## Meeting Information

**Sierra County**  
**Board of Supervisors’**  
**Agenda Transmittal & Record of Proceedings**  

**MEETING DATE:** August 7, 2018  
**TYPE OF AGENDA ITEM:**  
- [ ] Regular  
- [ ] Timed  
- [x] Consent  

**DEPARTMENT:** Building Department  
**APPROVING PARTY:** Tim H. Beals, Director  
**PHONE NUMBER:** 530-289-3251

<table>
<thead>
<tr>
<th>AGENDA ITEM:</th>
<th>Authorization for Director of Planning and Building to execute and record a Restrictive Covenant to Real Property with the Kenny John B Kenny and Martha Kenny Revocable Trust 2010.</th>
</tr>
</thead>
</table>
| SUPPORTIVE DOCUMENTS ATTACHED: | [x] Memo  
[ ] Resolution  
[ ] Agreement  
[ ] Other |

**BACKGROUND INFORMATION:** The primary residence occupied by William J. Kenny was destroyed in a mudslide in late 2016 during the disaster that was declared in early January 2017. Three accessory structures remained which had not been previously approved for habitable use, although there has been a documented history of such use. This covenant allows occupancy of the structures by Mr. Kenny until his death, or until abandonment of said structures for a continuous period of six months. Any occupancy after either of the conditions comes to pass will not be allowed without obtaining building permits for building one or more habitable structures on the property.

**FUNDING SOURCE:**  
**GENERAL FUND IMPACT:** No General Fund Impact  
**OTHER FUND:**  
**AMOUNT:** $ N/A  

| ARE ADDITIONAL PERSONNEL REQUIRED? | [ ] Yes, -- --  
[ ] No |
|-----------------------------------|-------------------------|
| IS THIS ITEM ALLOCATED IN THE BUDGET? | [ ] Yes  
[ ] No |
| IS A BUDGET TRANSFER REQUIRED? | [ ] Yes  
[ ] No |

**BOARD BELOW FOR CLERK’S USE**

| BOARD ACTION: | Set public hearing  
For: __________________________  
Direction to: __________________________  
Referred to: __________________________  
Continued to: __________________________  
Authorization given to: __________________________ |
|---------------|--------------------------------------------------------------------------------------------------|
|               | Resolution 2018- __________________________  
Agreement 2018- __________________________  
Ordinance __________________________ |
| Vote:        | Ayes:  
Noes:  
Abstain:  
Absent:  
[ ] By Consensus |

**COMMENTS:**

<table>
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<tr>
<th>CLERK TO THE BOARD</th>
<th>DATE</th>
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RESTRICTIVE COVENANT TO REAL PROPERTY

The undersigned hereby agree and covenant as follows:

1. This agreement is entered into in consideration of the following facts.

2. The primary residence located at what is commonly known as 17 Pine Tree Lane, Goodyears Bar, California, Sierra County, was destroyed in a mudslide in December of 2016.

3. The three small accessory structures on the property were unharmed, but electrical power to the entire property had to be turned off.

4. The County of Sierra is issuing a building permit for an electrical service box to be installed on the side of one of the accessory structures for the purpose of restoring electrical power to them.

5. The accessory structures may be used for occupancy by William J. Kenny until the earliest of the following occurrences:
   
   A. The death of William J. Kenny, or;

   B. His abandonment of the said structures by vacating for a continuous period of six months with no intention to return.

6. Upon the happening of the first of the said conditions, the right of anyone to occupy the accessory structures terminates, and no one may occupy the said property without obtaining new permits for building one or more habitable structures on the property, along with any other required permits.

7. The real property is described as follows: Lot 11, approximately 1.86 acres of the Southwest Quarter of the Northwest Quarter of Section 5, T 19, R 10 E, the Goodyears Bar Townsite Addition, APN 004-100-048.
8. This restrictive covenant shall be recorded in the office of the County Recorder for Sierra County, and shall be binding on each parties’ successors and assigns.

Dated: ______________

J. Bryce Kenny as
Successor Trustee of the Kenny John B. Kenny and Martha Jane Kenny Revocable Trust of 2010

Dated: ______________

Tim Beals
Director of Planning and Building
For Sierra County