

SOLANO COUNTY DISCLOSURES AND DISCLAIMERS ADVISORY

(This form is intended only for use with the California Association of REALTORS® form SBSA, "Statewide Buyer and Seller Advisory")

Address of Property: _____

This Advisory consists of several disclosures and disclaimers regarding your purchase of real property located in Solano County. It is not intended to be a comprehensive guide to buying real estate nor is it designed to alarm you. It does not limit any statutory or common law duty real estate agents have to you but does point out some limitations on their ability to provide assistance to you. You have a legal responsibility to protect yourself by taking special precautions to investigate the issues detailed in this Advisory as well as other disclosures which impact the use, value or desirability of the real property you are buying. You are encouraged to consult with appropriate experts and /or governmental agencies. Do not just rely on information provided to you by Real Estate Agents or Sellers as sources for all information. For more information about Solano County, you can go online to [Http://www.co.solano.ca.us](http://www.co.solano.ca.us)

This Advisory is not meant to be a complete source of information on all matters which can become issues in real property purchase and sales transactions. It is strongly recommended that buyers and sellers of real property exercise the utmost care and diligence in reviewing and investigating all matters which are or could be relevant to a real property transaction. Matters governing real property are subject to change. Hence the Solano Association of REALTORS® has not verified and does not warrant or guarantee the accuracy of the information contained in this Advisory or the adequacy of the information contained herein as it relates to a specific property transaction.

1. **Vallejo Bankruptcy Disclosure-** News sources have publicized the City of Vallejo's filing for bankruptcy protection. It is recommended that buyer consult with professionals, (including but not limited to, attorneys, accountants, City Council Members and public service agencies such as fire and police) of his/her own choosing with regard to the impact of the City's actions on the buyer.
2. **Valero Oil Refinery Disclosure-** Buyers are aware that certain homes in Benicia may be located near the Valero Oil Refinery off Second St in the Industrial Park. Buyers are encouraged to satisfy any concerns they may have regarding oil processing and safety issues surrounding the refinery and it's proximity to the property by contacting the Valero Oil Refinery at 707-745-7011.
3. **Information Technology Corporation(IT Corp)-** Buyers are aware that Information Technology Corporation operated a hazardous waste disposal facility outside the city limits of Benicia above the Lake Herman area. It is said to have stopped accepting such wastes in 1986, and it is believed it is in the process of the formal closure of the facility. For further information regarding the facility and closure, you may contact Benicia's Senior Planner at 707-746-4280.
4. **Braitto Landfill-** The Braitto Landfill is located on the Northwest end of the Southampton Subdivision. Public records show the landfill closed in the late 1970's when the Southampton Company and First Nationwide Bank purchased the property. The Rose Drive and Blake Court area was remediated under a closure plan approved by state and local authorities. In June 1994, Southampton disclosed that waste material was buried under two previously undisclosed locations west of Channing Circle and east of the intersection of Rose Dr and Cambridge Dr. For further information regarding the landfill, you may contact the project manager of the Department of Toxic Substance Control, State of California at 916-324-2857.
5. **Benicia Arsenal** served as a principal depot of the Division of the Pacific. Records show it operated from 1851 to 1962. Much of the Arsenal is now the Benicia Industrial Park operated by the City of Benicia. Valero Oil is a major tenant. For more information regarding this, or the North Canyon area which is slated to be developed for single family residences, please contact Ken Fox with the U.S. Army Corp of Engineers at 916=557-6870.

