

ORDINANCE No. 988
AN ORDINANCE OF THE CITY OF REDLANDS, CALIFORNIA, RELATING TO THE ACQUISITION OF STOCKS AND WATER RIGHTS BY SAID CITY WITH PARTICULAR REGARD TO NEW DWELLINGS AND SUBDIVISIONS.

The City Council of the City of Redlands, does ordain as follows:

SECTION ONE: That in order to provide an adequate water supply for new dwellings and subdivisions within this City and approved developments outside this City, and to conserve the supply of water for an expanding population, this City hereby adopts this ordinance, whereby owners and subdividers before approval and/or securing water service shall first convey to this City by deed or assignment, certain water rights previously used on said land to be improved, or other rights acceptable to this City, in the amounts hereinafter set forth, and must pay certain charges to be placed in a separate municipal fund for the acquisition and purchase of water stock and water rights.

SECTION TWO: That within this City, all property owners, subdividers and developers as hereinafter classified, must pay to the City of Redlands for the said water stock acquisition fund certain charges and must fulfill certain requirements in the delivery of water stock or water rights to the said City, as follows:

A. LOT SPLITS AND SUBDIVISIONS. Before any lot split or subdivision for residences is given final approval, the owner or subdivider must pay to the City of Redlands for the said water stock acquisition fund the sum of Seventy-five (\$75.00) Dollars per lot, with a minimum charge of Three Hundred Dollars per acre, and in addition thereto the said owner or subdivider shall deliver to the City of Redlands Water Department, free and clear with all assessments paid to date of delivery, sufficient water stock, previously used on said land during the past five (5) years, or other water stock or rights acceptable to said City, to insure delivery of ten (10) miners' inch days of water per month per acre to be divided. In lot splits of less than one (1) acre, the divider shall deliver said water stock or acceptable water rights at the rate of two and one-half (2½) miners' inch days of water per lot per month. In the case of a fraction of a share, the full share shall be delivered to the said City. And no subdivision or lot split will be accepted by the City unless such water stock or rights are transferred to the said City as hereinbefore set forth. That upon delivery of the said required water stock, or other rights acceptable to said City, this City of Redlands shall pay to the owner or subdivider, the current and going value of such water stock, which values of the various water stocks of this locality determined on present market values shall be set by a formal Resolution of the City Council, after investigation and study thereof.

B. MULTIPLE DWELLINGS. For multiple dwellings on lot splits and on subdivisions within the City limits, prior to receiving a water connection, the owner must pay to the City of Redlands for the said water stock acquisition fund the sum of Fifteen Dollars (\$15.00) per unit, but in no event a sum less than Thirty Dollars (\$30.00) per lot, and in addition thereto the said Owner shall deliver to the City of Redlands Water Department, free and clear with all assessments paid to date of delivery, sufficient water stock, previously used on said land during the past five (5) years, or other water stock or rights acceptable to said City, to insure delivery of one and one-half (1½) miners' inch days of water per unit per month but not less than three (3) miners' inch days of water per lot. That upon

delivery of the said required water stock, or water rights acceptable to said City, this City of Redlands shall pay to the owner the current and foregoing value of such water stock, the values of which shall be set by formal Resolution of the said City Council as hereinbefore set forth.

C. SINGLE FAMILY DWELLINGS. On scattered single lots previously designated as such and located on streets in areas already built up and for single family residences, the owner, prior to receiving a water connection, shall deliver to the City of Redlands, free and clear with all assessments paid to date of delivery, all water stocks or water rights, if any are in use thereon on such lot to be improved, up to two (2) miners' inch days per month, and shall be reimbursed by said City at the current and foregoing rate of said water stock, as set by said Resolution, and in any event the owner shall pay to the City Water Department for the said water stock acquisition fund the sum of Twenty-five Dollars (\$25.00) per lot. In cases pertaining to multiple dwellings on such scattered lots the owner shall deliver such water stock, or water rights acceptable to said City, if any are in use thereon on such lot to be improved, free and clear of liens and assessments, up to delivery of one (1) miners' inch days of water per unit per month, and shall be reimbursed by said City at the current and foregoing rate of said water stock as set by Resolution, and in any event the owner shall pay to the City Water Department for the said water stock acquisition fund the sum of Twelve Dollars and Fifty Cents (\$12.50) per unit, but in no event less than Twenty-five Dollars (\$25.00).

