

IN THE BOARD OF DIRECTORS

AVILA BEACH COUNTY WATER DISTRICT

RESOLUTION NO. 80-5

PRESENT: Directors Paul Coffee, Marshall Ellis, Gladys Misakian,
Hal Purcell
ABSENT: Evelyn Phelan

DATED: September 2, 1980

RESOLUTION OF THE BOARD OF DIRECTORS OF AVILA
BEACH COUNTY WATER DISTRICT PROHIBITING SALE,
EXCHANGE OR TRANSFER OF WATER AVAILABILITY LIST
PRIORITY POSITIONS

WHEREAS, the Board of Directors makes the following findings:

1. Ordinance No- 2-76, as amended by Ordinance No. 2A-76, of the District declared there to exist a threatened water shortage pursuant to Water Code § 31024 et seq. and established regulations for controlling the extension of water within the District for new developments.

2. By its Resolution No. 80--1, the District clarified its procedures for the establishment of a "Water Availability List" governing the priority of applications for water within the District.

3. The District finds it to be in the public interest, and necessary for the orderly administration of its water availability permit procedures, that parties who have established priority on the Water Availability List not be allowed to sell, exchange, or transfer such priority position, due to the excessive confusion which may be caused to the District in monitoring and administering such transactions and due to the fact that such priority rights may become transferable development rights and would interfere with the orderly administration of the water availability permit procedure.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF AVILA BEACH COUNTY WATER DISTRICT as follows:

Priority positions which are established on the District's Water Availability List shall be deemed to be attached and appurtenant to the parcel or parcels of land for which the application for water was originally applied for. The District shall not be required to recognize any attempted sale, exchange or other transfer of such priority rights to any property or property owner which or who was not the subject of the original application to be placed on the Water Availability List.

On motion of Director Gladys Misakian, seconded by Director Paul Coffee, and on the following roll call vote, to-wit:

AYES: Paul Coffee, Marshall Ellis, Gladys Misakian, Hal Purcell

NOES: None

ABSENT: Evelyn Phelan

the foregoing Resolution was adopted this 2 day of September, 1980.

ATTEST:

Carolee Fisher
District Secretary

Marshall E. Ellis
President of the Board of Directors

APPROVED AS TO FORM:

Stephen N. Cool
STEPHEN N. COOL
Attorney for District