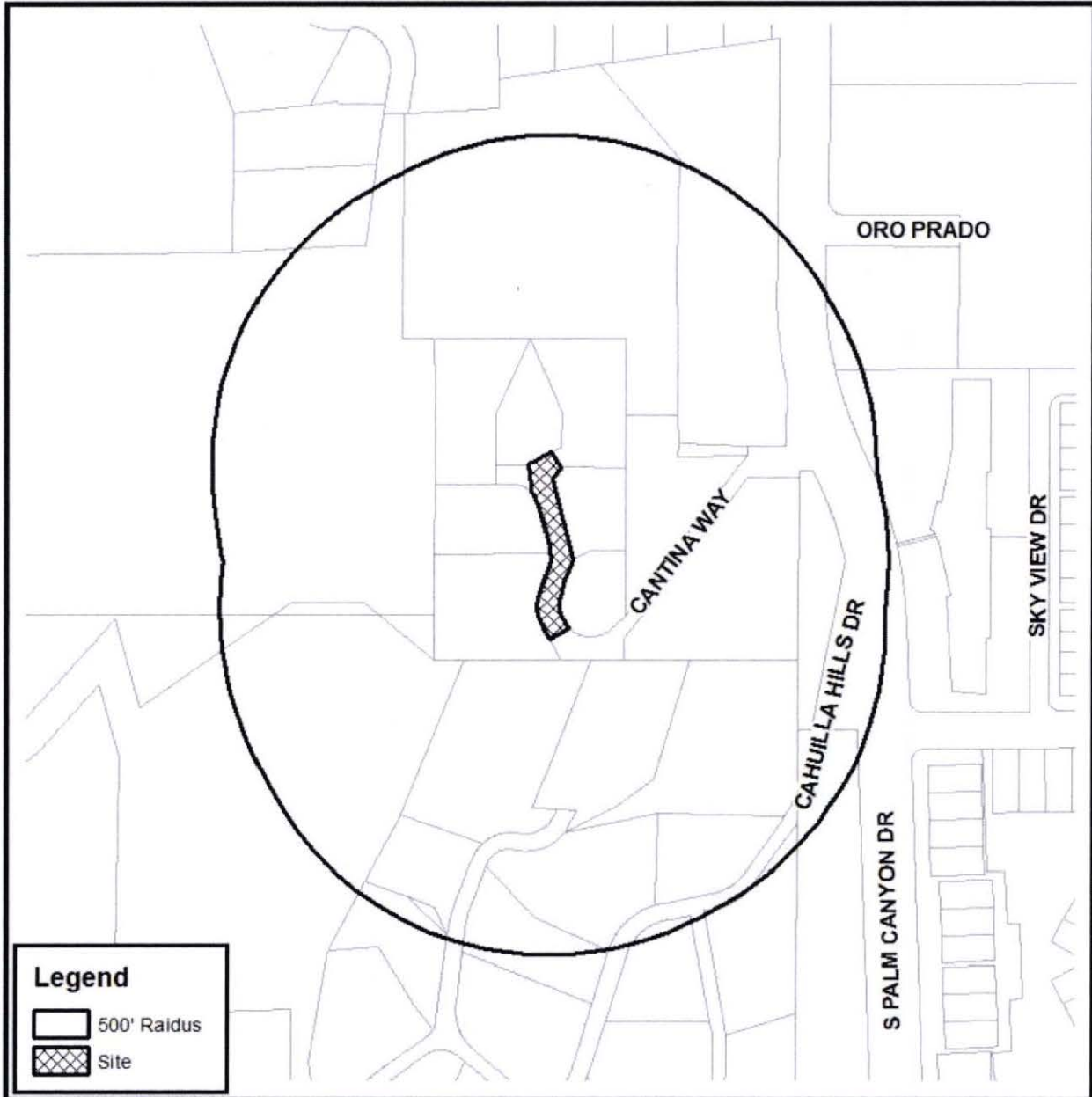
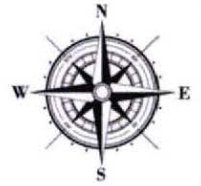
ATTACHMENTS:

1. Vicinity Map
2. Agreement No. 2775 with Amendments 1 and 2
3. Memorandum of Redistribution of Assessments
4. Agreement
5. Notice of Public Hearing

ATTACHMENT 1



Department of Public Works and Engineering Vicinity Map



CITY OF PALM SPRINGS

ATTACHMENT 2

SEWER CONSTRUCTION REFUND AGREEMENT BETWEEN
THE CITY OF PALM SPRINGS, CALIFORNIA, AND
RON GILBREATH

SEWER AGREEMENT NO. 2775

THIS AGREEMENT made and entered into this 25th day of September, 1989, between the CITY OF PALM SPRINGS, CALIFORNIA, a municipal corporation, hereinafter called the CITY, and RON GILBREATH, hereinafter called the developer.

WHEREAS, the DEVELOPER is, at the time of this agreement, the owner of Parcel No. 513-430-012 as shown on Assessor's Map, Section 27, Township 4 South, Range 4 East, San Bernardino Base and Meridian, delineated on the plat "Sewer Construction Refund Agreement" attached hereto, marked Exhibit "A", and hereby made a part

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 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:

DOLAN CONSTRUCTION CO., INC., Dated Sept. 12, 1989
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

proportion to the frontages of Parcels 513-430-001, 513-430-040, 513-430-011
513-430-012 and 513-430-019, as shown on Exhibit "A".

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that for and in consideration
of the mutual covenants indicated between the CITY and the DEVELOPER, it
is hereby agreed that developers, owners, or lessees of lots shown on Exhibit
"A" abutting said sewer shall pay to the CITY the amount shown herein, plus
sewer connection charges in effect at such time prior to a permit being issued
for connection to said sewer. Upon receipt of such payment CITY shall pay
to DEVELOPER the amount shown herein.

The Assessment for Parcels is hereby established:

\$126.643 per front foot including laterals

<u>ASSESSORS NO.</u>	<u>FRONTAGE</u>	<u>ASSESSMENT COST</u>
513-430-001	335.53 FT.	\$ 42,492.52
513-430-040	426.99 FT.	\$ 54,075.29
513-430-011	50.00 FT.	\$ 6,332.15
513-430-012 Developer	106.83 FT.	\$ 13,529.27
513-430-019	43.80 FT.	\$ 5,546.96
	963.15 FT.	\$121,976.19

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

ATTEST:

By _____

(NAME)

Ron Gilbreath
RON GILBREATH

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

By *[Signature]*
City Clerk

[Signature]
for City Manager

GENERAL ACKNOWLEDGMENT

State of California
County of Riverside } SS.

