# Attachment E



## When recorded return to:

MONTEREY COUNTY

PUBLIC WORKS, FACILITIES AND

PARKS DEPARTMENT

Attn: Randell Y. Ishii

1441 Schilling Place, 2<sup>nd</sup> Floor Salinas, California 93901

Space above for Recorder's Use

Owners Name: (Rancho Canada Venture LLC)

Permit (File) No.: (PLN040061-AMD1)

Assessor's Parcel No.: (015-162-017-000, 015-162-025-000, 015-162-026-000, 015-162-040-

000, 015-162-048-000, 015-162-049-000, and portions of 015-162-043-

000,015-162-009-000, and 015-162-051-000)

Physical Address: (Between Carmel Valley Road and the Carmel River, east of Val Verde Drive)

# DRAINAGE IMPROVEMENT AGREEMENT

# RECITALS

- I. WHEREAS, as of the date opposite the respective signature below, Rancho Canada Venture LLC, a California limited liability company (hereafter, "Owner") is the owner of that certain real property more particularly described in Exhibit "A," attached hereto and incorporated by this reference (hereafter, "Property"); and,
- II. WHEREAS, Owner applied to the County of Monterey (hereafter, "County") for a permit on file with the County and incorporated herein by this reference (hereafter referred to as "Permit") for a Combined Development Permit for the Rancho Canada Village Project ("Project"), including:
  - a) Standard Subdivision, Vesting Tentative Map subdividing 77 acres into 106 residential lots, with common areas and roadways, and approximately 38 acres of habitat preserve on two OpenSpace lots;
  - b) A blanket Administrative Permit (Site Plan Approval) allowing development on 93 single family residential lots (parcels to be zoned Medium Density Residential), 12 townhomes, and 40 units of affordable/workforce housing (parcels to be zoned High Density Residential) within the S Site Plan Review Zoning Overlay Districts;
  - c) An Administrative Permit for development within the S District of a 1.5 acre community park and 11 acres of common areas, grading of up to 220,000 cubic yards and infrastructure installation, including installation of a below-grade drainage pipe and culvert to improve area-wide flood control and drainage;

- d) Use Permit for development in the Carmel Valley Floodplain; and
- e) Use Permit for removal of up to 37 trees; and,
- III. WHEREAS, as part of the Permit, Owner was conditioned to install certain structural stormwater conveyance facilities described in Exhibit "B", attached hereto and incorporated herein by this reference to provide a regional benefit to the community and specifically County Services Area 50 ("CSA 50") for the purposes of conveying stormwater to the Carmel River from Drainage Area 27 ("DA 27"). These facilities generally include an 84-inch diameter drainage pipe and a flood gate, and are referred to herein as the "Drainage Improvements"; and,
- IV. WHEREAS, said Drainage Improvements were generally referred to in the Statement of Overriding Considerations for the Project in the Board of Supervisors' Resolution of Approval 21-309 as well as Conditions of Approval Nos. 42 and 55, which are both attached hereto as Exhibit "C" and incorporated herein by reference: and,
- V. WHEREAS, Condition No. 42 requires the Owner to, among other items, provide an on-site/off-site drainage improvement study, including an analysis of Drainage Area 27, prepared by a registered Civil Engineer, which has previously been provided; and,
- VI. WHEREAS, Drainage Area 27 is a reference to a drainage area that was included in the CSA 50 Final Lower Carmel River Stormwater Management and Flood Control Report dated October 2014 ("CSA 50 Report"), which included a range of infrastructure improvements to meet FEMA criteria for a 100-year peak flow event; and,
- VII. WHEREAS, Condition No. 55 requires various actions by the Owner to: submit a drainage improvement plan incorporating the CSA 50 Stormwater Management and Flood Control Report recommendations for Drainage Area 27; enter into a drainage improvement agreement with County; and pay for all installations, and maintenance and operation of drainage improvements from the time of installation until a homeowners association or other agency is formed to assume responsibility, subject to a potential cost sharing agreement between the County and Owner; and,
- VIII. WHEREAS, the CSA 50 Report, approved by the Board of Supervisors, recommended projects to the full FEMA flood protection level, which included an improvement to convey the 100-year peak flow from Drainage Area 27 to the Carmel River. To achieve this requirement, and as an alternative to the open channel concept identified in the CSA 50 report, Owner has agreed to construct a 84-inch diameter pipe for the Project; and,
- IX. WHEREAS, Owner has agreed to the installation of the Drainage Improvements through the Project, which will convey the required 100-year peak flow from Drainage Area 27.
- **NOW, THEREFORE,** for good and valuable consideration, the sufficiency of which is hereby acknowledged, County and Owner (for itself and for its heirs, assigns, and successors in interest), hereby covenant and agree to the following terms, conditions and restrictions:

# **TERMS**

- 1. The recitals set forth above are hereby incorporated into this Agreement by this reference.
- 2. Owner covenants and agrees to install and construct the Drainage Improvements as described in Exhibit "B" as part of the Project.
- 3. Owner shall own and maintain the 84-inch pipe at its sole cost and expense until such time as a homeowners' association or similar entity ("Successor") is formed at which time Owner shall cause Successor to own and maintain the 84-inch pipe at Successor's sole cost and expense. Maintenance shall generally consist of maintaining the seal enclosing each end of the pipe pending acceptance and use by County; however, other maintenance issues may present themselves from time-to-time.
- 4. The transfer of ownership of the 84-inch pipe to Successor shall also provide that, at such time as County desires to install additional improvements to convey stormwater runoff from DA 27 under Carmel Valley Road and to the northerly entrance to the Pipe, Successor shall allow County or CSA-50 to connect such improvements to the Pipe to convey such drainage, and the 84-inch pipe ownership and a permanent easement in favor of County or CSA-50 shall be conveyed to County or CSA-50 which shall succeed to any maintenance obligations.
- 5. Owner shall own and maintain the flood gate at its sole cost and expense until such time as a Successor is formed, at which time the County or CSA-50 shall own and maintain the flood gate. County or CSA 50 agrees to operate the flood gate, in a good and operable condition at all times, and in accordance with the Phase II Small Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit (State Water Board Water Quality Order No.2013-0001-DWQ) and the Post- Construction Stormwater Management Requirements for Development Projects in the Central Coast Region (Central Coast Regional Water Board Resolution No. R3-2013-0032) guidelines. In no event shall Owner or Successor be responsible for operation of the flood gate. Said operation shall be undertaken by the County, CSA-50, or another entity.
  - 6. Execution of this Agreement fulfills Conditions of Approval Nos. 42 and 55.
- 7. The Property shall be subject to any and all applicable federal, state and/or local laws, regulations and ordinances in effect at the time of permit issuance regarding the permitting, operation and maintenance or monitoring of a stormwater quality treatment facility.
- 8. If any provision of this Agreement is held to be invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.
- 9. This Agreement shall remain in full force and effect during the period that said permit, or any modification or amendment thereof, remains effective, and during the period that

the development authorized by said permit or any modification of said development, remains in existence in or upon any part of, and thereby confers benefit upon, the Property described herein, and to that extent, this Agreement is hereby deemed and agreed by Owner to be a covenant running with the land, and shall bind County, Owner and all their assigns and successors in interest.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date written below.

Signatures appear on following pages

OWNER (RANCHO CANADA VENTURE LLC, a California limited liability company)

Signed:

R. Alan Williams

Sole Member

STATE OF CALIFORNIA)

COUNTY OF MONTEREY)

On 07.13.23 before me, ROSAUNDA PEREZ
Notary Public, personally appeared R. ALAN WILLIAMS

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.

[SEAL]

ROSALINDA PEREZ Notary Public - California Monterey County Commission # 2391851 Comm. Expires Feb 23, 2026

Signature NOTARY PUBLIC

### **COUNTY OF MONTEREY**

Dated: 13 Jul 23	Randell Y. Ishii, MS, PE, TE, PTOE
	Randell Y. Ishii, MS, PE, TE, PTOE
	Director of Public Works, Facilities and Parks

STATE OF CALIFORNIA )
COUNTY OF MONTEREY )

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.

