

Attachment H

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EXHIBIT H

December 05, 2014

Ms. Koryn Kendall
Manager, Project Development
First Solar
135 Main Street, 6th Floor
San Francisco, California 94105

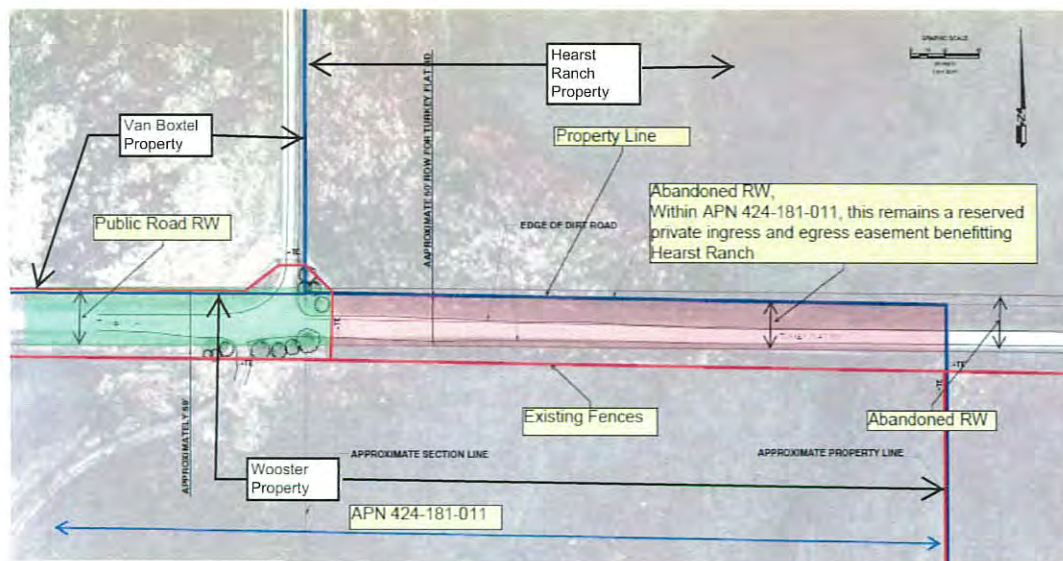
Sent via email Koryn.Kendall@firstsolar.com

Subject: California Flats Solar Project – Turkey Flat Road access rights

Dear Ms. Kendall:

In response to your inquiry we have prepared this letter regarding access rights from Turkey Flat road to the proposed California Flats Solar Project.

It is our opinion that Turkey Flat Road provides a public road access from Cholame Road to the existing project gate, and that a private access right extends from the gate across Assessor's Parcel 424-181-011. The sketch below illustrates this.



We have recently performed a field survey as part of the project development effort, and will soon be submitting a Record of Survey to the County of Monterey for review and recordation. In our survey we found existing tagged iron pipes that we have accepted as property corners in this area. This is what the blue line noted "Property Line" shown in the sketch is based on.

Turkey Flat Road was first requested by the area landowners to be designated a public road in January 1888, in a "Viewers Report" to the County Board of Supervisors.



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Attached is a copy of the Viewers Report, upon which we have added some notation and highlights.

The road has a long history of public use and maintenance by the County up to the project gate. That the road is acknowledged as a public right of way is also evidenced by the attached action to abandon the public right of way over a portion of the same road, a copy which is also attached with notations added.

In the abandonment document, the starting location of the abandoned portion of the right of way is indicated in three ways:

1. "21,811 ft" from Cholame Road, is written on the map in the abandonment
2. To the "end of pavement", also is written on the same map
3. The graphic depiction appears to be few hundred feet east of the Section Line, as drawn on the same map

In our survey, we also determined in the area of the project entrance, the location of the right of way, and the location of the abandoned portion. We determined the location of the abandoned portion begins at the existing gate and extends east to the end of the original offer. This is based on the following:

Last week, our surveyors documented that:

1. Based on odometer readings 21,811 ft is close to the existing Hearst Gate.
2. Visible evidence of the end of pavement (including old broken pavement) is near the existing Hearst Gate.

