

## **Attachment A**

Draft Board Resolution with Draft  
Amendment to the Conservation and Scenic  
Easement Deed and Final Map Dedications  
with Exhibits

**Before the Board of Supervisors in and for the  
County of Monterey, State of California**

- RESOLUTION NO. 12-\_\_\_\_\_ )**
- a. Rescinding prior Board Resolution No. 06- )  
206 approving an amendment to the )  
Conservation and Scenic Easement Deed and )  
Final Map Dedication for Phase IV of the )  
Monterra Ranch Subdivision recorded as )  
Volume 22, Cities and Towns, at Page 38, as )  
adopted on May 16, 2006; )
  - b. Adopting a Resolution approving the )  
amendment to the Conservation and Scenic )  
Easement Deed and Final Map Dedications )  
for Canada Woods North, Phase II, recorded )  
at Volume 22, Cities and Towns, at Page 8; )
  - c. Authorizing the Chair of the Board to )  
execute the amendment to the Conservation )  
and Scenic Easement Deed and Final Map )  
Dedications for Canada Woods North, Phase )  
II, recorded as Volume 22, Cities and )  
Towns, at Page 8; and )
  - d. Directing the Clerk of the Board to submit )  
the amendment to the Conservation and )  
Scenic Easement Deed and Final Map )  
Dedications to the County Recorder for )  
recordation. )
- (PLN030068/CRE LJ CA LLC, Greater Monterey )  
Peninsula Area Plan) )

**The amendment to the Conservation and Scenic Easement Deed and Final Map Dedications for Canada Woods North, Phase II came before the Monterey County Board of Supervisors as a consent item on October 23, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors hereby finds and decides as follows:**

**RECITALS**

1. WHEREAS, a scenic easement was accepted by the Board of Supervisors on December 12, 2001 placing certain lands of the Canada Woods North, Phase II subdivision into Conservation and Scenic Easement for the benefit of the citizens of Monterey County.
2. WHEREAS, on September 8, 2005, a Lot Line Adjustment was approved by the Minor Subdivision Committee which allowed the reconfigurations to lots 71, 72, and 73 (Assessor's Parcel Numbers 259-092-057-000; 259-092-058-000; 259-092-059-000) within the Canada Woods North, Phase II Subdivision (PLN030068, Resolution No. 05020). The reconfiguration modifies building envelopes, scenic easements, public utility easements, and roadways previously approved in the Canada Woods Final Map (Volume 22, Cities and Towns, Page 8). The lot line adjustment was approved with conditions which required a Record of Survey to be filed (Condition No. 4) and that the Board of

Supervisors adopt an amendment to the scenic easement deed, road easement deed, and building envelopes (Condition No. 2).

3. WHEREAS, on November 2, 2005, a Record of Survey was recorded as a condition to Resolution No. 05020 (Volume 28 Record of Survey, Page 54; Condition No. 2). The Record of Survey correctly reflects the approved reconfigurations of lots 71, 72, 73 with modifications to building envelopes, scenic easements, public utility easements, and roadways in Canada Woods North, Phase II subdivision.
4. WHEREAS, on May 16, 2006, the Board of Supervisors adopted Resolution No. 06-206 and approved an amendment ("2006 Amendment") to the Conservation and Scenic Easement Deed and Final Map Dedication, as conditioned by Resolution No. 05020, Condition No 2. However, Resolution No. 06-206 and the 2006 Amendment inadvertently referenced the wrong subdivision and final map. The resolution and 2006 Amendment referred to the Phase IV, Monterra Ranch subdivision, recorded as Volume 22, Cities and Towns, Page 38. The resolution and 2006 Amendment should have referred to the Canada Woods North, Phase II subdivision, recorded as Volume 22, Cities and Towns, Page 8. Because of these errors, the property owner has been unable to close escrow on lots 71, 72, and 73 and has requested that the County adopt a corrected resolution and corrected amendment to the Conservation and Scenic Easement and Final Map Dedication for recordation.
5. WHEREAS, the proposed corrected amendment to the Conservation and Scenic Easement and Final Map Dedication is attached to the Resolution as **Exhibit 1** and is incorporated herein by reference. The amendment will reflect modifications to lots 71, 72, and 73 which include building envelopes, scenic easements, public utility easements, and roadways previously approved in the Canada Woods Final Map (Volume 22, Cities and Towns, Page 8), as approved by Resolution No. 05020, on September 8, 2005.

### DECISION

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors does hereby:

- a. Rescinded prior Board Resolution No. 06-206 approving an amendment to the Conservation and Scenic Easement Deed and Final Map Dedication for Phase IV of the Monterra Ranch Subdivision recorded as Volume 22, Cities and Towns, at Page 38, as adopted on May 16, 2006;
- c. Adopted a Resolution approving the amendment to the Conservation and Scenic Easement Deed and Final Map Dedications for Canada Woods North, Phase II, recorded at Volume 22, Cities and Towns, at Page 8;
- c. Authorized the Chair of the Board to execute the amendment to the Conservation and Scenic Easement Deed and Final Map Dedications for Canada Woods North, Phase II, recorded as Volume 22, Cities and Towns, at Page 8; and
- d. Directed the Clerk of the Board to submit the amendment to the Conservation and Scenic Easement Deed and Final Map Dedications to the County Recorder for recordation.

**PASSED AND ADOPTED** this 23rd day of October, 2012 upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, by the following vote, to wit:

AYES:

NOES:

ABSENT:  
ABSTAIN:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisor duly made and entered in the minutes thereof of Minute Book \_\_\_ for the meeting on \_\_\_\_\_.

Dated:

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By \_\_\_\_\_  
Deputy

**EXHIBIT 1**

**RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:**

CRE LJ CA LLC  
c/o ONEWEST BANK, FSB  
CREG Operations  
888 East Walnut Street  
HQ 05-01  
Pasadena, California 91101  
Attention: Servicing Dept.

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[Space above this line for Recorder's use only.]

**AMENDMENT TO CERTAIN EASEMENTS AND TRACT MAP DEDICATIONS**

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This AMENDMENT TO CERTAIN EASEMENTS AND TRACT MAP DEDICATIONS ("**Amendment**") is made and entered into this \_\_\_ day of \_\_\_\_\_, 2012, by and between CRE LJ CA LLC, a Delaware limited liability company ("**CRE**") and the COUNTY OF MONTEREY, a political subdivision of the State of California ("**County**").

**RECITALS**

A. On December 26, 2001, a final map for the Cañada Woods North, Phase II Subdivision (the "**Final Map**") was recorded in Volume 22, Cities & Towns, at Page 8, Sheets 1 through 5, inclusive, in the Official Records of Monterey County, California (the "**Official Records**"), which Final Map (i) included dedications of certain easements described as "Private Road and P.U.E.," and "Scenic Easement" or "S.E." and (ii) also depicted certain "Building Envelopes" (collectively, the "**Final Map Dedications and Building Envelopes**"). The Final Map is attached hereto as **Exhibit A**.

B. In connection with the Final Map, a Conservation and Scenic Easement Deed dated as of December 12, 2001 (the "**Easement Deed**") was recorded on December 26, 2001 as Instrument No. 2001108509 in the Official Records. Pursuant and subject to the Easement Deed, the Board of Supervisors in and for the County of Monterey, California (the "**Board**") accepted the "Scenic Easement" or "S.E." shown on the Final Map from the prior owner of the Property, CANADA WOODS, LLC, a Delaware limited liability company. The Easement Deed is attached hereto as **Exhibit B**.

C. The Final Map Dedications and Easement Deed affect Lots 71, 72 and 73 of the Cañada Woods North, Phase II Subdivision (said Lots being referred to herein collectively as the "**Property**").

D. CRE is the current owner of the Property.

E. Monterra Ranch Properties, LLC, CRE's predecessor in interest, applied for a Combined Development Permit (PLN030068) consisting of a lot line adjustment between undeveloped lots 71, 72 and 73 (hereinafter "**Permit**"). The Permit was granted on September 8, 2005 by the Minor Subdivision Committee of Monterey County, pursuant to the Findings and Evidence contained in Resolution number 05020, attached hereto as **Exhibit C**. As a condition of approval of the Permit, the County required the amendment of the Easement Deed and Final Map Dedications and Building Envelopes as a result of such lot line adjustment. CRE desires to comply with the condition through this Agreement.

F. Substantially concurrently herewith, the Board has adopted Resolution No. \_\_\_\_\_ (the "**Resolution**") approving this amendment of the Final Map Dedications and Building Envelopes and the Easement Deed, to reflect changes to the Final Map Dedications and Building Envelopes insofar as they relate to the Property, to conform with that certain Record of Survey filed November 2, 2005, in Volume 28 of Surveys, at Page 54 of the Official Records (the "**Record of Survey**"). The Record of Survey is attached hereto as **Exhibit D**.

NOW, THEREFORE, in consideration of the foregoing recitals, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby agree as follows:

#### **AGREEMENT**

1. **Amendment and Quitclaim.** Notwithstanding anything to the contrary contained in the Final Map or the Easement Deed, the Easement Deed is hereby amended such that all references therein to the "Easements" (insofar as they relate to the Property) shall mean and refer to that certain "Scenic Easement" or "S.E." shown on the Record of Survey. In addition, County hereby remises, releases and forever quitclaims to CRE, all of County's right, title and interest in and to the Final Map Dedications and Building Envelopes insofar as they pertain to the Property, and hereby acknowledges that all rights, if any, of County with respect to the Final Map Dedications and Building Envelopes are null and void and of no further force or effect with respect to the Property. The foregoing quitclaim of rights, title and interest shall in no event serve to operate to terminate any easements or Building Envelopes on the Property in favor of, or required by County, as shown on the Record of Survey or as contemplated in the Easement Deed, as amended by this Amendment.

2. **Effect of this Amendment.** Except as otherwise provided in this Amendment, the Final Map and the Easement Deed, including all terms and conditions contained therein, shall remain in full force and effect and are hereby ratified and affirmed.

3. **Binding Effect.** This Amendment shall be binding upon CRE and County and each of their respective successors and permitted assigns.

4. **Entire Agreement; No Oral Change.** This Amendment, together with exhibits attached hereto, which are incorporated herein by reference, constitutes the entire understanding and agreement between CRE and County with respect to the subject matter hereto and supersedes all prior written or oral understandings and agreements with respect thereto. This Amendment, and any provisions hereof, may not be modified, amended, waived, extended,

changed, discharged or terminated except by an agreement in writing signed by the parties hereto.

5. **Governing Law. This Amendment** shall be governed in accordance with the laws of the State of California.

