

AGENDA

**ENGINEERING COMMITTEE MEETING
LEUCADIA WASTEWATER DISTRICT**
Wednesday, December 4, 2019 – 10:00 a.m.
1960 La Costa Avenue, Carlsbad, CA 92009

1. **Call to Order**
2. **Roll Call**
3. **Public Comment**
4. **New Business**
 - A. Recommend that the Board of Directors Adopt Resolution No. 2322, Gupta Annexation, as presented. (Pages 2 to 9)
5. **Information Items**
 - A. Baticuitos (B3) Discharge Section Replacement Project Update (verbal)
6. **Directors' Comments**
7. **General Manager's Comments**
8. **Adjournment**

MEMORANDUM

DATE: November 27, 2019
TO: Engineering Committee
FROM: Paul J. Bushee, General Manager  for PJB
SUBJECT: **Resolution No. 2322 Requesting LAFCO to Take Proceedings for the Gupta Change of Organization**

RECOMMENDATION:

Staff requests that the Engineering Committee recommend that the Board of Directors:

1. Adopt Resolution No. 2322, Gupta Annexation, as presented.
2. Discuss and take other action, as appropriate.

BACKGROUND:

The connection of this property at 865 Orpheus Avenue, a Chevron Gas Station, involves payment of fees in accordance with a Reimbursement Agreement.

In February 2013, the Board approved Ordinance No. 127 (Ordinance) a Reimbursement Agreement between the District and Marquee Enterprises, LLC (Marquee) for the construction of a public sewer extension on Orpheus Avenue. The term of the Reimbursement Agreement was for ten (10) years, to February 2023. The sewer extension was necessary to provide sewer service to a property that was being commercially developed. The remaining properties adjacent to the extension (see Attachment A), including the property to be annexed (Parcels C and D), were not required to connect to the public sewer system at that time. As stipulated in the Reimbursement Agreement, as each adjacent property connects to the public sewer the property owner (Owner) is required to remit a payment equivalent to the Owner's fair share for construction of the sewer extension (see Attachment B). Attachment B is a revised chart of reimbursable costs from the original Ordinance and reflects the actual Equivalent Dwelling Units (EDUs) the property is being assessed based on the preliminary plan check.

The reimbursable cost stated in Attachment B that the Owner is required to pay Marquee is nearly \$57,000 plus 3% interest per annum from February 2013. Additionally, the Owner will pay the District a 5% administrative fee for administering the Agreement and the required capacity fees. The final amounts are dependent on the final payment date by the Owner. The Owner will be required to pay the reimbursement prior to full Local Agency Formation Commission (LAFCO) approval of the annexation.

DISCUSSION:

The proposed Gupta Annexation into the Leucadia Wastewater District (District) service area involves two parcels located at 865 Orpheus Avenue that total 0.835 acres, located west of Interstate 5, south of Leucadia Boulevard and east of Hymettus Avenue.

This annexation is within the District's sphere of influence and includes two parcels that contain an existing Chevron Gas Station currently connected to a septic tank system. Per the City of Encinitas, the parcels are required to connect to the public sanitary sewer system to satisfy a

permit condition for a proposed upgraded Mini-Mart and Quick Serve Restaurant. The parcels will connect via a single private lateral to the available public sewer collection system on Orpheus Avenue. The annexation is necessary to provide sewer service to these new commercial facilities.

Approval of Resolution No. 2322 (see Attachment C) would authorize a boundary annexation.