[SEAL]

DAWN M. YONEMITSU
Notary Public - California
Monterey County
Commission # 2412311
My Comm. Expires Aug 6, 2026

Signature NOTARY PUBLIC

List of Exhibits

Exhibit A - Property Description

Exhibit B - Description of Drainage Improvements

Exhibit C - Conditions of Approval Nos. 42 and 55

#### LEGAL DESCRIPTION

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

#### PARCEL 1:

BEGINNING AT THE HEREINABOVE MENTIONED STATION 23 OF THE PATENT SURVEY BOUNDARY OF THE RANCHO CANADA DE LA SEGUNDA; THENCE

- (1) S. 87° 30' E., 1636.46 FEET ALONG SAID BOUNDARY TO THE COMMON CORNER OF LOTS 12 AND 13, AS SAID LOTS ARE SHOWN AND DESIGNATED ON THE AFORESAID PARTITION MAP; THENCE
- (2) SOUTH 69.75 FEET; THENCE
- (3) N. 87° 33' W., 1606.55 FEET; THENCE
- (4) N. 22° 22' W., 78.35 FEET TO THE POINT OF BEGINNING, PURSUANT TO THE CERTIFICATE OF COMPLIANCE RECORDED JULY 9, 2009 AS INSTRUMENT NO. 2009043181 OF OFFICIAL RECORDS.

#### PARCEL 2:

THAT PART OF THE SAID RANCHO CANADA DE LA SEGUNDA IN MONTEREY COUNTY, STATE OF CALIFORNIA, WHICH IS SHOWN AND DESIGNATED AS LOT 13 ON THE AFORESAID PARTITION MAP. SAID LOT 13, AS SAID LOT IS SHOWN AND DESIGNATED ON THE AFORESAID PARTITION MAP, IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF THE RANCHO CANADA DE LA SEGUNDA BEGINNING AT STATION 23 OF THE PATENT SURVEY OF THE RANCHO CANADA DE LA SEGUNDA; THENCE

- (1) S. 87° 30' E., 1637.0 FEET, ALONG A BOUNDARY TO A 4" X 4" POST MARKED WH, HH, CS, STANDING AT THE COMMON CORNER OF LOTS 12 AND 13, AS SAID LOTS ARE SHOWN AND DESIGNATED ON THE AFORESAID PARTITION MAP, FROM WHICH A 4" X 4" POST MARKED CS, 22, STANDING AT STATION 22 OF THE CANADA DE LA SEGUNDA RANCHO BEARS S. 87° 30' E. 480.8 FEET DISTANT; THENCE LEAVE THE SAID BOUNDARY AND ALONG LINE BETWEEN SAID LOTS 12 AND 13
- (2) N. 2650.0 FEET, AT 127 FEET AN ALDER TREE, 14 INCHES IN DIAMETER MARKED WITH TREE NOTCHES FORE AND AFT, AT 449 FEET A 2" X 2" POST MARKED WH, HH. LINE, STANDING ON THE LEFT BANK OF CARMEL RIVER, AT 710.4 FEET A 4" X 4" POST MARKED WH, HH, LINE, STANDING ON THE RIGHT BANK OF SAID RIVER, AT 1148.6 FEET A 4" X 4" POST MARKED WH, HH. LINE, AT EDGE OF WILLOWS, AT 1850.7 FEET A 4" X 4" POST MARKED WH, HH, LINE, AT 2620.7 FEET A 4" X 4" POST MARKED WH, HH, WP, IN FENCE ON THE SOUTH SIDE OF THE CARMEL VALLEY COUNTY ROAD, 2650.0 FEET TO POINT IN CENTER LINE OF CARMEL VALLEY COUNTY ROAD; THENCE ALONG THE CENTER LINE OF SAID ROAD TOWARD MONTEREY, WITH THE FOLLOWING SIX COURSES AND DISTANCES,
- (3) N. 71° 01' W., 35 FEET,
- (4) N. 62° 50' W., 300 FEET,
- (5) N. 63° 28' W., 300 FEET,

- (6) N. 68° 21' W., 175 FEET,
- (7) N. 83° 26' W., 185 FEET, TO COMMON CORNER OF LOTS 4 AND 5, AS SAID LOTS ARE SHOWN AND DESIGNATED ON THE AFORESAID PARTITION MAP, FROM WHICH 4" X 4" POST MARKED HHH, WH, WP, STANDING IN FENCE ON THE NORTH SIDE OF CARMEL VALLEY COUNTY ROAD BEARS N. 11° 471/4' E. 26.0 FEET DISTANT; THENCE CONTINUE ALONG CENTER LINE OF SAID ROAD,
- (8) S. 89° 14' W., 925 FEET TO STATION AT COMMON CORNER OF LOTS 13 AND 14, AS SAID LOTS ARE SHOWN AND DESIGNATED ON THE AFORESAID PARTITION MAP, FROM WHICH A 4" X 4" POST MARKED HHH, WH, STANDING IN FENCE ON SOUTH SIDE OF SAID ROAD BEARS S. 25.2 FEET DISTANT; THENCE ALONG THE LINE BETWEEN SAID LOTS 13 AND 14; THENCE
- (9) S. 2784.2 FEET, AT 25.2 FEET A 4"  $\times$  4" POST MARKED HHH, WH, WP, LINE, AT 781.2 FEET A 4"  $\times$  4" POST MARKED HHH, WH, LINE, AT 2264.1 FEET A 4"  $\times$  4" POST MARKED HHH, WH, LINE, STANDING IN EDGE OF WILLOWS, AT 2514.1 FEET A 4"  $\times$  4" POST MARKED HHH, WH, LINE, 2784.2 FEET TO A 4"  $\times$  4" POST MARKED CS, HHH, WH, STANDING IN THE PATENT SURVEY BOUNDARY OF THE RANCHO CANADA DE LA SEGUNDA, FROM WHICH AN ALDER TREE, 10 INCHES IN DIAMETER, BEARS S. 49 % W., 10.9 FEET DISTANT, AND A COTTONWOOD TREE, 10 INCHES IN DIAMETER, BEARS S. 37 % E., 8.0 FEET DISTANT, BOTH TREES MARKED BT; THENCE ALONG AND RANCHO BOUNDARY,
- (10) S. 54° E., 252.8 FEET TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM, THAT PORTION LYING WITHIN THE LINES OF THAT TRACT OF LAND DESCRIBED IN THE FOLLOWING DEEDS

- (A) EXECUTED BY: WILLIAM HATTON AND LOUISE M. HATTON, HIS WIFE TO CARMEL UNIFIED SCHOOL DISTRICT A BODY POLITIC DATED DECEMBER 27, 1956 AND RECORDED FEBRUARY 28, 1957 IN BOOK 1773, PAGE 443 OF OFFICIAL RECORDS.
- (B) EXECUTED BY: LOUISE M. HATTON TO CARMEL UNIFIED SCHOOL DISTRICT, A BODY POLITIC DATED FEBRUARY 3, 1961 AND RECORDED MARCH 13, 1961 IN BOOK 2130, PAGE 43 OF OFFICIAL RECORDS.
- (C) EXECUTED BY: LOUISE M. HATTON TO AUGUST R. NIETO, ET AL, RECORDED DECEMBER 17, 1965 IN REEL 439, PAGE 174 OF OFFICIAL RECORDS.

ABOVE DESCRIBED PARCEL IS PURSUANT TO CERTIFICATE OF COMPLIANCE RECORDED JULY 9, 2009 AS INSTRUMENT NO. 2009043177 OF OFFICIAL RECORDS.

