

Exhibit C

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DRAFT RESOLUTION

Before the Planning Commission in and for the County of Monterey, State of California

In the matter of the application of:

MARY M DOUD DETELS TR & DOUD RANCH LLC (PLN140587)

RESOLUTION NO. ----

Resolution by the Monterey County Planning
Commission:

- 1) Finding the project Categorically Exempt per CEQA Section 15305 (a); and
- 2) Approving a Coastal Development Permit to allow a Lot Line Adjustment between two (2) contiguous legal lots of record of approximately 160 acres (Parcel A) and 128 acres (Parcel B) resulting in two legal lots of 116 acres (Parcel 1) and 172 acres (Parcel 2); based on the findings and evidence and subject to 5 conditions of approval.

[Mary M Doud Detels TR & Doud Ranch LLC
PLN140587, Highway 1, North of Garrapata Creek
Bridge, Big Sur (APN: 417-021-061-000 and 417-
021-031-000), Big Sur Coast Land Use Plan, Coastal
Zone]

The Mary M Doud Detels TR & Doud Ranch LLC application (PLN140587) came on for public hearing before the Monterey County Planning Commission on October 12, 2016. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE:
 - a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 1982 Monterey County General Plan;
 - Big Sur Coast Land Use Plan;
 - Monterey County Coastal Implementation Plan Part 3;
 - Monterey County Zoning Ordinance (Title 20);No conflicts were found to exist. Communications were received from the Coastal Commission during the course of review of the project indicating possible inconsistencies with the text, policies, and regulations in these documents.
 - b) The properties are located off Highway 1, North of Garrapata Creek Bridge, Big Sur (Assessor's Parcel Numbers 417-021-031-000 and 417-

021-062-000) Big Sur Coast Land Use Plan. The parcels are zoned “WSC/40-D (CZ)” Watershed and Scenic Conservation/40 acre minimum-Design Control District in the Coastal Zone. The proposed Lot Line Adjustment is consistent with the Monterey County Zoning Ordinance (Title 20). Under the zoning district “WSC”, Lot Line adjustments are allowed subject to a Coastal Development Permit. The Lot Line Adjustment consists of the reconfiguration of two existing legal parcels. The zoning requires a minimum area of 40 acres and the resulting parcels are 116 acres and 172 acres. Therefore, The zoning requires a minimum area of 40 acres and the resulting parcels are 116 acres and 172 acres. Therefore, the Lot Line adjustment is in compliance with zoning regulations and consistent with the Big Sur Land Use policies.

- c) The application consists of a Lot Line Adjustment between two (2) contiguous legal lots of record of approximately 160 acres (Parcel A), and 128 acres (Parcel B) resulting in two legal lots of 116 acres (Parcel 1 - Upper parcel) and 172 acres (Parcel 2 - Lower parcel). The purpose of the adjustment is to place Joshua Creek/Silver Falls on a single parcel and to place the existing trail head for an existing walking path on the same parcel. Currently, Joshua Creek/Silver Falls crosses both parcels. The line will be adjusted to just above an existing road in order to retain path access to the creek for recreational purposes on Parcel 2. The adjustment would provide road access to Parcel 2 – (Lower parcel) where currently there is none.
- d) Policy 5.4.2.5 of the Big Sur Land Use Plan (BSLUP) states that *existing parcels of record are considered buildable parcels and are suitable for development of uses consistent with the plan map provided all resource protection policies can be fully satisfied, there is adequate building areas of less than 30% cross slope, and they are not merged by provisions elsewhere in this plan.* This parcel contains primarily steep slopes, stream/riparian and possible other terrestrial resources that would significantly constrain any development. Policy 5.4.3.H.4 (BSLUP) states that *re-subdivisions and lot line adjustments are encouraged when no new developable lots are created and when plan policies are better met by this action.* No development is proposed for this project. The owner wants to retain the creek/falls on one parcel for the sole purpose of recreational activities and enjoying the beauty of the natural resource for years to come.
- e) Concern that the Lot Line Adjustment would provide road access to parcel 2 would encourage development on that parcel is mitigated by the applicants proposed Scenic and Conservation Easement over the newly created 172 acre parcel limiting development on the parcel to what is existing consistent with the resource protection objectives of the Big Sur Land Use Plan.
- f) The project planner conducted a site inspection on April 27, 2015 to verify that the project on the subject parcel conforms to the plans listed above.
- g) The Lot Line Adjustment does not include any tree removal, development on slopes exceeding 30%, ESHA, viewshed issues or any archaeological resources.