6. **Counterparts.** This Amendment may be executed in any number of counterparts, each of which shall be deemed an original and all of which together constitute a fully executed agreement even though all signatures do not appear on the same document.

7. **Severability.** If any provision of this Amendment is held to be invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

[REMAINDER OF PAGE INTENTIONALLY BLANK; SIGNATURES FOLLOW]

IN WITNESS WHEREOF, CRE and County have executed this Amendment as of the first date set forth above.

**“CRE”:**

CRE LJ CA LLC,  
a Delaware limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its Authorized Signatory

**“COUNTY”:**

Certificate of Acceptance and Consent to Recordation

This is to certify that the interest in real property conveyed by the deed or grant dated \_\_\_\_\_ from CRE LJ CA, LLC, to the County of Monterey, a political corporation and/or governmental agency is hereby accepted by order of the Board of Supervisors on \_\_\_\_\_, (~~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 recordation thereof by its duly authorized officer.

DATED: \_\_\_\_\_  
Dave Potter  
Chair, Monterey County Board of Supervisors



STATE OF CALIFORNIA )  
 ) SS.  
COUNTY OF MONTEREY )

On \_\_\_\_\_ before me, \_\_\_\_\_, a  
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)

Document Form/Content Acceptable:

Charles, J. McKee, County Counsel

By: \_\_\_\_\_ DATED: \_\_\_\_\_  
Type/Print Name: \_\_\_\_\_  
Deputy County Counsel

RMA: Planning Department

By: \_\_\_\_\_ DATED: \_\_\_\_\_  
Type/Print Name: \_\_\_\_\_

**ACKNOWLEDGMENT**

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_,  
(insert name of notary)

Notary Public, personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person whose name 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 on the instrument the  
person, or the entity upon behalf of which the person acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

**ACKNOWLEDGMENT**

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_,  
(insert name of notary)

Notary Public, personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person whose name 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 on the instrument the  
person, or the entity upon behalf of which the person acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

**Exhibit A**

**Final Map**

SN 000 262 48 N 2096834 E 5736090

**OWNERS STATEMENT**

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF OR HAVE SOME RIGHT, TITLE OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THIS SUBDIVISION SHOWN UPON THIS MAP, AND THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS CLEAR TITLE MAP TO SAID PROPERTY, AND WE CONSENT TO THE PREPARATION AND RECORDATION OF SAID MAP AS SHOWN WITHIN THE SUBDIVISION BOUNDARY LINES.

WE HEREBY DEDICATE FOR PUBLIC USE EASEMENTS FOR PUBLIC UTILITIES INCLUDING BUT NOT LIMITED TO ELECTRICITY, GAS, COMMUNICATIONS, WATER AND OTHER NECESSARY APPURTENANCES ON, OVER AND UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED AS "PUBLIC UTILITY EASEMENTS" AS SHOWN ON SAID MAP WITHIN SAID SUBDIVISION; SUCH STRIPS OF LAND ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES WHICH INTERFERE WITH THE PURPOSE OF THE EASEMENT.

WE ALSO HEREBY DEDICATE FOR PUBLIC USE EASEMENTS FOR DRAINAGE AND SEWAGE BOTH SURFACE AND UNDERGROUND AND THEIR NECESSARY APPURTENANCES ON AND UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED, RESPECTIVELY, "DRAINAGE EASEMENTS" AND "SEWER EASEMENTS", RESPECTIVELY AS SHOWN ON SAID MAP WITHIN SAID SUBDIVISION; SUCH STRIPS OF LAND ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES WHICH INTERFERE WITH THE PURPOSE OF THE EASEMENTS.

*Raymond M. Bernsten*  
CANADA WOODS, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER, BY HOWARD M. BERNSTEN, MANAGER

**AS TRUSTEE**

COUNTY OF MONTEREY, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA AS BENEFICIARY, OR CHICAGO TITLE INSURANCE COMPANY AS TRUSTEE UNDER DEED OF TRUST RECORDED SEPTEMBER 29, 1992, IN REEL 2851, PAGE 689, OFFICIAL RECORDS.

CHICAGO TITLE COMPANY, A CALIFORNIA CORPORATION

BY: *Raymond M. Bernsten*  
ASSISTANT VICE PRESIDENT

**NOTARY ACKNOWLEDGMENTS**

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
ON December 23, 2001 BEFORE ME, Robert G. Cozart, Notary Public,  
Howard M. Bernsten  
A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED

PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO WITHIN THE INSTRUMENT AND WHOSE SIGNATURE(S) IS/ARE SUBSCRIBED TO WITHIN THE INSTRUMENT AND WHOSE CAPACITY(IES) AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S) OR THE ENTITY UPON WHICH THE PERSON(S) ACTED, AND EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL  
SIGNATURE *Robert G. Cozart*  
MY COMMISSION EXPIRES: August 16, 2003

STATE OF CALIFORNIA  
COUNTY OF MONTEREY  
ON DECEMBER 23, 2001 BEFORE ME, MAUREEN CLARIBUCK, Notary Public,  
A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED

ROBERT COZART  
PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO WITHIN THE INSTRUMENT AND WHOSE SIGNATURE(S) IS/ARE SUBSCRIBED TO WITHIN THE INSTRUMENT AND WHOSE CAPACITY(IES) AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S) OR THE ENTITY UPON WHICH THE PERSON(S) ACTED, AND EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL  
SIGNATURE *Maureen Claribuck*  
MY COMMISSION EXPIRES: 11-21-04 COMM. NO. 1281740  
MONTEREY COUNTY, CA.

**SIGNATURE OMISSIONS**

PURSUANT TO PROVISIONS OF SECTION 6630.5 OF THE SUBDIVISION MAP ACT, THE FOLLOWING SIGNATURES HAVE BEEN OMITTED SINCE THEIR INTEREST CANNOT RIPEN INTO A FEE.

- (1) PACIFIC GAS AND ELECTRIC COMPANY, A CALIFORNIA CORPORATION, HOLDER OF EASEMENTS PER DOCUMENTS RECORDED JANUARY 14, 1997, IN REEL 3468, PAGE 885, AND JANUARY 14, 1997, IN REEL 3468, PAGE 888, BOTH OF OFFICIAL RECORDS.
- (2) CALIFORNIA AMERICAN WATER COMPANY, HOLDER OF AN EASEMENT PER DOCUMENT RECORDED JUNE 15, 1977, IN REEL 1155, PAGE 309 AND RE-RECORDED JULY 7, 1977 IN REEL 1161, PAGE 272, BOTH OF OFFICIAL RECORDS.
- (3) MONTEREY PENINSULA AIRPORT DISTRICT, HOLDER OF AN EASEMENT PER DOCUMENT RECORDED ON JANUARY 19, 1990, IN REEL 2461, PAGE 1084, OFFICIAL RECORDS.

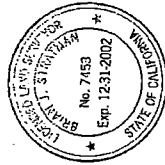
**NOTES:**

- (1) A GEOTECHNICAL AND GEOLOGICAL REPORT WAS PREPARED BY TERRA TECH (JULY 18 AND 26, 1996), AN ARCHAEOLOGICAL REPORT WAS PREPARED BY ARCHAEOLOGICAL CONSULTING (JUNE 21, 1996), A BOTANICAL/BIOLOGICAL REPORT WAS PREPARED BY VERN YADON (AUGUST 6, 1996), AN EROSION CONTROL PLAN WAS PREPARED BY WWD (JUNE 26, 1996), A WATER SUPPLY REPORT WAS PREPARED BY QUESTA ENGINEERING (JULY 9, 1996), AND A WASTEWATER REPORT WAS PREPARED BY QUESTA ENGINEERING (JULY 8, 1996). THE RECOMMENDATIONS CONTAINED IN SAID REPORTS EXCEPT AS OTHERWISE MODIFIED BY THESE DESIGNATION MAKERS OR BY SUBSEQUENT STUDIES PREPARED IN ACCORDANCE WITH THESE REQUIREMENTS, SHALL BE FOLLOWED IN ALL FURTHER DEVELOPMENT OF THIS PROPERTY.
- (2) UNDERGROUND UTILITIES ARE REQUIRED IN THIS SUBDIVISION IN ACCORDANCE WITH CHAPTER 19.10.095 TITLE 19 OF THE MONTEREY COUNTY CODE.
- (3) NO GRADING, STRUCTURES, ROADS (EXCEPT AS IN ACCORDANCE WITH THE RECORDED SUBDIVISION MAP), ANIMAL CRAZING (EXCEPT IN ACCORDANCE WITH AN APPROVED PLAN), VEGETATION REMOVAL (EXCEPT IN ACCORDANCE WITH A COUNTY APPROVED RESTORATION PLAN), OR OTHER ACTIVITIES MAY TAKE PLACE OUTSIDE OF THE BUILDING ENVELOPES OR OTHER DEVELOPMENT AREAS (GOLF COURSE, EQUESTRIAN CENTER AND RECREATION) FOR THE CANADA WOODS NORTH SUBDIVISION.
- (4) TENTATIVE MAPS 14 & 24 WILL BE INCLUDED IN FUTURE PHASES OF CANADA WOODS NORTH.

**SURVEYOR'S STATEMENT**

I, BRIAN J. STRATMAN, LICENSED LAND SURVEYOR, HEREBY STATE THAT THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION, DURING OCTOBER 2001, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THEY WILL BE SET IN SUCH POSITIONS INDICATED OR BEFORE ONE YEAR AFTER RECORDATION OF THIS MAP BY THE MONTEREY COUNTY RECORDER, THE MONUMENTS ARE OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETIENCED.

*Brian J. Stratman*  
BRIAN J. STRATMAN  
LICENSED LAND SURVEYOR  
L.S. 7453  
EXPIRES: 12/31/2002



**COUNTY SURVEYORS STATEMENT**

I, S. H. NICHOLS, P.E. COUNTY SURVEYOR OF THE COUNTY OF MONTEREY CALIFORNIA, HEREBY STATE THAT I HAVE EXAMINED THE WITHIN MAP; THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF, AS APPROVED BY THE MONTEREY COUNTY BOARD OF SUPERVISORS ON DECEMBER 17, 1996; THAT ALL PROVISIONS OF THE CALIFORNIA SUBDIVISION MAP ACT, AS AMENDED, AND OF MONTEREY COUNTY CODE, TITLE 19, HAVE BEEN COMPLIED WITH, AND THAT THIS MAP IS TECHNICALLY CORRECT.

