



2016-0027326

Recorded	REC FEE	28.00
Official Records		
County of	COPIES	7.00
Butte		
CANDACE J. GRUBBS		
County Clerk-Recorder		
02:14PM 20-Jul-2016	DN	Page 1 of 1

WHEN RECORDED RETURN TO:

COUNTY OF BUTTE
PUBLIC HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION
202 MIRA LOMA DRIVE
OROVILLE, CA 95965

SPACE ABOVE FOR RECORDER'S USE

DEED RESTRICTION

5
mm

Property Identification

Property Owner(s):

Erik Benik

Property (Site) Address:

4200 Munjar Rd
Chico CA 95973
City State Zip

System Type (check one):

☒ Standard gravity ☐ Pressure distribution

Trakit Number:

EHS116-0248

APN:

047-200-102

Real Property Description:

(See Attachment B)

Restriction

Until such time that either: (a) The on-site wastewater system serving this parcel meets the requirements of Butte County Code Chapter 19, Section 19-7.A.4., *Minimum Vertical Separation Requirements for Existing Parcels* (Attachment A), by wastewater system upgrade or by modification of said code by Butte County Board of Supervisors, or (b) Another method of wastewater disposal is approved by the LEA, such as connection to a public sewer, the following restriction shall apply:

1. This parcel shall not be further subdivided; and
2. This parcel shall not be further developed with a permanent secondary dwelling.

The provisions of this Deed Restriction shall bind and inure to the benefit of the heirs, assigns, and successors in interest of the parties hereto in the same manner as if they had herein been expressly named.

IN WITNESS WHEREOF, this Deed Restriction is executed this 26 day of July, 2016.

Update: March 25, 2015

Approved as to Form

I have reviewed this Deed Restriction, set forth above, and it is hereby approved for recordation by the property owner.

Barren W Jones BARREN W JONES 7/26/16
Registered Environmental Health Specialist (Signature and Printed Name) Date

Property Owner

I certify that I am the owner of record of the Property and agree to be bound by the provisions set forth herein.

Erik Benik 7/26/16
Signature Date

ACKNOWLEDGEMENT

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 Butte

On July 26, 2016 before me, Talia Oropeza Notary Public,
Name of Officer

personally appeared

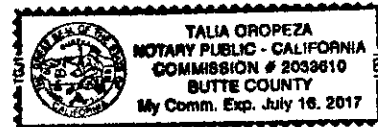
Erik Benik

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 signatures(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 & official seal

Talia Oropeza
Signature of Notary Public



(Seal)

Attachment A

Butte County Code Chapter 19-7.A.4.

Existing Parcels: Special Consideration for Large Parcels

When site conditions are such that a 36-inch vertical separation cannot be attained for parcels created prior to the effective date of this Chapter, standard systems may be approved by the LEA when the following criteria are met:

- a. The parcel shall be at least 5 acres in size; the provisions of this Section shall apply to multiple parcels that were merged after the effective date of this Chapter, provided the total combined acreage is at least 5 acres in size;
- b. The area in which the dispersal component of the wastewater system is located and its designated repair area shall be shown to have a minimum native effective soil depth of 24 inches;
- c. The dispersal component of the wastewater system shall be designed and constructed to maintain a vertical separation of at least 18 inches;
- d. There shall be evidence of a restrictive layer between the dispersal component of the wastewater system and the first useable aquifer. If the first usable aquifer is known or estimated to be within 10 feet of ground surface, additional evaluation shall be required to verify that there is at least three feet of unsaturated soil between the bottom of the dispersal system and the anticipated highest level of usable groundwater;
- e. The soil conditions at distances of 25 feet and 50 feet downslope of the dispersal field and its designated repair area shall be demonstrated to meet the same soil suitability conditions as required for dispersal field;
- f. The wastewater system shall serve only a single family residence;
- g. A deed restriction shall be recorded to assure: (a) The parcel will not be subdivided in the future; and (b) The parcel shall not be further developed with a permanent secondary dwelling, until such time that the wastewater system is upgraded to meet the requirements of Subsection A.2. of this Section or until another method of wastewater disposal is approved by the LEA, such as connection to a public sewer;
- h. The dispersal component of the on-site wastewater system and the designated repair area shall be sited so as to maximize separation from wells and surface water with the design objective of increasing said separation when feasible, by up to 100% of that which is specified in the On-Site Wastewater Manual. At a minimum, an additional setback distance to any well or surface water in the downslope direction from the dispersal field shall be 50 feet;
- i. The increased setback area between wells and surface water, and the dispersal component of the on-site wastewater system and the designated repair area shall be verified through the site evaluation process to not contain rock outcrops, cut banks, or other soil or landscape features that would allow surfacing of wastewater effluent;
- j. The dispersal component of the on-site wastewater system and the designated repair area shall be sited so as to maximize separation to property lines with the design objective of increasing said separation when feasible, by up to 100ft. At a minimum, the setback distance to the any property line in the downslope direction from the dispersal field shall be at least 50 feet; and
- k. The dispersal component of the on-site wastewater system and the designated repair area shall be sited so that the minimum natural ground slope within and in the area extending 50 feet downslope of the dispersal field and its designated repair area shall be 5 percent or greater. The LEA may waive this requirement where it can be demonstrated that there will be adequate drainage away from the dispersal field.

Attachment B
Parcel Legal Description

(Note: Parcel Legal Description Attached as Page 5)

LEGAL DESCRIPTION

Real property in the unincorporated area of the County of Butte, State of California, described as follows:

PARCEL I:

BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 23 NORTH, RANGE 1 EAST, M.D.B. & M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 8 AS SHOWN ON THAT CERTAIN RECORD OF SURVEY MAP FOR DONALD M. SENICK RECORDED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA ON JANUARY 4, 2001, IN BOOK 151 OF MAPS, AT PAGES 6 AND 7.

PARCEL HEREIN IS PURSUANT TO A WAIVER OF A PARCEL MAP, APPROVED BY THE COUNTY OF BUTTE, RECORDED MARCH 2, 2007, SERIAL NO. 2007-0010495.

PARCEL II:

A ROAD AND PUBLIC UTILITY EASEMENT, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 50.00 FEET OF THE WEST 70.00 FEET OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 23 NORTH, RANGE 1 EAST, MOUNT DIABLO MERIDIAN.

SAID EASEMENT IS FOR THE BENEFIT OF AND APPURTENANT TO PARCEL II AS CONTAINED IN THAT GRANT DEED RECORDED OCTOBER 14, 1998, UNDER BUTTE COUNTY RECORDER'S SERIAL NO. 98-44293.

PARCEL III:

THE ROADWAY, STORM DRAINAGE AND STORM DRAIN DETENTION BASIN EASEMENTS DESCRIBED IN THE COVENANT RESPECTING REAL PROPERTY RECORDED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, AT RECORDER'S SERIAL NUMBER 2007-0010483.

APN: 047-200-102