

Attachment I

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NOTICE OF APPEAL

Monterey County Code

Title 19 (Subdivisions)

Title 20 (Zoning)

Title 21 (Zoning)

RECEIVED
MONTEREY COUNTY
AUG 27 PM 2:17
CLERK OF THE BOARD
PROPERTY
VALEHIE RALPH

No appeal will be accepted until written notice of the decision has been given. If you wish to file an appeal, you must do so on or before August 27, 2021 (10 days after written notice of the decision has been mailed to the applicant).

Date of decision: August 17, 2021

1. Appellant Name: Maureen Wruck Planning Consultant, LLC

Address: 21 West Alisal Street, Suite 111, Salinas, CA 93901

Telephone: (831) 771-2557

2. Indicate your interest in the decision by placing a check mark below:

Applicant X

Neighbor

Other (please state) filing as agent for applicant

3. If you are not the applicant, please give the applicant's name:

John and Tammy Lewis/LB Homebuyers LLC, a California limited liability company

4. Fill in the file number of the application that is the subject of this appeal below:

CC200010 & CC200011	Type of Application	Certificates of Area Compliance	CVMP
a) Planning Commission: PC-	_____	_____	_____
b) Zoning Administrator: ZA-	_____	_____	_____
c) Administrative Permit: AP-	_____	_____	_____

Notice of Appeal

5. What is the nature of your appeal?

a) Are you appealing the approval or denial of an application? Appealing a denial

b) If you are appealing one or more conditions of approval, list the condition number and state the condition(s) you are appealing. (Attach extra sheet if necessary)

6. Place a check mark beside the reason(s) for your appeal:

There was a lack of fair or impartial hearing _____
The findings or decision or conditions are not supported by the evidence X
The decision was contrary to law X

7. Give a brief and specific statement in support of each of the reasons for your appeal checked above. The Board of Supervisors will not accept an application for an appeal that is stated in generalities, legal or otherwise. If you are appealing specific conditions, you must list the number of each condition and the basis for your appeal. (Attach extra sheets if necessary)

The property was created via three separate Grant Deeds that complied with subdivision regulations in effect at the time of their creation. HCD denial ignores the legal lot status of a parcel created in June 1949 (Vol 1155, Pg. 124 Official Records).

This lot is entitled to a Certificat per Government Code Section 66499.35. The denial letter attempts to merge the parcels in violation of Government Code Section 66451.11

8. As part of the application approval or denial process, findings were made by the decision-making body (Planning Commission, Zoning Administrator, or Chief of Planning). In order to file a valid appeal, you must give specific reasons why you disagree with the findings made. (Attach extra sheets if necessary)

See Attached

9. You must pay the required filing fee of \$3,540.00 (make check payable to "County of Monterey") at the time you file your appeal. (Please note that appeals of projects in the Coastal Zone are not subject to the filing fee.)

10. Your appeal is accepted when the Clerk to the Board accepts the appeal as complete and receives the required filing fee. Once the appeal has been accepted, the Clerk to the Board will set a date for the public hearing on the appeal before the Board of Supervisors.

The appeal and applicable filing fee must be delivered to the Clerk to the Board or mailed and postmarked by the filing deadline to PO Box 1728, Salinas CA 93902. A facsimile copy of the appeal will be accepted only if the hard copy of the appeal and applicable filing fee are mailed and postmarked by the deadline.

APPELLANT SIGNATURE *Julio Pungu, Ar. Th. Aguirre* Date: August 27, 2021

RECEIVED SIGNATURE *[Signature]* Date: 8-27-21

VALEHIE RALPH

July 7, 2021

Monterey County Board of Supervisors
168 West Alisal Street
1st Floor
Salinas, CA 93901

Re: Appeal of August 17, 2021 Denial of Lewis Certificates of Compliance (CC200010 and CC200011)

Dear Chair Root Askew and Members of the Board of Supervisors:

Please accept this appeal on behalf of John and Tammy Lewis/LB Homebuyers LLC, a California limited liability company. In May 2020, the property owner filed a request for issuance of two (2) Certificates of Compliance for parcels purchased on Shulte Road in Carmel Valley. Since that time, we have diligently pursued this request with the outcome being a denial by the Director of the Housing and Community Development Department (HCD) on August 17, 2021 (Exhibit A).

We have provided significant evidence in support of the validity of parcel legality, summarized in a July 7, 2021 letter comprised of an analysis and 15 exhibits (attached to this appeal). The detailed analysis previously submitted discusses the existence of two separate parcels that comprise the subject property that were both legally created, one in 1949 (Parcel 1) and the other in 1952 (Parcel 2). Attached please find the Chain of Title that outlines all of the deeds associated with this property (Exhibit B).

As noted in the appeal form, the issues being raised are generally related to asking HCD to comply with the Subdivision Map Act, as follows:

1. Legality of Parcel 1. This specific parcel was created by deed in June 1949 (Volume 1155, Page 124, Official Records). A small portion of this lot was subsequently excepted by deed in August 1949. Both of these land divisions complied with the state and County subdivision laws in effect at the time. Not

only does Parcel One remain in its 1949 configuration, this parcel configuration is also provided verbatim in the 1962 deed that HCD takes issue with. It is consistently used in each and every subsequent grant deed conveyance. At the time of its creation, Parcel 1 was in an “U” Zoning District with no minimum parcel size. Evidence provided for this specific parcel confirms that it was legally created and, per the Subdivision Map Act, is entitled to an Unconditional Certificate of Compliance (Government Code Section 66412.6). We are appealing HCD’s denial of issuance of this requested Certificate.

2. 1962 Deed. HCD takes the position that because the 1962 deed adjusted the size of a second parcel associated with the property (Parcel 2), that this action somehow merged both of these lots or represented an intent of the owners to merge both of the parcels, or that the owners considered the lots merged. We appeal this conjecture.

We would note that each and every of the ten (10) conveyances listed in the Chain of Title since 1962 consistently describe two parcels. If there was an intent of any subsequent owner to merge parcels, one would reasonably expect that in the 59 years since that the legal description of the two parcels used in this deed, one of the subsequent owners would have prepared a legal description and conveyed the property using one single metes and bounds boundary description and described the property as one parcel. That has never occurred and Parcel One, as described, clearly remains a legal lot of record as outlined in our July 7, 2021 letter (attached).

3. Lot Merger by Memo. In addition, we are concerned that the County Surveyor’s Office contends that the creation of parcels created by deed: “... *were lot line adjustments of the 1940’s and 1950’s*” (see Exhibit C - 5/14/21 County Surveyor Memo) or that it: “...*was a simple lot line adjustment of the day...*” even though this second Memo refers to a Record of Survey clearly showing the intent of that property owner to document two separate and distinct parcels (see Exhibit D 1/9/20 County Surveyor Memo and Vol X-2, Page 201).

There were no provisions for lot line adjustments in State or Local subdivision regulations in the 1940’s/1960’s. Applying today’s subdivision/regulatory standards to this time period is inconsistent with the specific lot merger provisions of the Subdivision Map Act (Government Code Section 66451.11). It is interesting to note that the August 17, 2021 HCD letter drops this earlier lot line adjustment theory and now simply jumps to a lot merger conclusion as a basis to deny issuance of the requested Certificates of Compliance.

Our appeal will respectfully request the Board of Supervisors to direct HCD to issue a Certificate of Compliance for the 1949 deeds that created Parcel 1. We also respectfully request that the Board of Supervisors direct HCD to issue a Conditional Certificate of Compliance if the Department believes that the 1962 deed somehow rendered the May 1952 Parcel (Parcel 2) non-compliant with the 1962 zoning for the area.

Finally, we would note that there are two existing single-family residences on the property. Resolving this matter favorably through the issuance of issuing two Certificates of Compliance will increase a housing opportunity in Carmel Valley where residential ownership is increasingly out of reach. It would seem that increasing availability of housing supply should be an objective of a Housing and Community Development agency.

Given the short time frame to prepare this appeal, we respectfully ask that the public hearing be *de Novo* so that we may provide further evidence in support of our request for the Certificate of Compliance.

Respectfully Submitted,


Joel R. Panzer

Cc: Lewis Homebuyers, LLC

Attachments

Notice of Appeal Form
July 7, 2021 Letter to HCD Director Lundquist and Exhibits A – O

List of Exhibits

Exhibit A – August 17, 2021 Denial Letter for CC200010 and CC200011;
Exhibit B – Chain of Title;
Exhibit C – May 14, 2021 County Surveyor Memo;
Exhibit D – January 9, 2020 County Surveyor Memo and Vol X-2, Page 201

Maureen Wruck Planning Consultants, LLC
21 West Alisal Street, Suite 111, Salinas, CA 93901
(831) 771-2557

July 7, 2021

Erik Lundquist, AICP, HCD Director
Monterey County Housing and Community Development
1441 Schilling Place, South 2nd Floor
Salinas, Ca 93901

Re: Request for Reconsideration of May 14, 2021 County Surveyor Memo (Lewis
Certificates of Compliance (CC200010 and CC200011))

Dear Mr. Lundquist:

Please accept this letter as a request for reconsideration of a County Surveyor recommendation to deny the issuance of two Certificates of Compliance for LB Homebuyers, LLC at 27610 Schulte Road, Carmel (416-022-006) – see Exhibit A. Evidence in the record provided clearly supports the existence of two separate legal lots of record that were legally created, with documentation presented further discussed in this letter. We believe evidence provided in the record provides a clear and unambiguous case that two Certificates of Compliance should be issued, as required by the Subdivision Map Act (Government Code 66412.6 and 66499.35(b)). Evidence in support of the request for Certificates of Compliance is as follows:

Subdivision Map Act Requirements

The County surveyor memo suggests there is a very complex history to the property, but does not address the very specific legal determination required by Section 66412.6 (a) of the Subdivision Map Act: “...*any parcel created prior to March 4, 1972, shall be conclusively presumed to have been lawfully created if the parcel resulted from a division of land in which fewer than five parcels were created and if at the time of the creation of the parcel, there was no local ordinance in effect which regulated divisions of land creating fewer than five parcels*” (Exhibit B). The Map Act provides a very definitive “bright line” to be used for determination on whether or not to issue a Certificates of

Maureen Wruck Planning Consultants, LLC
21 West Alisal Street, Suite 111, Salinas, CA 93901
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Compliance: did the parcel result from the division of land that resulted in the creation of less than 5 parcels if there was no local ordinance which regulated divisions of land creating fewer than five parcels. The answer to each of these questions is “yes” and we request that a Certificate of Compliance be issued for each of the two parcels (CC200010 and CC200011). This letter intends to simplify the explanation of parcel creation and provide evidence in support of the very explicit Map Act review required by Government Code Section 66412.6 (a).

Parcel Overview

The current property deed, refers to a Parcel I, originally created in June 1949 (Exhibit D) a Parcel II, created in May 1952 (Exhibit E) and an exception. The exception was a third parcel created by Deed in October 1955 (Exhibit F). The three individual parcels were each established via stand-alone deeds by metes and bounds descriptions. Each deed resulted in the subdivision of land between June 1949 and October 1955, with the individual deeds creating fewer than five parcels.

Subdivision Map Act and Monterey County Subdivision Ordinance

At the time of the subdivision, the regulations in effect at their time of creation were the State Subdivision Map Act, also cited as Chapter 2, Part 2, Division 4, Business and Professions Code Business and Professions Code (Exhibit G). The local subdivision Ordinance enacted pursuant to the Subdivision Map Act was Ordinance No. 546, amended through September 1946 (Exhibit H). In the case of each of the three parcels noted above, each Deed complied with the Map Act and the County Subdivision ordinance (e.g., *did not create five or more parcels within any one-year period*).

Parcel I

As noted above, Parcel I was established by Deed in June 1949 (Exhibit D). A small portion of the lot was excepted from this description by deed in August 1949 (Exhibit I). The creation of these parcels was consistent with the Monterey County Subdivision Ordinance and the Subdivision Map Act; the creation of these two parcels did not create five or more parcels within any one-year period.

While not a required criterion of the Subdivision Map Act, at the time of its initial creation, Parcel I was subject to Monterey County Zoning Ordinance No. 568 and was in a “U” (Unclassified) Zoning District (Exhibit J). There were no minimum lot sizes in the “U” Zoning District.

Parcel 2

As noted above, Parcel 2 was established by Deed in May 1952 (Exhibit E). The creation of this parcel was consistent with the Monterey County Subdivision Ordinance and the Subdivision Map Act; the creation of these two parcels did not create five or more parcels within any one-year period.

Also, at the time of its creation, Parcel 2 was subject to Monterey County Zoning Ordinance No. 568 and was also in a "U" (Unclassified) Zoning District (Exhibit K). There were no minimum lot sizes in the "U" Zoning District at the time of parcel creation.

1962 Coast Counties Deed

The County Surveyor relies on the July 1962 Coast Counties Land and Title Deed (Exhibit L) to make a case that this document represents evidence of a parcel merger. There is no specific language or acknowledgement in the Deed to suggest a deliberate intent of the Owner to merge the parcels. To the contrary, the Deed actually describes two separate parcels and describes the exception as being from Parcels 1 & 2.

The exception referred to in the Coast Counties deed was for a parcel originally created by Deed in October 1955 (Exhibit F). As with the other parcels created above, this parcel complied with the Subdivision Map Act and the County Subdivision Ordinance; the creation of this parcel did not create five or more parcels within any one-year period. This parcel is therefore considered to be lawfully created pursuant to Section 66412.6 (a) of the Subdivision Map Act.

We would note that the Coast Counties legal description was used by the Monterey County Superior Court in a July 1984 Judgement (Exhibit I). The judgement not only uses the 1962 legal description but refers to the land as separate property, with property being a plural term (Exhibit M) and the Deed also refers to Parcels I and II (plural) and the land exceptions refers to Parcels (plural) I and 2.

Exceptions in Deeds

Numerous recorded deeds were prepared and recorded throughout time in Monterey County to convey land. The Coast County Deed is consistent with the convention of using exceptions to create parcel descriptions for Parcel I and Parcel II using recorded

records, which was a common practice for this time period. I would imagine this practice was utilized to minimize costs to the sellers in lieu of the cost of having to hire a surveyor to prepare a different lot description. Attached are examples of Certificates of Compliance that use the common exceptions to establish legal descriptions, with examples from 1991 through 2018 (Exhibit O). These recorded Certificates of Compliance demonstrate that Deed exceptions are commonly used to accurately provide parcel descriptions.

Other Areas of Disagreement

1. Incorrectly Suggesting a Deeds were Lot Line Adjustments.

We have received two separate Memos from the County Surveyor wherein the analysis attempts to deny parcel legality requests by suggesting that deeds of the time were: “...*essentially lot line adjustments of the 1940’s and 1950’s*”. This assertion must be rejected outright. The review standard is mandated by Subdivision Map Act Section 66412.6 (a). As there were fewer than five parcels created in each of the deeds noted above, the County is required to issue a Certificate of Compliance for the parcels. And, if you review Exhibits G & H, it is evident that any regulations for Lot Line adjustments simply did not exist during the timeframe when these parcels were created.

2. Merger by Memo

We must also raise concerns about the implication of discussion in the memo regarding an implied parcel merger. This is inconsistent with Subdivision Map Act Section 66451.10. The legal standard is that contiguous parcels which have been created under the provisions of the Map Act: “...*shall not be deemed merged by virtue of the fact that the contiguous parcels... are held by the same owner...*”. The County is obligated to follow the legal requirements of Map Act Section 66451.11.

Conclusion

As noted above, with respect to issuance of Certificates of Compliance, the defined legal standard in State Statutes to be followed is described as: “...*any parcel created prior to March 4, 1972, shall be conclusively presumed to have been lawfully created if the parcel resulted from a division of land in which fewer than five parcels were created and if at the time of the creation of the parcel, there was no local ordinance in effect which regulated divisions of land creating fewer than five parcels.*” We have clearly provided evidence for the record that each of the two parcels, along with parcel deed for the

described “exception” in the Coast County Land and Title deed demonstrating that each of these three lots were legally created. And, at the time of their creation, each of these parcels complied with State and local subdivision regulations and did not create more than five parcels in a one-year period. The July 1984 Superior Court case also confirms that more than one parcel is acknowledged in what is now the current property deed. Any discussion of “intent” is pure speculation and is unrelated to the very clear development standards that is not found in the circa 1940’s/1950’s Subdivision Map Act of the Monterey County Subdivision Ordinance and is therefore irrelevant to the parcel legality determination required by law (i.e., “...*what were essentially lot line adjustments of 1940’s and 1950’s*...”). It is improper to apply a circa 2021 development standard to parcels legally created by subdivision almost 70 years ago.

Based on this correspondence that revisits the parcel creation with factual evidence, we again respectfully request that the County issue two Unconditional Certificates of Compliance for files CC200010 and CC200011.

Respectfully Submitted,


Joel R. Panzer

Cc: Lewis Homebuyers, LLC

List of Exhibits

- Exhibit A – May 14, 2021 County Surveyor Memo
- Exhibit B – Government Code Section 66412.6 (a)
- Exhibit C – Current Deed (Recorder’s Series 2109060523)
- Exhibit D – June 1949 Deed for Parcel I (Vol. 1143, Page 352 Official Records)
- Exhibit E – May 1952 Deed for Parcel II (Vol. 1381, Page 117 Official Records)
- Exhibit F – October 1955 Deed for “Exception” (Vol. 1655, Page 407 Official Records)
- Exhibit G – Subdivision Map Act circa 1944, Section 11507
- Exhibit H – “Land Subdivision Manual” amended through September 1946
- Exhibit I – 1949 Deed - Exception to Parcel I (Volume 1155, Page 124 Official Records)
- Exhibit J – 1948 Parcel Zoning
- Exhibit K – 1953 Parcel Zoning
- Exhibit L – August 1962 Coast Counties Title Deed (Reel 83, Page 444 Official Records)
- Exhibit M – January 1984 Monterey County Superior Court Judgement (Case MP-8576)
- Exhibit N – “Property” Definition
- Exhibit O – Four samples of Recorded Certificates of Compliance with “Exceptions”

Maureen Wruck Planning Consultants, LLC
21 West Alisal Street, Suite 111, Salinas, CA 93901
(831) 771-2557

Exhibit A

May 14, 2021 County Surveyor Memo

Exhibit A

MONTEREY COUNTY
PUBLIC WORKS, FACILITIES & PARKS



Randell Ishii, MS, PE, TE, PTOE, Director
1441 Schilling Place, South 2nd Floor
Salinas, California 93901-4527

(831) 755-4940
www.co.monterey.ca.us

OFFICE OF THE COUNTY SURVEYOR

MEMORANDUM

Date: May 14, 2021

To: Mike Novo, HCD Interim Director

From: Michael K. Goetz, County Surveyor

Subject: LB Homebuilders (CC200010 & 11) Legal Lot Determination

Mike,

I have reviewed the letter and attachments received from Mr. Joel Panzer, dated May 30, 2020 which provides his analysis and justification that the LB Homebuilders property is comprised of two legal lots. The subject parcel currently is assigned one Assessor's Parcel No. – 416-022-006-000.

The title history of the parent parcel is very complex, with parties granting to others and then having the same parcel or a portion of the parcel granted back to them. On September 24, 2020, I provided my initial comments via email to then project planner Yasmee Hussain. At that time, I requested additional documentation, because in my opinion, the evidence provided by Mr. Panzer was insufficient to clearly establish the legality of two separate legal parcels. Unfortunately, he responded by referring to documents that he had previously provided, which did not address my questions. However, following my second review, I believe the evidence clearly indicates the existence of only one legal parcel, rather than two as Mr. Panzer asserts.

BACKGROUND:

The subject property is located on the private portion of Schulte Road in Carmel Valley. It is approximately 350 feet beyond the end of the County maintained portion of Schulte Road. It is a portion of US Lot 2 in Section 22, Township 16 South, Range 1 East, M.D.M. In 1944, all of US Lot 2 and a portion of US Lot 3 was granted by Powers to Gribben & Parks (V 843 OR 336). In 1949 a 4.16 acre parcel was granted by Gribben & Parks to Clarabut (V 1143 OR 352). Later in 1949, a 0.17 acre triangle portion of this parcel was granted from Clarabut to Powers (V 1155 OR 124). (There must be another document prior to 1949 where Gribben & Parks granted back to

Powers all but the 4.16 acre parcel. I requested this information from Mr. Panzer, but no new information was provided.)

Sometime prior to 1952, Clarabut had acquired (at least) a 0.36 triangular parcel adjoining the west side of the now 3.99 acre parcel. (I requested from Mr. Panzer a deed that showed how Clarabut acquired title to this property prior to 1952, but no new information was provided.) That Clarabut owned the property prior to 1952 is known by H. & N.M. Clarabut deeding this 0.36 acres to Patton in 1952 (V 1380 OR 117). Patton immediately deeds it back to H. Clarabut (V 1380 OR 118). **Mr. Panzer asserts this 1952 deed created a separate legal 0.36 acre parcel (Panzer Parcel 2).**

In 1962, the entire 4.35 acres (3.99 + 0.36) was deeded to Coast Counties Land Title Company. Coast Counties deeded portions of the 3.99 acres and the 0.36 acres to Cook (R 83 OR 444). This 1962 deed to Cook describes the property in two parcels with an exception from both. The most recent deed (Doc. No. 2019060523) contains a legal description with the same wording. **Mr. Panzer asserts the 1962 deed, indicates the existence of two separate legal parcels.**

ANALYSIS:

Rather than look at whether earlier conveyances represent what essentially were lot line adjustments of the 1940s and 1950s, I will focus on a detailed analysis of the 1962 deed to Cook (R 83 OR 444). This deed described the parcel as it has come down to the present.

Parcel 1 of the 1962 description describes the 4.16 acre parcel (as created in 1949) excepting the 0.17 acres deeded to Powers in 1949 (4.16-0.17=3.99 acres). Parcel 2 of the 1962 description describes the 0.36 acre parcel (as described in 1952). The 1962 description concludes with "EXCEPTING FROM Parcels 1 and 2 setforth above the following portions thereof:..." The description then describes the northeasterly 2.322 acres of the 4.35 acre parcel (3.99+0.36=4.35). This 2.322 acre exception calculates to be a 2.014 acre portion of Parcel 1 and a 0.008 acre portion of Parcel 2. **It is my opinion that the use of one described exception indicates the intent of the grantor and the understanding of the grantee that only one parcel was being conveyed, having an area of 2.03± acres (4.35-2.322).** This opinion has three lines of support.

LINE OF REASONING 1:

My opinion is consistent with the principles of the California Court of Appeals, 3rd District, 2007 case *Brown v. Tehama*. This case extensively reasoned on the antimerger rule in California Civil Code section 1093 and decided that this antimerger rule does not apply "to fractional parcels that have never been separately and distinctly described." The 0.36 acres parcel minus the 0.008 acre portion of the exception is not "separately and distinctly described" in any deed. Based on this case law principle, the fractional 0.35 acre parcel should not be considered legal.

LINE OF REASONING 2:

My opinion is also consistent with the requirements of the Monterey County Zoning Ordinance, as amended, in effect in 1962. The entire property had a zoning designation of "K-G-B-4." As Mr. Panzer stated in his letter: "The "K (Agricultural – Residential) zoning required a building site of 10,000 square feet; the B-4 overlay required a one (1) acre building site." The 1962 deed had the effect of reducing the 0.36 acre parcel to 0.35 acres. If the 0.36 acre parcel was considered a separate parcel legally created in 1949, this 1962 reduction in size would constitute a violation of

the applicable zoning ordinance. Mr. Panzer's justification letter fails to account for this significant parcel change. Therefore, the reasonable conclusion is the parties never considered it a separate parcel, but it was understood to be only a portion of the single 2.02 acre parcel conveyed from Coast Counties to Cook.

LINE OF REASONING 3:

The physical evidence of a house being built over the "line" provides substantial circumstantial evidence that past property owners recognized the property as a single legal parcel.

CONCLUSION:

The 1962 conveyance (R 83 OR 444) from Coast Counties to Cook resulted in the creation of one, single legal parcel.

