

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.

Frederick Lorig, President of the
Rolling Hills Community Association

ATTEST:

Anne Smith, Secretary of the
Rolling Hills Community Association