#### PARCEL 3:

CERTAIN REAL PROPERTY SITUATE IN THE RANCHO CANADA DE LA SEGUNDA IN THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, BEING A PORTION OF LOTS 13 AND 14 AS SAID LOTS ARE SHOWN ON MAP ENTITLED, "PARTITION MAP OF HATTON PROPERTY IN RANCHO CANADA DE LA SEGUNDA", A COPY OF WHICH MAP IS ATTACHED TO "ORDER GRANTING CONSENT OF PARTITION" RECORDED MARCH 17, 1927 IN VOLUME 109 OF OFFICIAL RECORDS AT PAGE 1, RECORDS OF SAID COUNTY, SAID PART BEING PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 2" X 2" STAKE STANDING AT THE SOUTHWEST CORNER OF THAT CERTAIN 45.000 ACRE TRACT OF LAND DESCRIBED IN DEED FROM LOUISE M. HATTON TO CARMEL UNIFIED SCHOOL DISTRICT (A BODY POLITIC) DATED FEBRUARY 3, 1961 AND RECORDED IN VOLUME 2130 OF OFFICIAL RECORDS AT PAGE 43, RECORDS OF SAID COUNTY, AND RUNNING THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID 45.000 ACRE TACT OF LAND

- (1) S. 89° 59 ¼' E., 1,703.29 FEET TO A 1 ½" DIAMETER IRON PIPE STANDING AT THE SOUTHEAST CORNER OF SAID 45.000 ACRE TRACT OF LAND; THENCE ALONG THE EASTERLY BOUNDARY THEREOF
- (2) N. 0° 00-34' W. 421.4 FEET TO A 1 1/2" DIAMETER IRON PIPE; THENCE
- (3) S. 89° 59-34′ E., 232.67 FEET TO A 1  $\frac{1}{2}$ ″ DIAMETER IRON PIPE; THENCE CONTINUING ALONG SAID EASTERLY BOUNDARY 60 FEET WESTERLY FROM (MEASURED AT A RIGHT ANGLE) THE EASTERLY LINE OF SAID LOT 13
- (4) N. 0° 00 ½' E., 600.21 FEET TO THE NORTHEAST CORNER OF SAID 45.000 ACRE TRACT OF LAND IN THE SOUTHERLY LINE OF CARMEL VALLEY ROAD AS DESCRIBED IN DEED FROM WILLIAM HATTON, ET UX, TO COUNTY OF MONTEREY, (A BODY POLITIC AND CORPORATE) DATED AUGUST 31, 1950 AND RECORDED IN VOLUME 1262 OF OFFICIAL RECORDS AT PAGE 409, RECORDS OF SAID COUNTY; THENCE ALONG SAID SOUTHERLY ROAD LINE
- (5) S. 68° 59' E., 64.27 FEET TO A  $\frac{3}{4}$ " DIAMETER IRON PIPE STANDING AT THE INTERSECTION OF SAID SOUTHERLY ROAD LINE WITH SAID EASTERLY LINE OF LOT 13 FROM WHICH A 4" X 4" POST STANDING ON TOP OF A CUT BANK BEARS ALONG SAID EASTERLY LINE N. 0° 00  $\frac{1}{2}$ ' E., 3.5 FEET DISTANT; THENCE LEAVE SAID ROAD LINE AND RUNNING ALONG SAID EASTERLY LOT LINE
- (6) S. 0° 00 ½' W., 637.17 FEET TO A 1 ½" DIAMETER IRON PIPE; THENCE LEAVE SAID EASTERLY LINE AND RUNNING PARALLEL TO AND 60 FEET SOUTHERLY FROM (MEASURED AT A RIGHT ANGLE) THAT CERTAIN COURSE HEREINBEFORE NUMBERED "(3)" AND ITS PRODUCTION EASTERLY
- (7) N. 89° 59-34' W. 232.65 FEET TO A 1 ½" DIAMETER IRON PIPE; THENCE PARALLEL TO AND 60 FEET EASTERLY FROM (MEASURED AT A RIGHT ANGLE ) THAT CERTAIN COURSE HEREINBEFORE NUMBERED "(2)" AND ITS PRODUCTION SOUTHERLY
- (8) S. 0° 00-34' E., 421.4 FEET TO A 1 1/2" DIAMETER IRON PIPE; THENCE PARALLEL TO AND 60 FEET SOUTHERLY FROM (MEASURED AT A RIGHT ANGLE) A PORTION OF THAT CERTAIN COURSE HEREINBEFORE NUMBERED "(1)" AND ITS PRODUCTION EASTERLY
- (9) N. 89° 59 14' W., 638.85 FEET TO A 1 1/2" DIAMETER IRON PIPE; THENCE
- (10) S. 22° 35 1/2' W., 403.67 FEET TO A 1 1/2" DIAMETER IRON PIPE, TOP 18" UNDERGROUND; THENCE
- (11) S. 8° 56 1/2' E., 450.6 FEET TO A 1 1/2" DIAMETER IRON PIPE, TOP 18" UNDERGROUND; THENCE
- (12) S. 3° 13' W., 135.07 FEET TO A 1 1/2" DIAMETER IRON PIPE, TOP 18" UNDERGROUND; THENCE
- (13) S. 61° 50' W., 114.75 FEET TO A 1 1/2" DIAMETER IRON PIPE, TOP 18" UNDERGROUND; THENCE
- (14) N. 72° 40' W., 354.65 FEET TO A 1 1/2" DIAMETER IRON PIPE, TOP 18" UNDERGROUND; THENCE
- (15) N. 70° 40 12' W., 295.18 FEET TO A 1 12" DIAMETER IRON PIPE, TOP 18" UNDERGROUND; THENCE
- (16) N. 80° 39  $\frac{1}{2}$  W., 125.75 FEET TO A 1  $\frac{1}{2}$ " DIAMETER IRON PIPE, TOP 18" UNDERGROUND; THENCE
- (17) S. 55° 04' W., 181.9 FEET TO A 1 1/2" DIAMETER IRON PIPE, TOP 18" UNDERGROUND; THENCE

- (18) S. 89° 15' W., 40.4 FEET TO A 1 ½" DIAMETER IRON PIPE, TOP 18" UNDERGROUND, STANDING IN THE WESTERLY BOUNDARY OF THAT CERTAIN 10.89 ACRE TRACT OF LAND SHOWN ON MAP ENTITLED "RECORD OF SURVEY SHOWING DIVISION OF PROPERTY IN LOT 14 PER HATTON PARTITION OF RANCHO CANADA DE LA SEGUNDA" FILED FEBRUARY 19, 1957 IN VOLUME 5 OF SURVEYS AT PAGE 94, RECORDS OF SAID COUNTY; THENCE ALONG SAID WESTERLY BOUNDARY
- (19) NORTH, 948.04 FEET TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM, THAT CERTAIN REAL PROPERTY SITUATE IN THE RANCHO CANADA DE LA SEGUNDA IN THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, BEING A PORTION OF LOTS 13 AND 14 AS SAID LOTS ARE SHOWN ON MAP ENTITLED "PARTITION MAP OF HATTON PROPERTY IN RANCHO CANADA DE LA SEGUNDA", A COPY OF WHICH MAP IS ATTACHED TO "ORDER GRANTING CONSENT OF PARTITION" RECORDED MARCH 17, 1927 IN VOLUME 109 OF OFFICIAL RECORDS AT PAGE 1, RECORDS OF SAID COUNTY, SAID PART BEING PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 2" X 2" STAKE STANDING AT THE SOUTHWEST CORNER OF THAT CERTAIN 45.000 ACRE TRACT OF LAND DESCRIBED IN DEED FROM LOUISE M. HATTON TO CARMEL UNIFIED SCHOOL DISTRICT (A BODY POLITIC) DATED FEBRUARY 3, 1961 AND RECORDED IN VOLUME 2130 OF OFFICIAL RECORDS AT PAGE 43, RECORDS OF SAID COUNTY, AND RUNNING THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID 45.000 ACRE TRACT OF LAND

