

## ATTACHMENT I

### JOINT REQUEST TO TRANSFER SEWER EQUIVALENT DWELLING UNIT

Date: \_\_\_\_\_, 2020

It is hereby jointly requested, by Gordon K. Loo and Bonnie L. Loo and Angela Rodriguez (collectively, "Transferor"), and by KZH Properties, LLC ("Transferee"), that the Board of Supervisors approve the transfer of the three (3) sewer equivalent dwelling units ("EDUs") as described below.

#### 1. Requesting Parties

**Transferor** is the current owner of the real property, from which it is proposed that three EDUs be transferred ("Transferor Property"), which consists of real property located within County Service Area No. 31 ("CSA 31"), comprising that portion of a condominium project (hereinafter "the project") which is described in the Condominium Plan for Lot 1 of Tract 3720, and is more thoroughly described in Exhibit A, attached hereto and incorporated by this reference.

**Transferee** is the current owner of the real property, located within CSA 31, to which it is proposed that three sewer EDUs be transferred ("Transferee Property"), described as APN 120-207-05/120-341-02, and identified more particularly in Exhibit B to this request, attached hereto and incorporated by this reference.

**Developer** is a prior owner of Lots 1, 3, 5, 6, 7, 8, and 9 of Tract 3720 and joins in the request by Transferor and Transferee for the purpose of acknowledging the Developer's concurrence in the proposed transfer for which approval is sought herein, and further to acknowledge that Developer expressly disclaims any ownership interest whatsoever in the three (3) "excess" EDUs which are the subject of this request.

#### 2. Representations of Background Facts by Requesting Parties

This request to transfer three "excess" EDUs is made with reference to the following facts, the accuracy of which is hereby represented and warranted by each of the undersigned signatories as representatives of the parties:

A. Fresno County Tract No. 3108 was originally approved and recorded by the County of Fresno with an entitlement for a 46 condominium unit project (the "Project"). Tract 3108 was "re-subdivided" by a subsequent owner, Easterbrook Construction Co., Inc., a California corporation ("Easterbrook"), pursuant to the terms of Tract 3720 which created nine "phases" for the development of the Project described as Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 of the Fresno County Tract No. 3720.

B. It was initially contemplated (as reflected in originally approved site plan and conditional use permit for the Project, CUP Application 2149, approved May 28, 1985) that the 46 condominium units would be constructed in 9 phases ("Lots") within 12 condominium units allocable to Lots 2 and 4 of Tract 3720 and the remaining 34 condominium units allocable to Lots 1, 3, 5, 6, 7, 8 and 9 of Tract 3720.

C. After constructing 12 condominium units on Lots 2 and 4 of Tract 3720, Easterbrook conveyed its interest in Lots 1, 3, 5, 6, 7, 8 and 9 of Tract 3720, which subsequently came to be owned by SKA Inc., a California corporation, and Knapton Land and Cattle Company, a California corporation ("SKA and Knapton"), who revised the approved site plan and conditional use permit (CUP Application 2505, approved June 27, 1991), for the Project to reduce the number of condominium units to be constructed on Lots 1, 3, 5, 6, 7, 8 and 9 of Tract 3720 from 34 units to 29 units. Such reduction in the number of condominium units to be constructed on the remainder of the Project created five (5) "excess" EDUs (i.e., 34 originally approved condominium units, minus 29 currently approved units, yielded a remainder of five (5) "excess" EDUs).

D. Thereafter, and prior to the construction of any additional condominium units, SKA and Knapton conveyed the remainder of the Project (Lots 1, 3, 5, 6, 7, 8 and 9 of Tract 3720) to Gordan K. Loo and Bonnie Loo, husband and wife ("Loos"), who subsequently further conveyed the Project to Developer, purporting to exclude from such transfer and reserve to themselves ownership of the five (5) "excess" EDUs for the Project originally created in the manner set forth above.

E. Loos also purported to transfer a 50% interest in the five (5) "excess" EDUs to Angela Rodriguez ("Rodriguez"), while purporting to retain ownership of the remaining 50% interest therein.