This evidence, along with the location descriptions 1 and 2 support that the abandonment extends to the existing gate location. The location of description 3 supports that the abandonment ends further east, near the east end of the APN 424-181-011 property.

Our opinion is that the dimension and pavement evidence are the stronger case and that the end of the abandonment is at the existing gate. This is along the location to which the County maintains the road.

It is our opinion that the Hearst Ranch property has a surviving private easement over the abandoned right of way of Turkey Flat Road on the APN 424-181-011 property. The abandonment document includes the following reservations:

- Easements for utility facilities and drainage facilities
- Easements for ingress and egress for all affected property owners.

The Hearst Ranch is an affected property owner for the portion of the original right of way that was abandoned and therefore has a reserved access easement per the abandonment document. Also, our understanding is that the access has been in continuous use by Hearst Ranch.

Based on the above, it is our opinion that there is public road right of way to the existing Hearst Gate, and that Hearst Ranch has a reserved ingress/egress

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easement over the APN 424-181-011 property beyond that, which is available to the solar project.

Our survey work also determined the location of the road and easement centerline, which will also be included in the Record of Survey to be submitted to the County. These locations are approximately depicted in the sketch above.

Attached are copies of the Viewers Report and the Road Abandonment that include comments and highlights that we have added.

We hope that this information will be helpful and please let me know if you have any questions.

Sincerely,

WALLACE GROUP, a California Corporation

Clayton L. Bradshaw, P.L.S. 8298
Date: 12/05/2014
612 Clarion Court
San Luis Obispo, CA 93401



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Submittal**

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

RESOLUTION NO. 98-146)
PUBLIC HEARING TO CONSIDER ABANDONMENT OF)
A PORTION OF TURKEY FLAT ROAD, PARKFIELD AREA.....)

A petition having been heretofore presented to the Board of Supervisors by ten freeholders of the County of Monterey, more than two of whom are residents of the Parkfield area, wherein the right-of-way hereinafter described is requested to be abandoned; and the Planning Commission of the County of Monterey having considered said petition and found that such abandonment would not be inconsistent with the Monterey County General Plan and the South County Area Land Use Plan.

WHEREAS, this right-of-way is not useful as a non-motorized transportation facility as designated by Section 156 of the Streets and Highways Code; and

WHEREAS, such abandonment will not cut off access to any person's property adjoining such street or highway; and

WHEREAS, such abandonment will not terminate a public service easement on Turkey Flat Road.

NOW, THEREFORE, BE IT RESOLVED by order of this Board of Supervisors on its own motion under and by virtue of the provision of Section 8334 of the Streets and Highways Code of the State of California:

This Board finds and orders the portion of said road, shown in Exhibit "A" attached hereto, and the same is hereby and henceforth vacated and abandoned.

RESERVING AND EXCEPTING THEREFROM easements for utility facilities and drainage facilities lying within the limits of the above described portion.

FURTHER RESERVING AND EXCEPTING THEREFROM easements for ingress and egress for all affected property owners.

IT IS FURTHER RESOLVED THAT the Clerk to this Board shall record a certified copy of this Resolution in the Office of the County Recorder.

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PASSED AND ADOPTED on this 21st day of April 1998, by the following vote, to wit:

AYES: Supervisors Salinas, Pennycook, Perkins, Johnsen, Potter.

NOES: None

ABSENT: None

I, ERNEST K. MORISHITA, 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 resolution of said Board of Supervisors duly made and entered in the minutes thereof at page -- of Minute Book 69 on 4/21/98.

Dated: April 21, 1998

ERNEST K. MORISHITA, Clerk of the Board
of Supervisors, County of Monterey, State of California.

By: Carrie Wilkinson
Carrie Wilkinson Deputy

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