

**EL DORADO COUNTY BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL  
Meeting of August 29, 2006**

**AGENDA TITLE:** Subdivision Map Correction/TM68-0001C

(District V)

**DEPARTMENT:** Development Services

**DEPT SIGNOFF:**

**CAO USE ONLY:**

**CONTACT:** Gregory L. Fuz/Aaron Mount *PNM*

**DATE:** 8/1/2006

**PHONE:** 5445/5345

**DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION:** Hearing to consider a request submitted by DAVID HOPP, to amend the recorded final map for Glenridge Park, Unit 2, subdivision to remove the 25-foot building setback line for Lot 63, which will allow the construction of a single family residence. The removal of the setback line will allow an administrative reduction in zoning setback to 10 feet, which is in compliance with both TRPA and County requirements (continued to Page 2).

**RECOMMENDATION:** Planning staff recommends the Board take the following action: 1. Certify the project is Statutorily Exempt pursuant to Section 15268(3) of the CEQA Guidelines; 2. Approve the map correction to TM68-0001C, Glenridge Park, Unit 2/Lot 63, based on the findings listed on Attachment 1, subject to the conditions listed on Attachment 2; and 3. Accept the Notice of Deed Restriction and Covenant to Indemnify the County of El Dorado.

**CAO RECOMMENDATIONS:**

Financial impact? ( ) Yes (X) No

Funding Source: ( ) Gen Fund ( ) Other

**BUDGET SUMMARY:**

Other:

Total Est. Cost \_\_\_\_\_

**CAO Office Use Only:**

**Funding**

4/5's Vote Required ( ) Yes ( ) No

Budgeted \_\_\_\_\_

Change in Policy ( ) Yes ( ) No

New Funding \_\_\_\_\_

New Personnel ( ) Yes ( ) No

Savings \_\_\_\_\_

**CONCURRENCES:**

Other \_\_\_\_\_

Risk Management \_\_\_\_\_

Total Funding \_\_\_\_\_

County Counsel \_\_\_\_\_

**Change in Net County Cost** \_\_\_\_\_

Other \_\_\_\_\_

**\*Explain**

**BOARD ACTIONS:**

**Vote:** Unanimous \_\_\_\_\_ Or

**I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors**

**Ayes:**

**Date:** \_\_\_\_\_

**Noes:**

**Attest: Cindy Keck, Board of Supervisors Clerk**

**Abstentions:**

**Absent:**

**By:** \_\_\_\_\_

**EL DORADO COUNTY  
BOARD OF SUPERVISORS  
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Glenridge Park, Unit 2/Lot 63  
Memo to Board of Supervisors  
August 1, 2006

**DEPARTMENT SUMMARY (continued)**

The property, identified by Assessor's Parcel Number 016-583-18, consists of approximately 11,041 square feet, is located on the south side of Sunnyview Drive, approximately 2,200 feet southwest of the intersection with Highway 89, in the Meeks Bay area.

**DISCUSSION**

**BACKGROUND:** The subdivision known as Glenridge Park, Unit 2, was recorded on October 7, 1968. The project parcel qualifies for a 50 percent reduction in front yard setback pursuant to El Dorado County Ordinance 17.14.020 (Main building) and/or 17.14.030 (single story private garage).

*17.14.020 Front setback reduction for slope. Where the average slope of the front half of any building site is over one foot rise or drop in four feet, the required distance between the main building and the property line at the highway or county road may be reduced by fifty percent. (Prior code §9430(c))*

*17.14.030 Setback variation for private garage. Where the elevation at the required building line is more than six feet above or below the street elevation at the edge of the roadway, the required distance between a single story private garage and the property line may be reduced by up to fifty percent. (Prior code §9430(d))*

However, the Glenridge Park, Unit 2, subdivision has as a requirement on the map page for a building setback line requirement of 25 feet (Exhibit E-2). This requirement disallows the application of the above referenced administrative variances. The 25 foot setback on the final map appears to have been implemented to be consistent with the Zoning Ordinance at the time.

The subject parcel is constrained by a slope of 40 percent on the front half of the building site. TRPA requires that no driveway exceed a 10 percent slope, and the Department of Transportation requires that the slope be no more than 10 percent within the right-of-way. Construction of a driveway meeting the slope requirements would extend the length and affect the TRPA coverage requirements for the subject site.

By electing to design the single family residence consistent with Ordinance 17.14.020 and 17.14.030, and as conditioned by this map correction, a typical residential structure can be constructed upon the lot, compliant with TRPA requirements, Department of Transportation standards, and all other applicable El Dorado County ordinances and codes.

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**STAFF ANALYSIS**

**Project Description:** Request to amend the recorded final map for Glenridge Park, Unit 2, subdivision to remove the 25 foot building setback line for Lot 63 pursuant to the subdivision map page. The removal of this setback line will allow for the construction a single family residence consistent with an administrative reduction in zoning setback to 10 feet due to slope, thereby allowing compliance with both TRPA, mitigating conditions of approval, and all other County requirements.

**Site Description:** The project site is an undeveloped lot of Glenridge Park, Unit 2, subdivision that is at an average elevation of 6,400 feet above mean sea level. The parcel is bound on the northern border by Sunnyview Drive and has a slope of 40 percent on the front half of the building site.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>2004 General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	TR1	AP	Undeveloped
<b>North</b>	TR1	AP	Undeveloped, USFS
<b>South</b>	CT	AP	Undeveloped
<b>East</b>	TR1	AP	Single-Family Residence
<b>West</b>	TR1	AP	Undeveloped

**2004 General Plan:** *The 2004 General Plan identifies the project site as having an Adopted Plan (AP) land use designation within the Tahoe Regional Plan. As such, all projects within the Tahoe Basin must be consistent with the Regional Plan, which includes TRPA's Code of Ordinances, Plan Area Statements, and other TRPA regulations, as well as the County's General Plan Policies and Zoning Code.*

**Zoning:** The project parcel is located within the Tahoe One-family Residential (TR1) Zone District. The ultimate objective of this map correction, the construction of a single-family residence, is consistent with this zoning. The removal of this setback line will allow for the construction of a single family residence consistent with an administrative reduction in zoning setback to 10 feet, thereby allowing compliance with TRPA, mitigating conditions of approval, and all other County requirements. The removal of the subdivision map page setback of 20 feet does not allow a setback less than is required by the TR1 Zone District.

