

April 26, 2022

Muir Beach Community Services District  
19 Seacape Drive  
Muir Beach, CA 9495

21 Seacape Drive  
Muir Beach, CA  
94965  
kasey@seren.legal

**RE: Damage caused to 285 Sunset Way**

Dear CSD Board Members Taylor, Jeschke, Eigsti, Hills, and Schaffer,

I write on behalf of Kate and Stephen Somers, at 285 Sunset Way, who have retained me to represent them in seeking compensation for the damage done to their home during the October 24, 2021 mudslide. I will note at the outset that they sought counsel who understands the importance of neighborly relations and bonds in this unique community and it is not the Somerses' desire to sue their neighbors nor to sue the governing board of this community. That said, the District had an ongoing obligation to maintain the drainage easement running behind the houses across the street from the Somerses' house to ensure that something like this did not happen. It failed to do so and, as a result, the Somerses suffered \$23,497.42 in damages. (See **Exhibit 1**, attached hereto, detailing their damages.)

**I. Had the drainage culvert been kept clear, the mudslide would not have reached 285 Sunset Way.**

There has been much speculation about what prompted the mud to flow: the road on Charlotte's Way was created such that the drainage in place became nonfunctional; Don Cohon's tree fell, arguably taking out the structure holding the mud on the hill; the hill itself appears to be subject to debris flows. The issue remains, however, that once the drainage culvert was cleared of preexisting debris, the mud flowed down the drainage culvert as designed. Witnesses to the event verify this. Additionally, when the next significant storm arrived, no mud, water, or other intrusion occurred at 285 Sunset Way.

Given the relatively low damages amount, the Somerses have not hired an expert yet to render an opinion on the matter and are basing this on their own and others' personal observations of what occurred following the clearing of the culvert. Additionally, an expert who rendered an opinion for Don Cohon stated that while the hill itself is subject to debris slides, 260 Sunset Way is not in the debris flow zone. 285 Sunset lies across the street from 260 and if 260 is not in the debris flow zone, it stands to reason that 285 is not either. (A copy of this communication is attached hereto as **Exhibit 2**.)

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However, should the Somerses need to pursue the matter further in an inverse condemnation claim, they will hire all necessary experts. Should they prevail in that claim, which they expect to based on the elements laid out below, their reasonable fees and costs will be awarded to them. It is our hope that this matter can be resolved as amicably as possible between the parties without having to resort to litigation. Litigation would be a waste of valuable resources on both sides and should be entirely unnecessary. Thus, in an effort to avoid the need to escalate the conversation beyond this, the basis for the Somerses' claim against the District is set out herein.

## **II. The Somerses have a viable claim for Inverse Condemnation against the CSD.**

Inverse condemnation allows real property owners who have been harmed by the inaction of a public entity to recover for damages caused thereby:

Article I, section 19 (formerly art. I, § 14) of the California Constitution requires that just compensation be paid when private property is taken or damaged for public use. Therefore, a public entity may be liable in an inverse condemnation action for any physical injury to real property proximately caused by a public improvement as deliberately designed and constructed, whether or not that injury was foreseeable, and in the absence of fault by the public entity. [Citations.] [¶] A storm drainage system constructed and maintained by a public entity is such a public improvement. [Citations.] An action in inverse condemnation will lie when damage to private property is proximately caused by use of a storm drainage system for its intended purpose. [Citation.] The fact that a part of the system may have been actually constructed by a private person will not insulate a public entity from liability, if the system has been accepted or otherwise approved by the public entity. [Citation.]

(*Souza v. Silver Development Co.* (1985) 164 Cal.App.3d 165, 170.) "[T]he courts have consistently held that 'even when a public agency is engaged in such 'privileged activity' as the construction of barriers to protect against floodwaters, it must [at least] act reasonably and non-negligently. [Citations.]'" (*Gutierrez v. County of San Bernardino* (2011) 198 Cal.App.4th 831, 846, quoting *Belair v. Riverside County Flood Control Dist.* (1988) 47 Cal.3d 550, 564.)

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“An action for inverse condemnation lies when there is ‘actual physical injury to real property proximately caused by [a public] improvement as deliberately designed and constructed . . . whether [said physical injury is] foreseeable or not.’ [Citation.] To be a proximate cause, the design, construction, or maintenance of the improvement must be a substantial cause of the damages.” (*Id.* at 837.) Here, the issue was the maintenance of the drainage culvert, or the lack thereof, which was unreasonable. Had the culvert been maintained properly, the mud would have flown down it and not over it and into the Somerses’ house. This is evidenced by the fact that once the rocks and pre-existing debris were removed from the culvert, the mud flowed down the culvert.

### **III. The District had a duty to maintain the drainage culvert.**

The drainage culvert that runs between the houses on Ahab and Sunset is an easement held by the District for the benefit of storm drainage. It appears on the 1964 Seacape Improvement Plans (p. 4 of the PDF available on the District’s web site) the Subdivision Map for the Seacape subdivision.

Following a CSD Board election on November 4, 1969, the CSD expanded its duties to include “[t]he construction and improvement of . . . culverts [and] drains.” (See Resolution No. 328, p. 1, attached hereto as **Exhibit 3**; see also Exhibit 2, p. 3.) On October 20, 1971, the CSD expanded the role of the District Manager “to include necessary maintenance of District facilities and new construction projects or supervision of contracts pertaining thereto including all powers now assigned to the District . . . .” (*Id.* at p. 3.) Since that time, the CSD has exercised control over the drainage culvert. This is evidenced by the 2002 topographical survey of the “drainage swale” that the Board commissioned “for a future regrading project.” (Strip Survey, attached hereto as **Exhibit 4**, at 10.) The improvements the CSD made in the drainage culvert, which are reflected on the topographical map, are still evident today.

