

Recording Requested By:
County of Humboldt
Planning and Building Department

Return To:
County of Humboldt
Planning and Building Department
3015 H Street
Eureka, CA 95501-4484

NOTICE OF RESTRICTION ALTERNATIVE OWNER BUILT ACCESSORY DWELLING STRUCTURE

Entered Into On	}	Assessor Parcel Number.:
By And Between	}	
	}	
	}	
(hereafter referred to as OWNER)	}	
	}	Application No.:
And The County Of Humboldt	}	
(hereafter referred to as	}	
COUNTY)	}	

WITNESSETH

WHEREAS, OWNER has applied to COUNTY for permits and other grants of approval necessary to carry out a project which is described within a project application filed with Humboldt County Planning and Building Department as the Permit Application Number and Assessor Parcel Number referenced above (hereinafter referred to as proposed project); and

WHEREAS, the real property upon which OWNER's proposed project is situated, is or includes the real property which is described in EXHIBIT A and which is attached to this Notice of Restriction and incorporated by reference herein (hereinafter referred to as subject property); and

WHEREAS, the subject property is situated in the County of Humboldt, State of California; and

WHEREAS, the project is being constructed pursuant to Title III, Division 3, Chapter 1.5 of the Humboldt County Code, the Modified Limited Density Owner-Built Rural Dwelling Regulations (for Alternative Owner Builders) (hereinafter "Alternative Owner Builder regulations"); and

WHEREAS, Humboldt County Code section 331.5-3 indicates that the Alternative Owner Builder regulations apply to construction, enlargement, conversion, alteration, repair, use, maintenance, and occupancy of limited density owner-built, owner-occupied dwellings, owner-built accessory dwelling units, and appurtenant structures (as defined therein); and

WHEREAS, structures built pursuant to the Alternative Owner Builder regulations are to be used solely by the owner, except for owner-built accessory dwelling units, which may be used by persons other than the owner of the dwelling; and

WHEREAS, Humboldt County Code section 331.5-17 defines a change in occupancy as occupancy of a structure constructed pursuant to Alternative Owner Builder regulations by anyone other than the owner-builder of that structure; and

WHEREAS, Humboldt County Code section 331.5-17 provides that no new occupancy of a structure built pursuant to the Alternative Owner Builder regulations shall occur until either each new occupant signs and files with the Chief Building Official a statement signed under penalty of perjury stating, in part that he/she is occupying the structure with the knowledge and understanding that the structure was not built pursuant to Uniform Building Codes and of the associated risks; holding the County, its officers, employees, and agents harmless; and agreeing to abide by the applicable conditions of the building permit under which the structure was constructed or the building is brought into compliance with the current building code.

NOW, THEREFORE IT IS MUTUALLY AGREED AS FOLLOWS:

1. OWNER hereby agrees that the structure on the subject property described in Exhibit A attached hereto shall not be used as a short-term rental. The structure shall be occupied by OWNER, or, if occupied by another person, OWNER shall be responsible for the following: notifying the occupant that the structure was built under the Alternate Owner Builder regulations, providing the occupant with a copy of this Notice of Restriction, and filing with the Chief Building Official a statement complying with Humboldt County Code section 331.5-17 demonstrating the occupant's acknowledgment and consent to all conditions and requirements contained in this Notice of Restriction. Both parties acknowledge that this agreement to restrictions is made in consideration of approval by the COUNTY of OWNER's proposed project.

2. Both parties acknowledge that this agreement to restrictions is made in consideration of approval by the COUNTY of OWNER's proposed project.

3. OWNER agrees that failure to meet the restrictions described herein shall subject OWNER to all applicable legal penalties, including nuisance abatement, available to COUNTY.

4. OWNER is aware that the structure was not built pursuant to the Uniform Building Codes and that this may create risks or damages which are freely assumed. OWNER agrees to hold COUNTY, its officers, employees, and agents harmless for any injury or damage resulting from the occupation of a structure that was not built pursuant to the Uniform Building Codes.

5. OWNER agrees to insert in any document which transfers title to the subject property, or any part thereof, this "Notice of Restriction." OWNER further agrees to include in any such transfer document a provision by the terms of which the transferee, and each subsequent transferee, agrees to each and every condition contained in this Notice of Restriction, including the requirement contained in this paragraph.

6. If, at any time, the building is brought into compliance with the provisions of Title 25, Article 10; Of the California Administrative Code or the appropriate Uniform Building Code standard, the County shall cause this Deed Restriction to be lifted.

IN WITNESS WHEREOF, the parties hereto have caused this Notice of Restriction to be executed by their duly authorized officers on the _____ day of _____ 20____

BY _____
Keith Ingersoll, Chief Building Official
Planning and Building Department
County of Humboldt, State of California

CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
COUNTY OF HUMBOLDT }

On this _____ day of _____ 20 ____, before me, _____
Notary Public, personally appeared **Keith Ingersoll** who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Notary Public Signature

(seal)

OWNER(S)

Sign above. Print name here:

Sign above. Print name here:

Sign above. Print name here:

Sign above. Print name here:

CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
COUNTY OF HUMBOLDT }

On this _____ day of _____ 20 ____, before me, _____ Notary Public, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Notary Public Signature

(seal)

EXHIBIT A
PROPERTY DESCRIPTION