

- **Board of Directors**

January 10, 2006 Board Meeting

7-1

Subject

Adopt final resolutions for annexations and to impose water standby charge for the 90th, 91st and 92nd Fringe Area Annexations to Eastern Municipal Water District and Metropolitan

Description

Eastern Municipal Water District requests final terms and conditions and imposition of water standby charge for the 90th, 91st and 92nd Fringe Area Annexations concurrently to Eastern and to Metropolitan.

On October 5, 2005, Eastern's board of directors adopted Resolution 4341, requesting annexation of the proposed 90th Fringe Area annexation consisting of 19.7 gross acres with 1.3 acres designated as public road. This annexation has a net area of 18.4 acres. The undeveloped rural residential property is located within the county of Riverside, south of Monte Verde Road and north of Anza Road in Temecula. See [Attachment 1](#) for the legal description and map. The proposed annexation area will be developed in accordance with the county of Riverside's Southwest General Plan. Prior to completion of the annexation, Eastern will pay a fee of \$68,664, if the annexation is completed prior to December 31, 2006. If the annexation is completed at a later date, the fee would be the then current annexation charge rate pursuant to Section 3300 of Metropolitan's Administrative Code. The annexation charge is calculated by the per-acre method based on net acreage and a \$5,000 processing fee. The projected annual water demand on Metropolitan would be approximately 10.8 acre-feet per year.

On October 5, 2005, Eastern's board adopted Resolution 4344, requesting annexation of the proposed 91st Fringe Area Annexation consisting of 19.1 gross acres with 2.29 acres designated as public road. This annexation has a net area of 16.81 acres. The undeveloped rural residential property is located within the county of Riverside, north of Anza Road and east of Via Pascal Road in Temecula. See [Attachment 2](#) for the legal description and map. The proposed annexation area will be developed in accordance with the county of Riverside's Southwest General Plan. Prior to completion of the annexation, Eastern will pay a fee of \$63,162.60, if the annexation is completed prior to December 31, 2006. If the annexation is completed at a later date, the fee would be the then current annexation charge rate pursuant to Section 3300 of Metropolitan's Administrative Code. The annexation charge is calculated by the per-acre method based on net acreage and a \$5,000 processing fee. The projected annual water demand on Metropolitan would be approximately 26.9 acre-feet per year.

On October 5, 2005, Eastern's board adopted Resolution 4347, requesting annexation of the proposed 92nd Fringe Area Annexation consisting of 12.6 gross acres with 2 acres designated as public road. This annexation has a net area of 10.6 acres. The undeveloped rural residential property is located within the county of Riverside, north of Anza Road, and on either side of Woolpert Lane in Temecula. See [Attachment 3](#) for the two pertinent legal descriptions and maps. The proposed annexation area will be developed in accordance with the county of Riverside's Southwest General Plan. Prior to completion of the annexation, Eastern will pay a fee of \$41,676, if the annexation is completed prior to December 31, 2006. If the annexation is completed at a later date, the fee would be the then current annexation charge rate pursuant to Section 3300 of Metropolitan's Administrative Code. The annexation charge is calculated by the per-acre method based on net acreage and a \$5,000 processing fee. The projected annual water demand on Metropolitan would be approximately 25.54 acre-feet per year.

Metropolitan's Board adopted a resolution of intention to impose a water standby charge within these proposed annexation areas in support of the 90th, 91st and 92nd Fringe Area Annexations on September 13, 2005. Pursuant to Resolutions 8969, 8970, and 8971, the Board held public hearings on November 8, 2005. Interested parties were given the opportunity to present their views regarding the proposed charge and the Engineer's Report. Also, pursuant to Resolutions 8969, 8970, and 8971, and in accordance with the requirements of Article XIII D, Section 4,

of the California Constitution, the Executive Secretary provided written notice by mail of these hearings to the owners of record of the parcels identified in the Engineer's Report. Enclosed in the mailed notices were assessment ballots on which the owners could indicate either support or oppose the proposed water standby charge. No majority protest (as defined in Article XIII D, Section 4 of the California Constitution) was found to exist upon conclusion of the hearings.

This action adopts three resolutions consenting to Eastern's requests for annexation ([Attachment 4](#), [Attachment 5](#), and [Attachment 6](#)); and three Resolutions Fixing and Adopting Water Standby Charge ([Attachment 7](#), [Attachment 8](#), and [Attachment 9](#)), which impose a Metropolitan water standby charge in the amount of \$6.94 per acre, or per parcel less than one acre, within the territory of the 90th, 91st and 92nd Fringe Area Annexations.

Approval of Metropolitan's water standby charge in the amount noted above, which is equal to the amount of Metropolitan's water standby charge imposed elsewhere within Eastern's territory, is a condition to complete this annexation. Pursuant to the terms of the attached resolutions, Metropolitan may levy said standby charge at the rate stated in these resolutions.

Policy

Territory may be annexed to Metropolitan upon terms and conditions fixed by the Board and in accordance with Chapter 1, Article 1, Section 350 through Section 356 of Metropolitan's Act and Division III, Section 3100(b) of its Administrative Code.

California Environmental Quality Act (CEQA)

CEQA determinations for Option #1:

90th Fringe Area Annexation

Pursuant to the provisions of CEQA and the State CEQA Guidelines, the Rancho California Water District, acting as the Lead Agency and a subagency to Eastern, adopted the Highpointe BW LLC Project (also known as Eastern's Annexation No. 91) Negative Declaration (ND) on August 12, 2004, for the annexation process. Metropolitan, as Responsible Agency under CEQA, is required to certify that it has reviewed and considered the information in the ND and adopt the Lead Agency's findings prior to approval of the formal terms and conditions for the annexation. The environmental documentation is available in the Executive Secretary's Office for review.

The CEQA determination is: Review and consider information provided in the adopted 2004 ND and adopt the Lead Agency's findings related to the proposed actions.

91st Fringe Area Annexation

Pursuant to the provisions of CEQA and the State CEQA Guidelines, the Rancho California Water District, acting as the Lead Agency and a subagency to Eastern, adopted the Highpointe Temecula IV LP Project (also known as Eastern's Annexation No. 95) Negative Declaration (ND) on August 12, 2004, for the annexation process. Metropolitan, as Responsible Agency under CEQA, is required to certify that it has reviewed and considered the information in the ND and adopt the Lead Agency's findings prior to approval of the formal terms and conditions for the annexation. The environmental documentation is available in the Executive Secretary's Office for review.

The CEQA determination is: Review and consider information provided in the adopted 2004 ND and adopt the Lead Agency's findings related to the proposed actions.

92nd Fringe Area Annexation

Pursuant to the provisions of CEQA and the State CEQA Guidelines, the Rancho California Water District, acting as the Lead Agency and a subagency to Eastern, adopted the Pena Trust Project (also known as Eastern's Annexation No. 98) Negative Declaration (ND) on February 10, 2005, for the annexation process. Metropolitan, as Responsible Agency under CEQA, is required to certify that it has reviewed and considered the information in the ND and adopt the Lead Agency's findings prior to approval of the formal terms and conditions for the annexation. The environmental documentation is available in the Executive Secretary's office for review.

The CEQA determination is: Review and consider information provided in the adopted 2005 ND and adopt the Lead Agency's findings related to the proposed actions.

CEQA determination for Option #2:

None required

Board Options/Fiscal Impacts

Option #1

Adopt the CEQA determinations and

- a. Adopt resolutions granting Eastern's request for approval of the 90th, 91st and 92nd Fringe Area Annexations, concurrently to Metropolitan and Eastern, conditioned upon approval by the Riverside Local Agency Formation Commission, and establishing Metropolitan's terms and conditions for these annexations ([Attachment 4](#), [Attachment 5](#), and [Attachment 6](#)); and
- b. Adopt resolutions to impose water standby charge at a rate of \$6.94 per acre or per parcel of less than one acre within the proposed annexation areas ([Attachment 7](#), [Attachment 8](#), and [Attachment 9](#)).

Fiscal Impact: Receipt of annexation fee of \$173,502.60 for the 90th, 91st and 92nd Fringe Areas and water sales revenue from newly annexed territory.

