

Attachment N
[Proposed] amendment to
Agricultural Conservation Easement
Agreement and Deed

Charles F. & Judith A. Nichols TRS
(Yanks Air Museum)
PLN120376

When recorded return to:
Ag Land Trust (formerly Monterey
County Agricultural and Historical
Land Conservancy, Inc.)
P. O. Box 1731
Salinas, CA 93902

Space above for Recorder's Use

Affects: APN: 111-012-018 and 111-012-020

**AMENDMENT TO AGRICULTURAL CONSERVATION EASEMENT
AGREEMENT AND DEED**

This Amendment to the Agricultural Conservation Easement Agreement and Deed (hereinafter "Amendment to Conservation Easement") is made and entered into this **6th** day of **November, 2012** by and between Charles F. Nichols and Judith A. Nichols, as Trustees of the Nichols Family Trust ut dated January 17, 1991 ("Grantor") and the Ag Land Trust, a tax-exempt, nonprofit organization qualified to acquire and hold conservation easements pursuant to California Civil Code Section 815.3, who acquired title to said Agricultural Conservation Easement through its predecessor agency, the Monterey County Agricultural and Historical Land Conservancy, Inc. ("Grantee").

WITNESSETH:

WHEREAS, Grantor is the owner in fee of approximately 440 acres of real property more particularly describe in **Exhibit A** attached hereto and incorporated herein by reference (hereinafter the "Nichols Family Trust Property"), situated in Monterey County, California; and

WHEREAS, on or about November 4, 1997, the County of Monterey approved a Combined Development Permit (SH 94002) (Resolution No. 97-445 and Ordinance No. 03943) ("CDP") for the Nichols Family Trust Property, and

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WHEREAS, on or about August 28, 2001 pursuant to Monterey County Board of Supervisors Resolution No. 01-344, Grantor and Grantee executed an Agricultural Conservation Easement Agreement and Deed which document was recorded on September 4, 2001 at Document number 2001075023, Official Records of Monterey County (“Conservation Easement”) to satisfy Condition 6 of the CDP, granting a 306 acre agricultural conservation easement to Grantee over and across the eastern portion of the Nichols Family Trust Property, which legal description thereof was attached as Exhibit A to the Conservation Easement and which description is attached hereto as **Exhibit B** (“Conservation Easement Property Area”).

WHEREAS, an error has been discovered in the legal description of the Conservation Easement Property Area, requiring the Grantor and Grantee to revise said legal description, and

WHEREAS, the area of the corrected Conservation Easement Property Area contains 306 acres and as described and depicted on **Exhibit C**, attached hereto (“Corrected Conservation Easement Property”), and

WHEREAS, Grantor and Grantee intend that this Amendment to Conservation Easement Property Area shall amend the Conservation Easement only insofar as to correct the legal description of the location of the 306 acre easement area, with all other terms and conditions of the Conservation Easement to remain in effect.

WHEREAS, this Amendment to Conservation Easement shall run with the land and bind and inure to the benefit of the respective heirs, personal representatives, successors, and assigns of the parties hereto.

WHEREAS, upon execution of this Amendment to Conservation Easement, the parties shall cause recordation thereof with the County Recorder’s Office.

WHEREAS, it is agreed and understood by the parties hereto, that this Amendment to Conservation Easement has been arrived at through negotiations and that neither party is to be deemed the party which prepared this agreement within the meaning of Civil Code Section 1654.

WHEREAS, the parties and signatories to this instrument understand and agree that the above Recitals are hereby incorporated into this Amendment to Conservation Easement.

NOW, THEREFORE, for the reasons set forth above and in consideration of the terms and conditions contained herein, Grantors and Grantees do hereby amend the Conservation Easement as follows:

1. The legal description of the Conservation Easement Property Area attached as Exhibit A to the previously recorded Conservation Easement Deed and described on **Exhibit B**, attached hereto, is hereby revised, amended and corrected to the Corrected Conservation Easement Property Area described and depicted on **Exhibit C**, attached hereto, and incorporated by this reference.
2. All other terms and conditions of the Agricultural Conservation Easement Agreement and Deed shall remain in full force and effect and are incorporated herein by this reference.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to Conservation Easement Agreement and Deed Agreement and Deed to be executed as of the date and year first above written.

