

Attachment Q  
Amendment to Agricultural Buffer  
Easement Deed

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

WHEN RECORDED MAIL TO:

Robert Rivas, Senior Board Clerk

Office of the Clerk to the Board

168 W. Alisal Street, 1<sup>st</sup> Floor

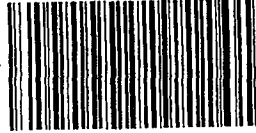
Salinas, CA 93901

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

CRALMA  
9/20/2010  
10:15:15

DOCUMENT: **2010052812**

Titles: 1/ Pages: 12



Fees....  
Taxes...  
Other...  
AMT PAID

THIS SPACE FOR RECORDER'S USE ONLY

## Amendment to Agricultural Buffer Easement Deed

**Recording Requested By, and  
When Recorded, Mail To:**

Monterey County Resource Management  
Agency  
Planning Division  
168 W. Alisal Street, 2nd Floor  
Salinas, CA 93901

Attn: Luis Osorio, Planner

Documentary Transfer Tax \$ <u>0</u>
Computed on full value of property conveyed.
Computed on full value less liens and encumbrances remaining at time of sale.
<u>Exempt from Transfer Tax</u>
Signature of Declarant or agent — Firm name

**AMENDMENT TO AGRICULTURAL BUFFER EASEMENT DEED**

THIS AMENDMENT TO AGRICULTURAL BUFFER EASEMENT DEED is made this  
2<sup>nd</sup> day of June 200/0 by and between CHARLES F. NICHOLS and JUDITH A.  
NICHOLS, as Trustees of the NICHOLS FAMILY TRUST UTA dated January 17, 1991  
("Grantors"); and the COUNTY OF MONTEREY, a political subdivision of the State of California  
("Grantee"), with reference to the following facts and circumstances:

**RECITALS:**

A. Grantors are the owner in fee simple of that certain real property situated in the  
County of Monterey, State of California, referred to as the Yanks Air Museum property, and more  
particularly shown on **Exhibit A**, attached hereto ("the Yanks Property").

B. Grantors applied for, and Grantee approved a Combined Development Permit  
(SH 94002) (Resolution No. 97-445 and Ordinance No. 03943) ("CDP") for a General Plan  
Amendment, rezoning and use permit to allow an air museum, air strip, RV park and other uses on  
the Yanks Property. The Yanks Property was subject to the following condition which was attached  
to the CDP approved by the County of Monterey on November 4, 1997:

“That a 200 feet wide Agricultural Buffer Easement be established along the northern, southern and eastern boundaries of the 111-acre project site as required by Chapter 21.66.030 (F) (2) (Standards for Agricultural Uses) of the Zoning Ordinance. The uses allowed within the Agricultural Buffer Easement include the air strip, water detention ponds and parking. An Agricultural Buffer Easement deed shall be submitted to and approved by Director of Planning and Building Inspection prior to issuance of building permits.” (Condition 20).

C. On or about April 20, 2002, Grantors and Grantees executed an Agricultural Buffer Easement Deed which document was recorded on May 6, 2002 at Document number 2002043168 in the official records Monterey County (Easement Deed) to satisfy Condition 20 of the CDP, granting a 200-foot agricultural buffer easement to Grantee over and across the northern, southern and eastern boundaries of the Yanks Property as shown on **Exhibit B**, and more particularly described in **Exhibit C**, attached hereto (Buffer Easement Property Area).

C. On or about October 12, 2004 Grantor approved (Resolution 04-351) an extension of the CDP.

D. On or about October 28, 2008 Grantor approved (Resolution 08-362) a second extension of the CDP. The second extension was subject to a condition that parking not be allowed in the southern portion of Easement Deed Buffer Area.

E. The purpose and intent of this Amendment to the Easement Deed (Amendment Agreement) is to comply with the terms of the October 28, 2008 extension approval by amending Paragraph 1 “Restriction on Buffer Easement Area” of the Easement Deed to eliminate parking as an allowed use within that portion of the 200-foot Buffer Easement Property Area which runs along the southern boundary of the Yanks Property as shown on **Exhibit D**, attached hereto, as long as the adjacent property directly south of the Yanks Property remains in agricultural use.