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**Deed Restriction and Covenant to Indemnify:** Subject to discussion with County Counsel and Planning Staff, Planning Services is requesting that a Deed Restriction and Covenant to Indemnify shall be recorded by the property owners. The intent of the documents is to indemnify and hold the County harmless for any and all claims or lawsuits or damages, which arise in any way from this reduction in building setback. El Dorado County Department of Transportation snow blowers are capable of throwing snow and pebbles more than 70 feet horizontally and up to 20 to 30 feet vertically during routine snow removal operations. From Department of Transportation, Maintenance Division, records show no less than one to two claims occur during the winter from this cause.

**Agency and Public Comments:** The following agencies provided comments on this application, and their concerns are addressed within the conditions of approval:

- County of El Dorado, Office of County Surveyor

These agencies had no specific concerns regarding the proposed tentative map correction:

- El Dorado County Department of Transportation
- Meeks Bay Fire Protection District

Copies of their written comments are available at the Planning Services office. The above agencies had no specific concerns regarding the proposed project that are not addressed and accounted for in the proposed findings and conditions of approval.

Additional issues may be raised as a result of the public notice of the hearing, which will be discussed at that time.

**ENVIRONMENTAL REVIEW**

This project has been found to be Statutorily Exempt pursuant to Section 15268 of the California Environmental Quality Act states in part:

**15268. Ministerial Projects**

*Ministerial projects are exempt from the requirements of CEQA. The determination of what is "ministerial" can most appropriately be made by the particular public agency involved based upon its analysis of its own laws, and each public agency should make such determination either as a part of its implementing regulations or on a case-by-case basis. In the absence of any discretionary provision contained in the local ordinance or other law establishing the requirements for the permit, license, or other entitlement for use, the following actions shall be presumed to be ministerial: (3) Approval of final subdivision maps.*

**GLF:AM:jcb**

**EL DORADO COUNTY  
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August 1, 2006**

**ATTACHMENTS**

Attachment 1 .....	Findings
Attachment 2 .....	Conditions of Approval
Attachment 3 .....	Notice of Deed Restriction and Covenant to Indemnify
Exhibit A .....	Vicinity Map
Exhibit B .....	2004 General Plan
Exhibit C .....	Zoning Map
Exhibit D .....	Assessor's Parcel Page, Assessor's Parcel Number 016-583-18
Exhibit E-1, E-2 .....	Glenridge Park, Unit 2, Subdivision, Maps E-20 and E-20A

**ATTACHMENT 1**  
**FINDINGS**

**FILE NUMBER TM 68-0001C**

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made pursuant to Section 66463.1 of the California State Subdivision Map Act:

**FINDINGS FOR APPROVAL**

1. *That there are changes in circumstances, which make any or all of the conditions of such a map no longer appropriate or necessary.*

**Finding:** The changes in circumstances are resultant of the Glenridge Park, Unit 2, subdivision being developed prior to the existence and requirements of the Tahoe Regional Planning agency. The inherent conflict between potential structures located at the 25-foot building setback line and the later evolving coverage and driveway requirements of the Tahoe Regional Planning Agency and Department of Transportation make the project parcel difficult to develop as is allowed by right under its zone district (TR1) and the 2004 general plan designations (Adopted Plan). This necessitates the removal of the setback line and allows a typical residential structure to be constructed upon the lot, compliant with TRPA requirements, and all other applicable El Dorado County Ordinances and Codes.

2. *That the modifications proposed did not impose any additional burden on the present fee owner of the property.*

**Finding:** The modification accommodates the desire of the owner of the project parcel. No additional burdens will be placed on any fee owners of lots within the subdivision.

3. *That the modifications proposed did not impose any right, title or interest in the real property reflected in the recorded map.*

**Finding:** The modifications proposed do not substantially alter any right, title or interest in the real properties reflected in the recorded map, since the setback has not been consistently applied for past building permits in the subdivision and other exceptions, corrections, and variances have been approved.

4. *That the map as modified conforms to the provisions of Section 66474 of the Government Code.* (Section 66474 of the Subdivision Map Act states that the legislative body of a county shall deny approval of a tentative map if it makes any one of the following findings:)

- A. *That the tentative map is not consistent with the applicable general and specific plans as specified in Section 65451.*

- B. *That the design and improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

- C. *That the site is not physically suitable for the proposed type of development.*

- D. *That the site is not physically suitable for the proposed density of development.*

- E. *That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife habitat.*
- F. *That the design of the subdivision or type of improvements is likely to cause serious public health problems.*
- G. *That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of , property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public.*

**Findings for Section 66474**

- A. The amended map maintains the same density as the original approval, which is consistent with the 2004 Adopted General Plan designation of Adopted Plan.
- B. The improvements and design of the amended map are consistent with the 2004 Adopted General Plan (Adopted Plan).
- C. The site is physically suitable for the construction of a single-family residence as allowed by right pursuant to the project parcel's zoning and general plan designation as approved in the original, Glenridge Park, Unit 2, subdivision map.
- D. The site is suitable for the density of the development.
- E. The design of the amended map will not cause substantial environmental damage or substantially injure fish or wildlife or their habitat.
- F. The amended map will not result in serious public health problems.
- G. The amendment to the final map will not conflict with any public lands.

