

ORDINANCE NO. 609

AN ORDINANCE OF THE CITY OF REDLANDS RELATING TO THE ACQUISITION BY THE CITY OF THE PROPERTY OF THE HILLSIDE CEMETERY ASSOCIATION.

WHEREAS, the Hillside Cemetery Association, a corporation, is the owner of certain property, situated in the City of Redlands, San Bernardino County, State of California, known as the "Hillside Cemetery", a portion of which is now being used for cemetery purposes, and the rest thereof having been acquired for such purpose: and

WHEREAS, said Association has established an endowment fund and also a perpetual care fund, in connection with such cemetery for the purpose of providing an income for the perpetual care of certain lots in said cemetery, and for carrying out certain provisions contained in that certain deed of trust executed by E. G. Judson and F.E. Brown to said Association, of date September 9th, 1899, and of record in the office of the county recorder of said county in Book 112 of Deeds, Page 64 thereof,

WHEREAS, said Association has assumed certain duties and obligations to certain purchasers of lots in said cemetery, embodied in an agreement between such purchasers and said Association, and commonly called the "Endowment Agreement" and:

WHEREAS, said Association has acquired a portion of said property under said deed of trust, which imposed upon it certain duties and obligations therein recited, and

WHEREAS, said Association has made a proposition to said City to convey and transfer to said City all of its property and transfer, assign and set over to said City all funds now belonging to or in the custody of said Association, together with all securities held by it in both of said funds, with the understanding that said City shall assume the duties and obligations of said Association, contained in the "Endowment Agreement", and carry out and perform the terms and provisions of said deed of trust, in so far as the same are now in force and effect: and

WHEREAS, said City has heretofore adopted a resolution accepting said proposition:

NOW THEREFORE, to carry out the intent and purpose of the parties to such proposition and to make a permanent record of said transaction in the form of an ordinance of said City,

The Board of Trustees of the City of Redlands do ordain as follows:

SECTION 1. That the City of Redlands acquire all of the property of said Hillside Cemetery Association, a corporation, including its funds and securities, subject to any mortgage indebtedness against said property, and subject to a \$5,000.00 note of said Association, given to the _____ National Bank of Redlands, the payment of which is assumed by said City.

SECTION 2. That said City (upon the conveyance to it of such property, and the transfer and assignment of such funds and securities) does hereby assume and agree to carry out and perform each and all of the duties, obligations and agreements of said Association, which have been assumed or undertaken by it, under or by the various agreements it has heretofore entered into with purchasers of lots in said cemetery, and which agreements are known and commonly called the "Endowment Agreement", a copy of which agreement has been filed with the City Clerk of said City, and reference is hereby made thereto: and said City (upon such conveyance and transfer being so made) hereby assumes and agrees to carry out and perform each and all of the duties and obligations imposed upon said Association under said deed of trust, in so far as the same are now in force and effect.

SECTION 3. Said City shall perpetually maintain the endowment fund and the perpetual care fund heretofore established and maintained by said Association, in separate and distinct funds which shall not be resorted to or used by said City for any purpose other than the purposes for which said funds were heretofore established by said Association pursuant to the provisions of said "Endowment Agreement" and said Deed of Trust and said funds shall at all times be deemed a trust fund for such

purposes, provided, however, that nothing herein contained shall be deemed to prevent said City from selling or disposing of the securities which have been transferred to it by said Association, provided other securities be obtained and substituted therefor, of the character provided by Section 616 of the Civil Code of the State of California to which reference is hereby made.

SECTION 4. All such securities and any other securities or funds placed in said Endowment Fund or said Perpetual Care Fund, shall be in the charge, custody and care of the City Treasurer, as a separate fund of said City, and he and his bondsmen shall be liable therefor in the same manner as he and they are liable for other City funds in his custody as City Treasurer.

SECTION 5. The Board of Trustees of said City may, at any time, by resolution, provide for the giving of an additional bond to that now provided by ordinance, by said City Treasurer, in the amount as said Board may determine.

SECTION 6. This ordinance shall take effect and be in force from and after its passage and posting as required by law.

A. E. Brock
President of the Board of Trustees of
the City of Redlands, California

ATTEST: C. P. Hook
City Clerk of said City

I do hereby certify that the foregoing ordinance was duly adopted by said board at a regular meeting thereof held on the 7th day of August, 1918, by the following vote:

AYES: Carter, Tripp, Fowler, Simpson, Brock.
NOES: None

Dated August 7, 1918

C. P. Hook
Clerk of the City of Redlands