

Memorandum

To: Mayor and Council

From: Tom Baker, Town Administrator

Date: November 19, 2013

Re: Tap Fees for Hacienda el Patron

Purpose: To review new information for taps at the above property.

Background and Discussion: At Council's previous meeting, Council directed staff to develop a 5-year payment plan for Mr. Garcia. Staff's calculation is that on a monthly basis, Mr. Garcia's utility bill would have a Capital Investment line item of approximately \$225.00. If this additional amount were too large for a new business, the monthly amount could be adjusted and a balloon payment required at the end of the contract term.

Since the last meeting, a meter pit was discovered in the parking area of Mr. Garcia's property. In the past this parcel was the location of a car wash. Due to the spotty nature of utility records prior to 2000, it is difficult to document this tap.

A review of the code finds that the code is silent on the issue of abandonment, but is clear that taps are attached to "real property" and do not move/transfer with the purchaser of the tap. Additional research uncovered Resolution No. 188, from May of 1978 that declares any tap abandoned for 15 years to be void, see attachment. Some long time staff members recall the car wash being active in the 2000 era.

Request: Staff would like a discussion with Council on this matter. Staff is assuming that the meter pit is an indicator of 1 Water and 1 Sewer Tap, which if accurate means that Mr. Garcia will be required to acquire an additional 0.056 taps or \$672.00 (approximately \$12/month on a 5-yr payment schedule).

RESOLUTION NO 188

On a motion from Trustee Chapman, seconded by Trustee Cole, and regularly passed the following Resolution was passed.

" Be it resolved by the Board of Trustees of the Town of New Castle, that any water tap that had been abandoned for a period of 15 years be declared void."

dated this first day of May, 1978.

Shady Prindivast
Clerk of the Town of New Castle

Walter M. Miller
Mayor of the Town of New Castle