**ATTEST:**

Gail T. Borkowski, Clerk of the Board  
OF SUPERVISORS OF MONTEREY  
COUNTY, STATE OF CALIFORNIA

22

By Gail T. Borkowski, Deputy

Dated: 8/2/10

**APPROVED AS TO FORM:**  
COUNTY OF MONTEREY  
CHARLES MCKEE, COUNTY COUNSEL

By Kay Reimann  
Kathryn Reimann, Deputy County Counsel

Dated: 6/9/10

STATE OF CALIFORNIA )  
COUNTY OF Los Angeles ) ss.

On June 2, 2010, before me, Margaret Cabot, Notary Public, personally appeared CHARLES F. NICHOLS and JUDITH A. NICHOLS who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Margaret Cabot  
NOTARY PUBLIC



NOW, THEREFORE, for the reasons set forth above and in consideration of their mutual promises and covenants, terms and conditions, and restrictions contained herein, Grantors and Grantees do hereby amend the Easement Deed as follows:

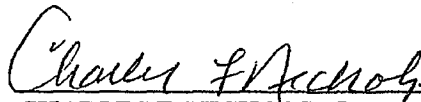
Paragraph 1, "Restriction of Buffer Easement Area" of the Easement Deed is hereby amended to eliminate parking, whether visitor or employee, as an allowed use within that portion of the 200-foot Buffer Easement Property Area running along the southern boundary of the Yanks Property as shown on **Exhibit D**, attached hereto, as long as the adjacent property directly south of the Yanks Property remains in agricultural use.

In all other respects, the terms and conditions of the Easement Deed remain in full force and effect.

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

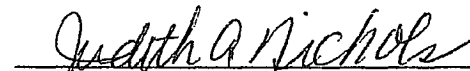
**GRANTORS:**

Dated: 6-2-2010



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

Dated: 6-2-2010



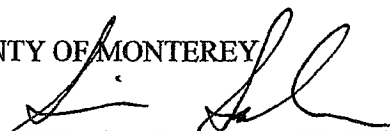
JUDITH A. NICHOLS, Trustee of the  
NICHOLS FAMILY TRUST UTA  
dated January 17, 1991

**GRANTEE:**

COUNTY OF MONTEREY

Dated: 7-16-10

By



SIMON SALINAS, CHAIR  
Monterey County Board of Supervisors

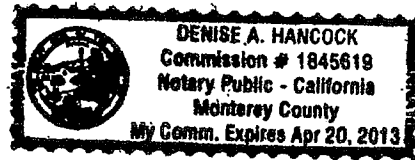
STATE OF CALIFORNIA )  
COUNTY OF Monterey ) ss.

On July 16, 2010, before me, Denise A. Hancock, Notary Public, personally appeared Simon Salinas 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.

Denise A. Hancock  
NOTARY PUBLIC



**CERTIFICATE OF ACCEPTANCE AND CONSENT TO  
RECORDATION**

This is to certify that the interest in real property conveyed by the **Agricultural Buffer Easement** recorded on May 6, 2002, as Document Number 2002043168 with the Monterey County Recorder, as Amended by this **Amendment to Agricultural Buffer Easement Deed** dated June 2, 2010, from CHARLES F. NICHOLS AND JUDITH A. NICHOLS, as Trustees of the NICHOLS FAMILY TRUST UTA dated January 17, 1991 ("Grantors"), as their interest appears of record, to the COUNTY OF MONTEREY, a political corporation and/or governmental agency ("Grantee") is hereby accepted by order of the Board of Supervisors of the County of Monterey pursuant to Resolution No. \_\_\_\_\_ adopted on June 22, 2010, and Grantee consents to recordation thereof by its duly authorized officer.

COUNTY OF MONTEREY

Dated: July 6, 2010

By: \_\_\_\_\_

*Simon Salinas*  
Supervisor Simon Salinas  
Chair, Board of Supervisors

**CLERK'S ACKNOWLEDGEMENT**

On July 6 2010, before me, Denise Hancock, Clerk of the Board of Supervisors, personally appeared Simon Salinas, Chair, Monterey County Board of Supervisors, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Gail T. Borkowski,  
Clerk of the Board of Supervisors

By: Denise Hancock  
Type/Print Name:  
Deputy Clerk

Legal Reference for Acknowledgement by County Official  
California Civil Code Section 1181, 1184, 1188, 1189  
Code of Civil Procedure Section 2012

(SEAL)