COUNTY SURVEYOR  
BY: *Michael K. Welch*  
MICHAEL K. WELCH  
DEPUTY COUNTY SURVEYOR  
L.S. 3485



**STATEMENT OF CLERK OF BOARD OF SUPERVISORS**

I, SALLY REED, CLERK OF THE BOARD OF SUPERVISORS OF MONTEREY COUNTY, STATE OF CALIFORNIA DO, HEREBY STATE THAT SAID BOARD APPROVED THE WITHIN MAP ON THE 14th DAY OF DECEMBER, 2001, AND ACCEPTED ON BEHALF OF THE PUBLIC, ALL OFFERS OF DEDICATION FOR PUBLIC USE, IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION.

*Sally Reed*  
CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA  
BY: *Cartha Gray*  
DEPUTY

**STATEMENT OF APPROVAL BY SECRETARY OF MONTEREY COUNTY PLANNING COMMISSION**

I, SCOTT HENNESSY, SECRETARY OF THE MONTEREY COUNTY PLANNING COMMISSION HEREBY STATE THAT I HAVE EXAMINED THIS MAP; THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF, AS APPROVED BY THE MONTEREY COUNTY BOARD OF SUPERVISORS ON DECEMBER 17, 1996; AND THAT ALL THE PROVISIONS OF THE CALIFORNIA SUBDIVISION MAP ACT, AS AMENDED, AND TITLE 19 OF THE MONTEREY COUNTY CODE HAVE BEEN COMPLIED WITH.

*Scott Hennessy 12/15/01*  
SECRETARY, MONTEREY COUNTY PLANNING COMMISSION  
COUNTY OF MONTEREY, STATE OF CALIFORNIA

**COUNTY RECORDER'S STATEMENT**

VOLUME 22 OF DECEMBER, 2001 AT 2:30 P.M. IN  
CITY AND TOWNS \_\_\_\_\_ AT PAGE 8  
REQUEST OF WWD CORPORATION.

FEE \$ 15.00 G-NO. 2001108507

RECORDER *Debra F. Fitts*  
DEPUTY

TRACT NO. 1373  
CANADA WOODS NORTH, PHASE II

IN THE COUNTY OF MONTEREY, STATE OF CALIFORNIA  
SHOWING THE SUBDIVISION OF A PORTION OF THE REMAINDER AS SHOWN ON VOLUME 21, CITIES AND TOWNS, AT PAGE 3, MONTEREY COUNTY RECORDS.

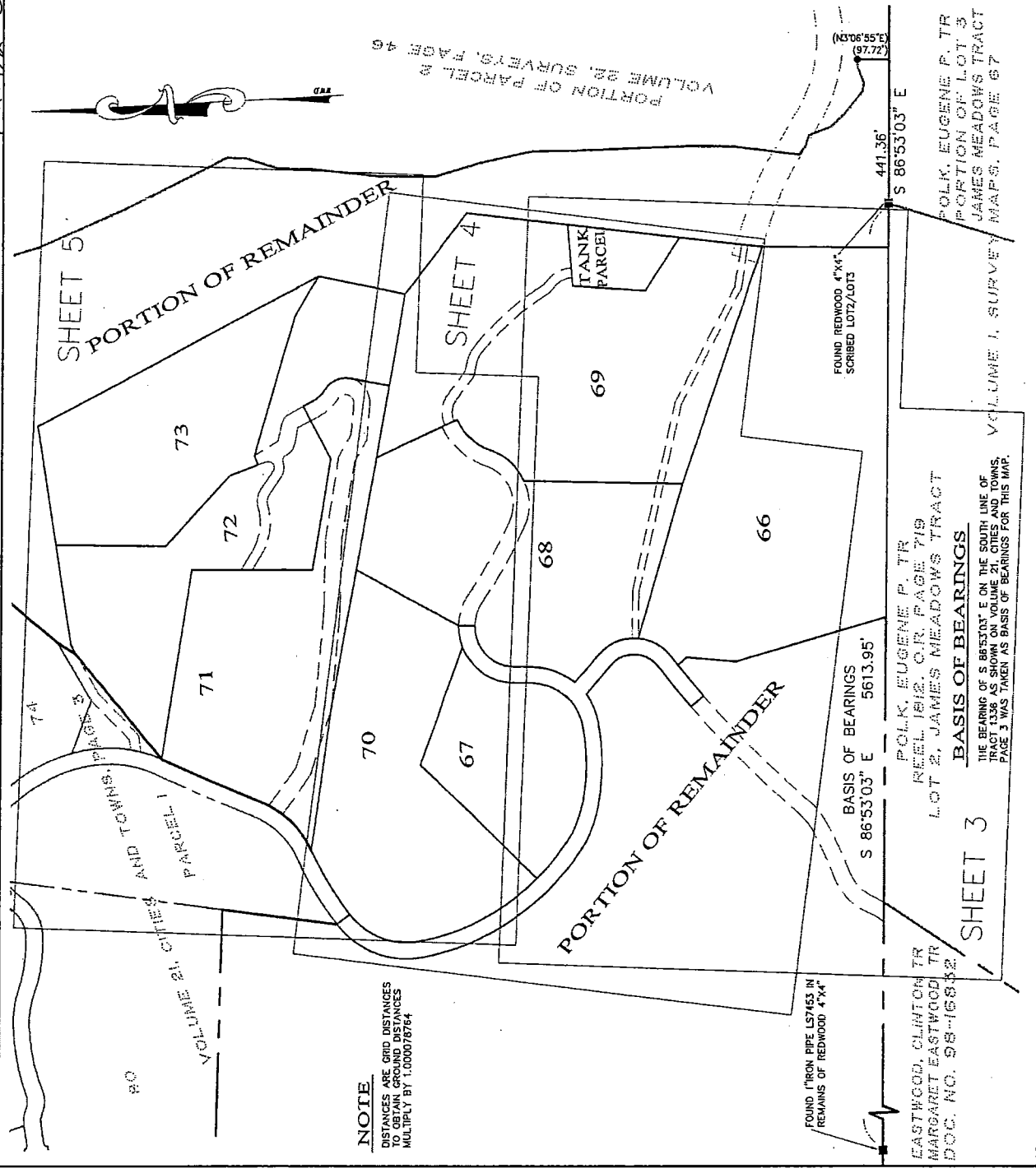
PREPARED BY: **WWD CORPORATION**  
2801 MONTEREY AVENUE, SUITE 100  
MONTEREY, CALIFORNIA 93940  
FAX: (831) 655-2723  
PREPARED FOR: **CANADA WOODS, L.L.C.**  
C/O CARMEI DEVELOPMENT COMPANY  
POST OFFICE BOX 450  
CARMEL, CALIFORNIA 93921

OCTOBER 17, 2001  
SHEET 1 OF 5

REF. APP. 2001-072-021-001-000

Vol. 22 C. & T. P. 8

SN 00026249 N 2096834 E 5736090



**SYMBOLS**

- ( ) RECORD INFORMATION FROM VOLUME 21, CITIES AND TOWNS, PAGE 3.
  - POINT USED FOR CALCULATION ONLY
  - FOUND 5/8" REBAR WITH PLASTIC CAP MARKED "RCE 24400"
  - FOUND 5/8" REBAR WITH PLASTIC CAP MARKED "LS 7453"
  - 5/8" REBAR WITH PLASTIC CAP MARKED "LS 7453" TO BE SET
- DISTANCES ARE EXPRESSED IN FEET AND DECIMALS THEREOF

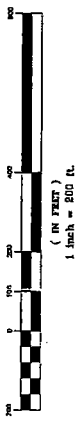
**LINE TYPES**

- OVERALL BOUNDARY LINE
- LOT OR PARCEL LINE
- - - EXISTING EASEMENTS PER 18-CT-1
- - - NEW EASEMENTS RESERVED HERON
- - - EXISTING LOT LINES
- - - BUILDING ENVELOPES

**ABBREVIATIONS**

- 21-CT-3 - VOLUME 21 CITIES AND TOWNS PAGE 3
- 22-S-46 - VOLUME 22 SURVEY MAPS, PAGE 46
- O.R. - OFFICIAL RECORDS
- MGE - MITIGATED GRASS EASEMENT
- P.R.E. - PRIVATE ROADWAY EASEMENT
- P.U.E. - PUBLIC UTILITY EASEMENT
- S.E. - SCENIC EASEMENT
- B.E. - BUILDING ENVELOPE
- (RAD) - RADIAL BEARING

**GRAPHIC SCALE**



**NOTE**  
DISTANCES ARE GRID DISTANCES TO OBTAIN GROUND DISTANCES MULTIPLY BY 1.000078764

FOUND IRON PIPE LS7453 IN REMAINS OF REDWOOD 4'x4'

BASIS OF BEARINGS  
S 86°53'03" E 5613.95'

POLK, EUGENE P. TR  
REEL 1812, C.R. PAGE 719  
LOT 2, JAMES MEADOWS TRACT  
BASIS OF BEARINGS  
THE BEARING OF S 86°53'03" E ON THE SOUTH LINE OF TRACT 21, CITIES AND TOWNS, PAGE 3 WAS TAKEN AS BASIS OF BEARINGS FOR THIS MAP.

SHEET 3

EASTWOOD, CLINTON TR  
MARGARET EASTWOOD TR  
DOC. NO. 98-16832

VOLUME 1, SURVEY MAPS, PAGE 67

POLK, EUGENE P. TR  
PORTION OF LOT 3  
JAMES MEADOWS TRACT

PORTION OF PARCEL 46  
VOLUME 22, SURVEY MAPS, PAGE 46

FOUND REDWOOD 4'x4' SCRIBED LOT 2/LOTS 3

441.36'  
S 86°53'03" E

**TRACT NO. 1373**  
**CAÑADA WOODS NORTH, PHASE II**  
A PRIVATE ROAD SUBDIVISION  
IN THE COUNTY OF MONTEREY, STATE OF CALIFORNIA  
SHOWING THE SUBDIVISION OF A PORTION OF THE REMAINDER AS SHOWN ON VOLUME 21, CITIES AND TOWNS, AT PAGE 3, MONTEREY COUNTY RECORDS.

