

**FIFTH AMENDMENT
TO THE AGREEMENT FOR TRANSMISSION OF SANITARY SEWAGE
BY AND BETWEEN THE FAIR OAKS SEWER MAINTENANCE DISTRICT
AND THE TOWN OF WOODSIDE (AGREEMENT)**

This is the Fifth Amendment to the Agreement dated May 8, 2001 between **the TOWN OF WOODSIDE** (the Town) and the **FAIR OAKS SEWER MAINTENANCE DISTRICT** (the District), collectively the Parties.

RECITALS

- A. The Agreement provides for sewage transport from the Town's Town Center Sewer Assessment District (TCSAD) through the facilities of the District and provides for a Service Area shown in the Agreement as Exhibit A thereof and Exhibit A hereto.
- B. Previous Amendments to the Agreement provided for sewage transport from certain properties that were annexed to the TCSAD as shown in Exhibit B.
- C. The Town now desires to amend the Agreement by identifying certain properties that either have, or may have at some future date, failed on-site sewage disposal systems, which properties have the capability of being sewered by gravity into the facilities of the District. The Parties hereby desire to amend the Agreement to identify those properties listed and shown in Exhibit C.

THEREFORE, IT IS AGREED:

- 1. That the properties listed and shown on Exhibit C, attached hereto, are eligible to be sewered by gravity into the District's facilities subject to:
 - a. A determination by the Town Engineer that the existing on-site sewage disposal system serving an eligible property has failed and that there is no reasonable alternative from a health and safety standpoint but a gravity system into the District's facilities.
 - b. A determination, by Resolution, of the Town Council upholding the Town Engineer's determination and the forwarding of a copy of that Resolution to both the District and the City of Redwood City.
- 2. Upon a determination by the Town Council that a property may be sewered into the District's facilities, the property shall be subject to all of the provisions of the Agreement, including, but not limited to:
 - a. A connection fee payable to the District in an amount determined by District consistent with Paragraph III of the Agreement.
 - b. The collection of a sewer service charge by the Town in an amount determined by Town consistent with Paragraph IV of the Agreement.
- 3. Properties identified in Exhibit C that are subsequently determined by Town Council Resolution to be connected to District facilities will not be annexed to either the TCSAD or District but will be provided sewer service through District in such manner as if the properties had been annexed to the TCSAD. In this respect, such properties that are being provided

sewer service pursuant to this amendment to the Agreement shall be shown on the sewer service charge report annually compiled by Town and furnished to both District and the City of Redwood City.

In all other respects The Agreement is reaffirmed.