The District's collection and treatment systems have sufficient capacity to accommodate the existing Chevron Gas Station with a proposed upgraded Mini-Mart and Quick Serve Restaurant. Attached please find a copy of Resolution No. 2322 for your review.

ier:PJB

Attachment

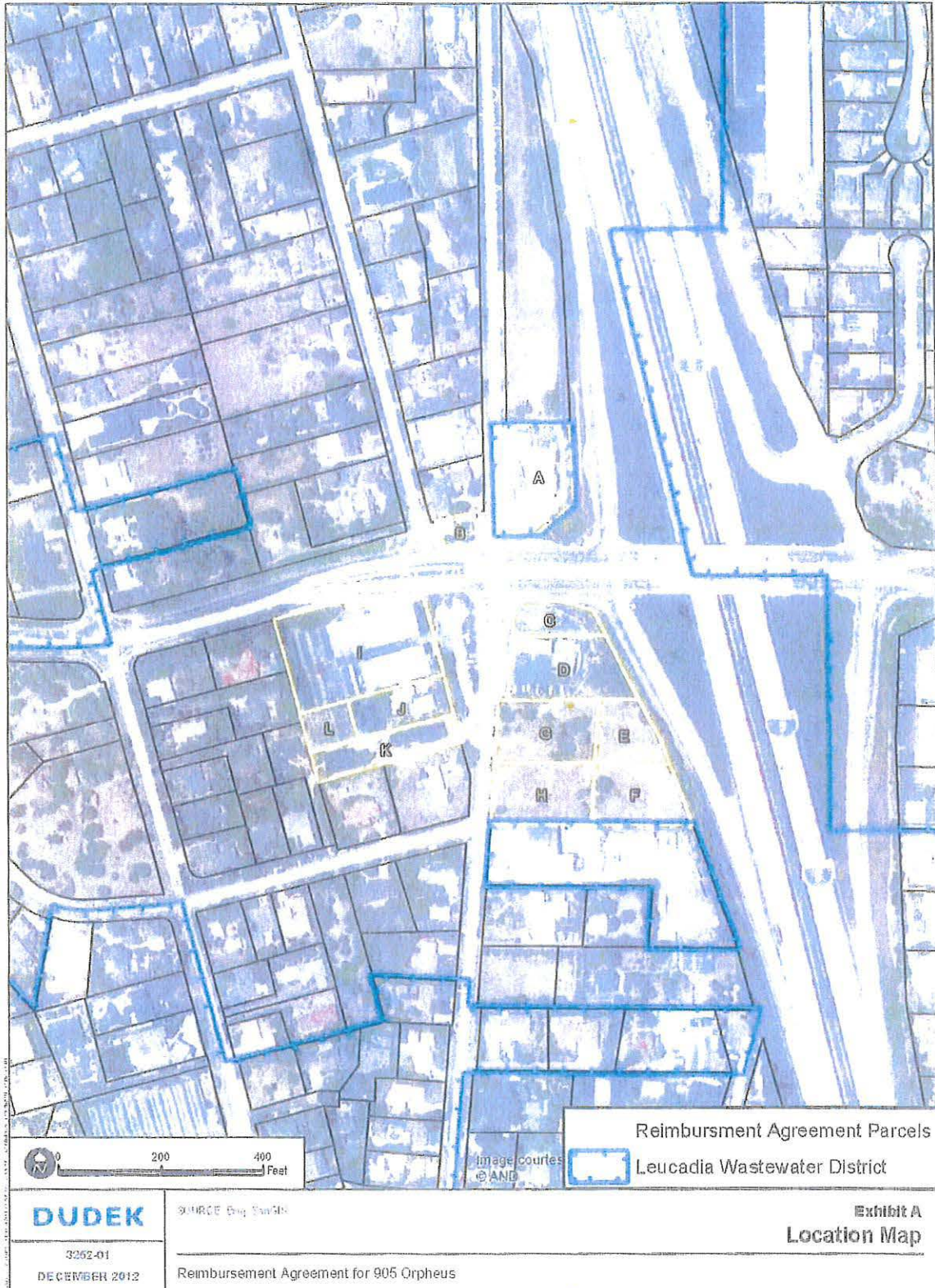


Exhibit B - Revised
Reimbursement Agreement for 905 Orpheus Avenue
Reimbursable Costs