OCTOBER 17, 2001

**PREPARED BY:**

**WWD CORPORATION**  
2801 MONTEREY-SALINAS HIGHWAY  
MONTEREY, CALIFORNIA 93940  
(831) 655-3125  
FAX: (831) 655-3125

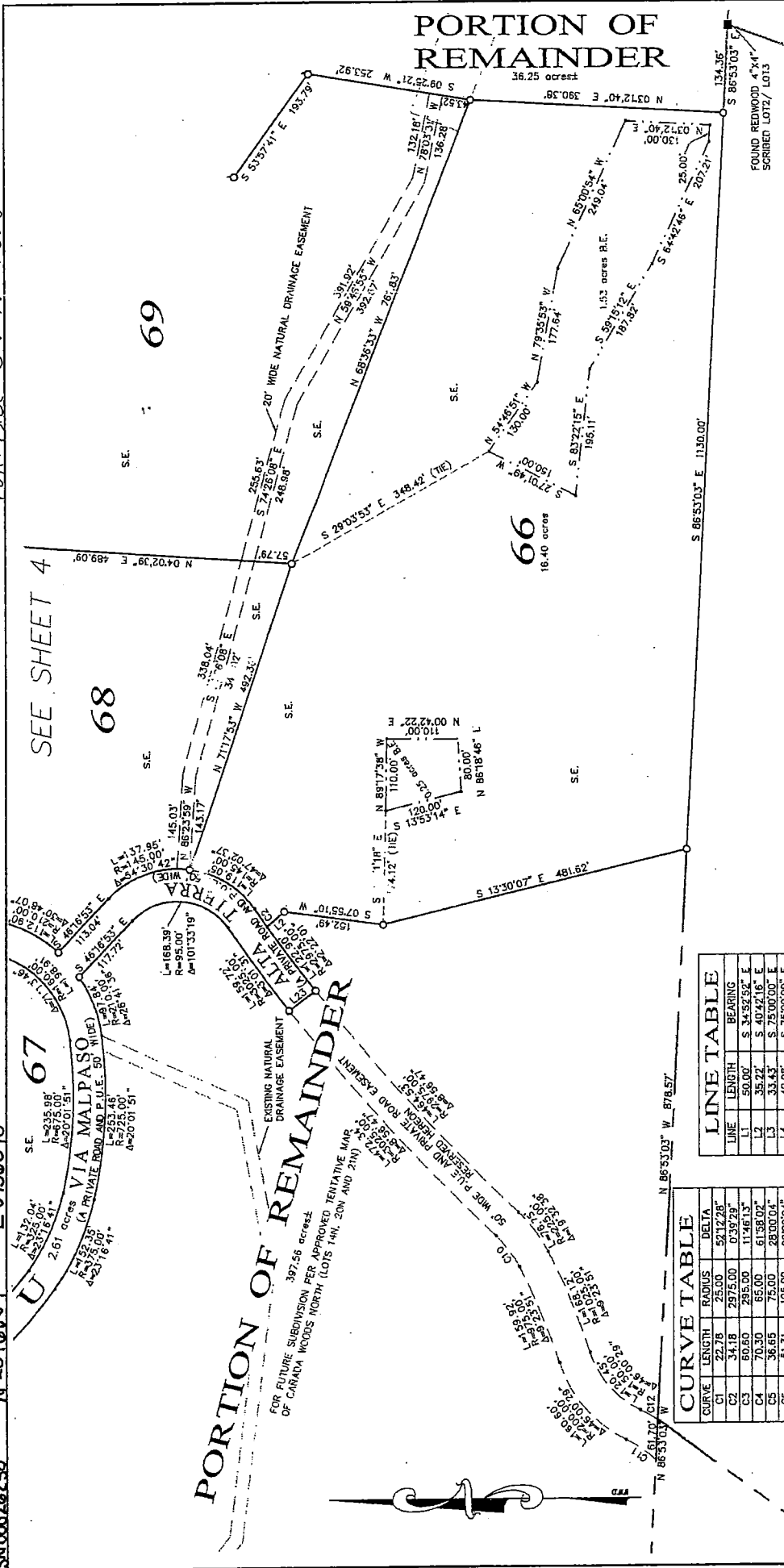
**PREPARED FOR:**

CANADA WOODS, L.L.C.  
C/O CANDEL DEVELOPMENT COMPANY  
CARMEL, CALIFORNIA 93921

SHEET 2 OF 5

106.22 C.E. 7. 76.8

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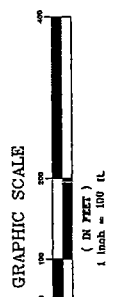


**LINE TABLE**

LINE	LENGTH	BEARING
L1	50.00'	S 34°52'54" E
L2	35.27'	S 40°42'16" E
L3	33.43'	S 75°00'00" E
L4	49.08'	S 75°00'00" E
L5	70.06'	N 74°52'29" E
L6	28.41'	S 30°55'09" E
L7	79.21'	N 88°41'30" W
L8	68.68'	N 59°24'45" W
L9	66.42'	S 89°45'42" E
L10	28.00'	N 25°00'00" W
L11	51.09'	N 41°25'48" W
L12	30.00'	S 72°00'00" W
L13	34.57'	S 79°48'27" E
L14	25.50'	S 18°00'00" E
L15	46.92'	N 78°07'05" W
L16	39.44'	N 78°07'05" W
L17	59.54'	N 37°10'29" E
L18	41.77'	S 28°56'23" E
L19	33.11'	N 66°41'24" E
L20	65.85'	N 35°32'25" E
L21	62.28'	S 87°03'12" E
L22	50.00'	S 03°34'45" W
L23	50.00'	S 37°45'04" E

**CURVE TABLE**

CURVE	LENGTH	RADIUS	DELTA
C1	22.78'	25.00'	52°12'28"
C2	34.18'	2975.00'	0°39'29"
C3	60.60'	295.00'	11°46'13"
C4	70.30'	65.00'	61°38'02"
C5	36.65'	75.00'	28°00'04"
C6	51.31'	105.00'	19°55'53"
C7	36.53'	105.00'	19°55'53"
C8	26.09'	75.00'	48°00'40"
C9	62.85'	75.00'	19°32'35"
C10	59.69'	175.00'	18°17'55"
C11	55.89'	225.00'	7°50'50"
C12	30.82'	300.00'	6°18'12"
C13	50.09'	300.00'	9°24'01"
C14	30.49'	35.00'	49°54'29"
C15	56.62'	65.00'	49°54'29"
C16	56.62'	65.00'	144°32'39"
C17	46.97'	49.00'	54°55'02"
C18	47.53'	125.00'	28°21'40"
C19	61.87'	125.00'	28°21'40"
C20	86.62'	175.00'	28°21'40"
C21	43.05'	25.00'	98°39'12"
C22	43.63'	50.00'	50°00'00"
C23	44.38'	50.00'	50°01'04"
C24	22.05'	15.00'	84°13'28"
C25	111.32'	75.00'	85°02'19"



**TRACT NO. 1373**  
**CANADA WOODS NORTH, PHASE II**  
 IN THE COUNTY OF MONTEREY, STATE OF CALIFORNIA  
 SHOWING THE SUBDIVISION OF A PORTION OF THE REMAINDER AS SHOWN ON VOLUME 21, CITIES AND TOWNS, AT PAGE 3, MONTEREY COUNTY RECORDS.

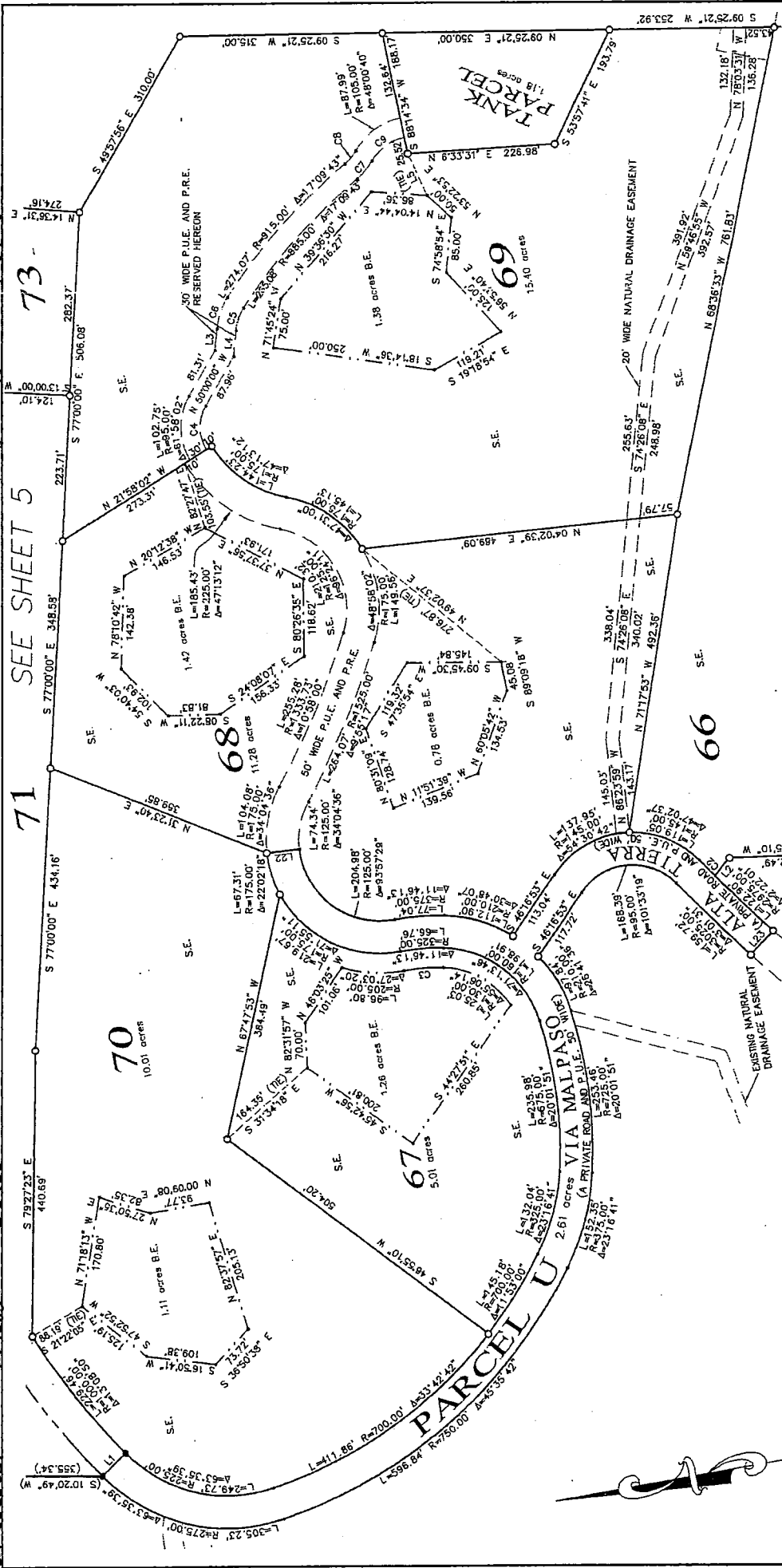
PREPARED BY:  
**WWD CORPORATION**  
 2801 MONTEREY-CALINAS HIGHWAY  
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 (831) 655-2723  
 FAX: (831) 655-3425