GRANTORS:

Dated: _____

CHARLES F. NICHOLS, Trustee of the
NICHOLS FAMILY TRUST UTA
dated January 17, 1991

Dated: _____

JUDITH A. NICHOLS, Trustee of the
NICHOLS FAMILY TRUST UTA
dated January 17, 1991

STATE OF CALIFORNIA
COUNTY OF _____

On _____, 2012, before me, _____, Notary Public, personally appeared **CHARLES F. NICHOLS** and **JUDITH A. NICHOLS**, 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 _____ (Seal)

GRANTEE:

AG LAND TRUST

Dated: _____

(Signature of President, Vice President, or Chair of the Board)

Type/Print Name: _____

Its: _____

Type/Print Title of First Signatory for Ag Land Trust

Dated: _____

(Signature of Secretary, Assistant Secretary, CFO, or Assistant Treasurer – or Managing Director)

Type/Print Name: _____

Its: _____

Type/Print Title of Second Signatory for Ag Land Trust

STATE OF CALIFORNIA
COUNTY OF MONTEREY

On _____, 2012, before me, _____, Notary Public,
personally appeared _____, 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 _____ (Seal)

STATE OF CALIFORNIA
COUNTY OF MONTEREY

On _____, 2012, before me, _____, Notary Public,
personally appeared _____, 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 _____ (Seal)

APPROVED:

COUNTY OF MONTEREY
BOARD OF SUPERVISORS

Dated: _____

Dave Potter
Chair of the Board of Supervisors

ACKNOWLEDGMENT

State of California)
County of Monterey)

On _____, 2012, before me, _____

Clerk of the Board of Supervisors, personally appeared _____,

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.

GAIL T. BORKOWSKI
Clerk of the Board of Supervisors of
Monterey County, State of California

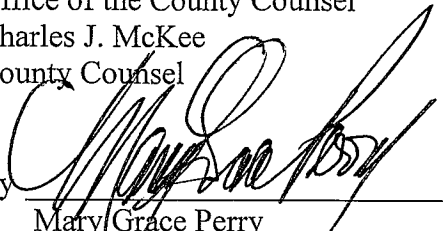
By: _____

Legal Reference for Acknowledgment by County Official:
Civil Code Sections 1181, 1184, 1185, 1188, 1189
Code of Civil Procedure Section 2012

[COUNTY SEAL]:

APPROVED AS TO FORM AND LEGALITY:

Office of the County Counsel
Charles J. McKee
County Counsel

By 

Mary Grace Perry
Deputy County Counsel

Dated: 10-29-2012

EXHIBIT A

LEGAL DESCRIPTION

Real property in the City of Greenfield, County of Monterey, State of California, described as follows:

PARCEL 1:

PARCELS A AND B, AS SHOWN ON THAT CERTAIN MAP FILED FOR RECORD JUNE 27, 2002 IN VOLUME 25 OF SURVEYS, AT PAGE 73, FILED IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF MONTEREY, STATE OF CALIFORNIA.

PARCEL 2:

A RIGHT OF WAY FOR ROAD PURPOSES OVER, UPON AND ACROSS A STRIP OF LAND 10 FEET WIDE LYING ALONG, CONTIGUOUS TO AND NORTHEASTERLY AND NORTHWESTERLY FROM THE FOLLOWING DESCRIBED LINE BEGINNING AT AN ANGLE POINT IN THE NORTHEASTERLY BOUNDARY OF SAID PARCEL "A" AS SHOWN ON THE MAP FILED FOR RECORD APRIL 29, 1971 IN VOLUME 10 OF SURVEYS, AT PAGE 15 FROM WHICH THE MOST EASTERLY CORNER THEREOF BEARS S 58° 07' 53" E., 100.44 FEET DISTANT; THENCE RUNNING ALONG THE BOUNDARY OF SAID PARCEL "A"

- (1) N 52° 25' 16" W., 604.52 FEET; THENCE
- (2) N 69° 10' 16" W., 297.18 FEET; THENCE
- (3) N 81° 58' 36" W., 1,199.68 FEET; THENCE
- (4) N 70° 13' 36" W., 602.05 FEET; THENCE
- (5) N 58° 28' 36" W., 1,215.82 FEET; THENCE TANGENTIALLY
- (6) CURVING TO THE LEFT ON A CIRCULAR ARC OF 119.05 FEET RADIUS THRU AN ANGLE OF 66° 44' 37" FOR A DISTANCE OF 138.68 FEET; THENCE TANGENTIALLY
- (7) S 54° 46' 47" W., 680.19 FEET; THENCE
- (8) S 82° 54' 03" W., 472.38 FEET; THENCE
- (9) S 59° 32' 22" W., 878.42 FEET; THENCE
- (10) S 20° 57' 42" W., 198.91 FEET; THENCE
- (11) S 49° 26' 53" W., 209.65 FEET; THENCE
- (12) S 60° 10' 51" W., 274.16 FEET; THENCE
- (13) S 15° 06' 40" W., 156.97 FEET; THENCE
- (14) S 39° 38' 33" W., 185.82 FEET TO A 6" X 6" CONCRETE MONUMENT STANDING AT THE MOST WESTERLY CORNER OF SAID PARCEL "A" COURSES ALL TRUE.