Option #2

Decline the request for 90th, 91st and 92nd Fringe Area Annexations

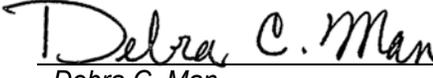
Fiscal Impact: Unrealized annexation fees and water sales revenue from non-annexed territory

Staff Recommendation

Option #1


 Roy L. Wolfe
 Manager, Corporate Resources

12/8/2005
 Date


 Debra C. Man
 Interim CEO/General Manager

12/12/2005
 Date

[Attachment 1 – 90th Fringe area Legal Description and Map](#)

[Attachment 2 – 91st Fringe Area Legal Description and Map](#)

[Attachment 3 – 92nd Fringe Area Legal Description and Map](#)

[Attachment 4 – 90th Fringe Area Resolution Setting Terms and Conditions for Annexation](#)

[Attachment 5 – 91st Fringe Area Resolution Setting Terms and Conditions for Annexation](#)

[Attachment 6 – 92nd Fringe Area Resolution Setting Terms and Conditions for Annexation](#)

[Attachment 7 – 90th Fringe Area Resolution Imposing Water Standby Charges](#)

[Attachment 8 – 91st Fringe Area Resolution Imposing Water Standby Charges](#)

[Attachment 9 – 92nd Fringe Area Resolution Imposing Water Standby Charges](#)

REORGANIZATION TO INCLUDE CONCURRENT ANNEXATIONS TO EASTERN MUNICIPAL WATER DISTRICT, RANCHO CALIFORNIA WATER DISTRICT AND THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA.

EXHIBIT "A"

LAFCO NO.

Parcel 2, Lot B and a portion of Lot G of Parcel Map 17822, as shown by map on file in Book 102 of Parcel Maps, page 36, in the office of the County Recorder, County of Riverside, State of California, more particularly described as follows:

BEGINNING at a point on the centerline of Monte Verde Road, said point being the Northwest corner of Lot B of said map;

THENCE South 88°20'18" East along said centerline a distance of 660.00 feet;

THENCE South 00°39'12" West leaving said centerline a distance of 1224.12 feet to the Southeast corner of said Parcel 2, said point being on the North right of way line of Anza Road(44.00' half width);

THENCE South 01°39'42" West a distance of 44.00 feet to the Centerline of said Anza Road, said point being the beginning of a non-tangent curve concave Southeasterly, having a radius of 850.00 feet, to which point a radial line bears North 01°39'42" East;

THENCE Westerly along said centerline, through said curve with a central angle of 13°03'56" a distance of 193.83 feet to the beginning of a reverse curve concave Northwesterly, having a radius of 850.00 feet, to which point a radial line bears South 11°24'14" East;

THENCE Westerly continuing along said centerline, through said curve with a central angle of 13°03'56" a distance of 193.83 feet;

THENCE North 88°20'18" West a distance of 262.41 feet, said point being the Southwest corner of said Lot G;

THENCE North 00°08'29" West leaving said centerline a distance of 1312.39 feet to the POINT OF BEGINNING.

The above-described parcel of land contains: 19.7 acres gross, more or less
18.4 acres net, more or less

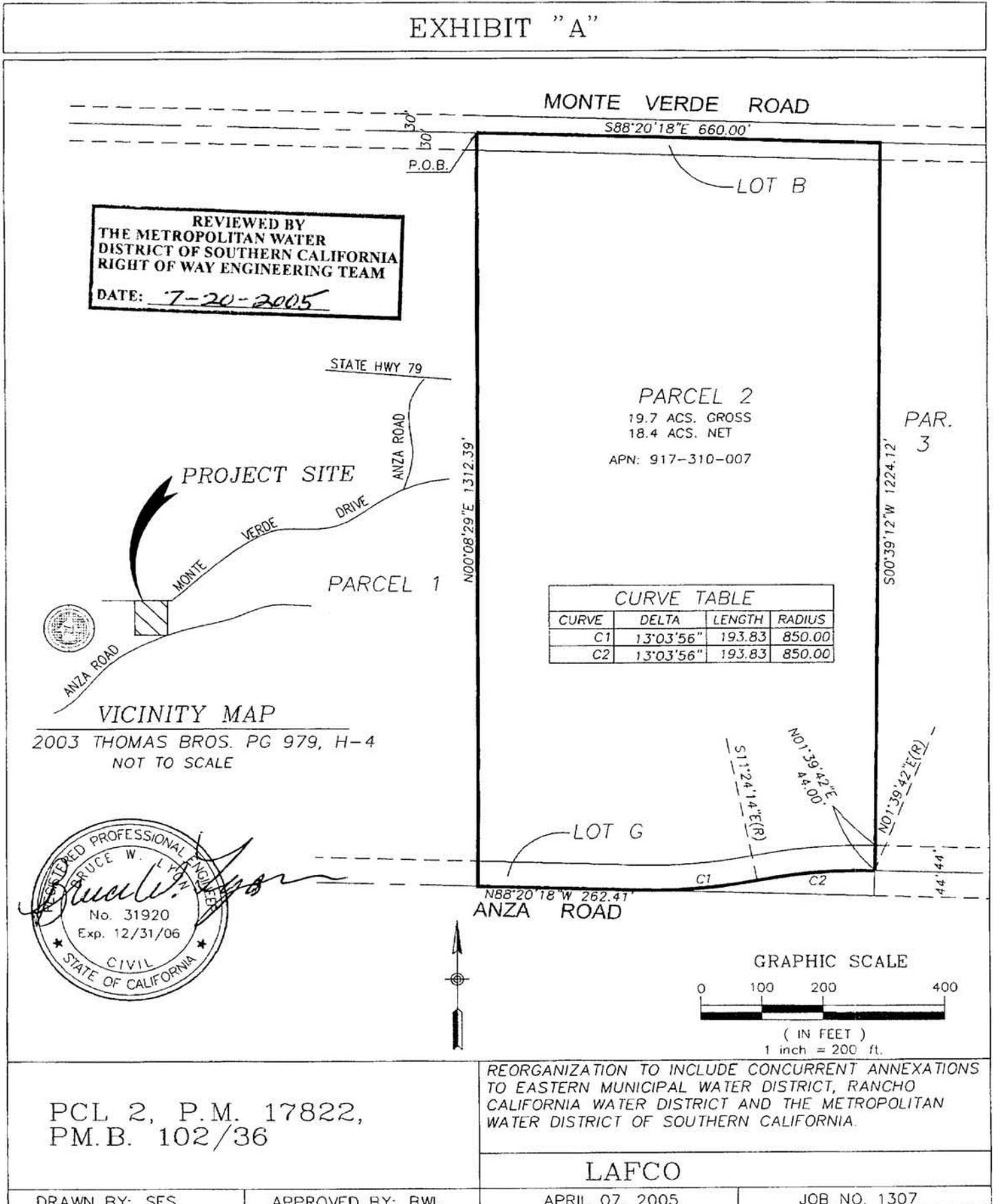
Bruce W. Lyon
Bruce W. Lyon, RCE 31920
Reg. exp. 12-31-06

7/20/05
Date



REVIEWED BY
THE METROPOLITAN WATER
DISTRICT OF SOUTHERN CALIFORNIA
RIGHT OF WAY ENGINEERING TEAM
DATE: *7-20-2005*

EXHIBIT "A"



REORGANIZATION TO INCLUDE CONCURRENT ANNEXATIONS TO EASTERN MUNICIPAL WATER DISTRICT, RANCHO CALIFORNIA WATER DISTRICT AND THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA.

EXHIBIT "A"

LAFCO NO.

Parcels 1, 2, 3 and 4 and Lots A through F of Parcel Map 20921, as shown by map on file in Book 136 of Parcel Maps, pages 96 and 97, in the office of the County Recorder, County of Riverside, State of California, more particularly described as follows:

BEGINNING at the centerline intersection of Anza Road (44.00' half width) and Via Pascal (30.00' half width);

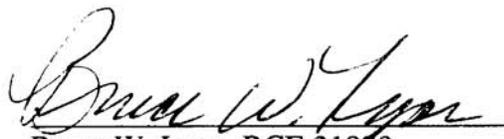
THENCE North 00°08'15" West along the centerline of said Via Pascal a distance of 1557.30 feet to the centerline intersection of said Via Pascal and Monte Verde Road (30.00' half width);

THENCE North 57°19'29" East along centerline of said Monte Verde Road a distance of 66.24 feet;

THENCE South 46°45'26" East leaving said centerline a distance of 1319.42 feet to the centerline of said Anza Road;

THENCE South 55°46'36" West along said centerline a distance of 1225.32 feet to the POINT OF BEGINNING.

