

CITY OF YUBA CITY  
STAFF REPORT

**Date:** April 21, 2009  
**To:** Honorable Mayor & Members of the City Council  
**From:** Public Works  
**Presentation by:** George Musallam, Public Works Director

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**Summary**

**Subject:** Reimbursement Agreement – Siena Estates Off-Site Storm Drain

**Recommendation:** a. Adopt a resolution approving the execution of a Reimbursement Agreement with Siena Partners, LLC, for the installation of storm drain lines on Hooper Road and Monroe Road.  
b. Authorize the Chief Financial Officer to make a supplemental appropriation as fees are collected to support payment of pass through to Siena Partners, LLC.

**Fiscal Impact:** None – pass through of fees from affected property owner to Developer

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**Background:**

Siena Estates, a 56-lot single family dwelling development located on the west side of Hooper Road between North Colusa Frontage Road and Monroe Road, was developed by Siena Partners, LLC.

**Analysis:**

In order to provide drainage to Siena Estates, the developer was required to construct storm drain lines in Hooper Road and Monroe Road to convey the storm water to the Live Oak Canal. The storm drain lines were oversized to not only handle drainage from the Siena Estates subdivision, but to also convey runoff from a larger drainage area covering properties along Monroe Road, Hooper Road, North Colusa Frontage Road and El Margarita Road as shown on the attached exhibit. The proposed Reimbursement Agreement will allow the City to collect funds from properties benefiting from the improvements and pass those funds on to the developer.

The proposed Reimbursement Agreement is the City's standard 15-year agreement obligating the City to make reimbursement to the Developer contingent upon the City's ability to collect drainage fees from the identified properties.

**Fiscal Impact:**

None to the City. Any fees collected from the affected property owners will be passed through to the Developer.

**Alternatives:**

Do not approve the execution of a Reimbursement Agreement and direct staff to find alternative means to reimburse the Developer.

**Recommendation:**

Adopt a resolution approving the execution of a Reimbursement Agreement with Siena Partners, LLC, for the installation of storm drain lines on Hooper Road and Monroe Road, and authorize the Chief Financial Officer to make a supplemental appropriation as fees are collected to support payment of pass through to Siena Partners, LLC.

Prepared by:

Diana Langley  
Diana Langley  
Principal Engineer

Submitted by:

[Signature]  
Steven R. Jepsen  
City Manager

Reviewed by:

Department Head

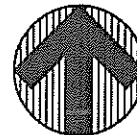
Finance

City Attorney

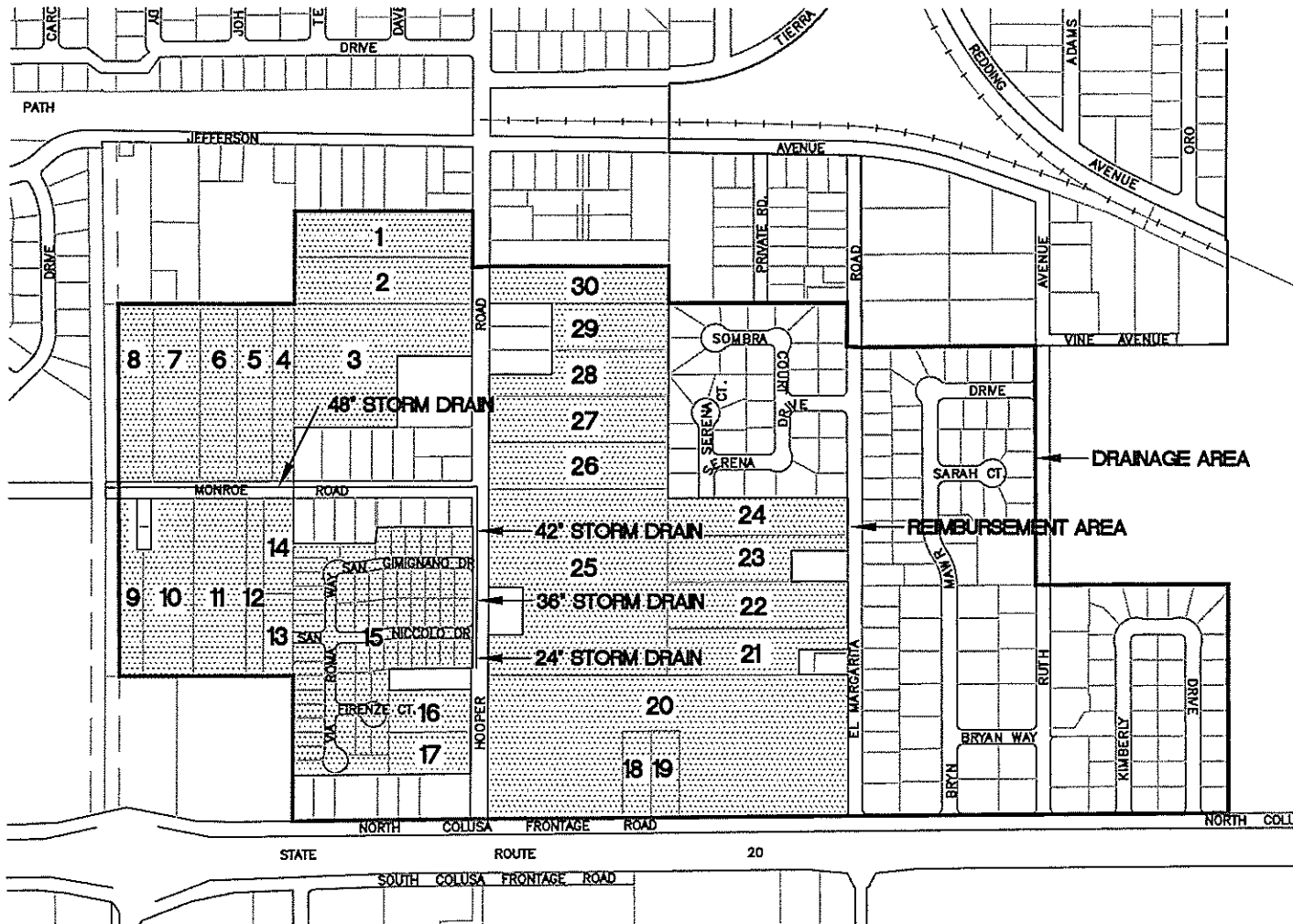
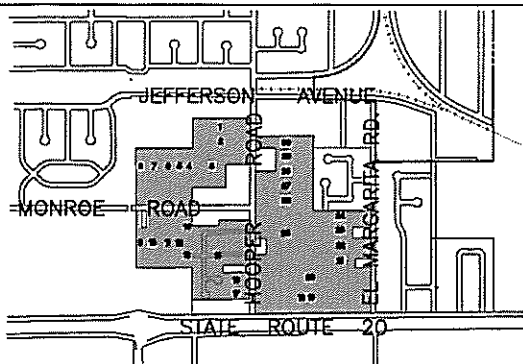
Other

GM  
RB  
\_\_\_\_\_  
\_\_\_\_\_

# SIENA ESTATES OFF-SITE STORM DRAIN REIMBURSEMENT AGREEMENT



SCALE: 1" = 600'



ID	APN
1	62-070-010
2	62-071-011
3	62-071-012
4	62-071-046
5	62-071-048
6	62-071-015
7	62-071-016
8	62-071-017
9	62-081-043
10	62-081-042
11	62-081-002
12	62-081-003

ID	APN
13	Siena Estates West
14	62-081-058
15	Siena Estates
16	62-081-008
17	62-081-009
18	62-082-014
19	62-082-009
20	62-082-015
21	62-082-004
22	62-082-003
23	62-082-017
24	62-082-001