6. **Turtlelot**- Buyers are aware that certain acreage north of Rose Dr, east of Kearney and west of East Second St in Benicia is currently owned by a subsidiary of Granite Management Corporation, was at one time leased by the U.S. Government and was used as part of the Benicia Arsenal from 1944 to 1960. Live ordnance and traces of TNT and other environmental hazards have been discovered on the site. For more information regarding Turtlelot, please contact Granite Management at 707-745-2112, The Department of Toxic Control/State of California at 916-324-2857, the City of Benicia at 707-746-7200, the U.S. Army Corp of Engineers/Linda Finley-Miller, Project Manager at 916-557-7411 or visit the Benicia City Library to view the Turtlelot Property Cleanup Project Report on file.
7. **Mare Island Naval Base/Vallejo**- Mare Island is a former military base and is being converted to housing and commercial use. Prior to conversion a widespread environmental clean-up was reportedly conducted and clean up activities are ongoing. The following is the "Mare Island Warning" as distributed by Lennar Mare Island, the Master Developer.

- CAUTION: ENTER AT YOUR OWN RISK. You are entering Mare Island, a former Navy Base with potentially hazardous conditions related to ongoing construction and environmental remediation activities. In addition, be advised that there are potentially dangerous areas and conditions on the Island, which you should avoid. Therefore, you must STRICTLY FOLLOW ALL WARNING SIGNS posted throughout the Island and Insure that you do not enter restricted areas. By entering Mare Island, you are assuming full responsibility for any risk, to yourself, or any person within your control under 18 years of age, of personal injury, death, or property damage, arising from hazardous and dangerous areas and conditions resulting from operation, construction and environmental remediation activities taking place on Mare Island. Under no circumstances are you permitted to excavate or otherwise disturb the land on Mare Island without prior written consent of the property owner(Lennar Mare Island) or the City of Vallejo. Please feel free to call (707) 648-4302 if you have any questions.

In addition, the City of Vallejo has established a Community Facilities District No. 2002-1(Mare Island Services) whose services, maintenance, upkeep and fees are referenced in the CCR's item 4.4.1 through 4.4.2 which should be reviewed by the buyer. Also Lennar Mare Island or its authorized agents may be investigating and remediating environmental contamination on Mare Island pursuant to reports listed in CCR's Item 4.9.4. A copy of the CCR's is available for inspection at the City of Vallejo and at Lennar Mare Island's office. Within 10 years of the original date of purchase, Lennar Mare Island possesses a Re-purchase Option as evidenced by a recorded document at the County Clerks office. The City of Vallejo also holds a letter from the Federal Emergency Management Agency dated June 16, 2005 regarding the mapping of the Mare Island floodplain mapping.

8. **Duct Sealing Requirements**- Buyer and Seller acknowledge that depending upon certain conditions, if a central air conditioner or furnace was installed or replaced after October 1, 2005 the ducts must be tested for leakage. If the ducts leak 15% or more, then repairs must be made to seal the ducts. Additional testing may then be required to verify that the work was done properly. It is strongly recommended that all of this work be done by licensed contractors who should obtain all required permits. These new duct sealing requirements may impact a Seller's disclosure obligations and/or negotiations between buyers and sellers regarding replacing heating, ventilating and air conditioning systems(HVAC). These new requirements may increase the costs associated with replacing or installing an HVAC system. Your real estate agents do not have the requisite expertise to determine the need for testing or sealing ducts and will not verify the information provided about the condition of the HVAC system by others. For more information regarding these requirements, please contact the Energy Efficiency Hotline at 800-772-3300 or visit the California Energy Commission website at www.energy.ca.gov/title24/changeout.