“[O]rdinarily an easement or dominant tenement owner has the duty to maintain and repair the easement and the servient tenement owner is under no duty to do so.” (*Alcaraz v. Vece* (1997) 14 Cal.4th 1149, 1172, quoting *Williams v. Foster* (1989) 216 Cal.App.3d 510, 522, fn 9.) Where a governmental entity exercises control over a drainage easement, improves it, turns it to a public work or it serves a public benefit, said entity can be held liable for inverse condemnation if it unreasonably fails to maintain it. (*Gutierrez v. County of San Bernardino* (2011) 198 Cal.App.4th 831, 842, fn 5.) Here, the CSD deliberately expanded its charter to include management of drainage, accepted responsibility for the drainage easement that appears on the Seacape Subdivision Map, improved the culvert, surveyed the culvert, and potentially

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regraded the culvert. The CSD, thus, had the duty to maintain reasonably the easement it holds.

## **IV. The District did not delegate its duty to the Sunset Way homeowners.**

It has been mentioned to the Somerses that the CSD believes it assigned all responsibility for maintenance of the easement to the homeowners whose property the easement traverses. It was stated this was done through the MBCSD Land Uses, Easements, and Encroachment Policy. For several reasons, this is not an effective transfer of the District's responsibility to maintain the easement.

To begin with, as noted above, the general presumption is that the owner of the easement (here the CSD) is responsible for its maintenance and that there is no duty on the landowner (servient tenement owner) to maintain it. Certainly the servient tenement owner cannot interfere with the easement, but the affirmative maintenance duty falls to the CSD. Civil Code § 845 requires an agreement between the parties for the landowner to be responsible for maintaining the CSD's easement.

Moreover, the CSD cannot outsource its maintenance duty through a policy published on its web site relating to encroachments. The "District Easement Policy" does not comport with the District's legal obligations. If the CSD holds an easement over private property, it owns a legal right in those properties and, as noted, has attendant responsibilities. If the District wishes to extinguish an easement, the Subdivision Map Act sets out a process for it to do so. In the meantime, none of this addresses that the CSD deliberately expanded its duties to take on drainage on behalf of the community and it cannot now delegate that in a non-binding policy.

The CSD had stated that it would send a letter to the community regarding the new easement policy and have a meeting with impacted residents. However, no such communication ever occurred and no meeting with residents who were now expected to take on the responsibility of maintaining any easement was held.

## **V. The homeowner at 260 Sunset does not bear responsibility.**

A CSD Board Member had suggested to the Somerses that they sue Don Cohon's homeowner's insurance company to cover the damage. However, the homeowner's insurance company denied coverage when the claim was presented because Mr. Cohon could not be deemed negligent. As noted, Mr.

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Cohon had no duty to maintain the culvert and, thus, was not negligent in failing to do so.

## **VI. The District acted unreasonably in failing to maintain the drainage culvert.**

When evaluating whether a governmental entity should be responsible for damage to real property under inverse condemnation due to lack of maintenance of a drainage culvert the following factors are considered: “(1) The overall public purpose being served by the improvement project; (2) the degree to which the plaintiff’s loss is offset by reciprocal benefits; (3) the availability to the public entity of feasible alternatives with lower risks; (4) the severity of the plaintiff’s damage in relation to risk-bearing capabilities; (5) the extent to which damage of the kind the plaintiff sustained is generally considered as a normal risk of land ownership; and (6) the degree to which similar damage is distributed at large over other beneficiaries of the project or is peculiar only to the plaintiff.” (*Gutierrez, supra*, at p. 848.)

In this case, the Somerses, like the rest of the community on Sunset that is near the culvert, area benefit from the drainage provided. On October 24, 2021, a record-breaking storm dumped more than ten inches of rain on Mt. Tam in one day. In total, with that storm, Mt. Tam received a total of 16.55 inches of rain in the forty-eight period. This was included in the “bomb cyclone” forecast. However, there is no indication that the CSD inspected the culvert preceding such a deluge to ensure that nothing occluded the culvert or prevented the clear passage of storm runoff.

It is unclear to what extent, if any, the District has a policy of routine inspection and maintenance of the culvert. Residents whose property backs up to the culvert have indicated that they have never seen routine maintenance or inspections performed on the culvert. Additionally, a recent visit to the culvert revealed that a portion of the culvert and associated pedestrian pathway has been fenced in, preventing access to that portion of it. Additionally, in another location, close to the stairs between Ahab and Sunset, grass had been trimmed in the area and left in the culvert. (See photographs of both conditions, attached hereto as **Exhibit 5**.) While we likely are out of the rainy season for now, these intrusions into the drainage culvert can accumulate over time and render the drainage impact minimized or null.

It does appear that the CSD was put on notice of this possibility some time ago. The 2002 topographical survey of the drainage swale shows a significant amount of heavy brush that rendered portions of the culvert inaccessible for the purposes of surveying. There were also trees noted growing in the culvert. It is

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unclear what level of ongoing remediation was completed because portions of the culvert continue to harbor heavy brush.

A drainage culvert that is filled with heavy brush, rocks, and tree limbs is unlikely to be able to manage the storm flow from the increasingly severe storms we are experiencing. The burden of inspecting the culvert and removing debris and obstacles is low compared with the damage done when such inspection and remediation action is not taken.