**ATTACHMENT 2**

**CONDITIONS OF APPROVAL**

**FILE NUMBER TM 68-0001C**

1. **This Certificate of Correction approval is based upon and limited to compliance with the project description, dated August 29, 2006, and Conditions of Approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.**

**The project description is as follows:**

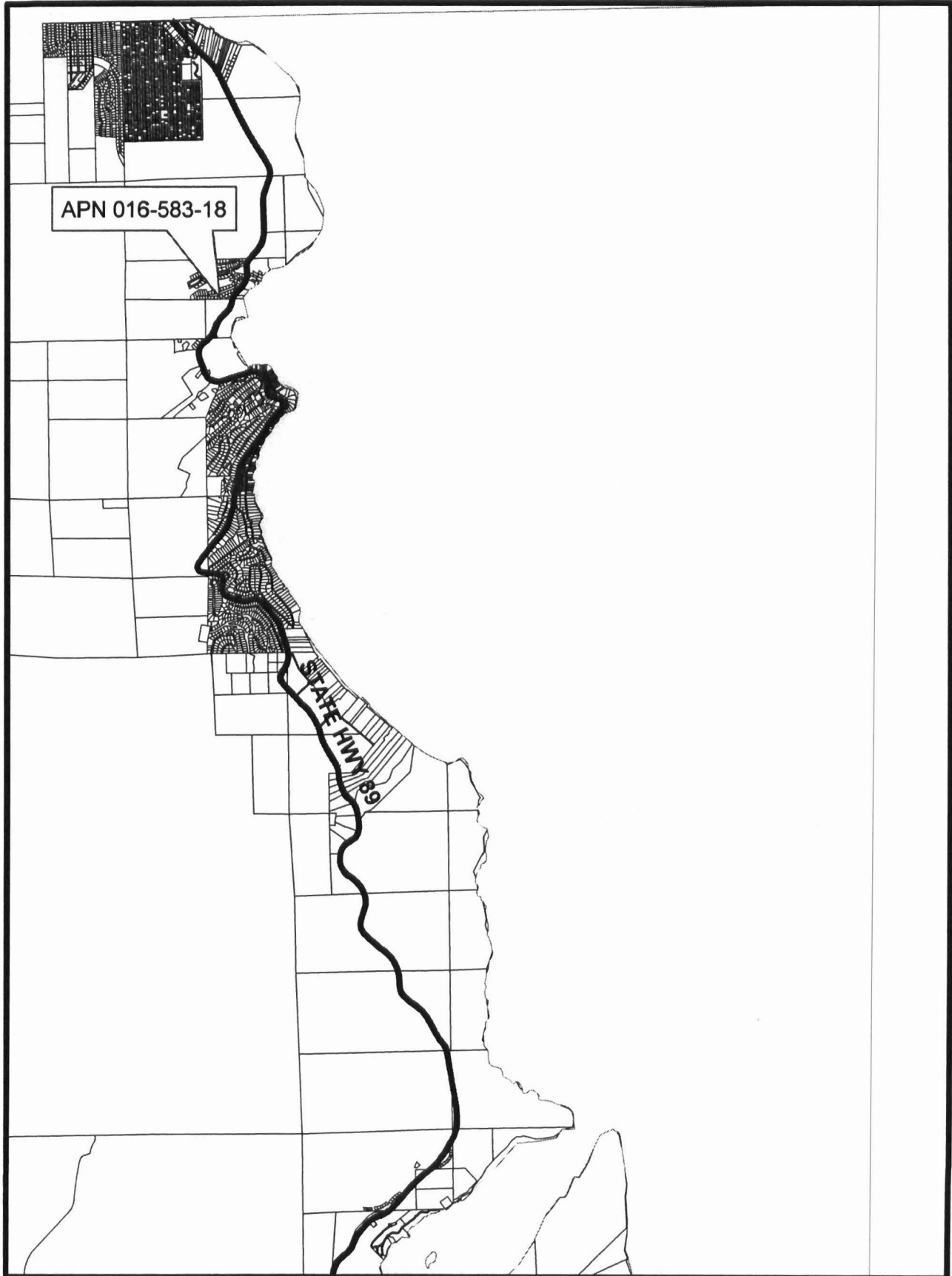
A Certificate of Correction amending a recorded final map (TM68-0001-C) to abandon the 25-foot "Set Back Line" for Lot 63 located within the Glenridge Park, Unit 2, subdivision. A minimum 10-foot setback line shall be established for the property (Assessor's Parcel Number 016-583-18).

3. **In no way shall any construction activities necessary for the erection of a single-family residence and/or accessory structures encroach, impede, block or otherwise negatively impact the existing utilities infrastructure, both located in the protected public utility easements, and on the project parcel as deemed necessary by the applicable utility companies, now or in the future.**
4. **The applicant shall file a Certificate of Correction with the El Dorado County Surveyor's office pursuant to the Subdivision Map Act and County Code for review and approval prior to recordation at the County Recorders Office. The property owners are responsible for all associated processing and recording fees.**
5. **A Notice of Restriction/Hold Harmless Agreement, Attachment 3, shall be recorded that places the following two restrictions on the project parcel. Said documents will be recorded prior to issuance of a building permit.**
  - (1) **The applicant shall provide documents indemnifying and holding the County harmless for any and all claims or lawsuits or damages, which arise in any way from this reduction in building setback;**
  - (2) **Each successor to the property shall be required to participate in a document identical in word and deed to that delineated herein in perpetuity.**

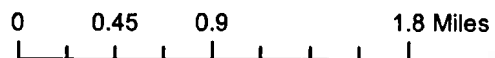
The exact form and language of the Notice of Restriction/Hold Harmless Agreement delineated above shall be reviewed and approved by County Counsel and, once approved, shall be recorded with the El Dorado County Recorder's office with an official copy sent to Planning Services.