CURVE TABLE

LINE DELTA	RADIUS	ARC
C1	3°54'32"	272.00'
C2	34°08'36"	730.00'
C3	27°15'22"	656.00'

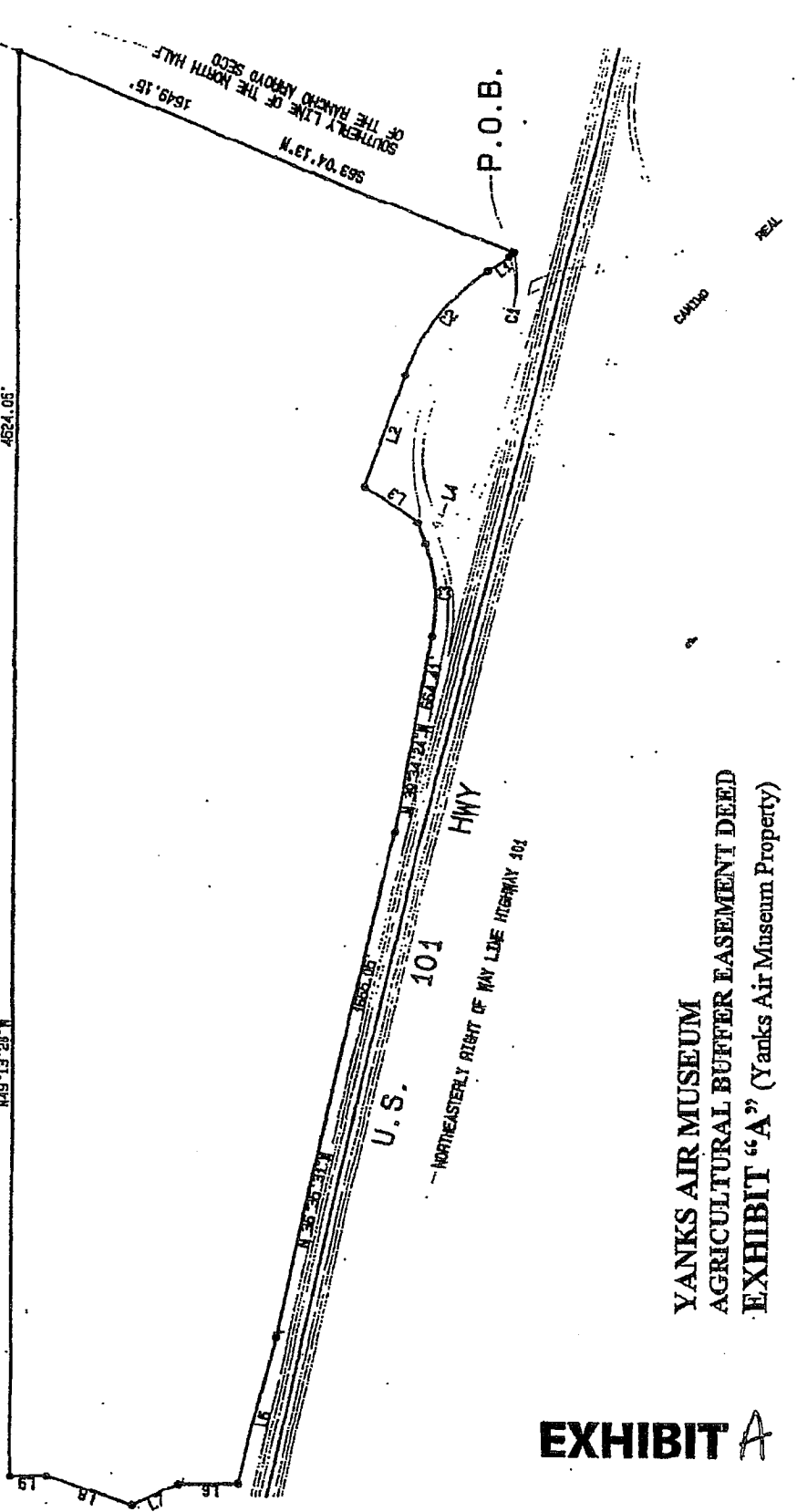
LINE TABLE

LINE	BEARING	DISTANCE
L1	N 3°16'06"E	81.65'
L2	N30°52'30"W	384.11'
L3	S75°44'01"W	204.98'
L4	N39°38'29"W	74.72'
L5	N34°45'50"W	480.13'
L6	N39°38'29"E	185.87'
L7	N15°05'18"E	157.00'
L8	N60°12'03"E	273.78'
L9	N40°26'06"E	108.54'