PREPARED FOR:  
**CANADA WOODS, L.L.C.**  
 C/O CARMEL DEVELOPMENT COMPANY  
 POST OFFICE BOX 450  
 CARMEL, CALIFORNIA  
 93982

OCTOBER 17, 2001

**SHEET 3 OF 5**

S 1000 262.51 N 209 6834 E 573 6090  
 SEE SHEET 5  
 71  
 SEE SHEET 5  
 73  
 Vol. 22 C. & T. P. 8

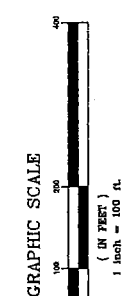


**TRACT NO. 1373**  
**CAÑADA WOODS NORTH, PHASE II**  
 PREPARED FOR:  
 CANADA WOODS, L.L.C.  
 C/O CARREL DEVELOPMENT COMPANY  
 CARREL, CALIFORNIA  
 93821

SHOWING THE SUBDIVISION OF A PORTION OF THE REMAINDER AS  
 SHOWN ON VOLUME 21, CITIES AND TOWNS, AT PAGE 3,  
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 OCTOBER 17, 2001

PREPARED BY:  
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 2801 MONTEREY-SALINAS HIGHWAY  
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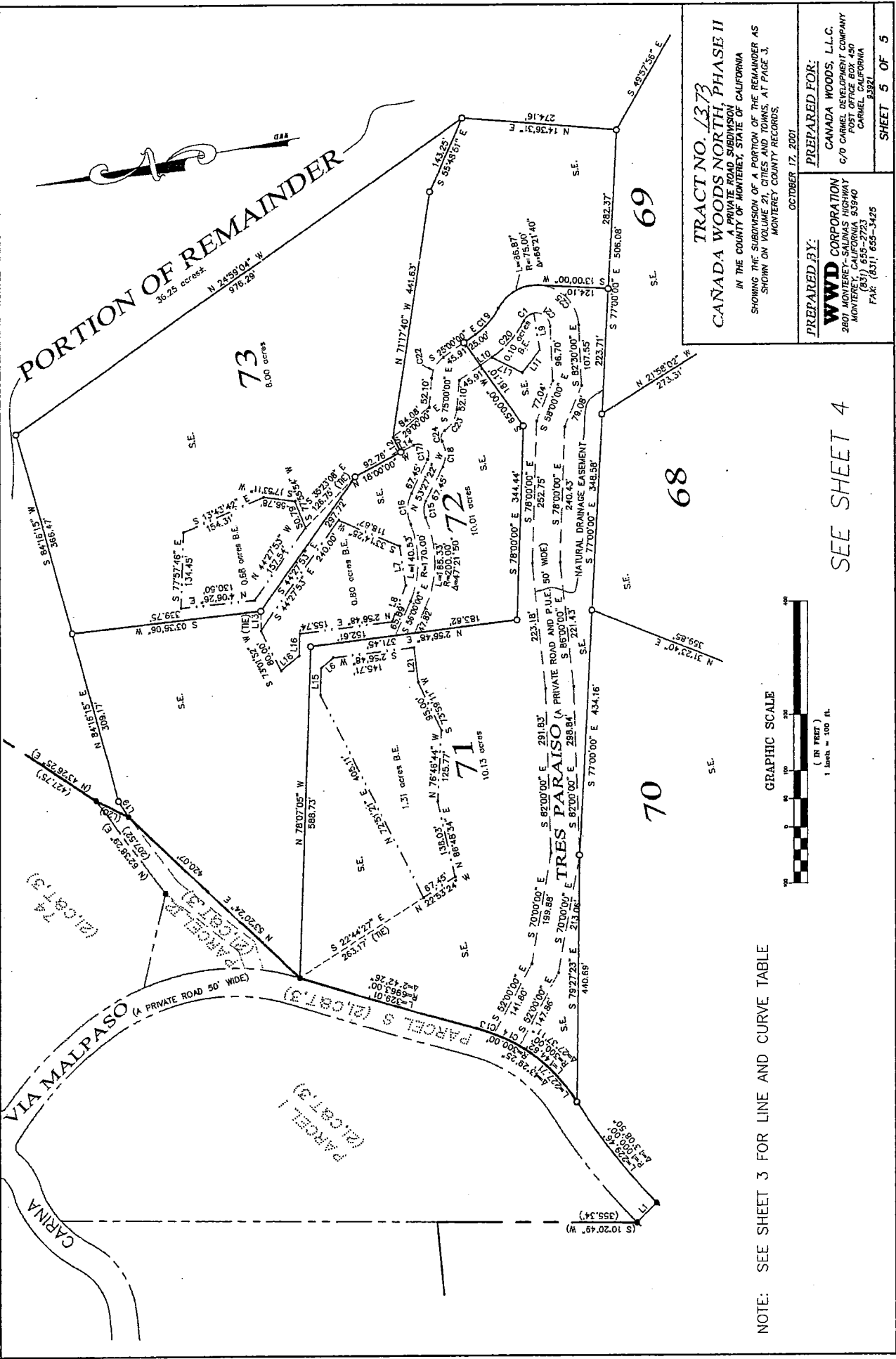
SHEET 4 OF 5  
 SEE SHEET 3



NOTE: SEE SHEET 3 FOR LINE AND CURVE TABLE

Vol. 22 C. & T. Pg. 8

S 100026252 N 20946834 E 5736090



**TRACT NO. 1373**  
**CANADA WOODS NORTH, PHASE II**  
 A PARTIAL SUBDIVISION OF  
 THE COUNTY OF MONTEREY, STATE OF CALIFORNIA  
 SHOWING THE SUBDIVISION OF A PORTION OF THE REMAINDER AS  
 SHOWN ON VOLUME 21, CITIES AND TOWNS, AT PAGE 3,  
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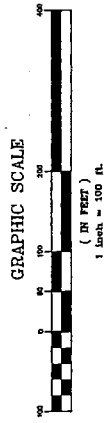
**PREPARED BY:**  
**WWD CORPORATION**  
 2807 MONTEREY-SALINAS HIGHWAY  
 MONTEREY, CALIFORNIA 93940  
 (51) 655-3723 93940  
 FAX: (51) 655-3425

**PREPARED FOR:**  
**CANADA WOODS, L.L.C.**  
 C/O CARNE DEVELOPMENT COMPANY  
 POST OFFICE BOX 450  
 CARMEL, CALIFORNIA  
 93921

OCTOBER 17, 2001

SHEET 5 OF 5

NOTE: SEE SHEET 3 FOR LINE AND CURVE TABLE



SEE SHEET 4



**Exhibit B**  
**Easement Deed**

Joseph F. Pitta  
Monterey County Recorder  
Recorded at the request of  
**Chicago Title**

CRROBERTA  
12/26/2001  
14:24:50

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

MONTEREY COUNTY PLANNING AND  
BUILDING INSPECTION DEPARTMENT  
Attn: Luis Osorio  
P. O. BOX 1208  
SALINAS, CA 93902

DOCUMENT: **2001108509**

Titles: 1/ Pages: 9



Fees....  
Taxes...  
Other...  
AMT PAID \_\_\_\_\_

Space above for Recorder's Use

## CONSERVATION AND SCENIC EASEMENT DEED

THIS DEED is made this 17 day of DECEMBER, 2001, by and between CANADA WOODS, LLC, a Delaware limited liability company, as Grantor, and the COUNTY OF MONTEREY, a political subdivision of the State of California, as Grantee; and their respective successors and assigns;

### WITNESSETH:

**WHEREAS**, the said Grantor is the owner in fee of the real property situated in Monterey County, California commonly known as Cañada Woods North Phase II and described more particularly in Exhibit "A" ("Property"), attached hereto; and,

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

**WHEREAS**, Combined Development Permit No. 965120PC was granted on December 17, 1996 and consists of a vesting tentative map creating 34 residential lots, 8 open space parcels and 2 employee housing parcels; a use permit to allow a golf course, equestrian center and accessory uses; development on slopes exceeding 30%; and, tree removal was approved for Cañada Woods North in accordance with Staff Recommendations, Findings, Evidence and

**THIS DOCUMENT WAS NEGOTIATED BY THE PARTIES  
AND PREPARED BY LOMBARDO & GILLES, PLC**

Recommended Conditions contained in Board of Supervisors Resolution No. 96-518 subject to the following condition:

129. Prior to the issuance of any grading or building permit, applicant shall grant Monterey County a scenic easement over undeveloped portions of the property, excluding those areas within building envelopes and excluding the entire area contained within Vesting Tentative Map parcels "B", "C"(recreation areas), Parcels "F" and "E" (employee housing) and the approximately 10 acre area within which stables, barn, and arena of parcel "D are located, shall be set aside for preservation of sensitive habitat in accordance with conditions required herein. Development within the easement shall consist solely of biological resource conservation, environmental mitigation and compatible public recreation open space, public facility and uses as determined by the Director of Planning. Scenic easement deed to be submitted to and approved by Director of Planning and Building Inspection prior to issuance of building permits.

**WHEREAS**, County has placed this condition on the permit because a finding must be made under the law that the proposed development is in conformity with the provisions of the Monterey County General Plan and the Greater Monterey Peninsula Area Plan and that in the absence of the protections provided by the condition, said finding could not be made; and,

**WHEREAS**, Grantor is ready, willing, and able to comply with the condition and has executed this Deed so as to enable Grantor to undertake the development authorized by the combined development permit.

**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**, subject to the terms and provisions hereof, Grantor is willing to grant to the County of Monterey a conservation and scenic easement over and across all portions of the real Property designated as "S.E." or "Scenic Easement" on the map described in Exhibit "A" (hereinafter referred to as the "Easements"), and thereby protect the present scenic beauty and

existing openness of the Easements by the restricted use and enjoyment thereof by the Grantor and 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 the real property of Grantor identified as "Scenic Easement" or "S.E." on that map described in Exhibit "A", attached hereto, 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 Easements by said Grantor, and to that end and for the purpose 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 Easements 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 described as those areas on the map contained in Exhibit "A", attached hereto, and made a part hereof, designated as "S.E." or "Scenic Easement", including those areas of the golf course which are areas for California Tiger Salamander habitat mitigation, grassland restoration, development avoidance areas for trees pursuant to the Forest Management Plan, and rare, threatened or endangered plants.

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

1. That no advertising of any kind or nature shall be located on or within said Easements except directional, warning, and traffic signs; for sale or rent signs; signage required by state or local regulations; signs identifying facilities and components of the subdivision; and signage indicating the name of the development, as approved by the Director of Planning and Building Inspection.