905 Orpheus Sewer Extension Reimbursement Area (1)							
Exhibit A Parcel	Assessor Parcel No	Encinitas Zoning	Approx. Acres	Est. EDU's	Share of \$218,981.25 Cost	Amount to Reimburse Parcel A	Notes
A	254-270-18	VSC	0.59	5	\$ 57,626.64		Original 2012 share of cost - does not change
B	256-243-14	R3	0.33	1	\$ 9,491.45	\$ 9,491.45	Est. EDU's remain unchanged - update cost share
C	256-121-34	VSC	0.14	6	\$ 56,948.68	\$ 56,948.68	Update Parcel C + D from 3.0 total EDUs to 6.0 total EDU's
D	256-121-29	VSC	0.66				
E	256-121-04	R3	0.31	1	\$ 9,491.45	\$ 9,491.45	Est. EDU's remain unchanged - update cost share
F	256-121-05	R3	0.49	1	\$ 9,491.45	\$ 9,491.45	Est. EDU's remain unchanged - update cost share
G	256-121-03	R3	0.54	1	\$ 9,491.45	\$ 9,491.45	Est. EDU's remain unchanged - update cost share
H	256-121-06	R3	0.56	1	\$ 9,491.45	\$ 9,491.45	Est. EDU's remain unchanged - update cost share
I	256-242-52	R3	1.25	3	\$ 28,474.34	\$ 28,474.34	Est. EDU's remain unchanged - update cost share
J	256-242-32	R3	0.33	1	\$ 9,491.45	\$ 9,491.45	Est. EDU's remain unchanged - update cost share
K	256-242-57	R3	0.41	1	\$ 9,491.45	\$ 9,491.45	Est. EDU's remain unchanged - update cost share
L	256-242-58	R3	0.17	1	\$ 9,491.45	\$ 9,491.45	Est. EDU's remain unchanged - update cost share
Total				22	\$ 218,981.25	\$ 161,354.61	Change EDU total from 19.0 to 22.0 and keep the original cost by Parcel A the same

(1) The reimbursement fee is calculated by dividing the Reimbursable Construction Costs by the assumed number of EDUs per parcel that could connect to the new facilities. Current calculations assume a total of 11 eligible EDUs. Once a reimbursement fee has been paid, it is final and not subject to adjustment. However, if during the term of this Agreement, the number of eligible EDUs changes due to a parcel split or other circumstance, then the reimbursement fee may be adjusted for new connections by dividing the balance of unpaid Reimbursable Construction Costs by the revised estimate of eligible EDUs that still could connect to the sewer system. Such adjustments shall only be made for new connections to the sewer system. No adjustment to past reimbursement will be made.

RESOLUTION NO. 2322

**A RESOLUTION OF APPLICATION BY THE
BOARD OF DIRECTORS OF LEUCADIA WASTEWATER DISTRICT
REQUESTING THE LOCAL AGENCY FORMATION COMMISSION
TO TAKE PROCEEDINGS FOR THE PROPOSED
GUPTA CHANGE OF ORGANIZATION**

RESOLVED, by the Board of Directors of the Leucadia Wastewater District, that

WHEREAS, the Board of Directors of the LEUCADIA WASTEWATER DISTRICT (LWD), San Diego County, State of California, desires to initiate proceedings pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code for the proposed Gupta Change of Organization; and

WHEREAS, the proposed Gupta Change of Organization includes annexation of the Gupta territory (**APNs 256-121-29 & 34-00**) to the LWD; and

WHEREAS, the reasons for this proposed Change of Organization are as follows:

1. LWD is empowered to and is engaged in the collection, treatment, and disposal of wastewater and has existing facilities to provide wastewater service to the territory proposed to be annexed.
2. The owners of the territory desire to utilize the LWD facilities.
3. The territory to be annexed is within LWD's Sphere of Influence.

