

**MARIN MUNICIPAL WATER DISTRICT**

**RESOLUTION NO. XXXX**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MARIN  
MUNICIPAL WATER DISTRICT MAKING DETERMINATIONS WITH  
RESPECT TO FEES CONTAINED IN PIPELINE EXTENSION AGREEMENT**

**WHEREAS**, Michael and Ellen Demson have applied to the District for a Pipeline Extension Agreement to serve a new single family dwelling at 187 Sacramento Avenue, San Anselmo Assessor's Parcel Nos. 177-172-10 and 177-172-20 (Development Project); and

**WHEREAS**, a study has been conducted of the impacts of this Development Project on the District's existing services and facilities in the San Anselmo area along with an analysis of new, improved or expanded District facilities and improvements as required or appropriate to serve said development, said study set forth the relationship between this development, those services or facilities, and the estimated cost of those improvements. The study entitled, "187 Sacramento Avenue, San Anselmo", - attached hereto as Exhibit A and made part of this resolution (PEA Study), was prepared by Joseph Eischens and is dated November 7, 2023, and

**WHEREAS**, the Board of Directors finds as follows:

a. The purpose of the fees set forth in paragraph 5 of the pipeline extension agreement between the District and Michael and Ellen Demson (Pipeline Extension Agreement or PEA) is to pay for all required water facilities directly related to providing service to 187 Sacramento Avenue, San Anselmo proposed Development Project and to reimburse the District for constructing or provide funding to construct the necessary water supply, treatment, transmission, and terminal storage facilities for the Development Project;

b. The fee specified in paragraph 5 of the Pipeline Extension Agreement shall be used to finance the following facilities: 160' of 6" pipe, 1-6" hydrant and 1-1" service, payment for constructed water supply improvements at Soulajule, Kent and the Intertie; and a variety of major system improvements being constructed according to the project listing used in developing the connection fees;

c. The staff report on this item and the PEA Study evidence that the proposed Development Project, as described in the PEA, will impose increased water supply and system capacity demands on existing District facilities;

d. It is appropriate and necessary for the properties to be served by the improvements described in the PEA to provide for the facilities and improvements listed in

Paragraph a. above, which have not been constructed and are necessary to serve the proposed Development Project;

e. The facts and evidence presented establish that there is a reasonable relationship between the need for the described public facilities and the Development Project to be served by the improvements described in the Pipeline Extension Agreement for which the corresponding fee is charged; and there is a reasonable relationship between the fees' use and the type of development for which the fee is charged, as these reasonable relationships are in more detail described in the PEA Study referred to above;

f. The cost estimates set forth in the pipeline extension agreement are reasonable cost estimates for constructing these facilities, and the fees expected to be collected will not exceed the total of these costs.

**NOW, THEREFORE**, the Board of Directors of the Marin Municipal Water District hereby resolves that the PEA Study is approved and the fees to be collected pursuant to paragraph 5 of the PEA shall be used solely to pay for the described public facilities to be constructed by the District, for reimbursing the District for the development's fair share of those capital improvements already constructed by the District, or to reimburse other developers who have constructed public facilities described in the PEA where those facilities were beyond that needed to mitigate the impacts of the other developer's project or projects.

Any judicial action or proceeding to attack, review, set aside, void or annul this resolution shall be brought within 120 days of the date of its adoption.

**PASSED AND ADOPTED** this 9th day of January, 2024,, by the following vote of the Board of Directors.

**AYES:**

**NOES:**

**ABSENT:**

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**Monty Schmitt**  
**President, Board of Directors**

**ATTEST:**

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**Terrie Gillen**  
**Board Secretary**