- (1) S. 89° 59 ¼1 E. 1,703.29 FEET TO A 1 ½" DIAMETER IRON PIPE STANDING AT THE SOUTHEAST CORNER OF SAID 45.000 ACRE TRACT OF LAND; THENCE ALONG THE EASTERLY BOUNDARY THEREOF
- (2) N. 0° 00-34' W., 421.14 FEET TO A 1 1/2" DIAMETER IRON PIPE; THENCE
- (3) S. 89° 59-34' E. 232.67 FEET TO A 1  $\frac{1}{2}$ " DIAMETER IRON PIPE; THENCE CONTINUING ALONG SAID EASTERLY BOUNDARY 60 FEET WESTERLY FROM (MEASURED AT A RIGHT ANGLE) THE EASTERLY LINE OF SAID LOT 13
- (4) N. 0° 00 ½' E., 600.21 FEET TO THE NORTHEAST CORNER OF SAID 45.000 ACRE TRACT OF LAND IN THE SOUTHERLY LINE OF CARMEL VALLEY ROAD AS DESCRIBED IN DEED FROM WILLIAM HATTON, ET UX TO COUNTY OF MONTEREY (A BODY POLITIC AND CORPORATE) DATED AUGUST 31, 1950 AND RECORDED IN VOLUME 1262 OF OFFICIAL RECORDS AT PAGE 409, RECORDS OF SAID COUNTY; THENCE ALONG SAID SOUTHERLY ROAD LINE
- (5) S. 68° 59' E., 64.27 FEET TO A 34" DIAMETER IRON PIPE STANDING AT THE INTERSECTION OF SAID SOUTHERLY ROAD LINE WITH SAID EASTERLY LINE OF LOT 13 FROM WHICH A 4" X 4" POST STANDING ON TOP OF A CUT BANK BEARS ALONG SAID EASTERLY LINE N. 0° 00 1/2' E., 3.5 FEET DISTANT; THENCE LEAVE SAID ROAD LINE AND RUNNING ALONG SAID EASTERLY LOT LINE
- (6) S. 0° 00 ½' W., 637.17 FEET TO A 1 ½" DIAMETER IRON PIPE; THENCE LEAVE SAID EASTERLY LINE AND RUNNING PARALLEL TO AND 60 FEET SOUTHERLY FROM (MEASURED AT A RIGHT ANGLE) THAT CERTAIN COURSE HEREINBEFORE NUMBERED "(3)" AND ITS PRODUCTION EASTERLY
- (7) N. 89° 59-34' W., 232.65 FEET TO A 1 1/2" DIAMETER IRON PIPE; THENCE PARALLEL TO AND 60 FEET EASTERLY FROM (MEASURED AT A RIGHT ANGLE) THAT CERTAIN COURSE HEREINBEFORE NUMBERED "(2)" AND ITS PRODUCTION SOUTHERLY
- (8) S. 0° 00-34' E., 421.4 FEET TO 1 1/2" DIAMETER IRON PIPE, THENCE PARALLEL TO AND 60 FEET SOUTHERLY FROM (MEASURED AT A RIGHT ANGLE) A PORTION OF THAT CERTAIN COURSE HEREINBEFORE NUMBERED "(1)" AND ITS PRODUCTION EASTERLY

- (9) N. 89° 59 1/41 W., 638.85 FEET TO A 1 1/2" DIAMETER IRON PIPE; THENCE
- (10) S. 22° 35 1/2' W., 26.99 FEET; THENCE
- (11) N. 89° 59 ½' W., 1,114.1 FEET TO A POINT IN THE WESTERLY LINE OF THAT CERTAIN 10.89 ACRE TRACT OF LAND SHOWN ON MAP ENTITLED "RECORD OF SURVEY SHOWING DIVISION OF PROPERTY IN LOT 14 PER HATTON PARTITION OF RANCHO CANADA DE LA SEGUNDA" FILED FEBRUARY 19, 1957 IN VOLUME 5 OF SURVEYS AT PAGE 94, RECORDS OF SAID COUNTY; THENCE ALONG SAID WESTERLY LINE
- (12) NORTH, 84.92 FEET TO THE PLACE OF BEGINNING.

ALSO EXCEPTING THEREFROM, ALL THAT PORTION OF THE ABOVE DESCRIBED 25.086 ACRE PARCEL LYING WITHIN THE BOUNDARIES OF 10.89 ACRE PARCEL OF LAND SHOWN ON THE RECORD OF SURVEY MAP FILED FEBRUARY 19, 1957 IN VOLUME 5 OF "SURVEYS" AT PAGE 94.

ABOVE DESCRIBED PARCEL IS PURSUANT TO CERTIFICATE OF COMPLIANCE RECORDED JULY 9, 2009 AS INSTRUMENT NO. 2009043178 OF OFFICIAL RECORDS.

#### PARCEL 4:

A NON-EXCLUSIVE RIGHT OF WAY APPURTENANT TO PARCELS 2 AND 3 FOR ROAD AND UTILITY PURPOSES OVER, UPON AND ACROSS A STRIP OF LAND 60 FEET WIDE LYING ALONG, CONTIGUOUS TO AND WESTERLY AND NORTHERLY FROM THOSE CERTAIN COURSES NUMBERED "(6)", "(7)", "(8)" AND "(9)", AS SAID COURSES ARE DESCRIBED UNDER THE EXCEPTION OF PARCEL IV IN A DEED RECORDED SEPTEMBER 8, 1999 AS INSTRUMENT NO. 9967284 OF OFFICIAL RECORDS.

# PARCEL 5:

CERTAIN REAL PROPERTY SITUATE IN THE RANCHO CANADA DE LA SEGUNDA IN THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, BEING A PORTION OF LOT 14 AS SAID LOTS ARE SHOWN ON MAP ENTITLED "PARTITION MAP OF HATTON PROPERTY IN RANCHO CANADA DE LA SEGUNDA", A COPY OF WHICH MAP IS ATTACHED TO "ORDER GRANTING CONSENT OF PARTITION" RECORDED MARCH 17, 1927 IN VOLUME 109 OF OFFICIAL RECORDS AT PAGE 1, RECORDS OF SAID COUNTY, ALSO A PORTION OF THE 10.89 ACRE PARCEL DESCRIBED IN DEED TO WILLIAM HATTON, RECORDED SEPTEMBER 1, 1950 IN BOOK 1242, PAGE 485 OF OFFICIAL RECORDS AND SHOWN ON RECORD OF SURVEY MAP FILED IN VOLUME 5 OF SURVEYS AT PAGE 94, MONTEREY COUNTY RECORDS.

BEGINNING AT A POINT ON THE WEST BOUNDARY OF SAID 10.89 ACRE PARCEL, 84.92 FEET SOUTH FROM A 2" X 2" STAKE STANDING AT THE SOUTHWEST CORNER OF THAT CERTAIN 45.000 ACRE TRACT OF LAND DESCRIBED IN DEED FROM LOUISE M. HATTON TO CARMEL UNIFIED SCHOOL DISTRICT (A BODY POLITIC) DATED FEBRUARY 3, 1961 AND RECORDED IN VOLUME 2130 OF OFFICIAL RECORDS AT PAGE 43, RECORDS OF SAID COUNTY, AND RUNNING THENCE ALONG

- (1) SOUTH, 863.12 FEET TO THE SOUTHWEST CORNER OF THE 25.086 ACRE PARCEL SHOWN ON THE RECORD OF SURVEY MAP FILED MARCH 29, 1965 IN <u>VOLUME 7 OF SURVEYS AT PAGE 73</u>, MONTEREY COUNTY RECORDS; THENCE ALONG THE SOUTHERLY BOUNDARY THEREOF;
- (2) N. 89° 15' E., 40.4 FEET; THENCE
- (3) N. 56° 04' E., 135 FEET MORE OR LESS TO THE EAST LINE OF LOT 14; THENCE ALONG SAID EAST LINE

- (4) NORTH, 800 FEET TO A POINT S. 89° 59' 15" E. FROM THE POINT OF BEGINNING;
- (5) N. 89° 59' 15" W. 156.8 FEET TO THE POINT OF BEGINNING.