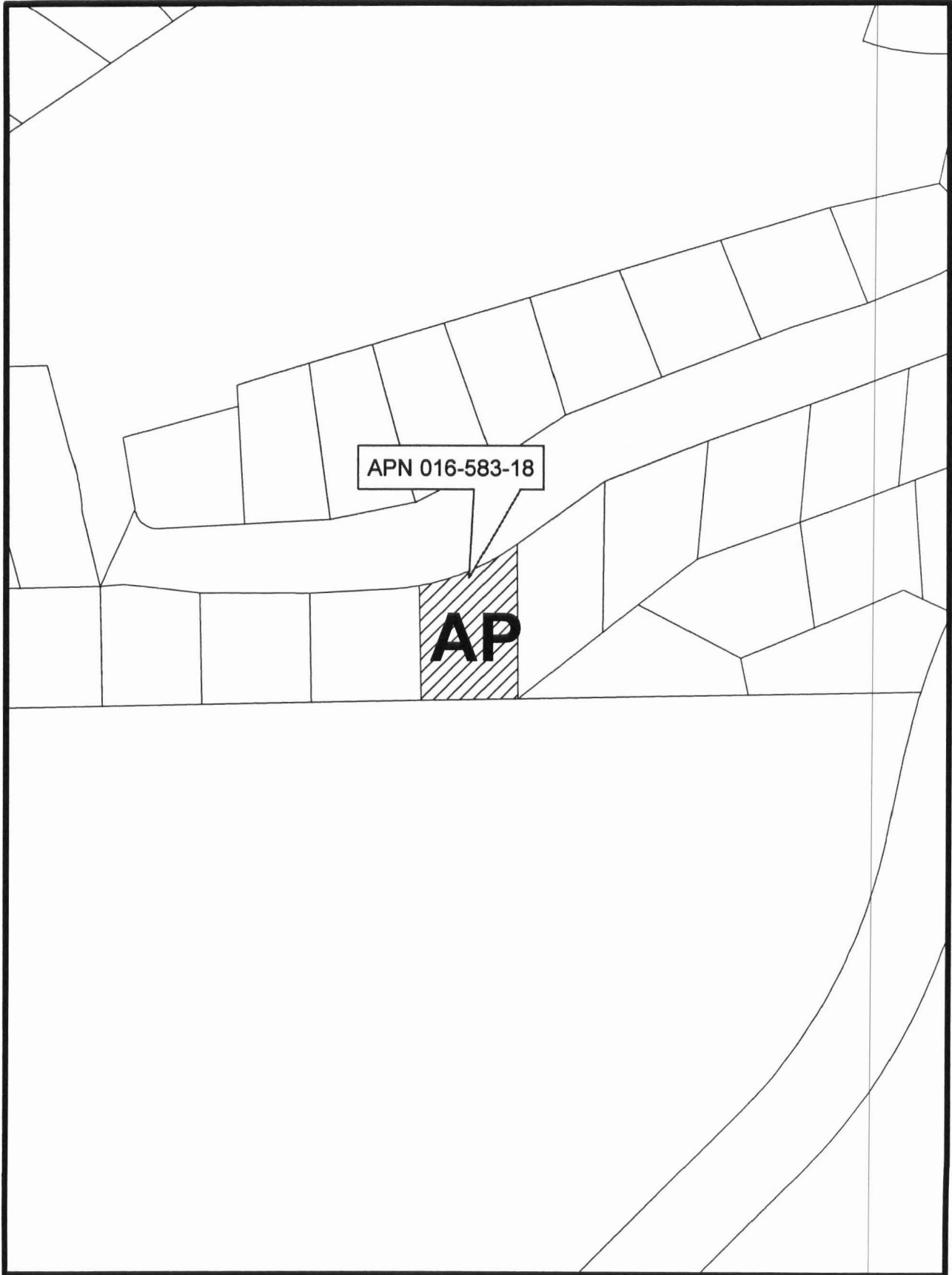
# EXHIBIT A: VICINITY MAP



PERMIT # TM68-0001C  
PREPARED BY AARON MOUNT



# EXHIBIT B: GP LAND USE MAP

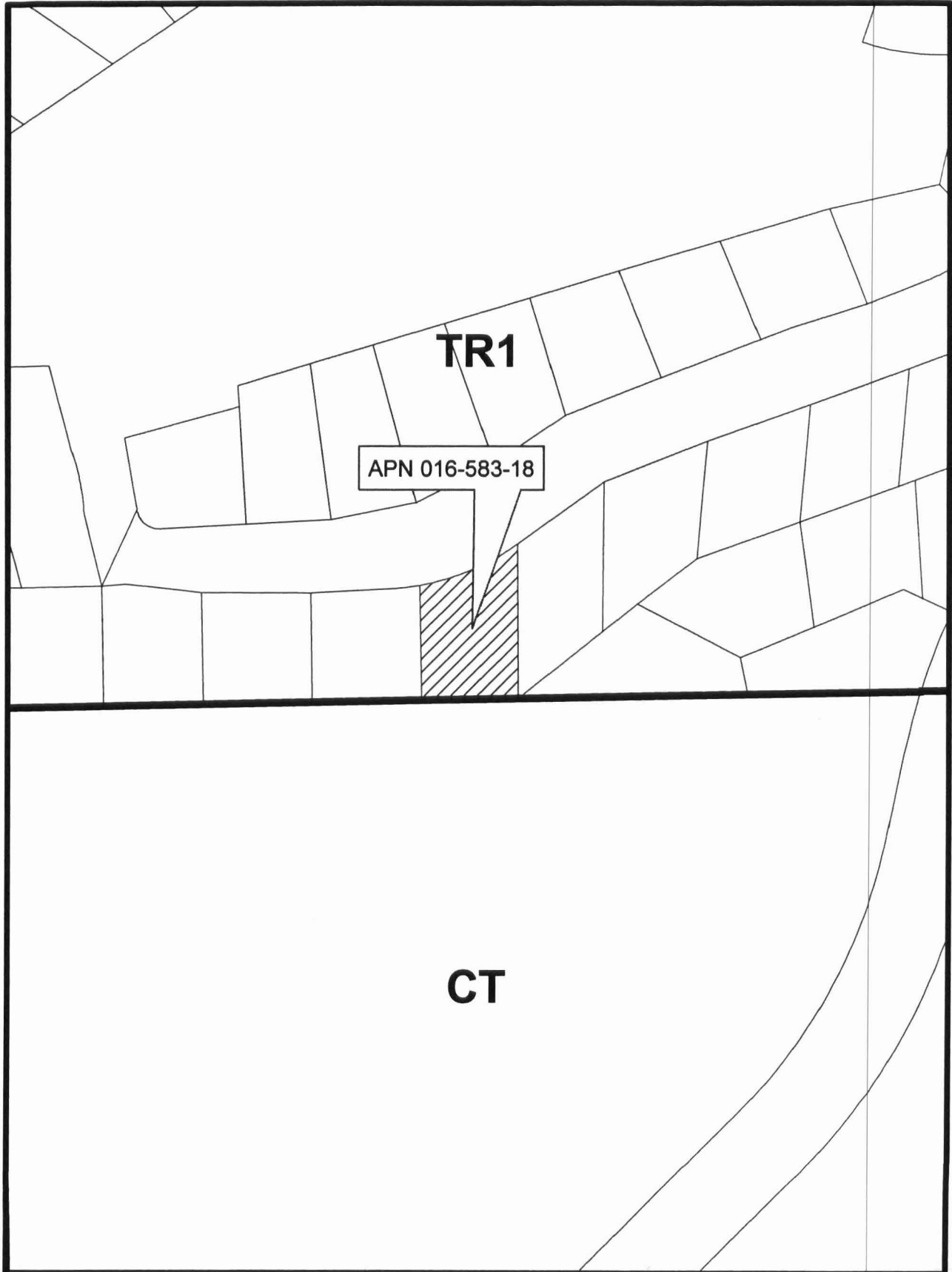


PERMIT # TM68-0001C  
PREPARED BY AARON MOUNT

0 0.0125 0.025 0.05 Miles



# EXHIBIT C: ZONING MAP



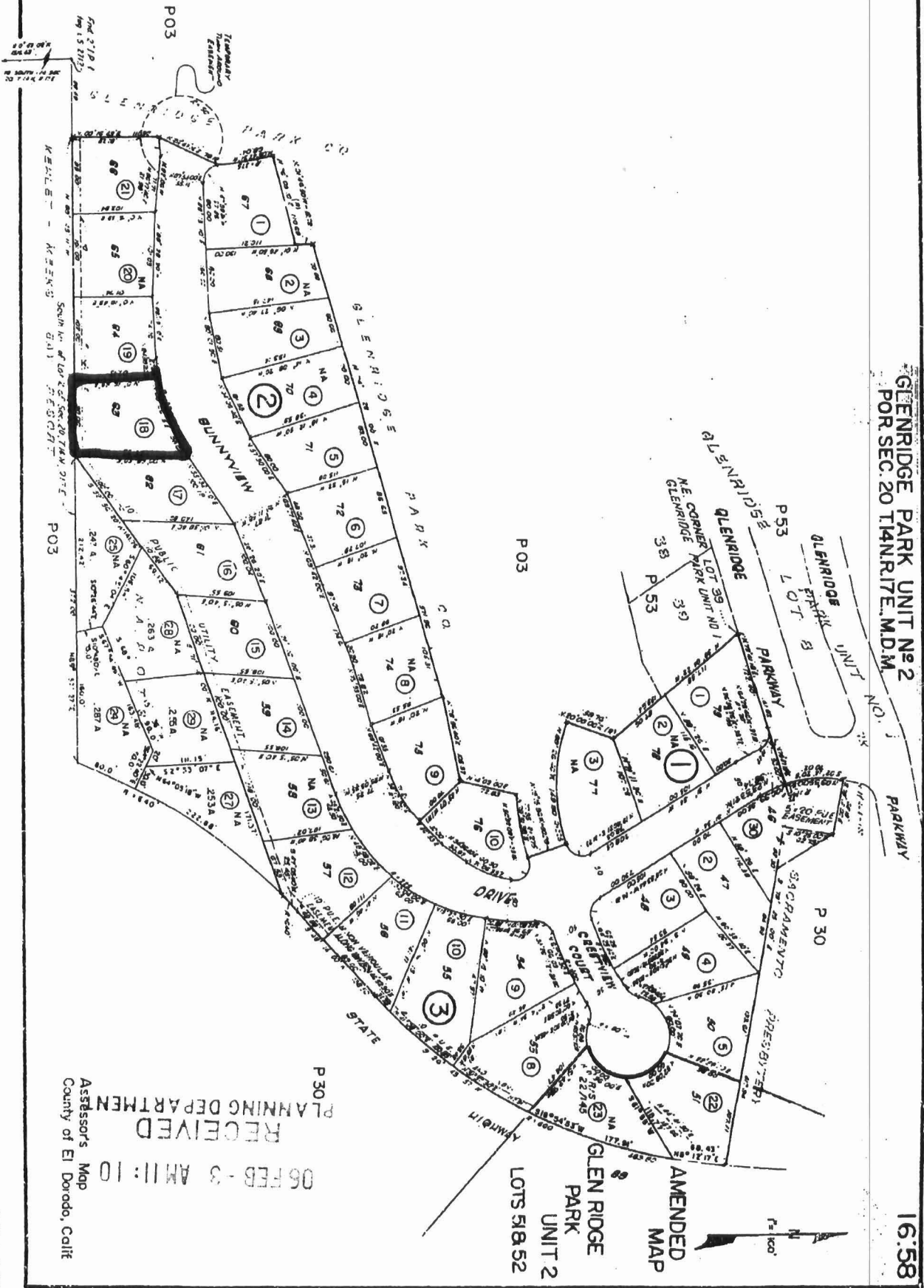
PERMIT # TM68-0001C  
PREPARED BY AARON MOUNT

0 0.0125 0.025 0.05 Miles



**GLENRIDGE PARK UNIT #2  
 POR. SEC. 20 T14N R17E M.D.M.**

16:58



RECEIVED  
 06 FEB - 3 AM 11:10  
 Assessor's Map  
 County of El Dorado, Calif  
 PLANNING DEPARTMENT  
 P 30

**TM 68-0001C**

PLAT OF

# GLENRIDGE PARK UNIT NO.2

BEING A PORTION OF SECTION 20, T.14N., R.17E., M.D.M.  
EL DORADO COUNTY, CALIFORNIA  
SEPTEMBER, 1968

RAYMOND VAIL & ASSOCIATES  
ENGINEERS — PLANNERS — SURVEYORS  
Sheet 1 of 2 Sheets

The undersigned owners of record title interest, hereby consent to the preparation and recording of this map, and hereby convey and offer for dedication to the County of El Dorado the streets and other public ways shown hereon, including the underlying fee thereto, for any and all public purposes; and the easements and rights of way shown hereon, for the purposes herein specified.

Easements and rights of way for water, sewer, gas and drainage pipes and ditches, and for poles, guy wires, anchors, overhead and underground wires and conduits for electric and telephone services, together with any and all appurtenances appertaining thereto, are hereby offered over those strips of land designated as "Public Utility Easement".

The front ten feet, the five feet on both sides of all lines and the rear five feet of all lots in this subdivision are hereby offered as public utility easements, unless otherwise noted.

Easements five feet in width contiguous to all streets in this subdivision not fronting on the divided roadway are hereby offered for snow storage purposes.

The Sierra Pacific Power Company and the Pacific Telephone and Telegraph Company are granted the right to trim trees, tree limbs and brush from those easements for public utility purposes.

set-back lines twenty-five feet in width measured from the front property line of all lots in this subdivision.

