

2. Description of Item to be located in Easement: *Example: Tree, hedge, other planting, driveway, fence, etc.*

3. Summary of Request: Why are you requesting the license agreement? Why can't this need be satisfied elsewhere on your property outside the easement? (Attach additional sheets or a letter if needed)

3.1 If applicable, please circle the exception of as provided in Civil Code 4600(a) you contend applies to your request?

- (1) A reconveyance of all or any portion of that common area to the subdivider to enable the continuation of development that is in substantial conformance with a detailed plan of phased development submitted to the Real Estate Commissioner with the application for a public report.
- (2) Any grant of exclusive use that is in substantial conformance with a detailed plan of phased development submitted to the Real Estate Commissioner with the application for a public report or in accordance with the governing documents approved by the Real Estate Commissioner.
- (3) Any grant of exclusive use that is for any of the following reasons:
 - (A) To eliminate or correct engineering errors in documents recorded with the county recorder or on file with a public agency or utility company.
 - (B) To eliminate or correct encroachments due to errors in construction of any improvements.
 - (C) To permit changes in the plan of development submitted to the Real Estate Commissioner in circumstances where the changes are the result of topography, obstruction, hardship, aesthetic considerations, or environmental conditions.
 - (D) To fulfill the requirement of a public agency.
 - (E) To transfer the burden of management and maintenance of any common area that is generally inaccessible and not of general use to the membership at large of the association.
 - (F) To accommodate a disability.
 - (G) To assign a parking space, storage unit, or other amenity, that is designated in the declaration for assignment, but is not assigned by the declaration to a specific separate interest.
 - (H) To install and use an electric vehicle charging station in an owner's garage or a designated parking space that meets the requirements of Section 4745, where the installation or use of the charging station requires reasonable access through, or across, the common area for utility lines or meters.
 - (I) To install and use an electric vehicle charging station through a license granted by an association under Section 4745.

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(J) To install and use a solar energy system on the common area roof of a residence that meets the requirements of Sections 714, 714.1, and, if applicable, Section 4746.

(K) To comply with governing law. *(Please identify law in description).*

3.2 What effect, if any, does your need to utilize the easement property on a non-exclusive basis have on the ability of RHCA to have access to and use the easement?

3.3 Is the area generally inaccessible and not of general use to the membership at large of the Association?

3.4 Do you agree that approval of a license will include your obligation to maintain the area?

Yes _____

No _____

3.5 Do you agree that your failure to maintain the area will constitute grounds for the RHCA to revoke the license?

Yes _____

No _____

4. To your knowledge does the proposed use have any impact on geology, hydrology or does it create an environmental risk?

Yes _____

No _____

5. Are all the other easements on your property clear of structures and plantings?

Yes _____

No _____ If no, please explain:

License Agreement Process:

1. Once the application is completed and received, the request will be placed on agenda for a future R H C A Board Directors meeting. Association Members will be notified of your request and the matter will be posted in the Association or City mailings.

2. The staff shall verify that there are no outstanding violations on the property and whether the identified exception of Civil Code § 4600 may apply.
3. At the first Board meeting where your request is on the agenda, the only action to be taken is to schedule a field trip for the Board members to visit your property. No discussion takes place and no decision is made, only the field trip is scheduled. **Property and easement lines are required to be staked prior to the Board's field trip. If the property is not properly marked the field trip will be cancelled and the application will not be on the meeting agenda for discussion or consideration.**
4. The Board will visit the site and view the existing conditions. It is helpful to have someone present who is familiar with the property to answer any questions that arise.
5. After the field visit, the request will be placed on a Board agenda for discussion and a decision as to whether any exception to Civil Code § 4600 applies. It is essential that the property owner or their agent be present to answer any questions. The applicant should be prepared to present all facts the applicant wants the Board to consider.

BOARD DECISIONS ARE FINAL THERE IS NO APPEAL.

6. The Board may impose conditions for approval of the application if consistent with Civil Code § 4600. The conditions shall be given in writing to the applicant and the applicant must sign an agreement that he understands and agrees to the conditions before a license agreement is prepared.
7. If the request is approved, a map with dimensions showing the encroachment as well as a legal description of the area will need to be provided to the Association office. RHCA legal counsel will then draw up the legal documents. The completed unexecuted documents and invoice will then be mailed to you. These documents must be signed and notarized and invoice paid. The documents will then be recorded by legal counsel.
8. The license agreement will provide that RHCA has the right to revoke the license if RHCA has a need to use the easement including to comply with law as provided in Civil Code § 4600.
9. The license agreement will provide that RHCA has the right to revoke the license.