F. On or about July 2019, Transferor and Transferee entered into an agreement ("Transfer Agreement") for the purchase by Transferee of the Transferors' entire interest in three (3) "excess" EDUs, subject to certain conditions as specified therein.

### **3. Acknowledgment that Approval by Fresno County Board of Supervisors is Required to Transfer EDUs**

A. Each of the parties acknowledges that Fresno County Board of Supervisors Resolution No. 00-043 ("Resolution 00-043"), which was adopted on February 8, 2000, and which by its terms is applicable to all County Service Areas including CSA 31, establishes a process to transfer EDUs from one property to another subject to authorization by the Board of Supervisors ("County Board").

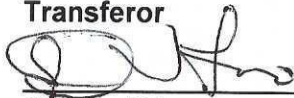
B. Transferor acknowledges that, by transferring three "excess" sewer EDUs from the Transferor Property to the Transferee Property, the Transferor Property will, following approval and consummation of the transfer, be limited to its remaining allotment of two "excess" sewer EDUs.

### **4. Representation of Authority**

Each individual executing this Request in a representative capacity represents and warrants that he or she is authorized by his or her principal to do so, and each of them hereby acknowledges his or her understanding that the County is expressly relying on that representation and warranty.



Transferor



Gordon K. Loo

4209 HORSESHOE CT

Address

BAKERSFIELD

City

(661) 477-1443

Phone Number

Transferor



Bonnie L. Loo

4209 HORSESHOE CT

Address

BAKERSFIELD

City

(661) 204-3113

Phone Number

Transferor



Angela Rodriguez

7308 Calle Los Batiquitos

Address

Bakersfield, CA. 93309

City

661.862.9021

Phone Number

See Attached for  
Notary Certificate

**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.

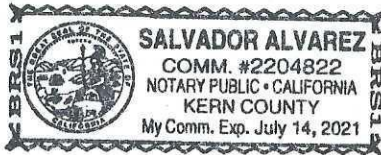
State of California

County of Kern

On 2-28-2020 before me, Salvador Alvarez Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared Gordon Koolanui Loo, Bonnie L Loo  
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.

Signature

[Signature]  
Signature of Notary Public

Place Notary Seal and/or Stamp Above

**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: JOINT Request

Document Date: 2-28-2020

Number of Pages: 8

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: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- ☐ Corporate Officer – Title(s): \_\_\_\_\_  
☐ Partner – ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

State of California  
County of Fresno

*Kern, add.*

On Feb. 26, 2020 before me, Joseph Cecil, a Notary Public in and for said County and State, personally appeared

Angela R. Rodriguez, who proved to me on the basis of satisfactory evidence to be the person 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 on behalf of which the person acted, executed the instrument.

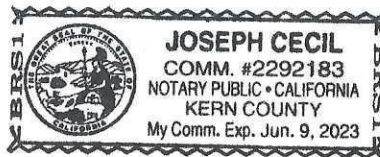
I certify UNDER PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and Official Seal this 26 day of February, 2020.

Joseph Cecil  
Notary Public Residing in Fresno County, California

My Commission Expires:

June 9 2023



Transferee

James G Huebner

KZH Properties, LLC.

James G. Huebner, Manager

42969 Auberry Rd

Address

Auberry Rd 93602

City

559-307-0552

Phone Number

Transferee

Heidi Huebner

KZH Properties, LLC.

Heidi Huebner, Manager

42969 Auberry Rd

Address

Auberry CA 93602

City

559-906-5607

Phone Number



State of California  
County of Fresno

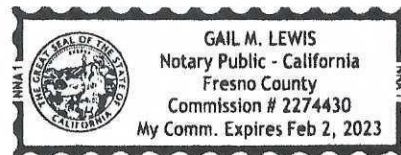
On February 26, 2020 before me, GAIL M. LEWIS, a Notary Public in and for said County and State, personally appeared JAMES G Huebner and Heidi Huebner, who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to 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 on behalf of which the person 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 this 26 day of February, 2020.