2. That the Grantor shall not plant nor permit to be planted any vegetation upon said premises, except as set forth in the Native Grassland Restoration and Management Plan (June 10,

1997), Botanical Survey (April 15, 1997), Forest Management Plan (June 26, 1996), Waste Discharge Order 97-10, Environmental Management Plan (July 8, 1996), California Tiger Salamander Plan (April 25, 1997), and other vegetation consistent with the intent and purpose of this Conservation and Scenic Easement Deed as stated in Condition No. 129.

3. That, except for the construction, alteration, relocation and maintenance of public and private roads, public and private pedestrian trails, golf course, golf course cart paths, ponds, reservoirs, drainage improvements, utilities, structures required pursuant to a geotechnical or geologic report and protective barriers, or alterations to enhance habitat value of the land, the general topography of the landscape shall be maintained in its present condition and no excavation or topographic changes shall be made which are inconsistent with the intent and purpose of this Conservation and Scenic Easement Deed as stated in Condition No. 129.

4. That no use of said described Easements 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. Excepting and reserving to the Grantor:

(1) The right to maintain all existing private roads, bridges, trails and structures upon said land, and the right to conduct any activity consistent with Resolution No. 96-518 of the Monterey County Board of Supervisors.

(2) The use and occupancy of said land not inconsistent with the conditions and restrictions herein imposed pursuant to Board of Supervisors Resolution No. 96-518.

(3) The right to enter upon and use the Easements in a manner consistent with the conservation and preservation of the Easements as a scenic open space and natural habitat, for pedestrian and equestrian use and for passive recreational purposes (such as hiking, picnicking, and nature observation), and consistent with the intent and purpose of this Conservation and Scenic Easement Deed as stated in Condition No. 129.

(4) On portions of the Easements lying within the front yard setback of a lot or parcel, the right to plant and landscape as may be determined appropriate by the owner of the particular lot and as approved by the Cañada Woods North Architectural Review Committee and the

Director of Planning and Building Inspection, and consistent with the intent and purpose of this Conservation and Scenic Easement Deed as stated in Condition No. 129.

(5) On portions of the Easements lying within 50 feet of a road, street, or structure, the right to clear brush, prune and trim bushes and trees for fire protection purposes, consistent with conditions of approval contained in Board of Supervisors Resolution No. 96-518.

(6) On portions of the Easements lying within a lot or parcel, the right to install, repair, maintain and replace septic tanks and sewer lines on, over, or beneath areas with less than a 30% slope, consistent with conditions of approval contained in Board of Supervisors Resolution No. 96-518.

(7) The right to drill water wells, install well casings, pumps, pipelines and related equipment, consistent with conditions of approval contained in Board of Supervisors Resolution No. 96-518 and applicable provisions of the Monterey County Code, as may be amended from time to time.

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 Easements from the date of recordation of this document and shall bind the Grantor and all or 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.

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 Easements 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 Easements 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 Easements, 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 be 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 Easements are 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. EFFECTIVE DATE. This Conservation and Scenic Easement Deed shall become effective upon its execution and shall supercede and replace that document of the same name filed for record on September 2, 1992 at Reel 2851, Official Records, Page 766, in the office of the Recorder for the County of Monterey, State of California ("Original Deed"), only insofar as the Original Deed affects the real property described in Exhibit "A".

To have and to hold unto the said County of Monterey, its successors and assigns. This grant shall be binding upon the heirs and assigns of the said Grantor.

**GRANTOR:**

Dated: 12-19-01

CANADA WOODS, LLC  
a Delaware limited liability company

By:   
Howard M. Bernstein, Manager



**GRANTEE:**

COUNTY OF MONTEREY

Dated: 12/18/01

By: *Edith Johnson*  
Chair, Monterey County Board of Supervisors



**ATTEST:**

Dated: 12/21/01

By: *Cynthia Jurek* Deputy for  
Sally R. Reed, Chief Administrative Officer

**APPROVED AS TO FORM:**

Adrienne M. Grover, County Counsel

Dated: December 17, 2001

By: *3 Janis Pelen*  
Sr. Deputy County Counsel

STATE OF CALIFORNIA )

) ss.

COUNTY OF LOS ANGELES )

On 12/19/01, before me, *Cristina Currenti*, Notary Public, personally appeared HOWARD M. BERNSTEIN personally known to me (~~or 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.

WITNESS my hand and official seal.



*Cristina Currenti*  
Notary Public in and for said  
County and State

**THIS DOCUMENT WAS NEGOTIATED BY THE PARTIES  
AND PREPARED BY LOMBARDO & GILLES, PLC**

**EXHIBIT "A"**

That certain real property situate in the County of Monterey, State of California, described as all that real property designated as "S.E." or "Scenic Easement" as shown on that map filed for record on 12-26-01, 2001 at Volume 22, Cities and towns, Page A in the Office of the Recorder for the County of Monterey, State of California.

9 **END OF DOCUMENT**

F:\wpdocs\00100\009\Documents\PHASE 2\D-Scenic Easement.doc

**THIS DOCUMENT WAS PREPARED BY LOMBARDO & GILLES  
AND IS NOT AN OFFICIAL COUNTY DOCUMENT**

**Exhibit C**

**Permit**

**MINOR SUBDIVISION COMMITTEE  
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 05020

APN #259-092-057-000  
259-092-058-000  
259-092-059-000

In the matter of the application of  
**MONTERRA RANCH PROPERTIES LLC**

**FINDINGS & DECISION**

Combined Development Permit consisting of a Lot Line Adjustment between undeveloped Lots 71, 72, and 73 of the Canada Woods North, Phase II Subdivision, reconfiguring building envelopes, scenic easements and roadway easements. The existing lot sizes are 10.13 acres (Lot 71), 10.01 acres (Lot 72) and 8.00 acres (Lot 73) and the resultant lot sizes will be: 10.00 acres (Lot 71), 10.14 acres (Lot 72) and 8.00 acres (Lot 73). The proposed building envelope reconfiguration will decrease in size from an existing 1.31 acres (Lot 71) to 1.22 acres; existing .80 acres (Lot 72) to .40 acres; and existing .68 acres (Lot 73) to .59 acres. The properties are located at Via Malpaso and Tres Paraiso, Canada Woods North, Phase II, Greater Monterey Peninsula Area.

The project came on regularly for hearing before the Minor Subdivision Committee on September 8, 2005.

WHEREAS: Said Minor Subdivision Committee, having considered the application and the evidence presented relating thereto;

**FINDINGS OF FACT**

1. **FINDING: CONSISTENCY** - The Monterra Ranch Properties Combined Development Permit Application consisting of a Lot Line Adjustment, reconfiguration of building envelopes, scenic easements and roadway easements (PLN030068), as conditioned, is consistent with the policies, requirements, and standards of the Monterey County General Plan, the Greater Monterey Peninsula Area Plan, the Monterey County Subdivision Ordinance (Title 19) and the Monterey County Zoning Ordinance (Title 21). The properties are located at Via Malpaso and Tres Paraiso in the Canada Woods North, Phase II Subdivision (Assessor Parcel Numbers 259-092-057-000; 259-092-058-000; and 259-092-059-000). The subject properties are zoned "RDR/10-UR-D" or Rural Density Residential, 10 acres per unit, Urban Reserve and in a Design Control Area. The subject parcels are in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of Title 21 and Title 19. The site is suitable for the Lot Line Adjustment, building envelope, scenic easement and roadway easement reconfigurations.

- EVIDENCE:**
- (a) The application, plans, and support materials submitted by the applicant to the Monterey County Planning & Building Inspection Department for the proposed development, found in the project file PLN030068.
  - (b) Project planner conducted an on-site to verify that the project on the subject parcel conforms to the plans listed above.
  - (c) PBI staff has reviewed the project application and accompanying materials for consistency with the Greater Monterey Peninsula Area Plan, Title 21 of the

Monterey County Zoning Ordinance, Monterey County Subdivision Ordinance (Title 19) and the Monterey County General Plan.

- (d) The three (3) lots of record are recorded with the Monterey County Recorder's Office under the following: Canada Woods North Phase II, Cities and Town page Volume 22 page 8.
- (e) This application meets the criteria for a lot line adjustment process as specified by Board Resolution Number 05-007, specifically section 2 and 3c.

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

- EVIDENCE:**
- (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Environmental Health, Water Resources and Salinas Rural Fire. Conditions recommended have been incorporated.
  - (b) Staff conducted an on-site visit to verify that the site is suitable for this use.
  - (c) Currently, with the existing building envelope configuration on Lots 71-73 approximately 156 oak trees in sizes ranging from 6 inches to 24 inches in diameter exist within the building envelope. The proposed building envelope reconfiguration shows approximately 110 oak trees, ranging in size from 6 inches to 24 inches in diameter. Therefore, approximately 46 less oak trees will be removed with the new building envelope reconfiguration proposal.
  - (d) Necessary public facilities are available and will be provided.

3. **FINDING: CEQA** - The project is exempt from environmental review.

**EVIDENCE:** CEQA Guidelines Section 15061 b (3) and 15305 categorically exempts this project from CEQA review. The project as conditioned would not have the potential for causing a significant adverse effect on the environment for the following reasons

- (a) No adverse environmental effects were identified during staff review of the development application or during a site visit.
- (b) There are no unusual circumstances related to the project or property.

4. **FINDING: SUBDIVISION ORDINANCE (TITLE 19)- LOT LINE ADJUSTMENTS (CHAPTER 19.09)**- The lot line adjustment is between two or more existing adjacent parcels and greater number of parcels than originally existed will not be created as a result of the lot line adjustment.

**EVIDENCE:** This lot line adjustment is between Lot 71 (APN 259-092-057-000) and Lot 72 (APN 259-092-058-000) and Lot 73 (259-092-059-000) of the Canada Woods North Phase II Subdivision which are three adjacent parcels that will be adjusted and three parcels will result from the adjustment.

5. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance or operation of the project applied for will, under the circumstances of this particular case, will not 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:** Preceding findings and supporting evidence.

6. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement cost, if any, have been paid.

**EVIDENCE:** Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.

7. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors.

**EVIDENCE:** (a) Monterey County Subdivision Ordinance Title 19, Chapter 19.16 (Appeals).

### DECISION

THEREFORE, it is the decision of said Minor Subdivision Committee that said application be granted as shown on the attached sketch, subject to the attached conditions.