ABOVE DESCRIBED PARCEL IS PURSUANT TO CERTIFICATE OF COMPLIANCE RECORDED JULY 9, 2009 AS INSTRUMENT NO. 2009043179 OF OFFICIAL RECORDS.

#### PARCEL 6:

CERTAIN REAL PROPERTY SITUATE, LYING AND BEING IN THE RANCHO CANADA DE LA SEGUNDA IN THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AND BEING A PART OF LOT 14, AS SAID LOT IS SHOWN AND AS DESIGNED ON THAT CERTAIN MAP ENTITLED "PARTITION MAP OF HATTON PROPERTY IN RANCHO CANADA DE LA SEGUNDA", A COPY OF WHICH MAP IS ATTACHED TO "ORDER GRANTING CONSENT OF PARTITION" RECORDED MARCH 17, 1927 IN VOLUME 109 OF OFFICIAL RECORDS AT PAGE 1, RECORDS OF SAID COUNTY, AND BEING ALSO A PART OF THAT CERTAIN 10.89 ACRE TRACT OF LAND CONVEYED FROM HOWARD HATTON, ET UX., TO WILLIAM HATTON, BY DEED DATED AUGUST 1, 1950 AND RECORDED IN VOLUME 1242 OF OFFICIAL RECORDS AT PAGE 485, RECORDS OF MONTEREY COUNTY, SAID PART BEING PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE 1.0 ACRE PARCEL DESCRIBED IN THE DEED TO DUDLEY SWIM, ET UX, RECORDED MAY 31, 1955 IN BOOK 1620 OFFICIAL RECORDS OF MONTEREY COUNTY AT PAGE 278, ON THE WEST BOUNDARY OF THE ABOVE SAID 10.89 ACRE TRACT; THENCE ALONG SAID WEST BOUNDARY

- (1) NORTH, 432.64 FEET TO THE SOUTHWEST CORNER OF THE 25.086 ACRE PARCEL SHOWN ON THE RECORD OF SURVEY MAP FILED MARCH 29, 1965 IN <u>VOLUME 7 OF SURVEYS AT PAGE 73</u>; THENCE ALONG THE SOUTHERLY BOUNDARY THEREOF
- (2) N. 89° 15' E., 40.4 FEET; THENCE
- (3) N. 56° 04' E., 135 FEET MORE OR LESS TO THE EAST LINE OF SAID LOT 14; THENCE ALONG SAID EAST LINE
- (4) SOUTH, 530 FEET MORE OR LESS TO THE NORTHERLY LINE OF THE ABOVE SAID 1 ACRE PARCEL; THENCE ALONG SAID NORTHERLY LINE
- (5) N. 81° 59' 50" W., 158.33 FEET TO THE POINT OF BEGINNING.

ABOVE DESCRIBED PARCEL IS PURSUANT TO CERTIFICATE OF COMPLIANCE RECORDED JULY 9, 2009 AS INSTRUMENT NO. 2009043180 OF OFFICIAL RECORDS.

#### PARCEL 7:

A NON-EXCLUSIVE RIGHT OF WAY APPURTENANT TO PARCELS 4 AND 5 FOR ALL PURPOSES OF A ROAD OVER, UPON, AND ACROSS THE FOLLOWING DESCRIBED PARCEL OF LAND:

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF CARMEL VALLEY ROAD (A COUNTY ROAD 50 FEET WIDE) FROM WHICH THE NORTHEAST CORNER OF SAID LOT 14 BEARS WITH THE FOLLOWING THREE COURSES AND DISTANCES:

N. 85° 12' E., 336.14 FEET ALONG SAID ROAD LINE; THENCE N. 89° 14' E., 273.79 FEET ALONG SAID ROAD LINE TO A POINT IN THE EASTERLY BOUNDARY OF SAID LOT 14, AND THENCE ALONG SAID BOUNDARY N. 25.0 FEET DISTANT, AND RUNNING THENCE FROM SAID POINT OF BEGINNING S.

2073.45 FEET AT 2065.04 FEET A POINT HEREIN AND NOW DESIGNATED AS POINT "G" FOR THE PURPOSE OF REFERENCE THERETO IN FURTHER DESCRIPTION HEREINAFTER TO BE MADE, 2073.45 FEET TO A POINT; THENCE TANGENTIALLY CURVING TO THE LEFT ON A CIRCULAR ARC OF 20 FEET RADIUS THROUGH AN ANGLE OF 44° 25' FOR A DISTANCE OF 15.5 FEET; THENCE TANGENTIALLY CURVING TO THE RIGHT ON A CIRCULAR ARC OF 50 FEET RADIUS THROUGH AN ANGLE OF 26° 50' FOR A DISTANCE OF 234.6 FEET; THENCE TANGENTIALLY CURVING TO THE LEFT ON A CIRCULAR ARC OF 20 FEET RADIUS THROUGH AN ANGLE OF 44° 25' FOR A DISTANCE OF 15.5 FEET; THENCE TANGENTIALLY N. 2068.42 FEET; AT 17.1 FEET A POINT HEREIN AND NOW DESIGNATED AS POINT "H" FOR THE PURPOSE OF REFERENCE THERETO IN FURTHER DESCRIPTION HEREINAFTER TO BE MADE, 2068.42 FEET TO A POINT INSIDE SOUTHERLY LINE OF CARMEL VALLEY ROAD; THENCE ALONG SAID ROAD LINE N. 85° 12' E., 60.21 FEET TO THE PLACE OF BEGINNING.

# PARCEL 8:

A NON-EXCLUSIVE RIGHT OF WAY APPURTENANT TO PARCELS 4 AND 5 FOR ALL PURPOSES OF A ROAD OVER, UPON, AND ACROSS A STRIP OF LAND 20 FEET WIDE LYING ALONG, CONTIGUOUS TO, AND SOUTHERLY FROM THE FOLLOWING DESCRIBED LINES:

- (1) BEGINNING AT THE HEREINBEFORE MENTIONED POINT "G" AND RUNNING THENCE S. 81° 46' E., 58.77 FEET; THENCE S. 10° 46' W., 61.45 FEET; THENCE S. 12° 11' E., 32.93 FEET; THENCE S. 57° 20' E., 431.4 FEET; THENCE N. 69° 27' E., 37.53 FEET; THENCE N. 20° 30' E., 89.27 FEET; THENCE N. 50° 58' 40" E., 161.58 FEET TO A POINT IN THE EASTERLY BOUNDARY OF SAID LOT 14
- (2) BEGINNING AT THE HEREINBEFORE MENTIONED POINT "H" AND RUNNING THENCE N. 81° 46' W., 59.5 FEET; THENCE N. 55° 30' W., 245.58 FEET; THENCE S. 66° 41' W., 71.24 FEET; THENCE S. 85° 05' W., 229.81 FEET TO A POINT IN THE WESTERLY BOUNDARY OF SAID LOT 14.

## PARCEL 9:

PARCEL 1 AS SHOWN AND SO DESIGNATED ON THE RECORD OF SURVEY MAP FILED JANUARY 21, 2010 IN THE RECORDER'S OFFICE OF MONTEREY COUNTY, STATE OF CALIFORNIA, IN VOLUME 31 OF SURVEYS AT PAGE 1.

SAID DESCRIPTION IS SET FORTH IN THAT CERTAIN "CERTIFICATE OF COMPLIANCE", RECORDED JANUARY 25, 2010, INSTRUMENT NO. 2010004408, OFFICIAL RECORDS.

#### PARCEL 10:

PARCEL 2 AS SHOWN AND SO DESIGNATED ON THE RECORD OF SURVEY MAP FILED JANUARY 21, 2010 IN THE RECORDER'S OFFICE OF MONTEREY COUNTY, STATE OF CALIFORNIA, IN VOLUME 31 OF SURVEYS AT PAGE 1.