On this the 25th day of September 1989, before me,

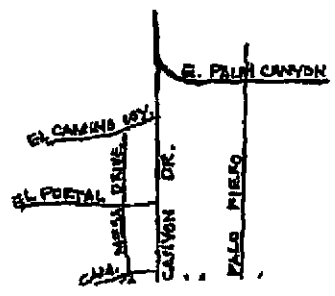
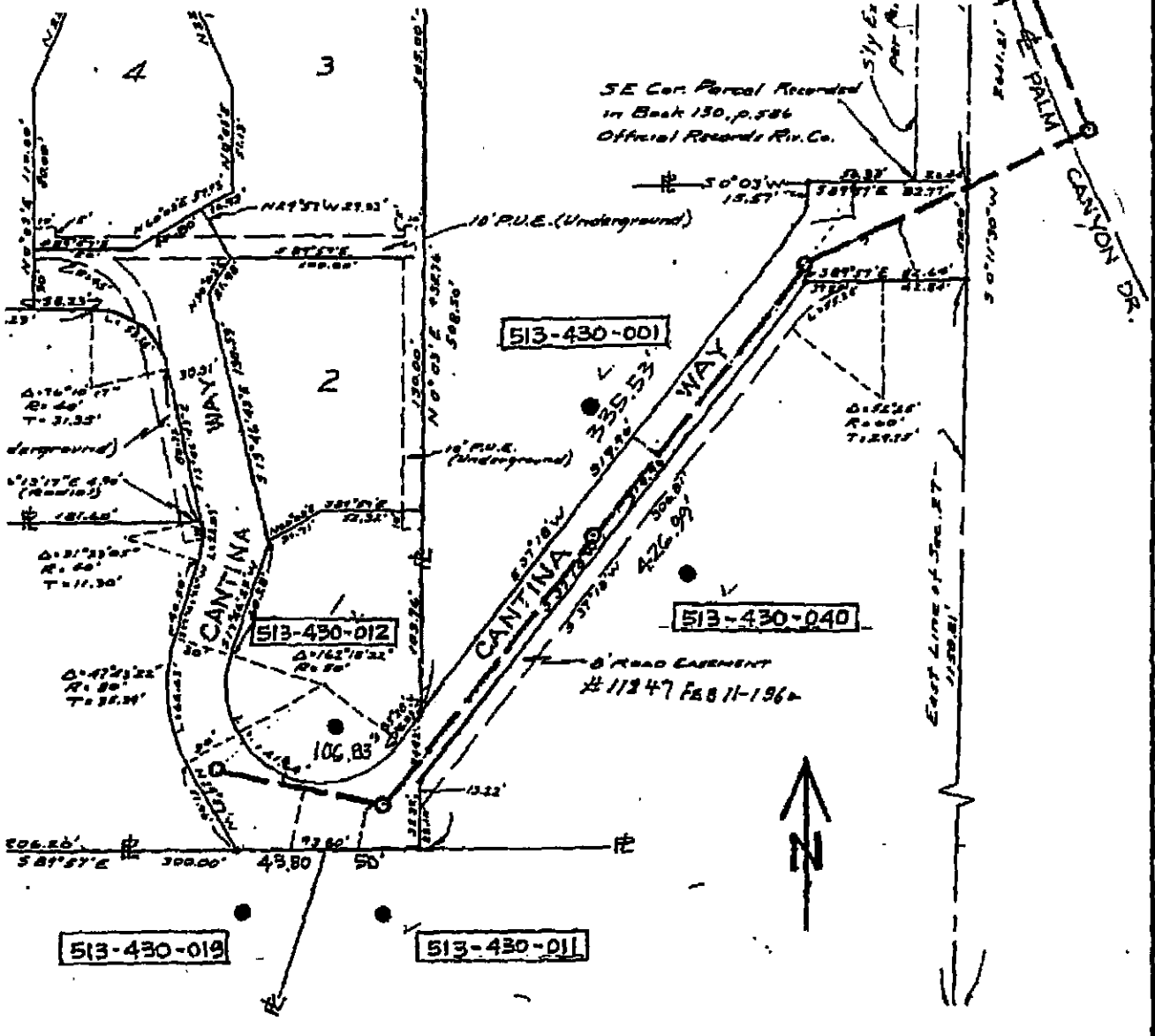
ELAINE L. SCHWARTZ
the undersigned Notary Public, personally appeared

NO. 201

PAF

SOUTH PALM CANYON DR.

SE Cor. Parcel Recorded in Book 130, p. 586 Official Records Riv. Co.



429707

RECEIVED FOR RECORD
AT 8:00AM O'CLOCK

FREE RECORDING REQUESTED BY
AND WHEN RECORDED, MAIL TO:

CITY OF PALM SPRINGS
P.O. Box 2743
Palm Springs, CA 92263-2743
Attn: City Clerk

Ron Gilbreath - Sewer Constr
Refund - Cantina Way
AGREEMENT 2775 - Amended
R19345, 9-2-98

OCT 05 1998

Recorded in Official Records
of Riverside County, California

Recorder

Fees \$

(For Recorder's Use Only)

AMENDED SEWER CONSTRUCTION REFUND AGREEMENT BETWEEN
THE CITY OF PALM SPRINGS, CALIFORNIA AND RON GILBREATH

SEWER AGREEMENT NO. 2775

THIS AMENDED AGREEMENT made and entered into this 2nd day of September, 1998, between the CITY OF PALM SPRINGS, CALIFORNIA, a municipal corporation, hereinafter called the CITY, and RON GILBREATH, hereinafter called the DEVELOPER,

WHEREAS, the CITY has established a policy for sewer refund agreements and contributions for oversize sewer by City Council Resolution No. 13487 dated August 6, 1980 and Resolution No. 16031 dated October 15, 1986, which by reference are hereby made a part of this agreement; and

WHEREAS, the DEVELOPER entered into Sewer Construction Refund Agreement No. 2775 ("AGREEMENT") per City Council Resolution No. 16917 dated October 4, 1989; and

WHEREAS, the DEVELOPER is, at the time of this agreement, the owner of Parcel No. 513-430-012, delineated on the plat "Sewer Construction Refund Agreement" attached hereto, marked Exhibit "A", and hereby made a part; and

WHEREAS, the sanitary sewers that are the subject of the AGREEMENT (Off-Site Sewers) have been dedicated to public use by the DEVELOPER, and have been accepted by the CITY, and

WHEREAS, the CITY has determined that benefit from the construction of the Off-Site Sewers will accrue to properties connecting to the Off-Site Sewer ("PARCELS"); and

WHEREAS, the AGREEMENT established assessments against parcels benefited by the construction of the Off-Site Sewers, based on a formula whereby the number of each Parcel's frontage on Cantina Way was multiplied by \$ 126,643 per front foot including laterals; and

WHEREAS, the method by which the assessments under the AGREEMENT were distributed to the Parcels was disproportionate to the benefits derived by the Parcels, based on each parcel's buildable square footage, from the construction of the Off-Site Sewers across the Parcel frontages, and

WHEREAS, the CITY had determined that said benefit will be in direct proportion to Parcel Nos 513-430-040, 513-430-001, 513-430-011, 513-430-019, and 513-430-018, as shown on Exhibit "A"; and

WHEREAS, it is in the best interests of the DEVELOPER and the CITY to amend the AGREEMENT to provide for a more equitable apportionment of construction costs for the Off-Site Sewers to properties benefiting from the construction of the Off-Site Sewer; and

NOW, THEREFORE, THIS AMENDED AGREEMENT WITNESSETH that for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in consideration of the mutual covenants indicated between the CITY and the DEVELOPER, it is hereby agreed that:

SECTION 1. Assessments. Developers, owners, or lessees of lots shown on Exhibit "A" abutting Off-Site Sewers shall pay to the CITY the amount shown herein, plus sewer connection charges in effect at such time prior to a permit being issued for connection to the Off-Site Sewers. Upon receipt of such payment CITY shall pay DEVELOPER the amount shown herein. The Assessment for Parcels is hereby established:

RECORDED
INDEXED

<u>ASSESSOR'S NO.</u>	<u>ASSESSMENT COST</u>
1. 513-430-040	\$ 27, 111.73
2. 513-430-001	\$ 27, 111.73
3. 513-430-011	\$ 13,555.87
4. 513-430-019	\$ 13,555.87
5. 513-430-018	\$ 27,111.73
	\$108,446.92

The above assessments represent a proportionate redistribution of the costs of the construction of the Off-Site Sewers based on each Parcel's buildable square footage. As to Parcel Nos. 3 and 4 referenced above, the redistributed assessments were offset by a portion of the additional costs for the necessary construction of a lateral to effect connection to the Off-Site Sewer.

SECTION 2. No Representations CITY makes no representation as to when, if ever, it will receive the above costs assessed on the Parcels.

SECTION 3. Amendment The parties hereto mutually agree that this Amendment may be amended at any time by the mutual consent of the parties by an instrument in writing.

SECTION 4. Integration It is understood that there are no oral agreements between the parties hereto affecting this Agreement and this Agreement supersedes and cancels any and all previous negotiations, arrangements, agreements and understandings, if any, between the parties, and none shall be used to interpret this Agreement. Any resolutions or actions of the Council inconsistent with the foregoing are hereby rescinded to the extent of their inconsistency. This Amendment incorporates all the understandings of the parties.

SECTION 5. Recordation The City Clerk shall record this AMENDMENT in the Recorder's Office of the County of Riverside, California.