This subdivision contains 10.94 acres of land more or less.

GLEN RIDGE PARK CO., a Partnership

By Hugh A. Block      By Robert W. Williams  
Hugh A. Block, Partner      Robert W. Williams, Partner  
By Max E. Hoff  
Max E. Hoff, Partner

STATE OF CALIFORNIA )  
COUNTY OF SACRAMENTO )

On this 23rd day of September 1968, before me the undersigned, appeared Hugh A. Block, Max E. Hoff and Robert W. Williams, known to me to be partners of GLEN RIDGE PARK CO., that executed the foregoing instrument and acknowledged to me that such partnership executed the same.

My commission expires January 16, 1970  
OFFICIAL SEAL  
CARL A. NELSON, JR.  
NOTARY PUBLIC IN AND FOR SAID  
COUNTY OF SACRAMENTO, CALIFORNIA  
Principal Office in  
SACRAMENTO COUNTY

TANCO TITLE GUARANTEE COMPANY, a Corporation, as Trustee under Deed of Trust recorded in Book 706, Official Records of El Dorado County at page 526.

Robert B. Wade      Walter J. Dickerson  
Vice President      Assistant Secretary

STATE OF CALIFORNIA )  
COUNTY OF SACRAMENTO )

On this 23rd day of September 1968, before me, a Notary Public in and for said County and State, personally appeared Robert B. Wade and Walter J. Dickerson known to me to be the Vice President and Assistant Secretary, respectively of the Corporation that executed the foregoing instrument and acknowledged to me that such Corporation executed the same.

My commission expires January 16, 1970

Carl A. Nelson, Jr.  
Notary Public in and for said  
County and State

I, RAYMOND VAIL, hereby certify that the survey and final map of this subdivision, were made under my direction in July 1968, and are true and complete as shown; that the monuments will be of the character and will occupy the position indicated and will be set by January, 1970 and that said monuments will be sufficient to enable the survey to be retraced.

Raymond Vail  
Registered Civil Engineer  
State of California No. 8850

I, FRED G. DOWNEY, hereby certify that I have examined this final map, that it is substantially the same as the tentative map and revisions thereof of this subdivision approved on May 6, 1968, by the Board of Supervisors, that it is technically correct, and that all provisions of the subdivision Map Act and of all applicable county ordinances have been complied with.

Fred G. Downey  
County Surveyor, County of  
El Dorado State of California  
L.S. 2403

I, C. A. STEVES, Jr., hereby certify that, according to the records of this office, there are no liens against this subdivision or any part thereof for unpaid State, County, Municipal or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable, provided that the final map is accepted for record and filed prior to the next succeeding lien date.

Date Sept. 23, 1968

Carl A. Steves, Jr.  
Tax Collector and Redeemt  
Officer County of El Dorado,  
State of California

I, G. ARTHUR COOK, hereby certify that all required construction plans and specifications were approved and that the subdivider has executed the necessary agreement and submitted the required bond to secure the completion of the required improvements for this subdivision.

G. Arthur Cook  
Director, Department of Public  
Works and Ex-Officio County Engineer  
of the County of El Dorado, State  
of California

I, BRUCE W. ROBINSON, hereby certify that this final map conforms substantially to the tentative map and revisions thereof of this subdivision approved on May 6, 1968, by the Board of Supervisors and that all conditions imposed upon said approval have been satisfied.

Bruce W. Robinson  
Planning Director, County of El  
Dorado, State of California

I, CARL A. KELLY, hereby certify that the Board of Supervisors, by order adopted September 30, 1968, approved the final map of this subdivision and accepted for public use the streets and other public ways and easements shown hereon and offered for dedication.

Carl A. Kelly  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors, County of  
El Dorado, State of California

Carl A. Kelly  
Deputy

I, JAMES W. SWEENEY, hereby certify that Tanco Title Guaranty Company title certificate no. 4213 was filed with this office that this final map was accepted for record and filed in Map Book E, Page 20, Document No. 41713 on October 7, 1968, at 24 min. past 2 PM o'clock M.

James W. Sweeney  
County Recorder, County of El Dorado

David Carr  
Deputy

Restrictions See volume 90 of official records pg 225

Cert of Correction 2003-0016622 July 3, 2003 AB  
Cert of Correction 2006-0005057 1/26/2006 AB

PLAT OF  
**GLENRIDGE PARK UNIT No. 2**

BEING A PORTION OF SECTION 20, T. 14 N., R. 17 E., M. D. M.

EL DORADO COUNTY, CALIFORNIA

SEPTEMBER, 1968

SCALE: 1"=100'

RAYMOND VAIL & ASSOCIATES

SHEET 2 OF 2 SHEETS

NOTES:

The meridian of this survey is identical with that of The Amended Plat of Glenridge Park Unit No. 1; the official plat of which is recorded in Book "D" of Subdivisions at Page 35, El Dorado County Records.

All measurements on curved lines are chord measurements.

All street corners have a twenty foot radius curve at the property line unless otherwise noted.

LEGEND:

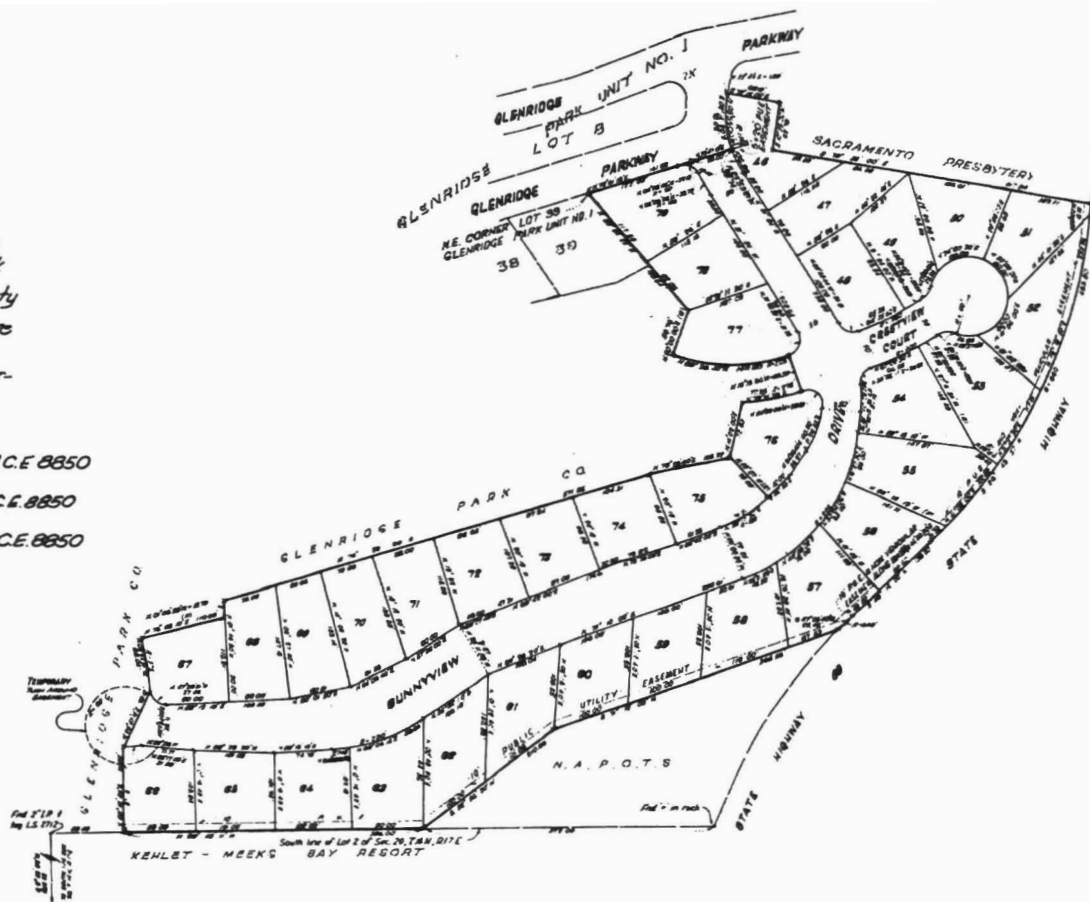
x ..... Set 2" capped iron pipe stamped R.C.E. 8850

⊥ ..... Set 3/4" capped iron pipe stamped R.C.E. 8850

—..... Set 3/4" capped iron pipe stamped R.C.E. 8850 at all lot corners and curve points.

—..... Public Utility Easement (P.U.E.)

● ..... Point found as noted



E-20A

E-20A

M.O. 7-12-23

7/13

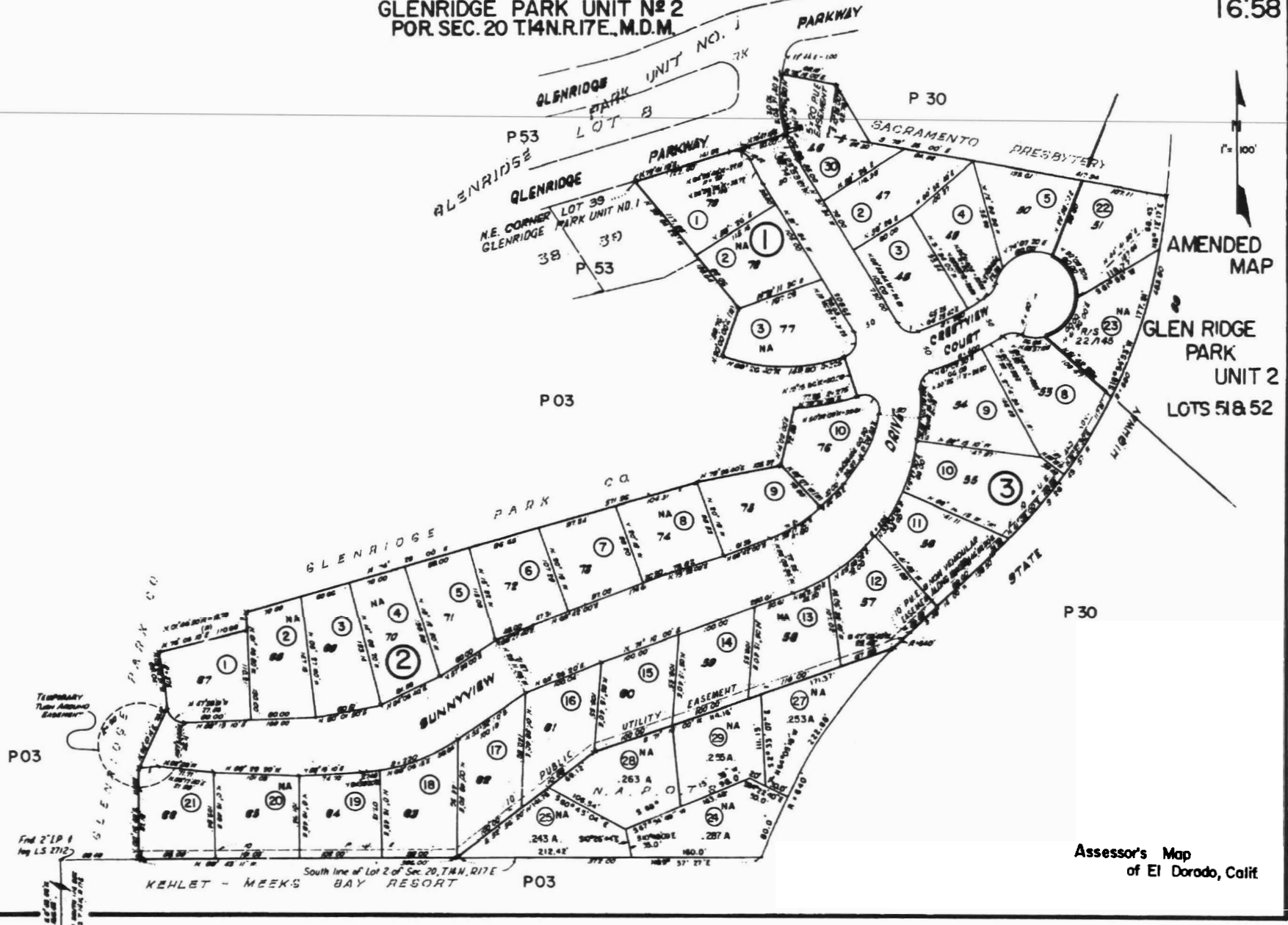
E-20A

E-20A

7/13

GLENRIDGE PARK UNIT NO. 2  
POR. SEC. 20 T.14N.R.17E., M.D.M.