- h) No violations - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.
 - i) The Big Sur Land Use Advisory Committee (LUAC) recommended approval (4-0 vote) of the project as proposed. Their only concern was if the upper parcel had any water rights to Joshua Creek, that they wouldn't lose their water rights. The CSED will include a sentence that the upper parcel does not lose any riparian rights to the creek.
 - j) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140587.
2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the Lot Line Adjustment proposed.
- EVIDENCE:** a) The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, CDF-Coastal, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Other than the standard conditions of approval from RMA-Planning, no other recommended conditions were incorporated.
- b) The resulting lots conform to the Land Use and Zoning pattern of the Big Sur Coast Land Use Plan.
- c) There were no potential environmental impacts as a result of the proposed Lot Line Adjustment. Therefore, no reports were required for submittal.
3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
- EVIDENCE:** a) The project was reviewed by the RMA - Planning, CDF - Coastal, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective agencies confirm that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- b) There are no public or private facilities that would be required for this lot line adjustment.
- c) See Preceding Findings #1 and #2 and supporting evidence.
4. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.
- EVIDENCE:** a) California Environmental Quality Act (CEQA) Guidelines Section 15305 (a), categorically exempts minor alterations in land use limitations in area with an average slope of less than 20%, which do not

result in any changes in land use or density, including but not limited to minor lot line adjustments not resulting in the creation of any new parcel.

- b) This is a minor lot line adjustment between two contiguous parcels for the purpose including all of Joshua Creek on the lower parcel (Parcel 2). Currently, a portion of Joshua Creek is located on both parcels. The lot line will be adjusted to retain the creek for access and recreational purposes.
- c) No adverse environmental effects were identified during staff review of the development application during a site visit on April 27, 2015.
- d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project.

5. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 2 Shoreline Access Plan in the Big Sur Coast Land Use Plan).
 - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

6. **FINDING:** **LOT LINE ADJUSTMENT** – Section 66412 of the California Government Code (Subdivision Map Act) Title 19 (Subdivision Ordinance) of the Monterey County Code states that lot line adjustments may be granted based upon the following findings:

- 1. The lot line adjustment is between four (or fewer) existing adjoining parcels;
- 2. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment;
- 3. The parcels resulting from the lot line adjustment conform to the County's general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.

- EVIDENCE:**
- a) The parcels are zoned "WSC/40-D (CZ)" Watershed and Scenic Conservation /40 acre minimum-Design Control District in the Coastal Zone. The Lot Line Adjustment is between two (2) contiguous legal lots of record of approximately 160 acres (Parcel A), and 128 acres (Parcel B) resulting in two legal lots of 116 acres (Parcel 1) and 172 acres (Parcel 2), respectively, for the purpose of including all of Joshua Creek on the lower parcel. The proposed Lot Line Adjustment is consistent with the Monterey County Code (Title 19).
 - b) The Lot Line Adjustment is between less than four existing adjoining parcels. The two parcels are contiguous legal lots of record.
 - c) The Lot Line Adjustment will not create a greater number of parcels

than originally existed. Two contiguous separate legal parcels of record will be adjusted and two contiguous separate legal parcels of record will result from the adjustment. No new parcels will be created.

- d) As an exclusion to the Subdivision Map Act, no map is recorded for a Lot Line Adjustment. In order to appropriately document the boundary changes, a Certificate of Compliance for each reconfigured lot is required per a standard condition of approval (**Condition #4**).

7. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:**
- a) Section 20.86.030 of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.
 - b) Section 20.86.080.A.3 of the Monterey County Zoning Ordinance states that the proposed project is subject to appeal by/to the Coastal Commission because the project includes conditional uses in the underlying zone (Coastal Development Permits), such as Lot Line Adjustments.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

1. Find the project Categorically Exempt per Section 15305 (a) of the CEQA Guidelines; and
2. Approve a Coastal Development Permit to allow a Lot Line Adjustment between two (2) contiguous legal lots of record of approximately 160 acres (Parcel A) and 128 acres (Parcel B) resulting in two legal lots of 116 acres (Parcel 1) and 172 acres (Parcel 2); based on the findings and evidence and subject to 5 conditions of approval, in general conformance with the attached sketch, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 12th day of October, 2016 upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Carl Holm, Planning Commission

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

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

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County RMA-Planning and RMA-Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Form Rev. 5-14-2014

Monterey County RMA Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN140587

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Coastal Development Permit is to allow a Lot Line Adjustment between two (2) contiguous legal lots of record of approximately 160 acres (Assessor's Parcel Number 417-021-062-000 - Parcel A), and 128 acres (Assessor's Parcel Number 417-021-031-000 - Parcel B) resulting in two legal lots of 116 acres (Parcel 1 - Upper) and 172 acres (Parcel 2 - Lower), respectively. The property is located at Highway 1, North of Garrapata Creek Bridge, Big Sur (Assessor's Parcel Numbers 417-021-062-000 and 417-021-031-000), Big Sur Coast Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation The applicant shall record a Permit Approval Notice. This notice shall state:

Monitoring Measure: "A Coastal Development Permit (Resolution Number ***) was approved by Planning Commission for Assessor's Parcel Numbers 417-021-062-000 and 417-021-031-000 on September 14, 2016. The permit was granted subject to 5 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

Compliance or Prior to the issuance of grading and building permits or commencement of use, the
Monitoring Owner/Applicant shall provide proof of recordation of this notice to the RMA -
Action to be Performed: Planning.