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

ATTEST:

By Marna Van Horn

(NAME)

Ron Gilbreath
RON GILBREATH

ATTEST:

By [Signature]
City Clerk

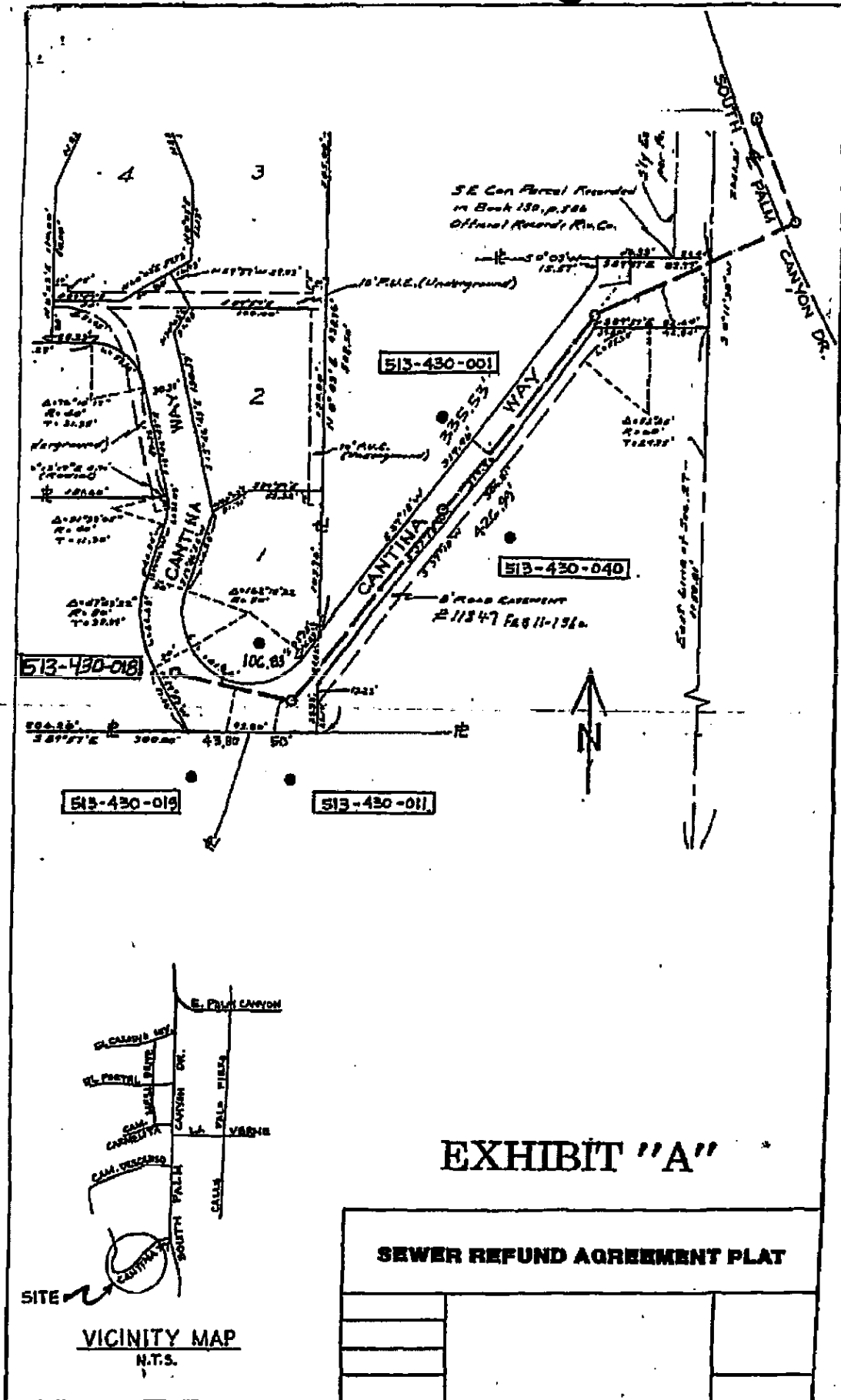
CITY OF PALM SPRINGS, CALIFORNIA
[Signature]
City Manager

Reviewed and Approved By:

[Signature]
City Attorney

APPROVED BY THE CITY COUNCIL
R19345 8-2-98
12725

ORIGINAL DOCUMENT
OF RECORD BOOK 51484



FREE RECORDING REQUESTED BY
AND WHEN RECORDED, MAIL TO:

CITY OF PALM SPRINGS
P.O. Box 2743
Palm Springs, CA 92263-2743
Attn: City Clerk

DOC # 2000-469125

11/27/2000 08:00A Fee:NC

Page 1 of 7

Recorded in Official Records

County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder



Ron Gilbreath - Sewer Constr
Refund
AGREEMENT #2775 AMEND #2
R19926, 10-18-00

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**SECOND AMENDED SEWER CONSTRUCTION REFUND AGREEMENT BETWEEN
THE CITY OF PALM SPRINGS, CALIFORNIA AND RON GILBREATH**

SEWER AGREEMENT NO. A2775

THIS AMENDED AGREEMENT made and entered into this 14th day of November 2000,
between the CITY OF PALM SPRINGS, CALIFORNIA, a municipal corporation, hereinafter
called the CITY, and RON GILBREATH, hereinafter called the DEVELOPER.

RECITALS

WHEREAS, the DEVELOPER entered into Sewer Construction Refund Agreement No. 2775
("AGREEMENT") per City Council Resolution No. 16917 dated October 4, 1989; and

WHEREAS, the DEVELOPER is, at the time of this agreement, the owner of Parcel No. 513-430-
012, delineated on the plat "Sewer Construction Refund Agreement" attached hereto, marked
Exhibit "A", and hereby made a part; and

WHEREAS, the CITY determined that a more appropriate measure was based on each Parcel's
buildable square footage rather than the construction of the Off-Site Sewers across the Parcel
frontages, and on September 2, 1998 so amended the AGREEMENT; and

WHEREAS, the CITY has further determined that additional lots not listed below can also access
the Off-Site Sewers and may be added to the AGREEMENT; and

WHEREAS, it is in the best interests of the DEVELOPER and the CITY to amend the
AGREEMENT to provide for the redistribution of cost per parcel as additional lots connect to the

Off-Site Sewers, thereby providing a more equitable apportionment of construction costs for the Off-Site Sewers to properties benefitting from the construction of the Off-Site Sewers; and

NOW, THEREFORE, THIS AMENDED AGREEMENT WITNESSETH that for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in consideration of the mutual covenants indicated between the CITY and the DEVELOPER, it is hereby agreed that:

1. Section 1 of the AGREEMENT shall be amended and superceded by the following:

SECTION 1. Assessments.

(a) Parcels Shown on Exhibit "A". Any developer, owner, or lessee or person or entity having an interest in the real property (collectively "Applicant") of lots shown on Exhibit "A" abutting Off-Site Sewers shall pay to the CITY the amount shown herein, plus sewer connection charges in effect at such time prior to a permit being issued for connection to the Off-Site Sewers. Upon receipt of such payment CITY shall pay DEVELOPER the amount shown herein.

Lot 3 (APN 513-430-018) paid it's assessment of \$27,111.73 on Jan. 24, 2000.

Subject to Section 1(b) herein, the Assessment for Parcels is hereby established as follows:

<u>ASSESSOR'S NO.</u>	<u>ASSESSMENT COST</u>
1. 513-430-040	\$27,111.73
2. 513-430-001	\$27,111.73
3. 513-430-011	\$13,555.87
4. 513-430-019	<u>\$13,555.87</u>
Assessment Balance	\$81,335.00

The above assessments represent a proportionate redistribution of the costs of the construction of the Off-Site Sewers based on each Parcel's buildable square footage. As to Parcel Nos. 3 and 4 referenced above, the redistributed assessments were offset by a portion of the additional costs for the necessary construction of a lateral to effect connection to the Off-Site Sewer. The above assessments shall be proportionately reduced upon the connection of additional lots to the Off-Site Sewer and under the formula set forth in subsection 1(b) below.



(b) Redistribution Based on Addition of Parcels Not Shown on Exhibit "A".

