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**City of Las Cruces**<sup>®</sup>  
 PEOPLE HELPING PEOPLE

**Council Action and Executive Summary**

Item # 10 Ordinance/Resolution# 14-095

For Meeting of \_\_\_\_\_ For Meeting of November 18, 2013  
(Ordinance First Reading Date) (Adoption Date)

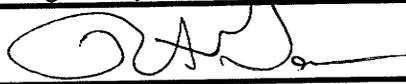
Please check box that applies to this item:

QUASI JUDICIAL       LEGISLATIVE       ADMINISTRATIVE

**TITLE: A RESOLUTION AUTHORIZING THE EXTENSION OF CITY WATER AND/OR WASTEWATER UTILITY SERVICE TO REAL PROPERTIES OUTSIDE OF THE CITY LIMITS GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF INTERSTATE 10 AND SOUTH MOTEL BOULEVARD.**

**PURPOSE(S) OF ACTION:**

To authorize utility service outside of the City limits.

<b>COUNCIL DISTRICT:</b> N/A		
<b><u>Drafter/Staff Contact:</u></b> Marcia B. Driggers	<b><u>Department/Section:</u></b> Legal/City Attorney	<b><u>Phone:</u></b> (575) 541-2128
<b><u>City Manager Signature:</u></b>		

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

Utilities Department staff has received requests for City water and/or wastewater utility service from owners of real properties generally located southeast of the intersection of Interstate 10 and South Motel Boulevard, and has determined that there is excess capacity in the City's water and wastewater systems for additional connections in the above referenced general area.

The City limits in this general area have irregular boundaries and some of the properties, whose owners have requested City water and/or wastewater utility service, are within the City limits and some are outside the City limits. Due to these irregular boundaries and engineering issues such as the need to loop water lines, it is not economically feasible to extend the requested utility service to just the properties within the City limits.

City Council authorization is traditionally required before the Utilities Department can provide City water or wastewater utility service outside of the City limits. The Utilities Board in Board Resolution 13-14-023 recommended approval to the City Council of the requests to connect these properties to the City's water and/or wastewater system. Utilities staff also recommends approval of water and/or wastewater connections to properties located outside of the City limits in the above referenced general area.

(Continue on additional sheets as required)

If the Council approves this Resolution, staff will develop two (2) generic Water and/or Wastewater Extension Agreements, one for properties within the City limits and one for properties outside the City limits. The agreements will provide for payment of a pro-rated share of the City's project design and construction costs, and will provide for payment of the City's water and/or wastewater development impact fee. Staff will work with the benefitting property owners who sign an extension agreement prior to the design and construction of the project, including but not limited to providing for installment payments, and will impose financial disincentives to benefitting property owners who do not sign an extension agreement prior to the design and construction of the project including but not limited to requiring full payment of the pro-rated project cost with interest.

**SUPPORT INFORMATION:**

1. Resolution.
2. Exhibit "A", Aerial map of service area.

**SOURCE OF FUNDING:**

Is this action already budgeted?  N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____
	<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)	
	<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.	
Does this action create any revenue?  N/A	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of \$ _____ for FY _____.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

**BUDGET NARRATIVE**

N/A
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**FUND EXPENDITURE SUMMARY:**

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

(Continue on additional sheets as required)

**OPTIONS/ALTERNATIVES:**

1. Vote "Yes"; this will authorize the extension of City water and/or wastewater utility service outside of the City limits as shown on Exhibit "A".
2. Vote "No"; this will not authorize the extension of City water and/or wastewater utility service outside of the City limits as shown on Exhibit "A".
3. Vote to "Amend"; this could affect project design and planning.
4. Vote to "Table"; this could allow City Council to postpone consideration of the Resolution and direct staff accordingly.

**REFERENCE INFORMATION:**

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

N/A

(Continue on additional sheets as required)

**RESOLUTION NO. 14-095****A RESOLUTION AUTHORIZING THE EXTENSION OF CITY WATER AND/OR WASTEWATER UTILITY SERVICE TO REAL PROPERTIES OUTSIDE OF THE CITY LIMITS GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF INTERSTATE 10 AND SOUTH MOTEL BOULEVARD.**

The City Council is informed that:

**WHEREAS**, Utilities Department staff has received requests for City water and/or wastewater utility service from owners of real properties generally located southeast of the intersection of Interstate 10 and South Motel Boulevard; and

**WHEREAS**, Utilities Department staff has determined that there is excess capacity in the City's water and wastewater systems for additional connections in the above referenced general area; and

**WHEREAS**, the City limits in this general area have irregular boundaries and some of the properties, whose owners have requested City water and/or wastewater utility service, are within the City limits and some are outside the City limits; and

**WHEREAS**, it is not economically feasible to extend the requested utility service to just the properties within the City limits; and

**WHEREAS**, City Council authorization is traditionally required before the Utilities Department can provide City water or wastewater utility service outside of the City limits; and

**WHEREAS**, the Utilities Board in Board Resolution 13-14-023 recommended approval to the City Council of the requests to connect these properties to the City's water and/or wastewater systems; and

**WHEREAS**, Utilities staff also recommends approval of water and /or wastewater connections to properties located outside of the City limits in the above referenced general area; and

**WHEREAS**, if the Council approves this Resolution, staff will develop two (2) generic Water and/or Wastewater Extension Agreements, one for properties within the City limits and one for properties outside the City limits. The agreements will provide for payment of a pro-rated share of the City's project design and construction costs, and will provide for payment of the City's water and/or wastewater development impact fees; and

**WHEREAS**, staff will work with the benefitting property owners who sign an extension agreement prior to the design and construction of the project including but not limited to providing for installment payments; and will impose financial disincentives to benefitting property owners who do not sign an extension agreement prior to the design and construction of the project including but not limited to requiring full payment of the pro-rated project cost with interest.

**NOW, THEREFORE**, Be it resolved by the governing body of the City of Las Cruces:

(I)

**THAT** the City may extend City water and wastewater service to those properties outside of the City limits in an area generally located southeast of the intersection of Interstate 10 and South Motel Boulevard as shown on Exhibit "A" attached hereto.

(II)

**THAT** City staff is authorized to do all deeds necessary to accomplish the intent of this Resolution including but not limited to preparing generic Water and/or Wastewater Extension Agreements to be executed by the owners of properties within said area before the water and wastewater extension project is designed and constructed.

(III)

THAT City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

DONE AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

VOTE:

Mayor Miyagishima: \_\_\_\_\_

Councillor Silva: \_\_\_\_\_

Councillor Smith: \_\_\_\_\_

Councillor Pedroza: \_\_\_\_\_

Councillor Small: \_\_\_\_\_

Councillor Sorg: \_\_\_\_\_

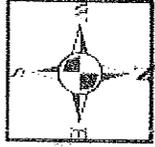
Councillor Levatino: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

# EXHIBIT A

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TOWN OF MESILLA LIMITS

CITY LIMITS

DONA ANA COUNTY

CITY LIMITS

**Legend "EXHIBIT A"**

-  Requesting Water and Wastewater
-  Town\_of\_Mesilla-Limits
-  City-Limits

EXHIBIT A