16:58



AMENDED MAP

GLEN RIDGE PARK UNIT 2  
LOTS 51 & 52

Assessor's Map  
of El Dorado, Calif

WHEN RECORDED, RETURN TO:

DEPARTMENT: El Dorado County Planning Services  
MAILING ADDRESS: 2850 Fairlane Court  
CITY, STATE, ZIP: Placerville, CA 97267

SPACE ABOVE RESERVED FOR RECORDERS USE

## NOTICE OF DEED RESTRICTION AND COVENANT TO INDEMNIFY THE COUNTY OF EL DORADO

**WHEREAS**, the undersigned David Hopp and Leszlie Boutell (hereinafter referred to as "Owners") is the legal and record owners of the real property described as El Dorado County Assessor's Parcel Number 016-583-18, whose legal description is as follows:

Lot 63, as shown on that certain Map entitled "Glenridge Park Unit No. 2", filed in the Office of the County Recorder of El Dorado County, State of California, on October 7, 1968, in Map Book "E", at Page 20.

**WHEREAS**, the aforementioned real property adjoins a County road right-of-way, specifically Sunnyview Drive, owned and maintained by the County of El Dorado;

**WHEREAS**, Owners applied to the County of El Dorado to amend the recorded final map for Glenridge Park Unit No. 2 subdivision, to remove the 25-foot building setback line from Lot 63 to allow the construction of a single-family home 10 feet from the County road right of way;

**WHEREAS**, this request for a reduction is consistent with the County Zoning Ordinance, Sections 17.14.020 and 17.14.030, which allow administrative reductions for properties that contain qualifying slopes;

**WHEREAS**, all other setbacks and easements applicable to Lot 63, whether originating in the zoning code or by the subdivision map, or in the Certificate of Correction remain in effect; and

**WHEREAS**, on \_\_\_\_\_, the County of El Dorado granted Owner of the aforementioned real property the requested map correction to TM68-0001-C pursuant to the Subdivision Map Act removing the 20-foot non-building setback line, to allow the construction of a single-family home 10 feet from the county road right of way, upon condition that a notice of restriction and hold harmless agreement be executed and recorded in favor of the County of El Dorado.

**WHEREAS**, the Owner acknowledges that the real property will be benefited by this actions, and thus it is the intent of the parties that this deed restriction and indemnity covenant be recorded, be included in each subsequent conveyance of the property and shall be binding on all successors and assigns of Owners;

**WHEREAS**, the County of El Dorado finds that the circumstances related to the topography of the parcel are such that the removal of the 20 foot building setback is required in order for the property owner to construct a single family dwelling on the aforementioned parcel;

**NOW, THEREFORE**, for valuable consideration inclusive of the benefits conferred on the real



property the receipt of which is hereby acknowledged, We, David Hopp and Leszlie Boutell, Owner of the herein described real property, on behalf of themselves, their heirs, assigns, and successors, do hereby agree that, to the fullest extent allowed by law, we shall defend, indemnify and hold harmless the County of El Dorado, its officers, employees, agents and representatives from and against any and all claims, actions, losses, injuries, damages and liability for damages, demands, actions, losses, costs, penalties and expenses or every name, kind, and description, including litigations costs and attorneys fees incurred, directly or indirectly arising out of, causally connected with, or resulting from the removal of the 20-foot non-building setback line. This duty to indemnify and hold the County of El Dorado free and harmless includes the duties to defend, inclusive of those set forth in California Civil Code section 2778. This duty of defense and indemnity shall run with the land and be binding upon any successor owner of the aforementioned real property, and shall inure to the benefit of the County of El Dorado and successor public agency owning or maintaining the aforementioned right-of-way.

We, David Hopp and Leszlie Boutell, Owners of the herein described real property, on behalf of themselves, their heirs, assigns, and successors, do further covenant and agree that any and all subsequent grant(s) of an interest in this aforementioned real property, in whole or in part, shall be made on the condition that the aforementioned indemnity and defense provision shall be included in its entirety in the grant or deed to the successive owner such that the successive owner shall likewise indemnify and hold harmless the County of El Dorado.

This instrument shall be recorded in the Office of the El Dorado County Recorder-Clerk as provided in Civil Code section 1468.

Executed on July 14, 2006, at Tahoe City, California.

By: David Hopp 7-17-06  
David Hopp

By: Leszlie Boutell  
Leszlie Boutell

STATE OF CALIFORNIA }  
COUNTY OF ~~EL DORADO~~ } S.S.  
Placer

On July 14, 2006 before me, Kathleen - Hoke, Notary Public, personally appeared Leszlie Boutell personally known to me (or proved to me on the basis of satisfactory evidence) to 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.

WITNESS my hand and official seal.  
Kathleen Hoke  
(Signature of Notary Public)



# CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of CA

County of Placer

On 7/17/06 before me,

D. Stanley  
Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared David Hoop

Name(s) of Signer(s)

personally known to me -OR-  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.



WITNESS my hand and official seal.

[Signature]  
Signature of Notary Public

### -----OPTIONAL-----

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

## Description of Attached Document

Title or Type of Document: \_\_\_\_\_

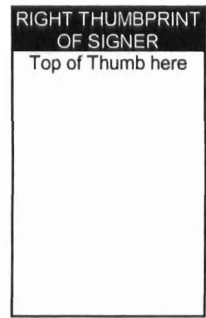
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

## Capacity(ies) Claimed by Signer(s)

Signer's Name: \_\_\_\_\_

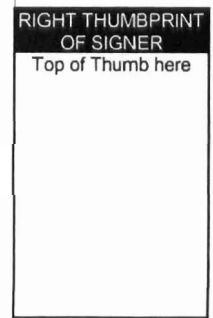
- Individual
- Corporate Officer
- Titles(s): \_\_\_\_\_
- Partner -  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other:



Signer Is Representing:  
\_\_\_\_\_  
\_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer
- Title(s): \_\_\_\_\_
- Partner -  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other:



Signer Is Representing:  
\_\_\_\_\_  
\_\_\_\_\_