



WATER DRAINAGE ADVISORY

Recommendation and release agreement regarding inspecting for adverse drainage

Property Address: _____

The Real Estate Licensees involved in this transaction do not know if the Seller’s representations regarding the presence or absence of water drainage problems are accurate. Many properties experience some form of drainage, grading or flooding problems, especially during severe rainfall. It is generally beyond the scope of expertise for Real Estate Licensees to predict the possibility of future drainage problems or to point out the existence of possible past drainage problems. Real Estate Licensees rarely possess expertise in determining such issues. Following the close of escrow, there could be an unusually strong rainfall that could create a drainage problem where, in the past, it might not have yet existed.

1. Therefore, the Brokers and Agents associated with this transaction, i.e. Listing and Selling Agents, strongly recommend that Buyer obtain the services of a licensed landscaping contractor, soil engineer or any other such appropriate expert to determine the condition of water drainage associated with the property and any possible current or future related problems. Buyer should therefore utilize the strict time frame associated with BUYER’S INVESTIGATION OF PROPERTY CONDITION paragraph in the Purchase Agreement to evaluate the entire drainage condition.
2. In the event Buyer fails to obtain said inspection and report from any such drainage expert within the time frame allowed for inspection in the Purchase Agreement, Buyer releases Listing and Selling Agents, its Brokers and Associate Licensees of any and all costs, claims, expenses, damages, etc. of any kind related to those defects, damages and adverse existing and potential conditions which could be ascertained by such an expert’s report on water drainage, grading, flooding and related issues.

Seller: _____ Date: _____ Buyer: _____ Date: _____

Seller: _____ Date: _____ Buyer: _____ Date: _____

Agent: _____ Date: _____ Agent: _____ Date: _____



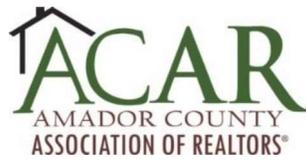
AMADOR COUNTY REGIONAL ADVISORY

Property Address: _____

- DROUGHT.** Historically, California is subject to extended periods of drought. The Governor of California issued an Executive Order in 2014 declaring that the State of California was in a State of Emergency due to severe drought conditions. (ref: Proclamation of a State of Emergency, dated January 17,2014). That declaration imposed mandatory water-use restrictions which could impact both water use and cost. Although the State of Emergency was lifted in 2017, these conditions could occur again in the future. It is strongly recommended that the Buyer contact local governmental agencies including City, County and Water District authorities to determine what, if any, restrictions may be applicable to the Subject Property and whether any additional water use or economic impacts may be anticipated.
- FIRE PREVENTION FEE.** In 2011 CA Assembly Bill XI 29 was signed into law creating the Fire Prevention Fee (the FEE) which is administered by the California Department of Forestry and Fire Protection (Cal Fire). The law requires the California State Board of Equalization to issue billings and to collect the FEE on behalf of Cal Fire. These fees are not recorded in the public record and are not automatically paid or prorated as part of a real property transaction. It is the responsibility of the property owner of record as of July 1 of each fiscal year to pay the FEE. *(Questions may be addressed by calling 888.310.6447 or visit www.firepreventionfee.org). NOTE: Effective July 1, 2017 the collection of fees has been suspended until 2031. Unpaid fees due prior to that date must still be paid. Buyer is encouraged to contact the State for more details.*
- REGIONAL TREE MORTALITY.** Due to various causes, including, but not limited to, drought and pest infection, there may be dead or dying trees on or about the Subject Property as well as nearby or adjoining properties. Buyer is advised to investigate the nature and extent of any such tree mortality to determine its impact on the Subject Property. *(visit the USDA website at www.fs.fed.us/foresthealth/ for insect and forest management information).*
- DEFENSIBLE SPACE REQUIREMENTS.** California State Law requiring the establishment and maintenance of “defensible space” can be found in Public Resources Code (PRC) 4291. The CA Dept. of Forestry and Fire Protection (Cal Fire) is responsible for the enforcement of PRC 4291 and has published practical guidelines for the implementation of “Defensible Space” in various settings and circumstances. *(Information is available by visiting the following website www.fire.ca.gov/CDFBOFCB/pdfs/Copyof4291/finalguidelines9_2906.pdf).* Buyer is advised that Defensible Space conditions and its maintenance may impact the availability and/or cost of property casualty insurance for the Subject Property.