RECOMMENDATION:

Deny the request for a Certificates of Compliance for two legal parcels within APN 416-022-006, and issue a single Certificate of Compliance on the subject parcel. Recording a Certificate of Compliance would eliminate any future legal lot debate on this parcel.

Attachments:

Panzer Letter, dated May 30, 2020 with Exhibits A through I
County Surveyor Plat showing parcel history

Exhibit B

Government Code Section 66412.6 (a)

[Amended, Chapter 1013, Statutes of 1983]

66412.5. Act not applicable to small, removable commercial buildings

When so provided by local ordinance, this division shall be inapplicable to subdivisions of four parcels or less for construction of removable commercial buildings having a floor area of less than 100 square feet.

[Added, Chapter 412, Statutes of 1977]

66412.6. Lawful parcels created before 3/4/72

(a) For purposes of this division or of a local ordinance enacted pursuant thereto, any parcel created prior to March 4, 1972, shall be conclusively presumed to have been lawfully created if the parcel resulted from a division of land in which fewer than five parcels were created and if at the time of the creation of the parcel, there was no local ordinance in effect which regulated divisions of land creating fewer than five parcels.

(b) For purposes of this division or of a local ordinance enacted pursuant thereto, any parcel created prior to March 4, 1972, shall be conclusively presumed to have been lawfully created if any subsequent purchaser acquired that parcel for valuable consideration without actual or constructive knowledge of a violation of this division or the local ordinance. Owners of parcels or units of land affected by the provisions of this subdivision shall be required to obtain a certificate of compliance or a conditional certificate of compliance pursuant to Section 66499.35 prior to obtaining a permit or other grant of approval for development of the parcel or unit of land. For purposes of determining whether the parcel or unit of land complies with the provisions of this division and of local ordinances enacted pursuant thereto, as required pursuant to subdivision (a) of Section 66499.35, the presumption declared in this subdivision shall not be operative.

(c) This section shall become operative January 1, 1995.

[Added, Chapter 500, Statutes of 1993]

66412.7. Date of establishment for subdivisions

A subdivision shall be deemed established for purposes of subdivision (d) of Section 66499.30 and any other provision of this division on the date of recordation of the final map or parcel map, except that in the case of (1) maps filed for approval prior to March 4, 1972, and subsequently approved by the local agency or (2) subdivisions exempted from map requirements by a certificate of exception (or the equivalent) applied for prior to such date and subsequently issued by the local agency pursuant to local ordinance, the subdivision shall be deemed established on the date the map or application for a certificate of exception (or the equivalent) was filed with the local agency.

[Added, Chapter 479, Statutes of 1980]

(a) A project located in Los Angeles County that is approved by a public agency before the effective date of the act adding this section is not in violation of requirement of this division by reason of the failure to construct a road across the property transferred to the state pursuant to subdivision (c) of Section 21080.29 of the Public Resources Code and to construct a bridge over adjacent Ballona Channel in Los Angeles County, otherwise required condition of approval of a vesting tentative map or a tentative map, if all of the following conditions apply:

(1) The improvements specified in subdivision (a) are not constructed, in whole or in part, to the project owner's or developer's relinquishment of easement rights to construct the improvements.

(2) The easement rights specified in paragraph (1) are relinquished in connection with the acquisition by the State of California, acting by and through the Wildlife Conservation Board of the Department of Fish and Game, of a wetlands project that is a minimum of 400 acres in size and located in the coastal zone.

(b) Where the easement rights have been relinquished, any municipal ordinance regulation adopted by a charter city or a general law city shall be inapplicable to the extent that the ordinance or regulation requires construction of transportation improvements specified in subdivision (a), or would otherwise require reprocessing or resubmittal of a permit or approval, including, but not limited to, a final recorded map, a vesting tentative map, or a tentative map, as a result of the transportation improvements specified in subdivision (a) being constructed.

[Added, Chapter 739, Statutes of 2003]

66412.9 Agricultural exemptions

This division shall not apply to leases of agriculturally zoned land to nonprofit organizations for the purpose of operating an agricultural labor housing project on the property if all of the following conditions apply:

(1) The property to be leased shall not be more than five acres.

(2) The lease shall be for not less than 30 years.

(3) The lease shall be executed prior to January 1, 2017.

[Added, Chapter 447, Statutes of 2009]

66413. Effect of annexation to city on tentative and final maps

(a) When any area in a subdivision as to which a final map has been filed and approved by a board of supervisors and filed for record pursuant to this division is thereafter annexed to a city, the final map and any agreements relating to the subdivision shall continue to govern the subdivision.

(b) When any area in a subdivision or proposed subdivision as to which a tentative map or vesting tentative map has been filed but a final map has not been filed and approved, or as to which a parcel map is required by this division or local ordinance but the final act required to make the parcel map effective has not been taken, is annexed to a city, all procedures and regulations required by

Ch. 617 B

Exhibit C

Current Deed (Recorder's Series 2109060523)

Exhibit C

RECORDING REQUESTED BY:

Old Republic Title Company

Escrow No.: 0724019106

APN: 416-022-006

When Recorded Mail Document and Tax Statements to:

John Lewis & Tammy Lewis
26710 Schulte Road
Carmel, CA 93923

Stephen L. Vagnini
Monterey County Clerk-Recorder

Recorded at the request of:
OLD REPUBLIC TITLE COMPANY |

2019060523

12/19/2019 10:59:25
Titles: 1 Pages: 5

Fees: \$34.00
Taxes: \$0.00
AMT PAID: \$34.00

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

Grant Deed

Exempt from fee per GC27388.1(a)(2); document transfers real property that is a residential dwelling to an owner-occupier

The undersigned grantor(s) declare(s):

Documentary Transfer Tax is 0.00 vest into owner's LLC

computed on full value of property conveyed, or

computed on full value less of liens and encumbrances remaining at time of sale.

Unincorporated area: City of

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

John Lewis and Tammy Lewis, husband and wife, as community property with right of survivorship

hereby GRANT(S) to

LB Homebuyers LLC, a California limited liability company



that property in Unincorporated area of Monterey County, State of California, described as follows:

See "Exhibit A" attached hereto and made a part hereof.

Date: November 25, 2019

[Signature]
John Lewis

[Signature]
Tammy Lewis

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Monterey

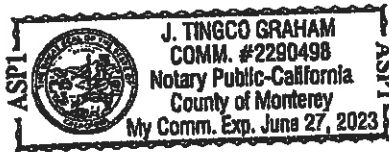
On Dec. 11, 2019 before me, J. TINGCO GRAHAM a Notary Public, personally appeared John Lewis and Tammy Lewis, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in 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: [Signature]
Name: J. TINGCO GRAHAM

(Typed or Printed)



(Seal)

ORDER NO. : 0724019106

EXHIBIT A

The land referred to is situated in the unincorporated area of the County of Monterey, State of California, and is described as follows:

PARCEL I:

Beginning at a point on the Southerly line of the James Meadows Tract, of Lot 8 thereof, as shown and delineated on that certain map entitled, "Map of Partition Map of the James Meadows Tract", filed June 10, 1905 in Volume 1 of "Surveys", at Page 67, in the Office of the County Recorder of the County of Monterey, State of California, said point of beginning being a 2 inch iron pipe located at the Northeasterly corner of U.S. Lot 2 in Section 22, T. 16 S, R. 1 E., M. D. B. & M., distant S. 63° 17' E., (Map of James Meadows Tract shown S. 63° 16' E.,) 549.54 feet from a 2 inch iron pipe standing at the end of Course 11 and the beginning of Course 12, as shown on said map of the James Meadows Tract; and running thence

- (1) S. 0° 03' E., 7.00 feet along the Easterly line of said U.S. Lot 2; thence
- (2) Leaving the Easterly line of said U. S. Lot 2 and following the centerline of an oiled road, S. 81° 59' W., 10.10 feet; thence
- (3) S. 00° 03' E., 248.00 feet running parallel with and 10 feet Westerly of the Easterly line of said U. S. Lot 2 thence
- (4) S. 75° 50' W., 359.47 feet; thence
- (5) S. 37° 26' W., 127.54 feet; thence
- (6) Leaving the centerline of said oiled road, N. 0° 03' W., 570.93 feet to the centerline of the Carmel River; thence
- (7) N. 37° 48' 30" E., 85.91 feet along the centerline of said Carmel River; thence
- (8) Leaving the centerline of said Carmel River and following the Southerly line of said James Meadows Tract, S. 63° 17' E., 429.54 feet to the point of beginning.

EXCEPTING THEREFROM that portion thereof conveyed in the deed from Noel Myrick Clarabut, a single man, et al., to Ralph M. Powers, et ux., dated August 2, 1949 and recorded August 12, 1949 in Volume 1155, Page 124, of Official Records.

PARCEL II:

Beginning at a point on the Southerly line of the James Meadows Tract and Lot 8 thereof, as shown and delineated on that certain map entitled, "Map of Partition Map of James Meadows Tract", filed June 10, 1905 in Volume 1 of "Surveys", at Page 67, in the Office of the County Recorder of the County of Monterey, State of California, said point of beginning being a 2" pipe located on the Northerly corner of U.S. Lot 2, in Section 22, T. 16 S., R 1 E., M. D. B. & M.,

distant N. 63° 17' W., (Map of James Meadows Tract shows N. 63° 16' W.) 549.54 feet from a 2" pipe standing at the end of Course 12, as shown on said map of James Meadows Tract, and running from said point of beginning S. 63° 17' E., 120.00 feet; thence leaving the Northeasterly line of said U. S. Lot 2, S. 37° 48' 30" W., 85.91 feet to the true point of beginning; thence, from said true point of beginning,

(1) S. 0° 03' E., 337.29 feet; thence

(2) N. 23° 28' 30" W., 240.17 feet; thence

(3) N. 53° 04' E., 13.84 feet along the centerline of the Carmel River; thence

(4) N. 37° 48' 30" E., 137.53 feet along the centerline of said Carmel River to the true point of beginning. EXCEPTING THEREFROM PARCELS I and II, set forth above, the following described portions thereof:

Beginning at a point on the Southerly line of the James Meadows Tract and Lot 8 thereof as shown delineated on that certain map entitled, "Partition Map of the James Meadows Tract", filed June 10, 1905 in Volume 1 of "Surveys", at Page 67, in the Office of the County Recorder of the County of Monterey, State of California, said point of beginning being a 2 inch iron pipe located at the Northeasterly corner of U. S. Lot 2 in Section 22, T. 16 S., R. 1 E., M. D. B. & M., distant S. 63° 17' E, (Map of James Meadows Tract shown S. 63° 16' E.) 549.54 feet from a 2 inch iron pipe standing at the end of Course 11 and the beginning of Course 12, as shown on said map of the James Meadows Tract; and running thence, S. 0° 03' E., 7.00 feet along the Easterly line of said U. S. Lot 2; thence leaving the Easterly line of said U. S. Lot 2 and following the centerline of an oiled road, S. 81° 59' W., 10.10 feet; thence S. 0° 03' E., 248.00 feet running parallel with and 10 feet Westerly of the Easterly line of said U. S. Lot 2; thence S. 75° 50' W., 85.0 feet; thence leaving the centerline of said oiled road and running, N. 43° 39' W. 524.49 feet to the centerline of the Carmel River; thence N. 37° 48' 30" E., along the centerline of said Carmel River, 115.00 feet; thence leaving the centerline of said Carmel River and following the Southerly line of said James Meadows Tract, S. 63° 17' E., 429.54 feet to the point of beginning.

PARCEL III:

A right of way for road purposes over a strip of land, 16 feet in width, the centerline thereof described as follows:

Beginning at a point on the East line of U. S. Lot No. 2 in Section 22, Township 16 South, Range 1 East, M. D. B. & M., distant S. 0° 03' E., 7.00 feet from the Northeast corner of said U. S. Lot No. 2, and running thence

(1) S. 81° 59' W., 10.10 feet; thence

(2) S. 0° 03' E., 248.00 feet; thence

(3) S. 75° 50' W., 359.47 feet; thence

(4) S. 37° 26' W., 127.54 feet; thence

- (5) S. 67° 38' W., 91.24 feet; thence
- (6) S. 83° 03' W., 143.51 feet; thence
- (7) N. 78° 37' W., 263.48 feet; thence
- (8) N. 81° 27' W., 93.68 feet; thence
- (9) S. 77° 59' W., 170.70 feet; thence
- (10) S. 71° 17' W., 344.86 feet, more or less, to a point 187.00 feet West of the West Line of said Lot 2. EXCEPTING THEREFROM, that portion lying within PARCEL I above.

APN: 416-022-006-000

Exhibit D

June 1949 Deed for Parcel I (Vol. 1143, Page 352 Official Records)

GRANT DEED (Joint Tenancy)

LOUISE PARKS GRIBBEN and JULIA ANN PARKS,

GRANT _____ to

NOEL MYRICK CLARABUT, a single man, and HELENE CLARABUT, his mother,
as Joint Tenants, all that real property situate in the

County of Monterey

State of California, described as follows:

Beginning at a point on the southerly line of the James Meadows Tract and Lot B thereof as shown and delineated on that certain map entitled "Partition Map of the James Meadows Tract Situated in the Carmel Valley, Monterey County, California" filed in the office of the recorder of said Monterey County, California on June 10, 1905 in Volume 1 at page 67 of Surveys, said point of beginning being a 2 inch iron pipe located at the northeasterly corner of U. S. Lot 2 in Section 22, T. 16 S., R. 1E., M. D. B. & M., distant S. 63° 17' E., (Map of James Meadows Tract shows S. 63° 16' E.) 549.54 feet from a 2 inch iron pipe standing at the end of course 11 and the beginning of course 12 as shown on said map of the James Meadows Tract, and running thence,

- (1) S. 0° 03' E. 7.00 feet along the easterly line of said U. S. Lot 2; thence
- (2) Leaving the easterly line of said U. S. Lot 2 and following the center line of an oiled road, S. 81° 59' W., 10.10 feet; thence
- (3) S. 0° 03' E. 243.00 feet running parallel with and 10 feet westerly of the easterly line of said U. S. Lot 2; thence,
- (4) S. 75° 50' W., 359.47 feet; thence,
- (5) S. 37° 26' W., 127.54 feet; thence,
- (6) Leaving the center line of said oiled road, N. 0° 03' W., 570.33 feet to the center line of the Carmel River; thence,
- (7) N. 37° 49' 30" E., 85.91 feet along the center line of said Carmel River; thence,
- (8) Leaving the center line of said Carmel River and following the southerly line of said James Meadows Tract S. 63° 17' E., 429.54 feet to the point of beginning and containing 4.16 acres more or less.

SUBJECT TO A RIGHT OF WAY for road and utility purposes over a strip of land 8 feet in width lying westerly, northerly and northwesterly of and adjacent to Courses Numbered 2 to 5 inclusive hereinabove described.

RESERVING THEREFROM A right of way for road and utility purposes over a strip of land 15 feet in width, the centerline of which is described as follows:

BEGINNING at a point in the center of an existing oiled road, distant S. 75° 50' W., 281.47 feet from the end of course (3) above described and running thence,

- (1) S. 86° 00' W., 80.00 feet; thence,
- (2) S. 65° 56' 15" W., 80.40 feet to a point on the west boundary line of the above described 4.16 acre parcel, distant N. 0° 03' W., 22.00 feet from the end of course (5) above described.

Together with the following described personal property:

- 1 - 7 1/2 H.P. Electric motor and water pump attached thereto, and
- 2 - 900 feet of surface irrigation pipe located on the property hereinabove described.

Exhibit D

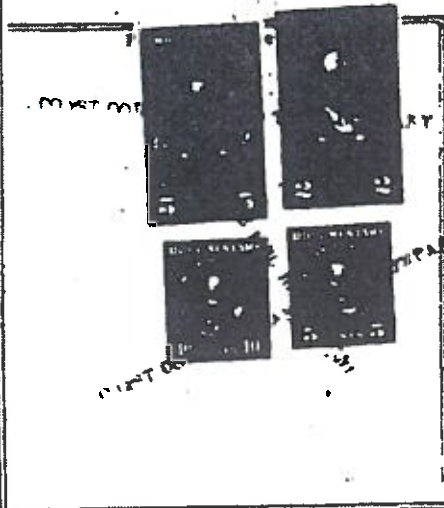
Parcel 1

511-5-611

500000

7807-152-18

WITNESS hand this 3rd day of June 1949



Louise Parks Gribben
Julia Ann Parks
By Louise Parks Gribben
her attorney in fact.

STATE OF CALIFORNIA

County of Monterey

On June 3 1949

before me, Sally McGreevy
a Notary Public, in and for said Monterey County and State,
personally appeared Louise Parks Gribben

known to me to be the
person whose name is subscribed to the within instrument, and
acknowledged to me that she executed the same.

Sally McGreevy
Notary Public

My commission expires

Monterey—Coast Counties Land Title Company—Salinas

1143 354

STATE OF CALIFORNIA

County of Monterey

On this 3rd day of June in the year one thousand nine hundred and Forty-nine before me Sally McCreary a Notary Public in and for the County of Monterey

State of California, residing therein, duly commissioned and sworn, personally appeared

Louisa Parks Gribben known to me to be the person whose name is subscribed to the within instrument as the attorney in fact of Julia Ann Parks

and acknowledged to me that she subscribed the name of Julia Ann Parks

as principal, and A.B.T. own name as attorney in fact

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the County of Monterey the day and year in this certificate first above written.

Sally McCreary Notary Public in and for the County of Monterey State of California

Ordinary's Form No. 24 - Acknowledgment - Attorney in Fact (C.C. Sec. 1192)

My Commission Expires

Order No. J

COAST COUNTIES LAND TITLE COMPANY

RECEIVED REQUEST OF

1143 352

JUN 7 PM 1 34

JOHN WALLACE

RECORDED

2 - Duil Hughes Deputy

Exhibit E

May 1952 Deed for Parcel II (Vol. 1381, Page 117 Official Records)

HELENE CLARABUT, a single woman, and
NOEL MYRICH CLARABUT, a single man,
as joint tenants,

GRANT to

ETHEL PATTON, a single woman

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

RECORDED
21498
MONTEREY COUNTY
OFFICIAL RECORDS
RECORDED AT REQUEST OF
FARR & HILLARD
1952 M. 16 AM 8 12
1381 117
VOL PAGE
John Wallace

Exhibit
E
(Parcel II)

BEGINNING at a point on Southerly line of the James Meadows Tract and Lot 8 thereof as shown and delineated on that certain map entitled, "Partition Map of the James Meadows Tract situated in the Carmel Valley, Monterey County, California," filed in the office of the Recorder of said Monterey County, California, on June 10, 1905 in Volume 1 at page 67 of Surveys, said point of beginning being a 2" pipe located at the Northerly corner of U. S. Lot 2 in Section 22, T. 16 S., R. 1 E., M. D. B. & M., distant N. 63° 17' W., (Map of James Meadows Tract shows N. 63° 16' W.,) 549.54 feet from a 2" pipe standing at the end of course 12 as shown on said map of James Meadows Tract, and running from said point of beginning S. 63° 17' E., 120.00 feet; thence leaving the Northeasterly line of said U. S. Lot 2, S. 37° 48' 30" W., 85.91 feet to the true point of beginning. Thence from said true point of beginning,

21498

- (1) S. 0° 03' E., 337.29 feet; thence,
- (2) N. 23° 28' 30" W., 240.17 feet; thence,
- (3) N. 53° 04' E., 13.84 feet along the center line of the Carmel River; thence,
- (4) N. 37° 48' 30" E., 137.53 feet along the center line of said Carmel River to the true point of beginning. Containing 0.36 acres more or less.

EXCEPTING THEREFROM that part conveyed to Ralph M. Powers and Virginia B. Powers, his wife, by deed recorded August 12, 1949, as Document #32376 in Volume 1155 of the official records of Monterey County, on Page 124.

DATED: May 5, 1952

STATE OF CALIFORNIA
County of Monterey

On May 5, 1952 before me,
a Notary Public, in and for said County and State, personally appeared

HELENE CLARABUT and

NOEL MYRICH CLARABUT

Noel Myrich Clarabut
Helene Clarabut

Know all men to be the
purpose of the above instrument, and

My commission expires May 15, 1955

Exhibit F

October 1955 Deed for "Exception" (Vol. 1655, Page 407 Official Records)

Consideration less than \$100.00

HELENE CLARABUT, a single woman,

GRANTS to

NOEL M. CLARABUT,

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

For Recorder's Use Only

30014

MONTEREY COUNTY
OFFICIAL RECORDS
RECORDED AT REQUEST OF

COAST COUNTIES LAND TITLE COMPANY
1955 OCT 28 AM 10 11

BOOK 1655 PAGE 407

Amelia M. ...
RECORDER

Exhibit F
Exception

BEGINNING at a point on the southerly line of the James Meadows Tract and Lot 8 thereof as shown and delineated on that certain map entitled, "Partition Map of the James Meadows Tract Situated in the Carmel Valley, Monterey County, California", filed in the office of the Recorder of said Monterey County, California, on June 10, 1905 in Volume 1 at page 67 of Surveys, said point of beginning being a 2 inch iron pipe located at the northeasterly corner of U. S. Lot 2 in Section 22, T. 16 S., R. 1 E., N. J. E. & M., distant S. 63° 17' E., (Map of James Meadows Tract shows S. 63° 16' E.) 549.54 feet from a 2 inch iron pipe standing at the end of course 11 and the beginning of course 12 as shown on said map of the James Meadows Tract, and running thence,

- (1) S. 0° 03' E., 7.00 feet along the easterly line of said U. S. Lot 2; thence
- (2) Leaving the easterly line of said U. S. Lot 2 and following the centerline of an oiled road, S. 81° 53' W., 10.10 feet; thence
- (3) S. 0° 03' E., 245.00 feet running parallel with and 10 feet westerly of the easterly line of said U. S. Lot 2; thence
- (4) S. 75° 50' W., 259.47 feet; thence
- (5) S. 77° 28' W., 127.54 feet; thence
- (6) Leaving the centerline of said oiled road, N. 0° 03' W., 570.33 feet to the centerline of the Carmel River; thence
- (7) N. 3° 45' 30" W., 85.31 feet along the centerline of said Carmel River; thence
- (8) Leaving the centerline of said Carmel River and following the southerly line of said James Meadows Tract, S. 63° 17' E., 429.34 feet to the point of beginning and containing 4.16 acres, more or less.

EXCEPT TO A RIGHT OF WAY for road and utility purposes over a strip of land 8 feet in width lying westerly, northerly and northwesterly of and adjacent to courses numbered 2 to 5 inclusive hereinabove described.

RESERVE TO WHATEVER a right of way for road and utility purposes over a strip of land 15 feet in width, the centerline of which is described as follows:

BEGINNING at a point in the center of an existing oiled road, distant S. 75° 50' W., 281.47 feet from the end of course (3) above described and running thence

- (1) S. 55° 00' W., 30.00 feet; thence
- (2) S. 65° 55' 15" W., 80.40 feet to a point on the west boundary line of the above described 4.16 acre parcel, distant N. 0° 03' W., 82.00 feet from the end of course (3) above described.

30014

DATED: October 27, 1955

STATE OF CALIFORNIA

County of Monterey

October 27, 1955

HELENE CLARABUT, a single woman,

Helene Clarabut

Witness my hand and seal of said County and State, personally appeared

[Signature]

My commission expires Sept. 25, 1956

C. C. T. CO. # 49250-3

NOTICE OF COMPLETION

(C.C.P. Sec. 1187)

Book 1655 Page 408

NOTICE IS HEREBY GIVEN:

1. That the real property hereinafter described is owned by the following whose address or addresses are:

NAME	STREET AND NO.	CITY	STATE
PAUL B. JILSON	Rt. 2, Box 90-J,	Carmel,	California
PAUL J. WILSON	Rt. 2, Box 90-J,	Carmel,	California

2. That the nature of the title to said real property of all said owners is that of fee simple.

3. That on the 24th day of October, 1956, the work of improvement on the said real property was actually completed.

4. (a) That the name of the original contractor for the work of improvement as a whole is

ANDY E. LA MAR

See Over Note No. A

~~ANDY E. LA MAR is original contractor for the work of improvement mentioned~~

5. That the real property herein referred to is situated in the

County of Monterey, State of California, and is described as follows:

Lot Numbered 15, in Block Numbered 4, as said Lot and Block are shown on that certain map entitled, "Map of Mission Tract an Addition to Carmel-by-the-Sea, Monterey County, California", Surveyed by H. D. Severance, J. L., June 1936 and filed for record June 16, 1936 in the office of the County Recorder of the County of Monterey, State of California, in Volume 4 of Maps, "Cities and Towns", at page 2.