9. **Fireplaces/Wood Stoves:** Due to public health concerns regarding particulate matter from wood smoke that may be affecting air quality in this County and the Bay Area in general, Buyer is advised that if the property has a wood burning appliance (“wood-burning appliance” includes, but is not limited to, a fireplace insert, a free standing wood stove, or a wood heater or masonry fireplace, but does not include appliances or fireplaces that burn solely propane or natural gas or pellets as fuel), Buyer should have it inspected by a licensed contractor with expertise in the installation, maintenance and repair of fireplaces, fireplace inserts, and wood stoves. In the event the unit is not an EPA-certified device, it is recommended that buyer have the unit removed and/or replaced by a licensed contractor. If the buyer desires removal and/or replacement of the unit by the seller, the parties must negotiate and document their agreement on this issue. Buyer is further advised that they may or may not be able to use the wood burning fireplace except on days that have not been designated “Spare the Air” days. For more information, please visit the Bay Area Air Quality Management District website at www.baaqmd.gov.
10. **Solano County Agricultural Notice:** Solano County is an agricultural county with many areas 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 areas where it is near residential development. To do this, Solano County has enacted Chapter 2.2 of it’s County code which provides that properly conducted agricultural operations will not be deemed a nuisance. The Ordinance further requires the County to give notice of the Ordinance and its provisions to buyers of real property located in Solano County. Accordingly, you are hereby notified that if the property you are purchasing is located close to agricultural lands or operations, 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; and production, irrigation, pruning, growing, harvesting and processing of any agricultural commodity, including horticulture, timber, apiculture, the raising of livestock, fish, poultry, and commercial practices performed as incident to or in conjunction with such agricultural operation, including preparation for market, delivery to storage or market, or to carriers or transportation to market. These operations may generate dust, smoke, noise and odor. If you live near an agricultural area, 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 healthy agricultural sector. To assist in resolving problems between residential and agricultural land use, an Agricultural Grievance Committee has been created in Solano County to arbitrate and mediate disputes concerning agricultural operations. This notice is given for informational purposes only and nothing in the Ordinance or this Notice should be deemed to prevent you from complaining to any appropriate agency or taking any other available remedy concerning any unlawful or improper agricultural practice. For information concerning where agricultural operations are located in relation to your property, you may contact the Solano County Department of Environmental Management, 470 Chadbourne Rd, Fairfield, CA, 707-421-6765. For questions concerning the specific kinds of agricultural operations in your area including their use of fertilizers and pesticides, and information on the Agricultural Grievance Committee, you should contact the Solano County Agricultural Commissioner’s Office, 501 Texas St, Fairfield, CA 707-421-7465.

11. **Suisun Marsh:** If the real property you are considering buying is located near the Suisun Marsh be advised that the Suisun Marsh is the largest brackish water marsh remaining in the United States. The marsh consists of 116,000 acres; 52,000 acres of seasonally flooded managed wetlands; 6,300 acres of unmanaged tidal wetlands; 3,000 acres of bays and sloughs; and 27,700 acres of uplands, about half of which is around the Marsh perimeter. The State of California's Department of Fish and Game owns and manages a portion of the Marsh that includes the Grizzley Island Wildlife Area. Private landowners also hold land in the Marsh and manage it for farming, cattle, wildlife habitat, and outdoor recreational use, including hunting and fishing. There is a Marsh Interpretive Center and associated lands which are open to the public containing approximately 2,000 acres; the area is located near the north end of the Marsh on Grizzley Island Rd near the intersection of Hwy 12. Year round trails in this area offer the public excellent wildlife viewing, birding, fishing, and other outdoor recreational opportunities.

The Suisun Marsh was placed under specific protection when the State Legislature passed Assembly Bill 1717, The Suisun Marsh Protection Act, in 1976 (SMPA). The law was designed to protect the many species know to live within the Marsh and their native habitat. Among other things, the SMPA precluded further development of land within the area located south of State Highway 12 near the cities of Fairfield and Suisun City, and south and east of Highway 680 between the cities of Benicia and Cordelia, and Cordelia Rd as it lies between Cordelia, Fairfield and Suisun City. The Marsh is bordered on the south by Grizzley Bay and Honkers Bay and Montezuma Slough to the east. For more information contact the Suisun Marsh Resource Conservation District at 707-425-9302 or visit <http://www.suisunrcd.org/>

12. **Rancho Solano Golf Ball Easement:** Pursuant to City of Fairfield Ordinance No. 92-12, any transferor of real property abutting any part of the Rancho Solano Golf Course is required to provide the buyer with the following information:

- The home you may purchase in Rancho Solano located at _____ is subject to an easement for errant golf balls. This means that golf balls from the golf course may cross and land on your property causing substantial property damage or personal injury. Golfers on the Rancho Solano course are responsible for their golf shots and any resulting damages. The City of Fairfield does not plan to make future design changes to the golf course or pay for property damage or personal injury caused by golf balls.
- _____The property you are purchasing **abuts** Rancho Solano Golf Course and is subject to this golf ball easement.
- _____The property you are purchasing **does not abut** the Rancho Solano Golf Course.