The above-described parcel of land contains: 19.1 acres gross, more or less
16.8 acres net, more or less

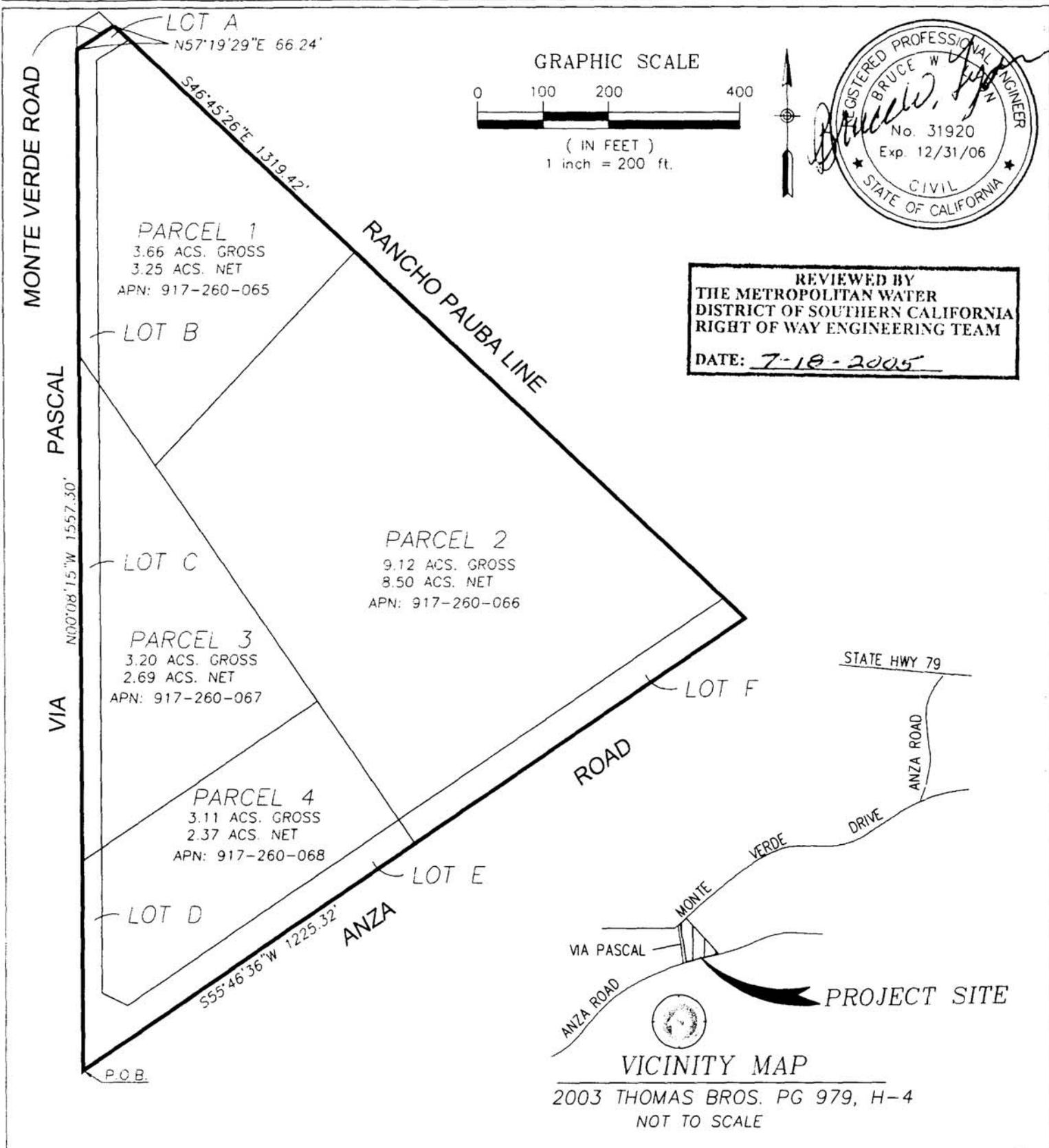

Bruce W. Lyon, RCE 31920
Reg. exp. 12-31-06

6/23/05
Date

REVIEWED BY
THE METROPOLITAN WATER
DISTRICT OF SOUTHERN CALIFORNIA
RIGHT OF WAY ENGINEERING TEAM
DATE: 7-18-2005



EXHIBIT "A"



PCLS 1, 2, 3 & 4
P.M. 20921
P.M.B. 136/96-97

REORGANIZATION TO INCLUDE CONCURRENT ANNEXATIONS TO EASTERN MUNICIPAL WATER DISTRICT, RANCHO CALIFORNIA WATER DISTRICT AND THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA.

LAFCO

DRAWN BY: SFS

APPROVED BY: BWL

APRIL 07, 2005

JOB NO. 1307

REORGANIZATION TO INCLUDE CONCURRENT ANNEXATIONS TO EASTERN MUNICIPAL WATER DISTRICT, RANCHO CALIFORNIA WATER DISTRICT AND THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA.

EXHIBIT "A"

LAFCO NO.

Parcels 1, 2, 3, and 4 and Lots A through F of Parcel Map 20856, as shown by map on file in Book 132 of Parcel Maps, page 70, in the office of the County Recorder, County of Riverside, State of California, more particularly described as follows:

BEGINNING at the centerline intersection of Woolpert Lane(30.00' half width) and Pena Road(30.00' half width);

THENCE South 00°53'59" West along the centerline of said Woolpert Lane a distance of 330.00 feet, said point being the Southeast corner of said Lot E;

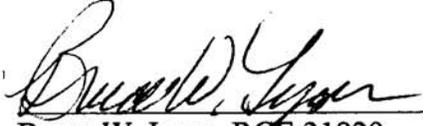
THENCE North 88°20'18" West leaving said centerline a distance of 660.00 feet to the Southwest corner of said Parcel 3;

THENCE North 00°53'59" East a distance of 660.00 feet to the Northwest corner of said Parcel 1;

THENCE South 88°20'18" East a distance of 660.00 feet to a point on centerline of said Woolpert Lane; said point being the Northeast corner of said Lot F;

THENCE South 00°53'59" West along the centerline of said Woolpert Lane a distance of 330.00 feet to the POINT OF BEGINNING.

The above-described parcel of land contains: 10.0 acres gross, more or less
8.7 acres net, more or less



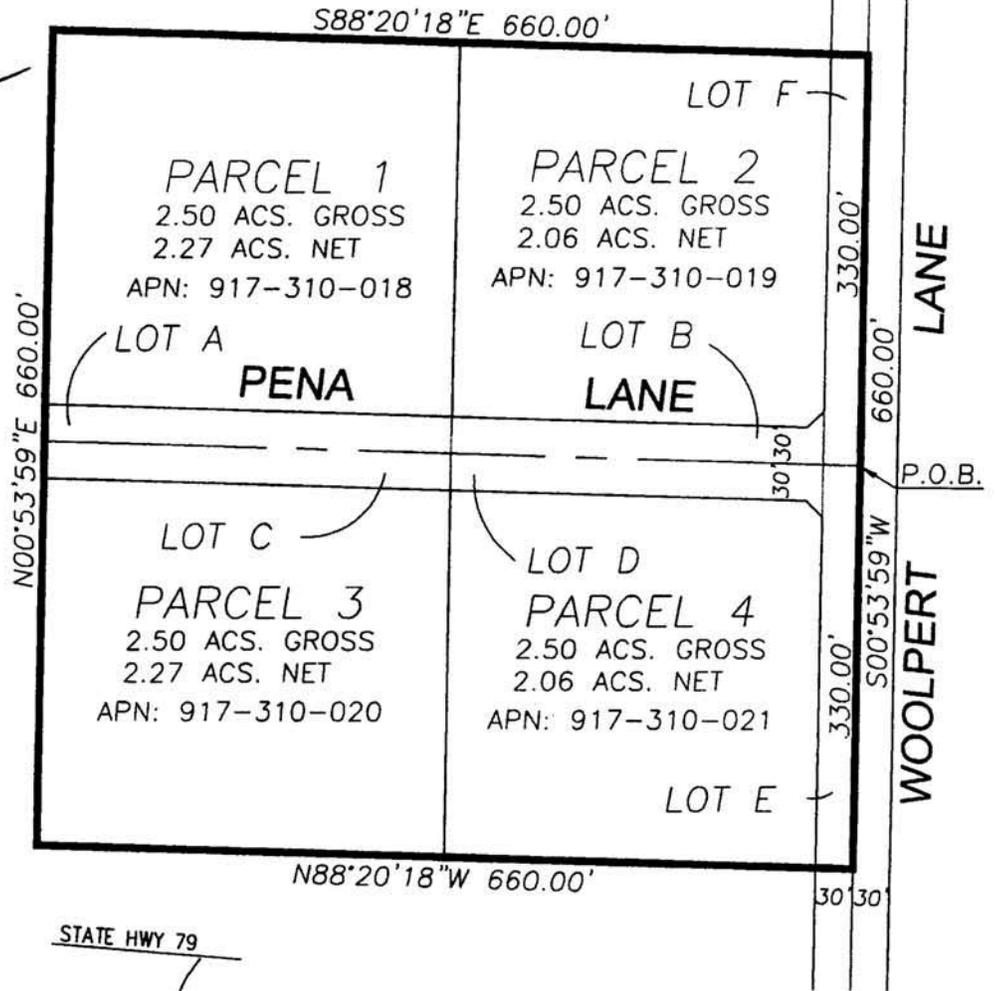
Bruce W. Lyon, RCE 31920
Reg. exp. 12-31-06