## **VII. The failure to maintain the culvert caused the damage to the Somerses' home.**

As evidenced by the fact that once the rocks were cleared from the drainage culvert, mud stopped running down to 285 Sunset, had the culvert been kept clear and unobstructed, the mud would not have overflowed its banks and would have been diverted. This mud was the sole cause of damage to 285 Sunset. Regardless of what caused the tree to fall or mud to slide down the hill, it would have been caught in a clear culvert. Additionally, to there is an argument that the water on Charlotte's Way was unable to drain and caused extra runoff, that, too, falls under the CSD's drainage responsibility. Also, it is notable that the CSD helped negotiate and pay for the Charlotte's Way paving, which was done in such a manner that precluded proper drainage.

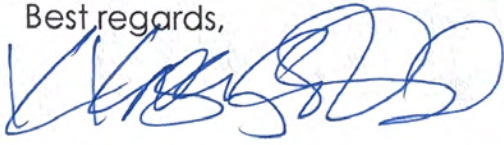
## **VIII. Conclusion.**

The CSD expanded its own charter to take on drainage responsibility specifically. It then assumed responsibility for the drainage culvert that runs on Sunset Way. Evidence suggests that the District did not routinely inspect and maintain the culvert such that it could operate unimpeded, particularly before the October 2021 storm, which was predicted to break records. Had the culvert been clear, the mud would have flown down it instead of into 285 Sunset. Because this did not happen, the Somerses suffered nearly \$25,000 in damages. Since that time, everyone has pointed a finger at someone else as the responsible party. While this letter was not the route the Somerses wanted to proceed, they have been left with no other option. Should they be forced to escalate matters, they will seek fees and costs associated with such action. What they would rather do is resolve this issue with the CSD as informally and amicably as possible.

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Best regards,

A handwritten signature in blue ink, appearing to read 'K. Corbit', with a stylized, looping flourish at the end.

K. Kasey Corbit, Esq.

**EXHIBIT 1**



To Whom It May Concern:

February 8, 2022

We are now able to summarize the costs associated with the damage caused by the mudslide on October 24, 2021 that flowed from the upper portion of Don Cohon's property at 260 Sunset Way, Muir Beach, CA onto our property at 285 Sunset Way, Muir Beach. The mud and debris blocked the drainage culvert at Don Cohon's driveway, causing the mud to flow onto Sunset Way, then onto our property. We have in our files substantiating evidence in the form of photos and videos and the actual bills for remediation of the damages to our property, including:

1. iPhone photos/videos of the mudslide and external/internal damage.
2. A photo sheet from ServiceMaster of the internal damage and initial demolition work.
3. A final bill from ServiceMaster for that demolition work: **\$6,833.44**
4. A final bill from ServiceMaster for the rebuild: **\$8,034.48**
5. A bill from ServiceMaster for furniture storage: **\$765.93**
6. A final bill from Abbey Carpet for re-carpeting the damaged rooms: **\$3,552.72**
7. A final bill from Jose Alcala for bulk mud removal: **\$700.00**
8. A final bill from Fernando Lopes for power washing of external walls, decks and furnishing: **\$1,345.00**
9. A final bill from Eleazar Ortega for rehabilitation of washed out gardens/walkways: **\$595.00**
10. A final bill from Eleazar Ortega for repairs to the retaining wall under the deck and along the creek bed: **\$1,665.90**

The total costs are: **\$23,492.47**. We consider these to be damages for which you/your insurance company are liable. We have sought advice from insurance agents, but have not discussed this with legal counsel and would prefer not to do so given that we are neighbors in good standing. Please confirm your receipt of this letter upon receipt, then let us know as soon as possible how you intend to proceed.

Sincerely,



Stephen Somers

**Stephen A. Somers**  
285 Sunset Way, Muir Beach, CA 94965  
Work: 415.388.2007  
Cell: 609.647.3250

**EXHIBIT 2**

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**From:** Don Cohon  
**Sent:** Friday, March 4, 2022 11:21 AM  
**To:** Stephen Somers  
**Cc:** Kate Somers; leighton.hills@muirbeachcsd.com; mary@muirbeachcsd.com; John Schick  
**Subject:** RE: Liability for damages to our property at 285 Sunset Way associated with the October 2021 mudslide

Steve,

I've been looking for the video clip of the MBVFD guys working to clear my driveway on the day of the mudslide. No luck yet.

But, I did come across an email from a geotechnical engineer, Jeff Raines, who came out to Muir Beach a day or two after the slide. I had not contacted him nor did I ever contract with him or pay him for what he did. I think that he was out here looking for work following the slide and was "fishing". His follow-up email to me suggests this was the case (see copy pasted below). In it, he proposes that I hire him, which did not happen.

I had forgotten about his email and am copying it below FYI as he discusses debris mudslides. I hope that Raines' email may clarify any questions that remain unanswered. In his email, he refers to "Len", who is Leonard Rifkind, an attorney who sometimes works with Raines. I spoke briefly with Rifkind, but decided not to hire him.