ID	APN
25	62-082-011
26	62-072-009
27	62-072-010
28	62-072-011
29	62-072-015
30	62-072-016

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY  
AUTHORIZING EXECUTION OF THE SIENA ESTATES OFF-SITE  
STORM DRAIN REIMBURSEMENT AGREEMENT WITH SIENA  
PARTNERS, LLC

BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF  
YUBA CITY AS FOLLOWS:

That the Mayor and City Clerk be, and they are hereby authorized and directed to  
execute on behalf of the City of Yuba City that certain Siena Estates Off-Site Storm  
Drain Reimbursement Agreement between the City of Yuba City and Siena Partners,  
LLC.

That a copy of said Siena Estates Off-Site Storm Drain Reimbursement  
Agreement is on file at the City Clerk's office.

The foregoing Resolution was duly and regularly introduced, passed, and  
adopted by the City Council of the City of Yuba City at a regular meeting thereof held on  
the 21<sup>st</sup> day of April 2009.

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

SIENA ESTATES  
OFF-SITE STORM DRAIN  
REIMBURSEMENT AGREEMENT

This Agreement is made and entered into this 23<sup>RD</sup> day of MARCH, 2009, by and between the City of Yuba City, hereinafter called City, and Siena Partners, LLC, hereinafter called Developer.

WITNESSETH:

WHEREAS, it is the intention of the Developer to construct storm drain lines in and along Hooper Road and Monroe Road; and

WHEREAS, said street improvements and lines as shown on Drawing No. 4963-D, approved by the City Engineer and on file in his office, are to be constructed by the Developer completely at his own expense; and

WHEREAS, the above-mentioned storm drain lines would benefit certain other properties upon connection to the improvements. A determination of the areas and locations of the properties that would benefit from these improvements ("Benefited Properties") has been made and is shown on the attached map and schedule ("Reimbursement Distribution Schedule").

WHEREAS, City and Developer desire to enter into this Agreement in order to provide certain reimbursement to Developer from the Benefited Properties for the improvements in the amounts as provided in this Agreement.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants herein, it is mutually agreed as follows:

1. City shall collect fees from the Benefited Properties pursuant to the Reimbursement Distribution Schedule for reimbursement to the Developer pursuant to this Agreement.
2. All fees collected by the City for connection to the storm drain lines, to a maximum amount of \$259,736.31, will be mailed to the address of that Developer within thirty (30) days of collection. It is the responsibility of the Developer to notify the City Finance

Department of any change of address.

It is understood and agreed by and between the parties hereto that City's obligation to make reimbursement to Developer is expressly contingent on the Benefited Properties seeking connection to the subject improvements. Only in the event the Benefited Properties seek connection and pay their proportionate cost as reflected in the attached schedule shall there be an obligation or responsibility on City to make reimbursement and/or payment to Developer and then only to the extent of such payment. City is not liable for any reimbursement to Developer from any source of funds except as provided within this Agreement.

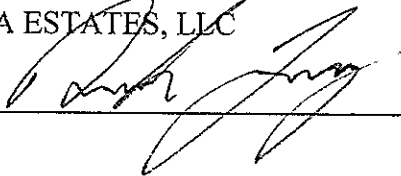
This Agreement will terminate and City shall not be held to this Agreement after fifteen (15) years from the date of this Agreement.

In witness whereof, the parties to these presents have hereunto set their hands this year and date first above written.

CITY OF YUBA CITY, A MUNICIPAL CORPORATION

By: \_\_\_\_\_  
Mayor

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

SIENA ESTATES, LLC  
By:  \_\_\_\_\_

Developer's Mailing Address:

Siena Estates, LLC  
950 Tharp Road, Suite 202  
Yuba City, CA 95993

## ACKNOWLEDGMENT

State of California  
County of Sutter )

On MARCH 23, 2009 before me, Scott Richardson, Notary Public,  
(insert name and title of the officer)

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

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

WITNESS my hand and official seal.