Gail M. Lewis  
Notary Public Residing in Fresno County, California

My Commission Expires: Feb 2, 2023



**EXHIBIT "A"**  
Legal Description

*The property from which the proposed transfer of the three (3) "excess" EDUs is proposed is legally described as follows:*

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF FRESNO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LOT 1 of Tract 3720, according to the map thereof recorded in Volume 43, Pages 85 and 96 of Plats, Fresno County Records, which includes Units 26 through 29, inclusive of said Lot 1, as shown and defined upon the Amended Condominium Plan recorded in Book 71, Pages 50 through 53, inclusive, and upon the Second Amended Condominium Plan recorded in Book 73, pages 50-55, inclusive, of Plats, Fresno County Records.



**EXHIBIT "B"**  
Legal Description

*The property to which the proposed transfer of the three (3) "excess" EDUs is proposed is legally described as follows:*

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF FRESNO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 35, TOWNSHIP 9 SOUTH, RANGE 24 EAST, MOUNT DIABLO BASE AND MERIDIAN, THENCE SOUTH 88° 48' WEST ALONG THE NORTH LINE OF SAID SECTION 35, A DISTANCE OF 1861.60 FEET TO A POINT ON THE EAST SIDE OF THE COUNTY ROAD, THENCE SOUTH 34° 44' EAST A DISTANCE OF 350.8 FEET; THENCE SOUTH 23° 36' EAST A DISTANCE OF 80.2 FEET; THENCE SOUTH 19° 17' EAST A DISTANCE OF 309.87 FEET; THENCE SOUTH 23° 24' EAST A DISTANCE OF 148.43 FEET; THENCE SOUTH 13° 29' EAST A DISTANCE OF 216.00 FEET; THENCE SOUTH 8° 11' EAST A DISTANCE OF 384.76 FEET; THENCE SOUTH 8° 44' WEST, A DISTANCE OF 140.00 FEET; THENCE NORTH 85° 16' EAST A DISTANCE OF 236.40 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 57° 33' EAST A DISTANCE OF 78.09 FEET; THENCE NORTH 0° 00' EAST A DISTANCE OF 75 FEET; THENCE NORTH 90° 00' WEST A DISTANCE OF 65.90 FEET; THENCE SOUTH 0° 00' EAST A DISTANCE OF 116.90 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH,

A PORTION OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 9 SOUTH, RANGE 24 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLATS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 35, THENCE SOUTH 88° 48' WEST, A DISTANCE OF 186.6 FEET TO A POINT ON THE EAST SIDE OF THE COUNTY ROAD, THENCE SOUTH 34° 44' EAST, A DISTANCE OF 350.8 FEET; THENCE SOUTH 23° 36' EAST, A DISTANCE OF 80.2 FEET; THENCE SOUTH 19° 17' EAST, A DISTANCE OF 309.87 FEET; THENCE SOUTH 23° 24' EAST, A DISTANCE OF 148.43 FEET; THENCE SOUTH 13° 29' EAST, A DISTANCE OF 216 FEET; THENCE SOUTH 8° 11' EAST, A DISTANCE OF 180 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 90° 00' EAST, A DISTANCE OF 199.18 FEET THENCE SOUTH 0° 00' WEST, A DISTANCE OF 31.09 FEET; THENCE NORTH 90° 00' EAST, A DISTANCE OF 100 FEET; THENCE SOUTH 0° 00' WEST, A DISTANCE OF 173.59 FEET; THENCE SOUTH 90° 00' WEST, A DISTANCE OF 65.90 FEET; THENCE NORTH 0° 00' EAST A DISTANCE OF 54.68 FEET; THENCE WESTERLY TO A POINT ON THE EASTERLY LINE OF THE RIGHT OF WAY OF STATE HIGHWAY #168 DISTANCE THEREON SOUTH 8° 11' EAST 150 FEET FROM THE TRUE POINT OF BEGINNING; THENCE NORTH 8° 12' WEST, A DISTANCE OF 150 FEET, ALONG SAID EASTERLY LINE OF SAID STATE HIGHWAY, TO THE TRUE POINT OF BEGINNING.