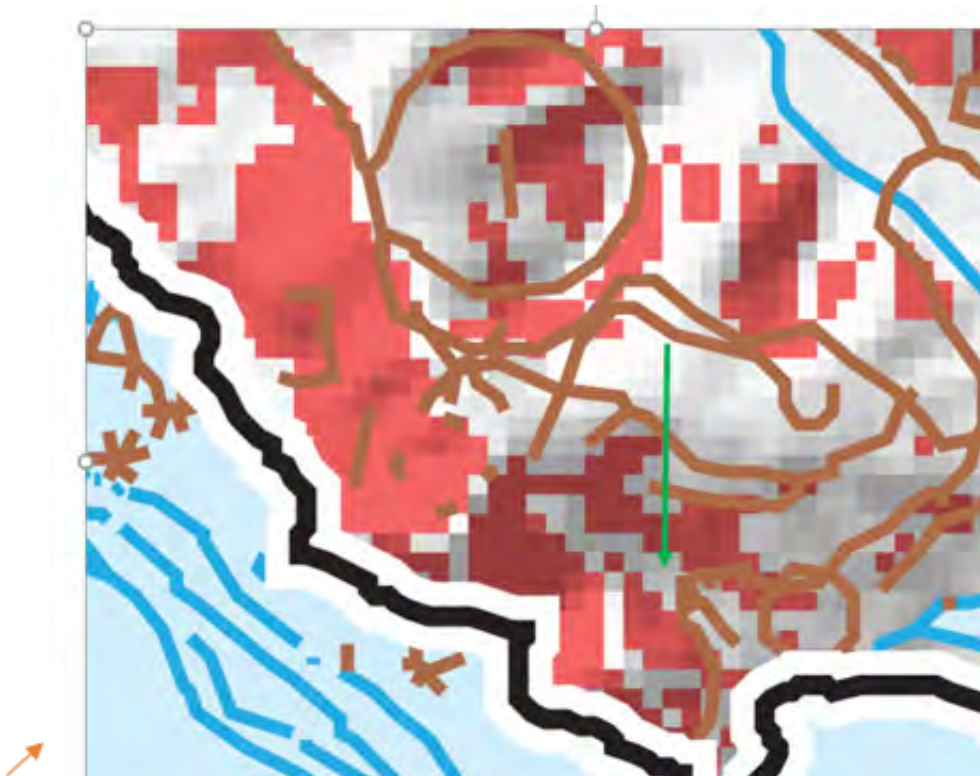
Am also attaching your letter detailing the damages that you and Kate experienced from the mudslide (see your document dated 2022-02-08) so that your losses remain part of our discussions.

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COPY OF EMAIL DATED 11/8/2021 FROM JEFF RAINES ABOUT OUR DEBRIS FLOW MUDSLIDE

Hi Don

This is a map of debris flow slide danger areas in Marin. A debris flow slide occurs when the soil gets super saturated and starts to move. Once it's moving, it basically turns into a liquid. Debris flow slides can move large boulders (see - <https://www.youtube.com/watch?v=8mKC3eID074> ). Your house is at the bottom of a hill subject to debris flows but is not itself in a debris flow zone.

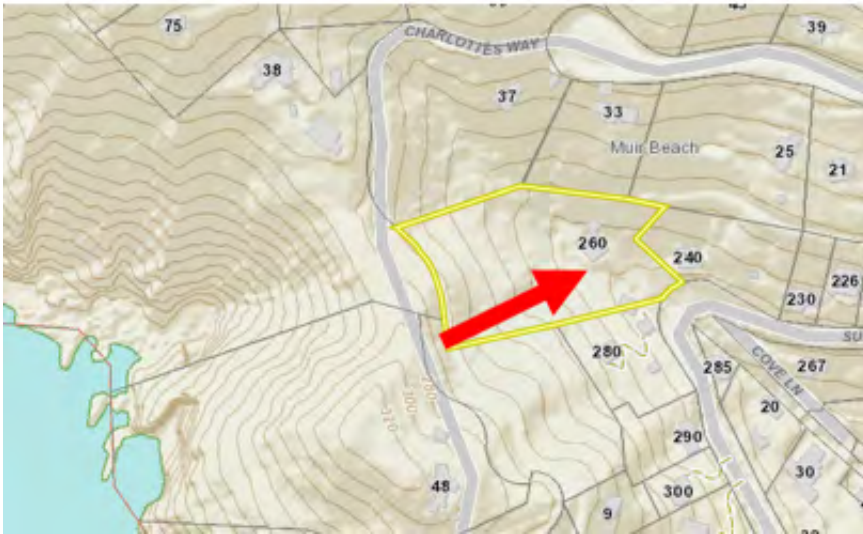


Based on the picture, it appears that a debris flow has occurred on the hill above your house. There are actually 2 slides. Someone has put plastic tarps over the road up there. Was that done before or after the slides?





The good news here is that you're not the only responsible party. It appears that the slide started on 38 Charlottes Way (do I have the arrow in the correct location?) and potentially 48 Charlottes Way and 280 Sunset Way. They're partially responsible for cleaning up your mess and stabilizing the hill (in my opinion but Len should weigh in).



You all should really be getting a contractor out there to winterize the slope. That involves putting plastic sheeting over the slide area. That will concentrate water flows down the hill so that water needs to be managed. Is there any kind of stormwater drainage system in Sunset Way? Otherwise the water will need to be piped down to the ocean which is around 850 feet away and will require the cooperation of a lot of neighbors. Or it could be spread out at your property boundary but that's not ideal.

It's a 3-hour drive (round trip) for me to get out there. So I would have to bill you for it (including walking around the site and the work I just did) it will be around \$1250. Let me know if you're interested.