Buyer hereby acknowledges the importance of seeking professional advice from legal, tax, insurance, water and governmental authorities as deemed necessary and appropriate to ensure his or her full knowledge and acceptance of all matters related to this Advisory and its actual or potential impact on their purchase of the Subject Property.

Buyer: _____ Date: _____ Buyer: _____ Date: _____
Seller: _____ Date: _____ Seller: _____ Date: _____



**ATTACHMENT "A"
AMADOR COUNTY LOCAL OPTION REAL ESTATE
TRANSFER DISCLOSURE STATEMENT**

I

THIS DISCLOSURE STATEMENT CONCERNS REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF AMADOR, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS:

THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE DESCRIBED PROPERTY IN COMPLIANCE WITH CHAPTER 19.80 OF THE AMADOR COUNTY CODE AS OF AUGUST 1, 2000. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER(S) OR ANY AGENT(S) REPRESENTING ANY PRINCIPAL(S) IN THIS TRANSACTION, AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE PRINCIPAL(S) MAY WISH TO OBTAIN.

SELLER'S INFORMATION

The Seller discloses the following information with the knowledge that even though this is not a warranty, prospective Buyers may rely on this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

THE FOLLOWING ARE REPRESENTATIONS MADE BY THE SELLER(S) (AS REQUIRED BY THE COUNTY OF AMADOR) AND ARE NOT THE REPRESENTATIONS OF THE AGENT(S), IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER.

NOTICE TO PURCHASER OF REAL PROPERTY

Amador County is an agricultural county with many areas used, useable, or zoned for agricultural operations. The presence of farms and ranches yields significant aesthetic and economic benefits to the residents of the County. Thus, the County's agriculture must be protected, including in areas where it is near residential development. To do this, Amador County has enacted Chapter 19.80 of its County Code which provides that properly conducted agricultural operations will not be deemed a nuisance.

The Chapter further requires sellers of certain real property to give notice of the Chapter and its provisions to transferees of such real property. Accordingly, you are hereby notified that if the property in which you are acquiring an interest is in, adjacent to, or in the vicinity of any land on which agricultural operations now or may occur you may be subject to inconvenience or discomfort from the following agricultural operations: cultivation and tillage of the soil; burning of agricultural waste products; lawful and proper use of agricultural chemicals including, but not limited to, the application of pesticides and fertilizers necessary for production; protection against frost; protection against bird and animal damage; irrigation, pruning, growing, harvesting and processing of any agricultural commodity, including horticulture, timber, apiculture, the raising of livestock, fish, poultry; and commercial practices, structures, and appurtenant facilities incident to or used in conjunction with such agricultural operation, including preparation for market, delivery to storage or market, or to carriers for transportation to market. These operations may generate dust, odors, smoke, noise, and traffic.

If you purchase property near agricultural land, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a County with a strong rural character and a healthy agricultural sector.

For information concerning where known agricultural land and operations are located in relation to your property, you may contact the Amador County Planning Department. For questions concerning the specific kinds of existing agricultural operations in your area, including their use of fertilizers and pesticides, you should contact the Amador County Agricultural Commissioner.

This notice is given for informational purposes only and nothing in this Chapter or this notice should be deemed to prevent you from complaining to any appropriate agency or court or from the taking of any other available remedy concerning any illegal agricultural practice.

INITIAL UPON RECEIPT: _____
Buyer Seller

Subject Property: _____ Date: _____

Seller certifies that the information herein is true and correct to the best of the Seller's knowledge as of the date signed by the Seller.

SELLER _____ Date: _____

SELLER _____ Date: _____

II

BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND/OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN BUYER AND SELLER(S) WITH RESPECT TO ANY ADVICE/INSPECTIONS/DEFECTS.

I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT.

