

**City of San Bernardino's Application
and Contract**

Attachment 2

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NOV 09 2015

LAFCO SC # 402
(FOR LAFCO USE ONLY)

LAFCO
San Bernardino County

**SAN BERNARDINO LAFCO
APPLICATION FOR
EXTENSION OF SERVICE BY CONTRACT**

(A certified copy of the City Council/District Board of Directors resolution or a letter from the City Manager/General Manager requesting approval for an out-of-agency service agreement must be submitted together with this application form.)

AGENCY TO EXTEND SERVICE:

AGENCY NAME: City of San Bernardino
CONTACT PERSON: Patrick Yuan
ADDRESS: 300 N. "D" Street,
San Bernardino, CA 92418
PHONE: (909) 384-5226
EMAIL: Yuan_Pa@sbcity.org

CONTRACTING PARTY:

NAME OF PROPERTY OWNER: Martha A. Medrano
CONTACT PERSON: Richard Ortiz
MAILING ADDRESS: PO Box 2604 Fontana, CA
92334
PHONE: (909) 239-8067
EMAIL: rortiz@studio-roca.com
ADDRESS OF PROPERTY PROPOSED FOR CONTRACT: 1959 Porter Street
San bernardino, CA 92407
CONTRACT NUMBER/IDENTIFICATION: 2015-01
PARCEL NUMBER(S): 0268-291-09-0000
ACREAGE: Approximately 1.0 Acre - 43,560 sq. ft.

Extension of Service by Contract
Application Form

(FOR LAFCO USE ONLY)

The following questions are designed to obtain information related to the proposed agreement/contract to allow the Commission and staff to adequately assess the proposed service extension. You may include any additional information which you believe is pertinent. Please use additional sheets where necessary.

1. (a) List the type or types of service(s) to be provided by this agreement/contract.
Sanitary Sewer

- (b) Are any of the services identified above "new" services to be offered by the agency? YES NO. If yes, please provide explanation on how the agency is able to provide the service.

The City presently offers City sewer to City residents and to those
outside the city within its sphere of influence by previous agreement.

2. Is the property to be served within the agency's sphere of influence? YES NO

3. Please provide a description of the service agreement/contract.

Property is noncontiguous to City boundaries. Annexation of this property could occur, but would
require several adjacent properties to be included that would make the larger area contiguous to City
boundaries. Property owner will be required to execute a written irrevocable agreement to annex.

4. (a) Is annexation of the territory by your agency anticipated at some point in the future? YES NO. If yes, please provide a projected timeframe when it anticipates filing an application for annexation of territory that would include the area to be served. If no, please provide an explanation as to why a jurisdictional change is not possible at this time.

There are no immediate plans for annexation.

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- (b) Is the property to be served contiguous to the agency's boundary?
 YES NO. If yes, please provide explanation on why annexation to the property is not being contemplated.

Property is noncontiguous to City boundaries. Annexation of this property could occur,
but would require several adjacent properties to be included that would make the larger area
contiguous to City boundaries. Property owner will be required to execute a written irrevocable agreement to annex.

5. Is the service agreement/contract outside the Agency's sphere of influence in response to a threat to the public health and safety of the existing residents as defined by Government Code Section 56133(c)?
 YES NO. If yes, please provide documentation regarding the circumstance (i.e. letter from Environmental Health Services or the Regional Water Quality Control Board).

6. (a) What is the existing use of the property?

Vacant Lot

- (b) Is a change in use proposed for the property? YES NO. If yes, please provide a description of the land use change.

The owner is proposing to build a 4 bedroom single family residence

7. If the service agreement/contract is for development purposes, please provide a complete description of the project to be served and its approval status.

The owner is proposing to build a 4 bedroom single family residence.

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8. Are there any land use entitlements/permits involved in the agreement/contract?
 YES NO. If yes, please provide documentation for this entitlement including the conditions of approval and environmental assessment that are being processed together with the project. Please check and attach copies of those documents that apply:

Tentative Tract Map / Parcel Map	<input type="checkbox"/>
Permit (Conditional Use Permit, General Plan Amendment, etc.)	<input type="checkbox"/>
Conditions of Approval	<input type="checkbox"/>
Negative Declaration (Initial Study)	<input type="checkbox"/>
Notice of Determination (NOD)/Notice of Exemption (NOE)	<input type="checkbox"/>
Department of Fish and Game (DFG) Receipt	<input type="checkbox"/>
Others (please identify below)	<input type="checkbox"/>

N/A

9. Has the agency proposing to extend service conducted any CEQA review for this contract? YES NO. If yes, please provide a copy of the agency's environmental assessment including a copy of the filed NOD/NOE and a copy of the DFG Receipt.