See Over Note No. B

Paul B. Jilson
Owner

Owner

Owner

By _____
Owner's Agent

STATE OF CALIFORNIA

County of Monterey

PAUL B. JILSON being duly sworn, says: That he has read the foregoing notice and knows the contents thereof, and that the same is true of his own knowledge.

Paul B. Jilson

Owner

Subscribed and sworn to before me this 24th day of October, 1956

Notary Public in and for the County of Monterey, State of California.
Commission expires Sept. 25, 1956.

9. C. L. T. CO. # 4425-7

30015

Exhibit G

Subdivision Map Act circa 1944, Section 11507

STATE SUBDIVISION MAP ACT
CHAPTER 2, PART 2, DIVISION 4
BUSINESS & PROFESSIONS CODE

Exhibit
G

ARTICLE 1.
GENERAL PROVISIONS

11500. This chapter may be cited as the Subdivision Map Act.

11501. The definitions in this article apply to the provisions of this chapter only and do not affect any other provisions of this code.

11502. "County surveyor" includes county engineer, if there is no county surveyor.

11503. "Tentative map" refers to a map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property.

11504. "Final map" refers to a map prepared in accordance with the provisions of this chapter and those of any applicable local ordinance, which map is designed to be placed on record in the office of the county recorder of the county in which any part of the subdivision is located.

11505. "Record of survey map" refers to a map prepared as provided in this chapter and conforming to the provisions of Chapter 15 of Division 3 of this code.

11506. "Local ordinance" refers to an ordinance regulating the design and improvement of subdivisions, enacted by the governing body of any city or county under the provisions of this chapter or any prior statute, regulating the design and improvement of subdivisions, in so far as the provisions of the ordinance are consistent with and not in conflict with the provisions of this chapter.

11507. "Subdivision" refers to any land or portion thereof subject to the provisions of this chapter. See Section 11535.

11508. "Subdivider" refers to a person, firm, corporation, partnership or association who causes land to be divided into a subdivision for himself or for others.

11509. "Advisory agency" refers to an official or an official body designated by a local ordinance and charged thereby with the duty of making investigations and reports on the design and improvement of proposed subdivisions.

11510. "Design" refers to street alignment, grades and widths, alignment and widths of easements and right of ways for drainage and sanitary sewers and minimum lot area and width.

11511. "Improvement" refers to only such street work and utilities to be installed, or agreed to be installed, by the subdivider on the land dedicated or to be dedicated for streets, highways, public ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs, as a condition precedent to the approval and acceptance of the final map thereof.

ARTICLE 2.
ADMINISTRATION

11525. Control of the design and improvement of subdivisions is vested in the governing bodies of cities and of counties but, in all matters concerning such design and improvement, any decision by a governing body is subject to review as to its reasonableness by the superior court in and for the county in which the land is situated.

Any subdivider or person claiming to be aggrieved by the decision

of a governing body may within 90 days after the rendering of the decision bring a special proceeding in the superior court to determine the reasonableness of the decision. The proceeding shall take precedence over all matters upon the calendar of the court, criminal, probate, eminent domain and forcible entry and unlawful detainer proceedings excepted.

11526. The design, improvement and survey data of subdivisions and the form and content of tentative, record of survey and final maps thereof, and the procedure to be followed in securing official approval are governed by the provisions of this chapter and by the additional provisions of local ordinances dealing with subdivisions, the enactment of which is authorized by this chapter.

11527. The governing body of a county has jurisdiction only to approve the map of a subdivision or such part thereof, as may lie within unincorporated area, and the governing body of a city has jurisdiction only to approve a map of a subdivision, or such part thereof, as may lie within the incorporated area of the city.

11528. The legislative body of any city or county which desires to inspect and make recommendations concerning the map or maps of proposed subdivisions adjacent to but outside of its jurisdictional boundary line, may file with the clerk of the governing body or the advisory agency of any adjoining city or county having jurisdiction, a map or an amended map of territory within such second mentioned city or county in which territory it is interested in proposed subdivisions. The territory may not extend a distance of more than three miles from the common boundary line of the cities or counties.

The clerk of the governing body or the advisory agency of the city or county having jurisdiction shall issue a receipt for the territorial map and thereafter shall transmit to the official designated by the requesting city or county, within three days after the receipt thereof, one copy of each tentative map of any subdivision located wholly or partly within the territory outlined on the territorial map.

Any requesting city or county, which receives a copy of a tentative map, shall make its recommendations, if any, to the clerk of the governing body or advisory agency from which the tentative map was received within 15 days after receipt thereof. The recommendations shall be taken into consideration by the governing body or advisory agency of the city or county having jurisdiction before action is taken upon the tentative map.

11529. The county surveyor or city engineer shall make such detailed examination of final maps and record of survey maps and such field check, if any, as may be necessary to enable him to make the certificate required by subsection (c) of Section 11576 and by Section 11593. Local ordinances may provide a proper and reasonable fee to be collected from the subdivider for such examination.

11530. A certified copy of each local ordinance and amendments thereto shall be recorded in the office of the county recorder.

ARTICLE 3
SCOPE OF REGULATION

11531. (a) "Subdivision" refers to any land or portion thereof, shown on the last preceding tax roll as a unit or as contiguous units, which is divided for the purpose of sale, whether immediate or future, by

any subdivider into five or more parcels within any one-year period.

(b) "Subdivision" does not include either of the following:

(1) Any parcel or parcels of land in which all of the following conditions are present: (i) Which contain less than five acres, (ii) which abut upon dedicated streets or highways, (iii) in which street opening or widening is not required by the governing body in dividing the land into lots or parcels, and (iv) the lot design meets the approval of the governing body.

(2) Any parcel or parcels of land divided into lots or parcels, each of a net area of one acre or more, a tentative map of which has been submitted to the governing body and has been approved by it as to street alignment and widths, drainage provisions and lot design.

(c) In either case provided in subsection (b) of this section, there shall be filed a record of survey map pursuant only to the provisions of Chapter 15 of Division 3 of this code.

(d) Nothing contained in this chapter shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

11536. Nothing contained in this chapter prevents the recording under the provisions of this chapter and any applicable local ordinances of a final map of any land not defined as a subdivision.

11537. (a) This chapter does not prohibit the filing of a map in accordance with (i) the provisions of Chapter 2 of this Part and the use thereof for purposes therein provided or (ii) the provisions of any act requiring the filing of licensed surveyor's or registered civil engineer's records of surveys.

(b) A final map may be recorded under the provisions of this chapter for the purpose of showing as acreage land previously subdivided into parcels or lots or blocks, and a map may likewise be recorded if it does not divide into two or more taxable parcels any parcel of land which is described as a unit on the latest adopted county tax roll. In either of the cases mentioned in this subsection, if sufficient recorded data exist from which an accurate map may be compiled, there need not be a certificate by a surveyor or engineer.

(c) A tax bond shall not be required in any of the cases covered by this section.

11538. (a) It is unlawful for any person to offer to sell to contract to sell or to sell any subdivision or any part thereof until a final map or record of survey map thereof in full compliance with the provisions of this chapter and any local ordinance has been duly recorded or filed in the office of the recorder of the county in which any portion of the subdivision is located.

(b) Subsection (a) does not apply to any parcel or parcels of a subdivision offered for sale, contracted for sale or sold in compliance with or exempt from any law (including a local ordinance), regulating the design and improvement of subdivisions in effect at the time the subdivision was established.

11539. Conveyances of any part of a subdivision shall not be made by lot or block number, initial or other designation, unless and until a final map has been recorded.

11540. Any sale or contract to sell made contrary to the provisions of this chapter is voidable at the sole option of the buyer or person

Exhibit H

"Land Subdivision Manual" amended through September 1946

Exhibit #

LAND SUBDIVISION MANUAL

MONTEREY COUNTY, CALIFORNIA

1944

As Amended to September, 1946

BOARD OF SUPERVISORS

- A. B. Jacobsen, *Chairman*
- Loren Bunte
- Mose Hutchings
- W. J. Redding
- Rudy Lamar

PLANNING COMMISSION

- Carmel Martin, *Chairman*
- H. F. Cozzens, *Vice-Chairman*
- C. S. Olmsted
- W. R. Tavernetti
- D. O. Colgrove
- George Dudley
- Grutly S. Dedini
- Rudy Lamar
- O. C. Connely

STAFF

- Chas. Vogel, *Secretary*
- Walter Hahn, *Consultant*
- M. D. Anderson, *Technician*

COURT HOUSE ☆ SALINAS, CALIFORNIA

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MONTEREY COUNTY SUBDIVISION ORDINANCE

Ordinance No. 546

An Ordinance of the County of Monterey, State of California Adopting Subdivision Regulations in Accordance with the Provisions of Law, and Repealing Ordinance No. 374 of Said County, Adopted the 25th Day of April, 1930 and All Other Ordinances in Conflict with This Ordinance.

The Board of Supervisors of the County of Monterey, State of California, do ordain as follows:

SECTION 1. PURPOSE OF ORDINANCE

1.1 This ordinance is enacted for the purpose of adopting subdivision regulations, in accordance with the Subdivision Map Act of the State of California, and repeals Ordinance No. 374 of said County, adopted April 25, 1930, and all other ordinances and parts of ordinances in conflict with this ordinance, provided, however, that such repeal shall not affect any agreement, contract or bond executed pursuant to such ordinances or any rights of action accruing thereunder. The County Planning Commission, hereinafter referred to as the Planning Commission, of the County of Monterey, State of California, hereinafter referred to as the County, is hereby designated as the advisory agency with respect to subdivisions, as provided in said Subdivision Map Act, and shall have all the powers and duties with respect to tentative, record of survey and final maps and the procedure relating thereto which are specified by law and by this ordinance.

SECTION 2. SUBDIVISION REGULATIONS

2.1 General Requirements: The following regulations shall apply to all subdivisions or parts of subdivisions lying wholly or in part within the unincorporated territory of the County of Monterey:

(a) HIGHWAYS.

1. The street and highway layout of each subdivision shall be based on the sections of the Master Plan which shall have been adopted for the portion of the County within which the subdivision lies.

2. Major highways shall be not less than one hundred (100') feet in width.

3. Secondary highways shall be not less than eighty-six (86') feet in width.

4. By-pass streets shall be provided around intersections of major and secondary highways with each other.

5. The center lines of all highways shall be the continuations of the center lines of existing highways in adjacent and contiguous territory. In cases in which straight continuations are not reasonably possible, such center lines may be continued by tangent curves.

(b) STREETS

1. Widths of local streets shall be not less than those set forth in Section 3 hereof, except where it can be shown by the subdivider, to the satisfaction of the Commission, that the topography or the small number of lots served and the probable future traffic development are such as to unquestionably justify a narrower width.

2. Private streets, alleys or ways will not be approved unless they are improved as specified in Sections 3 and 4 hereof and provision is made for their permanent maintenance.

3. Reserved strips controlling the access to public ways or which will not prove taxable for special improve-

ments will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights or both and in no case except in which the control and disposal of the land comprising such strips is placed definitely within the jurisdiction of the County under conditions approved by the Planning Commission.

4. All streets shall, as far as practicable, be in alignment with existing streets by continuations of the center lines thereof.

5. Streets will be required to intersect one another at an angle as near to a right angle as is practicable in each specific case, and no intersections of streets at angles less than thirty (30°) degrees will be approved, unless necessitated by topographic conditions.

6. Where a subdivision adjoins acreage, streets which may be extended in the event of the subdivision of the acreage will be required to be provided through to the boundary lines of the tract.

7. Whenever the size or location of a parcel of land does not permit a lot layout directly related to a normal street arrangement, there may be used a court, non-connecting street or other public way, as best fits the case, provided that such conditions as are authorized in Section 15 of this ordinance may be required in such cases.

8. Wherever a dead-end street is permitted, such street shall have a circular end with a minimum radius of forty (40') feet or a comparable area in another form.

9. Where streets are less than sixty (60') feet in width, additional easements for planting may be required.

(c) STREET NAMES.

1. All new thoroughfares and any thoroughfare, the name of which is hereafter changed, shall be designated according to direction and length, by the proper term as set forth in the following schedule:

General Direction	Long or Continuous Thoroughfares	Short or Discontinuous Thoroughfares
North and South	Streets	Places
East and West	Avenues	Courts
Diagonal	Roads	Ways
Curving	Drives	Lanes

2. Streets that are obviously in alignment with others already existing and named shall bear the names of such existing streets. In order to avoid duplication, names to be used for new streets shall be subject to the approval of the Planning Commission.

(d) GRADES AND CURVES.

Grades shall not exceed eight (8%) percent on major or secondary highways, ten (10%) percent on major residential streets, or fifteen (15%) percent on any street. Center line radii shall be not less than five hundred (500') feet. Lesser radii may be used in cases in which sufficient evidence is presented to show that the above requirements are not practicable.

(e) ALLEYS.

1. Alleys twenty (20') feet wide may

be required in the rear of all prospective business property, except where topography makes the use of alleys impracticable.

2. Where two alleys intersect, ten (10') foot corner cutoffs will be required.

(f) BLOCKS.

1. Blocks shall not exceed twelve hundred (1200') feet in length, unless the previous adjacent layout or topographical conditions justify a variation from this requirement. Long blocks should be provided adjacent to main thoroughfares in order to reduce the number of intersections.

2. Pedestrian ways ten (10') feet in width shall be provided through the middle of blocks over one thousand (1000') feet in length, and shall be provided to connect dead-end streets when required by the public convenience.

3. At street intersections the block corners in a residential district shall be rounded at the property line by a radius of not less than fifteen (15') feet, and in a commercial district or on lots adjacent to a secondary or major highway by a radius of not less than twenty (20') feet; or more in case such is necessary to provide at least one hundred (100') feet sight distance diagonally between two vehicles approaching the corner on intersecting street center lines.

4. The curve radius shall conform to the radius of existing corners at the same intersection where such radius is greater than twenty (20') feet.

5. Easements for storm drainage, sewers or other public utilities may be required along the rear lot lines or elsewhere if necessary.

(g) LOTS.

1. The size and shape of lots shall be such as are proper for the locality in which the subdivision is situated and in conformance with requirements of the zoning ordinance, but in no case shall the average width be less than sixty (60') feet nor the depth more than two and one-half (2½) times the average width, provided however, that the minimum allowable lot area shall be six thousand (6000) square feet. All lots must be adequately drained. Where property is zoned by ordinance for business use, other widths and areas may be permitted at the discretion of the Planning Commission.

2. In a subdivision in which the lots may be re-subdivided at some future time, the location of lot lines and other details of layout shall be such that re-subdivision may readily take place without violating the requirements of this ordinance and without interfering with the orderly extension of adjacent streets and highways.

3. Lots without frontage on a street will not be permitted.

4. The side lines of lots will be required to run at right angles to the street upon which the lot faces, as far as practicable.

5. Lots other than corner lots having double frontage with depths of less than two hundred (200') feet will not be approved except where necessitated by topographic or other physical conditions.

STATE SUBDIVISION MAP ACT

CHAPTER 2, PART 2, DIVISION 4

BUSINESS & PROFESSIONS CODE

ARTICLE 1. GENERAL PROVISIONS

11500. This chapter may be cited as the Subdivision Map Act.

11501. The definitions in this article apply to the provisions of this chapter only and do not affect any other provisions of this code.

11502. "County surveyor" includes county engineer, if there is no county surveyor.

11503. "Tentative map" refers to a map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property.

11504. "Final map" refers to a map prepared in accordance with the provisions of this chapter and those of any applicable local ordinance, which map is designed to be placed on record in the office of the county recorder of the county in which any part of the subdivision is located.

11505. "Record of survey map" refers to a map prepared as provided in this chapter and conforming to the provisions of Chapter 15 of Division 3 of this code.

11506. "Local ordinance" refers to an ordinance regulating the design and improvement of subdivisions, enacted by the governing body of any city or county under the provisions of this chapter or any prior statute, regulating the design and improvement of subdivisions, in so far as the provisions of the ordinance are consistent with and not in conflict with the provisions of this chapter.

11507. "Subdivision" refers to any land or portion thereof subject to the provisions of this chapter. See Section 11525.

11508. "Subdivider" refers to a person, firm, corporation, partnership or association who causes land to be divided into a subdivision for himself or for others.

11509. "Advisory agency" refers to an official or an official body designated by a local ordinance and charged thereby with the duty of making investigations and reports on the design and improvement of proposed subdivisions.

11510. "Design" refers to street alignment, grades and widths, alignment and widths of easements and right of ways for drainage and sanitary sewers and minimum lot area and width.

11511. "Improvement" refers to only such street work and utilities to be installed, or agreed to be installed, by the subdivider on the land dedicated or to be dedicated for streets, highways, public ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs, as a condition precedent to the approval and acceptance of the final map thereof.

ARTICLE 2. ADMINISTRATION

11525. Control of the design and improvement of subdivisions is vested in the governing bodies of cities and of counties but, in all matters concerning such design and improvement, any decision by a governing body is subject to review as to its reasonableness by the superior court in and for the county in which the land is situated.

Any subdivider or person claiming to be aggrieved by the decision

of a governing body may within 90 days after the rendering of the decision bring a special proceeding in the superior court to determine the reasonableness of the decision. The proceeding shall take precedence over all matters upon the calendar of the court, criminal, probate, eminent domain and forcible entry and unlawful detainer proceedings excepted.

11526. The design, improvement and survey data of subdivisions and the form and content of tentative, record of survey and final maps thereof, and the procedure to be followed in securing official approval are governed by the provisions of this chapter and by the additional provisions of local ordinances dealing with subdivisions, the enactment of which is authorized by this chapter.

11527. The governing body of a county has jurisdiction only to approve the map of a subdivision, or such part thereof, as may lie within unincorporated area, and the governing body of a city has jurisdiction only to approve a map of a subdivision, or such part thereof, as may lie within the incorporated area of the city.

11528. The legislative body of any city or county which desires to inspect and make recommendations concerning the map or maps of proposed subdivisions adjacent to but outside of its jurisdictional boundary line, may file with the clerk of the governing body or the advisory agency of any adjoining city or county having jurisdiction, a map or an amended map of territory within such second mentioned city or county in which territory it is interested in proposed subdivisions. The territory may not extend a distance of more than three miles from the common boundary line of the cities or counties.

The clerk of the governing body or the advisory agency of the city or county having jurisdiction shall issue a receipt for the territorial map and thereafter shall transmit to the official designated by the requesting city or county, within three days after the receipt thereof, one copy of each tentative map of any subdivision located wholly or partly within the territory outlined on the territorial map.

Any requesting city or county, which receives a copy of a tentative map, shall make its recommendations, if any, to the clerk of the governing body or advisory agency from which the tentative map was received within 15 days after receipt thereof. The recommendations shall be taken into consideration by the governing body or advisory agency of the city or county having jurisdiction before action is taken upon the tentative map.

11529. The county surveyor or city engineer shall make such detailed examination of final maps and record of survey maps and such field check, if any, as may be necessary to enable him to make the certificate required by subsection (c) of Section 11576 and by Section 11593. Local ordinances may provide a proper and reasonable fee to be collected from the subdivider for such examination.

11530. A certified copy of each local ordinance and amendments thereto shall be recorded in the office of the county recorder.

ARTICLE 3

SCOPE OF REGULATION

11535. "Subdivision" refers to any land or portion thereof, shown on the last preceding tax roll as a unit or as contiguous units, which is divided for the purpose of sale, whether immediate or future, by

any subdivider into five or more parcels within any one-year period.

(b) "Subdivision" does not include either of the following:

(1) Any parcel or parcels of land in which all of the following conditions are present: (i) Which contain less than five acres, (ii) which abut upon dedicated streets or highways, (iii) in which street opening or widening is not required by the governing body in dividing the land into lots or parcels, and (iv) the lot design meets the approval of the governing body.

(2) Any parcel or parcels of land divided into lots or parcels, each of a net area of one acre or more, a tentative map of which has been submitted to the governing body and has been approved by it, as to street alignment and widths, drainage provisions and lot design.

(c) In either case provided in subsection (b) of this section, there shall be filed a record of survey map pursuant only to the provisions of Chapter 15 of Division 3 of this code.

(d) Nothing contained in this chapter shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

11536. Nothing contained in this chapter prohibits the recording under the provisions of this chapter and any applicable local ordinances of a final map of any land not defined as a subdivision.

11537. (a) This chapter does not prohibit the filing of a map in accordance with (b) the provisions of Chapter 3 of this Part and the use thereof for purposes therein provided or (ii) the provisions of any act requiring the filing of licensed surveyor's or registered civil engineer's records of surveys.

(b) A final map may be recorded under the provisions of this chapter for the purpose of showing as acreage land previously subdivided into parcels or lots or blocks, and a map may likewise be recorded if it does not divide into two or more taxable parcels any parcel of land which is described as a unit on the latest adopted county tax roll. In either of the cases mentioned in this subsection, if sufficient recorded data exist from which an accurate map may be compiled, there need not be a certificate by a surveyor or engineer.

(c) A tax bond shall not be required in any of the cases covered by this section.

11538. (a) It is unlawful for any person to offer to sell to contract to sell or to sell any subdivision or any part thereof until a final map or record of survey map thereof in full compliance with the provisions of this chapter and any local ordinance has been duly recorded or filed in the office of the recorder of the county in which any portion of the subdivision is located.

(b) Subsection (a) does not apply to any parcel or parcels of a subdivision offered for sale, contracted for sale or sold in compliance with or exempt from any law (including a local ordinance), regulating the design and improvement of subdivisions in effect at the time the subdivision was established.

11539. Conveyances of any part of a subdivision shall not be made by lot or block number, initial or other designation, unless and until a final map has been recorded.

11540. Any sale or contract to sell made contrary to the provisions of this chapter is voidable at the sole option of the buyer or person

Exhibit I

1949 Deed for Exception to Parcel I
(Volume 1155, Page 124 Official Records)

Exhibit I

GRANT DEED (Grant to)

NOEL MIRICK CLARABUT, a single man, and HELENE CLARABUT, his mother, GRANT to RALPH M. POWERS and VIRGINIA POWERS, his wife, as Joint Tenants all that real property situated in the

County of Monterey, State of California, described as follows:

BEGINNING at a point on the Southerly line of the James Meadows Tract and Lot 8 thereof as shown and delineated on that certain map entitled, "Partition Map of the James Meadows Tract situated in the Carmel Valley, Monterey County, California", filed in the office of the Recorder of said Monterey County, California on June 10, 1905 in Volume 1 at page 67 of Surveys, said point of beginning being a 2" pipe located at the Northeasterly corner of U. S. Lot 2 in Section 22, T. 16 S., R. 1 E., M. D. B. & M., distant S. 63° 17' E., (Map of James Meadows Tract shows S. 63° 16' E.,) 549.54 feet from a 2" pipe standing at the end of course 11 and the beginning of course 12 as shown on said map of James Meadows Tract, and running from said point of beginning S. 0° 03' E., 7.00 feet along the Easterly line of said U. S. Lot 2; thence, leaving the Easterly line of said U. S. Lot 2, and following the center line of an oiled road, S. 81° 59' W., 10.10 feet; thence, S. 0° 03' E., 245.00 feet; thence, S. 75° 50' W., 359.47 feet; thence, S. 37° 26' W., 21.24 feet to the true point of beginning. Thence from said true point of beginning,

- (1) S. 37° 26' W., 106.30 feet continuing along the center line of said oiled road; thence,
- (2) Leaving the center line of said oiled road N. 0° 03' W., 233.64 feet; thence,
- (3) S. 23° 28' 30" E., 162.70 feet to the true point of beginning. Containing 0.17 acres more or less.