DATED: 7-22-08

TOWN OF WOODSIDE

By Susan E. Hays

DATED: July 23, 2008

APPROVED AS TO FORM

John B. Swann
Woodside Town Attorney

DATED: _____

**FAIR OAKS SEWER MAINTENANCE DISTRICT,
A sewer maintenance district of the County of
San Mateo**

By: _____
President, Board of Supervisors

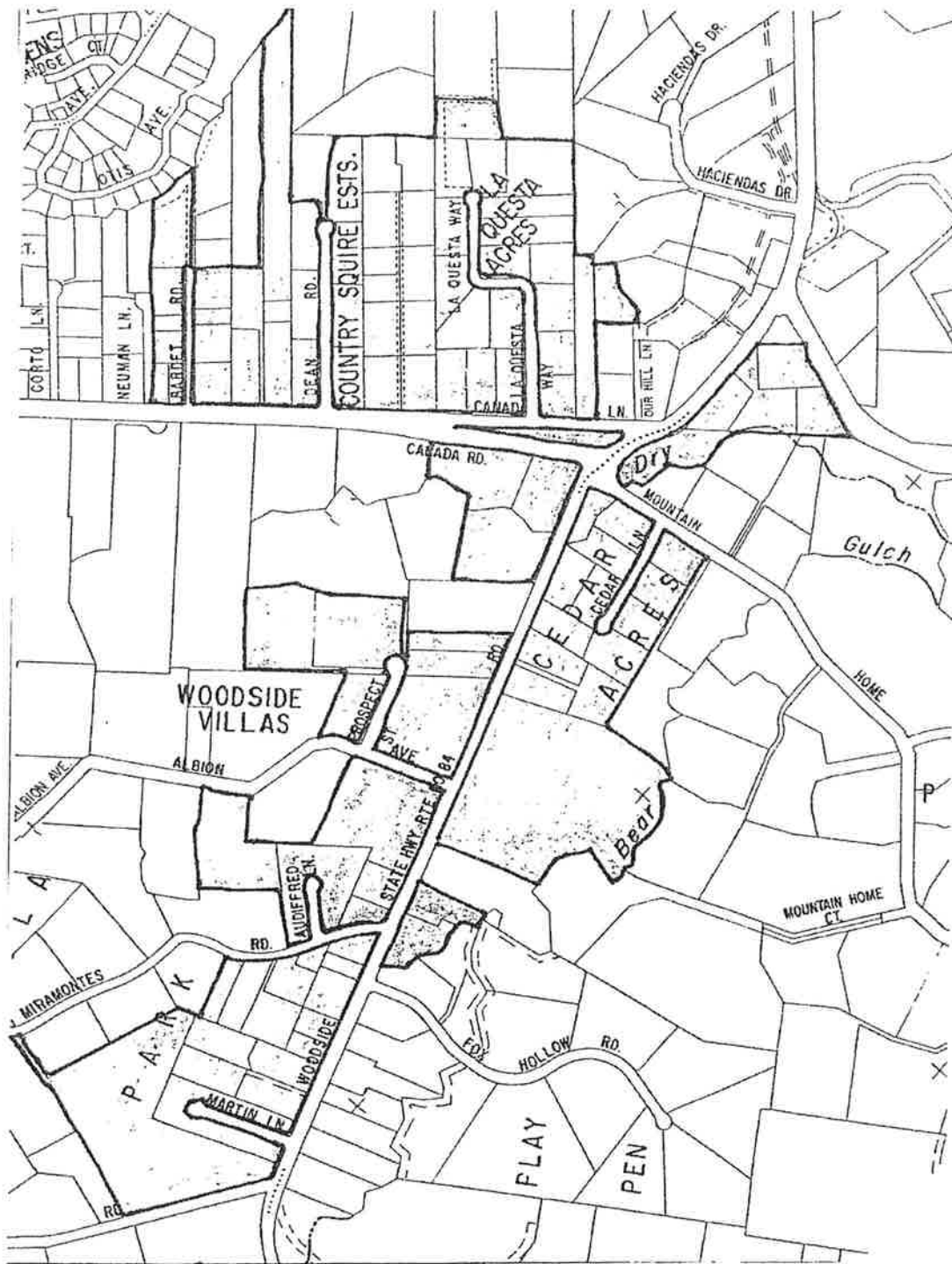


EXHIBIT A-1
TOWN CENTER SEWER ASSESSMENT DISTRICT
TOWN OF WOODSIDE

**BOHLEY
CONSULTING**

1875 SOUTH GRANT STREET, SUITE 550
SAN MATEO, CA 94402
650-358-1484 • FAX 650-358-1487

DATE:	06/24/08
SCALE:	NONE
DWG:	A-BC
JOB No.	200530



EXHIBIT A-2
TOWN CENTER SEWER ASSESSMENT DISTRICT - EXPANSION AREA
TOWN OF WOODSIDE

**BOHLEY
CONSULTING**

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DATE:	06/24/08
SCALE:	NONE
DWG:	A-BC
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EXHIBIT B
PARCELS ANNEXED TO THE TOWN CENTER SEWER ASSESSMENT DISTRICT
TOWN OF WOODSIDE

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EXHIBIT C

List of Assessor Parcel Numbers:

073-132-160
073-132-200
073-132-210
073-132-240
073-132-250
073-133-210
073-133-270
073-133-280
073-133-340

and

Map of Parcels (following page)