Thanks

Jeff

Jeff Raines, P.E. (C51120) G.E. (2762)

Principal Geotechnical Engineer

Terraphase Engineering Inc. 1404 Franklin Street, Suite 600, Oakland, California 94612

Registered P.E. in California, Hawaii, Idaho, Nevada, Oregon, New York, Pennsylvania and Washington

**WE'RE MOVING NOV. 8, 2021! NEW ADDRESS:**

[1300 Clay Street, Suite 1000](#)

[Oakland, California 94612](#)

[Jeff.Raines@terrphase.com](mailto:Jeff.Raines@terrphase.com)



510-645-1850

510-645-1853 (direct)

510-507-3086 (cell)

510-380-6304 (fax)

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Hope that this information is useful to the people on Charlotte's Way and to the CSD, which I understand paid a percentage of the earlier repair to Charlotte's Way (pre-slide).

Best,

Don

Don Cohon, PhD

[260 Sunset Way](#)

[Muir Beach, Ca 94965-9746](#)

(415) 383-2273

(415) 609-2273 (cell)

[don@icaare33.com](mailto:don@icaare33.com)

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**From:** Stephen Somers <[stephensomers51@gmail.com](mailto:stephensomers51@gmail.com)>  
**Sent:** Tuesday, March 1, 2022 11:10 AM  
**To:** [leighton.hills@muirbeachcsd.com](mailto:leighton.hills@muirbeachcsd.com); [mary@muirbeachcsd.com](mailto:mary@muirbeachcsd.com); John Schick <[johnschick@gmail.com](mailto:johnschick@gmail.com)>  
**Cc:** 'Kate Somers' <[katesomers@kasarts.com](mailto:katesomers@kasarts.com)>; 'don cohon' <[don@icaare33.com](mailto:don@icaare33.com)>  
**Subject:** Liability for damages to our property at 285 Sunset Way associated with the October 2021 mudslide

Dear All:

As some of you know, I sent the attached letter to Don Cohon early last month seeking compensation for the damages to our property associated with the October 2021 mudslide.

This morning I spoke to the claims adjustor, Jennifer Lee, for his insurance company, who stated that it will not compensate us due to there not being negligence on his part. She instead indicated that the liability rests with those responsible for the lack of appropriate storm water drainage on Charlotte's Way above Don Cohon's property.

As such, I am seeking compensation from your liability carriers for the roughly \$23,500 in damages to our property, which are explained in the attached letter. As I said to Don in my February 8, 2022 note below, we have not yet consulted a lawyer and hope that this can be resolved amicably and quickly without resorting to legal action.

Please confirm your receipt of this message and let me know how you wish to proceed. I would be happy to answer any questions you may have.

Sincerely, Steve

**Stephen A. Somers, PhD**

Senior Program Consultant

Work: 415.388.2007

Cell: 609.647.3250

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**From:** [Stephen Somers](#)  
**Sent:** Tuesday, February 8, 2022 12:51 PM  
**To:** '[don cohon](#)'  
**Cc:** '[Kate Somers](#)'  
**Subject:** Damages to our property associated with the October 2021 mudslide



Dear Don:

It has taken awhile, but the remediation to our property is complete and we now know what the final costs will be. The attached letter seeks compensation from your liability carrier for the damages. Kate and I hope that this can be resolved amicably and quickly.

Please confirm your receipt of this letter and let us know how you wish to proceed. We would be happy to answer any questions that you may have. Thank you, Steve

**Stephen A. Somers, PhD**

Senior Program Consultant

Work: 415.388.2007

Cell: 609.647.3250



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**EXHIBIT 3**

RESOLUTION NO. 328

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MUIR  
BEACH COMMUNITY SERVICES DISTRICT.

WHEREAS, on the formation of this District, the only power granted to the District was to supply the inhabitants of the District with water for domestic use, irrigation, sanitation, industrial use, fire protection and recreation; and

WHEREAS, pursuant to an election on November 4, 1969, these powers were expanded to include the following purposes:

(a) Public recreation by means of parks, including but not limited to aquatic parks and recreational harbors, playgrounds, golf courses, swimming pools or recreation buildings;

(b) The opening, widening, extending, straightening, and surfacing, in whole or part of any street in such district, subject to the consent of the governing body of the county or city in which said improvement is to be made;

(c) The construction and improvement of bridges, culverts, curbs, gutters, drains, and works incidental to the purposes specified in Paragraph (b) above, subject to the consent of the governing body of the county or city in which said improvement is to be made.

and

WHEREAS, the increase in needs of the residents of the Muir Beach Community Services District require that the authorized powers of the District be further expanded, pursuant to Government Code Sections 61600 and 61601, to include the following purpose:

(a) Protection against fire.

and

WHEREAS this Board has determined that it is feasible, economically sound and in the public interest that the District exercise these powers,

NOW, THEREFORE, BE IT HEREBY RESOLVED that:

1. Pursuant to Government Code Section 61601, a special district election be held on November 2, 1971, for the purpose of submitting to the electorate the question of whether or not the

Muir Beach Community Services District shall exercise the following powers in addition to those previously granted:

(a) Protection against fire.

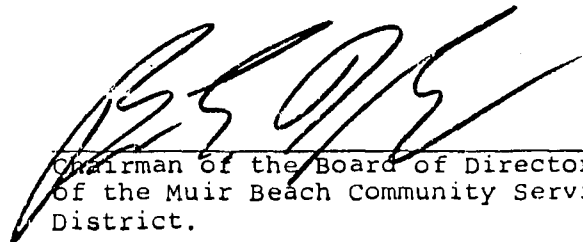
2. That this special election be consolidated with the election of Governing Board Members scheduled for the same date.

