

WCSD RESOLUTION 2002-3 (99-3 REVISED)

TRANSFER OF WATER SERVICE ENTITLEMENTS

WHEREAS, the Westhaven Community Services District is obligated by District ordinances to provide water service on demand to certain parcels within the District; and

WHEREAS, limited water source capacity precludes provision of service to parcels other than those with an existing water service entitlement; and

WHEREAS, the Board of Directors of the District recognizes that changing land use preferences or requirements may cause a parcel owner to desire to transfer a water service entitlement from one assessor's parcel to another; and

WHEREAS, the Board also recognizes that transfer of water service entitlements must not adversely affect the District's ability to achieve its stated purpose "to supply the inhabitants of the District with safe water" and further recognizes that provision of safe water includes provision of an uninterrupted supply of water to the users; and

WHEREAS, the Board wishes to establish an equitable policy and accompanying procedures for implementing the transfer of water service entitlements where such transfer will not threaten the District's ability to provide an uninterrupted supply of water to the users; and

WHEREAS, nothing in the language of this resolution allows multiplication of water service entitlements; therefore

BE IT RESOLVED, the Board of Directors of the Westhaven Community Services District establishes the following conditions governing the transfer of water service entitlements:

1. A permit to transfer a water service entitlement will be considered for approval by the Board upon completion of a permit application provided by the District and payment of a non-refundable application fee.
2. The application will be forwarded to the Board by the Manager and will contain a checklist indicating verification of the following conditions:
 - A. The applicant has provided copies of recorded grant deeds showing the applicant to be the owner of record of all parcels involved in the transfer.
 - B. The transfer will not increase the total number of water service entitlements in the District.
 - C. The applicant has agreed by signature affixed to the application to provide compliance with the following conditions:
 - I. Unless the parcel contains an on-site water source approved by the Humboldt County Department of Environmental Health as sufficient for residential use at the time of transfer of the entitlement, any existing dwelling from which the service entitlement is to be transferred shall be removed from the parcel and shall not be replaced by a dwelling not authorized for WCSD water service.

Failure to comply with this condition at any time after sixty (60) days following approval of the transfer permit shall result in abandonment of the water service entitlement by the WCSD after thirty (30) days notice to the parcel owner by certified mail. If the entitlement is abandoned, the subject parcels shall be considered for new service within the appropriate Section of Article 4 (Priority for New Services) of Ordinance 97-3 or its subsequent revisions.

- II. The applicant shall convey to the WCSD development rights via deed restriction on the parcel from which the service has been transferred as follows:
“Development Rights” means the existing or future right to construct any development or facility that may require water services of any kind from the WCSD. “Development Rights” also means the existing or future right to construct any dwelling not connected to the WCSD water system unless the parcel contains an on-site water source approved by the Humboldt County Department of Environmental Health as sufficient for residential use at the time of transfer of the entitlement. . A copy of the deed restriction, as filed with the County Recorder’s Office shall be deposited with the WCSD. Failure to comply with this condition within sixty (60) days following approval of the transfer permit shall result in abandonment of the water service entitlement by the WCSD after thirty (30) days notice to the parcel owner by certified mail. If the entitlement is abandoned, the subject parcels shall be considered for new service within the appropriate Section of Article 4 (Priority for New Services) of Ordinance 97-3 or its subsequent revisions.
- III. The applicant shall agree to pay to the District all costs associated with the transfer including administrative costs and costs associated with the physical transfer and/or extension of District facilities. Failure to pay the costs of the transfer within sixty (60) days of billing by the WCSD shall result in abandonment of the water service entitlement by the WCSD after thirty (30) days notice to the parcel owner by certified mail. If the entitlement is abandoned, the subject parcels shall be considered for new service within the appropriate Section of Article 4 (Priority for New Services) of Ordinance 97-3 or its subsequent revisions.

PASSED, APPROVED AND ADOPTED this Seventeenth day of July, 2002, by the following roll call vote:

AYES: Bryant, Blake, Cline, and Schulz

NOES: None

ABSTAIN: None

ABSENT: Oliphant

Alfred Oliphant, President
Westhaven Community Services District

ATTEST:

Annette Leshner, Secretary,
Westhaven Community Services District