

Conservation and Scenic  
Easement Deed (Inland)

Richard and Renee Hentges  
PLN100306

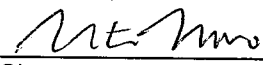
Board of Supervisors  
June 14, 2011

When recorded return to:  
MONTEREY COUNTY RESOURCE  
MANAGEMENT AGENCY  
PLANNING DEPARTMENT  
168 West Alisal St 2<sup>nd</sup> Floor  
Salinas, CA 93901  
(831) 755-5025

Space above for Recorder's Use

Permit No.: PLN100306  
Resolution No.: 10-041  
Owner Name: Richard Hentges and  
Renee Hentges  
Project Planner: Paula Bradley, MCP,  
AICP, Associate Planner  
APN: 422-072-011-000

The Undersigned Grantor(s) Declare(s):  
DOCUMENTARY TRANSFER TAX OF \$ 0.00  
[X] computed on the consideration or full value of  
property conveyed, OR  
[ ] computed on the consideration or full value less  
value of liens and/or encumbrances remaining at  
time of sale,  
[ ] unincorporated area; and  
[X] Exempt from transfer tax,  
Reason: Transfer to governmental entity

  
Signature of Declarant or Agent

## CONSERVATION AND SCENIC EASEMENT DEED (INLAND)

THIS DEED made this 3rd day of <sup>May</sup> ~~April~~, 2011, by and between Richard Hentges and Renee Hentges as Grantor, and the COUNTY OF MONTEREY, a political subdivision of the State of California, as Grantee,

### WITNESSETH:

WHEREAS, said Grantor is the owner in fee of the real property more particularly described in Exhibit "A" attached hereto and made a part hereof, situated in Monterey County, California (hereinafter "**the property**"); and

WHEREAS, the said land of said Grantor has certain natural scenic beauty and existing openness; and

**WHEREAS**, the Grantor and the Grantee desire to preserve and conserve for the public benefit the great natural scenic beauty and existing openness, natural condition and present state of use of said property of the Grantor; and

**WHEREAS**, a **Lot Line Adjustment and Restoration Plan** (Permit No. **PLN100306** was granted on **September 22, 2010**, by the Monterey County RMA-Planning Director pursuant to the Findings, Evidence and Conditions contained in Resolution No. **10-041**, attached hereto as Exhibit "B" and hereby incorporated by reference, subject to the following condition(s):

"A conservation and scenic easement shall be conveyed to the County over those portions of the property where an illegal road was constructed. Vehicular use is prohibited within the easement exception for installation of inspection, maintenance and repair of erosion control as required by the Restoration and Erosion Control Plan. The CSE shall be maintained consistent with the approved Restoration and Erosion Control Plan which includes allowing the sloped areas to naturally restore without restoration itself over time. The easement shall be developed in consultation with certified professional. An easement deed shall be submitted to, reviewed and approved by, the Director of the RMA - Planning Department prior to issuance of grading and building permits."

and

"Vehicular use is prohibited within the easement exception for installation of inspection, maintenance and repair of erosion control as required by the Restoration and Erosion Control Plan. The CSE shall be maintained consistent with the approved Restoration and Erosion Control Plan which includes allowing the sloped areas to naturally restore without restoration itself over time."

**WHEREAS**, the County, acting on behalf of the People of the State of California and in accordance with the Findings, Evidence and Conditions contained in Resolution No. **10-041** attached hereto as Exhibit "B" and hereby incorporated by reference, granted the discretionary development permit to the Grantor upon condition (hereinafter the "**Condition**") requiring inter alia, that the Grantor record a conservation and scenic easement over the property as shown in Exhibit "C" attached hereto and hereby incorporated by reference, and agree to restrict development on and use of the property so as to preserve the open space, scenic, and/or natural resource values present on the property and so as to prevent the adverse direct and cumulative effects on natural

resources and public access to those resources which could occur if the property were not restricted in accordance with this easement; and

**WHEREAS**, Grantor has elected to comply with the Condition and execute this easement so as to enable Grantor to undertake the development authorized by the Permit; and

**WHEREAS**, it is intended that this easement is irrevocable and shall constitute enforceable restrictions within the meaning of Article XIII, Section 8, of the California Constitution and that said easement shall thereby qualify as an enforceable restriction under the provision of the California Revenue and Taxation Code, Section 402.1; and

**WHEREAS**, the said Grantor is willing to grant to the County of Monterey the scenic use as herein expressed of the said land, and thereby protect the present scenic beauty and existing openness by the restricted use and enjoyment of said property by the Grantor through the imposition of the conditions hereinafter expressed;

**NOW, THEREFORE**, for and in consideration of the premises the Grantor does hereby grant and convey unto the County of Monterey an estate, interest, and conservation and scenic easement in said real property of Grantor of the nature and character and to the extent hereinafter expressed, which estate, interest, and easement will result from the restrictions hereby imposed upon the use of said property by said Grantor, and to that end and for the purposes of accomplishing the intent of the parties hereto, said Grantor covenants on behalf of itself, its heirs, successors, and assigns, with the said Grantee, its successors and assigns, to do and refrain from doing severally and collectively upon the Grantor's said property the various acts hereinafter mentioned.

A. LAND SUBJECT TO EASEMENT. The land of the Grantor hereinabove referred to and to which the provisions of this instrument apply is situated in the County of Monterey, State of California, and is particularly described in Exhibit "C", attached hereto, and made a part hereof.

B. RESTRICTIONS. The restrictions hereby imposed upon the use of said property by the Grantor and the acts which said Grantor shall refrain from doing upon the said property in connection herewith are, and shall be, as follows:

1. Vehicular use is prohibited within the easement except for the installation of, inspection, maintenance and repair of erosion control measures as required by the Restoration and Erosion Control Plan. The Conservation and Scenic Easement shall be

maintained consistent with the approved Restoration and Erosion Control Plan which includes allowing the sloped areas to naturally restore without restoration itself over time.

2. That the Grantor shall not plant nor permit to be planted any vegetation upon said premises, except as prescribed in the Restoration and Erosion Control Plan. The restoration shall be implemented as recommended in the approved plan and as recommended by the engineer (Report letter dated **March 25, 2009, LIB100248**).

3. That no structures will be placed or erected upon said described premises.

4. That, except for the construction, alteration, relocation and maintenance of public roads, public and private pedestrian trails, the general topography of the landscape shall be maintained in its present condition and no excavation or topographic changes shall be made.