**PASSED AND ADOPTED** this 8th day of September, 2005 by the following vote:

AYES: Mounday, McPharlin, Hodges, Hori, Juarez

NOES: None

ABSENT: None

ABSTAIN: None

  
LYNNE MOUNDAY, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON OCT 06 2005

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE OCT 16 2005

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 90<sup>th</sup> day following the date on which this decision becomes final.

## NOTES

1. You will need a building 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 and Building Inspection Department office in Marina.

2. The construction or use authorized by this permit must start within two years of the date of approval of this permit unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan.

**Planning and Building Inspection Department  
Condition Compliance & Mitigation Monitoring and/or  
Reporting Plan**

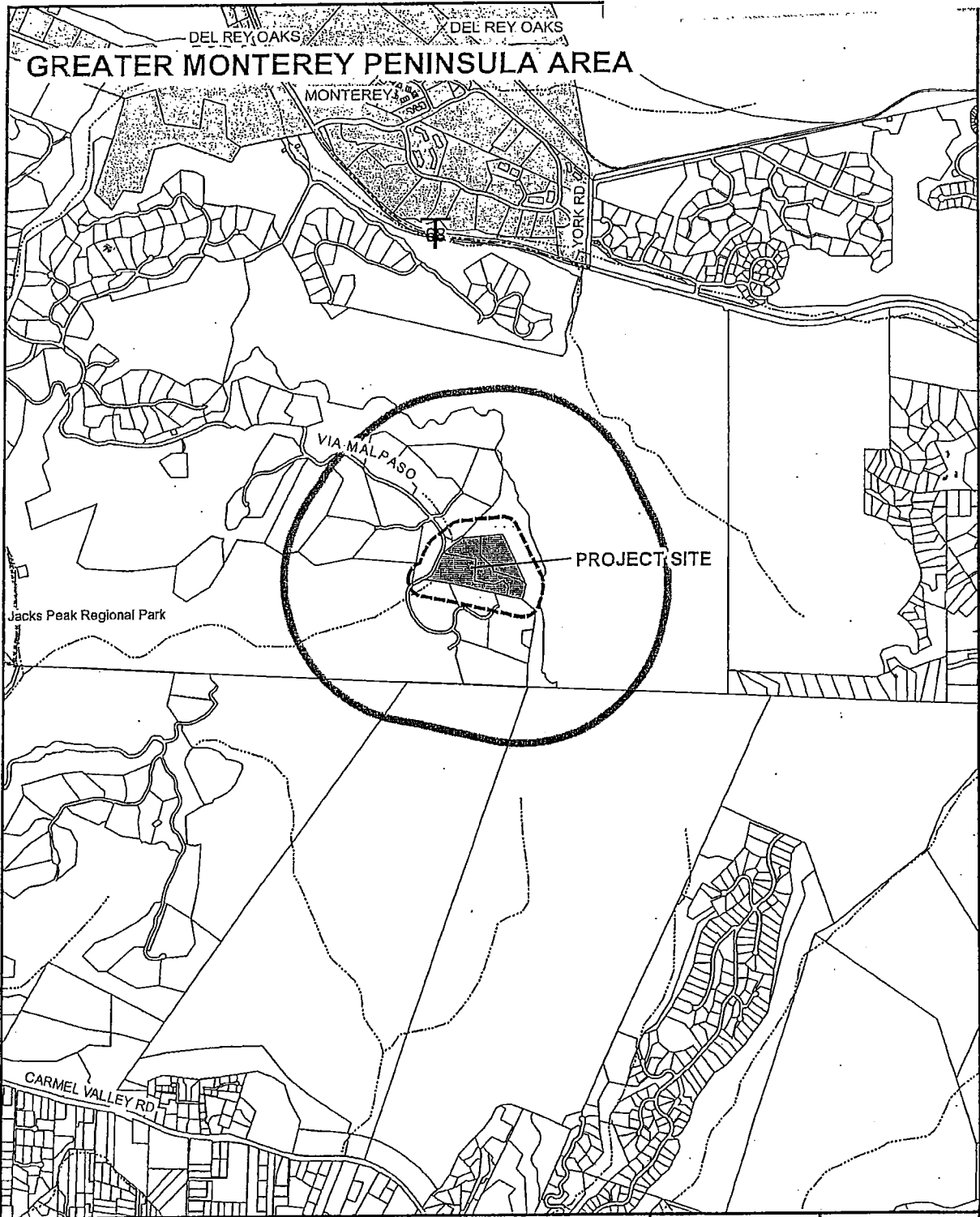
**Project Name:** Monterra Ranch Properties  
**File No:** PLN030068    **APNs:** 259-092-057-000; 259-092-058-000;  
259-092-059-000  
**Approval by:** Minor Subdivision    **Date:** September 8, 2005

*\*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	Condition 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 (Frame/Date)
1.		<b>PBD025 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution 030068) was approved by the Minor Subdivision Committee for Assessor's Parcel Numbers 259-092-057-000, 259-092-058-000 and 259-092-059-000 on September 8, 2005. The permit was granted subject to <u>4 conditions</u> of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. <b>(Planning and Building Inspection)</b>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of building permits	
2.		<b>NON-STANDARD</b> Applicant must request and Board must approve amendment to scenic easement deed, road easement deed and building envelope. <b>(Planning &amp; Building Inspection)</b>	Submit information to P&BI for review and approval.	Owner/ Applicant	Prior to Recordation of Survey	
3.		<b>PW0034 - LOT LINE ADJUSTMENT</b> Obtain a survey of the new line and have the line monumented. <b>(Public Works)</b>	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	
4.		<b>PW0035 - RECORD OF SURVEY</b> File a Record of Survey showing the new line and its monumentation. <b>(Public Works)</b>	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	






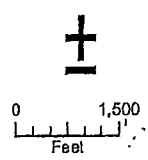
# GREATER MONTEREY PENINSULA AREA



APPLICANT: MONTERRA RANCH PROPERTIES LLC

APN: 259-092-057-000, 058-000, 059-000      FILE # PLN030068

 300' Limit     2500' Limit     City Limits



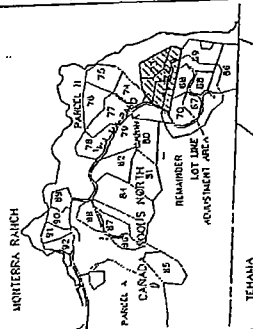
PLANNER: AMADOR

**POTENTIAL TREE REMOVAL**

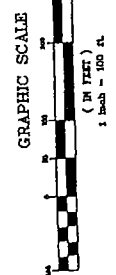
BUILDING ENVELOPE	6"-12" OAKS	13"-18" OAKS	19"-24" OAKS
EXISTING 71	12	6	0
ADJUSTED 71	34	12	0
EXISTING 72	52	18	3
ADJUSTED 72	3	1	2
EXISTING 73	38	16	1
ADJUSTED 73	37	17	4
<b>TOTAL EXISTING</b>	<b>112</b>	<b>40</b>	<b>4</b>
<b>TOTAL ADJUSTED</b>	<b>74</b>	<b>30</b>	<b>6</b>

**LINE TYPES**

- EXISTING LOT OR PARCEL LINE
- NEW LOT LINE
- EXISTING EASEMENT
- NEW EASEMENT
- LOT LINE TO BE ABANDONED
- BUILDING ENVELOPE LINE TO BE ABANDONED
- NEW BUILDING ENVELOPE
- NEW TIE LINE
- OVER 30% SLOPE (THERE WILL BE NO DEVELOPMENT IN THESE AREAS)



VICINITY MAP  
SCALE: 1" = 2000'



GRAPHIC SCALE  
(IN FEET)  
1 inch = 100 ft.

**CURVE TABLE**

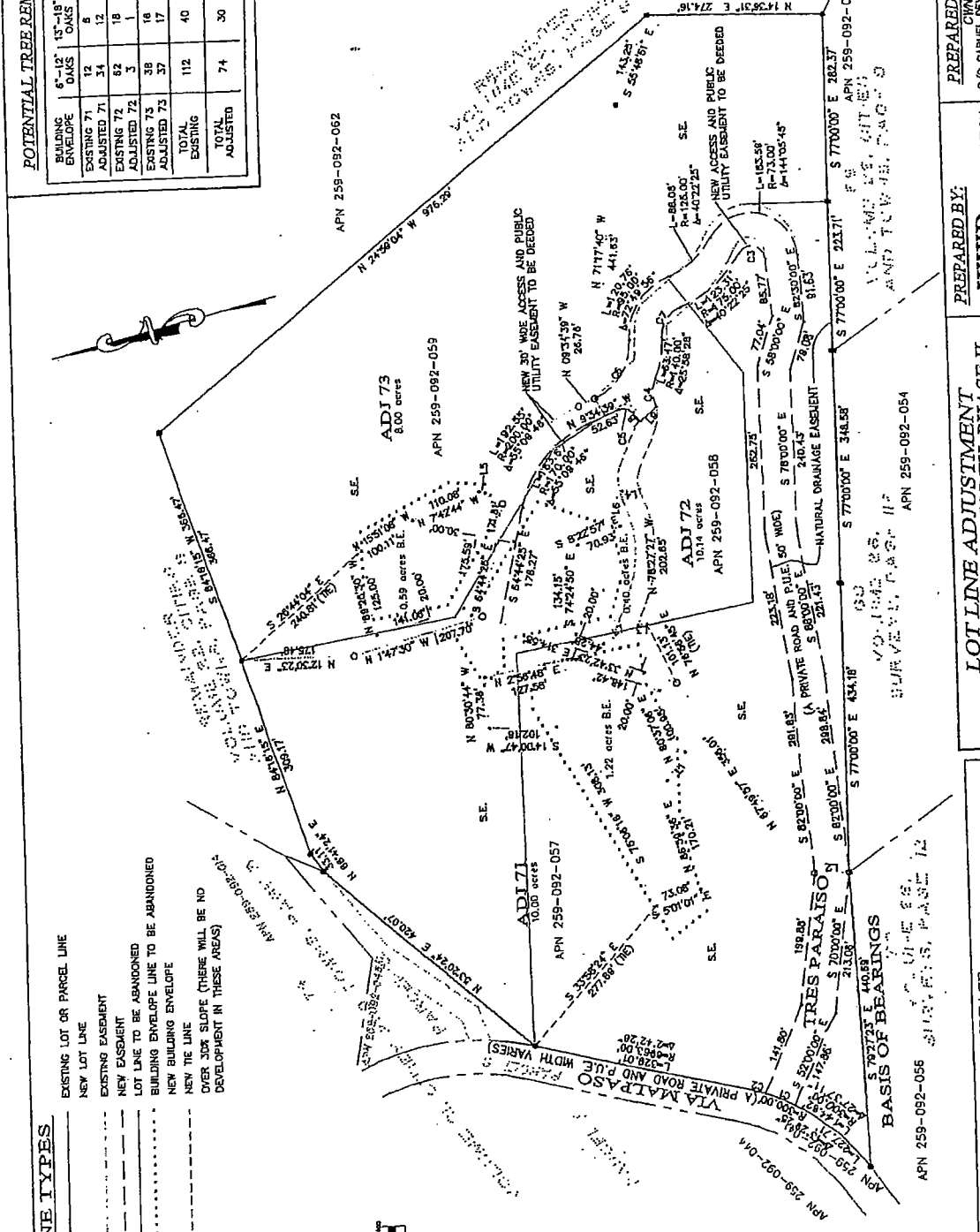
CURVE	DELTA	LENGTH	RADIUS
C1	87.4101°	50.09	300.00
C2	87.817°	53.00	300.00
C3	144.0545°	57.64	23.00
C4	48.55843°	32.74	50.00
C5	71.0383°	74.84	20.00
C6	69.28537°	109.13	90.00
C7	77.91556°	57.30	15.00

