

ORDINANCE NO. 02-2017

BOARD OF DIRECTORS
CAMBRIA COMMUNITY SERVICES DISTRICT
DATED: August 24, 2017

AN ORDINANCE AMENDING SECTION 8.04.100 B.4 OF THE
CAMBRIA COMMUNITY SERVICES DISTRICT MUNICIPAL CODE
REGARDING POSITION TRANSFERS AND RELATED REQUIREMENTS

WHEREAS, Section 8.04.100 of the Cambria Community Services District Municipal Code contains provisions governing the process of transferring "positions," which are defined to include active water meters and positions on the wait list; and

WHEREAS, for each position transferred the CCSD requires the execution of a transfer agreement and a restrictive covenant limiting future property use; and

WHEREAS, the provisions set forth in the transfer agreement and restrictive covenant include a mandatory merger of the underlying lots on the receiver parcel and that the restrictive covenant be recorded on both the sender parcel and the receiver (or alternate-designated) parcel; and

WHEREAS, the foregoing property use restriction only pertains to the sender parcel or alternate-designated parcel, which is the parcel that is "retired" by the parties seeking the transfer; and

WHEREAS, the foregoing merger provision can properly be included in and enforced through the transfer agreement; and

WHEREAS, Section 8.04.100 also requires that the parcels "...demonstrate matching ownership at the time the transfer is requested," which is technically unnecessary and has resulted in a cumbersome process of transferring ownership of the parcels between buyers and sellers to satisfy the legal fiction of common ownership mandated by this provision in the Code; and

WHEREAS, the Board of Directors of the Cambria Community Services District has determined that it appropriate to amend Section 8.04.100 of the Cambria Community Services District Municipal Code to:

1. Eliminate the recording requirement for the restrictive covenant on the receiver parcel;
2. Include the lot merger requirement for the receiver parcel in the transfer agreement; and
3. Eliminate the matching ownership requirement.

NOW, THEREFORE, the Board of Directors of the Cambria Community Services District (CCSD) ordains as follows:

Section 1. Paragraph 4 of Subsection B of Section 8.04.100 of the Cambria Community Services District Municipal Code is hereby amended to read as follows:

4. Prior to the effectiveness of the transfer, both a transfer agreement and a covenant restricting use of property (restrictive covenant) shall be executed. The transfer agreement shall require the permanent merger of all lots contained in the receiver parcel. Merger of receiver parcel lots shall be completed within ninety (90) days of final approval of transfer. The restrictive covenant shall be recorded on the sender parcel or alternate-designated parcel.

- a. All parcels involved in the transfer, except the sender parcel, must meet the minimum criteria in subsection (B)(1) of this section.
- b. The restrictive covenant shall provide that the sender or alternate parcel shall be permanently restricted from water service as described in subsection (B)(7) of this section.
- c. The restrictive covenant shall require the demolition of any existing structures on the sender parcel or alternate, if designated, except for historic buildings and existing structures ancillary to historic buildings.
- d. This restriction shall not apply on any parcel that is deeded to and accepted by the district for any district purpose, or deeded to and accepted by the County of San Luis Obispo or the State of California for purposes of public recreation or other public facilities purposes.

Section 2. A summary of this Ordinance shall be published in a newspaper published and circulated in the jurisdictional boundaries of the District at least five (5) days prior to the meeting of the Board of Director at which the proposed Ordinance is to be adopted. A certified copy of the full text of the proposed Ordinance shall be posted in the office of the District Clerk. Within fifteen (15) days after adoption of the Ordinance, the summary with the names of those Board Members voting for and against the Ordinance shall be published again, and the District Clerk shall post a certified copy of the full text of such adopted Ordinance.

Section 3. If any section, subsection, subdivision, paragraph, sentence, or clause of this Ordinance or any part thereof is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The Board of Directors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, or clause thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, or clause be declared unconstitutional.

Section 4. This Ordinance shall take effect thirty (30) days after its adoption.

The foregoing Ordinance was adopted at a regular meeting of the Board of Directors of the Cambria Community Services District held on the 24th day of August, 2017.

AYES:

NAYS:

ABSENT:

Amanda Rice
President, Board of Directors

APPROVED AS TO FORM:

Monique Madrid
District Clerk

Timothy J. Carmel
District Counsel