5. That no use of said described property which will or does materially alter the landscape or other attractive scenic features of said land other than those specified above shall be done or suffered.

C. EXCEPTIONS AND RESERVATIONS. The following are excepted and reserved to the Grantor:

1. The right to maintain all existing trails as needed by non-vehicular travel.  
2. The use and occupancy of said land not inconsistent with the conditions and restrictions herein imposed.

3. **The implementation of the approved Restoration Plan.**

D. SUBJECT TO ORDINANCES. Land uses permitted or reserved to the Grantor by this instrument shall be subject to the ordinances of Grantee regulating the use of land.

E. BENEFIT AND BURDEN. This grant of conservation and scenic easement shall run with and burden the property, and all obligations, terms, conditions, and restrictions hereby imposed shall be deemed to be covenants and restrictions running with the land and shall be effective limitations on the use of the property from the date of recordation of this document and shall bind the Grantor and all of its successors and assigns. This grant shall benefit the County of Monterey and its successors and assigns forever.

F. RIGHT OF ENTRY. The Grantee or its agent may enter onto the property to ascertain whether the use restrictions set forth above are being observed at times

reasonably acceptable to the Grantor. The public may enter onto the property for scientific research purposes at times reasonably acceptable to the Grantor.

G. ENFORCEMENT. Any act or any conveyance, contract, or authorization whether written or oral by the Grantor which uses or would cause to be used or would permit use of the property contrary to the terms of this offer will be deemed a breach hereof. The Grantee may bring any action in court necessary to enforce this grant of easement, including, but not limited to, injunction to terminate a breaching activity and to force the restoration of all damage done by such activity, or an action to enforce the terms and provisions hereof by specific performance. It is understood and agreed that the Grantee may pursue any appropriate legal and equitable remedies. The Grantee shall have sole discretion to determine under what circumstances an action to enforce the terms and conditions of this grant of easement shall be brought in law or in equity. Any forbearance on the part of the Grantee to enforce the terms and provisions hereof in the event of a breach shall not be deemed a waiver of Grantee's rights regarding any subsequent breach.

H. MAINTENANCE. The Grantee shall not be obligated to maintain, improve, or otherwise expend any funds in connection with the property or any interest or easement created by this grant of easement. All costs and expenses for such maintenance, improvement use, or possession shall be borne by the Grantor, except for costs incurred by Grantee for monitoring compliance with the terms of this easement.

I. LIABILITY AND INDEMNIFICATION. This conveyance is made and accepted upon the express condition that the Grantee, its agencies, departments, officers, agents, and employees are to be free from all liability and claim for damage by reason of any injury to any person or persons, including Grantor, or property of any kind whatsoever and to whomsoever belonging, including Grantor, from any cause or causes whatsoever, except matters arising out of the sole negligence of the Grantee, while in, upon, or in any way connected with the property, Grantor hereby covenanting and agreeing to indemnify and hold harmless the Grantee, its agencies, departments, officers, agents, and employees from all liability, loss, cost, and obligations on account of or arising out of such injuries or losses however occurring. The Grantee shall have no right of control over, nor duties and responsibilities with respect to the property which would subject the Grantee to any liability occurring upon the land by virtue of the fact

that the right of the Grantee to enter the land is strictly limited to preventing uses inconsistent with the interest granted, the property is not "property of a public entity" or "public property," and Grantee's rights herein do not include the right to enter the land for the purposes of correcting any "dangerous condition" as those terms are defined by California Government Code Section 830.

J. SUCCESSORS AND ASSIGNS. The terms, covenants, conditions, exceptions, obligations, and reservations contained in this conveyance shall be binding upon and inure to the benefit of the successors and assigns of both the Grantor and the Grantee, whether voluntary or involuntary.

K. CONSTRUCTION OF VALIDITY. If any provision of this conservation and scenic easement is held to be invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

~~L. EASEMENT AMENDMENT. At the sole discretion of Grantee, this easement's prohibition against vehicular use may be amended subject to a finding by Grantee that the subject amendment will clearly provide greater protection for the Property's open space, scenic, and/or natural resource values while also continuing to insure the stability of the land subject to this easement. Grantee's willingness to amend this easement based upon the finding above shall be at its sole discretion and without regard to uses permitted under any applicable statutes, ordinances, or regulations.~~

Paragraph L is hereby superseded in entirety by Exhibit D attached hereto and incorporated herein.

Executed this 3 day of May, 2011, at King City, California



Signed:

Richard Hentges

Richard Hentges - **GRANTOR**

Signed:

Renee Hentges

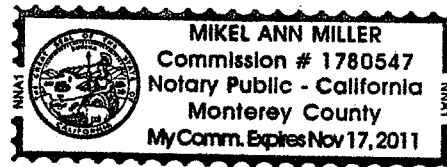
Renee Hentges - **GRANTOR**

STATE OF CALIFORNIA )  
 ) SS.  
COUNTY OF MONTEREY )

On May 3, 2011 before me, Mikel Ann Miller, a  
Notary Public, personally appeared Richard Hentges - Renee Hentges, 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 Mikel Ann Miller

(Seal)

This is to certify that the interest in real property conveyed by the deed or grant dated  
May 3rd, 2011 from Richard Hentges and Renee Hentges to the County  
of Monterey, a political corporation and/or governmental agency is hereby accepted by order of  
the Board of Supervisors on JUNE 14, 2011, (or by the undersigned officer or  
agent on behalf of the County of Monterey pursuant to authority conferred by resolution of the  
Board of Supervisors adopted on \_\_\_\_\_,) and the grantee consents to  
recording thereof by its duly authorized officer. CDB

DATED: \_\_\_\_\_

Louis R. Calcagno Jane Parker  
Chair, Monterey County Board of Supervisors

ATTEST:

DATED: \_\_\_\_\_

Gail T. Borkowski  
Clerk of Said Board

Document Form/Content Acceptable:

Charles, J. McKee, County Counsel

By: Wendy S. Strimling  
Type/Print Name: Wendy S. Strimling  
Deputy County Counsel

DATED: May 19, 2011

RMA: Planning Department

By: Paula Bradley  
Type/Print Name: Paula Bradley

DATED: 5/26/11



## EXHIBIT "A"

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

### HENTGES PARCEL:

Parcel 1 as shown on that certain Map entitled, "PLN 010446 RECORD OF SURVEY", filed May 13, 2011 in the Office of the Monterey County Recorder in Volume 31 of Surveys at Page 66, Monterey County, California and more particularly described as follows:

Situate in Section 8 and in Section 17, T.22 S., R. 8 E., M.D.M., Monterey County, California and being the S 1/2 of the SE 1/4, the NW 1/4 of the SE 1/4, and the SW 1/4 of the NE 1/4 of Section 8, as said section is shown and so designated on that certain map filed for record in Volume 13 of Surveys, at Page 171, Records of Monterey County and a portion of Parcel "B" of Section 17, as said parcel is shown and so designated on that certain map filed for record in Volume 20 of Surveys, at Page 51, Records of Monterey County and being more particularly described as follows:

Beginning at the southeast corner of said Section 8; thence along the south line of said section

- 1) N. 89°48'33" W., 1296.91 feet to the northwest corner of the NE 1/4 of the NE 1/4 of the aforesaid Section 17; thence leaving the south line of Section 8
- 2) S. 49°13'38" W., 339.61; thence
- 3) N. 69°16'43" W., 634.82 feet to a point on the south line of Section 8; thence
- 4) S. 30°46'00" W., 914.50 feet to a point of the west line of the aforesaid Parcel "B"; thence along said west line
- 5) N. 01°35'22" E., 787.58 feet to the northeast corner of said Parcel "B"; thence along the west line of the aforesaid S 1/2 of the SE 1/4, along the west line of the NW 1/4 of the SE 1/4, and along the west line of the SW 1/4 of the NE 1/4 of Section 8
- 6) N. 00°05'28 " W., 3890.34 feet to the northwest corner of said SW 1/4 of the NE 1/4; thence along the north line of said SW 1/4 of the NE 1/4
- 7) S. 89°38'57" E., 1293.48 feet to the northeast corner of said SW 1/4 of the NE 1/4; thence along the east line of said SW 1/4 of the NE 1/4, and along the east line of the NW 1/4 of the SE 1/4 of Section 8
- 8) S. 00°08'32" E., 2591.16 feet to the northwest corner of the SE 1/4 of the SE 1/4 of Section 8; thence along the north line of said SE 1/4 of the SE 1/4
- 9) S. 89°45'21" E., 1295.77 feet to the northeast corner of said SE 1/4 of the SE 1/4; thence along the east line of said SE 1/4 of the SE 1/4
- 9) S. 00°11'35" E., 1294.38 feet to the point of beginning.

CONTAINING 160.361 Acres, more or less.

**Before the Director of the RMA-Planning Department  
in and for the County of Monterey, State of California**

In the matter of the application of:

**MCGHEE (PLN100306)**

**RESOLUTION NO. 10-041**

Resolution by the Monterey County Director of the  
RMA-Planning Department:

- 1) Categorically Exempts the project from environmental review pursuant to Section 15305 of the CEQA Guidelines; and
- 2) Approves 1) Lot Line Adjustment between two legal lots of record of approximately 154.1 acres (Assessor's Parcel Number 422-072-011-000 (Hentges) and 116.4 acres (Assessor's Parcel Number 422-072-053-000 (Mc Ghee)); resulting in two new lots of 160.3 acres (Parcel 1, Hentges) and 110.2 acres (Parcel 2, McGhee), respectively; 2) Approval of a Restoration Plan to correct code violations CE080295 (Hentges) and CE080297 (McGhee).

(PLN100306), MCGHEE, 63275 Argyle Road and 62511 Argyle Road, King City, South County Area Plan (APN: 422-072-011-000 and 422-072-053-000-000).

**The McGhee application (PLN100306) came on for public hearing before the Monterey County Director of the RMA-Planning Department on September 22, 2010. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Director of the RMA-Planning Department finds and decides as follows:**

**FINDINGS**

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

**EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:

- the Monterey County General Plan,
- South County Area Plan,
- South County Area Plan, Inventory and Analysis,
- Monterey County Zoning Ordinance (Title 21)
- Monterey County Subdivision Ordinance (Title 19)

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at 63275 Argyle Road and 62511 Argyle Road, King City (Assessor's Parcel Number 422-072-011-000 and 422-072-

053-000-000, South County Area Plan. The parcel is zoned "PG/40" (Permanent Grazing, forty acres minimum parcel size), which is a district to protect and preserve, protect and enhance productive grazing lands with residential development. The site is in a remote sparsely populated area surrounded by similarly zoned and size parcels. There is no development on the site and no development proposed as part of the project. The road is not visible from a public road or any nearby residence; it is primarily within steep canyon. Therefore, the project is an allowed land use for this site.

- c) Portions of the illegal road were graded on slopes exceeding 30% slope. As recommended by the engineer (Report letter dated March 25, 2009 LIB100248) these steep areas will be allowed to naturally remediate. It was concluded that requiring restoration to the original condition would cause additional damage to the site. Removal of brush during restorative grading, soil compaction and heavy equipment use would result in soil erosion down slope of the roadway. The engineer recommends restoration in two flatter portions of the site only. A condition of approval requires restoration according to the recommendations in the Restoration and Erosion Control Plan, submitted as GP090117.
- d) Code enforcement officers conducted a site inspection on November 11, 2008. Photographic documentation of the site was submitted and the project planner verified that the project on the subject parcel conforms to the plans listed above.
- e) No public hearing was held because there was no evidence of public controversy or public opposition to the proposed use. No written request for a public hearing was made. Title 19, Section 19.09.035.E, states that the Director of Planning is the appropriate decision making body to consider Lot Line Adjustments unless the matter is referred to public hearing.
- f) The project was not referred to the South County Land Use Advisory Committee (LUAC). Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did not warrant referral to the LUAC because the project is exempt from CEQA, according to the CEQA Guidelines Section 15305, and there are no controversial issues, or requests for public hearing.
- g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100306.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

**EVIDENCE:** a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Cal Fire South County Fire District, RMA - Public Works, and, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

b) Technical reports by outside consultants indicated that there are no

physical or environmental constraints that would indicate that the site is not suitable for the use proposed. Staff identified potential impacts to Soil/Slope Stability which was addressed in the geotechnical report and Restoration and Erosion Control Plan (GP090117). County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:

1. A Geotechnical Letter Report for APN: 422-072-011-000, 63275 Argyle Road, by Mid-Coast Geotechnical, Inc., dated March 25, 2009 (LIB100248).
- c) Code enforcement officers conducted a site inspection on November 11, 2008. Photographic documentation of the site was submitted and the project planner verified that the project on the subject parcel is suitable for the site.
- d) Water is provided by private wells on each parcel. No development exists on the site or is proposed as part of the project. There are existing wells on both parcels.
- e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100306.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:** a) The project was reviewed by Cal Fire South County Fire District; RMA- Public Works Department; Environmental Health Bureau; and the Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- b) No public facilities required for the project.
- c) Preceding and following findings and supporting evidence for PLN100306.