13. **Paradise Valley Golf Ball Easement:** Pursuant to City of Fairfield Ordinance No. 92-12, any transferor of real property abutting any part of the Paradise Valley Golf Course is required to provide the buyer with the following information:

- The home you may purchase in Paradise Valley located at _____ is subject to an easement for errant golf balls. This means that golf balls from the golf course may cross and land on your property causing substantial property damage or personal injury. Golfers on the Paradise Valley course are responsible for their golf shots and any resulting damages. The City of Fairfield does not plan to make future design changes to the golf course or pay for property damage or personal injury caused by golf balls.
- _____The property you are purchasing **abuts** Paradise Valley Golf Course and is subject to this golf ball easement.
- _____The property you are purchasing **does not abut** the Paradise Valley Golf Course.

14. **Quality Neighborhood Project:** Pursuant to City of Fairfield Ordinance No. 95-33, any transferor of real property zoned for residential use located within a Quality Neighborhood Project is required to provide the buyer with the following information:

- You are hereby notified that the residential property that you may purchase at _____ is located within a Quality Neighborhood Project. Further information on this disclosure may be obtained from the Fairfield Quality Neighborhood Team, 1000 Webster St, Fairfield, CA 94533; telephone 707-428-7642.

Travis Air Force Base: Pursuant to City of Fairfield Ordinance No. 95-34, any transferor of real property zoned for residential use located north of Air Base Parkway and east of Clay Bank Road, or south of Air Base Parkway and east of Walter Road is required to provide the buyer with the following information:

- You are hereby notified that the residential property that you may purchase at _____ is located within the vicinity of Travis Air Force Base. Travis Air Force Base is located in the eastern portion of the City of Fairfield. The City of Fairfield does not permit residential development at a noise level in excess of 60 decibels noise contour for the maximum mission of Travis Air Force Base (as represented in the 2002 Travis AFB Land Use Compatibility Plan). However, residents of Fairfield within the vicinity of Travis Air Force Base may experience noise from aircraft operations at Travis Air Force Base. The amount of noise may change over time depending on the mission and operations of the base.

Further information on this disclosure may be obtained from the Fairfield Planning and Development Department, 1000 Webster St., Fairfield, CA 94533, 707-428-7461.

15. **ABS Drain, Waste and Vent Plastic Pipe:** Some, but not all, forms of plastic piping used in the construction or remodeling of residences during 1985 through 1990, have been found to be defective. Some of this piping failed immediately, while others have functioned well over long periods of time, there have been cracks, leaks and system failures in connection with this pipe. The known problem manufacturer is Plastic Processing, Inc. (PPI) whose product was used and distributed by many ABS pipe manufacturers, including Centaur, Phoenix Polaris, Gable and Apache. Buyers and Sellers are encouraged to investigate the type of plumbing used, regardless of the age of the house. Buyers should satisfy themselves as to the condition of the sewage and plumbing system through the use of a licensed plumber and other appropriate experts, whether the system is made of plastic or other materials.
16. **Water Shortages:** Solano County is susceptible to periods of insufficient rainfall that may not always produce the needed water supply for all the uses contemplated by a property owner. During periods of insufficient rainfall the utilities that supply water have imposed usage restrictions and still define certain usage of water that may be common in some areas as water waste.
17. **Wet Weather Conditions:** At times, Solano County experiences heavier than normal rainfall. During these times, hillside properties may be susceptible to earth movement and drainage problems. Properties on flatlands may be susceptible to flooding. Properties which may not have experienced water intrusion into or under the property in the past may experience these conditions as a result of weather-related phenomena. Sellers are obligated to disclose to buyers those material defects or conditions known to them that affect the desirability or value of the property; however, not all Sellers may be aware of recent changes in the conditions of the property or its improvements caused by unusually wet weather. Because of these factors, it is recommended that, in addition to a home inspection, Buyer have such additional inspections by inspectors or engineers regarding these conditions as Buyer may desire.