PASSED AND ADOPTED by the Board of Directors of the Muir Beach Community Services District at a regular meeting held on the 12<sup>th</sup> day of August, 1971.

AYES: Murray Hosteller, R.C. Bain, Bruce Harlow, Gary Pearlman

NOES: None

ABSENT: Gary Smith

  
Chairman of the Board of Directors  
of the Muir Beach Community Services  
District.

ATTEST:

Hazel M. Melo  
Clerk ~~Secretary~~

11-2-1971 Ballot Proposition

Measure E: Shall Muir Beach CSD  
adopt fire protection as additional power and  
purpose:  
yes - 49  
no 12

WHEREAS, the Muir Beach Community Services District has authority to operate under the following powers of the Community Services District Act:

1. Water supply
2. Roads
3. Drainage
4. Recreation; and

WHEREAS, the district anticipates expanding these powers from time to time as conditions warrant and to this end has placed Fire Protection on the forthcoming ballot; and

WHEREAS, the district has historically operated with a part-time manager whose duties were solely related to water supply maintenance; and

WHEREAS, the District requires more attention to the other powers and plans to upgrade its water distribution system with a major pipeline improvement program and plans to be undertaking a community center construction project.

Now therefore be it resolved that the Muir Beach Community Services District hereby resolves to expand the duties of the District Manager to include necessary maintenance of District facilities and new construction projects or supervision of contracts pertaining thereto including all powers now assigned to the District and any new powers, such as fire protection,\* which may be added by the voters of this District. The position authorized herein shall be part or full time as required by this Board with a minimum salary of \$500 per month for full time work accomplished.

+ =====

\* REGULAR MEETING OF THE MUIR BEACH Community Services District  
Stump Residence August 18, 1971

MOTION # 328: By Harlow that the Muir Beach Community Services District be upgraded to include Fire Protection in their powers.

SECONDED: By Pearlman

AYES: Bain, Harlow, Mary Mosteller, and Pearlman

ABSENT: Smith

At the November 2, 1971 election Measure E, Fire Protection :

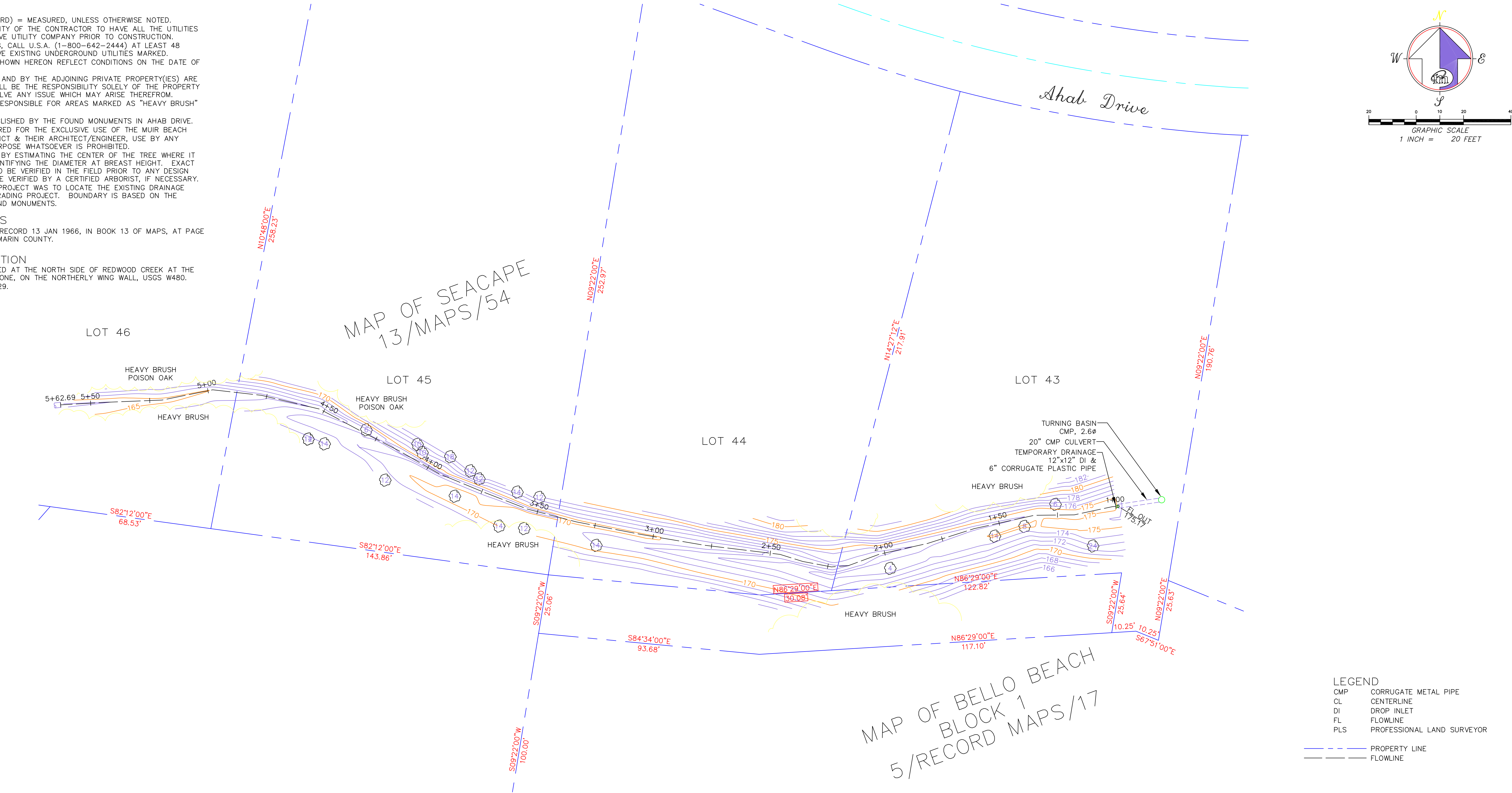
Yes	49	Absentee	0
No	11	"	1
Total Yes	49		
	No 12		