4. **FINDING:** **NO VIOLATIONS** - The subject property is not in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. A violation exists on the properties, but the approval of the Lot Line Adjustment and implementation of the Restoration and Erosion Control Plan and conditions of approval corrects that violation.

- EVIDENCE:** a) The proposed project cures an existing code violations CE080295 (Hentges) and CE080297 (McGhee). When implemented, the project will bring the subject properties into compliance with all rules and regulations pertaining to the property and will remove the existing violations. An illegal road was graded on a portion of both parcels including on slopes exceeding 30% without a permit. Conditions are required with the Lot line Adjustment in order to resolve and clear the

violations on the properties.

Restoration Plan. As recommended by the engineer (Report letter dated March 25, 2009, LIB100248) steep areas will be allowed to naturally remediate. It was concluded that requiring restoration to the original condition would cause additional damage to the site. Removal of brush during restorative grading, soil compaction would result in soil erosion down slope of the roadway. A condition of approval requires Restoration according to the recommendations in the Restoration and Erosion Control Plan, submitted as GP090117. A Restoration Plan has been reviewed and approved by the RMA - Director of Planning. Implementation of said Plan brings the subject property into compliance with all rules and regulations pertaining to the property and will remove the existing violations.

- b) Zoning violation abatement costs, if any, have been paid. A condition is included to assure that all zoning abatement costs, if any, have been paid.
- c) The code enforcement officers conducted a site inspection on November 11, 2008. Photographic documentation of the site was submitted and the project planner verified that the project on the subject parcel conforms to the plans listed above.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100306.

5. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.
- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15305(a) categorically exempts minor alterations in land use limitations in areas with an average slope of less than 20% which do not result in any changes in land use density, including Minor Lot Line Adjustments.
  - b) CEQA Guidelines Section 15300.2 lists exceptions to categorical exemptions. None of the exceptions can be made because the project will not impact an environmental resource of hazardous or critical concern; the Lot Line Adjustment will not create a cumulative impact; the project does not have any unusual circumstance; the project will not result in the damage of a scenic resource; the subject property is not a hazardous waste site; nor is any structure a historical resource. No development exists on the site and none is proposed as part of the project. Therefore, the proposed project is exempt from environmental review.
  - c) Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following report has been prepared:
    - 1. A Geotechnical Letter Report for APN: 422-072-011-000, 63275 Argyle Road, by Mid-Coast Geotechnical, Inc., dated March 25, 2009 (LIB100248).
  - d) No adverse environmental effects were identified during staff review of the development application during a site visit on November 11, 2008.

- e) See preceding and following findings and supporting evidence.

6. **FINDING:** **LOT LINE ADJUSTMENT** –The parcels resulting from the lot line adjustment conform to County's general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.

- EVIDENCE:**
- a) Both parcels are zoned "PG/40" (Permanent Grazing, forty acres minimum parcel size), a district to protect and preserve, protect and enhance productive grazing lands with residential development. The site is in a remote sparsely populated area surrounded by similarly zoned and sized parcels.
  - b) The project area is approximately 154.1 acres (Assessor's Parcel Number 422-072-011-000 (Hentges) and 116.4 acres (Assessor's Parcel Number 422-072-053-000 (Mc Ghee)); and will result in two lots 160.3 acres (Parcel 1, Hentges) and 110.2 acres (Parcel 2, McGhee), respectively.
  - c) Pursuant to Government Code Section 66412 (Subdivision Map Act) and Monterey County Subdivision Ordinance (Section 19.09.025.B.1) the lot line adjustment is between two or more existing adjacent parcels.
  - d) Pursuant to Government Code Section 66412 (Subdivision Map Act) and Monterey County Subdivision Ordinance (Section 19. Section 19.09.025.B.2) a greater number of parcels than originally existed will not be created as a result of the lot line adjustment.
  - e) The proposed lot line adjustment is consistent with the Monterey County Zoning Ordinance (Title 21). Staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property that no violations exist on the property with the approval of this project and implementation of the conditions of approval. No development exists on either parcel and none is proposed as part of this project.
  - f) An exclusive easement was previously granted on Assessor's Parcel Number 422-072-053-000 (Mc Ghee) to benefit Assessor's Parcel Number 422-072-011-000 (Hentges). The project will result in this existing easement on new Parcel 1 (Hentges). The newly created 30- 40 foot wide Conservation and Scenic easement will be on Parcel 1.
  - g) As an exclusion to the Subdivision Map Act, no map is recorded for a Lot Line Adjustment. In order to appropriately document the boundary changes, a Certificate of Compliance for each new lot is required as a Condition of Approval.
  - h) Code enforcement officers conducted a site inspection on November 11, 2008. Photographic documentation of the site was submitted and the project planner verified that the project on the project would not conflict with zoning or building ordinances.
  - i) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100306.

7. **FINDING:** **LOT LINE ADJUSTMENT** – The lot line adjustment is between two or more existing adjacent parcels

- EVIDENCE:**
- a) The lot line adjustment is between more than one and less than four existing adjacent parcels. The lots shown on the Assessor's Parcel Map 422-072-053-000 and Assessor's Parcel Number 422-072-011-000 are

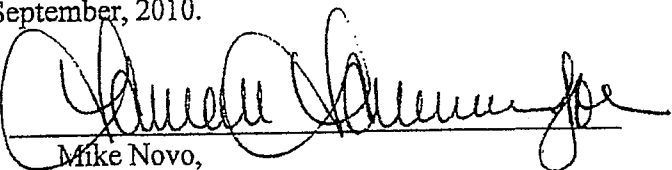
- adjacent.
- b) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100306.
8. **FINDING:** **LOT LINE ADJUSTMENT** – A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.
- EVIDENCE:** a) The lot line adjustment is between more than one and less than four existing adjacent parcels.
- b) The lot line adjustment will not create a greater number of parcels than originally existed. Two contiguous separate legal parcels of record will be adjusted and two contiguous separate legal parcels of record will result from the adjustment. No new parcels will be created.
- c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100306.
9. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
- EVIDENCE:** a) Section 19.16.020.A of Title 19, Monterey County Subdivision Ordinance.

### DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Director of the RMA-Planning Department does hereby:

- A. Categorically Exempt the project from environmental review pursuant to Section 15305 of the CEQA Guidelines; and
- B. Approve 1) A Lot Line Adjustment between two legal lots of record of approximately 154.1 acres (Assessor's Parcel Number 422-072-011-000 (Hentges)) and 116.4 acres (Assessor's Parcel Number 422-072-053-000 (McGhee)); resulting in two lots 160.3 acres (Parcel 1, Hentges) and 110.2 acres (Parcel 2, McGhee), respectively; 2) Approval of a Restoration Plan to correct code violations CE080295 (Hentges) and CE080297 (McGhee). (**Exhibit C**):

**PASSED AND ADOPTED** this 22nd day of September, 2010.

  
Mike Novo,  
Director of the RMA-Planning Department

COPY OF THIS DECISION MAILED TO APPLICANT ON **SEP 27 2010**

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **OCT 07 2010**

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a grading permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning RMA - Building Services Department office in Salinas.

2. This permit expires two years after the above date of granting thereof as provided by the MCC Title 19, Section 19.09.035).



**RESOLUTION 10-041 - EXHIBIT 1**  
**Monterey County Resource Management Agency**  
**Planning Department**  
**Condition Compliance and/or Mitigation Monitoring**  
**Reporting Plan**

Project Name: MCGHEE

File No: PLN100306 APNs: 422-072-011-000 and 422-072-053-000-000

Approved by: Director of the RMA-Planning Department Date: 9/22/2010

*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed where applicable, a certified professional is required for action to be accepted	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
<b>RMA - Planning Department</b>						
1.		<b>PD001 - SPECIFIC USES ONLY</b> This allows 1) A Lot Line Adjustment between two legal lots of record of approximately 154.1 acres (Assessor's Parcel Number 422-072-011-000 (Hentges)) and 116.4 acres (Assessor's Parcel Number 422-072-053-000 (McGhee)); resulting in two lots 160.3 acres (Parcel 1, Hentges) and 110.2 acres (Parcel 2, McGhee), respectively; 2) Approval of a Restoration Plan to correct code violations CE080295 (Hentges) and CE080297 (McGhee). The property is located at 63275 Argyle Road and 62511 Argyle Road, King City, (Assessor's Parcel Numbers 422-072-011-000 and 422-072-053-000-000) South County Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional	Adhere to conditions and uses specified in the permit.  Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department.  To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.	Owner/ Applicant  RMA - Planning  WRA RMA - Planning	Ongoing unless otherwise stated	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Party (See Department)	Compliance or Monitoring Actions to be performed (If applicable, a certified professional is required for action to be accepted)	Responsible Party for Compliance	Timing of Compliance	Verification of Compliance (time/date)
		permits are approved by the appropriate authorities. (RMA-Planning Department)				
2.		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution 10-041) was approved by the Director of the RMA-Planning Department for Assessor's Parcel Number 422-072-053-000 and 422-072-011-000-000 on September 22, 2010. The permit was granted subject to 14 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)	Obtain appropriate form from the RMA-Planning Department.  The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner/ Applicant  RMA- Planning	Prior to the issuance of a grading permit or filing the Record of Survey whichever occurs first and as applicable	
3.		<b>PD004 - INDEMNIFICATION AGREEMENT</b> The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its	Submit signed and notarized Indemnification Agreement to the Director of RMA - Planning Department for review and signature by the County.  Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA - Planning Department.	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, filing of the Record of Survey, whichever occurs first and as applicable	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)				
4.		<b>PD007 - GRADING-WINTER RESTRICTION</b> No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department. (RMA - Planning Department and Building Services Department)	Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.	Owner/ Applicant	Ongoing	
5.		<b>PD10 - EROSION CONTROL PLAN AND SCHEDULE</b> The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of Building Services. All cut and/or fill slopes exposed	An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.	Owner/ Applicant	Prior to the issuance of a grading permit	

Permit Code Number	Mitig Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed, where applicable, a certified professional is required for action to be accepted	Responsible Party for Compliance	Timing	Verification of Compliance (time/date)
		during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)	Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.	Owner/ Applicant	Ongoing	
6.		PDSP001 - RESTORATION PLAN (NON-STANDARD CONDITION) A Restoration and Erosion Control Plan were submitted as part of GP090117. The restoration shall be implemented as recommended in the approved plan and as recommended by the engineer (Report letter dated March 25, 2009 LIB100248). (RMA - Planning Department)	Comply with the recommendations of the approved Restoration and Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and the Director of RMA - Building Services.	Owner/ Applicant	Prior to the issuance of a grading permit and ongoing	
7.		PDSP002 - CODE VIOLATION - FEES (NON-STANDARD CONDITION) All code violation fees shall be paid prior to issuance of any permits or Recordation of Record of Survey. (RMA - Planning Department)	Code violation fees shall be paid to the RMA- Planning and the RMA- Building Departments.	Owner/ Applicant	Prior to the issuance of any permits or recording Record of Survey	
8.		PD016 - NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical Letter Report for APN: 422-072-011-000, 63275 Argyle Road, report has been	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of a grading permit	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		prepared for this parcel by Mid-Coast Geotechnical, Inc., dated March 25, 2009, and is on record in the Monterey County RMA - Planning Department, Library No. LIB100248. All development shall be in accordance with this report." (RMA - Planning Department)				
9.		<p>PD017 - DEED RESTRICTION - USE (NON-STANDARD CONDITION)</p> <p>A deed restriction shall be recorded on Parcel 1 created by this Lot Line Adjustment, with the Monterey County Recorder which states:</p> <p>"Vehicular use is prohibited within the easement exception for installation of inspection, maintenance and repair of erosion control as required by the Restoration and Erosion Control Plan. The CSE shall be maintained consistent with the approved Restoration and Erosion Control Plan which includes allowing the sloped areas to naturally restore without restoration itself over time."</p> <p>The applicant shall provide a copy of the Deed Restriction to the RMA - Director of Planning with the above wording, for review and approval, prior to recording the Record of Survey. (RMA - Planning Department)</p>	<ol style="list-style-type: none"> <li>1. Submit the signed and notarized Deed Restrictions to the Director of RMA - Planning Department for review and approval by the County, prior to recordation of Parcel Map.</li> <li>2. Record the deed with the Office of the Monterey County Recorder on each lost currently with the Parcel Map.</li> <li>3. Proof of recordation of the Deed Notification, as outlined, shall be submitted to the RMA - Planning Department.</li> </ol>	CA Licensed Engineer /Owner/ Applicant	Prior to Recordation of Record of Survey	
10.		<p>PD022(A) - EASEMENT - CONSERVATION AND SCENIC</p> <p>A conservation and scenic easement shall be conveyed to the County over those portions of the property where an illegal road was constructed. Vehicular use is prohibited within the easement exception for installation of inspection, maintenance and repair of erosion control as required by the Restoration and Erosion Control Plan. The</p>	<p>Proof of recordation of the document shall be submitted to the RMA - Planning Department.</p> <p>Submit the conservation and scenic easement deed and corresponding map, showing the exact location of the easement on the property along with the metes and bound description developed in consultation with a certified professional, to the RMA - Planning Department for review and approval.</p>	Owner/ Applicant/ Certified Professional	<p>Prior to issuance of a grading permit</p> <p>Prior to issuance of a grading permit</p>	