SCALE: 1"=600'  
2-18-02

N49°13'28"W

4824.06'



YANKS AIR MUSEUM  
 AGRICULTURAL BUFFER EASEMENT DEED  
 EXHIBIT "A" (Yanks Air Museum Property)

**EXHIBIT A**

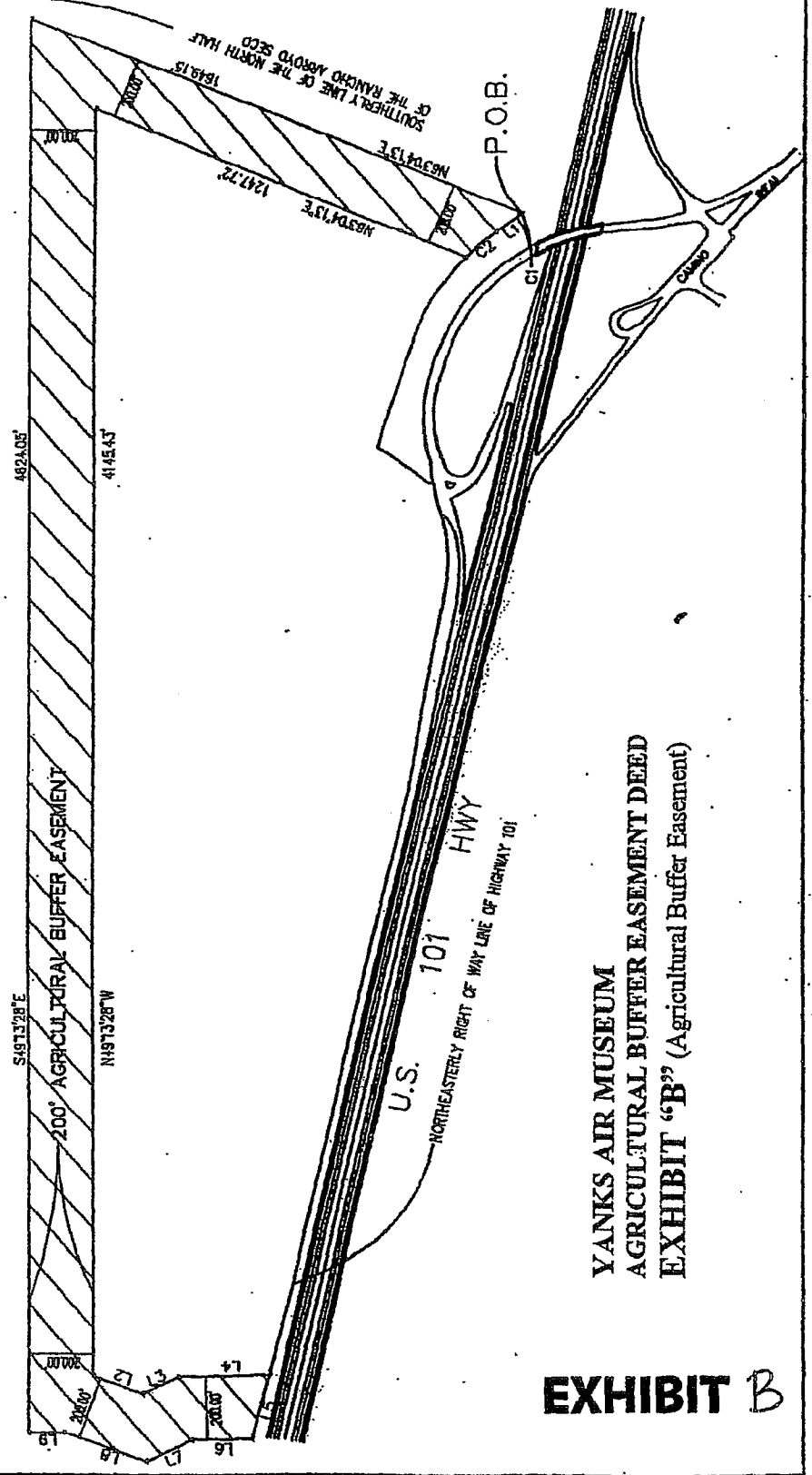
CURVE TABLE

LINE	DELTA	RADIUS	ARC
C1	3°54'32"	272.00'	18.56
C2	9°49'43"	730.00'	125.22'

