

# Attachment 2

## Draft Resolution

### RESOLUTION 24-XXX

#### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES APPROVING AN OVERSIZE FACILITY REIMBURSEMENT AGREEMENT WITH RIVER OAKS RESERVE, LLC FOR CERTAIN RECYCLED WATER FACILITIES

TRACT 3105  
RIVER OAKS RESERVE, LLC (Dennis Moresco)

WHEREAS, the City Council approved Vesting Tentative Tract Map 3105 on August 8, 2017; and

WHEREAS, the Map is comprised of six phases of 271 residential lots, 24 open-space lots, and three road lots. Tract 3105-1 includes 73 single-family residential lots; and

WHEREAS, River Oaks Reserve, LLC (Applicant) is required, as a condition of approval associated with the Map, to construct certain specified recycled water facilities; and

WHEREAS, the Applicant is specifically conditioned to install a twenty four inch recycled water line to serve the project. The condition allows the Applicant to request an Oversize Facility Reimbursement Agreement (Agreement) (Exhibit A); and

WHEREAS, the Agreement reimburses the Applicant the cost difference between an eight inch pipe, which would be needed to serve this development, and the twenty four inch pipe that is instead being requested by the City in anticipation of nearby future development; and

WHEREAS, the Agreement provides a maximum reimbursement of \$1,032,735.81 subject to the Applicant meeting certain terms. The Utilities Department and Applicant have worked with legal counsel and are both in agreement over the terms and amount of reimbursement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. An Environmental Impact Report (EIR) was prepared for the Borkey Area Specific Plan, which analyzed development of this property. A Mitigated Negative Declaration (MND) was subsequently approved for the Rive Oaks II Expansion entitlements, including the Borkey Area Specific Plan Amendment, General Plan amendment, Zoning Amendment and Master Development Plan. The MND evaluated all potential environmental impacts that may result from the project, including the recycled water line installation. Applicable mitigation measures were incorporated into the MND Mitigation Monitoring and Reporting Program. The proposed oversize line reimbursement agreement is consistent with the Borkey Area Specific Plan (for which an EIR was adopted), no further environmental analysis is required for this project.

Section 3. The City Council hereby approves the Oversize Facility Reimbursement Agreement attached hereto as Exhibit A and incorporated herein by reference.

Section 4. The City Council directs the City Manager to sign the Oversize Facility Reimbursement Agreement and authorizes the City Attorney to correct any non-substantive errors in the document.

APPROVED this 5<sup>th</sup> day of March 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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John R. Hamon, Jr., Mayor

ATTEST:

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Melissa Boyer, City Clerk

Exhibit A – Oversize Facility Reimbursement Agreement (signed by Applicant)