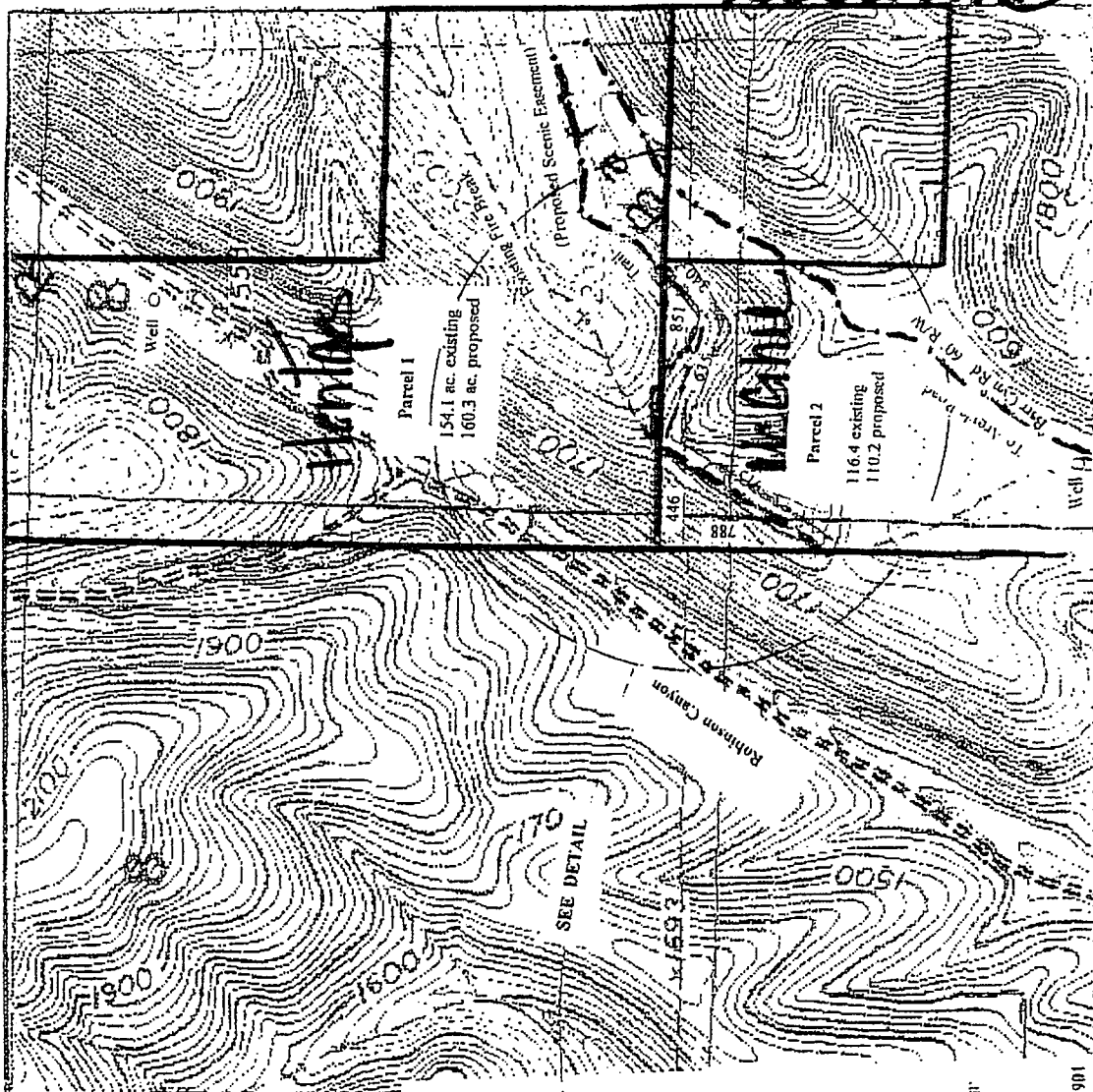
Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Party/Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (time/date)
		CSE shall be maintained consistent with the approved Restoration and Erosion Control Plan which includes allowing the sloped areas to naturally restore without restoration itself over time. The easement shall be developed in consultation with certified professional. An easement deed shall be submitted to, reviewed and approved by, the Director of the RMA - Planning Department prior to issuance of grading and building permits. (RMA - Planning Department)	Record the deed and map showing the approved conservation and scenic easement. Submit a copy of the recorded deed and map to the RMA - Planning Department.	Owner/ Applicant	Prior to Recording a Record of Survey of Survey	
11.		PD032(A) - PERMIT EXPIRATION (NON-STANDARD) The permit shall be granted for a time period of two years, to expire on <u>9/22/2012</u> , unless use of the Record of Survey is filed within this period, or a request for an extension is granted pursuant to MCC Title 19, Section 19.09.035). (RMA - Planning Department)	Owner's Surveyor shall prepare a Record of Survey and submit to RMA - DPW for review and approval, prior to the expiration. Any request for extension must be received by the RMA - Planning Department at least 30 days prior to the expiration date.	Owner/ Applicant	As stated in the conditions of approval	
12.		PD045 - CERTIFICATES OF COMPLIANCE (LOT LINE ADJUSTMENTS) The applicant shall request unconditional certificates of compliance for the newly configured parcels. (RMA - Planning Department)	The Surveyor shall prepare legal descriptions for each newly configured parcel. The legal descriptions shall be entitled "Exhibit A". The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the legal descriptions with a check, payable to the <i>Monterey County Recorder</i> , for the appropriate fees to record the certificates.	Owner/ Applicant/ Surveyor	Concurrently with recording the Record of Survey	

