

RESOLUTION NO. 2022-11

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MUIR BEACH
COMMUNITY SERVICES DISTRICT REGARDING DETERMINATION OF SINGLE
PARCEL FOR IMPOSITION OF SPECIAL FIRE TAX**

WHEREAS, the Muir Beach Community Services District Board (“Board”) is the governing body of the Muir Beach Community Services District; and

WHEREAS, on November 8, 2016 voters approved, and the Board adopted, an Ordinance to Impose a Special Tax for Fire Protection, Ordinance No. 2016-07-13, which imposed an annual parcel tax of \$213 for a period of 10 years with an annual CPI adjustment (“Fire Tax”); and

WHEREAS, Section 3 of the Fire Tax states that a “parcel” is defined as “any parcel of land, developed or undeveloped, wholly or partially located within the District, for which the County Assessor of Marin County has assigned an assessor’s identification number, provided, however, that any such parcels which are contiguous and held under identical ownership, may, upon approval of an application of the owners thereof to this Board, be treated as a single parcel for purposes of this special tax.”; and

WHEREAS, Graham E. Groneman, Brett Erica Sibley, and Jesse E. Rudnick are the owners (“Owners”) of that certain real property identified as A.P.N.: 199-222-11, 199-222-10, and 199-235-40 consisting of 3 parcels located in the unincorporated area of Marin County, California known as Muir Beach, more particularly described in the attached Exhibit “A” (“Property”); and

WHEREAS, the parcels of the Property were created by the Bello Beach Subdivision Map approved by the Marin County Board of Supervisors in 1923, more particularly described in the attached Exhibit “B” (“Map”); and

WHEREAS, the Property was originally conveyed, and subsequently conveyed thereafter, with reference to lot numbers (Lot Number 1, 20, and 24) and not a metes and bounds description; and

WHEREAS, the Map shows that an unnamed lane (“Lane”) separates Lot 20 from Lots 1 and 24; and

WHEREAS, the Map states that the rights-of-ways and lanes identified on the Map are not dedicated to the public, but are for private use, stating: “[n]one of the roads, alleys, streets or highways shown thereon are intended for public use, but that each and all of the roads, alleys, turning places and other areas delineated on said map are hereby granted as private ways appurtenant to said lots for all of the purposes of ingress or egress thereto or therefrom for which a private right of way is usually and ordinarily given.”; and

WHEREAS, the Map further states that each property owner in the subdivision was granted a private easement to use the abutting roads and lanes for ingress and egress, and also states that none of the lanes or roads shown on the Map are offered for dedicated for public use; and

WHEREAS, as a general legal rule, conveyance of a lot that abuts a right-of-way sold by reference to a lot number and not a metes and bounds description transfers fee ownership from the adjacent property line to the middle of the right-of-way to the property owner unless a different intent is shown on the grant of ownership interest (*see*, Civ. Code, § 1112); and

WHEREAS, the Owners have requested that the Board make the determination pursuant to Section 3 of the Fire Tax finding and determining that the Property is to be treated as a single parcel for purposes of the Fire Tax because it is held under identical ownership and the parcels are contiguous since the Lane separating Lot 20 from Lots 1 and 24 is not public and is owned by the adjacent property owners; and

WHEREAS, the Board held a duly noticed public hearing to consider the Owners' request for a finding of a single parcel for Fire Tax purposes on November 16, 2022 and considered all evidence in the record including public testimony; and

WHEREAS, at said public meeting, the Board found and determined that the Property constitutes a single parcel for purposes of imposition of the Fire Tax because: it is held under identical ownership; the parcels are contiguous because the Lane separating Lot 20 from Lots 1 and 24 is not public, and is a private easement that was explicitly not dedicated for public use; and because the Owners have ownership rights to the center of the Lane; and

WHEREAS, the determination set forth in this Resolution is exempted from the California Environmental Quality Act ("CEQA") pursuant to the "common sense" exemption, CEQA Guideline section 15061(b)(3) because it can be seen with certainty that there will be no significant effect on the environment.

NOW, THEREFORE BE IT RESOLVED that the Board of Directors of the Muir Beach Community Services District does hereby find and determine based on the findings set forth above and incorporated herein, pursuant to Section 3 of the Fire Tax, that the Property, A.P.N.: 199-222-11, 199-222-10, and 199-235-40 located in Muir Beach California, more particularly described in the attached Exhibit "A" shall be treated as a single parcel for purposes of the Fire Tax because the Property is contiguous and held under identical ownership with the following conditions:

1. The determination herein is contingent upon the identical ownership of the parcels constituting the Property. In the event the parcels constituting the Property are not held under identical ownership, the determination herein shall become automatically null and void, and any future determination under Fire Tax Section 3 or successor section shall require a new application to be considered by the Muir Beach Community Services District ("CSD") as a matter of first impression. The Owners are required to notify the CSD within 1 month of a change in ownership interest.
2. The Owners shall defend and hold harmless the CSD, its officers, employees, volunteers and similarly situated persons, in the event of any legal action related to or arising from the adoption of this Resolution, shall cooperate in the defense of any such action with counsel selected by the CSD in its sole discretion, and shall

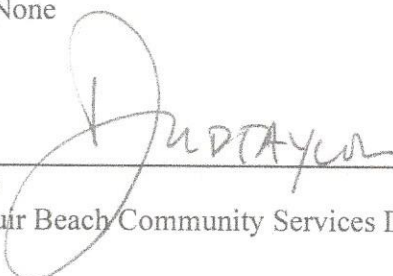
indemnify the CSD for any and all awards of damages and/or attorneys' fees and all associated costs that may result.

PASSED AND ADOPTED a regularly scheduled public meeting on November 16, 2022 by the following vote:

AYES: Hills, Jeschke, Murray, Shaffer and Taylor

NOES: None

ABSTAIN: None



David Taylor
President, Muir Beach Community Services District Board



Mary Halley
Manager, Muir Beach Community Services District