6/23/05
Date

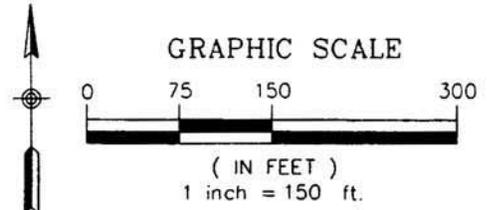
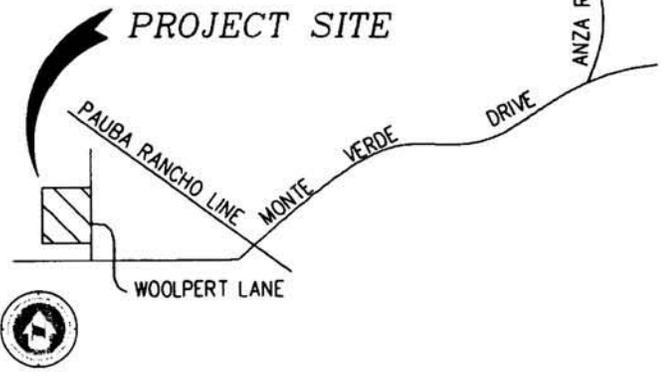
REVIEWED BY
THE METROPOLITAN WATER
DISTRICT OF SOUTHERN CALIFORNIA
RIGHT OF WAY ENGINEERING TEAM
DATE: 7-26-05 *pro*



EXHIBIT "A"



REVIEWED BY
THE METROPOLITAN WATER
DISTRICT OF SOUTHERN CALIFORNIA
RIGHT OF WAY ENGINEERING TEAM
DATE: 7-26-05 jme



VICINITY MAP
2003 THOMAS BROS. PG 979, H-4
NOT TO SCALE

REORGANIZATION TO INCLUDE CONCURRENT ANNEXATIONS TO EASTERN MUNICIPAL WATER DISTRICT, RANCHO CALIFORNIA WATER DISTRICT AND THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA.

LAFCO

PCLS 1-4, P.M. 20856,
PM.B. 132/70

REORGANIZATION TO INCLUDE CONCURRENT ANNEXATIONS TO EASTERN MUNICIPAL WATER DISTRICT, RANCHO CALIFORNIA WATER DISTRICT AND THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA.

EXHIBIT "A"

LAFCO NO.

Parcel 1 and Lots A and B of Parcel Map 17332, as shown by map on file in Book 103 of Parcel Maps, Page 18, in the office of the County Recorder, County of Riverside, State of California, more particularly described as follows:

BEGINNING at the South corner of said Lot B, said point also being on the centerline of Monte Verde Road(30.00' half width);

THENCE North 00°53'59" East a distance of 482.36 feet to the Northwest corner of said Lot A;

THENCE North 57°20'01" East a distance of 243.36 feet to the North corner of said Parcel 1;

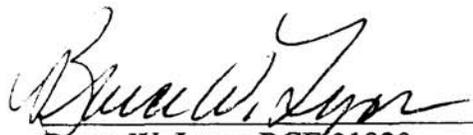
THENCE South 32°39'59" East along the Northeasterly lines of said Parcel 1 and said Lot B a distance of 300.00 feet to the East corner of said Lot B, said point also being on the centerline of said Monte Verde Road;

THENCE South 57°20'01" West along said centerline a distance of 163.48 feet to the beginning of a tangent curve concave Southeasterly, having a radius of 500.00 feet;

THENCE Southwesterly through said curve with a central angle of 22°21'46" a distance of 195.15 feet

THENCE South 34°58'15" West a distance of 169.06 feet to the POINT OF BEGINNING.

The above-described parcel of land contains: 2.6 acres gross, more or less
1.9 acres net, more or less

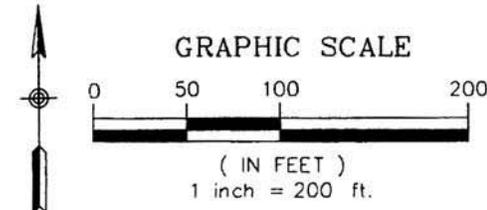
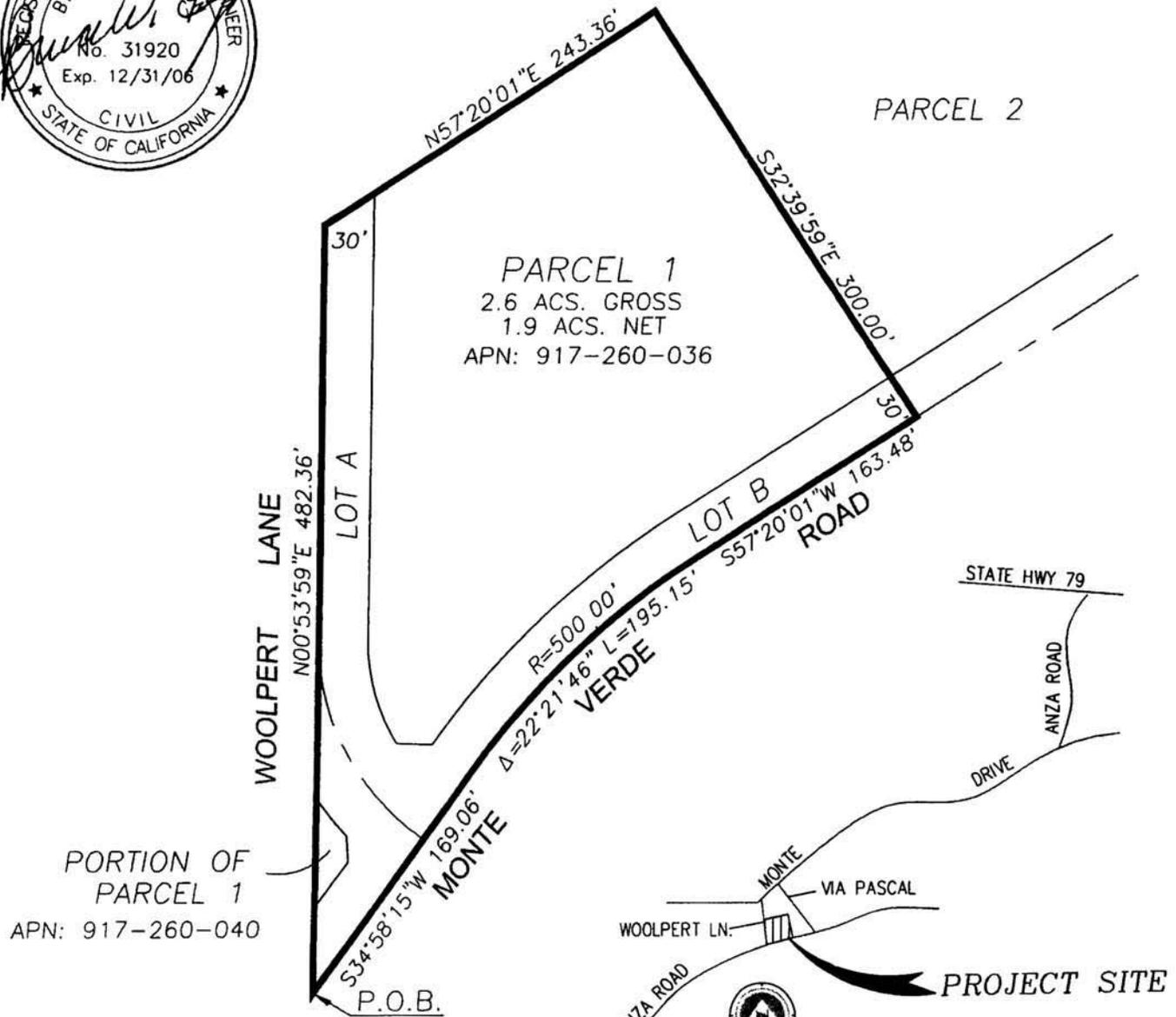