SELLER _____ Date: _____

SELLER _____ Date: _____

BUYER _____ Date: _____

BUYER _____ Date: _____

AGENT _____ BY _____ Date _____
(Broker Representing Seller) (Associate Licensee or Broker-Signature)

AGENT _____ BY _____ Date _____
(Broker Representing Buyer) (Associate Licensee or Broker-Signature)

A REAL ESTATE BROKER IS QUALIFIED TO ADVISE ON REAL ESTATE. IF YOU DESIRE LEGAL ADVICE, CONSULT YOUR ATTORNEY.

19.80.010 Definitions.

Unless the context otherwise requires, the following definitions govern the construction of this chapter:

"Agricultural land" means those land areas in the unincorporated area of Amador County, however zoned, where agricultural operations do or may occur.

"Agricultural operations" mean and include, but are not limited to, cultivation and tillage of the soil; burning of agricultural waste products; lawful and proper use of agricultural chemicals including, but not limited to, the application of pesticides and fertilizers necessary for production; protection against frost; protection against bird and animal damage; irrigation, pruning, growing, harvesting and processing of any agricultural commodity, including horticulture, timber, viticulture, apiculture, the raising of livestock, fish, poultry; and commercial practices, structures, and appurtenant facilities incident to or used in conjunction with such agricultural operation, including preparation for market, delivery to storage or market, or to carriers for transportation to market. (Ord. 1504(part), 2000).

19.80.020 Findings and policy.

A. It is the declared policy of this county to conserve and protect agricultural land and to encourage agricultural operations within the county. Where nonagricultural land uses, especially residential development, exist on agricultural land or adjacent to or in the vicinity of agricultural operations, agricultural operations have often become the subject of nuisance complaints. As a result, agricultural operations are sometimes forced to cease or curtail operations and people are discouraged from making investments in farm improvements to the detriment of agricultural operations and the economic viability of the county's agricultural resources by limiting the circumstances under which agricultural operations may be considered a nuisance. This chapter is not to be construed as modifying or abridging state law relative to nuisances, but rather it only is to be utilized in the interpretation and enforcement of the provisions of this code.

B. The further purpose of this chapter is to promote a good neighbor policy between agriculturalist and nonagriculturalist residents by advising purchasers of property near agricultural operations of the inherent potential problems associated with such purchase, including but not limited to the sounds, odors, dust, chemicals, and traffic that may accompany agricultural operations so that such purchasers will understand the inconveniences that accompany living near present or future agricultural operations and be prepared to accept such problems as the natural result of living in or near agricultural land. (Ord. 1504(part), 2000).

19.80.030 Nuisance.

No preexisting or future agricultural operation conducted or maintained for and in a manner consistent with proper and accepted customs and standards on agricultural land shall become or be a nuisance, private or public, due to any change in land uses in or about the locality thereof. The provisions of this chapter shall not apply whenever a nuisance results from negligent or illegal agricultural operation or the agricultural operation obstructs the free passage or use in the customary manner of any navigable lake, river, stream, canal or basin or any public park, square, street or highway. (Ord. 1504(part), 2000).

19.80.040 Notice to purchasers of real property.

Transferors of any parcel of real property located in the unincorporated area of the county, however zoned, and whether improved or unimproved, shall give notice of this chapter to prospective transferees of said real property prior to the transfer as part of all disclosures required by law. Said notice shall be in the form set forth in Attachment "A" hereto which attachment is incorporated in this chapter by reference. (Ord. 1504(part), 2000).

19.80.050 Installation of signs.

The county may install or permit the installation of signs at the entry to or on agricultural land to notify and explain to persons acquiring interests in real property that some of the land in this area is being or may be used for agricultural operations and that the agriculturalists, interests are protected by law. The prospective acquirer of such interest is advised to check local agencies as to any regulation or requirement which may affect the property to be acquired and of inherent potential problems associated with such property or a residence in such areas and of the possible effects from such agricultural operations. (Ord. 1504(part), 2000).

19.80.060 Procedure for resolution of disputes.

Any dispute or controversy regarding inconveniences or discomforts from agricultural operations and interpretation and application of this chapter shall be resolved through the provisions of Chapter 19.64 of this code. (Ord. 1504(part), 2000).

19.80.070 Separability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this chapter. (Ord. 1504(part), 2000).