**EXHIBIT 4**

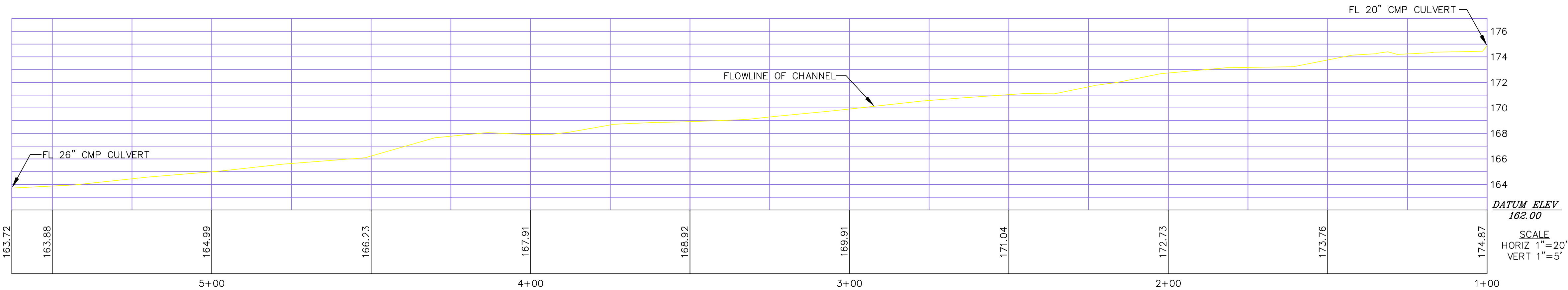
GENERAL NOTES  
(1) ALL DISTANCES: (RECORD) = MEASURED, UNLESS OTHERWISE NOTED.  
(2) IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO HAVE ALL THE UTILITIES MARKED BY THE RESPECTIVE UTILITY COMPANY PRIOR TO CONSTRUCTION.  
(3) PRIOR TO ANY DIGGING, CALL U.S.A. (1-800-642-2444) AT LEAST 48 HOURS IN ADVANCE TO HAVE EXISTING UNDERGROUND UTILITIES MARKED.  
(4) GROUND CONDITIONS SHOWN HEREON REFLECT CONDITIONS ON THE DATE OF THE SURVEY.  
(5) ENCROACHMENT UPON AND BY THE ADJOINING PRIVATE PROPERTY(IES) ARE HEREBY NOTED AND IT SHALL BE THE RESPONSIBILITY SOLELY OF THE PROPERTY OWNERS INVOLVED TO RESOLVE ANY ISSUE WHICH MAY ARISE THEREFROM.  
(6) CONSULTANT IS NOT RESPONSIBLE FOR AREAS MARKED AS "HEAVY BRUSH" AND "POISON OAK."  
(7) BOUNDARY WAS ESTABLISHED BY THE FOUND MONUMENTS IN AHAB DRIVE.  
(8) THIS MAP WAS PREPARED FOR THE EXCLUSIVE USE OF THE MUIR BEACH COMMUNITY SERVICES DISTRICT & THEIR ARCHITECT/ENGINEER, USE BY ANY OTHER PARTY FOR ANY PURPOSE WHATSOEVER IS PROHIBITED.  
(9) TREES WERE LOCATED BY ESTIMATING THE CENTER OF THE TREE WHERE IT ENTERS THE GROUND & IDENTIFYING THE DIAMETER AT BREAST HEIGHT. EXACT LOCATION OF TREES SHOULD BE VERIFIED IN THE FIELD PRIOR TO ANY DESIGN WORK. TREE TYPES MAY BE VERIFIED BY A CERTIFIED ARBORIST, IF NECESSARY.  
(10) THE SCOPE OF THIS PROJECT WAS TO LOCATE THE EXISTING DRAINAGE SWALE FOR A FUTURE REGRADE PROJECT. BOUNDARY IS BASED ON THE SEACAPE SUBDIVISION, FOUND MONUMENTS.

MAP REFERENCES  
[A] "MAP OF SEACAPE..." RECORD 13 JAN 1966, IN BOOK 13 OF MAPS, AT PAGE 54, OFFICIAL RECORDS OF MARIN COUNTY.

BASIS OF ELEVATION  
FOUND BENCHMARK, LOCATED AT THE NORTH SIDE OF REDWOOD CREEK AT THE INTERSECTION OF HIGHWAY ONE, ON THE NORTHERLY WING WALL, USGS W480. ELEVATION=22.91' NGVD 1929.