10. Plan for Service:

- (a) Please provide a detailed description of how services are to be extended to the property. The response should include, but not be limited to, a description of: 1) capacity of existing infrastructure, 2) type of infrastructure to be extended or added to serve the area, 3) location of existing infrastructure in relation to the area to be served, 4) distance of infrastructure to be extended to serve the area, and 5) other permits required to move forward with the service extension.

The City of San Bernardino presently has a 24 " sewer main along Porter Street directly adjacent to this property. The City's Sewer Policy does not allow a direct connectoin to a large interceptor sewer main and a parallel line will need to be installed with appropriate manholes connecting to the interceptor sewer main.

Owner is to pay costs.

Extension of Service by Contract
Application Form

(FOR LAFCO USE ONLY)

- (b) Please provide a detailed description of the overall cost to serve the property. The response should include the costs to provide the service (i.e. fees, connection charges, etc.) and also the costs of all improvements necessary to serve the area (i.e. material/equipment costs, construction/installation costs, etc.).

<i>Description of Fees/Charges</i>	<i>Cost</i>	<i>Total</i>
Sewer Capacity Fee: Residential	\$3,500.00	\$3,500.00
Sewer Connection Fee (Permit)	\$335.02 per 3,000 sq. ft.	\$4864.50
Inspection Fee	\$29.18	\$29.18
Total Costs		\$8393.68

- (c) Please identify any unique costs related to the service agreement such as premium outside City/District rates or additional 3rd-party user fees and charges (i.e. fees/charges attributable to other agencies).

N/A

- (d) If financing is to occur, please provide any special financial arrangement between the agency and the property owner, including a discussion of any later repayment or reimbursement (If available, a copy of the agreement for repayment/reimbursement is to be provided).

N/A

- 11 Does the City/District have any policies related to extending service(s) outside its boundary? YES NO. If yes, has a copy been provided to LAFCO? YES NO. If not, please include a copy of the policy or policies (i.e. resolution, municipal code section, etc.) as part of the application.

CERTIFICATION

As a part of this application, the City/Town of San Bernardino, or the _____ District/Agency agree to defend, indemnify, hold harmless, promptly reimburse San Bernardino LAFCO for all reasonable expenses and attorney fees, and release San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it.

This indemnification obligation shall include, but not be limited to, damages, penalties, fines and other costs imposed upon or incurred by San Bernardino LAFCO should San Bernardino LAFCO be named as a party in any litigation or administrative proceeding in connection with this application.

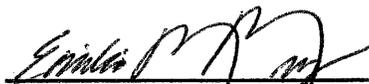
The agency signing this application will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I understand that if this application is approved, the Commission will impose a condition requiring the applicant to indemnify, hold harmless and reimburse the Commission for all legal actions that might be initiated as a result of that approval.

Extension of Service by Contract
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(FOR LAFCO USE ONLY)

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this evaluation of service extension to the best of my ability, and that the facts, statement and information presented herein are true and correct to the best of my knowledge and belief.

SIGNED



NAME:

Emilio M. Murga

POSITION TITLE:

Interim City Engineer

DATE:

11/4/15

REQUIRED EXHIBITS TO THIS APPLICATION:

1. Copy of the agreement/contract.
2. Map(s) showing the property to be served, existing agency boundary, the location of the existing infrastructure, and the proposed location of the infrastructure to be extended.
3. Certified Plan for Service (if submitted as a separate document) including financing arrangements for service.