Bruce W. Lyon, RCE 31920
Reg. exp. 12-31-06

6/23/05
Date

REVIEWED BY
THE METROPOLITAN WATER
DISTRICT OF SOUTHERN CALIFORNIA
RIGHT OF WAY ENGINEERING TEAM
DATE: 7-26-05 *jme*



EXHIBIT "A"



VICINITY MAP
2003 THOMAS BROS. PG 979, H-4
NOT TO SCALE

PROJECT SITE

REVIEWED BY
THE METROPOLITAN WATER
DISTRICT OF SOUTHERN CALIFORNIA
RIGHT OF WAY ENGINEERING TEAM
DATE: 7-26-05 pmo

PCL 1 17332,
PM.B. 103/18

DRAWN BY: SFS APPROVED BY: BWL

REORGANIZATION TO INCLUDE CONCURRENT ANNEXATIONS TO EASTERN MUNICIPAL WATER DISTRICT, RANCHO CALIFORNIA WATER DISTRICT AND THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA.

LAFCO

APRIL 07, 2005 JOB NO. 1307

RESOLUTION**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
CONSENTING TO EASTERN MUNICIPAL WATER DISTRICT'S
90th FRINGE AREA ANNEXATION
AND FIXING THE TERMS AND CONDITIONS OF SAID ANNEXATION TO
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

A. WHEREAS, the Board of Directors of the Eastern Municipal Water District (Eastern), a municipal water district, situated in the county of Riverside, state of California, pursuant to Resolution No. 4341, in accordance with the provisions of the Metropolitan Water District Act, has applied to the Board of Directors of The Metropolitan Water District of Southern California (Metropolitan) for consent to annex thereto certain uninhabited territory situated in the county of Riverside referred to as the 90th Fringe Area Annexation, more particularly described in an application to the Riverside County Local Agency Formation Commission (LAFCO), concurrently with the annexation thereof to Eastern, such annexation to Metropolitan to be upon such terms and conditions as may be fixed by the Board of Directors of Metropolitan; and

B. WHEREAS, completion of said annexation shall be conditioned upon approval by the LAFCO; and

C. WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA) Rancho California Water District, a subagency to Eastern, acting as the Lead Agency, adopted a Negative Declaration (ND) on August 12, 2004, for the proposed annexation process (also known as Annexation No. 91, the Highpointe BW LLC Project) associated with the 90th Fringe Area Annexation. Also pursuant to CEQA, Metropolitan, as Responsible Agency, is required to certify that it has reviewed and considered the information in the ND and adopt the Lead Agency's findings prior to approval of the formal terms and conditions for the 90th Fringe Area Annexation; and

D. WHEREAS, it appears to the Board of Directors of Metropolitan that such application should be granted, subject to the terms and conditions hereinafter set forth; and

E. NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Metropolitan, acting as Responsible Agency, has reviewed and considered the information in the ND and adopts the Lead Agency's findings prior to approval of the formal terms and conditions for the 90th Fringe Area Annexation; and subject to the following terms and conditions, does hereby grant the application of the governing body of Eastern for consent to annex the 90th Fringe Area Annexation to Metropolitan and does hereby fix the terms and conditions of such annexation:

F. BE IT FURTHER RESOLVED that the Board of Directors of Metropolitan, subject to the following terms and conditions, does hereby grant the application of the governing body of Eastern for consent to annex of Eastern's 90th Fringe Area Annexation to Metropolitan and does hereby fix the terms and conditions of such annexation:

Section 1. The annexation of said area to Eastern shall be made concurrently with the annexation thereof to Metropolitan, and all necessary certificates, statements, maps, and other documents required to be filed by or on behalf of Eastern to effectuate the annexation shall be filed on or before December 31, 2007.

Section 2. Prior to filing a request for a Certificate of Completion of the annexation proceedings with LAFCO, Eastern shall submit a certified copy of LAFCO's resolution approving the annexation to the member agency, and shall pay to Metropolitan in cash \$68,664, if the annexation is completed by December 31, 2006. The annexation fee for processing this annexation was received prior to conditional approval. If the annexation is completed during the 2007 calendar year, the annexation charge will be calculated based on the then current rate, in accordance with Metropolitan's Administrative Code Section 3300.

Section 3. All necessary steps (including without limitation, pursuant to Article XIII D of the California Constitution) for imposition of Metropolitan water standby charge in the amount of \$6.94 per acre, or per parcel of less than one acre, for fiscal year 2006/07 shall be completed.

Section 4. a. Metropolitan shall be under no obligation to provide, construct, operate, or maintain feeder pipelines, structures, connections, and other facilities required for the delivery of water to said area from works owned or operated by Metropolitan.

b. Eastern shall not be entitled to demand that Metropolitan deliver water to Eastern for use, directly or indirectly, within said area, except for domestic or municipal use therein.

c. The delivery of all water by Metropolitan, regardless of the nature and time of use of such water shall be subject to the water service regulations, including rates promulgated from time to time by Metropolitan.

d. Except upon the terms and conditions specifically approved by the Board of Directors of Metropolitan, water sold and delivered by Metropolitan shall not be used in any manner which intentionally or avoidably results in the direct or indirect benefit of areas outside Metropolitan, including use of such water outside Metropolitan or use thereof within Metropolitan in substitution for other water outside Metropolitan.

G. BE IT FURTHER RESOLVED that the Executive Secretary is directed to transmit forthwith to the governing body of Eastern a certified copy of this resolution.

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of a resolution adopted by the Board of Directors of Metropolitan at its meeting held January 10, 2006.

Executive Secretary
The Metropolitan Water District
of Southern California

RESOLUTION**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
CONSENTING TO EASTERN MUNICIPAL WATER DISTRICT'S
91st FRINGE AREA ANNEXATION
AND FIXING THE TERMS AND CONDITIONS OF SAID ANNEXATION TO
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

A. WHEREAS, the Board of Directors of the Eastern Municipal Water District (Eastern), a municipal water district, situated in the county of Riverside, state of California, pursuant to Resolution No. 4344, in accordance with the provisions of the Metropolitan Water District Act, has applied to the Board of Directors of The Metropolitan Water District of Southern California (Metropolitan) for consent to annex thereto certain uninhabited territory situated in the county of Riverside referred to as the 91st Fringe Area Annexation, more particularly described in an application to the Riverside County Local Agency Formation Commission (LAFCO), concurrently with the annexation thereof to Eastern, such annexation to Metropolitan to be upon such terms and conditions as may be fixed by the Board of Directors of Metropolitan; and

B. WHEREAS, completion of said annexation shall be conditioned upon approval by the LAFCO; and

C. WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA) Rancho California Water District, a subagency to Eastern, acting as the Lead Agency, adopted a Negative Declaration (ND) on August 12, 2004, for the proposed annexation process (also known as Annexation No. 95, the Highpointe Temecula IV LP Project) associated with the 91st Fringe Area Annexation. Also pursuant to CEQA, Metropolitan, as Responsible Agency, is required to certify that it has reviewed and considered the information in the ND and adopt the Lead Agency's findings prior to approval of the formal terms and conditions for the 91st Fringe Area Annexation; and

D. WHEREAS, it appears to the Board of Directors of Metropolitan that such application should be granted, subject to the terms and conditions hereinafter set forth; and

E. NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Metropolitan, acting as Responsible Agency, has reviewed and considered the information in the ND and adopts the Lead Agency's findings prior to approval of the formal terms and conditions for the 91st Fringe Area Annexation; and subject to the following terms and conditions, does hereby grant the application of the governing body of Eastern for consent to annex the 91st Fringe Area Annexation Metropolitan and does hereby fix the terms and conditions of such annexation:

F. BE IT FURTHER RESOLVED that the Board of Directors of Metropolitan, subject to the following terms and conditions, does hereby grant the application of the governing body of Eastern for consent to annex of Eastern's 91st Fringe Area Annexation to Metropolitan and does hereby fix the terms and conditions of such annexation:

Section 1. The annexation of said area to Eastern shall be made concurrently with the annexation thereof to Metropolitan, and all necessary certificates, statements, maps, and other documents required to be filed by or on behalf of Eastern to effectuate the annexation shall be filed on or before December 31, 2007.