TOGETHER WITH a right of way for road and utility purposes over a strip of land 16 feet in width the center line of which follows the above described center line of an oiled road from the easterly line of said U. S. Lot 2 to the true point of beginning.

SUBJECT TO a right of way for road and utility purposes over a strip of land 8 feet in width lying Northwesterly of a line line which coincides with course numbered (1) above described as S. 37° 26' W., 106.30 feet.

WITNESS my hand this 2nd day of August, 1949

For Recorder's Use Only

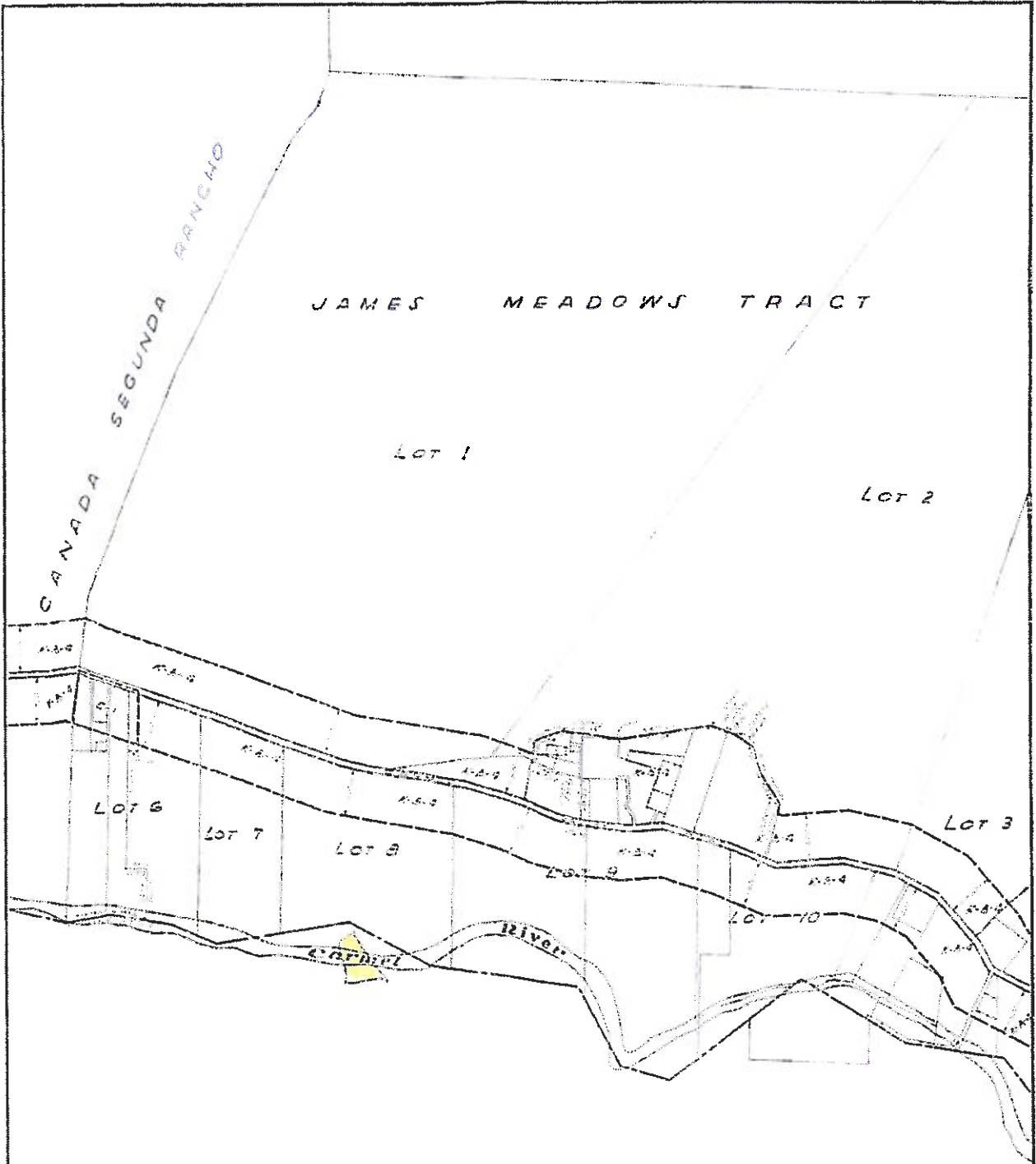
Volume 1155, Official Records
Page 124

MONTEREY COUNTY
OFFICIAL RECORDS
RECORDED AT REQUEST OF
COAST COUNTIES LAND TITLE COMPANY
1949 AUG 12 PM 3 55
1155 124
JOHN E. WALLACE
RECORDER
200

STATE OF CALIFORNIA
County of Monterey }
On August 2, 1949
before me, B. J. [Signature]
a Notary Public, to and for all
personally appeared Helene Clarabut and
Noel Clarabut
known to me to be the
persons whose names are subscribed to the within instrument, and
authorized to execute the same.
B. J. [Signature]
Notary Public
20.17 1949

Exhibit J

1948 Parcel Zoning



Subject Parcels

We hereby certify that this survey was made in accordance with the provisions of the Planning Commission of the County of Monterey, State of California, as a regular survey thereof and in the absence of any other...

We hereby certify that this survey was made in accordance with the provisions of the Board of Supervisors of the County of Monterey, State of California, as a regular survey thereof and in the absence of any other...

Surveyor
 Date

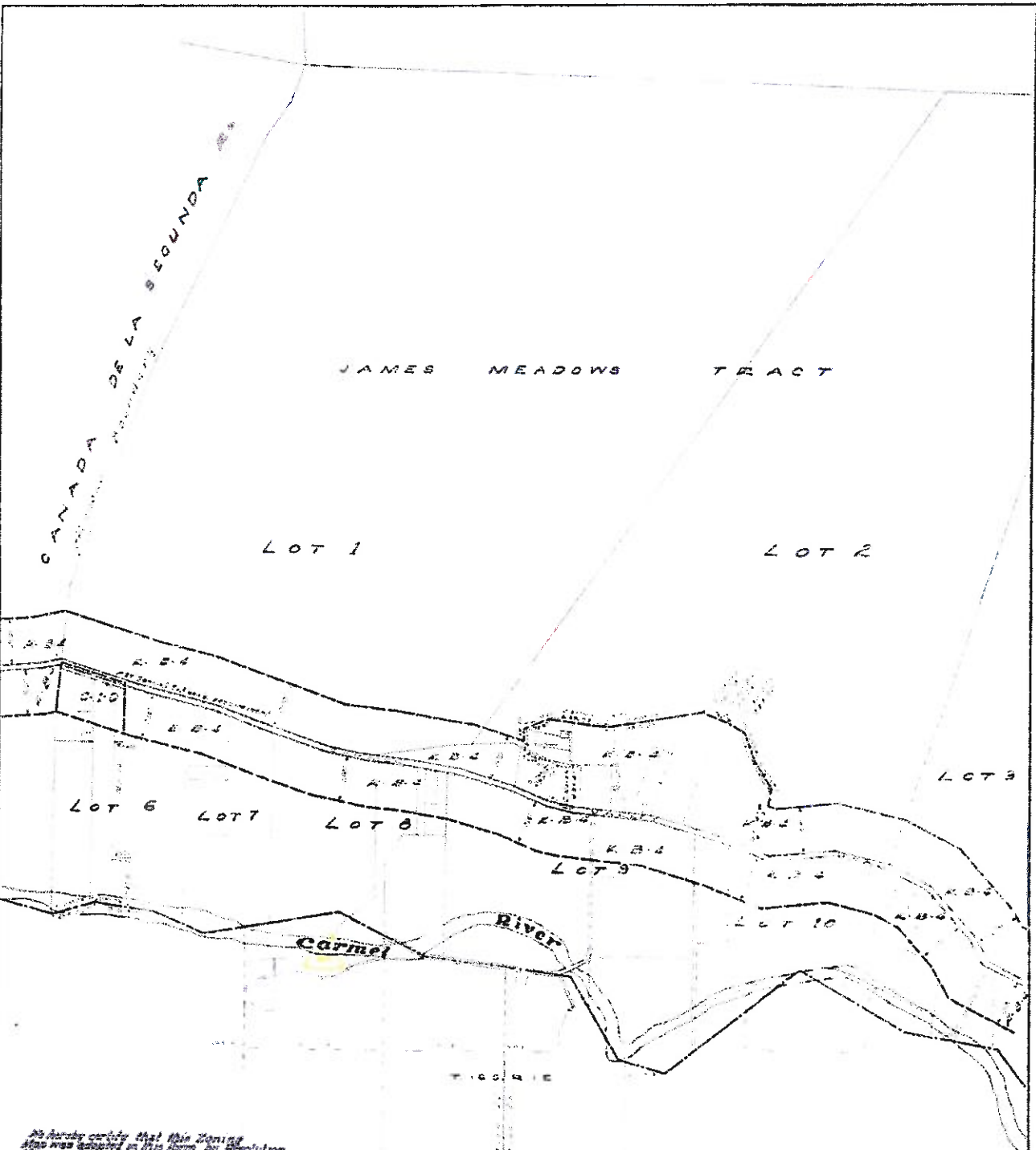
Surveyor
 Date

1998

Exhibit K

1953 Parcel Zoning

Amended
2010 Dec 17



We hereby certify that this Zoning Plan was adopted in this form by Resolution No. _____ of the Planning Commission of the County of Monterey, State of California at a regular meeting held on the _____ day of _____, 19____.

Chairman _____

Secretary _____

We hereby certify that this Zoning Plan was adopted by the Board of Supervisors of the County of Monterey, State of California by Ordinance No. _____ passed and adopted on the _____ day of _____, 19____.

Chairman _____

Clerk _____

AMENDED SECTION 10-5J
OF THE
ZONING PLAN OF THE COUNTY OF MONTEREY

Subject Parcels 4-1-53 ver. R53

Exhibit L

August 1962 Coast Counties Title Deed (Reel 83, Page 444 Official Records)

Exhibit L

Recorded at the request of

Return to

MONTEREY COUNTY
 OFFICIAL RECORDS
 RECORDED AT REQUEST OF
 COAST COUNTIES LAND TITLE CO.
 1962 Aug 9 - 3:49 P.M.
 REEL 83 PAGE 444
 ERICK S. MOMENTAMIN 340
 RECORDER

H. G. L. T. Co. 8/206 CORPORATION GRANT DEED (Joint Tenancy)
 COAST COUNTIES LAND TITLE COMPANY, a California Corporation

GRANT to

CECIL C. COOK AND MINNIE J. COOK, his wife
 as Joint Tenants, all that real property situate in the
 County of **Monterey**
 State of California, described as follows:

WITHOUT WARRANTY EXPRESSED OR IMPLIED

IN WITNESS WHEREOF said corporation has caused its corporate name and seal to be affixed hereto and this instrument to be executed by its duly authorized officers.

Dated July 19, 1962

STATE OF CALIFORNIA

County of **Monterey**

on July 19

COAST COUNTIES LAND TITLE COMPANY

By *[Signature]* Vice President

And by *[Signature]* Ass't. Secretary

2 before me, **Sam Marinkovich**

Walter T. Gaghagen and G. D. Hodgeson
Vice President and Ass't. Secretary

a Notary Public, in and for said County and State, personally appeared

known to me to be the

of the corporation intended on and that executed the within instrument, and did bring to me to be the person who executed the within instrument on behalf of the corporation herein named, and acknowledged to me that such corporation executed the same.

[Signature]
Sam Marinkovich

Notary Public

My Commission Expires

Feb. 2, 1966

Monterey—Coast Counties Land Title Company—Salinas

29509

PARCEL I:

BEGINNING at a point on the southerly line of the James Meadows Tract and Lot 8 thereof as shown and delineated on that certain map entitled, "Partition Map of the James Meadows Tract situated in the Carmel Valley, Monterey County, California," filed in the office of the Recorder of said Monterey County, California, on June 10, 1905 in Volume 1 at Page 67 of Surveys, said point of beginning being a 2 inch iron pipe located at the northeasterly corner of U. S. Lot 2 in Section 22, T. 16 S., R. 1 E., M. D. B. & M., distant S. 63° 17' E., (Map of James Meadows Tract shows S. 63° 16' E.,) 549.54 feet from a 2 inch iron pipe standing at the end of Course 11 and the beginning of Course 12 as shown on said map of the James Meadows Tract; and running thence

- (1) S. 0° 03' E., 7.00 feet along the easterly line of said U. S. Lot 2; thence
 - (2) Leaving the easterly line of said U. S. Lot 2 and following the centerline of an oiled road, S. 81° 59' W., 10.10 feet; thence
 - (3) S. 0° 03' E., 248.00 feet running parallel with and 10 feet westerly of the easterly line of said U. S. Lot 2; thence
 - (4) S. 75° 50' W., 359.47 feet; thence
 - (5) S. 37° 26' W., 127.54 feet; thence
 - (6) Leaving the centerline of said oiled road, N. 0° 03' W., 570.93 feet to the centerline of the Carmel River; thence
 - (7) N. 37° 48' 30" E., 85.91 feet along the centerline of said Carmel River; thence
 - (8) Leaving the centerline of said Carmel River and following the southerly line of said James Meadows Tract, S. 63° 17' E., 429.54 feet to the point of beginning and containing 4.16 acres, more or less.
- SUBJECT TO A RIGHT OF WAY** for road and utility purposes over a strip of land 8 feet in width lying westerly, northerly and northwesterly of and adjacent to Courses Numbered 2 to 5 inclusive hereinabove described.

RESERVING THEREFROM a right of way for road and utility purposes over a strip of land 15 feet in width, the centerline of which is described as follows:

BEGINNING at a point in the center of an existing oiled road, distant S. 75° 50' W., 281.47 feet from the end of course (3) above described and running thence

- (1) S. 86° 00' W., 50.00 feet; thence
- (2) S. 65° 56' 15" W., 80.40 feet to a point on the west boundary line of the above described 4.16 acre parcel, distant N. 0° 03' W., 82.00 feet from the end of Course (5) above described.

EXCEPTING THEREFROM that portion thereof conveyed in the deed from Noel Myrick Clarabut, a single man, et al, to Ralph M. Powers, et ux, dated August 2, 1949 and recorded August 12, 1949 in Volume 1155 at Page 124, Official Records of Monterey County.

PARCEL II:

REEL 83 PAGE 446

BEGINNING at a point on the southerly line of the James Meadows Tract and Lot 8 thereof as shown and delineated on that certain map entitled, "Partition Map of the James Meadows Tract situated in the Carmel Valley, Monterey County, California," filed in the office of the Recorder of said Monterey County, California, on June 10, 1905 in Volume 1 at Page 67 of Surveys, said point of beginning being a 2" pipe located at the northerly corner of U. S. Lot 2, in Section 22, T. 16 S., R. 1 E., M. D. B. & M., distant N. 63° 17' W., (Map of James Meadows Tract shows N. 63° 16' W.) 549.54 feet from a 2" pipe standing at the end of Course 12 as shown on said map of James Meadows Tract, and running from said point of beginning S. 63° 17' E., 120.00 feet; thence leaving the northeasterly line of said U. S. Lot 2, S. 37° 48' 30" W., 85.91 feet to the true point of beginning; thence from said true point of beginning

- (1) S. 0° 03' E., 337.29 feet; thence
- (2) N. 23° 28' 30" W., 240.17 feet; thence
- (3) N. 53° 04' E., 13.84 feet along the centerline of the Carmel River; thence
- (4) N. 37° 48' 30" E., 137.53 feet along the centerline of said Carmel River to the true point of beginning, containing 0.36 acre, more or less.

EXCEPTING FROM Parcels 1 and 2 set forth above the following described portions thereof:

BEGINNING at a point on the southerly line of the James Meadows Tract and Lot 8 thereof as shown and delineated on that certain map entitled, "Partition Map of the James Meadows Tract situated in the Carmel Valley, Monterey County, California, recorded June 10, 1905 in Volume 1 at Page 67 of Surveys, Monterey County Records, said point of beginning being a 2 inch iron pipe located at the northeasterly corner of U. S. Lot 2 in Section 22, T. 16 S., R. 1 E., M. D. B. & M., distant S. 63° 17' E., (Map of James Meadows Tract shows S. 63° 16' E.,) 549.54 feet from a 2 inch iron pipe standing at the end of Course 11 and the beginning of Course 12 as shown on said map of the James Meadows Tract; and running thence S. 0° 03' E., 7.00 feet along the easterly line of said U. S. Lot 2; thence leaving the easterly line of said U. S. Lot 2 and following the centerline of an oiled road, S. 81° 59' W., 10.10 feet; thence S. 0° 03' E., 248.00 feet running parallel with and 10 feet westerly of the easterly line of said U. S. Lot 2; thence S. 75° 50' W., 85.0 feet; thence leaving the centerline of said oiled road and running N. 43° 39' W., 524.40 feet to the centerline of the Carmel River; thence N. 37° 48' 30" E., along the centerline of said Carmel River, 115.00 feet; thence leaving the centerline of said Carmel River and following the southerly line of said James Meadows Tract, S. 63° 17' E., 429.54 feet to the point of beginning.

Containing 2.322 acres of land a little more or less.

Subject to existing rights of way..

END OF DOCUMENT

Exhibit M

January 1984 Monterey County Superior Court Judgement (Case MP-8576)

Exhibit M

FILED
ATTORNEY
JUL 24 10 37 AM '84
JUL 20 1 38 PM '84
OFFICE OF RECORDS
COUNTY OF MONTEREY CLERK
SALINER, CLAIR DEPUTY

1 WALKER, McCLURE, BOHNER & BREHMER
2 PROFESSIONAL BUILDING, 218 W. FRANKLIN STREET
3 POST OFFICE BOX 140
4 MONTEREY, CA 93940
5 TELEPHONE: (408) 848-1100

6 Attorneys for Administrator

G 33509 8

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF MONTEREY

10 In the Matter of the Estate of) NO MP - 8576
11)
12 GRETA PETERSEN,) JUDGMENT SETTLING FIRST AND FINAL REPORT OF
13) ADMINISTRATOR ON WAIVER OF FINAL ACCOUNT, FOR
14) ALLOWANCE OF EXTRAORDINARY COMPENSATION AND
15) FOR FINAL DISTRIBUTION.
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
Deceased)

14 The Petitioner, DARRELL W. PETERSEN, as Administrator of the Estate of GRETA
15 PETERSEN, deceased, having filed his First and Final Report of Administrator
16 on Waiver of Final Account, For Allowance of Extraordinary Compensation, and
17 Petition for Final Distribution, and the report and petition coming on this day
18 regularly for hearing, the Court finds:

19 DATE OF DEATH. GRETA PETERSEN died intestate on April 21, 1983, in the
20 County of Monterey, State of California, and was at the time of her death a
21 resident thereof.

22 DATE OF APPOINTMENT. On January 6, 1984, DARRELL W. PETERSEN was appointed
23 Administrator of the decedent's estate, qualified as such on that date, and
24 since then has been and now is the Administrator of the decedent's Estate.

25 NOTICE OF HEARING GIVEN: PETITION TRUE. Notice of hearing of the petition
26 has been regularly given as prescribed by law. All allegations of the petition

1 are true.

2 NOTICE TO CREDITORS. Notice to creditors has been given as required by
3 law, the time for filing or presenting claims has expired, and the estate is now
4 in a condition to be closed.

5 DISPOSITION OF CLAIMS. All claims filed or presented against the estate
6 have been allowed by Petitioner and paid.

7 PAYMENT OF DEBTS AND EXPENSES. All debts and expenses of administration of
8 the estate have been paid, except closing expenses and fees of WALKER, McCLURE,
9 BOHNER & BREMER, Petitioner's attorneys.

10 TAXES. There are no personal property taxes due and payable by this estate.

11 A federal estate tax return has been filed for the estate showing no tax
12 due thereon. The Administrator has not yet been released from personal liability
13 for federal estate tax.

14 All California and federal income taxes due and payable by the estate have
15 been paid. Federal and State fiduciary income tax returns for the estate will
16 be filed when due, including the closing returns.

17 WAIVER OF ACCOUNTING. CONNY M. McCOWN, the person entitled to distribution
18 of the residue of the estate has waived the requirement of an accounting herein.

19 CHARACTER OF ESTATE PROPERTY. The whole of the estate is the separate
20 property of the decedent.

21 PROPOSED DISTRIBUTION. Pursuant to the Disclaimer filed herein on January
22 19, 1984, by DARRILL W. PETERSEN, distribution of the whole of the estate should
23 be made to the following persons as prayed for:

24	CONNIE M. McCOWN, Daughter (Adult)	Real property located at Rt.
25	P.O. Box 222751	2, Box 528, Schulte Road,
26	Carmel, California 93922	Carmel, California.

ORDER

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IT IS ORDERED AND ADJUDGED that:

1. The administration of this estate is brought to a close without the requirement of an accounting;
2. All the acts and proceedings of Petitioner as Administrator are confirmed and approved;
3. The Administrator is authorized and directed to pay to WALKER, McCLURE, BOHNNEN & BREMER the sum of \$5,850.00 as fees for ordinary legal services rendered to Petitioner and to this estate; and the further sum of \$500.00 for extraordinary compensation as set forth in the petition; and
4. The estate in the possession of the Administrator remaining for distribution as more particularly described in Exhibit "A", attached hereto and incorporated herein by this reference is hereby distributed to the person proposed hereinabove. All other property not now known or discovered in or to which said decedent or said estate may have any right, title or interest is hereby distributed as follows:

- | | |
|---|----------|
| DARRELL W. PETERSEN, Spouse
1240 Sylvan Road
Monterey, California 93940 | One-Half |
| CONNY M. MCGOWAY, Daughter (Adult)
P.O. Box 222751
Carmel, California 93922 | One-Half |

DATED: July 20, 1984.

JOHN N. ANTON

JUDGE OF THE SUPERIOR COURT

WALKER
McCLURE
BOHNNEN &
BREMER
P O BOX 1047
MONTEREY CA 93943
(408) 848-1100

1 Real property situate in the County of Monterey, State of California,
2 described as follows:

3 PARCEL I.

4 BEGINNING at a point on the Southerly line of the James Meadows
5 Tract of Lot 8 thereof as shown and delineated on that certain
6 map entitled, Map of "Partition Map of the James Meadows Tract"
7 filed in Volume 1 of Surveys at Page 67, Monterey County Records,
8 said point of beginning being a 2 inch iron pipe located at the
9 Northeastly corner of U. S. Lot 2 in Section 22, T. 16 S., R.
10 1 E., M.D.B.&M., distant S. 63° 17' E., (Map of James Meadows
11 Tract shows S. 63° 16' E.) 549.54 feet from a 2 inch iron pipe
12 standing at the end of Course 11 and the beginning of Course 12,
13 as shown on said map of the James Meadows Tract; and running thence

- 14 1) S. 0° 03' E., 7.00 feet along the Easterly line of said
15 U.S. Lot 2; thence
- 16 2) Leaving the Easterly line of said U. S. Lot 2 and following
17 the centerline of an oiled road, S. 81° 59' W., 10.10 feet;
18 thence
- 19 3) S. 0° 03' E., 248.00 feet running parallel with and 10 feet
20 Westerly of the Easterly line of said U. S. Lot 2; thence
- 21 4) S. 75° 50' W., 359.47 feet; thence
- 22 5) S. 37° 26' W., 127.54 feet; thence
- 23 6) Leaving the centerline of said oiled road, N. 0° 03' W.,
24 370.93 feet to the centerline of the Carmel River; thence
- 25 7) N. 37° 48' 30" E., 85.91 feet along the centerline of said
26 Carmel River; thence
- 8) Leaving the centerline of said Carmel River and following the
southerly line of said James Meadows Tract, S. 63° 17' E., 429.54
feet to the point of beginning.