Please forward the completed form and related information to:

Local Agency Formation Commission for San Bernardino County
215 North D Street, Suite 204
San Bernardino, CA 92415-0490
PHONE: (909) 388-0480 • FAX: (909) 885-8170

**CITY OF SAN BERNARDINO
Public Works Department**

**Extension of City Services by Contract
Plan for Providing Service**

1. Contract / Agreement Reference: Irrevocable Agreement to Annex No. 2015-01
2. Property Owner: Martha A. Medrano
3. Property Address: 1959 Porter Street, San Bernardino, CA 92407
4. Service to be provided: Connection to Sewer System
5. Service to be provided as follows: Property owner will apply for sewer connection services through the normal permit process now in effect by the City for this facility use. All applicable fees will be paid for by the applicant as follows:

SEWER FEES

Sewer Capacity Fee: Residential = \$3,500.00
(to be calculated by the City Water Department)

Sewer Connection Fee (Permit): \$335.02 per 3,000 sq. ft. or fraction thereof

Inspection Fee = \$29.18

Note: All improvements including the construction of laterals are the responsibility of the property owner. All LAFCO fees are the responsibility of the property owner as well.

LAFCO SC# 402

ATTACHMENT "A-1"

Irrevocable Agreement to Annex. No. 2015-01

[See attached]

IRREVOCABLE AGREEMENT TO ANNEX

No. 2015-01

THIS AGREEMENT, entered into this 21st day of September, 2015; by and between **MARTHA A. MEDRANO**, an unmarried woman, hereinafter referred to as "OWNER," and the **CITY OF SAN BERNARDINO**, a municipal corporation, hereafter referred to as "CITY."

WITNESSETH:

WHEREAS, OWNER holds title to the unincorporated parcel(s), located at 1959 Porter Street, San Bernardino, California, 92407, and parcel is more fully described in Exhibit "A" attached hereto and made a part hereof.

Assessor's Parcel Number(s) 0268-291-09-0000; and

WHEREAS, said parcel is within the Sphere of Influence of CITY; and

WHEREAS, OWNER desires to obtain sewer service for said parcel; and

WHEREAS, sewer service could be provided to said parcel by connecting to the CITY'S sewage system; and

WHEREAS, CITY'S sewage system and wastewater treatment plant have sufficient capacity to convey and treat the sewage generated by said parcel; and

WHEREAS, CITY is willing to allow connection of said unincorporated parcels to its sewage system, due to the expectation that said parcel will be annexed to the City of San Bernardino at some future date, due to the fact that the parcel is within CITY'S Sphere of Influence.

WHEREAS, the covenants and conditions set forth herein shall create an equitable servitude upon the parcel, and shall be fully binding upon OWNERS' heirs, successors and assigns.

NOW, THEREFORE, the parties hereto agree as follows:

SECTION 1: OWNER Agrees -

- a. To grant irrevocable consent to annex to the City of San Bernardino at such time as the annexation may be properly approved through appropriate legal proceedings, and owner does further agree to provide all reasonable cooperation and assistance to the CITY in the annexation proceedings. Said cooperation is contemplated to include signing any applications of consent prepared by the CITY, and submitting any evidence reasonably within the control of OWNER to the various hearings required for the annexation. Said cooperation does not include, however, any obligation on behalf of OWNER to institute any litigation or judicial proceeding whatsoever to force the annexation to the City of San Bernardino.
- b. To pay such annexation fees and costs and other municipal charges as would ordinarily be charged in the annexation of property to the CITY. Said fees shall be payable when the same becomes due and payable.
- c. To pay all fees and charges and make all deposits required by the CITY for connection to and use of CITY'S sewer, and further agrees to be bound by all CITY ordinances, rules and regulations respecting the sewage system.
- d. To acknowledge that execution of this Irrevocable Agreement to Annex is on behalf of all future heirs, successors and assigns; and that said Agreement shall be irrevocable without written consent of CITY.
- e. To comply with Chapter 13.32, of the San Bernardino Municipal Code relating to discharge of materials into CITY's sewage system.
- f. Allow CITY to make application on behalf of the Owner to the Local Agency Formation Commission (LAFCO), and pay all application fees necessary for approval to connect to CITY's sewage system, pursuant to Section 56133 of the Government Code.
- g. To execute a standard form Agreement (Sewer Connection and Service) with CITY stipulating the terms and conditions under which the connection shall be made and maintained.

SECTION 2: CITY Agrees -

- a. To allow OWNERS' parcel, described herein before, to connect to the City of San Bernardino's sewage system, subject to payment of all applicable fees and permits.

SECTION 3: Be it mutually agreed, as follows:

- a. City Clerk for CITY shall record this agreement with the County Recorder.
- b. The benefit to the subject parcel will inure to the benefit of subsequent owners, their heirs, successors, and assigns, and the agreements, conditions, and covenants contained herein shall be binding upon them and upon the land.
- c. The approval granted to connect said parcel to City's Sewage is contingent upon OWNERS securing approval from the Local Agency Formation Commission.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their respective officials' thereunto duly authorized.

