ORDINANCE NO. 1350

AN ORDINANCE OF THE CITY OF REDLANDS IMPOSING A DOCUMENTARY STAMP TAX ON THE SALE OF REAL PROPERTY

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

SECTION ONE: This ordinance shall be known as the "Real Property Transfer Tax Ordinance of the City of Redlands". It is adopted pursuant to the authority contained in Part 6.7 (commencing with Section 11901) of Division 2 of the Revenue and Taxation Code of the State of California.

SECTION TWO: There is hereby imposed on each deed, instrument or writing by which any lands, tenements, or other realty sold within the City of Redlands shall be granted, assigned, transferred or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his or their direction, when the consideration or value of the interest or property conveyed (exclusive of the value of any lien or encumbrances remaining thereon at the time of sale) exceeds one hundred dollars ($100), a tax at the rate of twenty-seven and one-half cents ($0.275) for each five hundred dollars ($500) or fractional part thereof.

SECTION THREE: Any tax imposed pursuant to Section 2 hereof shall be paid by any person who makes, signs or issues any document or instrument subject to the tax, or for whose use or benefit the same is made, signed or issued.

SECTION FOUR: Any tax imposed pursuant to this ordinance shall not apply to any instrument in writing given to secure a debt.

SECTION FIVE: The United States or any agency or instrumentality thereof, any state or territory, or political subdivision thereof, or the District of Columbia shall not be liable for any tax imposed pursuant to this ordinance with respect to any deed, instrument, or writing to which it is a party, but the tax may be collected by assessment from any other party liable therefor.

SECTION SIX: Any tax imposed pursuant to this ordinance shall not apply to the making, delivering or filing of conveyances to make effective any plan of reorganization or adjustment which has been (a) Confirmed under the Federal Bankruptcy Act, as amended; (b) Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in subdivision (m) of Section 205 of Title 11 of the United States Code, as amended; (c) Approved in an equity receivership proceeding in a court involving a corporation, as defined in subdivision (3) of Section 506 of Title 11 of the United States Code, as amended; or (d) Whereby a mere change in identity, form or place of organization is effected.

Subdivisions (a) to (d), inclusive, of this section shall only apply if the making, delivery or filing of instruments of transfer or conveyances occurs within five years from the date of such confirmation, approval or change.

SECTION SEVEN: Any tax imposed pursuant to this ordinance shall not apply to the making or delivery of conveyances to make effective any order of the Securitites and Exchange Commission, as defined in subdivision (a) of Section 1083 of the Internal Revenue Code of 1954; but only if:

(a) The order of the Securities and Exchange Commission in obedience to which such conveyance is made recites that such conveyance is necessary or appropriate to effectuate the provisions of Section 79k of Title 15 of the United States Code, relating to the Public Utility Holding Company Act of 1935;

(b) Such order specifies the property which is ordered to be conveyed;

(c) Such conveyance is made in obedience to such order.

SECTION EIGHT: (a) In the case of any realty held by partnership, no tax shall be imposed pursuant to this ordinance by reason of any transfer of an interest in a partnership or otherwise, if:

(1) Such partnership (or another partnership) is considered a continuing partnership within the meaning of Section 708 of the Internal Revenue Code of 1954; and

(2) Such continuing partnership continues to hold the realty concerned.

(b) If there is a termination of any partnership within the meaning of Section 708 of the Internal Revenue Code of 1954, for purposes of this ordinance, such partnership shall be treated as having executed an instrument whereby there was conveyed, for fair market value (exclusive of the value of any lien or encumbrance remaining thereon), all realty held by such partnership at the time of such termination.

(c) Not more than one tax shall be imposed pursuant to this ordinance by reason of a termination described in subdivision (b), and any transfer pursuant thereto, with respect to the realty held by such partnership at the time of such termination.

SECTION NINE: The County Recorder shall administer this ordinance in conformity with the provisions of Part 6.7 of Division 2 of the Revenue and Taxation Code and the provisions of any county ordinance adopted pursuant thereto.

SECTION TEN: Claims for refund of taxes imposed pursuant to this ordinance shall be governed by the provisions of Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of the Revenue and Taxation Code of the State of California.

SECTION ELEVEN: This ordinance shall become operative upon the operative date of any ordinance adopted by the County of San Bernardino, pursuant to Part 6.7 (commencing with Section 11901) of Division 2 of the Revenue and Taxation Code of the State of California, or upon the effective date of this ordinance, whichever is the later.

SECTION TWELVE: Upon its adoption the City Clerk shall file two copies of this ordinance with the County Recorder of San Bernardino County.

SECTION THIRTEEN: This ordinance, inasmuch as it provides for a tax levy for the usual and current expenses of the city, shall take effect immediately.

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

This ordinance shall take effect and be in force after its passage as provided by law.

ATTEST:

Peggy A. Moseley
City Clerk

Waldo F. Burroughs
Mayor of the City of Redlands

APPROVED FOR FORM:

s/ Edward F. Taylor
City Attorney

I, Peggy A. Moseley, City Clerk, City of Redlands, hereby certify that the foregoing ordinance was adopted by the City Council of the City of Redlands, at a regular meeting thereof held on the 19th day of December, 1967, by the following vote:

AYES: Councilmen Martinez, Hartzell, Cummings, DeMirjyn, Mayor Burroughs
NOES: None
ABSENT: None

Peggy A. Moseley
City Clerk