Section 2. Prior to filing a request for a Certificate of Completion of the annexation proceedings with LAFCO, Eastern shall submit a certified copy of LAFCO's resolution approving the annexation to the member agency, and shall pay to Metropolitan in cash \$63,162.60, if the annexation is completed by December 31, 2006. The annexation fee for processing this annexation was received prior to conditional approval. If the annexation is completed during the 2007 calendar year, the annexation charge will be calculated based on the then current rate, in accordance with Metropolitan's Administrative Code Section 3300.

Section 3. All necessary steps (including without limitation, pursuant to Article XIII D of the California Constitution) for imposition of Metropolitan water standby charge in the amount of \$6.94 per acre or per parcel of less than one acre for fiscal year 2006/07 shall be completed.

Section 4. a. Metropolitan shall be under no obligation to provide, construct, operate, or maintain feeder pipelines, structures, connections, and other facilities required for the delivery of water to said area from works owned or operated by Metropolitan.

b. Eastern shall not be entitled to demand that Metropolitan deliver water to Eastern for use, directly or indirectly, within said area, except for domestic or municipal use therein.

c. The delivery of all water by Metropolitan, regardless of the nature and time of use of such water shall be subject to the water service regulations, including rates promulgated from time to time by Metropolitan.

d. Except upon the terms and conditions specifically approved by the Board of Directors of Metropolitan, water sold and delivered by Metropolitan shall not be used in any manner which intentionally or avoidably results in the direct or indirect benefit of areas outside Metropolitan, including use of such water outside Metropolitan or use thereof within Metropolitan in substitution for other water outside Metropolitan.

G. BE IT FURTHER RESOLVED that the Executive Secretary is directed to transmit forthwith to the governing body of Eastern a certified copy of this resolution.

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of a resolution adopted by the Board of Directors of Metropolitan at its meeting held January 10, 2006.

Executive Secretary
The Metropolitan Water District
of Southern California

RESOLUTION**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
CONSENTING TO EASTERN MUNICIPAL WATER DISTRICT'S
92nd FRINGE AREA ANNEXATION
AND FIXING THE TERMS AND CONDITIONS OF SAID ANNEXATION TO
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

A. WHEREAS, the Board of Directors of the Eastern Municipal Water District (Eastern), a municipal water district, situated in the county of Riverside, state of California, pursuant to Resolution No. 4347, in accordance with the provisions of the Metropolitan Water District Act, has applied to the Board of Directors of The Metropolitan Water District of Southern California (Metropolitan) for consent to annex thereto certain uninhabited territory situated in the county of Riverside referred to as the 92nd Fringe Area Annexation, more particularly described in an application to the Riverside County Local Agency Formation Commission (LAFCO), concurrently with the annexation thereof to Eastern, such annexation to Metropolitan to be upon such terms and conditions as may be fixed by the Board of Directors of Metropolitan; and

B. WHEREAS, completion of said annexation shall be conditioned upon approval by the LAFCO; and

C. WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA) Rancho California Water District, a subagency to Eastern, acting as the Lead Agency, adopted a Negative Declaration (ND) on February 10, 2005, for the proposed annexation process (also known as Annexation No. 98, the Pina Trust Project) associated with the 92nd Fringe Area Annexation. Also pursuant to CEQA, Metropolitan, as Responsible Agency, is required to certify that it has reviewed and considered the information in the ND and adopt the Lead Agency's findings prior to approval of the formal terms and conditions for the 92nd Fringe Area Annexation; and

D. WHEREAS, it appears to the Board of Directors of Metropolitan that such application should be granted, subject to the terms and conditions hereinafter set forth; and

E. NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Metropolitan, acting as Responsible Agency, has reviewed and considered the information in the ND and adopts the Lead Agency's findings prior to approval of the formal terms and conditions for the 92nd Fringe Area Annexation; and subject to the following terms and conditions, does hereby grant the application of the governing body of Eastern for consent to annex the 92nd Fringe Area Annexation to Metropolitan and does hereby fix the terms and conditions of such annexation:

F. BE IT FURTHER RESOLVED that the Board of Directors of Metropolitan, subject to the following terms and conditions, does hereby grant the application of the governing body of Eastern for consent to annex of Eastern's 92nd Fringe Area Annexation to Metropolitan and does hereby fix the terms and conditions of such annexation:

Section 1. The annexation of said area to Eastern shall be made concurrently with the annexation thereof to Metropolitan, and all necessary certificates, statements, maps, and other documents required to be filed by or on behalf of Eastern to effectuate the annexation shall be filed on or before December 31, 2007.

Section 2. Prior to filing a request for a Certificate of Completion of the annexation proceedings with LAFCO, Eastern shall submit a certified copy of LAFCO's resolution approving the annexation to the member agency, and shall pay to Metropolitan in cash \$41,676, if the annexation is completed by December 31, 2006. The annexation fee for processing this annexation was received prior to conditional approval. If the annexation is completed during the 2007 calendar year, the annexation charge will be calculated based on the then current rate, in accordance with Metropolitan's Administrative Code Section 3300.

Section 3. All necessary steps (including without limitation, pursuant to Article XIII D of the California Constitution) for imposition of Metropolitan water standby charge in the amount of \$6.94 per acre or per parcel of less than one acre for fiscal year 2006/07 shall be completed.

Section 4. a. Metropolitan shall be under no obligation to provide, construct, operate, or maintain feeder pipelines, structures, connections, and other facilities required for the delivery of water to said area from works owned or operated by Metropolitan.

b. Eastern shall not be entitled to demand that Metropolitan deliver water to Eastern for use, directly or indirectly, within said area, except for domestic or municipal use therein.

c. The delivery of all water by Metropolitan, regardless of the nature and time of use of such water shall be subject to the water service regulations, including rates promulgated from time to time by Metropolitan.

d. Except upon the terms and conditions specifically approved by the Board of Directors of Metropolitan, water sold and delivered by Metropolitan shall not be used in any manner which intentionally or avoidably results in the direct or indirect benefit of areas outside Metropolitan, including use of such water outside Metropolitan or use thereof within Metropolitan in substitution for other water outside Metropolitan.

G. BE IT FURTHER RESOLVED that the Executive Secretary is directed to transmit forthwith to the governing body of Eastern a certified copy of this resolution.

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of a resolution adopted by the Board of Directors of Metropolitan at its meeting held January 10, 2006.

Executive Secretary
The Metropolitan Water District
of Southern California

RESOLUTION**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA
FIXING AND ADOPTING WATER STANDBY CHARGE
CONTINGENT UPON EASTERN
MUNICIPAL WATER DISTRICT'S ANNEXATION
90th FRINGE AREA ANNEXATION**

WHEREAS, pursuant to Resolution 8969, The Metropolitan Water District of Southern California's ("Metropolitan") Resolution of Intention to Impose Water Standby Charge, adopted by the Board of Directors (the "Board") of Metropolitan at its meeting held September 13, 2005, the Board gave notice to the public and to each member public agency of Metropolitan of the intention of the Board to consider and take action on the Chief Executive Officer's recommendation to impose a water charge for fiscal year 2005/06 on the property described in the Engineer's Report, dated June 2005 (the "Engineer's Report"), which was prepared by a registered professional engineer certified by the state of California and was attached to Resolution 8969;

WHEREAS, the owner of the parcel identified in the Engineer's Report has applied for annexation into the Eastern Municipal Water District ("Eastern") and Metropolitan;

WHEREAS, upon annexation, Metropolitan water will be available to such property and such parcels will receive the benefit of the projects provided in part with proceeds of Metropolitan water standby charges, as described in the Engineer's Report;

WHEREAS, Eastern has requested that Metropolitan impose water standby charges on such property at the rate specified in the Engineer's Report and provided herein, following annexation of such property into Metropolitan;

WHEREAS, Resolution 8969 provide that the Board would meet in regular session to hold a public protest hearing at which interested parties could present their views regarding the proposed water standby charges and the Engineer's Report;