SAID DESCRIPTION IS SET FORTH IN THAT CERTAIN "CERTIFICATE OF COMPLIANCE", RECORDED JANUARY 25, 2010, INSTRUMENT NO. 2010004406, OFFICIAL RECORDS.

APN: 015-162-009-000 (Affects Parcel 1 and other properties)

015-162-017-000 (Affects Parcel 3)

015-162-025-000 (Affects Parcel 6)

015-162-026-000 (Affects Parcel 5)

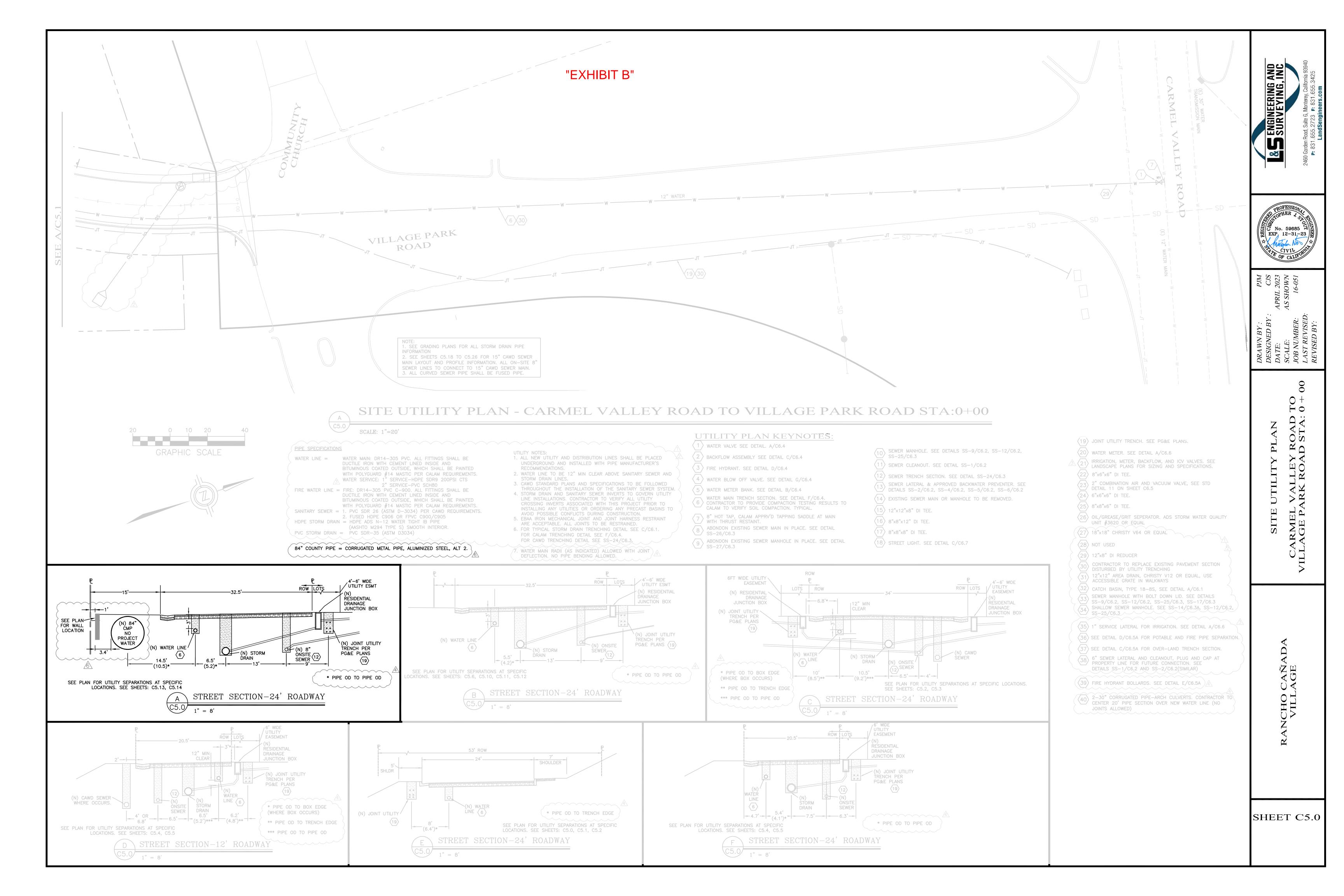
015-162-033-000 (Affects Portion of Parcel 9)

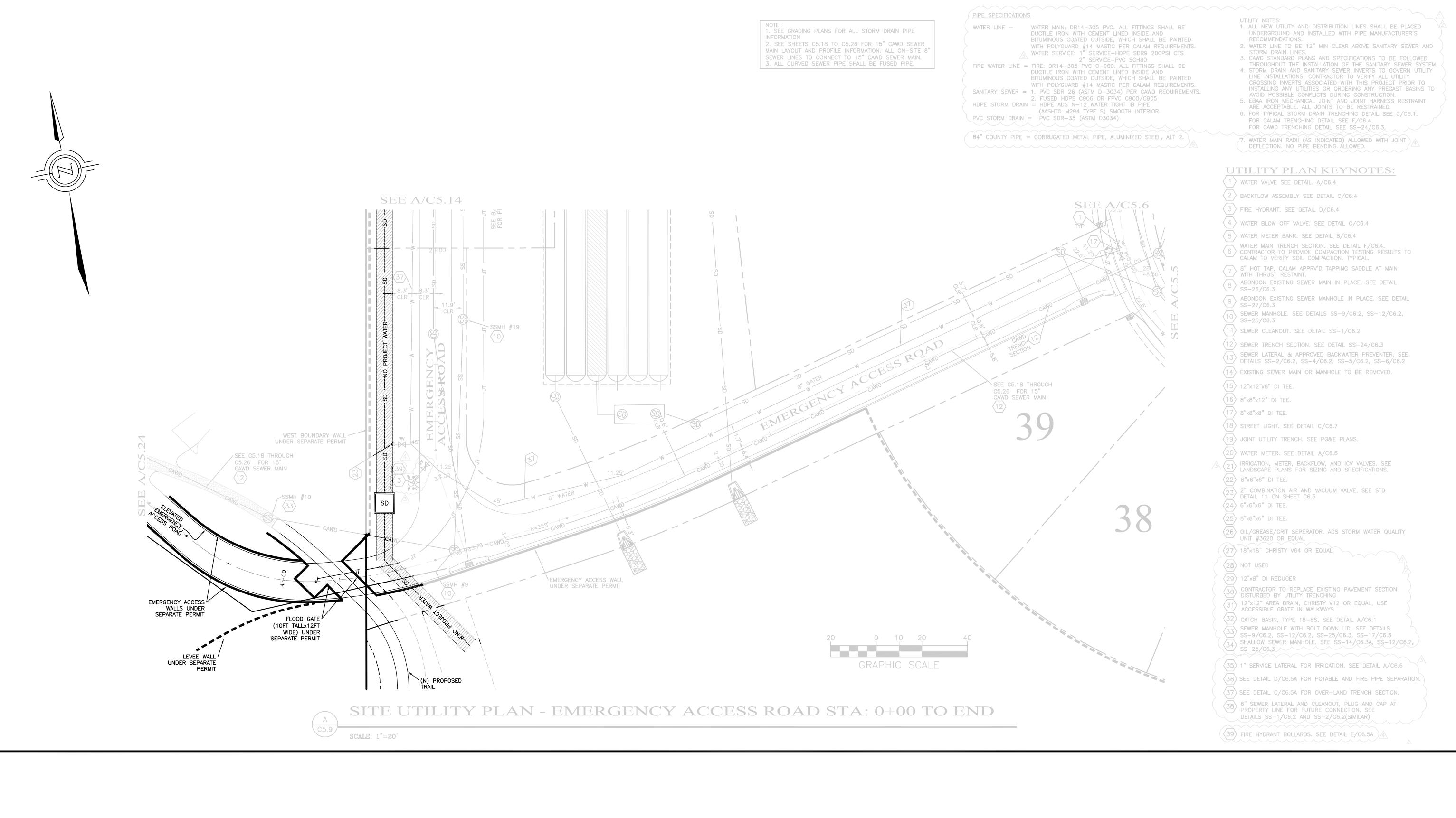
015-162-040-000 (Affects Portion of Parcel 2)

