

RESOLUTION NO. 09-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
APPROVING AND ACCEPTING THE
SAN MIGUEL COMMUNITY SERVICES DISTRICT AS A MUNICIPAL USER
UNDER THE PASO ROBLES GROUNDWATER BASIN AGREEMENT

WHEREAS, the City of El Paso de Robles (the "City") is a party to and a Municipal User under the Paso Robles Groundwater Basin Agreement, regarding management of the Paso Robles Groundwater Basin, entered into on August 19, 2005 (the "Agreement");

WHEREAS, the Agreement provides that additional purveyors of water for domestic or municipal and industrial purposes may become a party to the Agreement as a Municipal User under the Agreement by executing a form entitled "Addition of Municipal User to Agreement," which shall become effective when accepted by a majority of the then-existing Municipal Users;

WHEREAS, the San Miguel Community Services District desires to become a party to the Agreement as a Municipal User; and

WHEREAS, the Board of Directors of the San Miguel Community Services District has approved its execution of the Agreement by a minute motion on June 25, 2009.

THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby approves and accepts the San Miguel Community Services District as a Municipal User under the Agreement.

SECTION 2. The City Council hereby authorizes the City Manager to execute on the City's behalf t "Addition of Municipal User to Agreement," in substantially the form attached hereto as Exhibit A and incorporated herein by reference, subject to any minor technical and/or clarifying changes approved by the City Attorney.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this October 6, 2009, by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Duane Picanco, Mayor

ATTEST:

Cathy David, Deputy City Clerk

EXHIBIT A

**RECORDING REQUESTED BY
& RETURN TO:**



**ADDITION OF MUNICIPAL USER TO AGREEMENT
(RELATED TO PASO ROBLES GROUNDWATER BASIN AGREEMENT)**

DATED 2005, RECORDED MARCH 16, 2006)

WHEREAS, certain Landowners (sometimes referred to as the "PRIOR" group), and certain Municipal Users have entered into an Agreement entitled "Paso Robles Groundwater Basin Agreement" dated 2005, ("Agreement"), which was recorded in the Official Records of San Luis Obispo County, California on March 16, 2006 as Document No. 2006018273; and

WHEREAS, Article 9 of the Agreement provides for the addition of a purveyor of water for domestic or municipal and industrial purposes ("Purveyor") that desires to become a Municipal User under the Agreement; and

WHEREAS, the undersigned Purveyor, having received and reviewed a copy of the Agreement, wishes to become a party to it.

NOW, THEREFORE, acknowledging that the Whereas clauses above are correct and are a part of this agreement, upon acceptance by signature below of a simple numerical majority of the existing Municipal Users (all of which Municipal Users are listed in the signature blocks below), the undersigned Purveyor shall become a party to the Agreement, effective immediately. Said undersigned Purveyor shall bear the benefits and enjoy the burdens of the Agreement thereafter, as a Municipal User, as though the Purveyor had originally executed the Agreement as it now exists or may be amended in the future, and for so long as the Agreement remains in effect.

IN WITNESS HEREOF, the foregoing is executed and agreed to this _____ day of _____.

EXHIBIT A

SAN MIGUEL COMMUNITY SERVICES
DISTRICT

By: _____

ACCEPTED AND APPROVED:

CITY OF EL PASO DE ROBLES

By: _____

James L. App, City Manager

COUNTY OF SAN LUIS OBISPO, acting
solely for and on behalf of SERVICE AREA 16

By: _____