PARCEL 3:

A NON-EXCLUSIVE EASEMENT AS CONTAINED IN THE "RUNWAY PROTECTION ZONE (RPZ) APPROACH AREA AND APPROACH SURFACE EASEMENT" RECORDED AUGUST 18, 1998 AS RECORDERS SERIES NO. 98 55010, AND RE-RECORDED SEPTEMBER 15, 1998 AS RECORDERS SERIES NO. 98 62146 DESCRIBED AS FOLLOWS:

BEING A PORTION OF LOT NO. 309 AND LOT NO. 310 OF THE CLARK COLONY SUBDIVISION IN THE COUNTY OF MONTEREY, STATE OF CALIFORNIA RECORDED AS THE MAP OF CLARK COLONY IN VOLUME 1 OF CITIES AND TOWNS, AT PAGE 64, FILED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF MONTEREY

EXHIBIT B

All that real property situate in the County of Monterey, State of California, described as follows:

PARCEL 1:

CERTAIN REAL PROPERTY SITUATED IN THE RANCHO ARROYO SECO, MONTEREY COUNTY, CALIFORNIA, BEING A PORTION OF LOT 21 AS SHOWN ON THE "MAP OF SURVEY OF THE NORTHERN HALF OF ARROYO SECO RANCHO", FILED IN VOLUME 1 OF SURVEYS AT PAGE 95, RECORDS OF SAID COUNTY, BEING ALSO A PART OF THAT CERTAIN 447.27 ACRE TRACT OF LAND DESCRIBED IN DEED FROM W. G. HUDSON, ET AL, TO WILLIAM HUDSON, ET UX, DATED NOVEMBER 30, 1934 AND RECORDED IN VOLUME 417, OFFICIAL RECORDS AT PAGE 411, RECORDS OF SAID COUNTY, SAID PART BEING PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF THE NORTH 1/2 OF THE RANCHO ARROYO SECO, SAID LINE ALSO BEING THE SOUTHEASTERLY LINE OF SAID LOT 21, DISTANT THEREON SOUTH 63° 04' 13" WEST, 3850.81 FEET FROM EASTERLY TERMINUS THEREOF, SAID TERMINUS BEING THE EASTERLY MOST CORNER OF SAID LOT 21 THENCE:

1. NORTH 42° 38' 00" WEST, 4324.53 FEET TO A POINT WHICH IS 40.00 FEET SOUTHEASTERLY MEASURED AT RIGHT ANGLES FROM THE NORTHWESTERLY LINE OF SAID LOT 21, THENCE PARALLEL TO AND DISTANT 40.00 FEET FROM SAID LAST MENTIONED NORTHWESTERLY LINE
2. NORTH 54° 46' 47" EAST, 1776.18 FEET, THENCE PERPENDICULAR TO
3. NORTH 35° 13' 13" WEST, 30.00 FEET TO THE BEGINNING OF A NONTANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 119.05 FEET AND AN INITIAL TANGENT BEARING OF NORTH 54° 46' 47" EAST, THENCE SAID CURVE BEING ON THE NORTHERLY BOUNDARY OF PARCEL A AS SHOWN IN VOLUME 10, RECORDS OF SURVEYS AT PAGE 15, RECORDS OF SAID COUNTY; THENCE, ALONG SAID NORTHERLY AND NORTHEASTERLY BOUNDARY OF SAID PARCEL A THE FOLLOWING SEVEN COURSES
4. EASTERLY THROUGH A CENTRAL ANGLE OF 66° 44' 37" AN ARC DISTANCE OF 138.66 FEET; THENCE, TANGENT TO SAID CURVE,
5. SOUTH 58° 28' 56" EAST, 1215.82 FEET; THENCE,
6. SOUTH 70° 13' 36" EAST, 602.05 FEET; THENCE,
7. SOUTH 81° 58' 36" EAST, 1199.68 FEET; THENCE,
8. SOUTH 69° 10' 16" EAST, 297.18 FEET; THENCE,
9. SOUTH 52° 25' 16" EAST, 604.52 FEET; THENCE,

10. SOUTH 58° 07' 53" EAST, 100.44 FEET, THENCE, LEAVING SAID BOUNDARY OF PARCEL A AND CONTINUING ALONG THE NORTHEASTERLY LINE OF SAID LOT 21,
11. SOUTH 52° 25' 16" EAST, 1521.03 FEET TO THE MOST EASTERLY CORNER OF SAID LOT 21; THENCE, ALONG THE SOUTHEASTERLY LINE OF SAID LOT 21,
12. SOUTH 63° 04' 13" WEST, 3850.81 FEET TO THE POINT OF BEGINNING.