Should an applicant of a lot not shown on Exhibit "A" seek to connect by lateral to the Off-Site Sewer, such Applicant shall pay to the CITY the amount pursuant to the formula set forth in this Section 1(b), **plus sewer connection charges in effect** at such time prior to a permit being issued for connection to the Off-Site Sewers. Upon receipt of such payment, CITY shall pay DEVELOPER the fee paid by such Applicant. The formula for adjustment of the assessments shall be as follows: The balance of the Total Assessment Cost of \$81,335.00 set forth in Section 1(a) above, remaining at the time of the proposed lateral connection ("Assessment Balance") shall be redistributed equally by the total of (i) the remaining number of lots included on Exhibit "A" not connected to the Off-Site Sewers as of the date Applicant seeks the connection with APNs 513-430-011 and 513-430-019 considered as one lot for this calculation thereby making their individual total assessment one half of the standard per lot assessment, plus (ii) the number of Excluded Parcel(s) requesting connection.


2. Full Force and Effect. Unless specifically amended herein, all terms and conditions of the AGREEMENT shall remain in full force and effect.
3. Recordation The City Clerk shall record this AMENDMENT in the Recorder's Office of the County of Riverside, California.

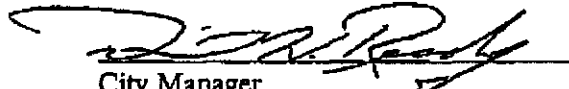


IN WITNESS WHEREOF, the CITY and the DEVELOPER have hereunto caused these presents to be executed the day and year first above mentioned.


ATTEST:

CITY:
CITY OF PALM SPRINGS, CALIFORNIA
a municipal corporation


City Clerk

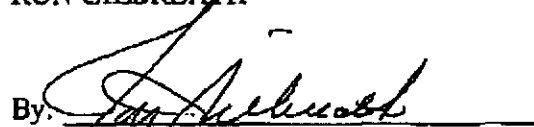

City Manager

APPROVED AS TO FORM


City Attorney

DEVELOPER:

RON GILBREATH

By: 
Ron Gilbreath

APPROVED BY THE CITY COUNCIL

R199216 10-18-00

A2775



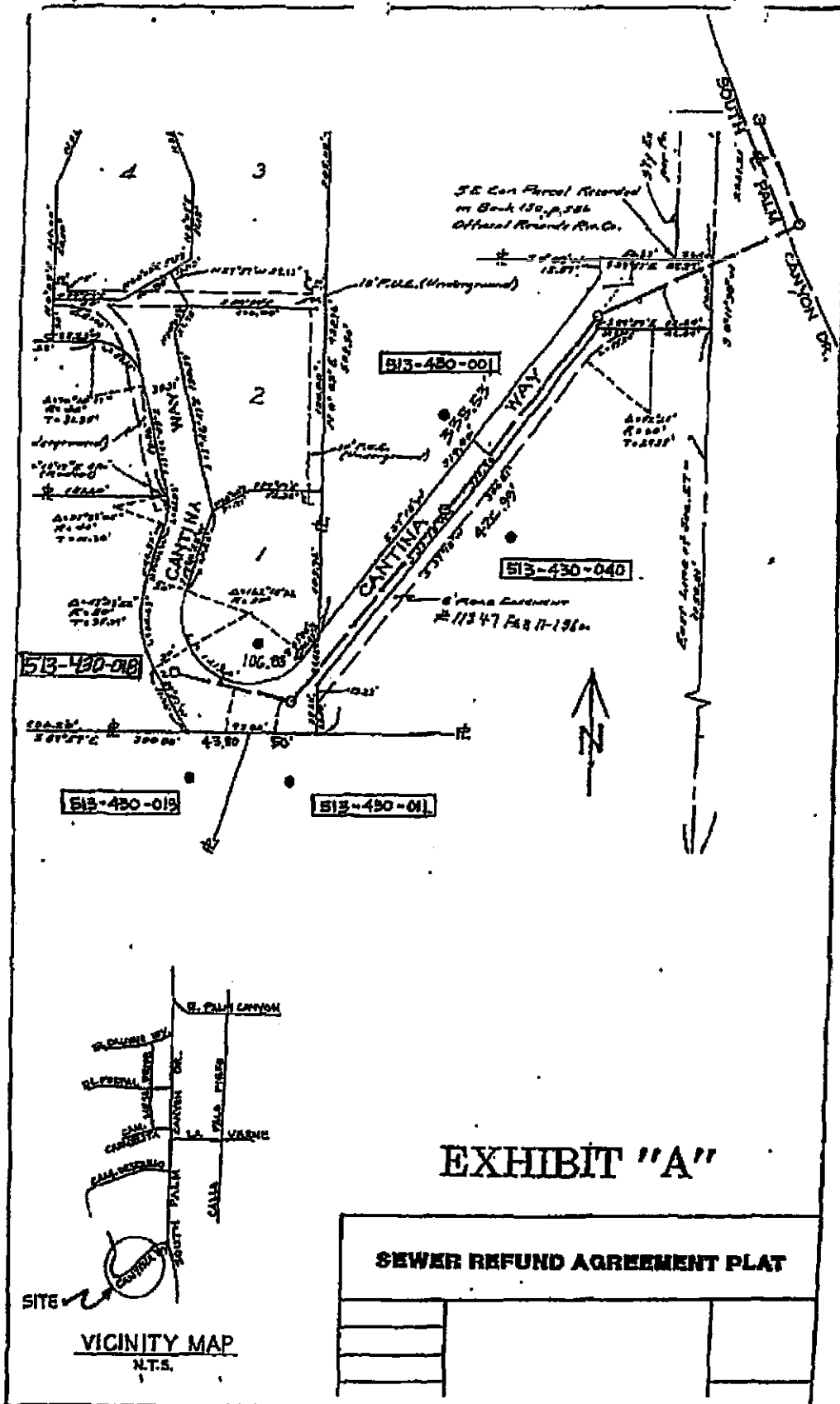


EXHIBIT "A"

SEWER REFUND AGREEMENT PLAT

SITE
VICINITY MAP
N.T.S.



2888-469125
11/27/2008 08 68F

ATTACHMENT 3

City of Palm Springs
Engineering Department
3200 Tahquitz Canyon Way East
Palm Springs, CA 92262
Phone: (760) 323-8253 Fax: (760) 322-8360

MEMORANDUM

Date: December 1, 2000
To: Angela LaFrance, Permit Technician
From: Marna Van Horn, Engineering Associate ^{MVH}
Subject: Redistribution of Assessments for Gilbreath Sewer Reimbursement Agreements

Listed below are the redistributed assessments for the parcels.

<u>Assessor's No.</u>	<u>Assessment Cost</u>
1. 513-430-040	\$20,333.75
2. 513-430-001 513-430-049	\$20,333.75
3. 513-430-011	\$10,166.88
4. 513-430-019	\$10,166.88

} 61,001.28

The assessment cost for Riff Markowitz, 2401 Cahuilla Hills Drive, (APN 513-430-003) is \$20,333.75 as calculated using the formula in the Second Amended Sewer Construction Refund Agreement Between the City of Palm Springs and Ron Gilbreath.

ATTACHMENT 4

PLEASE COMPLETE THIS INFORMATION
RECORDING REQUESTED BY:

CITY OF PALM SPRINGS

AND WHEN RECORDED MAIL TO:

CITY OF PALM SPRINGS
OFFICE OF THE CITY CLERK
3200 E. TAHQUITZ CANYON WAY
PALM SPRINGS, CA 92262

SPACE ABOVE FOR RECORDER'S USE ONLY

CANTINA WAY
SEWER CONSTRUCTION REFUND AGREEMENT

Title of Document

THIS AREA FOR
RECORDER'S
USE ONLY

SEWER CONSTRUCTION REFUND AGREEMENT
BETWEEN
THE CITY OF PALM SPRINGS, CALIFORNIA AND CHRISTOPHER MEYERS

AGREEMENT NO. _____

This Sewer Construction Refund Agreement, hereinafter referred to as "Agreement", made and entered into this ____ day of _____, 2015, is made by and between the CITY OF PALM SPRINGS, a California charter city and municipal corporation, (hereinafter referred to as "City") and Christopher Meyers, (hereinafter referred to as "Developer"). City and Developer are sometimes hereinafter individually referred to as "Party" and are hereinafter collectively referred to as the "Parties."

