

Avila Beach County Water District

PRESENT: Directors

ABSENT:

Resolution No. 93-10

DATED: _____

RESOLUTION ESTABLISHING PROCEDURES FOR ISSUANCE OF
"WILL-SERVE" LETTERS

WHEREAS, it is the intent of this Resolution to establish an orderly procedure for the issuance and administration of written commitments by the District to provide water service to new or expanded development of property within the District ("will-serve" letters).

NOW, THEREFORE, be it resolved by the Board of Directors of Avila Beach County District as follows:

The following procedures are hereby established for the issuance and administration of written commitments by the District to provide water service to new or expanded development of property within the District:

1. PLANS: Prior to issuance of an interim will-serve letter, the owner or owner's agent shall submit preliminary plans for the proposed development to the District, containing a floor plan for each floor, identification of plumbing fixtures, a statement of the intended use of the building, square footage of floor space, and such other information as District Staff requires in order to evaluate water and sewer requirements and compliance with fire safety.

2. REVIEW: The District Engineer will review the plans to determine the development's water and sewer requirements; the plans will also be reviewed by the Fire Marshall to determine compliance with fire safety requirements.

3. INTERIM PERMIT: Once it is determined that the District has sufficient water capacity to provide water service to the development, and upon payment of fees as provided herein and upon owner's written agreement to comply with any retrofit requirements then in effect for the District, an interim will-serve letter will be issued. This letter shall remain in effect for six (6) months from the date of issuance. Upon application by the owner to the Board of Directors the Board may extend the permit for up to an additional six (6) months from its expiration date if the Board finds that the owner is diligently pursuing the project. There will be a One Hundred Dollar (\$100) extension fee to cover administrative charges for such extension.

4. FEES: There shall be a fee in the sum of One Thousand Dollars (\$1,000) payable to District for the issuance of an interim will-serve letter. Two Hundred Fifty Dollars (\$250) of the fee shall be a deposit and minimum charge toward costs of plan check and review expenses for the retrofit program applicable to the development, and Seven Hundred Fifty Dollars (\$750) shall be a deposit toward water and sewer availability assessments for the development. If it is determined that the development is not going to proceed, the Owner shall be entitled to refund of the balance of the \$750 deposit remaining after any actual costs of project review.

5. RETROFIT PLAN: While the interim will-serve letter is in effect the owner shall prepare and submit to District a plan for retrofitting of required units, in accordance with the District's retrofit requirements then in effect.

6. FINAL WILL-SERVE LETTER: After the owner has completed the planning and permitting process for the development with the County, he shall deliver to the District a copy of his final approved plans, letters of agreement for retrofits, proof that all required water, sewer and fire protection improvements have been done or security provided therefor, and proof or security that all required retrofits have been or will be completed. The District shall then issue to owner a final will-serve letter, which

shall remain in effect for one (1) year from the date of issuance and shall bind the District to provide water to the development.

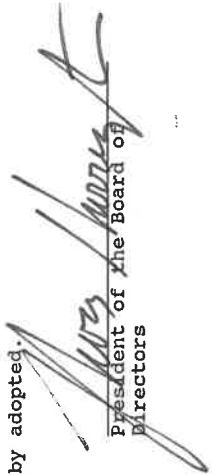
On motion of Director Briley, seconded by Director Misakian, and on the following roll call vote, to-wit:

AYES:

NOES:

ABSENT:

The foregoing Resolution is hereby adopted.


President of the Board of
Directors

ATTEST:

Secretary

APPROVED AS TO FORM:

STEPHEN N. COOL, Attorney for
District