RMA - Public Works Department

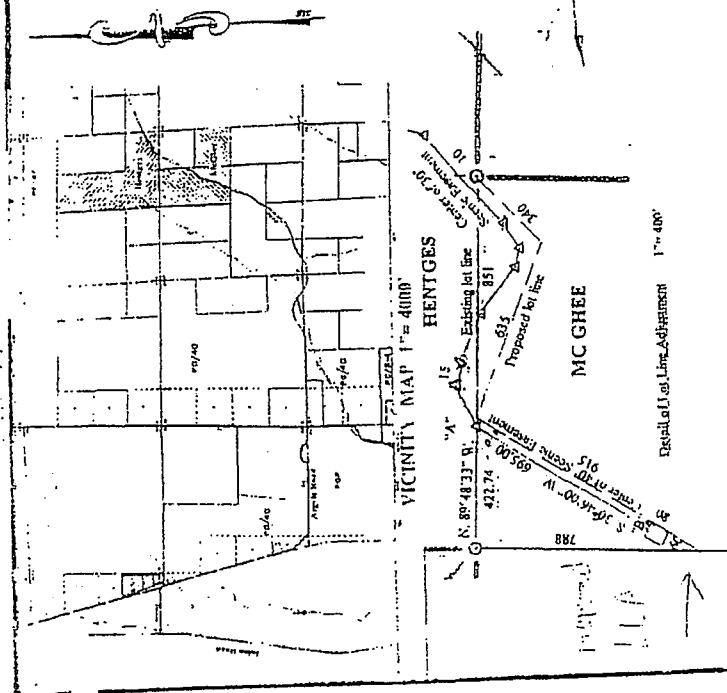
EXHIBIT  
PAGE 13 OF 15 PAGES

Permit Cond. Number	Mtg. Number	Conditions of Approval and/or Mitigation Measures and Responsible Party to the Department	Compliance or Monitoring Actions to be performed. When applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Prior to Timing of Survey	Verification of Compliance (name/date)
13.		<b>PW0034 – LOT LINE ADJUSTMENT</b> Obtain a survey of the new line and have the line monumented. (Public Works)	Owner shall have a surveyor monument the new lines. Evidence of completion of monumentation shall be submitted to DPW for review and approval.	Owner/ Applicant/ Surveyor	Prior to Recordation of Survey	
14.		<b>PW0035 – RECORD OF SURVEY</b> File a Record of Survey showing the new line and its monumentation. (Public Works)	Owner's Surveyor to prepare record of survey and submit to DPW for review and approval.	Owner/ Surveyor	Prior to Recordation of Record of Survey	

END OF CONDITIONS



Note: There are no permanent structures on these two parcels



# PROPOSED LOT LINE ADJUSTMENT MAP

Between two parcels in Sections 8 & 17, T. 22 S., R. 8 E., M.D.M.  
Monterey County, California

Prepared for  
**Richard Hentges & Michael McGhee**  
P.O. Box 591  
118 Bradwell Court  
King City, CA 93930  
San Jose, CA 95138

Contour interval = 20'  
April 28, 2010

APN 422-072-011 & 422-072-053  
Scale: 1" = 500'

Geoff Land Surveyors  
131-A Auburn Street



C  
EXHIBIT "X"

Situate in Section 8 and in Section 17, T.22 S., R. 8 E., M.D.M., Monterey County, California and being portions of the S 1/2 of the SE 1/4 of Section 8, as said S 1/2 of the SE 1/4 is shown on that certain map filed for record in Volume 13 of Surveys, at Page 171, Records of Monterey County and of Parcel "B" of Section 17, as said parcel is shown and so designated on that certain map filed for record in Volume 20 of Surveys, at Page 51, Records of Monterey County said portions being parcels of land designated as "Scenic Easement" and being more particularly described as follows:

Parcel 1 - 30' foot strip

A strip of land 30 feet wide lying 15 feet on each side of and contiguous to the following described line:

Beginning at a point in the aforesaid S1/2 of the SE 1/4 from which the southwest corner of the SE 1/4 of the aforesaid Section 8 bears S. 58°52'53" W., 1011.79 feet distant; thence, from said point of beginning along the centerline of an existing trail

- 1) S. 85°40'09" W., 86.80 feet; thence
- 2) S. 78°12'28" W., 128.86 feet; thence
- 3) S. 68°46'34" W., 187.42 feet; thence
- 4) S. 81°27'44" W., 97.39 feet; thence
- 5) N. 84°06'06" W., 93.16 feet; thence
- 6) S. 79°00'43" W., 68.01 feet; thence
- 7) S. 36°43'31" W., 42.27 feet; thence
- 8) S. 11°20'05" W., 109.87 feet; thence
- 9) S. 25°55'17" W., 87.67 feet; thence
- 10) S. 47°13'58" W., 410.21 feet; thence
- 11) S. 61°12'37" W., 109.52 feet; thence
- 12) N. 79°50'43" W., 72.48 feet; thence
- 13) N. 54°24'24" W., 197.27 feet; thence
- 14) N. 63°39'58" W., 181.36 feet; thence
- 15) N. 80°02'33" W., 82.33 feet; thence
- 16) S. 62°43'14" W., 156.98 feet to a point on the south line of the SW 1/4 of the SE 1/4 from which the southwest corner of said SW 1/4 of the SE 1/4 bears along said south line N. 89°48'33" W., 422.74 feet distant, said point being designated as Point "A" for future reference, and the end of the aforesaid described trail centerline.

1)

Exhibit C  
p 1 of 3

Parcel 2 - 40 foot strip

A strip of land 40 feet wide lying 20 feet on each side of and contiguous to following described line:

Beginning at Point "A" referred to above; thence from said point of beginning along an existing trail

- 1) S.  $30^{\circ}46'00''$  W., 695.00 feet to a point referred to as Point "B" and end of described line.

Parcel 3

A parcel of land more particularly described as follows:

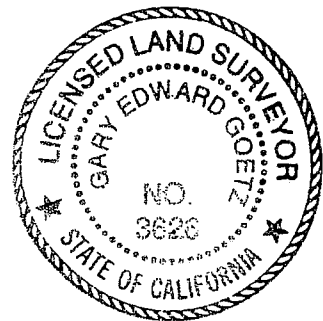
Beginning at Point "B" referred to above; thence from said point of beginning

- 1) N.  $59^{\circ}14'00''$  W., 40.00 feet; thence
- 2) S.  $30^{\circ}46'00''$  W., 80.00 feet from which the northwest corner of the aforesaid Parcel "B" bears N.  $00^{\circ}42'56''$  E., 646.92 feet distant; thence
- 3) S.  $59^{\circ}14'00''$  E., 60.00 feet; thence
- 4) N.  $30^{\circ}46'00''$  E., 80.00 feet; thence
- 5) N.  $59^{\circ}14'00''$  W., 20.00 feet to the point of beginning.