Whereas, the City has established a policy for sewer refund agreements by City Council Resolution No. 13487 dated August 6, 1980, Resolution No. 16031 dated October 15, 1986, and Resolution No. 20650 dated July 2, 2003, (hereinafter referred to as the "Resolutions"), which are attached hereto, marked as Exhibit "A", and hereby made a part of this Agreement; and

Whereas, the Developer was, prior to this Agreement, owner of the residential property identified as 2353 W. Cantina Way, and as Assessor Parcel Number 513-430-017, hereinafter referred to as "Property"; and

Whereas, the Developer completed construction of the Sewer Extension on Cantina Way on 12/03/2014; and

Whereas, the Sewer Extension that is the subject of this Agreement has been dedicated to the City for public use by the Developer, and has been accepted for public use by the City; and

Whereas, the City has determined that benefit from the construction of the Sewer Extension will accrue to other properties connecting to the Sewer Extension, as delineated on Exhibit "B" identified as "Boundary Map" attached hereto and hereby made a part of this Agreement; and

Whereas, the City has determined that benefit will be in direct proportion to the properties identified by those Assessor Parcel Numbers identified in Section 1 of this Agreement, and shown on Exhibit C, attached hereto and hereby made a part of this Agreement; and

Whereas, the Developer, in accordance with the Resolutions, has requested that the Parties enter into this Agreement to reimburse the Developer costs associated with the Sewer Extension which directly benefits the properties identified by those Assessor Parcel Numbers identified in Section 1 of this Agreement, and shown on Exhibit C; and

Whereas, the Developer has submitted a financial statement of construction costs for the Sewer Extension totaling \$113,115.18, as shown on Exhibit "D" (the "Summary of Expenses"), attached hereto and hereby made a part of this Agreement; and

Whereas, it is in the best interests of the Parties to establish this Agreement to provide for an equitable apportionment of costs associated with the construction of the off-site Sewer Extension to properties benefiting from the Sewer Extension.

Now, therefore, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in consideration of the mutual covenants indicated between the Parties, it is hereby agreed that:

SECTION 1. Reimbursements.

Owners of lots identified herein this Section 1, and shown on Exhibit "B", connecting to the Sewer Extension, and thereby deriving a benefit to such sewer connection, shall reimburse the City the amount shown herein, and pay the sewer connection fee in effect at such time, prior to a City Building Permit being issued for connection to the City's public sewer system via the Sewer Extension. Upon receipt of such payments, City shall pay the Developer the reimbursement amounts shown herein.

The reimbursement amounts for the 5 parcels identified herein represent a proportionate distribution of the total cost of **\$113,115.18** for the Sewer Extension, as follows:

	Assessor's Parcel No.	Refund Amount	Site Address
1	513-430-017 ¹	\$0.00	2353 W. Cantina Way
2	513-430-016	\$22,623.04	2290 W. Cantina Way
3	513-430-015	\$22,623.04	2300 W. Cantina Way
4	513-430-014	\$22,623.04	2320 W. Cantina Way
5	<u>513-430-013</u>	<u>\$22,623.04</u>	2332 W. Cantina Way
	TOTAL:	\$90,492.16 ²	

Total due to developer = \$90,492.14 ³

Notes:

- (1) This property is owned by Developer and is being excluded from this Agreement.
- (2) The total payment is \$22,623.04 less than the total cost of the Sewer Extension because payment for the parcel marked above (513-430-017) is being excluded from this Agreement.
- (3) The total assessment collected is \$0.02 more than the total cost due to rounding.

SECTION 2 Municipal Code Exemptions.

No provisions within this Agreement shall be construed to imply any requirement upon the owners of parcels identified in Section 1 or shown on Exhibit C of this Agreement, directly or indirectly connecting to the Sewer Extension, to a mandatory requirement to connect to the public sewer system. The exemptions to the mandatory requirement to connect to the public sewer system, (Palm Springs Municipal Code §15.14.020(b)), shall continue to apply. The economic hardship exemptions for connection to the public sewer system identified by City Resolution No. 20650, adopted July 2, 2003, shall continue to apply. Nothing in this Agreement shall be construed as a requirement of an owner of property identified in this Agreement to connect to the public sewer system.

SECTION 3. Payment.

Developer's current address is: CHRISTOPHER MEYERS
2353 CANTINA WAY
PALM SPRINGS, CA 92264

Developer shall immediately inform the City Manager if Developer's address changes. Any payment shall be sent to the Developer at the written address on file with City. If Developer does not have a written address on file with City, City shall retain any payments for reimbursement amounts received. Following receipt of any payments under the Agreement, City will remit such payment to Developer within thirty (30) days of receipt. No interest shall accrue on late payment.

SECTION 4. Successors.

The right of Developer to receive payment as stated herein shall be transferable to successors and assigns. Developer shall immediately notify City of any transfer or assignment of its right to receive payments under the terms of this Agreement.

SECTION 5. Collection.

Developer shall be liable for all costs, expenses, attorneys' fees and other fees incurred by City in collecting any payments as otherwise provided hereunder the terms of this Agreement. Before pursuing any legal action to collect payments, the City may demand that the Developer deposit the reasonable estimated cost of collection, and the Developer shall make said deposit prior to City taking legal action to collect said payment. The City shall have complete and absolute discretion in determining whether to pursue legal action to collect a reimbursement from the owner of property identified herein Section 1 of this Agreement. In the event the City elects not to pursue legal action to collect a reimbursement, Developer may pursue available legal remedies to enforce payment of the reimbursement amounts identified herein Section 1 of this Agreement. The City will cooperate with Developer in any effort to recover Developer's costs incurred by any action taken pursuant to this Section 5.

SECTION 6. No Representations or Liability.

City makes no representation as to: (a) when, if ever, it will receive payments for the reimbursement amounts identified herein Section 1 of this Agreement, (b) City's legal liability to enforce the collection of the reimbursement amounts identified, and (c) changes in the law affecting the City's ability to collect the reimbursement amounts identified. Due to these factors, the City shall have no liability whatsoever to the Developer for the collection of payments for the reimbursement amounts identified herein in Section 1 of this Agreement, or for the payment of such sums to Developer. Developer acknowledges by executing this Agreement that the Developer may not receive payment from City of some, or all, of the reimbursement amounts, and shall not hold the City liable therefore

SECTION 7. Term.

This Agreement shall terminate twenty (20) years from the date first above written, unless extended by mutual agreement of the Parties. Following termination, City shall have no further obligation hereunder.

SECTION 8. Amendment.

The Parties hereto mutually agree that this Agreement may be amended at any time by the mutual consent of the Developer and City and by recordation of an instrument in writing.

SECTION 9. Integration.

It is understood that there are no oral agreements between the Parties hereto affecting this Agreement and this Agreement supersedes and cancels any and all previous negotiations, arrangements, agreements and understandings, if any, between the Parties, and none shall be used to interpret this Agreement. Any resolutions or actions of the Council inconsistent with the foregoing are hereby rescinded to the extent of their inconsistency. This Agreement incorporates all the understandings of the Parties.

SECTION 10. Authority.

The persons executing this Agreement on behalf of the Parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Agreement on behalf of said party, (iii) by so executing this Agreement, such party is formally bound to the provisions of this Agreement, and (iv) the entering into this Agreement does not violate any provision of any other Agreement to which said party is bound.

SECTION 11. Recordation.

The City Clerk shall record this Agreement in the Recorder's Office of the County of Riverside, California.

* * * *

[SIGNATURES ON FOLLOWING PAGE]

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

**ATTEST:
CITY OF PALM SPRINGS, CA**

By _____
City Clerk

Date: _____

CONTENTS APPROVED:

By _____
City Manager

Date: _____

By _____
City Engineer

Date: _____

APPROVED AS TO FORM:

By _____
City Attorney

Date: _____

APPROVED BY CITY COUNCIL:

Date: _____ Agreement No. _____

DEVELOPER

CHRISTOPHER MEYERS

Check one: Individual Partnership Corporation

Corporations require two notarized signatures: One signature must be from Chairman of Board, President, or any Vice President. The second signature must be from the Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, or Chief Financial Officer.

Address: 2353 CANTINA WAY
PALM SPRINGS, CA 92264

By: _____
Signature (notarized)

Name: CHRISTOPHER MEYERS

- Attachments:
- 1. Exhibit "A": Resolution Numbers 13487, 16031, and 20650.
 - 2. Exhibit "B": Boundary Map
 - 3. Exhibit "C": Assessor's Parcel Map
 - 4. Exhibit "D": Summary of Expenses

EXHIBIT “A”

Amended b
16031

RESOLUTION NO. 13487

OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ESTABLISHING A POLICY FOR REIMBURSEMENT OF COSTS FOR INSTALLATION OF ALL TYPES OF OFF-SITE IMPROVEMENTS.