EXCEPTING THEREFROM that portion thereof conveyed in the deed
from Noel Myrick Clarabut, a single man et al, to Ralph M.
Powers, et ux, dated August 2, 1949 and recorded August 12,
1949 in Volume 1155 of Official Records of Monterey County at
Page 124.

PARCEL II.

BEGINNING at a point on the Southerly line of the James Meadows
Tract and Lot 8 thereof as shown and delineated on that certain
map entitled Map of "Partition Map of James Meadows Tract" filed
in Volume 1 of Surveys at Page 67, Monterey County Records, said
point of beginning being a 2" pipe located on the Northerly
corner of U. S. Lot 2, in Section 22, T. 16 S., R. 1 E., M. D. B.

1 & M., distant N. 63° 17' W., (Map of James Meadows Tract shows
 2 N. 63° 16' W.) 549.54 feet from a 2" pipe standing at the end
 3 of Course 12 as shown on said map of James Meadows Tract, and
 4 running from said point of beginning S. 63° 17' E., 120.00 feet;
 thence leaving the Northeastly line of said U. S. Lot 2, S.
 17° 48' 30" W., 85.91 feet to the true point of beginning; thence
 from said true point of beginning

- 5 1) S. 0° 03' E., 337.29 feet; thence
- 6 2) N. 23° 28' 30" W., 240.17 feet; thence
- 7 3) N. 53° 04' E., 13.64 feet along the center line of the
Carmel River; thence
- 8 4) N. 37° 48' 30" E., 137.53 feet along the centerline of
said Carmel River to the true point of beginning.

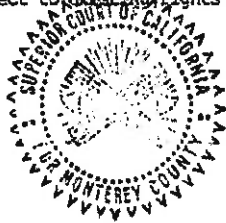
9 EXCEPTING FROM Parcels I and II set forth above the following
 10 described portions thereof:

11 BEGINNING at a point on the Southerly line of the James Meadows
 12 Tract and Lot 8 thereof as shown and delineated on that certain
 13 map entitled "Partition Map of the James Meadows Tract" filed
 14 in Volume 1 of Surveys at Page 67, Monterey County Records, said
 15 point of beginning being a 2 inch iron pipe located at the North-
 16 easterly corner of U. S. Lot 2 in Section 22, T. 16 S., R. 1 E.,
 17 M.D.B.M., distant S. 63° 17' E., (Map of James Meadows Tract
 18 shows S. 63° 16' E.,) 549.54 feet from a 2 inch iron pipe stand-
 19 ing at the end of Course 11 and the beginning of Course 12 as
 20 shown on said map of the James Meadows Tract; and running thence
 21 S. 0° 03' E., 7.00 feet along the Easterly line of said U. S.
 22 Lot 2; thence leaving the Easterly line of said U. S. Lot 2 and
 23 following the centerline of an oiled road S. 81° 59' W., 10.10
 24 feet; thence S. 0° 03' E., 248.00 feet running parallel with
 25 and 13 feet Westerly of the Easterly line of said U. S. Lot 2;
 26 thence S. 75° 50' W., 85.0 feet; thence leaving the centerline
 of said oiled road and running N. 43° 39' W., 524.40 feet to
 the centerline of the Carmel River; thence N. 37° 48' 30" E.,
 along the centerline of said Carmel River, 113.00 feet; thence
 leaving the centerline of said Carmel River and following the
 Southerly line of said James Meadows Tract, S. 53° 17' E.,
 429.54 feet to the point of beginning.

27 Containing 2.322 acres of land a little more or less.

28 Subject to certain rights of way.

\$235,000.00



I HEREBY CERTIFY THAT THE FOREGOING DOCUMENT IS A
 TRUE COPY OF THE ORIGINAL ON FILE IN MY OFFICE.

DATED JUL 2 1884

WALTER H. WRIGHT, CLERK

DIPLOMA

W. WRIGHT

END OF DOCUMENT

WALKER
 McCLURE
 BOWEN &
 BREWER
 P O BOX 100
 MONTEREY, CA 93942
 (408) 849-1100

Exhibit N

“Property” Definition

Search for a word




 prop·er·ty

/ˈprɑːpərˌti/

noun

- 1. a thing or things belonging to someone; possessions collectively.
"She wanted Oliver and his property out of her house."

Similar: [possessions](#) [belongings](#) [things](#) [goods](#) [worldly goods](#) [effects](#) 

Note: All Plural

Exhibit O

Four samples of Recorded Certificates of Compliance with "Exceptions"

Exhibit O

RECORDED AT REQUEST OF

COUNTY OF MONTEREY

OCT 16 10 14 AM '91

OFFICE OF RECORDER
COUNTY OF MONTEREY
SALINAS, CALIFORNIA

60766

REEL 2705 PAGE 893

When recorded return to:

MONTEREY COUNTY PLANNING AND
BUILDING INSPECTION DEPARTMENT
240 CHURCH STREET, ROOM 116
P. O. BOX 1208
SALINAS, CA 93901
(408) 755-5025

NO FEE

CERTIFICATE OF COMPLIANCE
MONTEREY COUNTY PLANNING AND BUILDING INSPECTION DEPARTMENT

The County of Monterey Planning and Building Inspection Department has determined that the herein described real property complies with the applicable provisions of the Subdivision Map Act of the State of California, and other applicable laws of the State of California with respect to subdivisions and complies with the provisions of local ordinances enacted pursuant thereto accordingly, said property hereinafter described constitutes a separate legal parcel in compliance with the State Subdivision Map Act and local ordinance (Title 19, Subdivisions).

This Certificate of Compliance is issued in accordance with the provisions of Government Code Section 66499.35(a), and shall be recorded in Monterey County.

The parcel which is herein determined to be in compliance with the Subdivision Map Act and local ordinances enacted pursuant thereto is described in Exhibit "A" attached hereto and incorporated by reference herein.

THIS CERTIFICATE OF COMPLIANCE is executed this 16th day of October, 1991 by the undersigned on behalf of the County of Monterey.

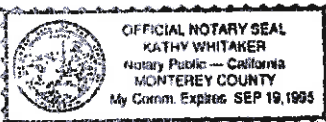
Robert Slimmon, Jr.,
Director of Planning & Building Inspection
By:

Nicholas Chiulos
NICHOLAS CHIULOS, CHIEF OF PLANNING SERVICES

STATE OF CALIFORNIA)
COUNTY OF MONTEREY) SS

On October 16, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared Kathryn McKenna, Supervising Planner, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

WITNESS my hand and official seal.



SIGNATURE Kathy Whitaker (This area for official seal)

STATE OF CALIFORNIA
COUNTY OF MONTEREY

Rancho San Carlos Partnership
Owner of Record
P. O. Box 222707
Address
Carmel, CA 93922
City, State, and Zip Code
Portions of 157-121-05
Assessor's Parcel Number

Recording fee of \$8.00 was
Collected by the Planning and
Building Inspection Department

EXHIBIT A

That certain real property situate in the County of Monterey, State of California, described as follows:

A portion of Parcel 3 as described in a deed from James A. Wyckoff, a single man, to Rancho San Carlos, Inc., a corporation, dated March 30, 1933, and recorded in Volume 368 of Official Records at Page 377 and more particularly described as follows, to wit:

Beginning at a 4" x 4" post marked SFS, standing in the boundary between Rancho San Jose Y Sur Chiquito and Rancho El Potrero de San Carlos at the Northwest corner of a 552.03 acre tract purchased by S. Fish; thence along the boundary of said 552.03 acre tract S. $86^{\circ} 09'$ E. 825.8 feet, S. $46^{\circ} 14'$ E. 588.3 feet to Post marked SFQ; thence Southeasterly 1,700 feet more or less up the North side of Animus Creek thence in a direct line N. $10^{\circ} 44' 53''$ W. to the top of the hill and water divide between the Carmel River and said Animus Creek; thence Northwesterly along the said divide to the boundary of the Rancho San Jose Y Sur Chiquito; thence along said boundary S. $10^{\circ} 44' 53''$ E. to place of beginning.

EXCEPTING THEREFROM that portion of said parcel conveyed from Rancho San Carlos, Inc., a corporation, to Sidney W. Fish, described in that certain deed dated March 31, 1933, and recorded in Volume 361 Official Records at Page 179; and,

ALSO EXCEPTING THEREFROM that portion of said parcel conveyed from Rancho San Carlos, Inc., a corporation, to Frank B. Porter, et ux, described in that certain deed dated August 9, 1937, and recorded in Volume 533 Official Records at Page 475; and,

AND ALSO EXCEPTING THEREFROM that portion of said parcel conveyed from Frank B. Porter, et ux, to Sidney W. Fish, a married man, described in a deed dated January 15, 1945, and recorded in Volume 859 of Official Records at Page 11.

Portion of APN 157-121-05

(Parcel #110)

END OF DOCUMENT

When recorded return to:

MONTEREY COUNTY PLANNING AND BUILDING INSPECTION DEPARTMENT
240 CHURCH STREET, ROOM 116
P. O. BOX 1208
SALINAS, CA 93901
(408) 755-5025

R	7
M	1
RF	5
TC	4
T	17

60311

RECORDED AT REQUEST OF

COUNTY OF MONTEREY

AUG 27 8 13 AM '92

OFFICE OF RECORDER
COUNTY OF MONTEREY
SALINAS, CALIFORNIA

CERTIFICATE OF COMPLIANCE
MONTEREY COUNTY PLANNING AND BUILDING INSPECTION DEPARTMENT

The County of Monterey Planning and Building Inspection Department has determined that the herein described real property complies with the applicable provisions of the Subdivision Map Act of the State of California, and other applicable laws of the State of California with respect to subdivisions and complies with the provisions of local ordinances enacted pursuant thereto accordingly, said property hereinafter described constitutes a separate legal parcel in compliance with the State Subdivision Map Act and local ordinance (Title 19, Subdivisions).

This Certificate of Compliance is issued in accordance with the provisions of Government Code Section 66499.35(a), and shall be recorded in Monterey County.

The parcel which is herein determined to be in compliance with the Subdivision Map Act and local ordinances enacted pursuant thereto is described in Exhibit "A" attached hereto and incorporated by reference herein.

THIS CERTIFICATE OF COMPLIANCE is executed this 26 th day of August, 1992 by the undersigned on behalf of the County of Monterey.

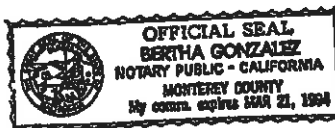
Robert Slimmon, Jr.,
Director of Planning & Building Inspection
By:

Nicholas Chiulos
NICHOLAS CHIULOS, CHIEF OF PLANNING SERVICES

STATE OF CALIFORNIA }
COUNTY OF MONTEREY } SS

On August 26, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared NICHOLAS CHIULOS, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

WITNESS my hand and official seal.



SIGNATURE Bertha Gonzalez (This area for official seal)

STATE OF CALIFORNIA
COUNTY OF MONTEREY

Rancho San Carlos Partnership
c/o Thomas R. Owens
Owner of Record
3727 Buchanan Street
Address
San Francisco, CA 94123
City, State, and Zip Code
Portion of 157-131-05, Portion of 157-121-05, 157-131-01 & 03
Assessor's Parcel Number

A portion of the land conveyed in the Deed executed by Carl H. Abbott, Commissioner to Gerald F. Herrmann, et al, recorded June 1, 1939 in Volume 620, at Page 213, Monterey County Records, described as follows:

A part of Rancho El Potrero de San Carlos in the County of Monterey, State of California, particularly described as follows, to-wit:

Beginning at a lone redwood tree, 8 feet in diameter, standing North of San Jose Creek and S. 47° E., a distance of 750 feet from the house on what is known as the Miller Place, said redwood being marked on its South face S. F. No. 1, S.C. No. 1 and being at the most Southerly corner of said Rancho El Potrero de San Carlos and at a common corner of said Rancho El Potrero de San Carlos and Rancho San Francisquito; thence running from said point of beginning along the Southwesterly boundary of said Rancho El Potrero de San Carlos

(1) N. 45° 17' 40" W., 10328.64 feet, to a 4" x 4" post marked S32, S33, SC. standing on the section line between Sections 32 and 33, of T. 16S, R 1 E., M.D.M.; thence leave boundary of said Rancho El Potrero de San Carlos

(2) North, 435.1 feet, at 362.38 feet the most Southerly corner of that certain 552.03 acre parcel conveyed by Rancho San Carlos, Inc., to Sldney W. Fish, et ux, by Deed recorded in Volume 356 of Official Records at Page 228, records of Monterey County, California, 435.1 feet to a 4" x 6" post marked SF.X; thence along the boundary of the above mentioned 552.03 acre tract

(3) S. 88° 40' E., 189.1 feet to a redwood tree 4 feet in diameter; thence

(4) N. 66° 27' E., 104.2 feet to a Live Oak 2 feet in diameter; thence

(5) N. 53° 21' E., 83.4 feet to a Live Oak 3 feet in diameter; thence

(6) N. 58° 53' E., 121.9 feet to a Live Oak 5 feet in diameter marked SF, W; thence

(7) N. 39° 58' E., 114.2 feet to a double Live Oak 4 feet in diameter marked SF, Y thence

(8) N. 61° 23' E., 296.5 feet to a 4" x 5" post marked SF, U; thence

(9) N. 56° 30' E., 1196.4 feet to a 4" x 5" post marked SF, T; thence

(10) N. 72° 25' E., 665.0 feet to a 4" x 5" post marked SF, C. standing at the most Easterly corner of the above mentioned 552.03 acre tract; thence

(11) N. 71° 04' W., 1361.9 feet to a 4" x 5" post marked SF, B; thence

(12) N. 49° 33' W., 1079.7 feet to a 4" x 5" post marked SF, A; thence

(13) N. 62° 55' W., 1438.1 feet to a 4" x 5" post marked SF, D; thence

(14) N. 54° 30' W., 644.8 feet to a 4" x 5" post marked SF, E; thence

(15) N. 23° 20' W., 890.9 feet to a 4" x 4" post marked SF, F; thence

(16) N. 2° 50' E., 299.1 feet to a 5" x 6" post marked SF, G; thence

(17) N. 70° 45' W., 684.7 feet to a 4" x 5" post marked SF, H; thence

(18) N. 75° 10' W., 146.0 feet to a 4" x 4" post marked 58A, SWF; thence leave boundary of above mentioned 552.03 acre tract

(19) N. 44° 42' E., 828.0 feet; thence

(20) N. 45° 17' 40" W., 5400.0 feet to a 4" x 4" post marked N8A; thence

(21) S. 79° 15' W., 715.3 feet to a 4" x 4" post marked NW8A, standing in the Easterly boundary of the above mentioned 552.03 acre tract; thence along the said boundary of the 552.03 acre tract

REEL 2838 PAGE 418

(22) N. 10° 08' 30" W., 1356.2 feet to a 4" x 5" post marked SF, Q; standing at the most Southerly corner of that certain 150.0 acre tract of land conveyed by Rancho San Carlos, Inc., to Sidney W. Fish by Deed recorded in Volume 361 of Official Records at Page 179, records of Monterey County, California; thence along the Southerly boundary of said 150.0 acre tract

(23) N. 79° 15' E., 325.3 feet to a 4" x 5" post marked SF, SEC., standing at the most Easterly corner of said 150.0 acre tract; thence along the Easterly boundary of said 150.0 acre tract

(24) N. 10° 44' 53" W., 2011.3 feet to a 4" x 4" post standing on the top of the ridge of hills dividing the watershed of the Carmel River and the watershed of the Northfork of San Jose Creek; thence leave boundary of said 150.0 acre tract and along top of ridge

(25) N. 74° 59' E., 220.7 feet; thence

(26) S. 58° 16' E., 592.2 feet; thence

(27) S. 55° 02' E., 678.8 feet; thence

(28) S. 46° 32' E., 804.6 feet; thence

(29) S. 55° 42' E., 659.2 feet; thence

(30) S. 64° 32' E., 1182.0 feet; thence

(31) S. 51° 17' E., 584.4 feet; thence

(32) S. 75° 56' E., 582.6 feet; thence

(33) S. 62° 01' E., 1483.4 feet to a 4" x 4" post marked SE5; thence leave top of ridge

(34) N. 32° 04' E., 795.3 feet; thence

(35) North, 3495.6 feet; thence

(36) N. 20° 00' E., 730.00 feet; thence

(37) N. 28° 26' E., 334.3 feet to a point that is 30.0 feet distant measured Westerly at a right angle from the centerline of the road that runs Southerly up El Potrero Canyon; thence parallel to and 30.0 feet Westerly from the centerline of that certain right of way granted by Rancho San Carlos, Inc., to Frank D. Hatton, July 18, 1928, recorded in Volume 161 of Official Records at Page 10, records of Monterey County, California.

(38) N. 4° 46' E., 782.0 feet; thence

(39) N. 11° 51' E., 95.3 feet; thence

(40) N. 12° 17' E., 164.5 feet to the Southerly boundary of that certain 1.2 acre tract of land conveyed by Frank D. Hatton, et ux, to Rancho San Carlos, Inc., by deed recorded in Volume 161 of Official Records at Page 6, records of Monterey County, California; thence along the boundary of the above mentioned 1.2 acre tract

(41) N. 54° 45' W., 10.8 feet; thence

(42) N. 10° 52' E., 45.6 feet to a point in the Northerly Patent Survey Boundary of the Rancho El Potrero de San Carlos; thence leave Westerly boundary of above mentioned 1.2 acre tract and along the Patent Survey boundary of said Rancho

(43) S. 50° 01' E., 72.7 feet, more or less, to the Easterly boundary of above mentioned 1.2 acre tract; thence leave said Patent Survey Boundary

- (44) S. 12° 10' W., 38.6 feet; thence
- (45) S. 9° 36' 30" W., 141.8 feet; thence
- (46) S. 11° 51' W., 91.3 feet; thence
- (47) S. 4° 46' W., 804.0 feet; thence
- (48) N. 62° 04' W., 32.6 feet to a point in the centerline of the present traveled road that leads up El Potrero Canyon; thence along the centerline of said road
- (49) S. 28° 59' W., 325.1 feet; thence
- (50) S. 42° 21' E., 224.3 feet; thence
- (51) S. 19° 31' E., 207.6 feet; thence
- (52) S. 0° 04' W., 426.8 feet; thence
- (53) S. 21° 14' W., 370.7 feet; thence
- (54) S. 16° 51' E., 192.7 feet; thence
- (55) S. 86° 01' E., 178.1 feet; thence
- (56) N. 63° 39' E., 371.1 feet; thence
- (57) S. 76° 01' E., 311.7 feet; thence leave centerline of said road
- (58) N. 35° 43' E., 684.6 feet to a 4" x 4" post marked WP., 8B, P 7; thence
- (59) N. 69° 55' E., 63.9 feet; thence
- (60) S. 5° 07' 31" W., 1,415.4 feet; thence
- (61) S. 39° 00' E., 619.7 feet; thence
- (62) S. 45° 00' W., 505.7 feet to a 4" x 4" post marked P.4, standing at the Northerly side of the traveled road leading up Potrero Canyon; thence to and Southeasterly along the centerline of said road with the following 19 courses and distances
- (63) S. 54° 32' 30" E., 147.8 feet; thence
- (64) S. 58° 00' E., 480.8 feet; thence
- (65) S. 33° 00' E., 121.9 feet; thence
- (66) S. 40° 35' E., 230.3 feet; thence
- (67) S. 28° 20' E., 180.8 feet; thence
- (68) S. 14° 40' E., 270.5 feet; thence
- (69) S. 9° 15' W., 223.9 feet; thence
- (70) S. 6° 00' W., 135.7 feet; thence
- (71) S. 19° 40' W., 209.2 feet; thence
- (72) S. 17° 50' E., 422.5 feet; thence
- (73) S. 22° 00' E., 566.2 feet; thence
- (74) S. 8° 10' E., 83.2 feet; thence
- (75) S. 29° 40' E., 416.9 feet; thence
- (76) S. 27° 25' E., 467.1 feet; thence
- (77) S. 35° 15' E., 807.4 feet; thence
- (78) S. 48° 15' E., 507.0 feet; thence
- (79) S. 37° 15' E., 240.7 feet; thence

- (80) S. 53° 35' E., 186.3 feet; thence
- (81) S. 37° 35' E., 189.6 feet to a one inch iron bar at the mouth of a draw to the East; thence leave said road
- (82) Due East, 1,428.1 feet up said draw, at 30.0 feet a 4" x 4" post marked WP4, 1,428.1 feet to the Easterly boundary of the Rancho El Potrero de San Carlos; thence
- (83) S. 5° 07' 31" W., 1,606.4 feet along Easterly boundary of said Rancho to a 4" x 6" redwood post in a rock mound, said rock mound being N. 47° 31' E., 298 feet from the Northeast corner of an old ruined adobe building, said redwood post being known as S. F. 5 and S. C. 2 and being a corner common to the Rancho San Francisquito and the Rancho El Potrero de San Carlos; thence along the boundary between the above mentioned Ranchos
- (84) S. 9° 50' 45" E., 12,306.15 feet to the place of beginning.

Excepting therefrom the portion thereof conveyed in the deed executed by Rancho San Carlos, Inc., a corporation to Frank B. Porter, et ux, recorded August 9, 1937 in Volume 533, Page 475, Monterey County Records.

And also excepting therefrom the portion thereof conveyed in the deed executed by Frank B. Porter, et ux, to Sidney W. Fish, a married man, recorded January 15, 1945 in Volume 859, Page 11, Monterey County Records.

And also excepting therefrom Lot 37 as shown on the Official Plat of Township 17 South, Range 1 East, Mount Diablo Base & Meridian.

And also excepting therefrom that certain real property described as Parcel 3 as described in a deed from James A. Wyckoff, a single man, to Rancho San Carlos, Inc., a corporation, dated March 30, 1933, and recorded in Volume 368 of Official Records at Page 377.

APN's 157-121-05 (a portion), 157-121-14 (a portion), 157-121-15 (a portion), 157-131-01, 157-131-03, and 157-131-05 (a portion)

(Parcel # 126)

END OF DOCUMENT

When recorded return to:
MONTEREY COUNTY RESOURCE
MANAGEMENT AGENCY
PLANNING DEPARTMENT
ATTN MICHELE FRIEDRICH
168 W ALISAL ST 2ND FLR
SALINAS, CA 93901
(831) 755-5025

Stephen L. Vagnini
Monterey County Recorder
Recorded at the request of
County of Monterey

CRDAWN
5/08/2013
12:47:43

DOCUMENT: 2013029363



Titles: 1/ Pages: 5
Fees.... 27.00
Taxes...
Other... 12.00
AMT PAID \$39.00

CERTIFICATE OF COMPLIANCE
MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY - PLANNING DEPARTMENT

The County of Monterey Resource Management Agency - Planning Department has determined that the division of the herein described real property complies with the applicable provisions of the Subdivision Map Act of the State of California, and other applicable laws of the State of California with respect to subdivisions and complies with the provisions of local ordinances enacted pursuant thereto. Accordingly, the real property hereinafter described constitutes a separate legal parcel in compliance with the State Subdivision Map Act and local ordinance (Title 19 of the Monterey County Code).

This Certificate of Compliance is issued for one parcel in accordance with the provisions of Government Code Section 66499.35(a), and shall be recorded in Monterey County. Said parcel is the result of a lot line adjustment (PLN050620, Resolution No. 07-340) approved by the Board of Supervisors of the County of Monterey on September 25, 2007 for which an extension and amendment (PLN050620, Resolution No. 10-190) was approved by the Board of Supervisors on June 15, 2010 and for which a further extension and amendment (PLN100514, Resolution No. 12-230) was approved by the Board of Supervisors on July 31, 2012.

The real property which is the subject of this Certificate of Compliance is described in Exhibit "A" and "A.1" attached hereto and incorporated by reference herein.

This Certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcel described herein may be sold, leased or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

THIS CERTIFICATE OF COMPLIANCE is executed this 8th day of May, 2013
by the undersigned on behalf of the County of Monterey.

Mike Novo, Director of RMA Planning

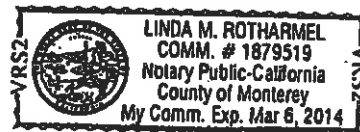
State of California)
County of Monterey)

On May 8, 2013 before me, Linda M. Rotharmel, a Notary Public,
personally appeared Mike Novo, 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 Linda M. Rotharmel



(Seal)

Owner of Record: WING MICHAEL & VICKY
Address: 73000 HWY 198
City, State, and Zip Code: COALINGA CA 93210

Owner of Record: HART LAND RANCH INC
Address: 1408 N WILLIAMS ST
City, State, and Zip Code: HANFORD CA 93230

Assessor's Parcel Number: portion of 420-161-016-000 & portion of 420-161-035-000 (Parcel 2A)
CC File #: CC130003

Planner: Lucy Bernal

EXHIBIT A

Parcel 2A

The land referred to herein below is situated in an unincorporated area, Counties of Monterey and Fresno, State of California, and is described as follows:

All that portion of the Southwest Quarter of Section 22, Township 20 South, Range 12 East, Mount Diablo Base and Meridian, lying along, contiguous to and Southwesterly from California State Highway 198, also known as Long Valley Road, and the West Half of the Northwest Quarter of Section 27 of said Township and Range.

Excepting therefrom that Certain Tract of Land in Deed from Roxana Newsome to Charles William Bell, et ax, Dated August 28, 1969 and recorded in Reel 620 of Official Records, at Page 402 Monterey County Records and more particularly described as follows:

BEGINNING at a point North 11°38'51" East, 915.12 feet (North 10°10'30" East, 915.26 feet, Bell deed), from the Southwest Corner of Section 22, Township 20 South, Range 12 East, Mount Diablo Base and Meridian, said point and said Section Corner are each marked by a 2" iron pipe, no tag;

THENCE North 26°10'15" East, 308.80 feet (North 24°40'35" East, 308.85 feet, Bell deed), to a point marked by a 2" iron pipe, no tag;

THENCE South 41°59'18" East, 251.01 feet (South 43°32'15 East, 250.80 feet, Bell deed), to a point marked by a 2" iron pipe, no tag;

THENCE South 43°15'48" West, 221.87 feet (South 41°41'45" West, 222.41 feet, Bell deed), to a point marked by a 2" iron pipe, no tag;

THENCE North 63°25'24" West, 112.36 feet (North 64°49'15" West, 112.51 feet, Bell deed), to a point marked by a 2" iron pipe, no tag;

THENCE North 68°06'19" West, 55.57 feet (North 69°30'15" West, 55.35 feet, Bell deed), to the **POINT OF BEGINNING**;

Also excepting therefrom the land described as follows:

COMMENCING at the corner of Sections 21, 22, 27, and 28 Township 20 South, Range 12 East, Mount Diablo Base and Meridian, being marked by a 2 inch iron pipe, no tag;

(Continued)

THENCE along the common boundary of Sections 22 and 27 North 88°37'04" East, 648.66 feet to the **POINT OF BEGINNING** of the land described herein;

THENCE South 00°54'59" East, 2165.57 feet;

THENCE North 89°09'28" East, 648.64 feet to a point on the easterly boundary of the West Half of the Northwest Quarter of Section 27;

THENCE along the easterly boundary of the West Half of the Northwest Quarter of Section 27 North 00°54'59" West, 2171.68 feet to the West Sixteenth Corner between Sections 22 and 27;

THENCE along the common boundary of Sections 22 and 27 North 88°37'04" East, 50.88 feet to the southwesterly Right of Way of State Highway 198 (also known as Long Valley Road);

THENCE along the southwesterly Right of Way of State Highway 198 North 41°38'39" West, 1344.94 feet;

THENCE continuing along the southwesterly Right of Way of State Highway 198 along a curve to the left with a radius of 1959.78 feet through a central angle of 5°33'43" for a length of 190.24 feet to a point on the northwesterly boundary of that certain tract of land conveyed by Deed from Roxana Newsome to Charles William Bell, et ax, dated August 28, 1969 and recorded in Reel 620 of Official Records at Page 402, Monterey County Records, being marked by a 2" iron pipe, no tag;

THENCE along the northwesterly boundary of said Lands of Bell South 26°10'15" West, 308.80 feet (North 24°40'35" East, 308.85 feet, Bell deed) to the most westerly corner of said Lands of Bell being marked by a 2 inch iron pipe, no tag;

THENCE along the southwesterly boundary of said Lands of Bell South 68°06'19" East, 55.57 feet (North 69°30'15" West, 55.35 feet, Bell deed) to an angle point being marked by a 2 inch iron pipe, no tag;

THENCE continuing along the southwesterly boundary of said Lands of Bell South 63°25'24" East, 112.36 feet (North 64°49'15" West, 112.51 feet, Bell deed) to the most southerly corner of said Lands of Bell being marked by a 2 inch iron pipe, no tag;

THENCE leaving the Lands of Bell and continuing along an extension of the aforementioned course along the southwesterly boundary of said Lands of Bell South 63°25'24" East (North 64°49'15" West, Bell deed), 336.70 feet to a point which bears North 00°54'59" West of the **POINT OF BEGINNING**;

THENCE South 00°54'59 East to the **POINT OF BEGINNING**.

(Continued)

Containing 63.59 acres

Portion of APN 042-161-011 and 16

The bearings and distances used in the above description are based on the State Plane Coordinate System of 1983, Zone 4.

Multiply the above distances by 1.000138189 to obtain ground level distances. Rotate the bearings by the Convergence angle of $-0^{\circ}59'51''$ to obtain True North. All "Bell deed" distances and bearings are ground as stated in said Bell Deed.

This description, and the bearings and distances stated herein, are based on a survey performed by me, and this description was prepared under my supervision in November, 2012 at the request of Kevin Emery.



Adam S. Rivera

PLS 8451

1/23/13

Date



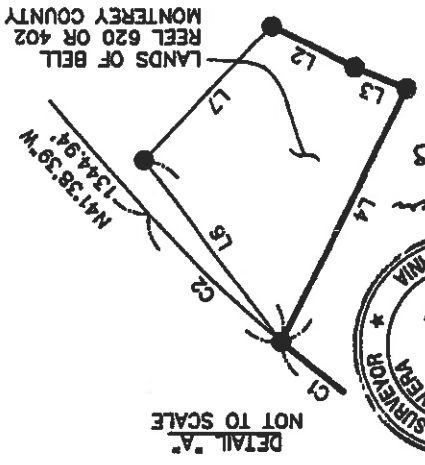
< END OF DESCRIPTION >

END OF DOCUMENT

LEGAL DESCRIPTION EXHIBIT
 EXHIBIT A.1
 PREPARED BY: MDD 11/27/12
 REVISOR BY: MDD 11/27/12
 HOGAN LAND SERVICES
 541 PARKS LANE
 SANTA ROSA, CA 95405
 Tel (707) 522-3104
 Fax (707) 522-3105
 www.hoganls.com
 A CALIFORNIA CORPORATION

ALL DISTANCES AND BEARINGS ARE GRID DIMENSIONS (STATE PLANE COORDINATE SYSTEM 1983, ZONE 4). MULTIPLY DISTANCES BY 1.000138189 TO OBTAIN GROUND DISTANCES, AND ROTATE BEARINGS BY -0.59'51" TO OBTAIN TRUE NORTH

RECEIVED
 JAN 25 2013
 MONTEREY COUNTY
 PLANNING DEPARTMENT



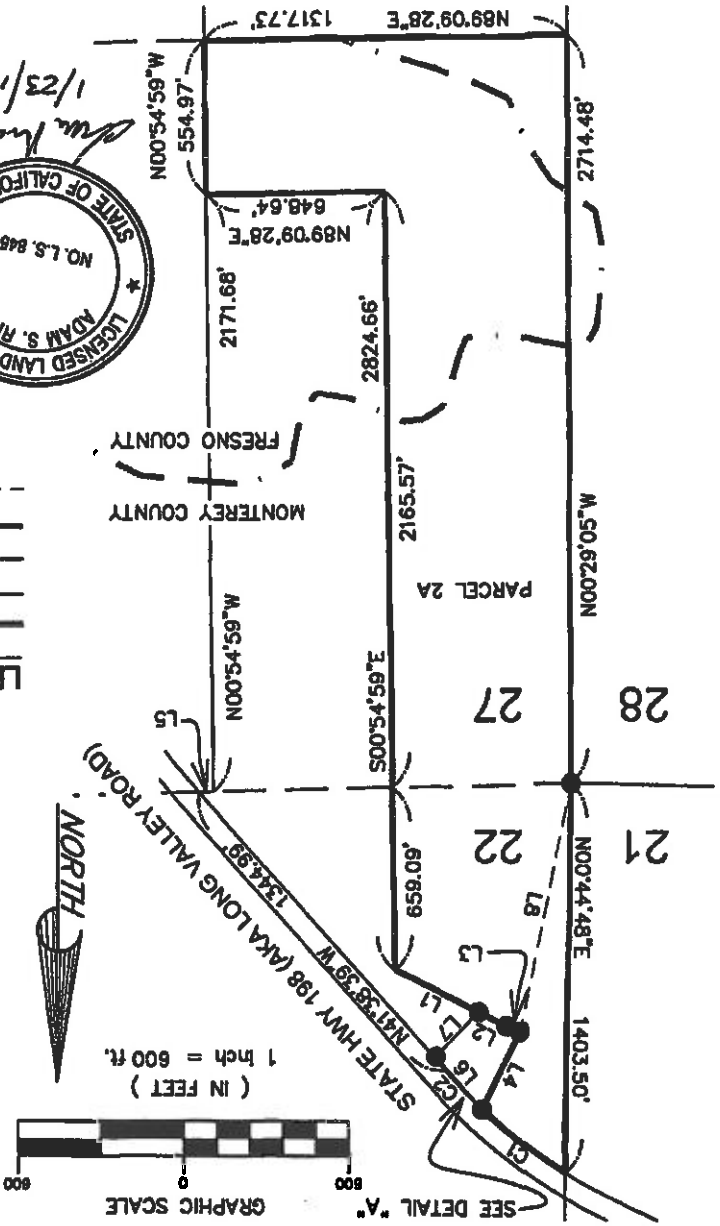
- SUBJECT BOUNDARY LINE
- ADJOINING BOUNDARY LINE
- - - SECTION SUBDIVISION LINE
- - - APPROXIMATE COUNTY LINE
- - - SURVEY TIE
- 2" IRON PIPE, NO TAG

LEGEND

CURVE	RADIUS	DELTA	LENGTH
C1	1958.78'	1107.49"	380.71'
C2	1859.78'	533.43"	190.24'

LINE	BEARING	LENGTH
L1	S63°25'24"E	336.70'
L2	N63°25'24"W	112.36'
L3	N68°06'19"W	55.57'
L4	N26°10'15"E	308.80'
L5	N88°37'04"E	50.88'
L6	S41°58'18"E	251.01'
L7	S43°15'48"W	221.87'
L8	S11°38'51"W	915.12'

THIS EXHIBIT IS FOR GRAPHIC PURPOSES ONLY. ANY ERRORS OR OMISSIONS ON THIS EXHIBIT SHALL NOT AFFECT THE DEED DESCRIPTION.



When recorded return to:
MONTEREY COUNTY RESOURCE
MANAGEMENT AGENCY
PLANNING
ATTN MICHELE FRIEDRICH
1441 SCHILLING PL SOUTH 2ND FLR
SALINAS, CA 93901
(831) 755-5025

2018049941

Stephen L. Vagnini
Monterey County Clerk-Recorder
10/30/2018 02:37 PM
Recorded at the request of:
MONTEREY COUNTY RESOURCE MAN
Titles: 1 Pages: 4
Fees: \$20.00
Taxes: \$0.00
AMT PAID: \$20.00



CERTIFICATE OF COMPLIANCE
MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY - PLANNING

The County of Monterey Resource Management Agency - Planning Department has determined that the Lot Line Adjustment of the herein described real property complies with the applicable provisions of the Subdivision Map Act of the State of California, and other applicable laws of the State of California with respect to subdivisions and complies with the provisions of local ordinances enacted pursuant thereto. Accordingly, the real property hereinafter described constitutes a separate legal parcel in compliance with the State of California Subdivision Map Act and the Monterey County Subdivision Ordinance (Title 19 of the Monterey County Code).

This Certificate of Compliance is issued for one parcel in accordance with the provisions of Government Code Section 66499.35(a), and shall be recorded with the Monterey County Recorder. Said parcel is the result of a Lot Line Adjustment (PLN080011, Resolution No. 08023) approved by the Minor Subdivision Committee of the County of Monterey on November 13, 2008.

The real property which is the subject of this Certificate of Compliance is described in Exhibit "A" attached hereto and incorporated by reference herein.

This Certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcel described herein may be sold, leased or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

THIS CERTIFICATE OF COMPLIANCE is executed this 29 day of October, 2018
by the undersigned on behalf of the County of Monterey.


John M. Dugan, Deputy Director
Monterey County RMA Land Use and Community Development

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

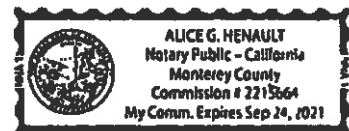
State of California)
County of Monterey)

On October 29, 2018 before me, Alice G. Henault, a Notary Public, personally appeared John M. Dugan, 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)

Owner of Record: BERGERON BIG SUR DEVELOPMENT LLC
Address: PO BOX 350
City, State, and Zip Code: CARMEL CA 93921
Assessor's Parcel Number: 420-011-041-000 (Lot 6)

Planner: Jacquelyn Nickerson

CC File #: CC180039

Rasmussen Land Surveying, Inc.

PO Box 3135

Monterey, CA 93942

Tel: (831) 375-7240 Fax: (831) 375-2545

August 20, 2018

Legal Description – Adjusted U.S. Lot 6

EXHIBIT A

U.S. Lot 6, situate in Section 5, Township 20 South, Range 2 East, M.D.B.& M., County of Monterey, State of California

EXCEPTING THEREFROM any portion of real property lying within said U.S. Lot 6 particularly described as follows:

First:

Certain real property situate in Section 5, Township 20 South, Range 2 East, M.D.B.& M., County of Monterey, State of California being more particularly described as follows:

BEGINNING AT a ¼" iron pipe, tagged LS 5958 marking the most westerly corner of the "Whitney Estate" as described in Exhibit B of that certain Boundary Agreement and Quitclaim Easement Deed filed April 30, 2004 in Document No. 2004042603, Records of said County and State, distant South 62°33'42" West, 119.50 feet from a ¼" iron pipe marking the most northerly corner of Lot 21 and the southwesterly sideline of Ridge Trail No. 1, as said lot and trail are shown and so designated on that certain map entitled "Coast Lands Tract No. 1, being a subdivision of a portion of Section 5, T.20 S., R.2 E., M.D.B.& M.- Monterey County, California", filed for record on October 3, 1927 in the Office of the County Recorder of said County and State in Volume 3 of Cities and Towns at Page 46; thence from said Point of Beginning

- 1.) South 00°41'00" West, 53.67 feet to a ¼" iron pipe, tagged LS 5958; thence
- 2.) South 66°34'51" West, 27.24 feet to a ½" capped bar, tagged LS 5958; thence
- 3.) South 18°49'02" West, 33.35 feet to a ½" capped bar, tagged LS 5958; thence
- 4.) South 01°42'37" East, 17.57 feet to a ½" capped bar, tagged LS 5958; thence
- 5.) South 33°39'27" East, 8.08 feet to a ½" capped bar, tagged LS 5958; thence
- 6.) North 80°24'22" East, 9.86 feet to a ½" capped bar, tagged LS 5958; thence

LAND PLANNING · SUBDIVISIONS · BOUNDARY SURVEYS
AERIAL TOPOGRAPHY and MAPPING

Rasmussen Land Surveying, Inc.
8/20/2018
Page 2

- 7.) South 33°17'47" East, 11.15 feet to a ½" capped bar, tagged LS 5958; thence
- 8.) South 35°28'11" East, 7.80 feet to a ½" capped bar, tagged LS 5958; thence
- 9.) South 39°43'56" East, 14.52 feet to a ½" capped bar, tagged LS 5958; thence southerly
- 10.) South 00°41'00" West, 128.00 feet to a ¼" iron pipe, tagged LS 5958; thence
- 11.) North 46°47'00" East, 295.22 feet to a 4'x 4" post, scribed "21-22", marking the most easterly corner of said Lot 21 and the southwesterly sideline of Ridge Trail No.1, said post being distant South 46°47' West, 10.07 feet from a nail and brass disc, tagged LS 2689; thence northwesterly along said sideline
12. North 36°42'00" West, 91.83 feet; thence
- 13.) Along a tangential curve to the left, having a radius of 290 feet, through a central angle of 14°32'16", an arc distance of 73.58 feet to a ¼" iron pipe, tagged LS 5958, marking the most northerly corner of said Lot 21; thence westerly, along the common line to Lot 20 and Lot 21 as shown on said Cities and Towns map
- 14.) South 62°33'42" West, 119.50 feet to the Point of Beginning.

Second

BEGINNING AT a 4'x 4" post scribed "21-22", marking the most northerly corner of Lot 22 and the southwesterly sideline of Ridge Trail No.1, as said lot and ridge trail are shown on that certain map entitled "Coast Lands Tract No.1, being a subdivision of a portion of Section 5, T.20 S., R.2 E., M.D.B.& M.- Monterey County, California", filed for record on October 3, 1927 in the Office of the County Recorder of said County and State in Volume 3 of Cities and Towns at Page 46, said post being distant South 46°47' West, 10.07 feet from a nail and brass disc, tagged LS 2689; thence from said Point of Beginning

- 1.) South 46°47'00" West, 295.22 feet to a ¼" iron pipe, tagged LS 5958; thence
 - 2.) South 00°41'00" West, 457.94 feet; thence
 - 3.) South 62°35'00" East, 105.28 feet; thence
 - 4.) North 09°26'00" East, 423.16 feet to an angle point common to Lot 22 and Lot 23 as said lots are shown and so designated on said Cities and Towns map; thence along the line common to said Lot 22 and Lot 23
 - 5.) North 45°48'11" East, (at 22.79 feet, 103.70 feet and 172.42 feet each, a 3/4" iron pipe, tagged LS 2689 set along said line) a total distance of 222.61 feet to a ¼" iron pipe,
-

Rasmussen Land Surveying, Inc.
8/20/2018
Page 3

tagged LS 2689, marking the most easterly corner of said Lot 22 and the southwesterly
sideline of said Ridge Trail No. 1; thence westerly and along said sideline

6.) North 36°50'03" West, 169.82 feet to the Point of Beginning.

END OF DESCRIPTION



08/20/2018



Exhibit A

MONTEREY COUNTY
HOUSING AND COMMUNITY DEVELOPMENT
Erik Lundquist, AICP, Director



HOUSING, PLANNING, BUILDING, ENGINEERING, ENVIRONMENTAL SERVICES

1441 Schilling Place, South 2nd Floor
Salinas, California 93901-4527

(831) 755-5025
www.co.monterey.ca.us

August 17, 2021

Sent via email to joel@mwruck.com

Joel R. Panzer, Member
Maureen Wruck Planning Consultant, LLC
21 West Alisal Street, Suite 111
Salinas, CA 93901

Subject: Lewis Certificates of Compliance (CC200010 and CC200011)

Dear Mr. Panzer:

On behalf of the applicant, John and Tammy Lewis, you have requested that the County issue two unconditional certificates of compliance for parcels within Assessor's Parcel Number (APN) 416-022-006-000 (subject parcel). Based on your understanding of the title history, you are requesting unconditional certificates of compliance for a 0.35-acre parcel and a 1.68-acre parcel.

During review of this application, conflicts were found to exist with the Subdivision Map Act (SMA) and Monterey County Code (MCC). Issuance of unconditional certificates of compliance relies on a determination of the effect of a 1962 conveyance that resulted in the current configuration of the subject property.

Discussion:

Staff evaluated whether past conveyances demonstrated the grantors' intent to create separate lots for development (i.e., a land division), or was the action intended as a lot line adjustment between adjoining owners, and does the action to approve the certificates comply with state and local regulations. Staff reviewed the chain of title for the original 4.16-acre area of land and does not conclude that the conveyance history resulted in the creation of two separate parcels for development. If in 1962, this conveyance was done with the intent to create separate lots for development, it would have been in violation of the SMA, which was then a part of the CA Business and Professions Code (Section 11540.1 allowed a county to regulate divisions of land with respect to minimum area). At that time, the County's Zoning Ordinance (Ordinance 1496) required a minimum building site of one acre.

Since the 1962 conveyance reduced the 0.36-acre parcel by 0.01 acres to 0.35 acres, the conveyance did to comply with the local Zoning Code at that time, the B-4 Combing District. Section 19.14.050 MMC indicates that a parcel is lawfully created under the following circumstances:

- a. *A parcel created by a minor land division shall be conclusively presumed to be lawfully created if: Fewer than five parcels were created at the time of creation of the parcel in question; and the parcel was created on or before March 7, 1972.*

- b. *A parcel owned by a subsequent bonafide purchaser shall be conclusively presumed to be lawfully created if the parcel was created on or before March 7, 1972; and the parcel was acquired by a subsequent purchaser for valuable consideration and without actual or constructive knowledge of a violation of the Subdivision Map Act or County Ordinance enacted pursuant thereto; and*
- c. *At the time of its creation, the parcel complied with the Subdivision Map Act and County Ordinances enacted pursuant thereto. If the parcel owned by the subsequent bonafide purchaser did comply with the Subdivision Map Act and County Ordinances enacted pursuant thereto at the time of its creation, then a Conditional (rather than an Unconditional) Certificates of Compliance shall be issued pursuant to 19.14.050.*

As indicated, the conveyance established a parcel not in compliance with the County Ordinance since the conveyance reduced the land in a non-conforming manner. In this case, a conditional certificate would be proper pursuant to Section 19.14.055 MCC not unconditional certificates of compliance.

Moreover, there would be no such violation of if the conveyance history is understood as a boundary or lot line adjustment (LLA). In 1962, neither the SMA nor local ordinance regulated or even contained the concept of an LLA. SMA Section 66412 was not amended until 1976 (effective January 1, 1977) to add LLAs as an exclusion to the SMA. Therefore, prior to 1977, there was no codified process regarding LLAs. Boundaries that needed to be changed could be adjusted simply by one neighbor deeding a sliver, strip, or parcel to an adjoining neighbor. These slivers, strips, or parcels were not intended by the parties to be developed separately but were understood to be made a part of, or merged with, the adjoining neighbor's land holding. Although these conveyances often did not meet the minimum lot size required by County Zoning Ordinance, they were not considered to be illegal lots by the County but rather as a portion being merged with a neighboring lot. In most cases, the County Assessor reassigned new APNs to the merged parcel. Acquiescence by the owner to a single APN supports the owners' intent to adjust the boundary and create adjusted/merged parcels.

Parcel Transfer History

- 1944 - Powers to Gribben & Parks (V 843 OR 336).
- 1949 – Gribben & Parks to Clarabut (V 1143 OR 352) resulting into 4.16 acres.
- 1949 – Clarabut to Powers (V 1152 OR 124) reducing the parcel by 0.17 acres, being now 3.99 acres.
- 1952 – Patton to Clarabut (V 1381 OR 118) an adjoining parcel 0.36 acres.
- 1961 – Clarabut to Cook & Peterson (V 2146 OR 549) 3.99 acres and 0.36 acres.
- 1962 – Cook & Peterson to Coast Counties Title (R 83 OR 442) 3.99 acres and 0.36 acres.
- 1962 – Coast Counties Title to Cook (R 83 OR 444) 3.99 acres and 0.36 acres, except 2.322 NE'ly portion of property. This exception area was a portion of both of the 3.99 acres and 0.36 acres.