015-162-041-000 (Affects Portion of Parcel 9)

015-162-042-000 (Affects Portion of Parcel 9)

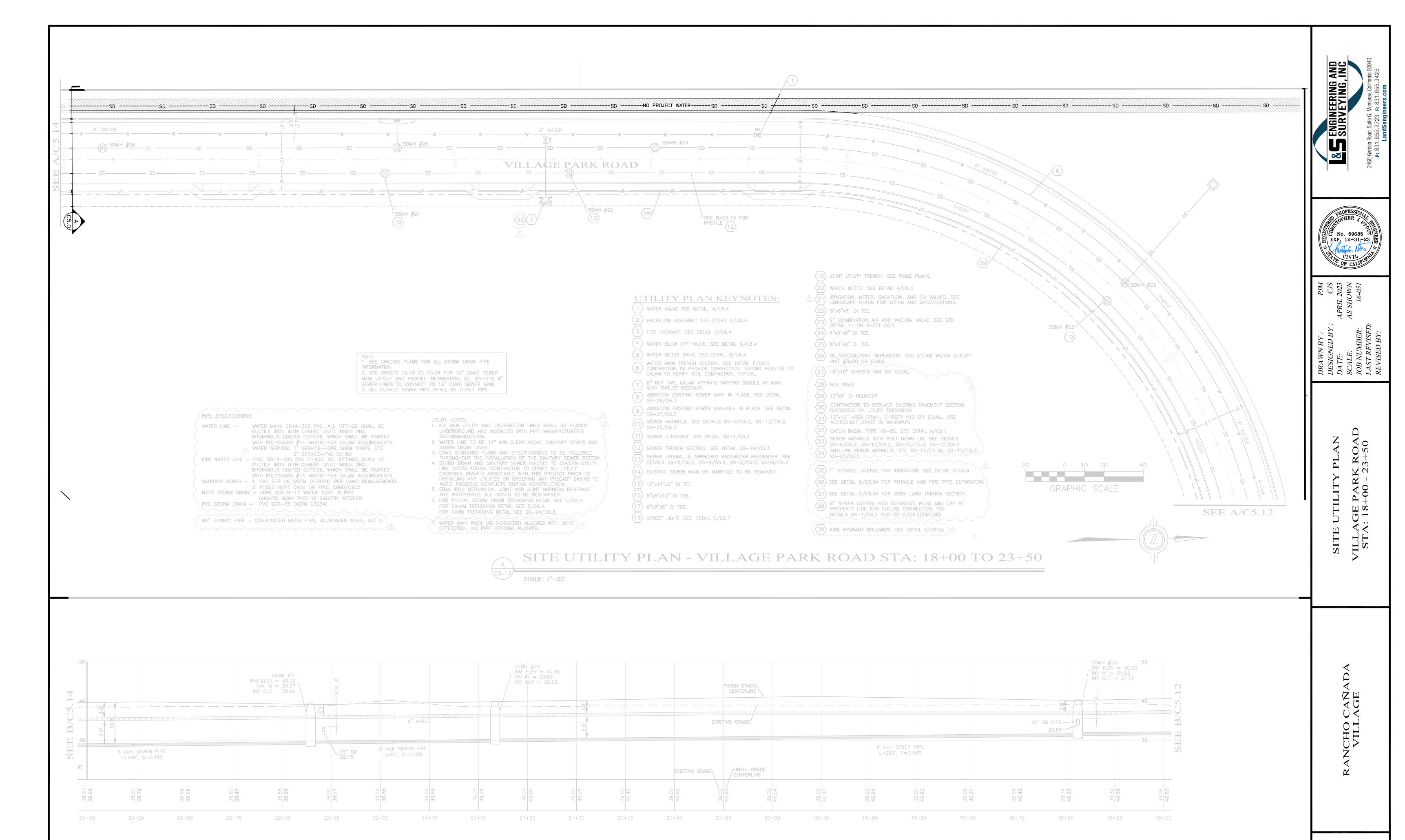
- 015-162-043-000 (Affects Portion of Parcel 9) 015-162-044-000 (Affects Portion of Parcel 10) 015-162-048-000 (Affects Portion of Parcel 2) 015-162-049-000 (Affects Portion of Parcel 2) 015-162-050-000 (Affects Portion of Parcel 10) and 015-162-051-000 (Affects Portion of Parcel 10)







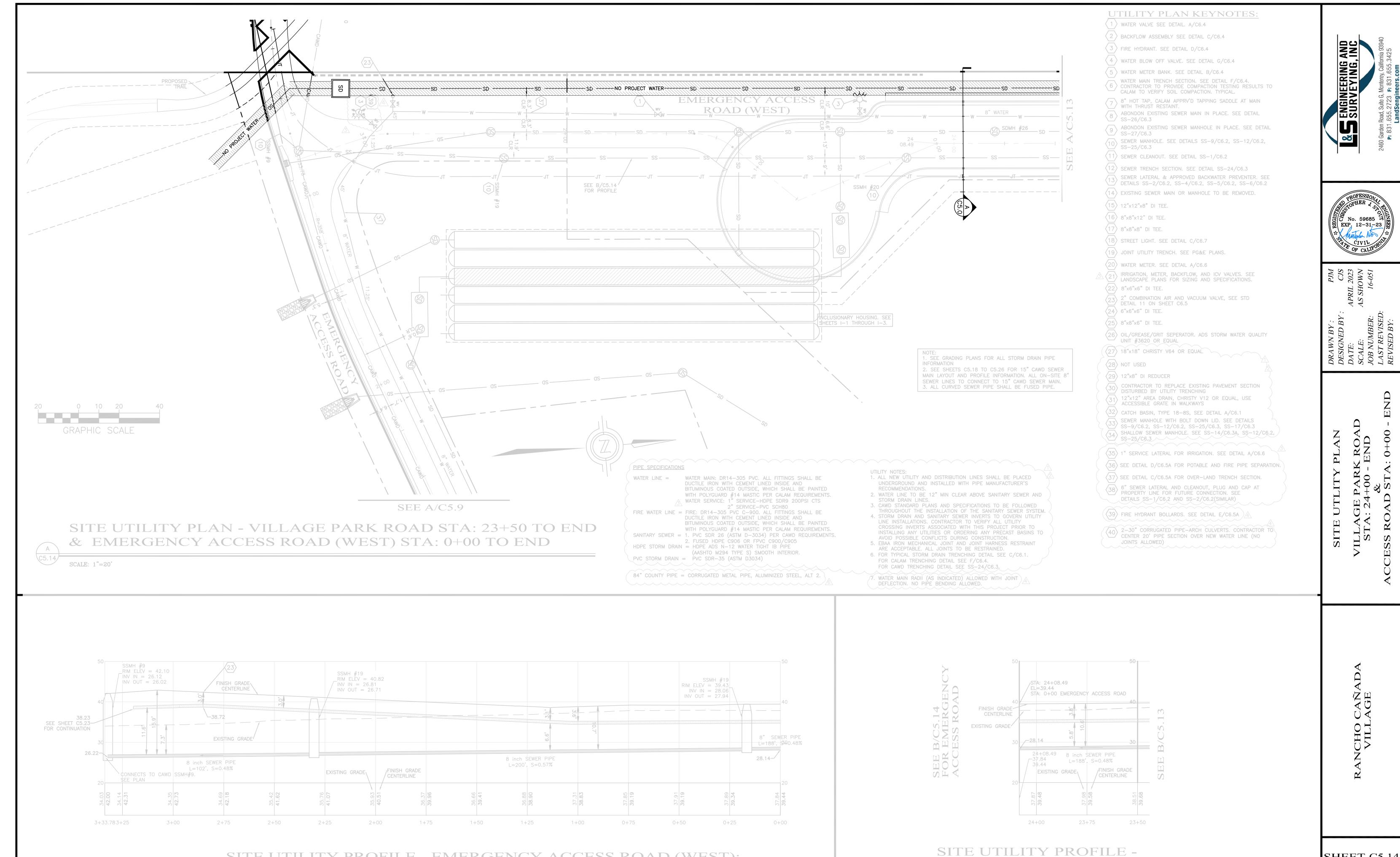




SITE UTILITY PROFILE - VILLAGE PARK ROAD STA: 18+00 TO 23+50

SCALE: HORIZONTAL 1"=20' VERTICAL 1"=10'

