

Recording requested by:  <hr/> When recorded mail to: County of San Joaquin Public Works 1810 E Hazelton Avenue Stockton, CA 95205  Attention: Flood Management	
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Space above this line for recorders use

**DECLARATION OF RESTRICTIONS**

This declaration of restrictions is made on \_\_\_\_\_, by \_\_\_\_\_ ("Declarant").

KNOW BY ALL THOSE PRESENT that the undersigned Declarant hereby makes, declares, and imposes on the land herein described, these deed restrictions running with the title to the land, which shall be binding on the Declarant, all heirs, successors and assigns, personal representatives, mortgagees, lessees, and against all persons claiming by, through, or under them;

WHEREAS, the undersigned Declarant holds the fee simple title to the land located in a Special Flood Hazard Area in San Joaquin County, State of California, commonly known as \_\_\_\_\_ (address), Assessor's Parcel Number (APN) \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_, more particularly described in Exhibit "A"; (copy of deed or wet stamped legal description), attached hereto and made a part hereof, ("Property");

WHEREAS, Declarant desires to construct on said Property an Accessory Building(s), more particularly illustrated in Exhibit "B"; (a San Joaquin County Flood Management approved map showing said structure(s)), attached hereto and located on the above described property, as defined by Ordinance Code of San Joaquin County Title 9, Division 16, Chapter 9-1605, Section 9-1505 (f);

WHEREAS, Declarant agrees to use the structure only for the storage of personal vehicles or personal property, which shall be removed prior to flooding.

WHEREAS, said Accessory Building(s) to be constructed will have a floor elevation below the Design Flood Elevation ( Base Flood Elevation plus one (1) foot), said elevation being based on the Flood Insurance Rate Maps as published by the Federal Emergency Management Agency or determined by the County Flood Plain Administrator; and,

WHEREAS, Declarant, to comply with County Ordinance, must record in County records this Declaration of Restrictions that basically provides notice of construction of an accessory building with a floor elevation below the Design Flood Elevation.

NOW THEREFORE, Declarant hereby declares that the Property described above is held and will be held, transferred, encumbered, used, sold, conveyed, leased, and occupied subject to the covenants, restrictions and limitations set forth in this Declaration, all of which are declared and agreed on for the purpose of protecting the value, desirability and attractiveness of the Property. All of the restrictions, covenants, and limitations will run with the land and will be binding on all parties having or acquiring any right, title, or interest in the Property and the future owners of the Property.

1. The Accessory Building(s) shall conform to the requirements of said County Ordinance, as amended.
2. The floor elevation of the Accessory Building is below the Design Flood Elevation and shall not be used for habitation.
3. The Accessory Building shall be used solely for limited storage and/or parking.
4. The cost of Flood Insurance for the Accessory Building will be commensurate with the increased risk of construction below the Design Flood Elevation.
5. The provisions of this instrument shall become effective upon their recordation in the public records of San Joaquin County, California, and shall continue in effect for a period of thirty (30) years after the date of such recordation, after which time they shall be extended automatically for successive periods of ten (10) years each, unless released as provided herein.
6. The provisions of this instrument may be released upon approval of the Flood Plain Administrator if:
  - a. The property is removed from a Special Flood Hazard Area, or
  - b. The Accessory Building(s) are removed or demolished and a Demolition Permit has been obtained from San Joaquin County.
7. Enforcement shall be by action against any parties or persons violating or attempting to violate any of these restrictions. The prevailing party in any action or suit arising out of or pertaining to this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may determine to be reasonable for the services of his attorney. This enforcement provision is in addition to any other remedy at law, in equity or both.
8. Invalidation of any one of these restriction, by judgment of Court, shall not affect any of the other provisions, which shall remain in full force and effect.

9. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other rights, remedies or privileges.
  
10. In the event of a violation of this Declaration, in addition to any other remedies available, San Joaquin County is hereby authorized to withhold any future permits, and refuse to make any inspections or grant any approval of any project on said Property, until such time as this Declaration is complied with.
  
11. This Declaration shall be recorded in the public records of San Joaquin County at the Declarant's expense.

IN WITNESS WHEREOF, Declarant(s) has executed this Declaration of Restrictions on the date first written above.

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**Declarant Signature**

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**Declarant Typed Name**

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**Declarant Address**

**"DECLARANTS"**

Execution page(s) follows:

FM-8B039-M1

## ACKNOWLEDGMENT FORM FOR DOCUMENTS:

STATE OF CALIFORNIA  
COUNTY OF \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_

a 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 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.

SIGNATURE \_\_\_\_\_

\_\_\_\_\_  
NAME (TYPED OR Printed), Notary Public in  
And for said County and State

My commission expires: \_\_\_\_\_

(SEAL)