

**Recording requested by and
Please mail instrument and tax statement to:**

City of Visalia
315 E. Acequia Ave.
Visalia, CA 93291
Attn: **Luqman Ragabi**

***This instrument benefits City only. No fee required
per Government Code Section 6103***

Declaration of Temporary Building Restrictions

This Declaration made this _____ day of _____, 20__ by the City of Visalia, "City", regarding that certain real property situated in the City of Visalia, County of Tulare, State of California, more particularly described as follows and hereinafter referred to as the "Property":

Lots 19 of **Shepherd Ranch 1 Subdivision** located in the City of Visalia, County of Tulare, State of California, recorded _____, 20__, in Book _____, Page _____, of Maps, Tulare County Records.

Now therefore, City hereby declares that the Property shall be held, sold and conveyed subject to the following temporary building restrictions.

1. Property Owner, DR Horton CA3, Inc, subject to the terms and conditions hereinafter set forth, hereby grants and conveys unto the City, an easement over, across, and under the Property for the purpose of **Temporary Fire Access Road**. Pursuant to that certain Subdivision Agreement executed in conjunction with the Property between the Property Owner and City, Property Owner shall be responsible for all costs associated with the installation, operation, use and maintenance of the **Temporary Fire Access Road**.
2. The duration of the easement herein granted shall be perpetual, until the City agrees to terminate or abandon its use of the same for the stated purpose pursuant to the terms and conditions of the aforementioned Subdivision Agreement. Recording of a Cancellation by the City shall constitute the City's abandonment of the above described easement on the Property.
3. No residential dwelling shall be allowed on the Property until the **Temporary Fire Access Road** is **replaced with a secondary Access point with future phases of subdivision** per City requirements and a Cancellation of this restriction has been executed by the City and recorded in Tulare County Records.
4. The Property Owner shall save and hold the City harmless from any and all liability for personal injury and property damage resulting from, or in any way connected with, said **Temporary Fire Access Road**, or any related facilities or activities conducted or located within said easement, except liability for personal injuries or property damage caused solely by the negligence or wrongdoing of the City.
5. The Property Owner shall, at all times, properly maintain the easements herein granted, and prevent the same from becoming dangerous and/or unsightly.
6. The parties acknowledge and agree that the easement herein granted are non-exclusive, and the Property Owner, or its heirs, successors or assigns, shall be entitled at all times to travel over the easements, and to conduct any and all activities which they may desire to conduct on the temporary easement provided the same do not unreasonably interfere with the City's use of said easement for the above-specified purposes.

CITY OF VISALIA
A Municipal Corporation

"Property Owner"
D.R. Horton CA3, Inc.,
a Delaware Corporation

Leslie Caviglia
City Manager
Date

David Hatch
Vice President and President of the Division
Date 5/7/2024

ATTEST:

"Trustee"
{insert corporation/partnership name}
{insert corporation/partnership type}

Michelle Nicholson
Chief Deputy City Clerk
Date

{insert name}
{insert title}
Date

- * Notary Acknowledgment required for each signatory.
- * Title Report required for signatory requirements of those having record title interest in the real property.
- * Evidence of signature authority required for those signing on behalf of corporations and partnerships.

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

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.

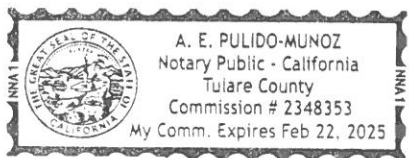
State of California

County of Tulare }

On May 7, 2024 before me, A. E. Pulido-Munoz, notary public,
Date Here Insert Name and Title of the Officer

personally appeared David Hatch
Name(s) of Signer(s)

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.

Place Notary Seal and/or Stamp Above

Signature [Signature]
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Declaration of Temporary Building Restrictions
(temporary fire access road) Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Corporate Officer – Title(s): _____
☐ Partner – ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
 Signer is Representing: _____

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☐ Corporate Officer – Title(s): _____
☐ Partner – ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
 Signer is Representing: _____