

AVILA BEACH COUNTY WATER DISTRICT
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

PRESENT: Directors

ABSENT:

RESOLUTION NO. 88- 4

DATED: Oct. 4, 1988

RESOLUTION INTERPRETING ORDINANCE 2-87 RELATIVE TO
DETERMINING CONNECTION TO DISTRICT WATER SYSTEM, AND
RESCINDING RESOLUTION 87-9

WHEREAS, on November 4, 1987, the Board of Directors adopted its Ordinance 2-87 establishing a water facilities assessment payable to the District for connection to the District water system after November 4, 1987, in accordance with a schedule of water facilities assessments based on the proposed usage of the property.

WHEREAS, there exist certain properties within the District in which the following conditions (hereinafter called "qualifying conditions") exist:

- A. Said properties were in the past serviced with water by the District;
- B. The improvements previously existing thereon have been destroyed or removed;
- C. Said properties were not being served with water as of the operative date of Ordinance 2-87; and
- D. The owners of said properties have continued paying the District's minimum monthly water fees since discontinuance of service.

WHEREAS, by its Resolution 87-9, the District found that:

- A. A portion of the monthly water fees paid by said properties was applied toward payment for existing water facilities;
- B. It is fair and equitable and consistent with the meaning and intent of Ordinance 2-87 that the properties meeting the qualifying conditions be considered to be "connected" to the District water system as of November 4, 1987, and therefore exempt from payment of a water facilities assessment to the extent of the level of prior use as set forth below.

WHEREAS, the District further finds that it is fair and equitable and consistent with the meaning and intent of Ordinance 2-87 that a time limit be established for properties meeting the qualifying conditions to secure a building permit for development of said properties.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF AVILA BEACH COUNTY WATER DISTRICT AS FOLLOWS:

1. For purposes of determining whether properties commencing to receive water service after November 4, 1987, are subject to payment of a water facilities assessment under Ordinance 2-87, properties meeting each and all of the qualifying conditions set forth above shall be deemed to have been connected to the District water system as of said date, and therefore exempt from payment of a water facilities assessments to the extent of its level of prior water usage (as defined below), but shall be subject to such fee to the extent that the new usage exceeds such prior level.

2. The level of prior water usage for purposes of Paragraph 1 of this Resolution shall be determined by averaging the actual water usage for the last thirty-six (36) months that water was actually served to the property.

3. The exemption from payment of a water facilities assessment shall apply only if a valid building permit for improvement of the qualifying property is issued on or before April 1, 1990; provided, that the Board of Directors may in any instance extend said time limit for reasonable periods if it finds that the issuance of a building permit is delayed for reasons beyond the control of the landowner.

4. Resolution No. 87-9 is hereby rescinded.

On motion of Director Misakian, seconded by Director Phelan, and on the following roll call vote, to-wit:

AYES: Directors Cummings, Ellis, Misakian and Phelan

NOES: None

ABSENT: Director Newton

The foregoing Resolution was adopted.

ATTEST:

Carole Fisher Secretary

Marshall E. Ellis
President of the Board of Directors