Signature Scott Richardson (Seal)

REIMBURSEMENT DISTRIBUTION SCHEDULE

48" STORM DRAIN – MONROE ROAD

ID	AP#	Address	Area (Acres)	Reimbursement Amount*
1	62-070-010	1382 Hooper Road	2.50	\$6,115.45
2	62-071-011	1334 Hooper Road	2.50	\$6,115.45
3	62-071-012	1302 Hooper Road	4.82	\$11,790.59
4	62-071-046	2891 Monroe Road	1.13	\$2,764.18
5	62-071-048	2901 Monroe Road	1.87	\$4,574.36
6	62-071-015	2915 Monroe Road	2.01	\$4,916.82
7	62-071-016	2949 Monroe Road	2.50	\$6,115.45
8	62-071-017	2965 Monroe Road	2.50	\$6,115.45
9	62-081-043	2976 Monroe Road	2.00	\$4,892.36
10	62-081-042	2934 Monroe Road	2.70	\$6,604.69
11	62-081-002	2918 Monroe Road	2.50	\$6,115.45
12	62-081-003	Monroe Road	0.91	\$2,226.02
13	Siena Estates West		0.90	Constructed Improvements
14	62-081-058	2880 Monroe Road	0.89	\$2,177.10
15	Siena Estates		9.93	Constructed Improvements
16	62-081-008	1070 Hooper Road	1.10	\$2,690.80
17	62-081-009	1048 Hooper Road	1.10	\$2,690.80
18	62-082-014	2689 Colusa Highway	0.78	\$1,908.02
19	62-082-009	2665 Colusa Highway	0.78	\$1,908.02
20	62-082-015	2689 Colusa Highway	14.16	\$34,637.91
21	62-082-004	1112 El Margarita Road	2.00	\$4,892.36
22	62-082-003	1150 El Margarita Road	2.50	\$6,115.45
23	62-082-017	1166 El Margarita Road	1.93	\$4,721.13
24	62-082-001	1188 El Margarita Road	1.97	\$4,818.97
25	62-082-011	1139 Hooper Road	9.42	\$23,043.02
26	62-072-009	1221 Hooper Road	2.50	\$6,115.45
27	62-072-010	1263 Hooper Road	2.50	\$6,115.45
28	62-072-011	1283 Hooper Road	2.01	\$4,916.82
29	62-072-015	Hooper Road	1.56	\$3,816.04
30	62-072-016	1345 Hooper Road	2.00	\$4,892.36
Total:			85.97	\$183,805.97

\*Reimbursement amount is based on a cost of \$2,446.18/acre.

42", 36", AND 24" STORM DRAIN – HOOPER ROAD

ID	AP#	Address	Area (Acres)	Reimbursement Amount**
13	Siena Estates West		0.90	Constructed Improvements
15	Siena Estates		9.93	Constructed Improvements
16	62-081-008	1070 Hooper Road	1.10	\$2,336.97
17	62-081-009	1048 Hooper Road	1.10	\$2,336.97
18	62-082-014	2689 Colusa Highway	0.78	\$1,657.13
19	62-082-009	2665 Colusa Highway	0.78	\$1,657.13
20	62-082-015	2689 Colusa Highway	14.16	\$30,083.20
21	62-082-004	1112 El Margarita Road	2.00	\$4,249.04
22	62-082-003	1150 El Margarita Road	2.50	\$5,311.30
23	62-082-017	1166 El Margarita Road	1.93	\$4,100.32
24	62-082-001	1188 El Margarita Road	1.97	\$4,185.30
25	62-082-011	1139 Hooper Road	9.42	\$20,012.98
Total:			46.57	\$75,930.34

\*\*Reimbursement amount is based on a cost of \$2,124.52/acre.

