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**Filing Requirements  
For  
OUT OF AGENCY CONTRACT FOR SERVICES**

**PURPOSE**

It is the policy of the City Council (Policy No. CP-96-03) of the City of Morgan Hill that city water and/or sewer services will not be provided outside of our city limits prior to annexation except when:

1. Documented public health and safety problems exist, as determined by City Council, and the property is not contiguous to the city limits, and an agreement is signed by the property owner binding the owners and successors in interest of the property to not protest future annexation to the City. If service is provided prior to annexation, agreements will be recorded against the land clarifying that the water and/or sewer service provided is temporary and only for a specific land use and terminates when the use is eliminated.
2. The City Council finds there are unique circumstances such that the public benefits of the proposed project to be served outweigh the negative aspects of the continued decentralization of the City service area. If service is provided prior to annexation, agreements will be recorded against the land clarifying that the water and/or sewer service provided is temporary and only for a specific land use and terminates when the use is eliminated.
3. Legally binding previously approved water and/or sewer service agreements exist, as determined by the City Attorney.

Section 56133 of the California Government Code requires the Local Agency Formation Commission (LAFCO), approval of the extension of urban services by cities beyond their jurisdictional boundaries. To initiate the process with LAFCO, the City Council must first approve of the service extension request. The purpose of this application is to establish a process for City review and approval of such requests.

**FILING REQUIREMENTS**

An application shall be made by the property owner or agent thereof and must be accompanied by the following information in order to be accepted for processing:

1. **Completed Uniform Application:** Complete all sections of the application. If a section of the application is not applicable to your project, please write, "Not applicable," or N/A. Please do not write in the staff-only section of the application.
2. **Planning Entitlement Project Information Sheet:** This application will provide important project information that will help to expedite the application review process. Please

complete all sections, providing as much detail as possible regarding the scope of your proposal. If a section of the application is not applicable to your project, please write, "Not applicable," or N/A.

3. **Additional Filing Requirements:** See Application Filing and Plan Specifications handout.
4. **Application Fees:** Fees to be paid to the City of Morgan Hill at the time of submittal.
5. **Public Hearing Notice:** Fee to be collected
6. **Map Requirements:** Three (3) Copies  
Map of proposed service expansion area coinciding with the legal description and including bearings and dimensions (metes and bounds)
  - All plans shall be clear, legible and accurately scaled
  - Overall map size = 8 1/2" x 11" unless otherwise approved by Planning Division
  - Use and show adequate margins
  - The following information shall be included on the map:
    - Title Block to read as follows: Proposed (sewer/water) service extension from the City of Morgan Hill
    - Include date, scale, and preparer of map
    - Legend and north arrow
    - Location Map
    - Urban Service Area Limits and City Limits
    - Indicate boundaries of parcel(s) receiving service
    - When proposing to split lines of assessment, indicate boundaries or original parcel
    - Show all bearings, distances, lot numbers and references used in the description including point of beginning.
    - Assessor's parcel numbers
    - Area of annexation in acres
    - All roads with their width adjacent to and within area proposed for annexation
7. **Metes and Bounds legal description:** Three (3) copies  
Include bearing and dimensions (metes and bounds) of the proposed service extension area, streets and other rights-of-way, and acreage of total area.
8. **Letter of Request:** Provide written justification outlining the request.
  - What type of service extension is requested and why?
  - Please indicate the reason for the service extension request. Please explain why a jurisdictional change (e.g. annexation) is not possible at this time. If not proposed at this time is annexation anticipated at a future date?
  - If the request for service extension is in response to an emergency health and

- safety situation, then please provide documentation of the circumstance (e.g. letter from County Health Department regarding failing well or septic system).
- Indicate the applicable City General Plan designation and County Zoning designation.
- How is the property presently used? Please be specific as to improvements, facilities, types and size of structures.
- If development is proposed, please provide a description of the project.
- Provide a detailed description of how services are to be extended to the property (e.g. distance to sewer or water connections, cost of improvements, methods financing etc.)