CONTAINING 300.90 ACRES.

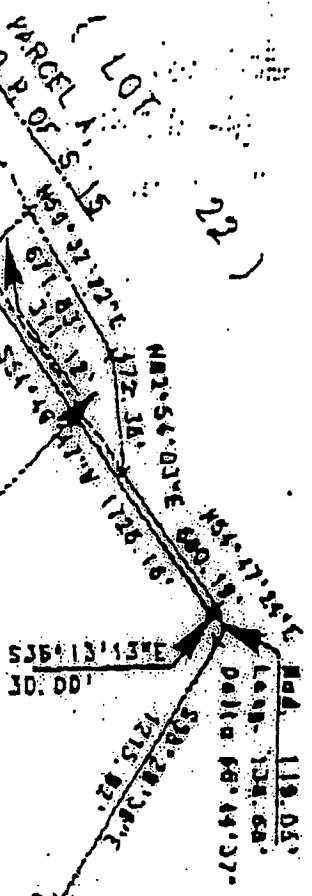
PARCEL 2:

CERTAIN REAL PROPERTY SITUATED IN THE RANCHO ARROYO SECO, MONTEREY COUNTY, CALIFORNIA, BEING A PART OF LOTS 20 AND 21, AS SHOWN ON "MAP OF SURVEY OF THE NORTHERN HALF OF ARROYO SECO RANCHO", FILED IN VOLUME 1 OF SURVEYS AT PAGE 95, RECORDS OF SAID COUNTY, BEING ALSO A PART OF THAT CERTAIN 447.27 ACRE TRACT OF LAND DESCRIBED IN DEED FROM W. G. HUDSON, ET AL, TO WILLIAM HANSEN ET UX, DATED NOVEMBER 30, 1934 AND RECORDED IN VOLUME 417, OFFICIAL RECORDS AT PAGE 411, RECORDS OF SAID COUNTY, SAID PART BEING PARTICULARLY DESCRIBED AS FOLLOWS:

1. SOUTH 35° 13' 13" EAST, 30.00 FEET; THENCE PARALLEL TO AND DISTANT 40.00 FEET, SOUTHERLY MEASURED AT RIGHT ANGLES, FROM THE NORTHWESTERLY LINE OF SAID LOT 21,
2. SOUTH 54° 46' 47" EAST, 1726.18 FEET; THENCE,
3. NORTH 42° 38' 00" WEST, 311.12 FEET TO A POINT IN THE NORTHERLY LINE OF AFOREMENTIONED PARCEL A; THENCE ALONG SAID NORTHERLY LINE,
4. NORTH 59° 32' 22" EAST, 671.83 FEET; THENCE,
5. NORTH 82° 54' 03" EAST, 472.38 FEET; THENCE,
6. NORTH 54° 47' 24" EAST, 680.19 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.99 ACRES

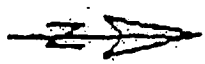
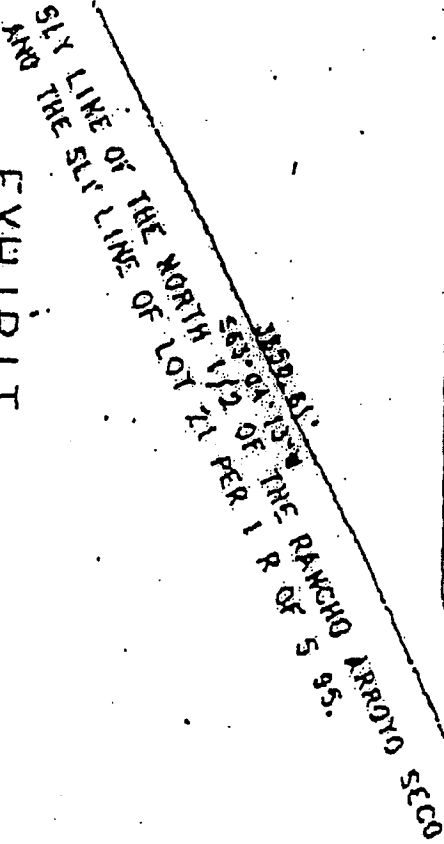
101AL DEDICATION = 305.99 AC



EASEMENT PARCEL 2, 5.99 AC.