Prepared by:

*Gary E. Goetz*

Gary E. Goetz PLS 3626



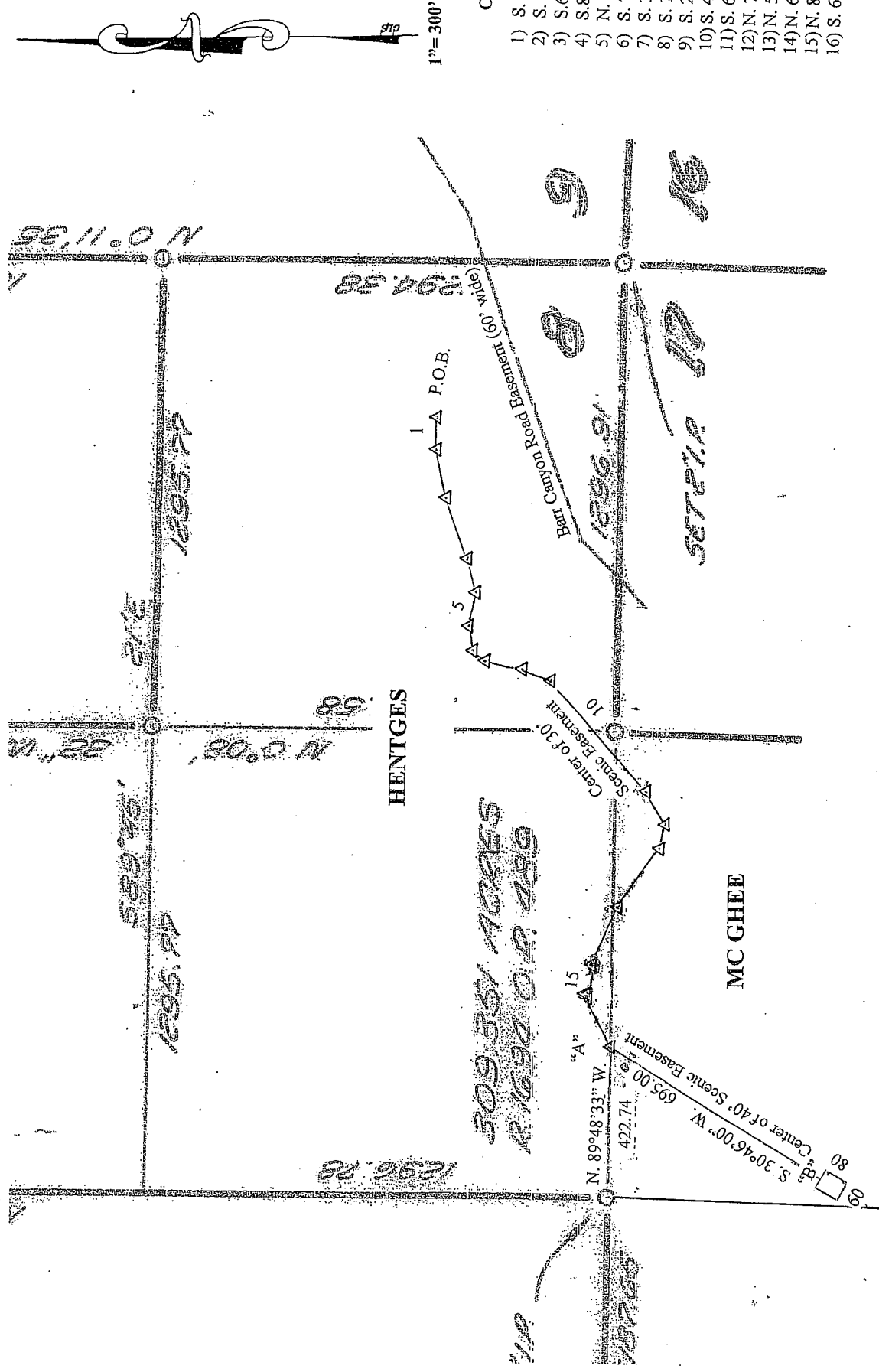
Exp. 6/30/10

February 8, 2010

2)

06-33SE

*Exhibit C  
p 2 of 3*



COURSE TABLE

- 1) S. 85°40'09" W., 86.80
- 2) S. 78°12'28" W., 128.86
- 3) S. 68°46'34" W., 187.42
- 4) S. 81°27'44" W., 97.39
- 5) N. 84°06'06" W., 93.16
- 6) S. 79°00'43" W., 68.01
- 7) S. 36°43'31" W., 42.27
- 8) S. 11°20'05" W., 109.87
- 9) S. 25°55'17" W., 87.67
- 10) S. 47°13'58" W., 410.21
- 11) S. 61°12'37" W., 109.52
- 12) N. 79°50'43" W., 72.48
- 13) N. 54°24'24" W., 197.27
- 14) N. 63°39'58" W., 181.36
- 15) N. 80°02'33" W., 82.33
- 16) S. 62°43'14" W., 156.98

DRAWING OF AREAS OF SCENIC EASEMENT

Located in Section 8 and Section 17, T. 22 S., R. 8 E., M.D.M., Monterey County, California, plotted on an enlarged portion of Sheet 3 of 5 of that certain map filed for record in Volume 13 of Surveys, at Page 171, Records of Monterey County

Prepared by Goetz Land Surveyors

131-B Auburn Street Salinas, CA 93901  
 February 8, 2010 Scale: 1"= 300'  
 831-262-7368

## Exhibit "D"

### Revised Paragraph L

Paragraph L on Page 6 of 7 is hereby superseded in its entirety and replaced with the following provision:

L. **EASEMENT AMENDMENT.** At the sole discretion of Grantee, this easement's prohibition against vehicular use may be amended subject to an amendment of Permit No. PLN100306 (Resolution No. 10-041) approved by Grantee which includes a finding that the subject amendment will clearly provide greater protection for the Property's open space, scenic, and/or natural resource values while also continuing to insure the stability of the land subject to this easement. Grantee's willingness to amend this easement based upon the finding above shall be at its sole discretion and without regard to uses permitted under any applicable statutes, ordinances, or regulations. Any amendment of this easement shall be executed by the parties and recorded.