WHEREAS the developer of vacant land has the responsibility for providing off-site improvements to the centerline of adjacent rights-of-way; and

WHEREAS there is a need for additional off-site improvements beyond the boundaries of a particular building site in many instances; and

WHEREAS the City in many instances for the public good installs off-site improvements across the frontage of vacant lands which are properly the financial responsibility of said vacant land,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Palm Springs, does hereby declare the following to be its policy relative to reimbursement of costs for installation of all types of off-site improvements:

That a reimbursement agreement may be authorized in order to collect for the cost of installation of off-site improvements when installed beyond the boundaries of a project site by a private developer or when improvements have been installed by the City which are properly the responsibility of an adjacent property to provide at the time said property is developed.

That as a condition precedent to the effectiveness of any such reimbursement agreement, notice of intention to enter into such agreement shall be given to the owner of each parcel of property to be charged with the cost of such improvements, and each such owner shall be given an opportunity to be heard as to:

1. The necessity of installation of such improvements prior to such owner's development of his property,
2. The necessity for such installation by any party other than such owner,
3. The reasonableness of the costs of such improvements,
4. Any other matters reasonably related to such reimbursement agreement and its effect upon such owner's property.

Any such reimbursement agreement shall include a sufficient legal description of each parcel of real property to be charged with such costs. Such agreement shall be recorded in the Office of the County Recorder of Riverside County, and a copy thereof shall be mailed to the owner of each parcel to be charged with such costs.

278

§ 5 2

RES. NO. 13487
Page 2

Nothing in this policy shall be deemed to preclude the formation of assessment districts, local improvement districts, or any other alternative method of effecting the installation of and payment for such improvements.

ADOPTED this 6th day of August, 1980.

AYES: Councilmembers Beirich, Field, Ortner, Rose and Mayor Doyle
NOES: None
ABSENT: None

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

By [Signature] Deputy City Clerk
[Signature] City Manager

REVIEWED & APPROVED [Signature]

RESOLUTION NO. 16031

OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS
CALIFORNIA, AMENDING AND ESTABLISHING PROCEDURE FOR
IMPLEMENTING POLICY FOR REIMBURSEMENT OF COSTS FOR
INSTALLATION OF ALL TYPES OF OFF-SITE IMPROVEMENTS.

WHEREAS the developer of vacant land has the responsibility for providing off-site improvements to the centerline of adjacent rights-of-way; and

WHEREAS there is a need for additional off-site improvements beyond the boundaries of a particular building site in many instances; and

WHEREAS the City in many instances for the public convenience and necessity installs off-site improvements across the frontage of vacant lands which are properly the financial responsibility of said vacant land; and

WHEREAS by Resolution No. 13487, adopted August 6, 1980, the City Council established its policy relative to reimbursement of costs for all types of off-site improvements, and now desires to refine and augment the procedures for implementing that policy;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Palm Springs, does hereby reaffirm its policy relative to reimbursement of costs for installation of all types of off-site improvements and restates said policy as follows:

As used in this Resolution, the term "off-site improvements" shall include, without limitation thereby, the half street, concrete curb, gutter, sidewalk, and bicycle path and landscape strip, all in accordance with adopted standards.

Off-site improvements the provision of which would be the responsibility of the developer of adjacent property at the time of development of said property, may be installed in advance of development of said property, subject to reimbursement at the time of development of said adjacent property, in the following manner:

1. Notice of necessity to install off-site improvements shall be given by the Director of Community Development or his designee to the owner of each parcel of property to be charged with the cost of such improvements, or in the case of leased tax-exempt land, to the owner of a taxable possessory interest. Such notice shall be given by personal service or by certified mail. In the event of service by certified mail, the notice shall be sent to the address shown on the latest equalized assessment roll, and to such other address as is known to be the correct address of the person to be notified.

2. Within 30 days of the date of mailing said notice, the owner or lessee of said property may request a hearing by the Director of Community Development or his designee, and if requested shall be given an opportunity to be heard as to:

a. The necessity for installation of such improvements prior to such owner's development of his property,

b. The necessity for such installation by any party other than such owner,

c. The reasonableness of the costs of such

Improvements,

d. Any other matters reasonably related to reimbursement for such improvements and the effect upon such owner's property.

3. Following such hearing, or if no such hearing is requested, then at any time at least 21 days after the date of mailing of said notice, if the Director of Community Development or his designee finds that the public convenience and necessity requires (1) installation of such improvements prior to development of said property, and (2) installation other than by the owner or lessee, then the Director of Community Development or his designee shall direct that said improvements be installed forthwith subject to reimbursement of the cost thereof at the time of issuance of building permit for development of said property.

4. Such installation may be made by the City, or may be required to be made as a condition of any discretionary approval of development of other property which would be served by or would otherwise benefit, directly or indirectly, from the installation of said improvements.

5. If such improvements are installed as a condition of approval of development of other property, the City shall offer to the developer of such other property to enter into a reimbursement agreement which shall provide that the City shall use its best efforts to collect the cost of such installation from the owner or lessee of the property adjacent to such improvements at the time of development of such adjacent property, and to reimburse such costs if, as and when collected, to the person who incurred such costs. Any such reimbursement agreement shall include a sufficient legal description of each parcel of real property to be charged with such costs. Such agreement shall be recorded in the Office of the County Recorder of Riverside County, and a copy thereof shall be mailed to the owner of each parcel or interest to be charged with such costs.

6. The Director of Community Development shall cause to be recorded in the Office of the County Recorder of Riverside County a Notice of Obligation to Reimburse Cost of Off-site Improvements in each instance where such reimbursable costs are incurred by the City or by another developer. Such notice shall contain a brief description of the improvements installed, the cost thereof sought to be reimbursed, the person to whom such reimbursement is to be made, a sufficient legal description of each parcel of real property to be charged with such costs, the amount to be charged to each such parcel, and a statement that such cost is deemed to be a charge upon said parcel, to be paid at the time of issuance of building permit or other entitlement for development of each such parcel.

7. Upon application for issuance of building permit for development of any parcel subject to such Notice of Obligation to Reimburse Cost of Off-site Improvements, the cost of such improvements charged to such parcel shall be collected as a part of and in addition to any other fees or charges to be collected, and shall thereupon be paid over to the person entitled thereto.

8. Nothing herein shall be deemed to require payment by the City to any person of the cost of installation of any off-site improvements except to the extent that the City shall have actually received payment for that

RESOLUTION NO. 16031

purpose.

9. Nothing in this policy shall be deemed to preclude the formation of assessment districts, local improvement districts, or any other alternative method of effecting the installation of and payment for such improvements.

ADOPTED this 15th day of October, 1986.

AYES: Councilmembers Birer, Foster, and Mayor Bogert

NOES: None

ABSENT: Councilmembers Apfelbaum and Smith

ATTEST: CITY OF PALM SPRINGS, CALIFORNIA

By: [Signature] City Clerk [Signature] City Manager

REVIEWED & APPROVED, _____

RESOLUTION NO. 20650

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, REPEALING RESOLUTION 15188 AND RE-ESTABLISHING GUIDELINES FOR THE EXEMPTION OF RESIDENTIAL PROPERTIES FROM CONNECTION TO PUBLIC SEWER PURSUANT TO CHAPTER 15.14 OF THE PALM SPRINGS MUNICIPAL CODE.

