

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 73-14

WAIVE CONDITION OF THE STATE GRANT CONTRACT FOR
PROJECT NO. C-06-0539 (ALPINE SANITATION DISTRICT)
TO ALLOW CONNECTION OF THE JACK R. HOWARD TRAILER
PARK TO THE ALPINE INTERCEPTOR LINE

WHEREAS:

1. On August 4, 1971, the State of California and the Alpine Sanitation District entered into a grant contract providing State funds to the Alpine Sanitation District for Project No. C-06-0539.
2. The said project includes the construction of a trunk sewer known as the Alpine Interceptor Line which has been constructed in the right-of-way of State Highway 80 to connect the facilities of the Alpine Sanitation District with the facilities of the Lakeside Sanitation District.
3. The grant contract contains the following condition:

"The Municipality agrees that no lateral connection shall be made to the trunk sewer outside the existing boundaries and no annexations will be permitted along the trunk sewer unless changes to the County General Plan allow such connections."
4. Jack R. Howard and Chieko Howard own property located between the Lakeside Sanitation District and the Alpine Sanitation District but located in neither district.
5. In the case of Jack R. Howard and Chieko Howard vs County of San Diego, et al., Superior Court of the State of California for the County of San Diego No. 322684, the Howards claim a right to receive sewer service from the Lakeside Sanitation District and a right to connect a 7,000 foot sewer main between their property and the closest existing facilities of the Lakeside Sanitation District and a right to be partially reimbursed for their costs in the event that properties later connect to the line which they would construct.
6. In the decision of the court in that case, the court upheld the position of plaintiffs and ruled that the Lakeside Sanitation District had an obligation from and after December 30, 1969, to provide service to the Howard property and to construct a main between plaintiffs' property and the existing district facilities subject to reimbursement of costs if properties later connect to that line.

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7. Mr. Howard and the District have agreed to allow connection of the Howard property to the Alpine Interceptor Line in lieu of constructing a sewer main.
8. Connection to the Alpine Interceptor would be more desirable than construction of a new main in that it would avoid the adverse environmental impact and public nuisance of tearing up State Highway 80 again to install a sewer main parallel to the Alpine Interceptor Line and it would also avoid the adverse land development pressures which would result from having two sewer mains in Highway 80, one of which is subject to an agreement for reimbursement if other properties are developed and connect to the line,

NOW THEREFORE BE IT RESOLVED, that the said grant contract for Project No. C-06-0539 (Alpine Sanitation District) be and it is amended to waive the condition prohibiting lateral connections to the trunk sewer for the purpose of allowing the Howard property to be connected to the trunk sewer without jeopardizing the grant. This waiver shall not be construed to permit any other connection in violation of the terms of said grant contract.

CERTIFICATION

The undersigned, Executive Officer of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on March 15, 1973.

Bill B. Dendy

• Bill B. Dendy
Executive Officer