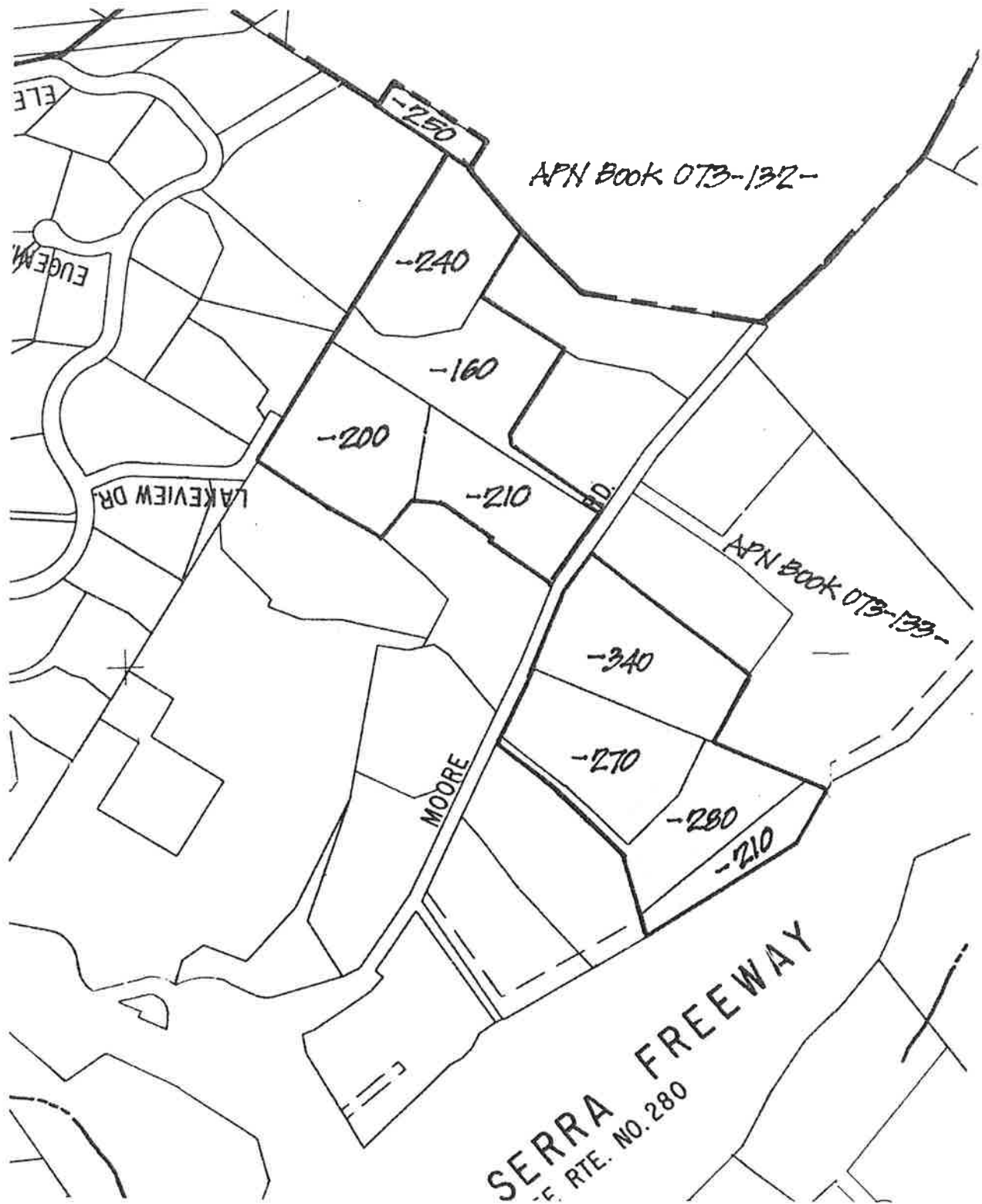


EXHIBIT C

PROPERTIES ELIGIBLE TO BE SEWERED PURSUANT TO TOWN OF WOODSIDE ORDINANCE NO. 2007-537
TOWN OF WOODSIDE

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