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 31°08'E	81.65'
L2	S 60°12'03"W	164.25'
L3	S 15°05'18"W	117.45'
L4	S 39°38'29"W	285.21'
L5	N 34°45'50"W	207.64'
L6	N 39°38'29"E	185.87'
L7	N 15°05'18"E	157.00'
L8	N 60°12'03"E	273.78'
L9	N 40°26'06"E	108.54'

SCALE: 1"=500'  
2-18-02



**EXHIBIT B**

YANKS AIR MUSEUM  
 AGRICULTURAL BUFFER EASEMENT DEED  
 EXHIBIT "B" (Agricultural Buffer Easement)

**YANK'S AIR MUSEUM  
AGRICULTURAL BUFFER EASEMENT DEED  
EXHIBIT "C" (Description of Agricultural Buffer Easement)**

**200' WIDE AGRICULTURAL EASEMENT**

A STRIP OF LAND TWO HUNDRED FEET (200') WIDE, BEING A PORTION OF LOTS 20 AND 21 OF THE NORTH ½ OF THE RANCHO ARROYO SECO AS SHOWN IN VOLUME 1 OF SURVEY'S AT PAGE 95 AND A PORTION OF PARCEL A OF VOLUME 10 OF SURVEY'S AT PAGE 15, DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF HIGHWAY 101 AND THE SOUTHERLY LINE OF THE NORTH ½ OF THE RANCHO ARROYO SECO AS SHOWN ON THAT CERTAIN SURVEY RECORDED IN VOLUME 9 OF SURVEY'S AT PAGE 114, SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 272.00 FEET AND AN INITIAL TANGENT OF NORTH 0°38'26" WEST; THENCE, ALONG SAID RIGHT OF WAY LINE THE FOLLOWING THREE COURSES

1. NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 3°54'32" AN ARC DISTANCE OF 18.56 FEET; THENCE, TANGENT TO SAID CURVE
2. NORTH 3°16'06" EAST 81.65 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 730.00 FEET; THENCE, ALONG SAID CURVE
3. NORTHERLY THROUGH A CENTRAL ANGLE OF 9°49'43" AN ARC DISTANCE OF 125.22 FEET; THENCE, LEAVING SAID CURVE AND NORTHEASTERLY RIGHT OF WAY LINE AND PARALLEL TO THE SOUTHERLY LINE OF THE NORTH ½ OF SAID RANCHO ARROYO SECO
4. NORTH 63°04'13" EAST 1247.72 FEET; THENCE,
5. NORTH 49°13'28" WEST 4145.43 FEET TO A POINT WHICH IS 200.00 FEET SOUTHERLY MEASURED AT RIGHT ANGLES, FROM THE NORTHWESTERLY LINE OF SAID PARCEL A; THENCE, PARALLEL TO AND DISTANT 200.00 FEET FROM, MEASURED AT RIGHT ANGLES, SAID NORTHWESTERLY LINE THE FOLLOWING THREE COURSES
6. SOUTH 60°12'03" WEST 164.25 FEET; THENCE,
7. SOUTH 15°05'18" WEST 117.45 FEET; THENCE,
8. SOUTH 39°38'29" WEST 285.21 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID HIGHWAY 101; THENCE, ALONG SAID RIGHT OF WAY LINE
9. NORTH 34°45'50" WEST 207.64 FEET TO THE NORTHWESTERLY LINE OF SAID PARCEL A; THENCE, ALONG SAID NORTHWESTERLY LINE THE FOLLOWING 4 COURSES
10. NORTH 39°38'29" EAST 185.87 FEET; THENCE,
11. NORTH 15°05'18" EAST 157.00 FEET; THENCE,
12. NORTH 60°12'03" EAST 273.78 FEET; THENCE,
13. NORTH 40°26'06" EAST 108.54 FEET; THENCE, LEAVING SAID NORTHWESTERLY LINE

14. SOUTH 49°13'28" EAST 4624.05 FEET TO THE SOUTHERLY LINE OF THE NORTH ½ OF SAID RANCHO ARROYO SECO; THENCE, ALONG SAID LAST MENTIONED LINE