WHEREAS, the City Council of the City of Palm Springs, California, by Resolution No. 11248 adopted November 20, 1974, established a policy requiring all then existing buildings and all buildings to be built thereafter, if such buildings contained plumbing, to be connected to public sewers; and

WHEREAS, said resolution refers to an ordinance of the City implementing such policy, such ordinance being Ordinance No. 982, adopting Chapter 15.14 of the Palm Springs Municipal Code; and

WHEREAS, said Chapter 15.14 of the Palm Springs Municipal Code contains certain provisions for exemption from such connection to public sewer; and

WHEREAS, the City Council of the City of Palm Springs, California, had previously adopted by Resolution, guidelines to regulate the granting of said exemptions; and

WHEREAS, the City Council of the City of Palm Springs, California, now desires to adopt by Resolution, guidelines to regulate the granting of exemptions pursuant to said Chapter 15.14 of the Palm Springs Municipal Code,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Palm Springs, California, as follows:

1. Resolution 15188 previously approved on August 15, 1984 is hereby repealed.
2. The general policy stated in Resolution No. 11248, requiring that all existing or future buildings now or hereafter containing plumbing be connected to the public sewer system is continued in full force and effect, the purpose of this resolution being only to establish guidelines for exemptions therefrom.
3. Each of the exemptions stated in Ordinance 982, including without limitation the exemptions provided in Section 15.14.010 and 15.14.020, introduced simultaneously with the adoption of said Resolution No. 11248, and thereafter enacted into law, are continued in full force and effect.
4. The condition that "...unusual topographic or other terrain conditions exist which make the connection to the public sewer impractical, unreasonable, unfeasible or impose extreme economic hardship upon the property owner if he is required to connect such building to the public sewer system..." is deemed to be met if the following circumstances shall be found to exist:

16.B

- a) If the cost of on-site sewer construction and connection, exclusive of sewer facility fee, shall exceed the sum of \$4,776 per dwelling unit, or such greater sum as shall hereafter be determined by resolution of the City Council; or
- b) If the cost of sewer main construction, in the event no sewer main exists in proximity to said property, shall exceed \$7,960 per dwelling unit, or such greater sum as shall hereafter be determined by resolution of the city council.

The amounts in "a)" and "b)" above shall be adjusted annually in accordance with the Engineering News Record Construction Cost Index.

Adopted this 2nd day of July, 2003.

AYES: Members Mills, Oden, and Mayor Kleindienst
NOES: None
ABSENT: Members Hodges and Reller-Spurgin

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

By

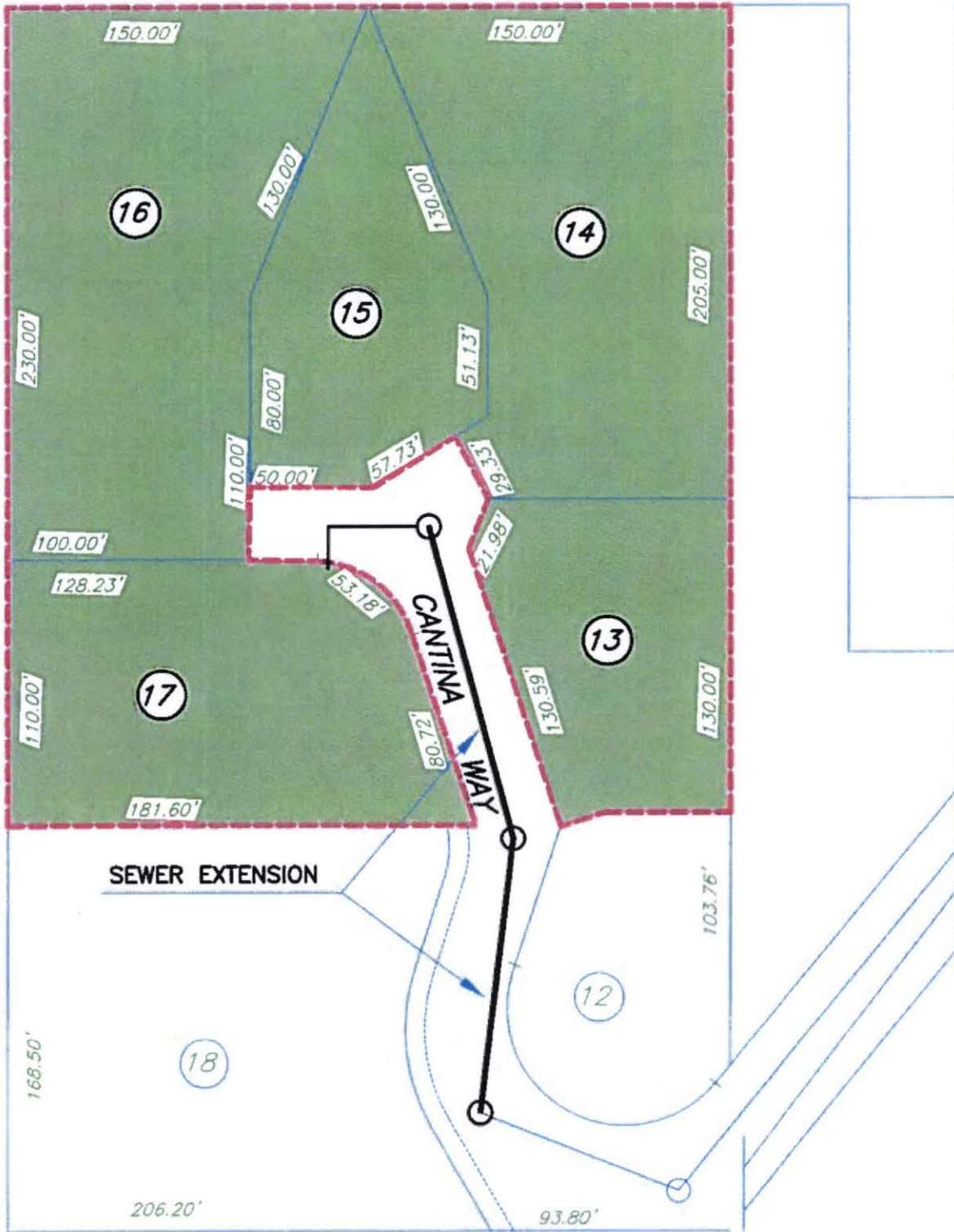
City Clerk


City Manager

REVIEWED AND APPROVED

16 B2

EXHIBIT “B”



BOUNDARY MAP - CANTINA WAY



NOT TO SCALE

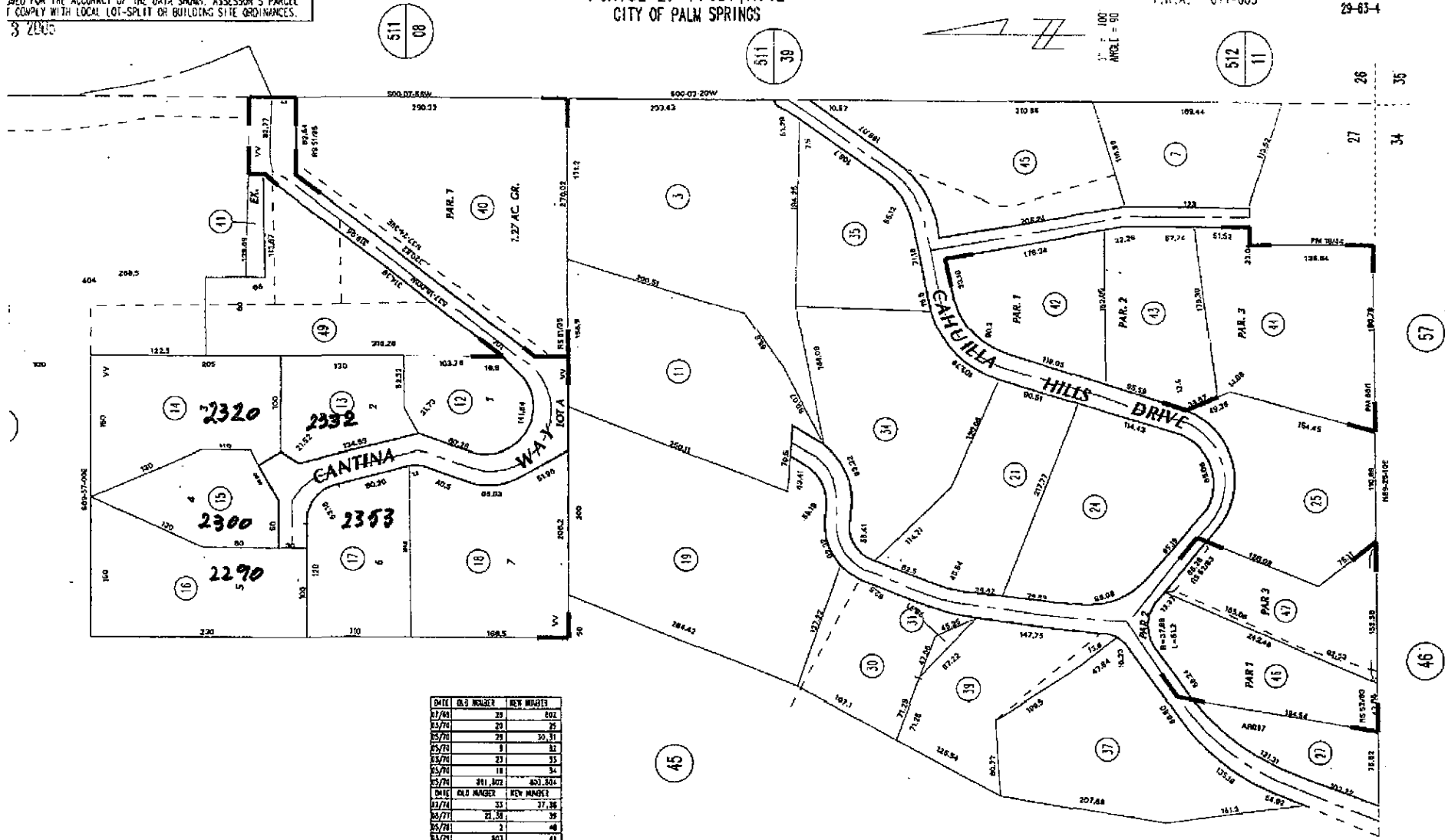
EXHIBIT "C"

MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY
 BEING FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCEL
 MAP COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.
 3 2805

POR. SE 27 T. 4S., R. 4E
 CITY OF PALM SPRINGS

S.R.A. 011-003

513-43
 28-63-4



DATE	OLD NUMBER	NEW NUMBER
07/84	29	02
05/76	20	25
05/76	29	30, 31
05/78	9	31
05/76	23	35
05/76	18	34
05/76	291, 292	32, 33
DATE	OLD NUMBER	NEW NUMBER
03/74	33	37, 38
05/71	21, 30	39
05/78	2	48
05/78	603	41
05/78	32	42-44
11/81	1	460-22
05/83	5-8	45
05/83	36	1, 31
06/74	25	46, 47
12/84	1	48-49

DATA: RS 13/14
 RS 51/35
 RS 52/83
 RS 52/87
 RS 79/50

NB 40/16 VALLEY VISTA
 PM 68/68-1 PARCEL MAP 12350
 RS 51/35
 RS 52/83

FEB 0 1 2005

Dec 2004

EXHIBIT “D”

SUMMARY OF EXPENSES

CANTINA WAY, PALM SPRINGS

FOR SEWER CONSTRUCTION REFUND AGREEMENT

CONTRACTOR: FARRISEPTIC, LIC.#77036-C42 "SANITATION SYSTEM CONTRACTOR"

FARRISEPTIC - Check # 3615 dated 8/7/2014	\$40,000.00
FARRISEPTIC - Check # 0100 dated 8/22/2014	\$19,000.00
CITY OF PALM SPRINGS PERMIT FEE - Credit Card dated 8/12/2014	\$2,290.18
FARRISEPTIC - Check # 3616 dated 8/28/2014	\$19,000.00
FARRISEPTIC - Check # 3618 dated 9/3/2014	\$19,000.00
FARRISEPTIC - Check # 3621 dated 9/23/2014	\$10,000.00
Sanborn Engineering - Check # 3622 dated 9/23/2014	\$825.00
FARRISEPTIC - Check # 3633 dated 12/5/2014	\$1,755.00
FARRISEPTIC - Check # 3634 dated Dec. 2014	\$1,245.00
TOTAL =	\$113,115.18

EXHIBIT D

ATTACHMENT 5

**CITY OF PALM SPRINGS
PUBLIC HEARING NOTIFICATION**



Date: October 7, 2015
Subject: Sewer Line Extension
Cantina Way

AFFIDAVIT OF PUBLICATION

I, Kathie Hart, MMC, 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 12 and 19, 2015.

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




Kathie Hart, MMC
Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Kathie Hart, MMC, 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 on September 10, 2015.

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




Kathie Hart, MMC
Chief Deputy City Clerk

AFFIDAVIT OF MAILING

I, Kathie Hart, MMC, 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 mailed to each and every person on the attached list on September 10, 2015, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California.
(5 notices)

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



Kathie Hart, MMC
Chief Deputy City Clerk

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 of October 7, 2015. 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 Sewer Construction Refund Agreement between the City of Palm Springs, California, and Christopher Meyers, the terms of which provide for the reimbursement to Christopher Meyers for costs associated with an off-site public sewer extension in Cantina Way, which benefits adjacent properties on Cantina Way. The total cost of off-site public sewer extension in Cantina Way is \$113,115.18. The properties subject to the terms of the Agreement and the proposed assessments are:

	<u>PARCEL NUMBER</u>	<u>ASSESSMENT</u>	<u>STREET ADDRESS</u>
1.	513-430-013	\$22,623.04	2332 W. Cantina Way
2.	513-430-014	\$22,623.04	2320 W. Cantina Way
3.	513-430-015	\$22,623.04	2300 W. Cantina Way
4.	513-430-016	\$22,623.04	2290 W. Cantina Way
5.	513-430-017	\$22,623.04	2353 W. Cantina Way

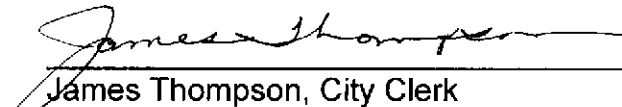
REVIEW OF INFORMATION: The staff report and other supporting documents regarding this are available for public review at City Hall between the hours of 8:00 a.m. to 6:00 p.m., Monday through Thursday. Please contact the Office of the City Clerk at (760) 323-8204 if you would like to schedule an appointment 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 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 Savat Khamphou, Assistant Director of Public Works, at (760) 323-8744.

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.


James Thompson, City Clerk

The Desert Sun
750 N. Gene Autry Trail
Palm Springs, CA 92262
760-778-4578 / Fax 760-778-4528

State of California ss:
County of Riverside

Advertiser:
CITY OF PALM SPRINGS
3200 E. TAHQUITZ CYN WAY
PALM SPRINGS CA 92262

TDS ORDER # 720468

I am over the age of 18 years old, a citizen of the United States and not a party to, or have interest in this matter. I hereby certify that the attached advertisement appeared in said newspaper (set in type not smaller than non pariel) in each and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

Newspaper: The Desert Sun

9/12, 9/19/2015

I acknowledge that I am a principal clerk of the printer of The Desert Sun, printed and published weekly in the City of Palm Springs, County of Riverside, State of California. The Desert Sun was adjudicated a Newspaper of general circulation on March 24, 1988 by the Superior Court of the County of Riverside, State of California Case No. 191236.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 19TH day of SEPTEMBER, 2015 in Palm Springs, California.


Declarant's Signature

Proof of Publication

RECEIVED
CITY OF PALM SPRING

2015 SEP 24 PM 6: 16

JAMES THOMPSON
CITY CLERK

No 1322

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 of October 7, 2015. 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 Sewer Construction Refund Agreement between the City of Palm Springs, California, and Christopher Meyers, the terms of which provide for the reimbursement to Christopher Meyers for costs associated with an off-site public sewer extension in Cantina Way, which benefits adjacent properties on Cantina Way. The total cost of off-site public sewer extension in Cantina Way is \$113,115.18. The properties subject to the terms of the Agreement and the proposed assessments are:

PARCEL NUMBER	ASSESSMENT	STREET ADDRESS
1. 513-430-013	\$22,623.04	2332 W. Cantina Way
2. 513-430-014	\$22,623.04	2320 W. Cantina Way
3. 513-430-015	\$22,623.04	2300 W. Cantina Way
4. 513-430-016	\$22,623.04	2290 W. Cantina Way
5. 513-430-017	\$22,623.04	2353 W. Cantina Way

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 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 Savat Khampou, Assistant Director of Public Works, at (760) 323-8744.

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.

James Thompson, City Clerk

Published: 9/12, 9/19/15