

**RESOLUTION NO. .**

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA**

\* \* \* \* \*

**RESOLUTION AUTHORIZING: A) THE BOARD PRESIDENT TO EXECUTE AN AMENDED ENCROACHMENT PERMIT WITH LOMA MAR MUTUAL WATER & IMPROVEMENT COMPANY TO ALLOW FOR THE REPLACEMENT OF WATER STORAGE FACILITIES OVER COUNTY OWNED PROPERTY IN LOMA MAR IN THE UNINCORPORATED AREA OF SAN MATEO COUNTY; AND B) THE COUNTY MANAGER OR DESIGNEE TO ACCEPT AND EXECUTE ON BEHALF OF THE COUNTY ANY AND ALL NOTICES, CONSENTS, APPROVALS, TERMINATIONS, AND OTHER DOCUMENTS IN CONNECTION WITH THE AMENDED ENCROACHMENT PERMIT**

---

**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that

**WHEREAS**, pursuant to Resolution No. 072980, on June 16, 2014 the County acquired approximately 174 acres of land (APNs 084-101-010, 084-101-020; 084-102-010; 084-102-020; 084-102-030; and 084-102-040) ("Property") located north of Pescadero Creek Road in Loma Mar in unincorporated San Mateo County from the Superintendent of Schools of the County of San Mateo ("County Superintendent"); and

**WHEREAS**, the Property was acquired by the County, in part with funds from the Peninsula Open Space Trust and the California State Coastal Conservancy, and is subject to certain conservation restrictions and conditions; and

**WHEREAS**, the Property is connected to Memorial Park and is operated by the County as part of its Park system; and

**WHEREAS**, the Property was acquired subject to a recorded 1985 Revocable

Encroachment Permit (“Permit”) granted by the County Superintendent to Loma Mar Mutual Water & Improvement Company (“Loma Mar Water”), a nonprofit mutual benefit company that operates a potable water system serving the Loma Mar Subdivision, that granted Loma Mar Water rights to erect and maintain water storage facilities and ancillary equipment for approximately 58,500 gallons of capacity over a portion of the Property; and

**WHEREAS**, Loma Mar Water desires to implement a project with funding from the California Department of Water Resources Bay Area Integrated Regional Water Management Plan to update its aging facilities on the Property in order to better serve the water needs of the community of Loma Mar and protect in-stream creek flows and salmon habitat (“Project”); and

**WHEREAS**, Loma Mar Water asserts a claim that it obtained a prescriptive easement over the Property prior to the issuance of the Permit (“Claim”) and thus no express permission from the County is required to authorize the Project on the Property, which Claim the County disputes; and

**WHEREAS**, the parties desire to enter into an agreement to authorize certain Project-related activities on the Property without determination of, or prejudice to, the parties’ respective positions regarding the Claim; and

**WHEREAS**, there has been presented to this Board for its consideration an Amended Encroachment Permit with Loma Mar Water that authorizes certain-related Project activities on the Property, as described therein; and

**WHEREAS**, the Amended Encroachment Permit does not authorize a net

increase in the total water storage capacity;

**WHEREAS**, the Board finds that the Amended Encroachment Permit is in the public interest and that the rights granted to Loma Mar Water pursuant to the Amended Encroachment Permit will not substantially conflict or interfere with the use of the Property by the County; and

**WHEREAS**, this Board has considered the Amended Encroachment Permit and desires to enter into it.

**NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** that the President of this Board of Supervisors be, and is hereby authorized, and directed to execute the Amended Encroachment Permit for and on behalf of the County of San Mateo, and the Clerk of this Board shall attest the President's signature thereto.

**IT IS FURTHER DETERMINED AND ORDERED** that the County Manager, or his designee, to accept or execute, on behalf of the County of San Mateo, any and all notices, consents, approvals, terminations, and other documents in connection with the Amended Encroachment Permit.

\* \* \* \* \*