EASEMENT PARCEL 1, 300.00 AC.

ELY MOST CORNER LOT 21



SCALE: 1"=800'

EXHIBIT B

PREPARED FOR: YANKS AIR MUSEUM

MIKE WHELAN

(818) 962 1065

PREPARED BY: G. POWERS CONSULTING

EXHIBIT

AGRICULTURAL CONSERVATION EASEMENT

DEDICATION

BEING A PORTION OF LOTS 20 AND 21 OF THE NORTH 1/2 OF THE RANCHO ARROYO SECO PER VOLUME 1 OF SURVEYS AT PAGE 95 FILED IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF MONTEREY, STATE OF CALIFORNIA

EXHIBIT C

THAT PORTION OF PARCEL B, AS SHOWN ON THAT CERTAIN MAP FILED FOR RECORD JUNE 27, 2002 IN VOLUME 25 OF SURVEYS, AT PAGE 73, AND THAT PORTION OF PARCEL A, AS SHOWN ON THAT CERTAIN MAP FILED FOR RECORD APRIL 29, 1971 IN VOLUME 10 OF SURVEYS, AT PAGE 15, BOTH FILED IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF MONTEREY, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF SAID PARCEL B;

THENCE ALONG THE SOUTHEASTERLY BOUNDARY OF SAID PARCEL B, SOUTH 63° 04' 13" WEST 3564.02 FEET TO A POINT ON A LINE PARALLEL TO AND 217.58 FEET NORTHEASTERLY OF THE SOUTHWESTERLY BOUNDARY OF SAID PARCEL B;

THENCE NORTHWESTERLY ALONG SAID PARALLEL LINE, NORTH 49° 13' 28" WEST 4755.81 FEET, MORE OR LESS, TO A POINT ON A LINE IN THE NORTHWESTERLY BOUNDARY OF SAID PARCEL A, LAST SAID LINE HAVING A BEARING OF NORTH 20° 57' 58" EAST;

THENCE EASTERLY ALONG THE NORTHWESTERLY AND NORTHEASTERLY BOUNDARY OF SAID PARCEL A, NORTH 20° 57' 58" EAST 75.25 FEET;

THENCE, NORTH 59° 32' 12" EAST 878.67 FEET;

THENCE, NORTH 82° 54' 28" EAST 472.51 FEET;

THENCE, NORTH 54° 46' 47" EAST 680.41 FEET TO A POINT ON A TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 119.05 FEET;

THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 66° 46' 26" AN ARC DISTANCE OF 138.74 FEET;

THENCE, SOUTH 58° 26' 47" EAST 1216.16 FEET;

THENCE, SOUTH 70° 12' 20" EAST 602.02 FEET;

THENCE, SOUTH 81° 58' 51" EAST 1199.91 FEET;

THENCE, SOUTH 69° 10' 38" EAST 297.18 FEET;

THENCE, SOUTH 52° 25' 44" EAST 604.61 FEET;