Available permit history also supports the conclusion that the 1962 deed to Cook (R 83 OR 444) conveyance was understood by the respective owners and their successors in interest to be what is now known as an LLA. Site plans submitted for development applications consistently indicate one parcel with one APN. All evidence demonstrates that this parcel fits the pattern of a LLA (i.e., neighbor to neighbor transfer, the transfer parcel does not meet the minimum size to be a legal lot, the grantee

Lewis Certificates of Compliance (CC200010 and CC200011)
August 17, 2021

axA

neighbor had built or eventually builds over the former lot line, and the property is shown as one parcel on permit applications). Therefore, Parcels I and II described in the deed, as excepted, are considered one legal lot of record.

After considering the applicable codes and all available evidence, it is my determination that the Lewis parcel (APN 416-022-006-000) is a single legal parcel and the applicant's request for two unconditional certificates of compliance is denied since the circumstances for an unconditional certificate of compliance are not meet.

If you have any questions, please me at 831-755-5025 or via email LundquistE@co.monterey.ca.us.

Sincerely,



Erik Lundquist,
Director of Housing and Community Development

Exhibit B

CLTA CHAIN OF TITLE

Issued By:



CHICAGO TITLE INSURANCE COMPANY

Guarantee Number:

FWMN-TO20000037

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, AND THE GUARANTEE CONDITIONS ATTACHED HERETO AND MADE A PART OF THIS GUARANTEE,

CHICAGO TITLE INSURANCE COMPANY
a corporation, herein called the Company

GUARANTEES

the Assured named in Schedule A of this Guarantee

against loss or damage not exceeding the Amount of Liability stated in Schedule A sustained by the Assured by reason of any incorrectness in the Assurances set forth in Schedule A.

Chicago Title Company
50 Winham Street
Salinas, CA 93901

Chicago Title Insurance Company

By:

President

Countersigned By:

Authorized Officer or Agent



Attest:

Secretary

ISSUING OFFICE:
Title Officer: Rebecca Smith Chicago Title Company 50 Winham Street Salinas, CA 93901 Phone: (831)424-8011 x441 Fax: (831)757-7614 Main Phone: (831)424-8011 Email: Smithreb@ctt.com

SCHEDULE A

Amount of Liability	Fee	Title Officer
\$350.00	\$250.00	Rebecca Smith

Date of Guarantee: January 7, 2020 at 08:00 AM

1. Name of Assured: LB Homebuyers LLC
2. The Land referred to in this Guarantee is described as follows:
 SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF
3. This Guarantee does not cover:
 - a. Taxes, assessments, and matters related thereto.
 - b. Instruments, proceedings, or other matters which do not specifically describe said land.
4. ASSURANCES:
 According to the Public Records as of the Date of Guarantee,
 - a. LB Homebuyers LLC, a California limited liability company purportedly acquired an estate or interest in the Land pursuant to a Grant Deed.
 - b. Matters affecting the interest described in Paragraph 4a recorded subsequent to August 1, 1938 are shown in Schedule B.

END OF SCHEDULE A

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 416-022-006

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

PARCEL I:

Beginning at a point on the Southerly line of the James Meadows Tract, of Lot 8 thereof, as shown and delineated on that certain map entitled, "Map of Partition Map of the James Meadows Tract", filed June 10, 1905 in Volume 1 of "Surveys", at Page 67, in the Office of the County Recorder of the County of Monterey, State of California, said point of beginning being a 2 inch iron pipe located at the Northeasterly corner of U.S. Lot 2 in Section 22, T. 16 S, R. 1 E., M. D. B. & M., distant S. 63° 17' E., (Map of James Meadows Tract shown S. 63° 16' E.,) 549.54 feet from a 2 inch iron pipe standing at the end of Course 11 and the beginning of Course 12, as shown on said map of the James Meadows Tract; and running thence

- (1) S. 0° 03' E., 7.00 feet along the Easterly line of said U.S. Lot 2; thence
- (2) Leaving the Easterly line of said U. S. Lot 2 and following the centerline of an oiled road, S. 81° 59' W., 10.10 feet; thence
- (3) S. 00° 03' E., 248.00 feet running parallel with and 10 feet Westerly of the Easterly line of said U. S. Lot 2 thence
- (4) S. 75° 50' W., 359.47 feet; thence
- (5) S. 37° 26' W., 127.54 feet; thence
- (6) Leaving the centerline of said oiled road, N. 0° 03' W., 570.93 feet to the centerline of the Carmel River; thence
- (7) N. 37° 48' 30" E., 85.91 feet along the centerline of said Carmel River; thence
- (8) Leaving the centerline of said Carmel River and following the Southerly line of said James Meadows Tract, S. 63° 17' E., 429.54 feet to the point of beginning.

EXCEPTING THEREFROM that portion thereof conveyed in the deed from Noel Myrick Clarabut, a single man, et al., to Ralph M. Powers, et ux., dated August 2, 1949 and recorded August 12, 1949 in [Volume 1155, Page 124, of Official Records](#).

PARCEL II:

Beginning at a point on the Southerly line of the James Meadows Tract and Lot 8 thereof, as shown and delineated on that certain map entitled, "Map of Partition Map of James Meadows Tract", filed June 10, 1905 in Volume 1 of "Surveys", at Page 67, in the Office of the County Recorder of the County of Monterey, State of California, said point of beginning being a 2" pipe located on the Northerly corner of U.S. Lot 2, in Section 22, T. 16 S., R 1 E., M. D. B. & M., distant N. 63° 17' W., (Map of James Meadows Tract shows N. 63° 16' W.) 549.54 feet from a 2" pipe standing at the end of Course 12, as shown on said map of James Meadows Tract, and running from said point of beginning S. 63° 17' E., 120.00 feet; thence leaving the Northeasterly line of said U. S. Lot 2, S. 37° 48' 30" W., 85.91 feet to the true point of beginning; thence, from said true point of beginning,

- (1) S. 0° 03' E., 337.29 feet; thence
- (2) N. 23° 28' 30" W., 240.17 feet; thence
- (3) N. 53° 04' E., 13.84 feet along the centerline of the Carmel River; thence
- (4) N. 37° 48' 30" E., 137.53 feet along the centerline of said Carmel River to the true point of beginning.

EXHIBIT "A"
Legal Description

EXCEPTING THEREFROM PARCELS I and II, set forth above, the following described portions thereof:

Beginning at a point on the Southerly line of the James Meadows Tract and Lot 8 thereof as shown delineated on that certain map entitled, "Partition Map of the James Meadows Tract", filed June 10, 1905 in Volume 1 of "Surveys", at Page 67, in the Office of the County Recorder of the County of Monterey, State of California, said point of beginning being a 2 inch iron pipe located at the Northeasterly corner of U. S. Lot 2 in Section 22, T. 16 S., R. 1 E., M. D. B. & M., distant S. 63° 17' E., (Map of James Meadows Tract shown S. 63° 16' E.) 549.54 feet from a 2 inch iron pipe standing at the end of Course 11 and the beginning of Course 12, as shown on said map of the James Meadows Tract; and running thence, S. 0° 03' E., 7.00 feet along the Easterly line of said U. S. Lot 2; thence leaving the Easterly line of said U. S. Lot 2 and following the centerline of an oiled road, S. 81° 59' W., 10.10 feet; thence S. 0° 03' E., 248.00 feet running parallel with and 10 feet Westerly of the Easterly line of said U. S. Lot 2; thence S. 75° 50' W., 85.0 feet; thence leaving the centerline of said oiled road and running N. 43° 39' W. 524.49 feet to the centerline of the Carmel River; thence N. 37° 48' 30" E., along the centerline of said Carmel River, 115.00 feet; thence leaving the centerline of said Carmel River and following the Southerly line of said James Meadows Tract, S. 63° 17' E., 429.54 feet to the point of beginning.

PARCEL III:

A right of way for road purposes over a strip of land, 16 feet in width, the centerline thereof described as follows:

Beginning at a point on the East line of U. S. Lot No. 2 in Section 22, Township 16 South, Range 1 East, M. D. B. & M., distant S. 0° 03' E., 7.00 feet from the Northeast corner of said U. S. Lot No. 2, and running thence

- (1) S. 81° 59' W., 10.10 feet; thence
- (2) S. 0° 03' E., 248.00 feet; thence
- (3) S. 75° 50' W., 359.47 feet; thence
- (4) S. 37° 26' W., 127.54 feet; thence
- (5) S. 67° 38' W., 91.24 feet; thence
- (6) S. 83° 03' W., 143.51 feet; thence
- (7) N. 78° 37' W., 263.48 feet; thence
- (8) N. 81° 27' W., 93.68 feet; thence
- (9) S. 77° 59' W., 170.70 feet; thence
- (10) S. 71° 17' W., 344.86 feet, more or less, to a point 187.00 feet West of the West Line of said Lot 2.

EXCEPTING THEREFROM, that portion lying within PARCEL I above.

SCHEDULE B

1. Document Type: Deed
Grantor: Leonore S. Boyce Smith
Conveyed To: Luis F. Wolter
Recording Date: August 4, 1938
Recording No.: [Volume 583, Page 141, Official Records](#)
2. Document Type: Deed
Grantor: Leonore S. Boyce Smith
Conveyed To: Luis F. Wolter
Recording Date: August 29, 1938
Recording No.: [Volume 587, Page 17, Official Records](#)
3. Document Type: Deed
Grantor: Luis F. Wolter and Martha Winslow Wolter, his wife
Conveyed To: George T. Cook and Ethel B. Cook, his wife
Recording Date: February 15, 1939
Recording No.: [Volume 605, Page 292, Official Records](#)
4. Document Type: Deed
Grantor: George T. Cook and Ethel B. Cook
Conveyed To: Harold J. McLean and Joy Anthony McLean
Recording Date: August 18, 1944
Recording No.: [Volume 842, Page 175, Official Records](#)
5. Document Type: Deed
Grantor: Harold J. McLean and Joy Anthony McLean
Conveyed To: Ralph M. Powers and Virginia V. Powers
Recording Date: October 17, 1944
Recording No.: [Volume 843, Page 335, Official Records](#)
6. Document Type: Deed
Grantor: Ralph M. Powers and Virginia V. Powers
Conveyed To: Louise Parks Gribben and Julia Ann Parks
Recording Date: October 17, 1944
Recording No.: [Volume 843, Page 336, Official Records](#)
7. Document Type: Grant Deed
Grantor: Louise Parks Gribben and Julia Ann Parks
Conveyed To: Noel Myrick Clarabut, as single man and Helene Clarabut
Recording Date: June 7, 1949
Recording No.: [Volume 1143, Page 352, Official Records](#)
8. Document Type: Grant Deed
Grantor: Helene Clarabut and Noel Myrick Clarabut
Conveyed To: Marjorie Dale, a single woman
Recording Date: October 26, 1951
Recording No.: [Volume 1337, Page 150, Official Records](#)

SCHEDULE B
(continued)

9. Document Type: Grant Deed
Grantor: Marjorie Dale, a single woman
Conveyed To: Helene Clarabut, a single woman
Recording Date: October 26, 1951
Recording No.: [Volume 1337, Page 151, Official Records](#)
10. Document Type: Grant Deed
Grantor: Helene Clarabut, a single woman and Noel Myrich Clarabut, a single man
Conveyed To: Ethel Patton
Recording Date: May 16, 1952
Recording No.: [Volume 1381, Page 117, Official Records](#)
11. Document Type: Grant Deed
Grantor: Ethel Patton
Grantee: Helene Clarabut
Recording Date: May 16, 1952
Recording No.: [Volume 1381, Page 118, Official Records](#)
12. Document Type: Grant Deed
Grantor: Helene Clarabut, a single woman
Conveyed To: Noel M. Clarabut
Recording Date: October 28, 1955
Recording No.: [Book 1655, Page 407, Official Records](#)
13. Document Type: Grant Deed
Grantor: Noel M. Clarabut and Susan S. Clarabut
Conveyed To: Department of Veterans Affairs of the State of California
Recording Date: March 20, 1956
Recording No.: [Volume 1692, Page 49, Official Records](#)
14. Document Type: Grant Deed
Grantor: Department of Veterans Affairs of the State of California
Conveyed To: Noel M. Clarabut and Susan A. Clarabut
Recording Date: May 9, 1961
Recording No.: [Volume 2146, Page 547, Official Records](#)
15. Document Type: Grant Deed
Grantor: Noel M. Clarabut and Susan A. Clarabut
Conveyed To: Cecil C. Cook, a married man and Greta M. Petersen, a married woman
Recording Date: May 9, 1961
Recording No.: [Volume 2146, Page 549, Official Records](#)
16. Document Type: Grant Deed
Grantor: Cecil C. Cook and Greta M. Petersen
Conveyed To: Coast Counties land Title Company
Recording Date: August 9, 1962
Recording No.: [Reel 83, Page 442, Official Records](#)

SCHEDULE B
(continued)

17. Document Type: Grant Deed
Grantor: Coast Counties Land Title Company
Conveyed To: Cecil C. Cook and Minnie J. Cook, his wife
Recording Date: August 9, 1962
Recording No.: [Reel 83, Page 444, Official Records](#)
18. Document Type: Affidavit - Death of Joint Tenant
Re: Cecil Carlton Cook, deceased
In favor of: Minnie J. Cook
Recording Date: January 15, 1963
Recording No.: [Reel 135, Page 51, Official Records](#)
19. Document Type: Quitclaim Deed
Grantor: Minnie Cook, a widow
Conveyed To: Greta Petersen, a married woman
Recording Date: September 30, 1969
Recording No.: [Reel 623, Page 159, Official Records](#)
20. Document Type: Decree of Distribution
Re: Greta Petersen, deceased
In favor of: Darrell W. Petersen and Conny M. McGowan
Recording Date: July 24, 1984
Recording No.: [Reel 1754, Page 543, Official Records](#)
21. Document Type: Grant Deed
Grantor: Conny M. McGowan
Conveyed To: Conny M. McGowan, an unmarried woman
Recording Date: January 4, 2000
[Recording No.:](#) [2000000325, Official Records](#)
22. Document Type: Trust Transfer Deed
Grantor: Conny McGowan, an unmarried woman
Conveyed To: Conny McGowan, Trustee
Recording Date: April 17, 2014
[Recording No.:](#) [2014017153, Official Records](#)
23. Document Type: Affidavit - Death of Trustee
Re: Conny McGowan, deceased
In favor of: Jeff Robert McGowan, successor trustee
Recording Date: June 22, 2018
[Recording No.:](#) [2018027746, Official Records](#)
24. Document Type: Affidavit - Successor Trustee
Re: Conny McGowan, deceased
In favor of: Jeff Robert McGowan, successor trustee
Recording Date: June 22, 2018
[Recording No.:](#) [2018027747, Official Records](#)

SCHEDULE B

(continued)

25. Document Type: Grant Deed
Grantor: Jeff Robert McGowan, Successor Trustee
Conveyed To: LB Homebuyers LLC, a California Limited Liability Company
Recording Date: June 22, 2018
[Recording No.: 2018027748, Official Records](#)
26. Document Type: Grant Deed
Grantor: LB Homebuyers, LLC, a California corporation
Conveyed To: John Lewis and Tammy Lewis, husband and wife
Recording Date: November 26, 2019
[Recording No.: 2019056447, Official Records](#)
27. Document Type: Grant Deed
Grantor: John Lewis and Tammy Lewis, husband and wife
Conveyed To: LB Homebuyers LLC, a California limited liability company
Recording Date: December 19, 2019
[Recording No.: 2019060523, Official Records](#)

END OF SCHEDULE B

EXCLUSIONS FROM COVERAGE

Except as expressly provided by the assurances in Schedule A, the Company assumes no liability for loss or damage by reason of the following:

- (a) Defects, liens, encumbrances, adverse claims or other matters affecting the title to any property beyond the lines of the Land.
- (b) Defects, liens, encumbrances, adverse claims or other matters, whether or not shown by the Public Records (1) that are created, suffered, assumed or agreed to by one or more of the Assureds; or (2) that result in no loss to the Assured.
- (c) Defects, liens, encumbrances, adverse claims or other matters not shown by the Public Records.
- (d) The identity of any party shown or referred to in any of the schedules of this Guarantee.
- (e) The validity, legal effect or priority of any matter shown or referred to in any of the schedules of this Guarantee.
- (f) (1) Taxes or assessments of any taxing authority that levies taxes or assessments on real property; or (2) proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not the matters excluded under (1) or (2) are shown by the records of the taxing authority or by the Public Records.
- (g) (1) Unpatented mining claims; (2) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (3) water rights, claims or title to water, whether or not the matters excluded under (1), (2) or (3) are shown by the Public Records.

GUARANTEE CONDITIONS**1. DEFINITION OF TERMS**

The following terms when used in the Guarantee mean:

- (a) the "Assured": the party or parties named as the Assured in Schedule A, or on a supplemental writing executed by the Company.
- (b) "Land": the Land described or referred to in Schedule A, and improvements affixed thereto which by law constitute real property. The term "Land" does not include any property beyond the lines of the area described or referred to in Schedule A, nor any right, title, interest, estate or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
- (c) "Mortgage": mortgage, deed of trust, trust deed, or other security instrument.
- (d) "Public Records": those records established under California statutes at Date of Guarantee for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge.
- (e) "Date of Guarantee": the Date of Guarantee set forth in Schedule A.
- (f) "Amount of Liability": the Amount of Liability as stated in Schedule A.

2. NOTICE OF CLAIM TO BE GIVEN BY ASSURED

The Assured shall notify the Company promptly in writing in case knowledge shall come to the Assured of any assertion of facts, or claim of title or interest that is contrary to the assurances set forth in Schedule A and that might cause loss or damage for which the Company may be liable under this Guarantee. If prompt notice shall not be given to the Company, then all liability of the Company shall terminate with regard to the matter or matters for which prompt notice is required; provided, however, that failure to notify the Company shall in no case prejudice the rights of the Assured under this Guarantee unless the Company shall be prejudiced by the failure and then only to the extent of the prejudice.

3. NO DUTY TO DEFEND OR PROSECUTE

The Company shall have no duty to defend or prosecute any action or proceeding to which the Assured is a party, notwithstanding the nature of any allegation in such action or proceeding.

4. COMPANY'S OPTION TO DEFEND OR PROSECUTE ACTIONS; DUTY OF ASSURED TO COOPERATE

Even though the Company has no duty to defend or prosecute as set forth in Paragraph 3 above:

- (a) The Company shall have the right, at its sole option and cost, to institute and prosecute any action or proceeding, interpose a defense, as limited in Paragraph 4 (b), or to do any other act which in its opinion may be necessary or desirable to establish the correctness of the assurances set forth in Schedule A or to prevent or reduce loss or damage to the Assured. The Company may take any appropriate action under the terms of this Guarantee, whether or not it shall be liable hereunder, and shall not thereby concede liability or waive any provision of this Guarantee. If the Company shall exercise its rights under this paragraph, it shall do so diligently.
- (b) If the Company elects to exercise its options as stated in Paragraph 4 (a) the Company shall have the right to select counsel of its choice (subject to the right of the Assured to object for reasonable cause) to represent the Assured and shall not be liable for and will not pay the fees of any other counsel, nor will the Company pay any fees, costs or expenses incurred by an Assured in the defense of those causes of action which allege matters not covered by this Guarantee.
- (c) Whenever the Company shall have brought an action or interposed a defense as permitted by the provisions of this Guarantee, the Company may pursue any litigation to final determination by a court of competent jurisdiction and expressly reserves the right, in its sole discretion, to appeal from an adverse judgment or order.
- (d) In all cases where this Guarantee permits the Company to prosecute or provide for the defense of any action or proceeding, the Assured shall secure to the Company the right to so prosecute or provide for the defense of any action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of the Assured for this purpose. Whenever requested by the Company, the Assured, at the Company's expense, shall give the Company all reasonable aid in any action or proceeding, securing evidence, obtaining witnesses, prosecuting or defending the action or lawful act which in the opinion of the Company may be necessary or desirable to establish the correctness of the assurances set forth in Schedule A or to prevent or reduce loss or damage to the Assured. If the Company is prejudiced by the failure of the Assured to furnish the required cooperation, the Company's obligations to the Assured under the Guarantee shall terminate.

(continued)

5. PROOF OF LOSS OR DAMAGE

- (a) In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Assured furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage.
- (b) In addition, the Assured may reasonably be required to submit to examination under oath by any authorized representative of the Company and shall produce for examination, inspection and copying, at such reasonable times and places as may be designated by any authorized representative of the Company, all records, books, ledgers, checks, correspondence and memoranda, whether bearing a date before or after Date of Guarantee, which reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Assured shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect and copy all records, books, ledgers, checks, correspondence and memoranda in the custody or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by the Assured provided to the Company pursuant to this paragraph shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Assured to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonably necessary information from third parties as required in the above paragraph, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this Guarantee to the Assured for that claim.

6. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS: TERMINATION OF LIABILITY

In case of a claim under this Guarantee, the Company shall have the following additional options:

- (a) To pay or tender payment of the Amount of Liability together with any costs, attorneys' fees, and expenses incurred by the Assured that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay.
- (b) To pay or otherwise settle with the Assured any claim assured against under this Guarantee. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Assured that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay; or
- (c) To pay or otherwise settle with other parties for the loss or damage provided for under this Guarantee, together with any costs, attorneys' fees, and expenses incurred by the Assured that were authorized by the Company up to the time of payment and that the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in 6 (a), (b) or (c) of this paragraph the Company's obligations to the Assured under this Guarantee for the claimed loss or damage, other than the payments required to be made, shall terminate, including any duty to continue any and all litigation initiated by the Company pursuant to Paragraph 4.

7. LIMITATION OF LIABILITY

- (a) This Guarantee is a contract of Indemnity against actual monetary loss or damage sustained or incurred by the Assured claimant who has suffered loss or damage by reason of reliance upon the assurances set forth in Schedule A and only to the extent herein described, and subject to the Exclusions From Coverage of this Guarantee.
- (b) If the Company, or the Assured under the direction of the Company at the Company's expense, removes the alleged defect, lien, or encumbrance or cures any other matter assured against by this Guarantee in a reasonably diligent manner by any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.
- (c) In the event of any litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom.
- (d) The Company shall not be liable for loss or damage to the Assured for liability voluntarily assumed by the Assured in settling any claim or suit without the prior written consent of the Company.

8. REDUCTION OF LIABILITY OR TERMINATION OF LIABILITY

All payments under this Guarantee, except payments made for costs, attorneys' fees and expenses pursuant to Paragraph 4 shall reduce the Amount of Liability under this Guarantee pro tanto.

9. PAYMENT OF LOSS

- (a) No payment shall be made without producing this Guarantee for endorsement of the payment unless the Guarantee has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.
- (b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions, the loss or damage shall be payable within thirty (30) days thereafter.

10. SUBROGATION UPON PAYMENT OR SETTLEMENT

Whenever the Company shall have settled and paid a claim under this Guarantee, all right of subrogation shall vest in the Company unaffected by any act of the Assured claimant.

The Company shall be subrogated to and be entitled to all rights and remedies which the Assured would have had against any person or property in respect to the claim had this Guarantee not been issued. If requested by the Company, the Assured shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect this right of subrogation. The Assured shall permit the Company to sue, compromise or settle in the name of the Assured and to use the name of the Assured in any transaction or litigation involving these rights or remedies.

If a payment on account of a claim does not fully cover the loss of the Assured the Company shall be subrogated to all rights and remedies of the Assured after the Assured shall have recovered its principal, interest, and costs of collection.