WHEREAS, the territory subject to the proposed Change of Organization is inhabited, and a description of the external boundary of the territory is set forth in Exhibit "A" and a map thereof is set forth in Exhibit "B", both attached hereto and by this reference incorporated herein; and

WHEREAS, LWD requests that the proposed Change of Organization be subject to the following terms and conditions:

1. The annexed property is thereafter subject to capacity fees, sewer service fees, and all other district-wide Ordinances and Resolutions of LWD.

WHEREAS, LAFCO is authorized to approve this proposed Change of Organization without notice or hearing and without an election. If no express effective date is indicated, the effective date of the Change of Organization shall be the date of recordation of the Certificate of Completion and Resolution ordering the change of organization by the County Recorder.

WHEREAS, the staff of LWD has reviewed this proposed Change of Organization under the California Environmental Quality Act (CEQA) and has found it to be categorically exempt from CEQA pursuant to Section 15319 (a) of the California Environmental Quality Act.

NOW, THEREFORE, this Resolution of Application is hereby approved and adopted by the Board of Directors of the LEUCADIA WASTEWATER DISTRICT. The Local Agency Formation Commission of San Diego County is hereby requested to take proceedings for the proposed Change of Organization that includes the territory as described in Exhibit "A" and shown in Exhibit "B", according to the terms and conditions stated above and in a manner provided by the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000.

PASSED AND ADOPTED at a Regular meeting of the Board of Directors held on December 11th, 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

David Kulchin, President

ATTEST:

Paul Bushee, General Manager
(SEAL)

EXHIBIT "A"
GUPTA ANNEXATION
TO LEUCADIA WASTEWATER DISTRICT

GEOGRAPHIC DESCRIPTION

LOT 12 AND ALL THOSE PORTIONS OF LOTS 1, 2 AND 11 IN BLOCK 2 OF AVOCADO ACRES, TOGETHER WITH THE EASTERLY RIGHT OF WAY OF ORPHEUS AVENUE ADJOINING SAID LOTS 11 AND 12, IN THE CITY OF ENCINITAS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1791 FILED IN THE RECORDER'S OFFICE OF SAID COUNTY APRIL 29, 1924, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF ORPHEUS AVENUE AND THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF LOT 15 OF SAID MAP NO. 1791, ALSO BEING THE NORTHWEST CORNER OF THE EXISTING LEUCADIA WASTEWATER DISTRICT;

THENCE NORTHERLY ALONG SAID CENTERLINE, NORTH 03°49'00" EAST 240.56 FEET TO THE INTERSECTION OF ORPHEUS AVENUE AND THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID LOT 12, ALSO BEING THE **TRUE POINT OF BEGINNING**;

THENCE, (1) NORTH 03°49'00" EAST 176.51 FEET;

THENCE, (2) SOUTH 86°11'00" EAST 39.50 FEET;

THENCE, (3) NORTH 45°31'37" EAST 16.63 FEET;

THENCE, (4) SOUTH 89°50'47" EAST 86.00 FEET;

THENCE, (5) SOUTH 71°12'32" EAST 59.63 FEET;