- LEGEND
- CMP CORRUGATE METAL PIPE
  - CL CENTERLINE
  - DI DROP INLET
  - FL FLOWLINE
  - PLS PROFESSIONAL LAND SURVEYOR
  - PROPERTY LINE
  - FLOWLINE



STRIP SURVEY

BEING A PORTION OF THAT MAP  
"MAP OF SEACAPE..."  
OF RECORD AS 13/MAPS/54  
OFFICIAL RECORDS OF MARIN COUNTY  
MUIR BEACH  
PREPARED AT THE REQUEST OF  
MUIR BEACH COMMUNITY SERVICES DISTRICT  
MARIN COUNTY APRIL CALIFORNIA 2002

MERIDIAN SURVEYING ENGINEERING, INC.  
1812 UNION STREET 100 DRAKES LANDING #164  
SAN FRANCISCO 94123 GREENBRAE, CA 94904  
(415) 440-4131 (415) 461-1241



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SURVEY: G/H/STG	SURVEY DATE: 10APR2002
DRAWN: G/H	PROJ. NO.: 01149
APPROVED: STG	SHEET 1 OF 1
FILE NAME: 01149SS	
REVISION NO.: ONE	

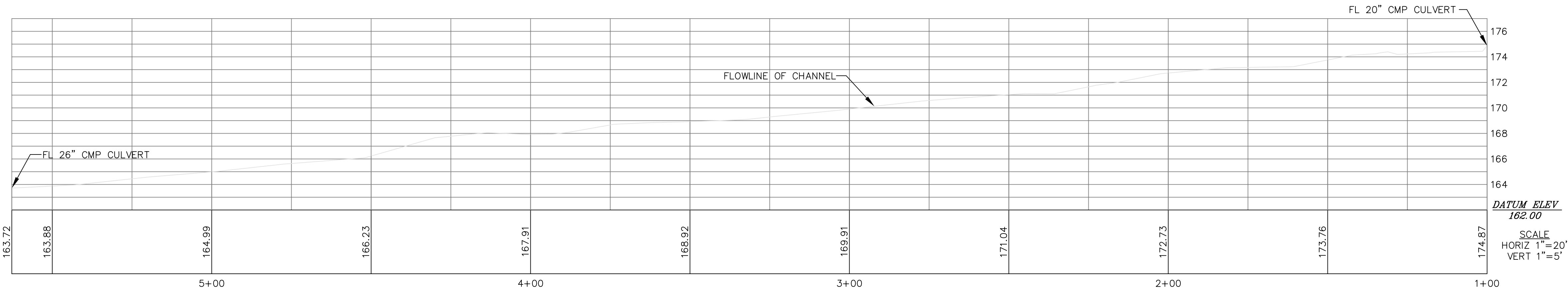
GENERAL NOTES  
(1) ALL DISTANCES: (RECORD) = MEASURED, UNLESS OTHERWISE NOTED.  
(2) IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO HAVE ALL THE UTILITIES MARKED BY THE RESPECTIVE UTILITY COMPANY PRIOR TO CONSTRUCTION.  
(3) PRIOR TO ANY DIGGING, CALL U.S.A. (1-800-642-2444) AT LEAST 48 HOURS IN ADVANCE TO HAVE EXISTING UNDERGROUND UTILITIES MARKED.  
(4) GROUND CONDITIONS SHOWN HEREON REFLECT CONDITIONS ON THE DATE OF THE SURVEY.  
(5) ENCROACHMENT UPON AND BY THE ADJOINING PRIVATE PROPERTY(IES) ARE HEREBY NOTED AND IT SHALL BE THE RESPONSIBILITY SOLELY OF THE PROPERTY OWNERS INVOLVED TO RESOLVE ANY ISSUE WHICH MAY ARISE THEREFROM.  
(6) CONSULTANT IS NOT RESPONSIBLE FOR AREAS MARKED AS "HEAVY BRUSH" AND "POISON OAK."  
(7) BOUNDARY WAS ESTABLISHED BY THE FOUND MONUMENTS IN AHAB DRIVE.  
(8) THIS MAP WAS PREPARED FOR THE EXCLUSIVE USE OF THE MUIR BEACH COMMUNITY SERVICES DISTRICT & THEIR ARCHITECT/ENGINEER, USE BY ANY OTHER PARTY FOR ANY PURPOSE WHATSOEVER IS PROHIBITED.  
(9) TREES WERE LOCATED BY ESTIMATING THE CENTER OF THE TREE WHERE IT ENTERS THE GROUND & IDENTIFYING THE DIAMETER AT BREAST HEIGHT. EXACT LOCATION OF TREES SHOULD BE VERIFIED IN THE FIELD PRIOR TO ANY DESIGN WORK. TREE TYPES MAY BE VERIFIED BY A CERTIFIED ARBORIST, IF NECESSARY.  
(10) THE SCOPE OF THIS PROJECT WAS TO LOCATE THE EXISTING DRAINAGE SWALE FOR A FUTURE REGRADE PROJECT. BOUNDARY IS BASED ON THE SEACAPE SUBDIVISION, FOUND MONUMENTS.

MAP REFERENCES  
[A] "MAP OF SEACAPE..." RECORD 13 JAN 1966, IN BOOK 13 OF MAPS, AT PAGE 54, OFFICIAL RECORDS OF MARIN COUNTY.

BASIS OF ELEVATION  
FOUND BENCHMARK, LOCATED AT THE NORTH SIDE OF REDWOOD CREEK AT THE INTERSECTION OF HIGHWAY ONE, ON THE NORTHERLY WING WALL, USGS W480. ELEVATION=22.91' NGVD 1929.



- LEGEND
- CMP CORRUGATE METAL PIPE
  - CL CENTERLINE
  - DI DROP INLET
  - FL FLOWLINE
  - PLS PROFESSIONAL LAND SURVEYOR
- PROPERTY LINE  
--- FLOWLINE



STRIP SURVEY  
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**EXHIBIT 5**







