

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF DIRECTORS OF EASTERN MUNICIPAL WATER DISTRICT ANNEXING A CERTAIN PARCEL OF LAND TO IMPROVEMENT DISTRICT NO. U-28 OF EASTERN MUNICIPAL WATER DISTRICT

WHEREAS, by Resolution No. 2063.7, the Board of Directors of the Eastern Municipal Water District has heretofore fixed the standard terms and conditions to be associated with the annexation of lands to an improvement district or improvement districts of the Eastern Municipal Water District; and

WHEREAS, by the adoption of said Resolution No. 2063.7, the Board also approved and adopted a Standard Form of Petition (Petition) for annexation of lands to an improvement district or improvement districts of the Eastern Municipal Water District (Petition); and

WHEREAS, Duke Realty, LP (Petitioner), the owner of the involved parcel of land, has filed with the Secretary of Eastern Municipal Water District a duly executed Petition requesting annexation of the 11.31 acre parcel of land, which has been designated as Parcel No. U-28-19-1 and is hereinafter described, to Improvement District No. U-28 of the Eastern Municipal Water District; and

WHEREAS, Petitioner has also made payment of the applicable \$200 per acre annexation fee as well as applicable State Board of Equalization fees; and

WHEREAS, Petitioner has furnished the necessary ownership documentation required by the provisions of the Petition.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF EASTERN MUNICIPAL WATER DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

1. That all the procedures and requirements set forth in Article 1, Chapter 1, Part II of Division 20 of the Water Code of the State of California and, in particular Section 72680.1 thereof, has been complied with in connection with the annexation.
2. That the Board of Directors finds and determines that the area of land, Parcel No. U-28-19-1 (11.31 acres) proposed to be annexed to Improvement District No. U-28 of Eastern Municipal Water District will be benefited by such annexation and will not be injured thereby.

3. That the area of land described as set forth on that certain map bearing the date of February 20, 2019, designated as Official Map of Parcel No. U-28-19-1 Proposed for Annexation to Improvement District No. U-28, which map has been filed with the Secretary of this District, is hereby declared annexed to Improvement District No. U-28 of Eastern Municipal Water District under the following terms and conditions:

a) To the extent legally applicable, the taxable property in the areas so annexed will be subject to taxation for the purposes of Improvement District No. U-28, including the payment of the principal and interest on bonds and other obligations of the Improvement District authorized and outstanding at the time of the annexation;

b) That the land and improvements in the area so annexed may also be subject to such additional charges, rates or costs as are necessary to equalize the total costs paid within such areas so annexed proportionately to the total costs paid within the areas of the subject existing Improvement Districts;

c) That the owner(s) of land(s) for which annexation to Improvement District No. U-28 is requested shall make cash payment, concurrently with the execution of the standard form "Petition for Annexation of Land(s) to an Improvement District or Improvement Districts of Eastern Municipal Water District" (Petition), in the amount specified in said Petition, for the purposes of the involved improvement district or improvement districts, which amount of cash payment shall be determined by District for each involved annexation based upon the aggregate total of the following amounts:

(1) An amount equivalent to the State Board of Equalization's filing fee for the involved annexation, as determined by the District;

(2) The District's annexation processing as it may be adjusted by the District's Board of Directors from time to time; and

d) That all water system facilities required to serve the land(s) proposed to be annexed to the involved improvement district or improvement districts, as determined by the District, shall be financed and provided in accordance with Eastern Municipal Water District's Rules and Regulations Governing the Provision of Water System Facilities and Service applicable at the time financial and other arrangements for such facilities are made with the District.

4. This Resolution shall be effective upon its adoption.

DATED: February 20, 2019

Ronald W. Sullivan, President

I hereby certify that the foregoing is a full, true and correct copy of the Resolution adopted by the Board of Directors of the Eastern Municipal Water District at its meeting held on February 20, 2019.

ATTEST:

Sheila Zelaya, Board Secretary

(SEAL)