WHEREAS, pursuant to the terms of Resolution 8969, the Executive Secretary provided written notice in accordance with the requirements of Article XIII D, Section 4 of the California Constitution of the proposed water standby charge by mail to the record owner of the property identified in the Engineer's Report of such public hearing, and the notice included an assessment ballot whereby the owner could indicate his or her name, reasonable identification of his or her parcel, and his or her support for or opposition to the proposed water standby charge;

WHEREAS, the Board conducted in conformance with Resolution 8969 a public hearing. The hearing was held November 8, 2005, at which interested parties were given the opportunity to present their views regarding the proposed water standby charge and the Engineer's Report and to protest the charges, if they so desired, and the Board duly considered any such protests and other views presented to it at the public hearing; and

WHEREAS, prior to the conclusion of the public hearing the Executive Secretary reviewed the assessment ballots submitted, and it was found that no majority protest (as defined in Article XIII D, Section 4 of the California Constitution) exists;

NOW THEREFORE, the Board of Directors of Metropolitan does hereby resolve, determine and order as follows:

Section 1. That the Board of Metropolitan, pursuant to the Engineer's Report, finds that the land described in said Engineer's Report upon annexation to Metropolitan will be benefited as described in such report and on that basis, hereby fixes and adopts a water standby charge for fiscal year 2005/06 on such lands to which Metropolitan water is made available for any purpose, whether water is actually used or not.

Section 2. That the water standby charge per acre of land, or per parcel of land less than an acre, as shown in the Engineer's Report, shall be \$6.94 which is equal to the amount of Metropolitan's existing water standby charge on other properties located within the territory of Eastern.

Section 3. That no water standby charge on any parcel exceeds the reasonable cost of the proportional special benefit conferred on that parcel, as shown in the Engineer's Report. The Engineer's Report separates the special benefits from the general benefits and identifies each of the parcels on which a special benefit is conferred.

Section 4. That the water standby charge shall be collected on the tax rolls, together with the ad valorem property taxes, which are levied by Metropolitan for the payment of pre-1978 voter-approved indebtedness. Any amounts so collected shall be applied as a credit against Eastern's obligation to pay its readiness-to-serve charge for fiscal year 2005/06. After such member agency's readiness-to-serve charge allocation is fully satisfied, any additional collections shall be credited to other outstanding obligations of such member agency to Metropolitan or future readiness-to-serve obligations of such agency.

Section 5. That the water standby charge is fixed and adopted contingent upon completion of annexation of the land described in the Engineer's Report. If such annexation is not completed in time to permit imposition of standby charges for fiscal year 2005/06, Metropolitan may levy standby charges at the rate stated in this resolution beginning in a subsequent fiscal year.

Section 6. That in the event that the water standby charge, or any portion thereof, is determined to be an unauthorized or invalid fee, charge or assessment by a final judgment in any proceeding at law or in equity, which judgment is not subject to appeal, or if the collection of the water standby charge shall be permanently enjoined and appeals of such injunction have been declined or exhausted, or if Metropolitan shall determine to rescind or revoke the water standby charge, then no further water standby charge shall be collected within the territory described in the Engineer's Report and Eastern shall pay its readiness-to-serve charge obligation to Metropolitan in full, as if imposition of such water standby charges had never been sought.

Section 7. That pursuant to the provisions of the California Environmental Quality Act (CEQA), Rancho California Water District, a subagency to Eastern and acting as the Lead Agency, adopted a Negative Declaration (ND) on August 12, 2004, for the proposed annexation process (also known as Annexation No. 91, the Highpointe BW LLC Project) associated with the 90th Fringe Area Annexation. Also pursuant to CEQA, Metropolitan, as Responsible Agency, is required to certify that it has reviewed and considered the information in the ND and adopts the Lead Agency's findings prior to approval of fixing and adopting water standby charges for the 90th Fringe Area Annexation.

Section 8. That the Chief Executive Officer is hereby authorized and directed to take all necessary action to secure the collection of the water standby charges by the appropriate county officials, including payment of the reasonable cost of collection.

Section 9. That the Chief Executive Officer and General Counsel are hereby authorized to do all things necessary and desirable to accomplish the purposes of this resolution, including, without limitation, the commencement or defense of litigation.

Section 10. That if any provision of this resolution or the application to any member agency, property or person whatsoever is held invalid, that invalidity shall not affect the other provisions or applications of this resolution which can be given effect without the invalid portion or application, and to that end the provisions of this resolution are severable.

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of a resolution adopted by the Board of Directors of Metropolitan at its meeting held on January 10, 2006.

Executive Secretary
The Metropolitan Water District
of Southern California

RESOLUTION**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA
FIXING AND ADOPTING WATER STANDBY CHARGE
CONTINGENT UPON EASTERN
MUNICIPAL WATER DISTRICT'S ANNEXATION
91st FRINGE AREA ANNEXATION**

WHEREAS, pursuant to Resolution 8970, The Metropolitan Water District of Southern California's ("Metropolitan") Resolution of Intention to Impose Water Standby Charge, adopted by the Board of Directors (the "Board") of Metropolitan at its meeting held September 13, 2005, the Board gave notice to the public and to each member public agency of Metropolitan of the intention of the Board to consider and take action on the Chief Executive Officer's recommendation to impose a water charge for fiscal year 2005/06 on the property described in the Engineer's Report, dated June 2005 (the "Engineer's Report"), which was prepared by a registered professional engineer certified by the state of California and was attached to Resolution 8970;

WHEREAS, the owner of the parcel identified in the Engineer's Report has applied for annexation into the Eastern Municipal Water District ("Eastern") and Metropolitan;

WHEREAS, upon annexation, Metropolitan water will be available to such property and such parcels will receive the benefit of the projects provided in part with proceeds of Metropolitan water standby charges, as described in the Engineer's Report;

WHEREAS, Eastern has requested that Metropolitan impose water standby charges on such property at the rate specified in the Engineer's Report and provided herein, following annexation of such property into Metropolitan;

WHEREAS, Resolution 8970 provide that the Board would meet in regular session to hold a public protest hearing at which interested parties could present their views regarding the proposed water standby charges and the Engineer's Report;

WHEREAS, pursuant to the terms of Resolution 8970, the Executive Secretary provided written notice in accordance with the requirements of Article XIII D, Section 4 of the California Constitution of the proposed water standby charge by mail to the record owner of the property identified in the Engineer's Report of such public hearing, and the notice included an assessment ballot whereby the owner could indicate his or her name, reasonable identification of his or her parcel, and his or her support for or opposition to the proposed water standby charge;

WHEREAS, the Board conducted in conformance with Resolution 8970 a public hearing. The hearing was held November 8, 2005, at which interested parties were given the opportunity to present their views regarding the proposed water standby charge and the Engineer's Report and to protest the charges, if they so desired, and the Board duly considered any such protests and other views presented to it at the public hearing; and

WHEREAS, prior to the conclusion of the public hearing the Executive Secretary reviewed the assessment ballots submitted, and it was found that no majority protest (as defined in Article XIII D, Section 4 of the California Constitution) exists;

NOW THEREFORE, the Board of Directors of Metropolitan does hereby resolve, determine and order as follows:

Section 1. That the Board of Metropolitan, pursuant to the Engineer's Report, finds that the land described in said Engineer's Report upon annexation to Metropolitan will be benefited as described in such report and on that basis, hereby fixes and adopts a water standby charge for fiscal year 2005/06 on such lands to which Metropolitan water is made available for any purpose, whether water is actually used or not.

Section 2. That the water standby charge per acre of land, or per parcel of land less than an acre, as shown in the Engineer's Report, shall be \$6.94 which is equal to the amount of Metropolitan's existing water standby charge on other properties located within the territory of Eastern.

Section 3. That no water standby charge on any parcel exceeds the reasonable cost of the proportional special benefit conferred on that parcel, as shown in the Engineer's Report. The Engineer's Report separates the special benefits from the general benefits and identifies each of the parcels on which a special benefit is conferred.

Section 4. That the water standby charge shall be collected on the tax rolls, together with the ad valorem property taxes, which are levied by Metropolitan for the payment of pre-1978 voter-approved indebtedness. Any amounts so collected shall be applied as a credit against Eastern's obligation to pay its readiness-to-serve charge for fiscal year 2005/06. After such member agency's readiness-to-serve charge allocation is fully satisfied, any additional collections shall be credited to other outstanding obligations of such member agency to Metropolitan or future readiness-to-serve obligations of such agency.