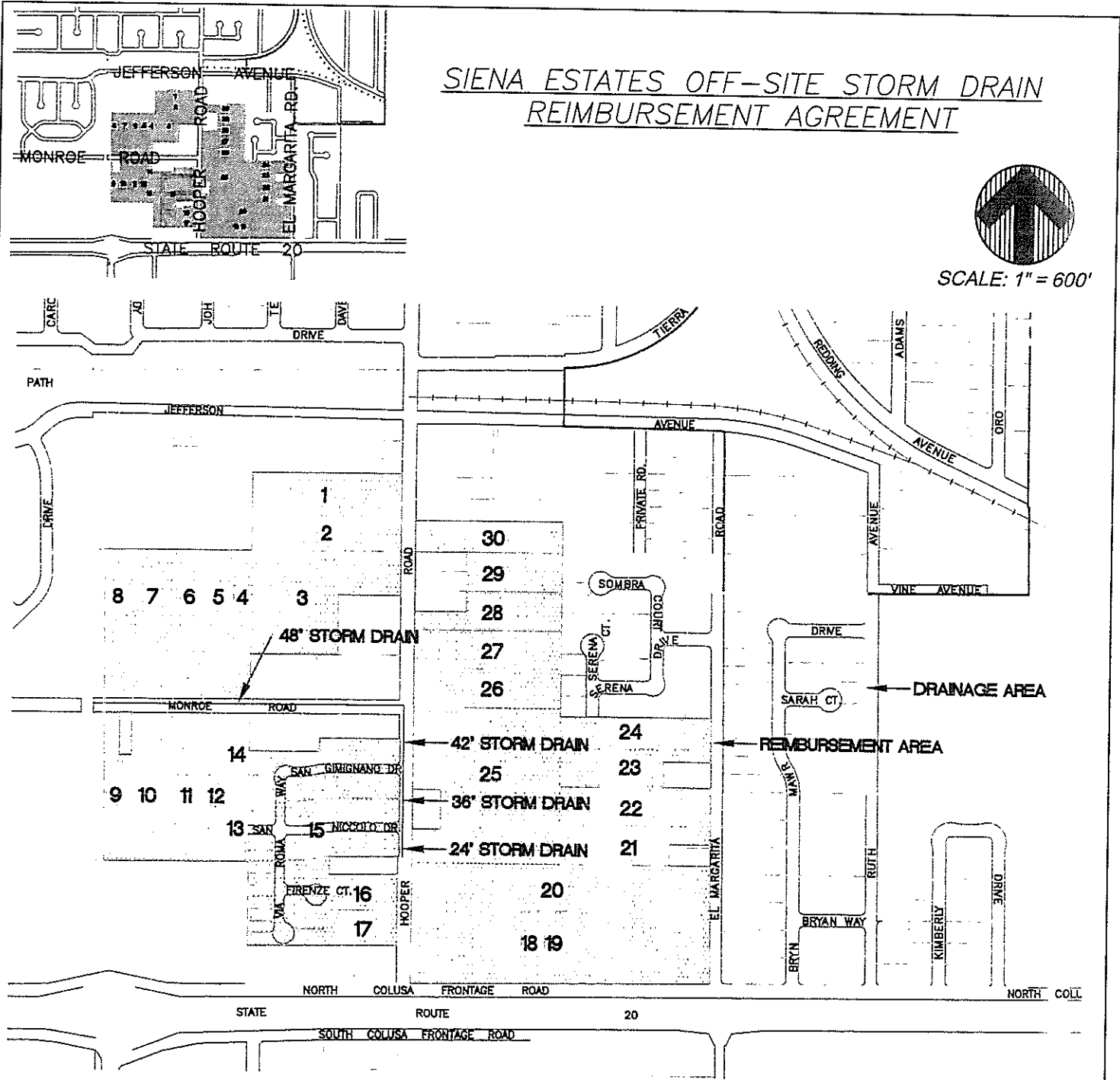
**TOTAL**

**\$259,736.31**

# SIENA ESTATES OFF-SITE STORM DRAIN REIMBURSEMENT AGREEMENT



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