MARTHA A. MEDRANO

CITY OF SAN BERNARDINO

By: Martha A Medrano

By: Allen Parker
Allen Parker, City Manager

ATTEST:

Georgeanna Hanna
Georgeanna Hanna, City Clerk

Approved as to form:
GARY D. SAENZ, City Attorney

By: Glenn Crider

IRREVOCABLE AGREEMENT TO ANNEX NO. 2015-01

LAFCO SC# 402

EXHIBIT "A"
LEGAL DESCRIPTION

Lot 95, Tract No. 2243, as per plat recorded in Book 32, Pages 21 and 22, in the office of the County Recorder of San Bernardino County, State of California.

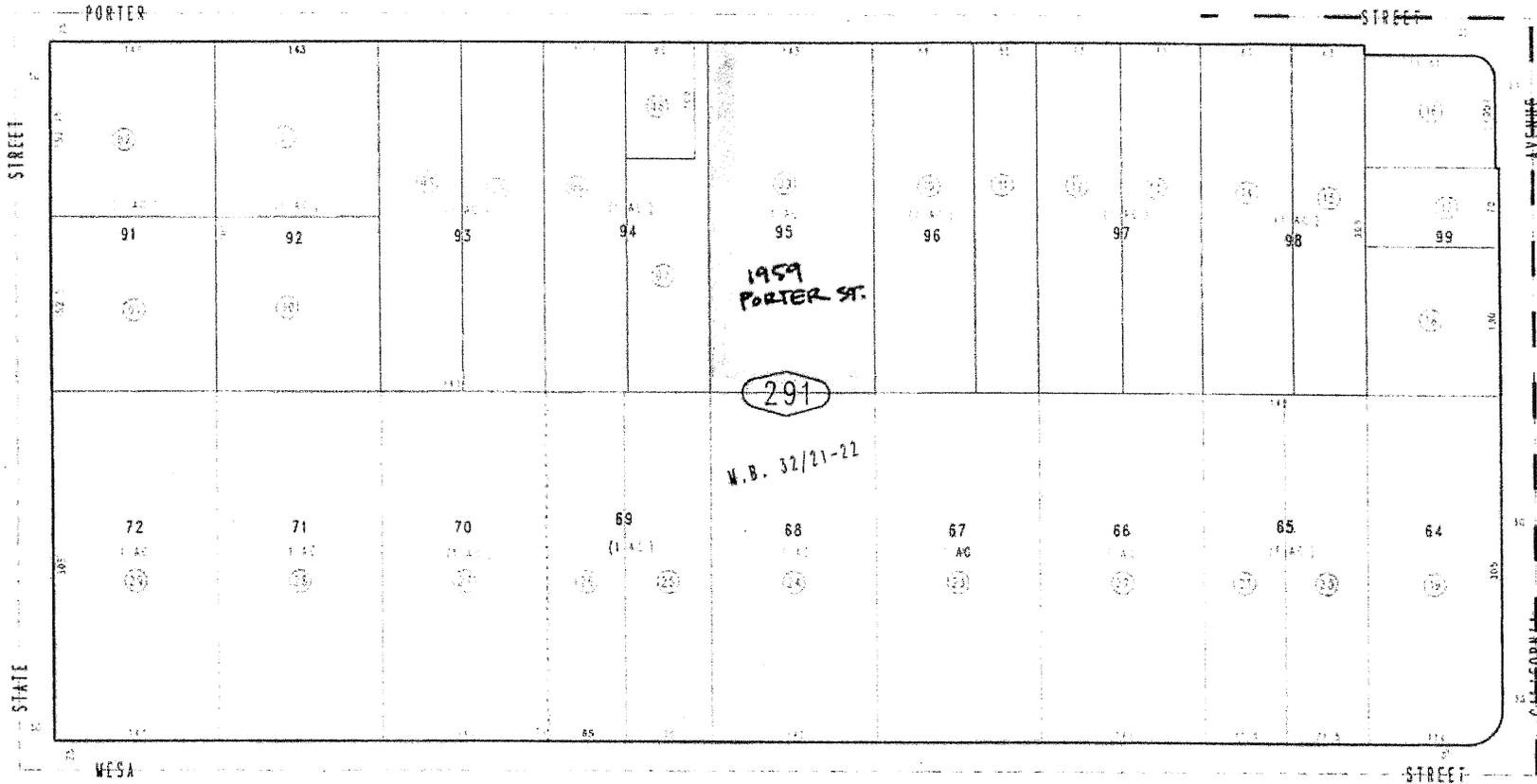
THIS MAP IS FOR THE PURPOSE
OF AD VALOREM TAXATION ONLY

Ptn. Tract No. 2243
M.B. 32/21-22

San Bernardino Unified 0268 - 29
Tax Rate Area
107156



28

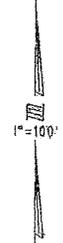


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LAFCO SC # 4702

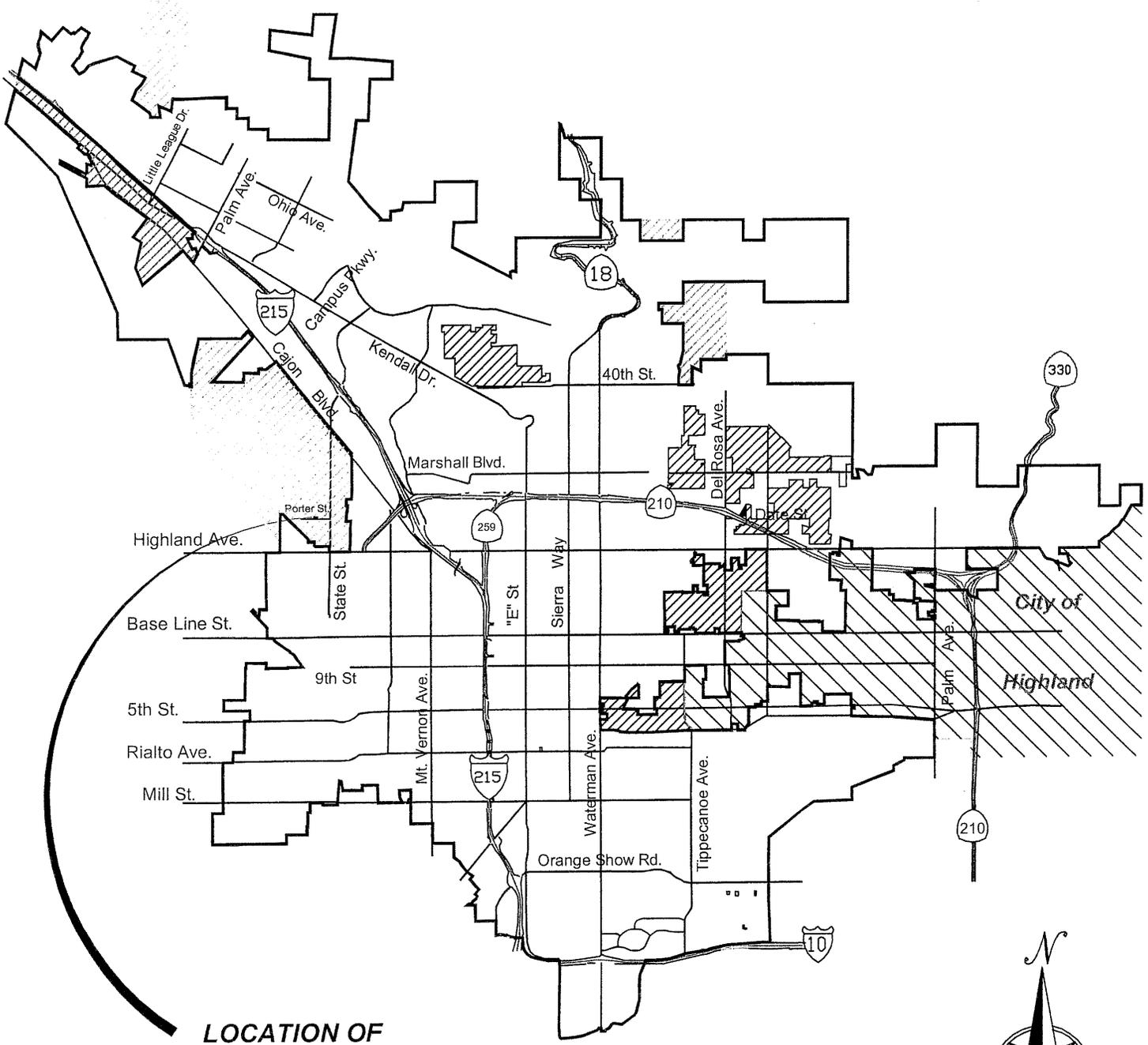
= PROPERTY REQUESTING
SEWER SERVICE

August 2004

Ptn. SE 1/4, Sec. 30
T.1N., R.4W.

