



Recording Requested by:

Monterey Peninsula Water Management District

And When Recorded Mail To:

Monterey Peninsula Water Management District
Post Office Box 85
Monterey, California 93942-0085

**NOTICE AND DEED RESTRICTION
REGARDING LIMITATION ON USE
OF WATER ON A PROPERTY
WITH CAPACITY FEE DEFERRAL**

NOTICE IS GIVEN that the Monterey Peninsula Water Management District (hereinafter referred to as the Water Management District), duly formed as a water district and public entity pursuant to the provisions of law found at Statutes of 1977, Chapter 527, as amended (found at West's California Water Code Appendix, Chapters 118-1 to 118-901), has approved water service to the real property referenced below as "Subject Property."

NOTICE IS FURTHER GIVEN that the real property affected by this document is situated in the **City of Seaside:**

1292 OLYMPIA AVE, SEASIDE, CA 93955
{DEL MONTE HEIGHTS MAP 6 LOT 51 HANNON PROJECT UNIT 1 W 25 FT OF
LOTS A & B BLK 192 & 1/2 ALLEY ADJ}
ASSESSOR'S PARCEL NUMBER 012-691-001-000
&
{HANNON PROJECT UNIT 1 LOT A BLK 192 EXC WEST 25 FT}
ASSESSOR'S PARCEL NUMBER 012-691-002-000

This real property is hereinafter referred to as the "Subject Property." The Subject Property is located within the jurisdiction of the Water Management District. **County of Monterey, a political subdivision of the State of California** (hereinafter referred to as "Owner(s)"), is record Owner(s) of the Subject Property.

Owner(s) and the Water Management District each acknowledge that pursuant to Water Management District Rule 24-H-2, payment of Capacity Fees in the amount of \$8,788.54 shall be delayed during which time the property is utilized by a California Non-Profit Public Benefit Corporation. If and when the property is no longer operated by a California Non-Profit Public Benefit Corporation, the Capacity Fees shall be due to the District, with interest. Interest shall be calculated at the rate of four percent (4%) per year.



NOTICE IS FURTHER GIVEN that this agreement is binding and has been voluntarily entered into by Owner(s) and constitutes a mandatory condition precedent to receipt of regulatory approval from the Water Management District relating to the Subject Property. This agreement attaches to the land and shall bind any tenant, successor or assignee of Owner(s).

NOTICE IS FURTHER GIVEN that present and/or future use of water at the Subject Property Site is restricted by Water Management District Rules and Regulations to the water use requirements referenced above. Any Intensification of Use on the Subject Property, as defined by Water Management District Rule 11, or any change in the quantity or type of water fixtures listed above, will require prior written authorization and a Water Permit from the Water Management District. Approval may be withheld by the Water Management District, in accord with then applicable provisions of law. Present or future Allocations of water may not be available to grant any Permit to Intensify Water Use at this Site. If any request to Intensify Water Use on the Subject Property is approved, Connection Charges and other administrative fees may be required as a condition of approval.

NOTICE IS FURTHER GIVEN that modification or Intensification of Water Use on the Subject Property that occurs without the advance written approval of the Water Management District is a violation of Water Management District Rules and may result in a monetary penalty for each offense as allowed by Water Management District Rules. Each separate day, or portion thereof, during which any violation occurs or continues without a good faith effort by the Responsible Party to correct the violation shall be deemed to constitute a separate offense. All Water Users within the jurisdiction of the Water Management District are subject to the Water Management District Rules, including Rules 11, 20, 21, 23, 24, and 110.

The Owner(s) and the Water Management District each intend that this Notice and Deed Restriction act as a deed restriction upon the Subject Property, and that it shall be irrevocable under its terms. This document shall be enforceable by the Water Management District or any public entity that is a successor to the Water Management District.

The Owner(s) elects and irrevocably covenants with the Water Management District to abide by the conditions of this Notice and Deed Restriction to enable issuance of Water Permit No. **WP040390**. But for the limitations and notices set forth herein, approval of this Water Permit would otherwise be withheld and found to be inconsistent with the Water Management District Rules and Regulations.

This Notice and Deed Restriction is placed upon the Subject Property. Any transfer of this property, or an interest therein, is subject to this deed restriction. This Notice and Deed Restriction shall have no termination date unless amended by the filing of a less restrictive deed restriction.

If any provision of this Notice and Deed Restriction is held to be invalid, or for any reason becomes unenforceable, no other provision shall thereby be affected or impaired.



The undersigned Owner(s) agrees with and accepts all terms of this document stated above, and requests and consents to recordation of this Notice and Deed Restriction Regarding Limitation on Use of Water on a Property with Submetering. The Owner(s) further agrees to notify any present and future tenant of the Subject Property of the terms and conditions of this document.

OWNER(S) agrees to recordation of this Notice and Deed Restriction in the Recorder's Office for the County of Monterey. Owner(s) further unconditionally accepts the terms and conditions stated above.

(Signatures must be notarized)

County of Monterey, a political subdivision of the State of California

By: Charles J. McKee Dated: January 20, 2001
Charles J. McKee, County Administrative Officer

By: _____ Dated: _____
Stephanie Kister, Conservation Analyst
Monterey Peninsula Water Management District

Attachment: MPWMD Findings of Approval

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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 January 20, 2021 before me, Felicia Marie Silveira, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Charles J. McKee
Name(s) of Signer(s)

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 [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Corporate Officer — Title(s): _____
- Partner — Limited General
- Individual Attorney in Fact
- Trustee Guardian or Conservator
- Other: _____

Signer Is Representing: _____

Signer's Name: _____

- Corporate Officer — Title(s): _____
- Partner — Limited General
- Individual Attorney in Fact
- Trustee Guardian or Conservator
- Other: _____

Signer Is Representing: _____