18. **Permit Issues:** Some improvements to property such as repairs, remodels and additions may have been done without the required permit. One such example would be where a second living unit (“in-law unit”) is being rented by the Seller but the required permit was not obtained for this in-law unit. An improvement that is made without the required permit can, among other things, have a negative impact on value, require a retrofit, impact habitability, preclude insurance coverage and result in fees, penalties and government enforcement actions. Buyer is advised to consult with the appropriate professionals such as contractors, engineers and lawyers to determine whether an improvement has been made to the Property without the required permit. Buyer should also determine whether the purchase contract contains a prohibition against reporting the existence of an improvement made without the required permit to any governmental authority. If such a contractual prohibition exists, Buyer is advised to consult with an attorney before contacting any governmental authority to report or inquire about the impact of an improvement made without the required permit on the Property.
19. **BCDC:** The San Francisco Bay Conservation and Development Commission (“BCDC”) is charged with the responsibility of restoring Bay wetlands and marshes, preventing wetlands and mudflats from being filled, and supporting the continued and productive use of salt ponds. Solano Properties abutting San Francisco and Suisun Bay and the Napa River, it’s tidelands and marshes may be subject to the jurisdiction of the BCDC which may limit building, and impose other requirements on property owners. Their jurisdiction extends from the Mean High Water Line or edge of marsh (up to 5 ft above Mean Sea Level) to 100 ft inland. If any property is within this region, BCDC has jurisdiction over it. Any modification to the property within the jurisdictional boundaries should require a permit from BCDC. Buyers of such property are urged to contact BCDC at 415-352-3670 or go online to <http://www.bcdc.ca.gov/permits/faqs.shtml>.
20. **Locks, Garage/Gate Openers and Alarms:** Seller may have given keys, garage/gate openers, combinations and /or access codes to doors, gates, alarms and other security devices on the property to third party unknown to Buyer. In addition, Seller or Seller’s Broker may have made the property available for open houses and other inspections by the general public which may compromise the security and safety of Buyers and their property. Accordingly, Buyer is advised to change or re-key all locks and re-code any and all alarms and other security devices, after close of escrow and upon Buyer taking possession of the property.

BROKER/AGENT DOES NOT WARRANT THE CONDITION OF THE PROPERTY. BROKER/AGENT SHALL NOT BE RESPONSIBLE FOR FAILING TO DISCLOSE FACTS WHERE THE CONDITION (A) IS NOT WITHIN BROKER/AGENT'S ACTUAL KNOWLEDGE OR (B) IS IN AN AREA NOT REASONABLY AND NORMALLY ACCESSIBLE TO BROKER/AGENT. BROKER/AGENT HAS NOT INSPECTED AREAS OUTSIDE THE PROPERTY, COMMON AREAS, OR PUBLIC RECORDS AND/OR PERMITS REGARDING THE STATE OF TITLE OR USE OF THE PROPERTY. BROKER/AGENT HAS NOT, UNLESS OTHERWISE SPECIFIED IN WRITING, INDEPENDENTLY VERIFIED ANY OF THE INFORMATION CONTAINED HEREIN.

SELLER AND BUYER HEREBY ACKNOWLEDGE RECEIPT OF THIS DISCLOSURE AND ADVISORY.

Dated: _____ Dated: _____

Seller

Buyer

Dated: _____ Dated: _____

Seller

Buyer