Section 5. That the water standby charge is fixed and adopted contingent upon completion of annexation of the land described in the Engineer's Report. If such annexation is not completed in time to permit imposition of standby charges for fiscal year 2005/06, Metropolitan may levy standby charges at the rate stated in this resolution beginning in a subsequent fiscal year.

Section 6. That in the event that the water standby charge, or any portion thereof, is determined to be an unauthorized or invalid fee, charge or assessment by a final judgment in any proceeding at law or in equity, which judgment is not subject to appeal, or if the collection of the water standby charge shall be permanently enjoined and appeals of such injunction have been declined or exhausted, or if Metropolitan shall determine to rescind or revoke the water standby charge, then no further water standby charge shall be collected within the territory described in the Engineer's Report and Eastern shall pay its readiness-to-serve charge obligation to Metropolitan in full, as if imposition of such water standby charges had never been sought.

Section 7. That pursuant to the provisions of the California Environmental Quality Act (CEQA), Rancho California Water District, a subagency to Eastern and acting as the Lead Agency, adopted a Negative Declaration (ND) on August 12, 2004, for the proposed annexation process (also known as Annexation No. 95, the Highpointe Temecula IV LP Project) associated with the 91st Fringe Area Annexation. Also pursuant to CEQA, Metropolitan, as Responsible Agency, is required to certify that it has reviewed and considered the information in the ND and adopts the Lead Agency's findings prior to approval of fixing and adopting water standby charges for the 91st Fringe Area Annexation.

Section 8. That the Chief Executive Officer is hereby authorized and directed to take all necessary action to secure the collection of the water standby charges by the appropriate county officials, including payment of the reasonable cost of collection.

Section 9. That the Chief Executive Officer and General Counsel are hereby authorized to do all things necessary and desirable to accomplish the purposes of this resolution, including, without limitation, the commencement or defense of litigation.

Section 10. That if any provision of this resolution or the application to any member agency, property or person whatsoever is held invalid, that invalidity shall not affect the other provisions or applications of this resolution which can be given effect without the invalid portion or application, and to that end the provisions of this resolution are severable.

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of a resolution adopted by the Board of Directors of Metropolitan at its meeting held on January 10, 2006.

Executive Secretary
The Metropolitan Water District
of Southern California

RESOLUTION**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA
FIXING AND ADOPTING WATER STANDBY CHARGE
CONTINGENT UPON EASTERN
MUNICIPAL WATER DISTRICT'S ANNEXATION
92nd FRINGE AREA ANNEXATION**

WHEREAS, pursuant to Resolution 8971, The Metropolitan Water District of Southern California's ("Metropolitan") Resolution of Intention to Impose Water Standby Charge, adopted by the Board of Directors (the "Board") of Metropolitan at its meeting held September 13, 2005, the Board gave notice to the public and to each member public agency of Metropolitan of the intention of the Board to consider and take action on the Chief Executive Officer's recommendation to impose a water charge for fiscal year 2005/06 on the property described in the Engineer's Report, dated June 2005 (the "Engineer's Report"), which was prepared by a registered professional engineer certified by the state of California and was attached to Resolution 8971;

WHEREAS, the owner of the parcel identified in the Engineer's Report has applied for annexation into the Eastern Municipal Water District ("Eastern") and Metropolitan;

WHEREAS, upon annexation, Metropolitan water will be available to such property and such parcels will receive the benefit of the projects provided in part with proceeds of Metropolitan water standby charges, as described in the Engineer's Report;

WHEREAS, Eastern has requested that Metropolitan impose water standby charges on such property at the rate specified in the Engineer's Report and provided herein, following annexation of such property into Metropolitan;

WHEREAS, Resolution 8971 provide that the Board would meet in regular session to hold a public protest hearing at which interested parties could present their views regarding the proposed water standby charges and the Engineer's Report;

WHEREAS, pursuant to the terms of Resolution 8971, the Executive Secretary provided written notice in accordance with the requirements of Article XIII D, Section 4 of the California Constitution of the proposed water standby charge by mail to the record owner of the property identified in the Engineer's Report of such public hearing, and the notice included an assessment ballot whereby the owner could indicate his or her name, reasonable identification of his or her parcel, and his or her support for or opposition to the proposed water standby charge;

WHEREAS, the Board conducted in conformance with Resolution 8971 a public hearing. The hearing was held November 8, 2005, at which interested parties were given the opportunity to present their views regarding the proposed water standby charge and the Engineer's Report and to protest the charges, if they so desired, and the Board duly considered any such protests and other views presented to it at the public hearing; and

WHEREAS, prior to the conclusion of the public hearing the Executive Secretary reviewed the assessment ballots submitted, and it was found that no majority protest (as defined in Article XIII D, Section 4 of the California Constitution) exists;

NOW THEREFORE, the Board of Directors of Metropolitan does hereby resolve, determine and order as follows:

Section 1. That the Board of Metropolitan, pursuant to the Engineer's Report, finds that the land described in said Engineer's Report upon annexation to Metropolitan will be benefited as described in such report and on that basis, hereby fixes and adopts a water standby charge for fiscal year 2005/06 on such lands to which Metropolitan water is made available for any purpose, whether water is actually used or not.

Section 2. That the water standby charge per acre of land, or per parcel of land less than an acre, as shown in the Engineer's Report, shall be \$6.94 which is equal to the amount of Metropolitan's existing water standby charge on other properties located within the territory of Eastern.

Section 3. That no water standby charge on any parcel exceeds the reasonable cost of the proportional special benefit conferred on that parcel, as shown in the Engineer's Report. The Engineer's Report separates the special benefits from the general benefits and identifies each of the parcels on which a special benefit is conferred.

Section 4. That the water standby charge shall be collected on the tax rolls, together with the ad valorem property taxes, which are levied by Metropolitan for the payment of pre-1978 voter-approved indebtedness. Any amounts so collected shall be applied as a credit against Eastern's obligation to pay its readiness-to-serve charge for fiscal year 2005/06. After such member agency's readiness-to-serve charge allocation is fully satisfied, any additional collections shall be credited to other outstanding obligations of such member agency to Metropolitan or future readiness-to-serve obligations of such agency.

Section 5. That the water standby charge is fixed and adopted contingent upon completion of annexation of the land described in the Engineer's Report. If such annexation is not completed in time to permit imposition of standby charges for fiscal year 2005/06, Metropolitan may levy standby charges at the rate stated in this resolution beginning in a subsequent fiscal year.

Section 6. That in the event that the water standby charge, or any portion thereof, is determined to be an unauthorized or invalid fee, charge or assessment by a final judgment in any proceeding at law or in equity, which judgment is not subject to appeal, or if the collection of the water standby charge shall be permanently enjoined and appeals of such injunction have been declined or exhausted, or if Metropolitan shall determine to rescind or revoke the water standby charge, then no further water standby charge shall be collected within the territory described in the Engineer's Report and Eastern shall pay its readiness-to-serve charge obligation to Metropolitan in full, as if imposition of such water standby charges had never been sought.

Section 7. That pursuant to the provisions of the California Environmental Quality Act (CEQA), Rancho California Water District, a subagency to Eastern and acting as the Lead Agency, adopted a Negative Declaration (ND) on February 10, 2005, for the proposed annexation process (also known as Annexation 98, the Pena Trust Project) associated with the 92nd Fringe Area Annexation. Also pursuant to CEQA, Metropolitan, as Responsible Agency, is required to certify that it has reviewed and considered the information in the ND and adopts the Lead Agency's findings prior to approval of fixing and adopting water standby charges for the 92nd Fringe Area Annexation.

Section 8. That the Chief Executive Officer is hereby authorized and directed to take all necessary action to secure the collection of the water standby charges by the appropriate county officials, including payment of the reasonable cost of collection.

Section 9. That the Chief Executive Officer and General Counsel are hereby authorized to do all things necessary and desirable to accomplish the purposes of this resolution, including, without limitation, the commencement or defense of litigation.

Section 10. That if any provision of this resolution or the application to any member agency, property or person whatsoever is held invalid, that invalidity shall not affect the other provisions or applications of this resolution which can be given effect without the invalid portion or application, and to that end the provisions of this resolution are severable.

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of a resolution adopted by the Board of Directors of Metropolitan at its meeting held on January 10, 2006.

Executive Secretary
The Metropolitan Water District
of Southern California