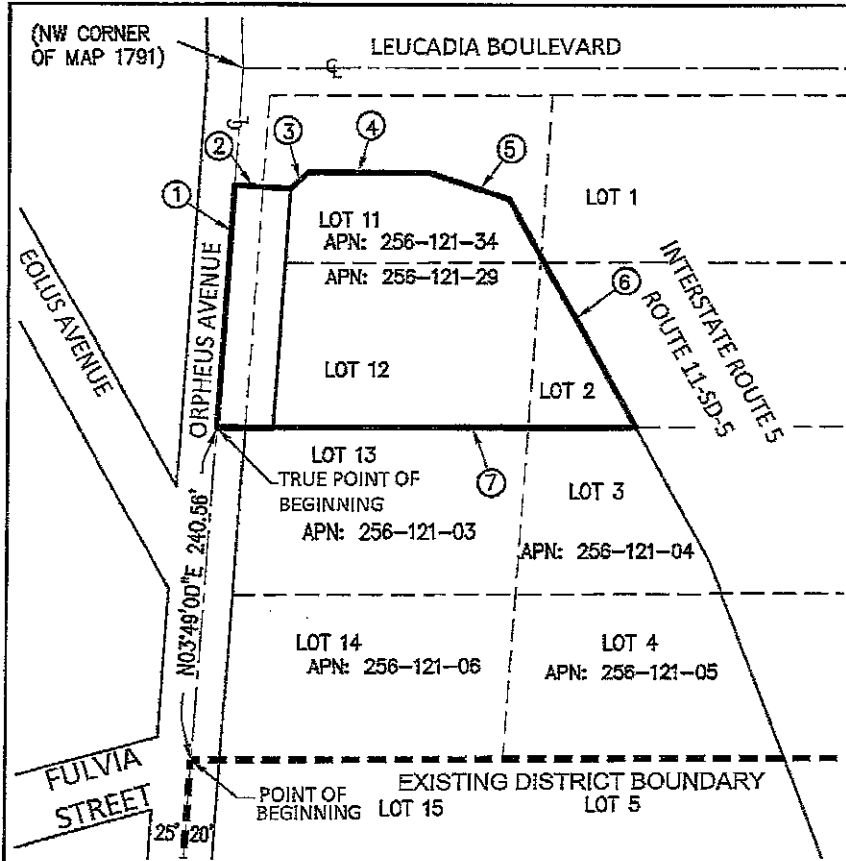
THENCE, (6) SOUTH 28°35'50" EAST 188.52 FEET;

THENCE, (7) SOUTH 89°52'30" WEST 295.72 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINS 0.835 ACRES OF LAND, MORE OR LESS.

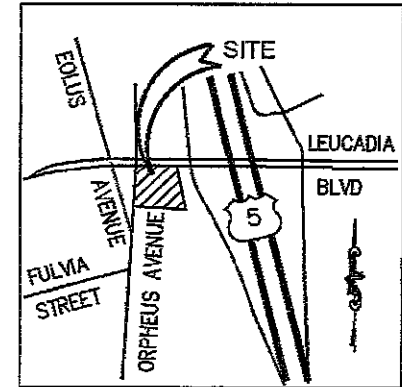
For assessment purposes only. This description of land is not a legal property description as defined in the subdivision map act and may not be used as the basis for an offer for sale of the land described.

EXHIBIT B



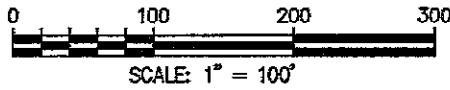
COURSES:

1. N 03°49'00" E 176.51'
2. S 86°11'00" E 39.50'
3. N 45°31'37" E 16.63'
4. N 89°50'47" E 86.00'
5. S 71°12'32" E 59.63'
6. S 28°35'50" E 188.52'
7. S 89°52'30" W 295.72'




LEGEND:

- PROPOSED ANNEXATION BOUNDARY
- - - EXISTING LEUCADIA WASTE WATER DISTRICT BOUNDARY



ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.

ASSESSOR'S PARCEL NUMBERS: 256-121-29 & 34	LAFCO RESOLUTION NO.	ACREAGE 0.835	DATE 10/29/19	SCALE 1"=100'
LWD ANNEXATION NO. _____ BEING LOT 12 AND PORTIONS OF LOTS 1, 2 AND 11, BLOCK 2, MAP 1791		 K & S ENGINEERING, INC. Planning · Engineering · Surveying 7801 Mission Center Court, Suite 100 San Diego, CA 92108 (619) 296-5565		

 **K & S ENGINEERING**
 Planning · Engineering · Surveying
 7801 Mission Center Court, Suite 100
 San Diego, CA 92108
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