

ORDINANCE NO. 74

AN ORDINANCE OF THE
SAN SIMEON ACRES COMMUNITY SERVICES DISTRICT
AMENDING EXISTING REGULATIONS TO CLARIFY PROCEDURES
RELATING TO SEWER AND WATER SERVICE CONNECTION FEE DEPOSITS

WHEREAS, a question has arisen from time to time whether a deposit by a property owner to place property on the District's "wait list" for sewer and water service is a benefit that remains with the property upon sale or transfer of the property, or death of the owner; and

WHEREAS, existing regulations have been administratively interpreted and applied to allow such deposits to remain with the property ("run with the land") in such circumstances; and

WHEREAS, the Board has determined that such an administrative interpretation and practice is consistent with the spirit, intent and letter of the adopted regulations; and

WHEREAS, the Board of Directors desires to minimize any possibility of confusion or misunderstandings in the future by existing, prospective or future property owners.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE SAN SIMEON ACRES COMMUNITY SERVICES DISTRICT AS FOLLOWS:

SECTION 1 - DEPOSITS: Any property for which the applicable sewer and water connection fee deposits have been made so as to result in said property being placed on a "wait list" in accordance with District rules and regulations shall remain on said list, in the same relative order, upon the sale, transfer or exchange of the property to new ownership.

SECTION 2 - SEVERABILITY: If any provision, section, subsection sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid, the invalidity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the Board of Directors in adopting

this Ordinance that no portion thereof, or provisions, or regulations contained herein, shall become inoperative, or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

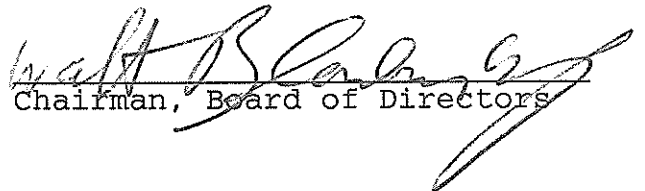
SECTION 3 - EFFECTIVE DATE OF ORDINANCE: This Ordinance shall become effective and be in full force and effect thirty (30) days after passage and within fifteen (15) days thereof, it shall be published at least once in a newspaper of general circulation in the County of San Luis Obispo.

INTRODUCED and ADOPTED at a regular meeting of the Board of Directors of the San Simeon Acres Community Services District held on the 9th day of January, 1991, and on the following roll call vote, to wit:

AYES: Blankenship, Hahn, Price

NOES:

ABSENT: Boniface, Jones


Chairman, Board of Directors

ATTEST:


Secretary, Board of Directors

APPROVED AS TO FORM:

Roger Picquet
Assistant District Counsel

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AYES: Blankenship, Hahn, Price

NOES:

ABSENT: Boniface, Jones

Walt Blankenship
Chairman, Board of Directors

ATTEST:

Elizabeth O'Leary
Secretary, Board of Directors

APPROVED AS TO FORM:

Roger Picquet
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Assistant District Counsel