**LINE TABLE**

LINE	BEARING	LENGTH
L1	S 11.8020° E	50.86
L2	N 11.8020° W	50.28
L3	N 11.8020° W	13.80
L4	S 09.3305° W	27.59
L5	N 28.5106° E	9.49
L6	S 72.2309° E	52.78
L7	N 13.3400° W	59.99
L8	S 81.2410° W	17.74
L9	S 33.2250° E	32.03

**NOTES**

- WATER SUPPLY FROM PRIVATE WATER COMPANY
- SEWER TRENCH BY PRIVATE COMPANY
- SEPTIC TANK LOCATIONS WILL BE INCLUDED IN INDIVIDUAL SITE GRADING PLANS. THERE WILL BE NO LEACH FIELDS
- THE SUBJECT AREA HAS NO ENVIRONMENTALLY SENSITIVE HABITATS, ARCHAEOLOGICAL RESOURCES, HISTORICAL SITES OR HAZARDS



**PREPARED BY:**

**WWD CORPORATION**  
2801 MONTEREY-SALINAS HIGHWAY  
MONTEREY, CALIFORNIA 93940  
(408) 385-2428  
FAX (408) 655-3428

**PREPARED FOR:**

OWN, LLC  
C/O CARTEL COMPANY  
POST OFFICE BOX 450  
CARTEL, CALIFORNIA 93921  
APRIL 2003

SHEET 1 OF 1

**LOT LINE ADJUSTMENT**

**CANADA WOODS NORTH, PHASE II**  
A PRIVATE ROAD SUBDIVISION  
IN THE COUNTY OF MONTEREY, STATE OF CALIFORNIA  
SHOWING THE LOT LINE ADJUSTMENT OF LOTS 71, 72 AND 73 AND TOWN ON VOLUME 22, SITES AND TOWNS, AT PAGE 16, MONTEREY COUNTY RECORDS AND ADJUSTMENT RELOCATION OF A NEW ROAD AND UTILITY EASEMENT AND CREATION OF A NEW ROAD AND UTILITY EASEMENT  
APN 259-092-057, 259-092-058 AND 259-092-059

**LOT ACREAGE**

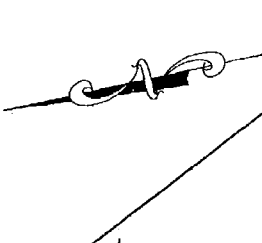
LOT NUMBER	EXISTING LOT AC	EXISTING SCENIC EASEMENT AC	EXISTING ROADWAY EASEMENT AC	EXISTING BUILDING ENVELOPE AC	ADJUSTED ROADWAY EASEMENT AC	ADJUSTED BUILDING ENVELOPE AC	ADJUSTED SCENIC EASEMENT AC	ADJUSTED LOT AC
71	10.13	8.89	0.00	1.31	0.00	0.40	0.40	10.14
72	10.01	8.00	1.24	0.90	1.26	0.59	0.40	10.01
73	8.00	6.39	2.74	0.58	2.21	2.26	0.40	8.00
TOTAL	28.14	23.11	4.98	2.79	3.57	3.26	0.80	28.14

**Exhibit D**  
**Record of Survey**

10027841 N 2098271 E 5735566 Vol 28 Sur P 54

CURVE	DELTA	LENGTH
C1	8°34'01"	53.09
C2	8°18'32"	33.00
C3	1°37'52.7"	42.71
C4	3°03'41.3"	26.14
C5	5°05'10.4"	22.05
C6	8°43'29.8"	62.12
C7	23°43'36"	41.41
C8	14°51'3.36"	63.80
C9	14°51'3.36"	191.41
C10	14°51'3.36"	191.41
C11	15°00'00"	43.63

LINE	BEARING	LENGTH
L1	S 41°50'38" E	121.80
L2	S 14°00'00" W	118.65
L3	S 12°45'00" W	155.47
L4	S 01°41'21" E	121.80
L5	S 75°00'00" E	173.14
L6	S 29°00'00" E	173.14

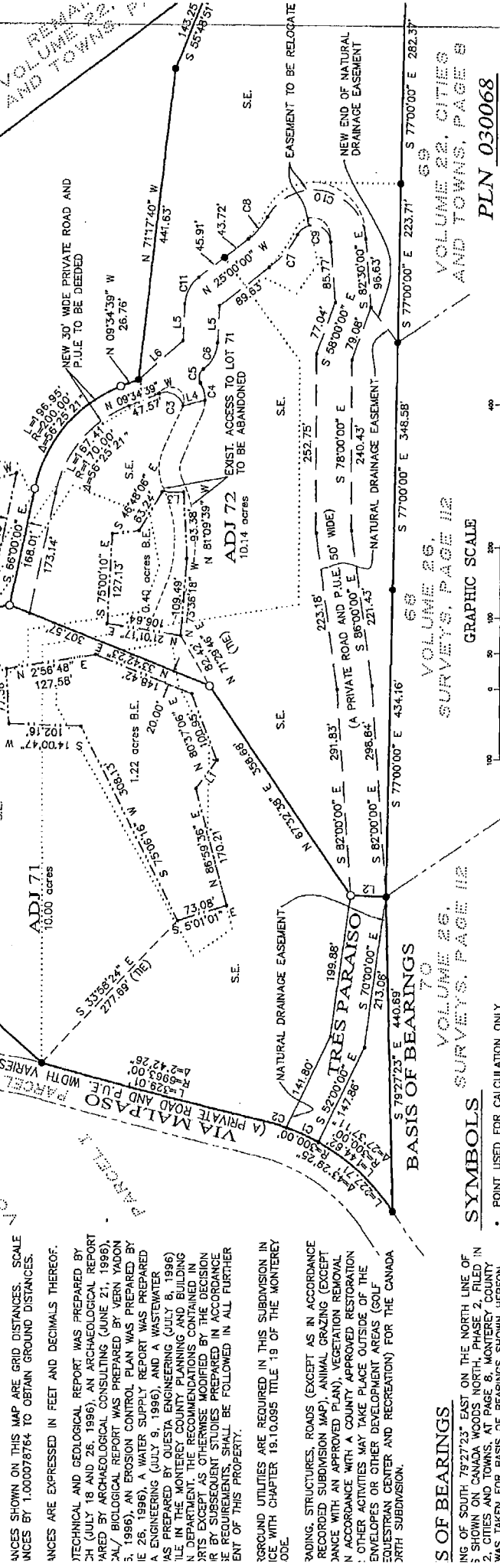


**LINE TYPES**

- NEW LOT OR PARCEL LINE
- EXISTING EASEMENT TO BE ABANDONED
- NEW EASEMENT
- EXISTING LOT LINE OR BUILDING ENVELOPE LINE TO BE ABANDONED
- EXISTING LOT OR PARCEL LINE
- NEW BUILDING ENVELOPE
- TIE LINE

**ABBREVIATIONS**

- P.U.E. = PUBLIC UTILITY EASEMENT
- S.E. = SCENIC EASEMENT
- D.E. = DRAINAGE EASEMENT
- B.E. = BUILDING ENVELOPE



**RECORD OF SURVEY**  
**CANADA WOODS NORTH, PHA**  
 A PRIVATE ROAD SUBDIVISION  
 IN THE COUNTY OF MONTEREY, STATE OF CALIFORNIA  
 AMENDING THE FINAL MAP AS RECORDED ON THAT MAP ENTITLED  
 1373 CANADA WOODS NORTH, PHASE 2, IN VOLUME 22, CITY  
 AND TOWNS, AT PAGE 8, MONTEREY COUNTY RECORDS, TO SHOW  
 LINE ADJUSTMENT OF LOTS 71, 72 AND 73 OF SAID M  
 OCTOBER 2005

**PREPARED FOR:**  
**WWD CORPORATION**  
 2801 MONTEREY-SALINAS HIGHWAY  
 MONTEREY, CALIFORNIA 93940  
 (831) 652-2729  
 FAX: (831) 652-3425

**PREPARED BY:**  
 OCTOBER 2005  
**CANADA WOODS NC**  
 C/O CAROL BEVELPER  
 POST OFFICE BOX  
 CARMEL, CALIFORNIA

**SHEET 1 0**

**COUNTY RECORDER'S STATEMENT**  
 FILED THIS 2nd DAY OF November, 2005  
 AT 9:44 AM IN VOLUME 28 OF SURVEYS, AT PAGE 54  
 AT THE REQUEST OF WWD CORPORATION.  
 FEE \$ 7.00 G-NO. 2005.117260  
 RECORDER Stephen L. Vagstad  
 DEPUTY Stefan

**STATEMENT**  
 THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE PROFESSIONAL LAND SURVEYOR'S ACT. THIS  
 2005.  
 COUNTY SURVEYOR JERRY L. COMBS L.S. 7544  
 BY: Jerry L. Combs  
 DEPUTY COUNTY SURVEYOR

**STATEMENT**  
 REPRESENTS A SURVEY MADE BY ME OR UNDER MY  
 IN CONFORMANCE WITH THE REQUIREMENTS OF THE  
 PROFESSIONAL LAND SURVEYOR'S ACT AT THE REQUEST OF  
 CANADA WOODS NORTH, LLC IN SEPTEMBER 2005.

**STATEMENT**  
 THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE PROFESSIONAL LAND SURVEYOR'S ACT. THIS  
 2005.  
 COUNTY SURVEYOR JERRY L. COMBS L.S. 7544  
 BY: Jerry L. Combs  
 DEPUTY COUNTY SURVEYOR

12/31/2006