

the event that any part of provisions herein contained in this agreement or incorporated herein, be found to be illegal or unconstitutional by a court of competent jurisdiction, such findings shall not affect the remaining parts, portions, or provisions hereof.

#### G. Attorney Fees

Should any party deem it necessary to institute legal action to either compel performance of this Agreement or recover damages for nonperformance, the prevailing party(s) shall be entitled to reasonable attorney's fees, cost of suit, and all other expenses of litigation incurred in connection therewith.

#### H. Termination

The Development Agreement shall terminate and be of no further force and effect at District's discretion if District determines that construction of the water, sanitary sewer, parks, fire and/or other District-provided services has not commenced within twenty-four (24) months from the date of the Development Agreement, and developer has not submitted the plans and specifications for reacceptance, as provided for in 606.3(B), above. Termination may also occur if the developer has not mitigated impacts identified in the SAMP, CEQA documents, county Conditions of Approval, or other obligations required by the agreement or amendments thereto.

### 606.6 Variances to the Agreement

Any inapplicable portions of the foregoing standard terms and conditions may be deleted by, or upon approval of the General Manager, to accommodate project-specific situations. When warranted, additional conditions and requirements may be added to the standard terms and conditions by, or upon approval of, the General Manager, to accommodate project-specific situations. The project developer and/or property owner may appeal to the Board of Directors any agreement terms or conditions or requirements proposed by District staff.

## 607 DEVELOPMENT IMPROVEMENT STANDARDS

### 607.1 General

To provide a uniform and consistent method of regulating and guiding the design and preparation of plans for construction of water and sewer facilities and to insure proper installation of all private works involving water and sewer, Standard Design Specifications, including Standard Details, shall be maintained by the District.

### 607.2 Purpose

The purpose of the Improvement Standards is to provide standards to be applied to water and sewer improvements and private works to be dedicated to the public and accepted by the District for operation and maintenance. This is necessary in order to provide for coordinated development of required facilities to be used by the public.

### 607.3 Departure from District Standards

The District recognizes that it is not possible to anticipate all situations that may arise or to prescribe standards applicable to every situation. Therefore, any items or situations not included in the Standard Design Specifications shall be designed and/or constructed in accordance with accepted engineering practice, the State of California "Standard Specifications" or other approved designed standard (e.g., American Water Works Association) and as required by the District Engineer or General Manager.

### 607.4 Amending Standards

From time to time, changes need to be made to the Standard Design Specifications. These changes may be driven by changes in regulations or by improvements in design practices. The District Engineer shall present the proposed changes to the Standard Design Specifications to the General Manager for his/her review and consideration.

### 607.5 Availability of Standards

Copies of the current Standard Design Specifications shall be available at the District office and shall be available to interested parties upon request and payment of the cost of producing the requested copy (Appendix 200-A—Fees for Copying Public Documents).

### 607.6 Commercial & Industrial Fire Systems

Commercial and industrial development projects by Tuolumne County Ordinance are required to have public water supply service. If an industrial or commercial project gets service from GCSD, then they will also be required to have a public fire system. The public fire system shall meet District standards. For public supply water tanks or pump stations, the developer shall dedicate to the District a parcel of property in fee title. Easements as defined in the GCSD water ordinance shall be granted for water pump stations and pipelines.

## 608 PROJECT APPROVAL

### 608.1 Board to Approve Plans

Whenever an extension of the public water or sewer system is proposed to provide water or sanitary sewer service to one or more lots, parcels, or units (consisting of 4 or less lot units or less than 7,200 sq. ft. for commercial development [per Section 602.1 of this document]) within the Groveland Community Services District, the plans and specifications for said proposed water and/or sanitary sewerage facilities shall be approved by the General Manager or District Engineer. Whenever an extension of the public water or sewer is proposed to provide water, sanitary sewer, fire or park service to areas proposed to be annexed to the District, the plans and specifications shall not be approved until the proceedings for annexation have been completed and the annexation has been ordered by the District.

For a subdivision or large commercial development, that does not require annexation, the Board of Directors shall approve all major milestones within the development process, as defined in Section