3. PD022(A) - EASEMENT-CONSERVATION & SCENIC

Responsible Department: RMA-Planning

Condition/Mitigation The County of Monterey accepts a conservation and scenic easement over Parcel 2 to
Monitoring Measure: preserve the natural scenic beauty and existing openness, natural condition and present state of use of the Property. An easement deed shall be submitted to, reviewed and approved by, the Director of RMA - Planning and accepted by the Board of Supervisors prior to recoring the parcel/final map or prior to the issuance of grading and building permits. (RMA - Planning)

Compliance or Prior to recordation of the approval of a Certificate of Compliance and recordation of a
Monitoring new Deed, the Scenic and Conservation Easement shall be recorded on the property.
Action to be Performed:

4. PD045 - COC (LOT LINE ADJUSTMENTS)

Responsible Department: RMA-Planning

Condition/Mitigation The applicant shall request unconditional Certificates of Compliance for the newly
Monitoring Measure: configured parcels. (RMA - Planning)

Compliance or Prior to the expiration of the entitlement, the Owner/Applicant/Surveyor shall prepare
Monitoring legal descriptions for each newly configured parcel and submit them to RMA-Planning
Action to be Performed: for review and approval. The legal descriptions shall be entitled "Exhibit A." The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the legal descriptions with a check, payable to the Monterey County Recorder, for the appropriate fees to record the Certificates of Compliance.

Prior to the expiration of the entitlement and after the Certificates are recorded, the Owner/Applicant shall file a request and pay the fees for separate assessments or combination assessments (for lot mergers) with the Assessor's Office.

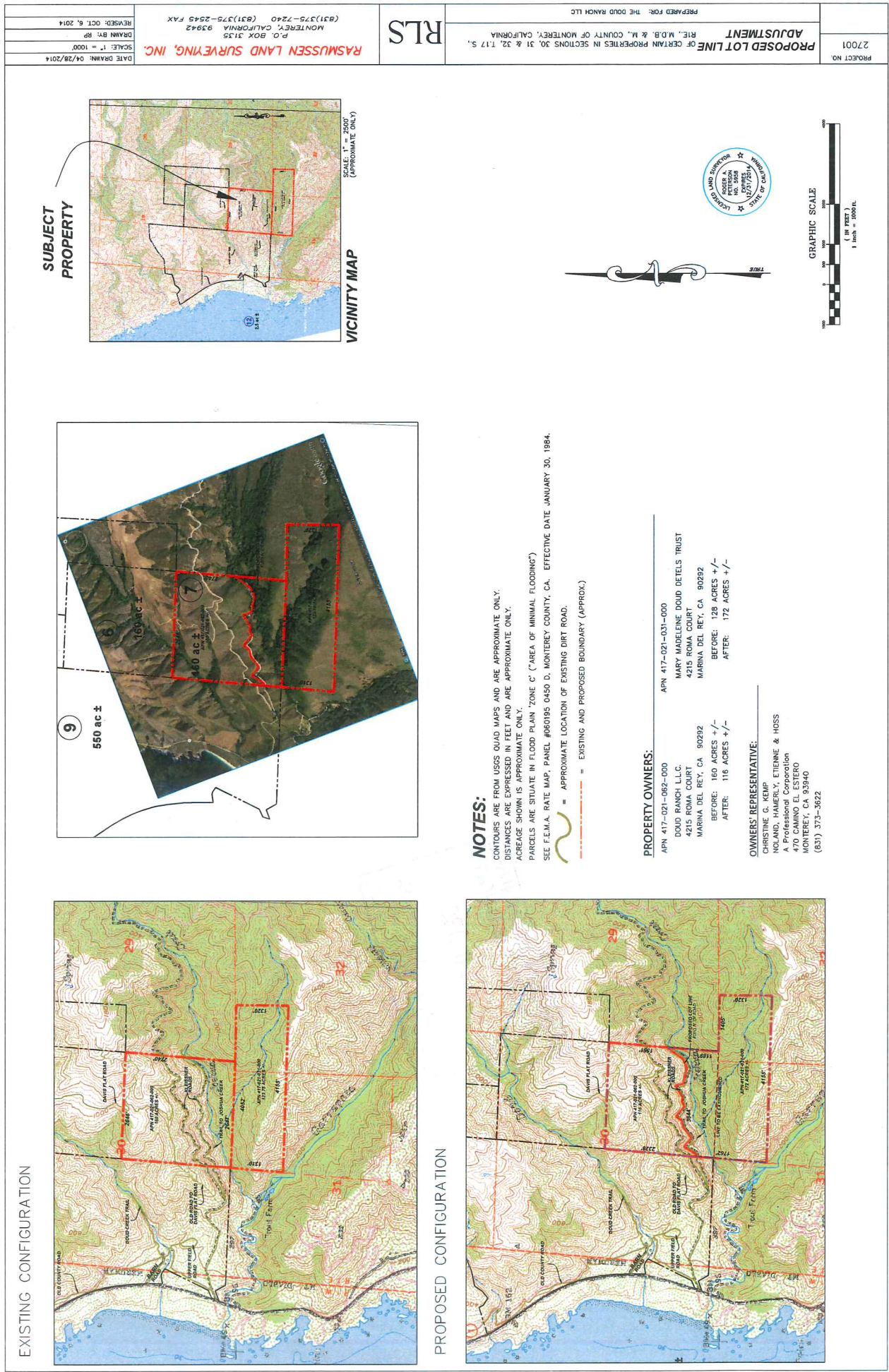
5. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (County Counsel)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the County Counsel for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel.