SECTION THREE: INDUSTRY. In application for new commercial or industrial development for water service, either within or without the limits of said City, the Water Board, composed of the City Manager, the Superintendent of the City Water Department and the City Engineer, shall estimate and determine the amount of water to be needed by such new business or industry, and the developer shall provide for delivery of water to the amount as determined by said Board, or make financial adjustment for such delivery payable to said water acquisition fund to the amount determined by said Board to be equitable, prior to obtaining such a water connection.

SECTION FOUR: That inasmuch as all property within the City limits has been assessed a certain amount of taxes for the retirement of water bonds used for the purchase of existing water rights of said City, and whereas property outside the said City has not been assessed such taxes, now therefore owners and subdividers of such outlying property, approved by said City for water services and desirous of such water delivery, must first deed and assign to this City certain water rights, or water stock, which have been used on said land and shall transfer to this City certain water stocks used during the past five (5) years in connection therewith, or other water stocks and rights acceptable to said City, in order to insure an adequate supply of water for the development of such property without depleting the water rights of said City and shall pay certain charges to said City, and that such transfers and charges shall be as follows: Before any approved outlying lot or subdivision is connected to the water system of the City of Redlands, the owner or subdivider shall deliver to the said City free and clear with all assessments paid to date of delivery, sufficient water stock, previously used on said land during the past five (5) years to be improved, or other water stock or rights acceptable to said City, to insure delivery of four (4) miners' inch days of water per house per month or sixteen

(16) miners' inch days per acre per month. And no water service shall be furnished to such outlying lot or subdivision unless such water stocks or rights are transferred to the said City as herein set forth. The owner or subdivider shall further pay to the said City Water Department for the said water stock acquisition fund the sum of One Hundred and Fifty Dollars (\$150.00) per lot, with a minimum of Six Hundred Dollars (\$600.00) per acre. That upon delivery of the said required water stock, or water stock and water rights acceptable to said City, the City of Redlands shall pay to the owner or subdivider the current and foregoing value of such water stock, the values of which shall be set by a formal Resolution of the said City Council as hereinbefore set forth.

SECTION FIVE: WELLS AND WATER RIGHTS. In the event that the land to be improved under this ordinance is served by a well or water rights other than water stocks, then the amount of flow and the value thereof shall be determined by negotiation between the owner, the said City Water Board and an accredited Water Engineer, subject to approval by the City Council, and the amount of the owner's interest in said well or other water rights is to be sold to the said City at the reasonable market value thereof.

SECTION SIX: There is hereby created by this ordinance a WATER STOCK AND WATER RIGHTS ACQUISITION FUND, and that all funds collected pursuant to this ordinance shall be placed therein, and which fund is to be used exclusively for the purchase of water stock and water rights, and shall be used solely for such purposes by the said City and shall not accrue in any manner for the general funds of the City of Redlands.

SECTION SEVEN: Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment for a term not exceeding six (6) months, or by both such fine or imprisonment.

SECTION EIGHT: If any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason held to be unconstitutional, illegal or unlawful, such decision shall not affect the validity of the remaining portion of the ordinance. The City Council hereby declared that it would have adopted this ordinance irrespective of the fact that anyone or more section, sub-section, sentence, clause or phrase be declared unconstitutional, illegal or void.

SECTION NINE: Any ordinance, or part of ordinances, in conflict herewith are hereby repealed.

SECTION TEN: This ordinance shall be in force and take effect as provided by law.

SECTION ELEVEN: The City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published once in the Redlands Daily Facts, a daily newspaper hereby designated for that purpose.

JOHN H. ELKINS,
Mayor of the City of
Redlands, California.

Attest:
H. R. WHALEY,
City Clerk.

I do hereby certify that the foregoing ordinance was duly adopted at a regular meeting thereof held on the 26th day of April, 1955, by the following vote:
AYES: Councilmen Osburn, Romo Anderson and Mayor Elkins.

NOES: None.
ABSENT: Councilman Morlan.
H. R. WHALEY,
City Clerk.

(SEAL)