SHEET C5.13



SITE UTILITY PROFILE - EMERGENCY ACCESS ROAD (WEST):

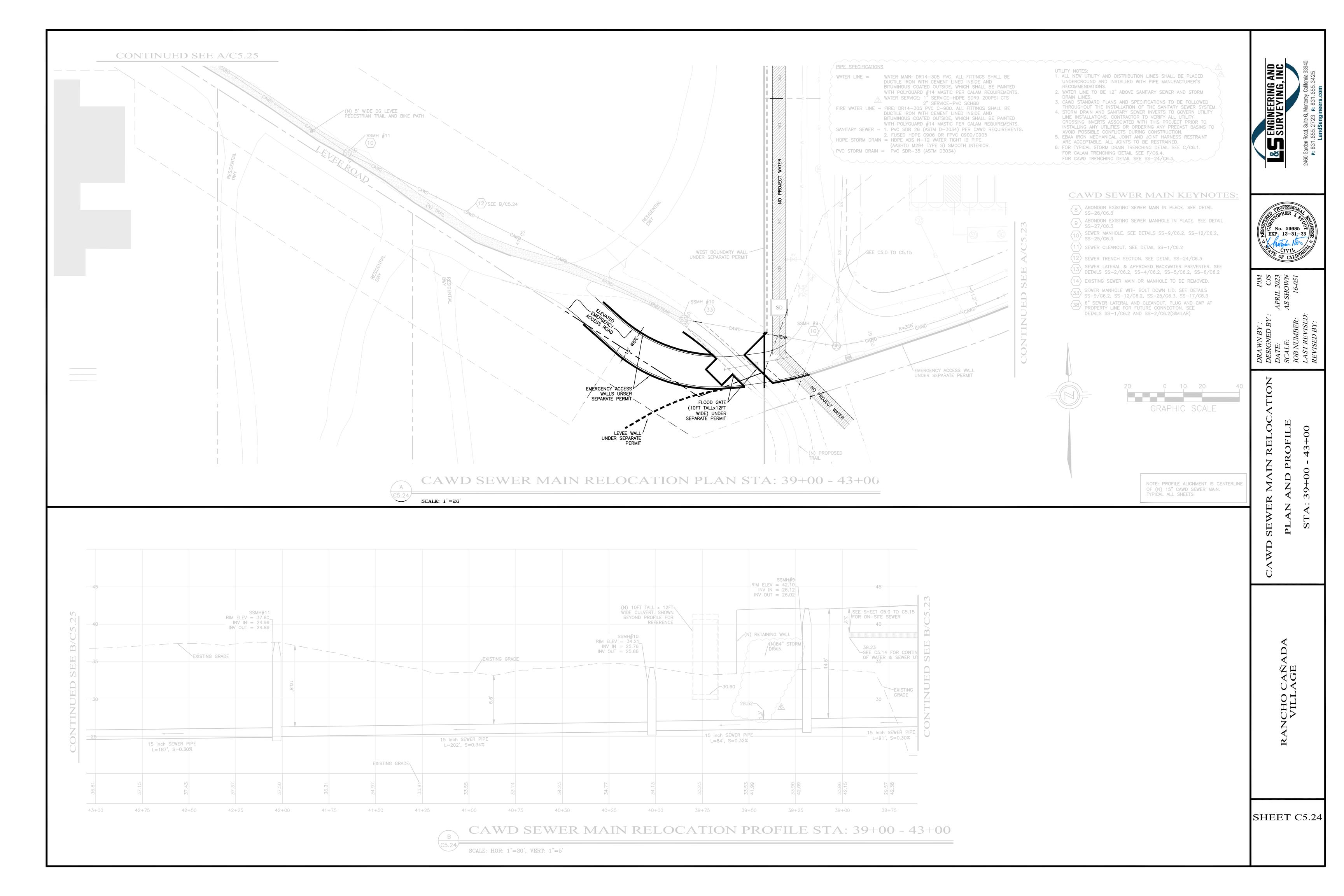
0+00 TO END

SCALE: HORIZONTAL 1"=20' VERTICAL 1"=10'

SHEET C5.14

VILLAGE PARK ROAD STA: 23+50 TO END

SCALE: HORIZONTAL 1"=20' VERTICAL 1"=10'



# "EXHIBIT C"

# Rancho Canada Village Drainage Conditions of Approval No. 42 and No. 55

#### 42. PW0014 - DRAINAGE IMPROVEMENT STUDY

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure:

Provide an on-site/off-site drainage improvement study prepared by a registered Civil Engineer. Study to include analysis of Drainage Area 27, the study to be approved by HCD - Engineering Services on behalf of Public Works and/or the Water Resources Agency and shall be incorporated in the improvement plans. NOAA National Marine Fisheries Service (NOAA Fisheries) will review the plan and make recommendations to better achieve protections of protected species.

Compliance or Monitoring Action to be Performed:

Prior to Building/Grading Permits Issuance or recordation of Final Map, Applicant's Engineer shall prepare drainage study and improvement plans for review and approval by HCD Engineering Services on behalf of Public Works. Evidence must be provided that the drainage study and improvement plans were submitted to NOAA Fisheries for input to minimize potential harm to protected species.

#### 55. PWSP04 - DRAINAGE IMPROVEMENTS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure:

The applicant shall submit a drainage improvement plan incorporating the CSA 50 Stormwater Management and Flood Control Report recommendations for drainage Alternate drainage improvements may be considered, subject to Housing and Community Development approval, therefore, drainage improvements shown on the Revised Vesting Tentative Map for Alternative 6B dated June, 2021 are preliminary only and subject to change. The drainage improvements shall be constructed in accordance with approved plans. Prior to the acceptance of a Final Map, Subdivider shall enter into a drainage improvement agreement. Subdivider shall pay for all installations, and the maintenance and operation of drainage improvements from the time of installation until a homeowners association or other agency with legal authorization to collect fees sufficient to support the services is formed to assume responsibility or as provided in the drainage improvement agreement. CSA-50 shall not be responsible or have the obligation to install the flood gate and pump as noted on Callout B, Sheet 7 of the Vesting Tentative Map dated June, 2021. The obligation to install said improvements shall be the responsibility of the applicant, unless modified through mutual agreement with the County, CSA-50 and the applicant.

Compliance or Monitoring Action to be Performed: Prior to Recordation of a Final Map, Subdivider shall submit a drainage improvement plan prepared by a licensed engineer to HCD Engineering Services on behalf of Public Works for review and approval. Prior to acceptance of a Final Map, the Subdivider shall enter into a drainage improvement agreement to construct drainage improvements for drainage area number 27. Improvements shall be bonded prior to recordation of Final Map. Subdivider shall be responsible to maintain improvements until maintenance is assumed by another entity or as provided in the drainage improvement agreement. Consideration of provisions, if applicable, to address cost-sharing or fair-share contributions for improvements with regional benefits, dedication of easements, and annexation into county service area may be included in the drainage improvement agreement.

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