(continued)

11. ARBITRATION

Either the Company or the Assured may demand that the claim or controversy shall be submitted to arbitration pursuant to the Title Insurance Arbitration Rules of the American Land Title Association ("Rules"). Except as provided in the Rules, there shall be no joinder or consolidation with claims or controversies of other persons. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Assured arising out of or relating to this Guarantee, any service of the Company in connection with its issuance or the breach of a Guarantee provision, or to any other controversy or claim arising out of the transaction giving rise to this Guarantee. All arbitrable matters when the amount of liability is Two Million And No/100 Dollars (\$2,000,000) or less shall be arbitrated at the option of either the Company or the Assured. All arbitrable matters when the amount of liability is in excess of Two Million And No/100 Dollars (\$2,000,000) shall be arbitrated only when agreed to by both the Company and the Assured. Arbitration pursuant to this Guarantee and under the Rules shall be binding upon the parties. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court of competent jurisdiction.

12. LIABILITY LIMITED TO THIS GUARANTEE; GUARANTEE ENTIRE CONTRACT

- (a) This Guarantee together with all endorsements, if any, attached hereto by the Company is the entire Guarantee and contract between the Assured and the Company. In interpreting any provision of this Guarantee, this Guarantee shall be construed as a whole.
- (b) Any claim of loss or damage, whether or not based on negligence, or any action asserting such claim, shall be restricted to this Guarantee.
- (c) No amendment of or endorsement to this Guarantee can be made except by a writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.

13. SEVERABILITY

In the event any provision of this Guarantee, in whole or in part, is held invalid or unenforceable under applicable law, the Guarantee shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.

14. CHOICE OF LAW; FORUM

- (a) Choice of Law: The Assured acknowledges the Company has underwritten the risks covered by this Guarantee and determined the premium charged therefor in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of Guarantees of the jurisdiction where the Land is located.
Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims that are adverse to the Assured and to interpret and enforce the terms of this Guarantee. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.
- (b) Choice of Forum: Any litigation or other proceeding brought by the Assured against the Company must be filed only in a state or federal court within the United States of America or its territories having appropriate jurisdiction.

15. NOTICES, WHERE SENT

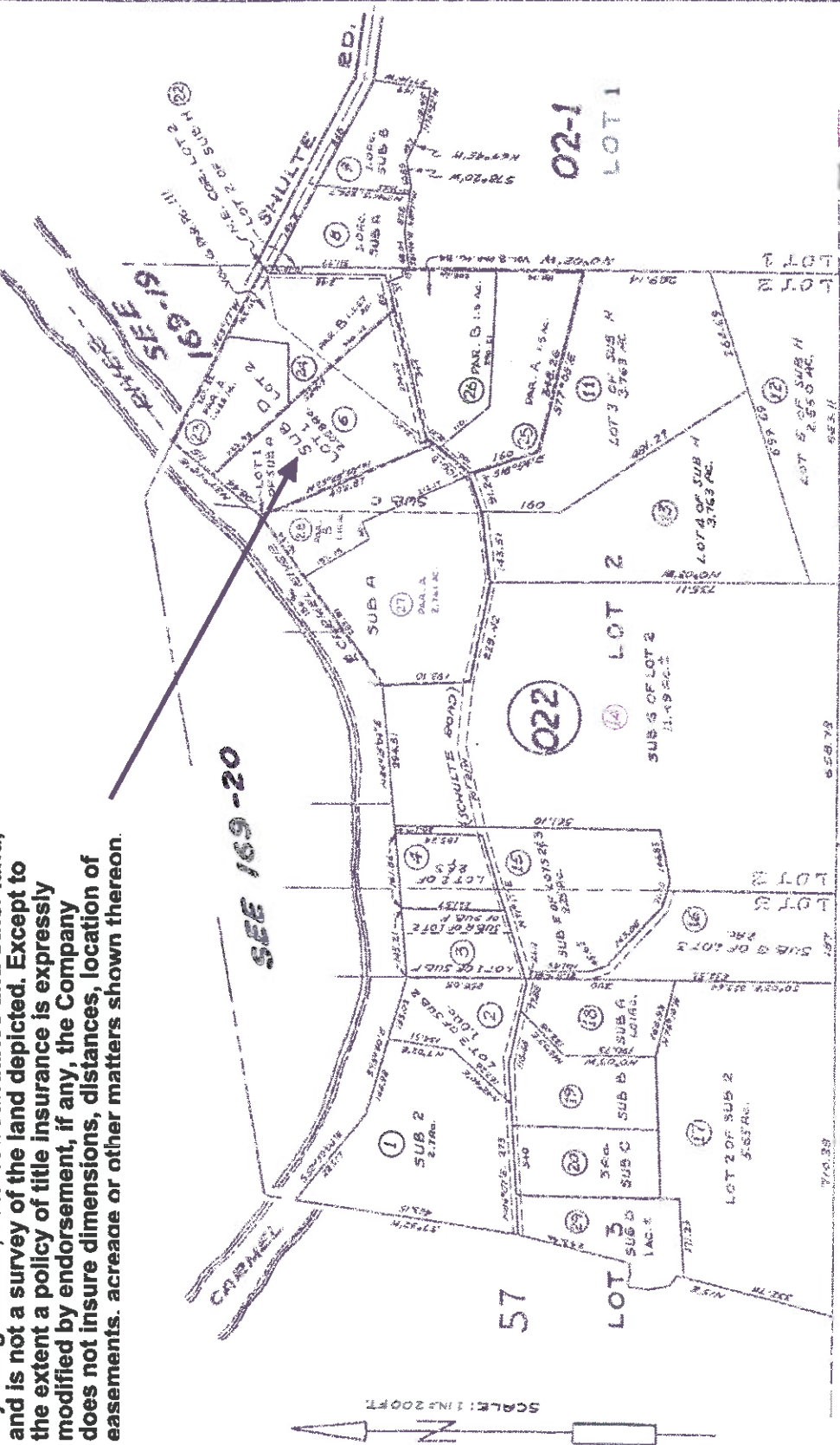
All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this Guarantee and shall be addressed to the Company at:

Chicago Title Insurance Company
P.O. Box 45023
Jacksonville, FL 32232-5023
Attn: Claims Department

END OF CONDITIONS

TAX CODE AREA

This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



02-1

SEC. 22

(161E)

LINE BETWEEN U.S. LOTS 122 & 123

T. 16 S., R. 1 E.
 FOR U.S. LOTS 123 ALL OF LOT 2 SEC. 22

MONTEREY COUNTY
PUBLIC WORKS, FACILITIES & PARKS



Randell Ishii, MS, PE, TE, PTOE, Director
1441 Schilling Place, South 2nd Floor
Salinas, California 93901-4527

(831) 755-4940
www.co.monterey.ca.us

OFFICE OF THE COUNTY SURVEYOR

MEMORANDUM

Date: May 14, 2021

To: Mike Novo, HCD Interim Director

From: Michael K. Goetz, County Surveyor

Subject: LB Homebuilders (CC200010 & 11) Legal Lot Determination

Mike,

I have reviewed the letter and attachments received from Mr. Joel Panzer, dated May 30, 2020 which provides his analysis and justification that the LB Homebuilders property is comprised of two legal lots. The subject parcel currently is assigned one Assessor's Parcel No. – 416-022-006-000.

The title history of the parent parcel is very complex, with parties granting to others and then having the same parcel or a portion of the parcel granted back to them. On September 24, 2020, I provided my initial comments via email to then project planner Yasmeen Hussain. At that time, I requested additional documentation, because in my opinion, the evidence provided by Mr. Panzer was insufficient to clearly establish the legality of two separate legal parcels. Unfortunately, he responded by referring to documents that he had previously provided, which did not address my questions. However, following my second review, I believe the evidence clearly indicates the existence of only one legal parcel, rather than two as Mr. Panzer asserts.

BACKGROUND:

The subject property is located on the private portion of Schulte Road in Carmel Valley. It is approximately 350 feet beyond the end of the County maintained portion of Schulte Road. It is a portion of US Lot 2 in Section 22, Township 16 South, Range 1 East, M.D.M. In 1944, all of US Lot 2 and a portion of US Lot 3 was granted by Powers to Gribben & Parks (V 843 OR 336). In 1949 a 4.16 acre parcel was granted by Gribben & Parks to Clarabut (V 1143 OR 352). Later in 1949, a 0.17 acre triangle portion of this parcel was granted from Clarabut to Powers (V 1155 OR 124). (There must be another document prior to 1949 where Gribben & Parks granted back to

Powers all but the 4.16 acre parcel. I requested this information from Mr. Panzer, but no new information was provided.)

Sometime prior to 1952, Clarabut had acquired (at least) a 0.36 triangular parcel adjoining the west side of the now 3.99 acre parcel. (I requested from Mr. Panzer a deed that showed how Clarabut acquired title to this property prior to 1952, but no new information was provided.) That Clarabut owned the property prior to 1952 is known by H. & N.M. Clarabut deeding this 0.36 acres to Patton in 1952 (V 1380 OR 117). Patton immediately deeds it back to H. Clarabut (V 1380 OR 118). **Mr. Panzer asserts this 1952 deed created a separate legal 0.36 acre parcel (Panzer Parcel 2).**

In 1962, the entire 4.35 acres (3.99 + 0.36) was deeded to Coast Counties Land Title Company. Coast Counties deeded portions of the 3.99 acres and the 0.36 acres to Cook (R 83 OR 444). This 1962 deed to Cook describes the property in two parcels with an exception from both. The most recent deed (Doc. No. 2019060523) contains a legal description with the same wording. **Mr. Panzer asserts the 1962 deed, indicates the existence of two separate legal parcels.**

ANALYSIS:

Rather than look at whether earlier conveyances represent what essentially were lot line adjustments of the 1940s and 1950s, I will focus on a detailed analysis of the 1962 deed to Cook (R 83 OR 444). This deed described the parcel as it has come down to the present.

Parcel 1 of the 1962 description describes the 4.16 acre parcel (as created in 1949) excepting the 0.17 acres deeded to Powers in 1949 (4.16-0.17=3.99 acres). Parcel 2 of the 1962 description describes the 0.36 acre parcel (as described in 1952). The 1962 description concludes with "EXCEPTING FROM Parcels 1 and 2 setforth above the following portions thereof:..." The description then describes the northeasterly 2.322 acres of the 4.35 acre parcel (3.99+0.36=4.35). This 2.322 acre exception calculates to be a 2.014 acre portion of Parcel 1 and a 0.008 acre portion of Parcel 2. **It is my opinion that the use of one described exception indicates the intent of the grantor and the understanding of the grantee that only one parcel was being conveyed, having an area of 2.03± acres (4.35-2.322).** This opinion has three lines of support.

LINE OF REASONING 1:

My opinion is consistent with the principles of the California Court of Appeals, 3rd District, 2007 case *Brown v. Tehama*. This case extensively reasoned on the antimerger rule in California Civil Code section 1093 and decided that this antimerger rule does not apply "to fractional parcels that have never been separately and distinctly described." The 0.36 acres parcel minus the 0.008 acre portion of the exception is not "separately and distinctly described" in any deed. Based on this case law principle, the fractional 0.35 acre parcel should not be considered legal.

LINE OF REASONING 2:

My opinion is also consistent with the requirements of the Monterey County Zoning Ordinance, as amended, in effect in 1962. The entire property had a zoning designation of "K-G-B-4." As Mr. Panzer stated in his letter: "The "K (Agricultural – Residential) zoning required a building site of 10,000 square feet; the B-4 overlay required a one (1) acre building site." The 1962 deed had the effect of reducing the 0.36 acre parcel to 0.35 acres. If the 0.36 acre parcel was considered a separate parcel legally created in 1949, this 1962 reduction in size would constitute a violation of

the applicable zoning ordinance. Mr. Panzer's justification letter fails to account for this significant parcel change. Therefore, the reasonable conclusion is the parties never considered it a separate parcel, but it was understood to be only a portion of the single 2.02 acre parcel conveyed from Coast Counties to Cook.

LINE OF REASONING 3:

The physical evidence of a house being built over the "line" provides substantial circumstantial evidence that past property owners recognized the property as a single legal parcel.

CONCLUSION:

The 1962 conveyance (R 83 OR 444) from Coast Counties to Cook resulted in the creation of one, single legal parcel.

RECOMMENDATION:

Deny the request for a Certificates of Compliance for two legal parcels within APN 416-022-006, and issue a single Certificate of Compliance on the subject parcel. Recording a Certificate of Compliance would eliminate any future legal lot debate on this parcel.

Attachments:

Panzer Letter, dated May 30, 2020 with Exhibits A through I
County Surveyor Plat showing parcel history

Exhibit D

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

Carl P. Holm, AICP, Director

LAND USE & COMMUNITY DEVELOPMENT | PUBLIC WORKS & FACILITIES | PARKS
1441 Schilling Place, South 2nd Floor (831)755-4800
Salinas, California 93901-4527 www.co.monterey.ca.us/rma



MEMORANDUM

Date: January 9, 2020
To: Brandon Swanson, Interim Chief of Planning
From: Michael K. Goetz, County Surveyor *MKG*
Subject: PLN180562 Sanchez - Legal lot determination – APN 169-121-006-000

The project application is a proposed lot line adjustment of four parcels resulting in three adjusted or reconfigured parcels. The Subject Parcel is Assessor's Parcel Number (APN) 169-121-006-000, being 5.564 acres per the Assessor's records (minus a portion granted to the County for Carmel Valley Road). The applicant's representative, Mr. Joel Panzer, has submitted title documents and maps that purportedly indicate that the Subject Parcel is comprised of four legally created parcels, which then can be adjusted. Following is my analysis and conclusion on the legal lot status of the subject "parcels" of the application for lot line adjustment PLN180562:

DISCUSSION:

The basis of Mr. Panzer's claim of the existence of four legal parcels is based on two basic lines of reasoning. Mr. Panzer asserts that the Subject Parcel is made up of a 5.316 acre parcel conveyed in 1937 and a 0.248 acre parcel conveyed in 1961. These two conveyed parcels combine to be 5.564 acres in size. Secondly, Mr. Panzer claims that the Subject Parcel contains portions of U.S Lot No. 40 in Township 16 South, Ranch 1 East and U.S. Lot No. 39 in Township 16 South, Ranch 2 East, Mount Diablo Meridian, thereby bisecting the Subject Parcel into two more parcels, for a total of four.

I will begin with Mr. Panzer's second line of reasoning. It is true that the Subject Parcel is comprised of a portion of said Lots 40 and 39, since it is bisected by the line between the two townships. This line is properly referred to as a range line (the Range Line). However, Lots 40 and 39 were never conveyed separately. The entirety of Lots 40 and 39 was conveyed by the United States and confirmed to James Meadows by patent dated August 9, 1866 and recorded October 3, 1904 in Book "F" of Patents, Page 247. The wording of the legal description clearly indicates that only one parcel, being 4591.71 acres in size, was being conveyed. The patent states, in part, "... do Give and Grant unto the said James Meadows and to his heirs the tract of land embraced and described in the foregoing..." The use of "tract," rather than "tracts," and the lack of any reference to Lot 40 or Lot 39, or the Range Line as a lot line, indicates clear intent to convey one parcel to Meadows.

The tract conveyed or confirmed to Meadows was a Rancho now known as the James Meadows Tract. In 1905, The James Meadows Tract was partitioned into five lots. The Subject Parcel is a portion of Lot 5 of that partition. Mr. Panzer states that the wording contained in the description of Lot 5 in the 1905 Final Decree of Partition recorded in Book 84 of Deeds, Page 279 indicated that the court did not intend to merge any existing legal lots within Lot 5. I make no argument to the contrary. However, from the previous paragraph there is no support for the Range Line creating a division of parcels, and Mr. Panzer has not provided any evidence to show that separate conveyances have ever been made to the Range Line. There is nothing in the legal description of Lot 5 contained in said Decree that would even imply that the Range Line was recognized as a lot line. The written evidence clearly indicates that the Range Line did not create separate parcels; consequently, it has no effect on the number of legal lots within the Subject Parcel.

The other basis provided by Mr. Panzer for multiple parcel within the Subject Parcel is two conveyances that resulted in the current configuration of the Subject Parcel. The first conveyance occurred in 1937 when a 5.316 acre portion of said Lot 5 was conveyed by Jane C. Todd to Allen Griffen by deed recorded in Book 520 of Official Records, Page 403. This conveyance legally created a 5.316 acre parcel. Mr. Panzer references a second conveyance that occurred in 1961 when a 0.248 acre portion of said Lot 5 was conveyed by Stuart Haldorn to Lucile Lyon Herbert by deed recorded in Book 2132 of Official Records, Page 581. This second conveyance does not meet the requirements to be determined as a separate legal lot.

In 1961, all of said Lot 5 was zoned "K-G-B-4." Ordinance 911 was in effect at that time, and although an Agricultural-Residential or "K" District allowed a minimum lot size of 10000 square feet (0.229 acres), Section 15(d) stipulated "except where combined with any "B" District." In those situations, the minimum building site would be dictated by what was allowed by the "B" District. The minimum allowed building site in the "B-4" designated areas was "One (1) acre." If 1961 conveyance was intended to be a separately created lot, it would have been a violation of the Zoning Ordinance resulting in an illegally created lot.

There are compelling reasons to believe that this 0.248 acre parcel was never intended to be conveyed as a separate lot or parcel. Mr. Haldorn owned an adjoining large parcel, and he conveyed this small parcel to his neighbor, Ms. Herbert, who was the then owner of the 5.316 acre parcel. This was a simple lot line adjustment of the day. It is shown on the map filed in Volume X2 of Surveys, Page 201 (attached). This map shows a water tank in the extreme corner of the triangular 0.248 acre parcel being conveyed to Ms. Herbert, the adjoining owner. It was obvious that they were adjusting their common boundary to allow Ms. Herbert to own the land where her water tank was situated. Additionally, an examination of the topography of the 0.248 acres indicates that it is a steep hillside with no reasonable building site potential.

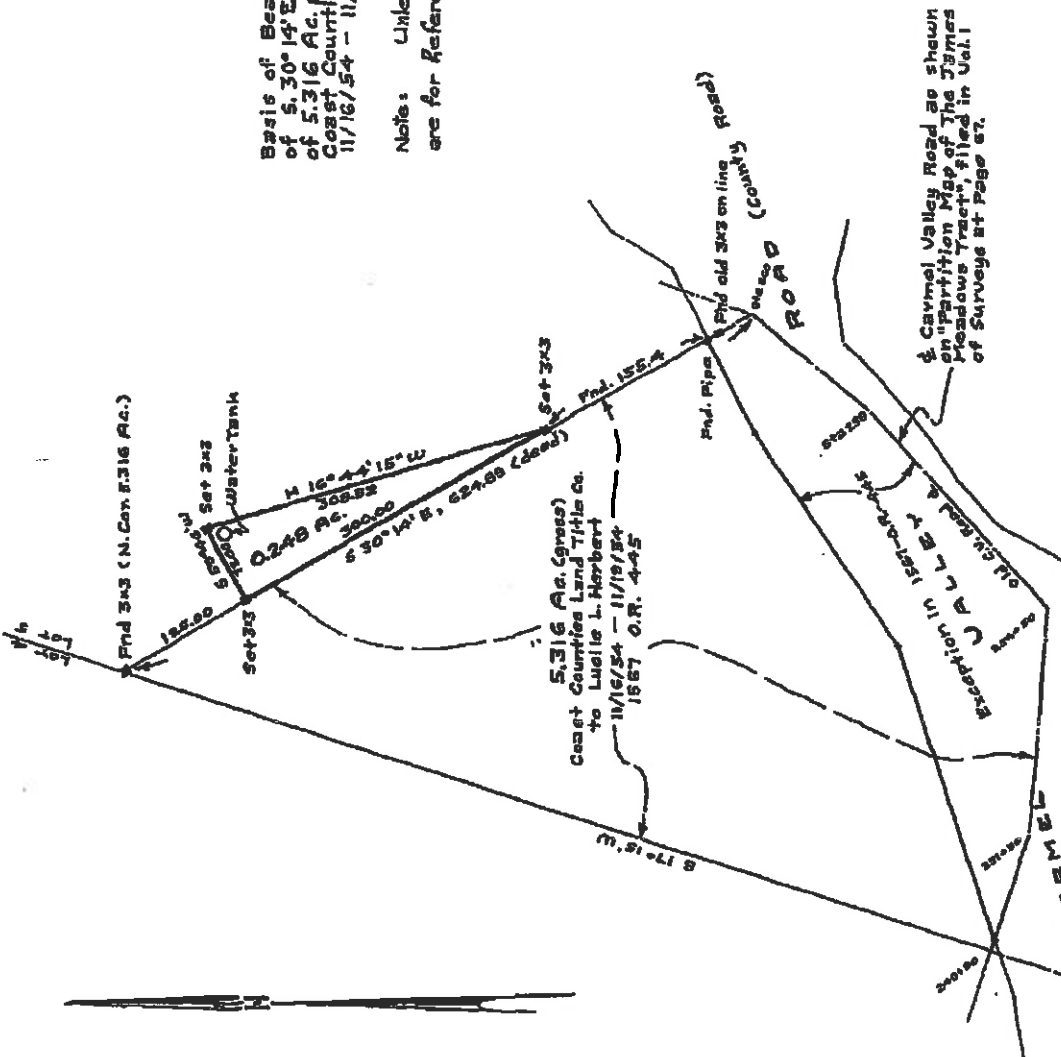
Clearly, the 1961 conveyance was simply a lot line adjustment. Prior to 1977, no state or local law or ordinance provided for, or regulated lot line adjustments. Absent of such provisions or regulations, lot line adjustments were accomplished through conveyances. These conveyances were made with the intent to join the conveyed land to the adjacent owner's existing parcel.

CONCLUSION:

In my opinion, the evidence does not give any basis for the existence of four legal lots within the Subject Parcel. Rather, the evidence clearly shows that the Subject Parcel is only one legal lot of record. It was originally legally created as a 5.316 acre parcel by the 1937 conveyance. In 1961, a de

facto lot line adjustment occurred whereby an adjoining property owner conveyed 0.248 acres to the then owner of the 5.316 acres. This resulted in the Subject Parcel being in its current configuration, being 5.564 acres in size (minus a portion granted to the County for Carmel Valley Road). Therefore, the Subject Parcel does not qualify for a lot line adjustment.

Please let me know if you have any questions or comments.



Basis of Bearings for this survey is the bearing of S. 30° 14' E., of the northeasterly boundary of 5.316 Ac. parcel described in deed from Coast Counties Land Title Co. to Lucile L. Herbert, 11/16/54 - 11/19/54, 1567-O.R.-445

Note: Unless points are shown as found or set, they are for reference only.

SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in accordance with the requirements of Chapter 15 of the Business and Professions Code at the request of George Herbert of San Jose, California, 1961.

By Delwyn C. Rasmussen
County Surveyor
No. 2439

CO. SURVEYORS CERTIFICATE

This map has been examined for conformance with the requirements of Chapter 15 of Division 3 of the Business and Professions Code this 25 day of March, 1961.

By Deputy George H. McLean
County Surveyor

RECORDER'S CERTIFICATE

Serial No. 1961-14324 Filed for record this 25 day of March, 1961, at San Jose, Cal., in Book X-2 of Maps of Surveys at page 201 at the request of George H. McLean.

By Deputy Eunnet M. W. Rasmussen
County Recorder
7455
Scale: 1"=100'

RECORD OF SURVEY
0.248 Acre Parcel in
Lot 5, James Meadows Tract
Monterey County, Calif.
Surveyed for
Mr. George Herbert
By
Delwyn C. Rasmussen, Licensed Land Surveyor
Pacific Grove, California

ORIGINAL

OFFICIAL RECEIPT

COUNTY OF MONTEREY

Maureen Wruck Planning

RECEIVED FROM

DATE 8-27-21

21 W. Alisal Ste 111

CITY Salinas CA

FOR

Land Appeal

OFFICE	MAIL	FIELD	CASH	CHECK	OTHER
PREVIOUS BALANCE					AMOUNT PRESENTED 3572 00
AMOUNT PAID					AMOUNT OF PAYMENT
NEW BALANCE					CHANGE REFUNDED
ON ACCOUNT NO.	THE AMOUNT OF \$ 3572 00				

CENTRAL VALLEY BUSINESS FORMS - (559) 651-3695

506478

REC'D BY [Signature] FORM #111-71