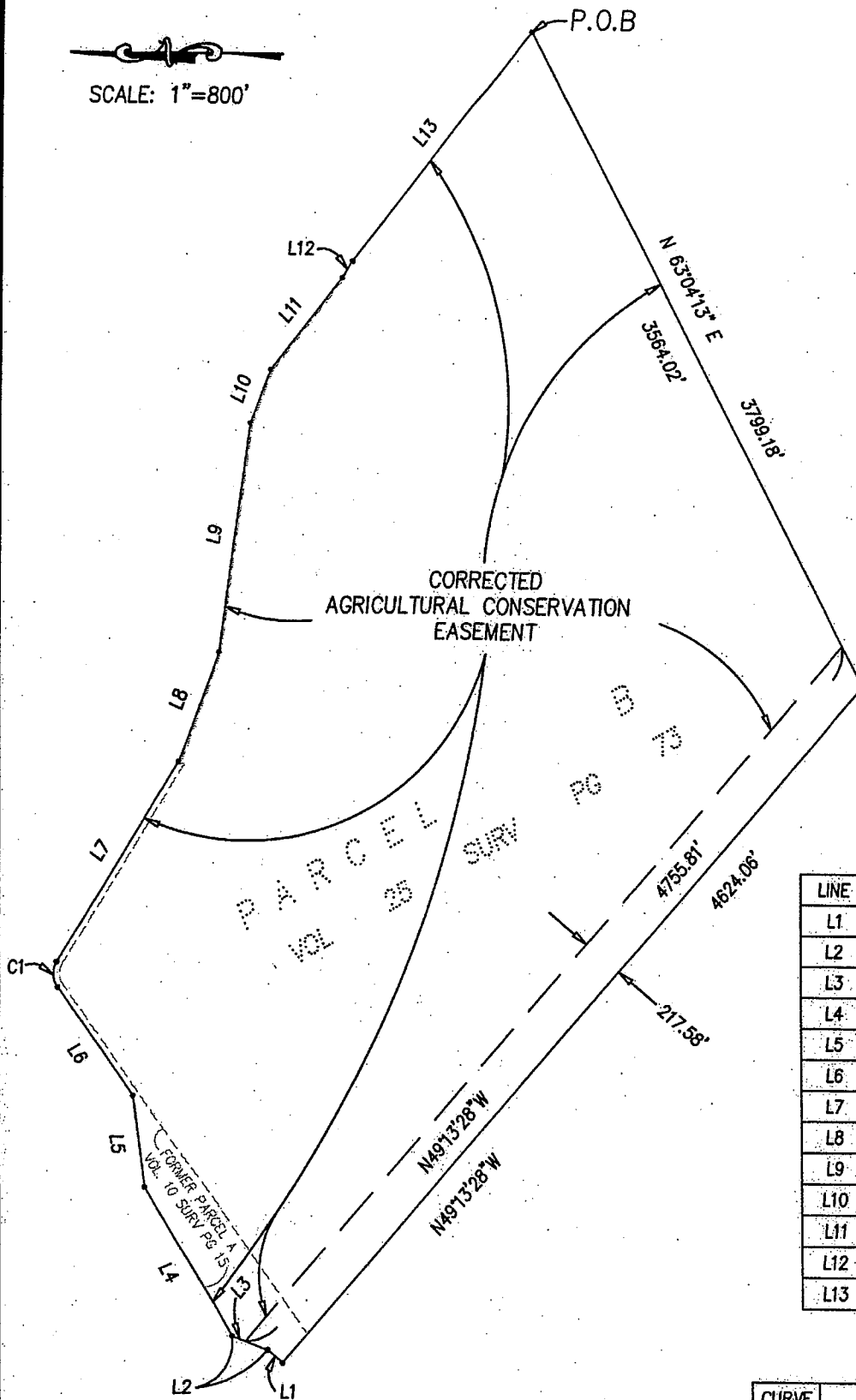
THENCE, SOUTH 58° 08' 33" EAST 100.45 FEET TO THE NORTHERLY TERMINUS OF THAT LINE IN THE NORTHEASTERLY BOUNDARY OF SAID PARCEL B, SAID LINE HAVING A BEARING OF SOUTH 52° 25' 44" EAST;

THENCE, SOUTH 52° 25' 44" EAST, 1521.22 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 306 ACRES, MORE OR LESS. ALL AS SHOWN ON EXHIBIT "C" ATTACHED HERETO AND MADE A PART HEREOF.

EXHIBIT C

SCALE: 1"=800'

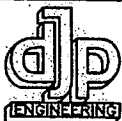


LINE TABLE

LINE	BEARING	DISTANCE
L1	N40°26'06"E	101.18'
L2	N20°57'58"E	198.97'
L3	N20°57'58"E	75.25'
L4	N59°32'12"E	878.67'
L5	N82°54'28"E	472.51'
L6	N54°46'47"E	680.41'
L7	N58°26'47"W	1216.16'
L8	N70°12'20"W	602.02'
L9	N81°58'51"W	1199.91'
L10	N69°10'38"W	297.18'
L11	N52°25'44"W	604.61'
L12	N58°08'33"W	100.45'
L13	N52°25'44"W	1521.22'

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH
C1	66°46'26"	119.05'	138.74'



DJP ENGINEERING
 100 NORTH BARRANCA, SUITE 860
 WEST COVINA, CA 91791
 TEL 626-966-8200
 FAX 626-966-8255

**CORRECTED
 AGRICULTURAL CONSERVATION EASEMENT**

SCALE: 1"=800'

DATE: 3/22/12

JOB NO.: 09007

SHEET 1 OF 1

EXHIBIT C