

*Rolling Hills Community Association*  
*No. 1 Portuguese Bend Rd. Rolling Hills, CA 90274*  
*ph. (310)544-6222 email: info@rhca.net*

**APPLICATION FOR LICENSE AGREEMENT**

**PROPERTY OWNER INFORMATION**

Date \_\_\_\_\_ Lot \_\_\_\_\_ Tract \_\_\_\_\_

Property Owner Name \_\_\_\_\_

Property Address \_\_\_\_\_ Rolling Hills

Contact Number \_\_\_\_\_ Email \_\_\_\_\_

**AGENT INFORMATION**

Agent Name \_\_\_\_\_  
(Individual and Company Name)

Mailing Address \_\_\_\_\_

Contact Number \_\_\_\_\_ Email \_\_\_\_\_

By signing the following, I certify that I have received and read a copy of *Resolution 192, (2020)* and agree to comply with *Resolution 192*, and any terms that may be included as a condition of granting the license. I understand the approval or denial of this application is at the discretion of the RHCA Board of Directors. If the application is accepted and the license is approved, a license agreement will be recorded; and the license will remain in effect if a transfer of title occurs.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

**Please include the following with your completed application:** *This information will be provided to the Board of Directors along with a copy of the application.*

1. An 8-1/2" x 11" map with dimensions showing the area of the easement that you are requesting a license to use. This map should include property lines, easement lines, any roadways and a clear indication of the planting, irrigation or structure that encroaches into the easement.
2. Any related documents to support your request. (i.e. photographs, additional letters, detailed descriptions, etc.)

**1. Easement Location:** *Please indicate all that apply.*

Road Easement *Includes a roadway*

Trail Easement *Includes a dedicated trail or commonly used undedicated trail.*

Side Easement - North/East/South/West *Circle one*

Rear Easement - North/East/South/West *Circle one*

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

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**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)

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

- (a) Unless the governing documents specify a different percentage, the affirmative vote of members owning at least 67 percent of the separate interests in the common interest development shall be required before the board may grant exclusive use of any portion of the common area to a member.
- (b) Subdivision (a) does not apply to the following actions:
  - (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.
    - (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?**

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

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**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:

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### **License Agreement Process:**

1. Once the application is completed and received, the request will be placed on agenda for a future RHCA 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.

**RESOLUTION No. 192**  
As amended 2020

RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
ROLLING HILLS COMMUNITY ASSOCIATION OF RANCHO PALOS VERDES  
REGARDING THE PROCEDURE FOR GRANTING LICENSES FOR  
USE IN EASEMENTS, REDUCTION IN THE SIZE OF EASEMENTS  
OR CHANGE IN LOCATION OF EASEMENTS

WHEREAS, the Board of Directors of the Rolling Hills Community Association ("RHCA") periodically receives requests from members for:

1. A license to use portion of an RHCA easement;
2. A reduction in the size of an RHCA easement; and
3. A change in location of an RHCA easement.

WHEREAS, the Board of Directors wishes to establish a procedure for consideration of such a request by members;

WHEREAS, *California Civil Code § 4600* restricts the creation of license agreements that create an exclusive use of a portion of a common area to an individual member by requiring the approval by 67 percent of membership.

WHEREAS, *California Civil Code 4600(b)* allows license agreements to be granted for exclusive use without a vote of 67 percent of membership under special limited conditions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of this corporation does hereby adopt the following:

On any request involving a license for the use, reduction in size, or change of location of an RHCA easement the following procedure shall be followed:

- 1) The member must submit an application for a license agreement.
- 2) Members must submit a copy of the deed to the property along with the application.
- 3) If an application seeks approval based on the provisions of *Civil Code § 4600(b)*, it must specify the method to comply with *Civil Code § 4600(b)* which reads as follows:

- (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](#).
- (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.

4) The RHCA Board may consider granting a revocable license agreement for exclusive use of a portion of an easement only if it is established to the satisfaction of the Board that the grant of a license complies with *Civil Code § 4600 (b)*, and the 67 percent vote of membership set out in *Civil Code § 4600 (a)* is not required. See copy of *§ 4600 attached hereto*

5) The Board must visit the property as part of the application process. The time of the visit shall be set at a public Board meeting and RHCA members may attend.

6) The applicant is responsible for having easement and property lines staked by a licensed surveyor before the Board makes a field trip.

7) Written notice of the meeting where the request will be voted on by the Board of Directors shall be mailed to all adjoining property owners. Said notice shall be mailed no less than 10 days before said meeting. If an adjoining property is owned by the City of Rolling Hills, notice shall be mailed to the owner of the property adjoining the City property.

8) Notices should be made to all membership regarding hearings or meetings where a request for a license may be approved by the RHCA Board.

9) If a license is granted, the homeowner is responsible for providing a survey and legal description of the portion of the easement to be licensed to the applicant. Applicant is responsible for reasonable legal fees for the drafting and recording of the license agreement.

10) If the approval of the license application requires a vote of 67 percent of the Members pursuant to *Civil Code § 4600(c)*, the cost of the election shall be borne by the applicant provided however that the cost may be shared if more than one applicant is asking for a license during the same special election.

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12) No work shall commence in the easement until the license agreement is recorded.

13) All licenses are revocable. If RHCA decides all or any portion of the easement subject to the license needs to be utilized for one of the purposes set forth in the applicable CC&R's or to comply with law, the license can be revoked.

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of December 2020.

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Frederick Lorig, President of the  
Rolling Hills Community Association

ATTEST:

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Anne Smith, Secretary of the  
Rolling Hills Community Association