15. SOUTH 63°04'13" WEST 1649.15 FEET TO THE POINT OF BEGINNING.

CONTAINING: 29.71 ACRES

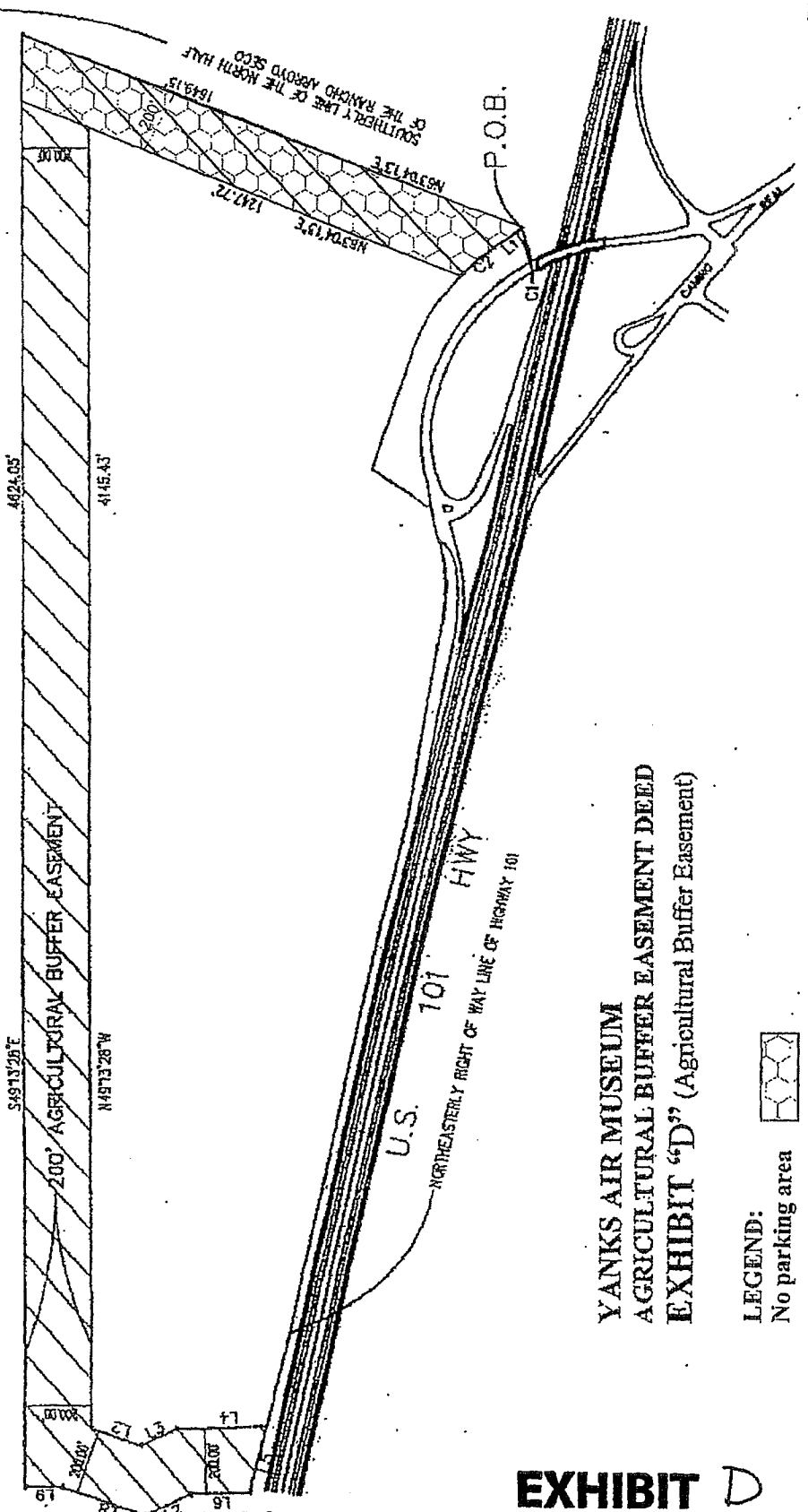
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SCALE: 1"=500'  
2=18=02



YANKS AIR MUSEUM  
 AGRICULTURAL BUFFER EASEMENT DEED  
 EXHIBIT "D" (Agricultural Buffer Easement)

LEGEND:  
 No parking area

EXHIBIT D

END OF DOCUMENT