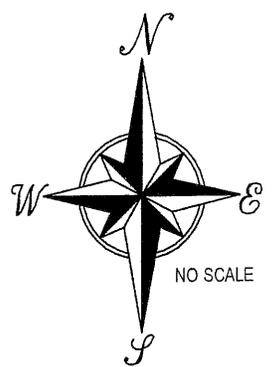
Assessor's Map
Book 0268 Page 29
San Bernardino County

REVISED
03/21/08 KC
10/22/08 GL
01/07/10 LH



**LOCATION OF
PROPERTY REQUESTING
SERVICES**

VICINITY MAP



CITY OF SAN BERNARDINO
PUBLIC WORKS DEPARTMENT
REAL PROPERTY SECTION

Request for Outside City Services for
property located at 1959 Porter Street.
APN: 0268-291-09

 indicates un-incorporated areas within City's Sphere of Influence

Created by: Ryan Sandoval

Date: 08/13/2015

APPLICATION FOR SEWER SERVICES
OUTSIDE OF CITY BOUNDARIES

LAFCO SC # 402

To: City of San Bernardino
Development Services Department, Real Property Section
300 N. "D" Street - 3rd Floor, San Bernardino, CA 92418
(909) 384-5111

This application is hereby submitted to the City of San Bernardino, to initiate proceedings for the connection to the City Sewer System from my property, which is located outside the boundaries of the City of San Bernardino pursuant to established City policies, a copy of which I have received and read, and Government Code Section 56133. I understand that a \$1,300.00 non-refundable processing fee is due at the time this application is submitted. I further understand that prior to the City submitting an application to the Local Agency Formation Commission (LAFCO), I will be required to deposit any applicable LAFCO fees with the City (or to be paid directly to LAFCO). Additional LAFCO fees may be due at the conclusion of the proceedings, which I will be required to pay. I may request a waiver of these fees from LAFCO, based upon an immediate health and safety issue. In the event that the waiver of all or a portion of the LAFCO fees is granted by LAFCO, the waived amount will be refunded. I also understand that I will be required to execute an "Irrevocable Agreement to Annex" in the event that my property may be subject to Annexation into the City of San Bernardino at some future time, if this application is approved. I further understand that sewer capacity and hook-up fees to the City will be due prior to permit processing. *This application is being submitted with the understanding that approval is not guaranteed.*

Please submit this application with proof of ownership (Copy of Deed, Title Policy, etc.) along with processing fee of \$1,300.00 and plat map showing location of property.

Property Owner(s): MARTHA MERRANO
Mailing Address: P.O. BOX 2604 FONTANA CA 92334
Property Address: 1959 PORTER ST, SB CA 92407

Assessor's Parcel No(s): 0268-291-09-0-0000 Tel. No.: 909 239 8061
rortiz@studio-voce.com

Existing Development: New Development:
 Residential (Single Family). No. Bedrooms: _____ Residential (Single Family) No. Bedrooms 3+4
 Residential (multi family). Describe: _____ Residential (multi-family). Describe: _____
 Commercial/Industrial. Describe: _____ Commercial/Industrial. Describe: _____

Note: For new development and/or additions, please provide a copy of the site-plan along with a copy of development permit application, if any, filed with the County of San Bernardino.

Additional Comments: _____

I request a waiver of LAFCO fees based upon the following health and safety urgency:

Date: 7-7-15

Martha Merrano
Signature(s)

FOR CITY USE ONLY

Received on: 7/8/15 by: [Signature] Receipt No.: R15004104

Nearest sewer main: 24th Porter St.

CITY FEES:
Filing: \$ 1,300.00 Comments: _____
Capacity: _____
Connection: _____
Inspection: _____ Monthly Rate \$ _____
TOTAL: \$ _____