When recorded return to:
MONTEREY COUNTY RESOURCE
MANAGEMENT AGENCY
PLANNING DEPARTMENT
Attn: Elizabeth Gonzales, Project Planner
168 West Alisal St 2nd Floor
Salinas, CA 93901
(831) 755-5025

Space above for Recorder's Use

Permit No.: PLN140587
Resolution No.: Resolution Number _____
Mary Madeleine Doud Detels,
Trustee of the Mary Madeleine
Owner Name: Doud Detels Trust
Project Planner: Elizabeth Gonzales
APN: 417-021-031-000

The Undersigned Grantor(s) Declare(s):
DOCUMENTARY TRANSFER TAX OF \$ 0
☐ computed on the consideration or full value of
property conveyed, OR
☐ computed on the consideration or full value less
value of liens and/or encumbrances remaining at
time of sale,
☐ unincorporated area; and
☒ Exempt from transfer tax,
Reason: Transfer to a governmental entity

Signature of Declarant or Agent

CONSERVATION AND SCENIC EASEMENT DEED (COASTAL)

THIS DEED made this ____ day of _____, _____, by and between
Mary Madeleine Doud Detels, Trustee of the Mary Madeleine Doud Detels Trust dated
August 28, 1990, as Grantor, and the *COUNTY OF MONTEREY*, a political subdivision
of the State of California, as Grantee,

WITNESSETH:

WHEREAS, said Grantor is the owner in fee of the approximately 172+- acres of
real property more particularly described in Exhibit "A" attached hereto and made a part
hereof, situated in Monterey County, California (hereinafter the "Property"); and

WHEREAS, the Property of said Grantor has development rights including, the potential, to construct a home on the Property, subject to compliance with the regulations of the Big Sur Land Use Plan; and

WHEREAS, the Grantor and the Grantee desire to preserve the natural scenic beauty and existing openness, natural condition and present state of use of the Property of the Grantor; and

WHEREAS, the California Coastal Act of 1976, (hereinafter referred to as the “Act”) requires that any coastal development permit approved by the County must be consistent with the provisions of the certified Local Coastal Program (LCP); and

WHEREAS, pursuant to the Act, and the LCP, Grantor applied to the County for a permit to undertake development as defined in the LCP; and

WHEREAS, a Lot Line Adjustment (File Number **PLN140587**) (hereinafter referred to as the “Permit”) was granted on _____, **2016** by the Monterey County **Planning Commission** pursuant to the Findings, Evidence and Conditions contained in Resolution No. **Resolution Number**_____. That resolution is attached hereto as Exhibit “B” (with sketches) and hereby incorporated by reference, (hereinafter the “Resolution”).

Whereas, the Granter recognizes the resource constraints on the property and desires to protect the use of the property as it currently exists and offers the easement to address concerns related to possible future development which could be inconsistent with the Big Sur Land Use Plan.

WHEREAS, the County, acting on behalf of the People of the State of California and pursuant to the Act, and in accordance with the findings contained in the Resolution granted the Permit to the Grantor including the recordation of a conservation and scenic easement (hereinafter “easement”) over the Property as shown in Exhibit “C” attached hereto and hereby incorporated by reference, and agree to restrict development on and use of the Property so as to preserve the open space, scenic, and/or natural resource values present on the Property and so as to prevent the adverse direct and cumulative effects on coastal resources which could occur if the Property were not restricted in accordance with this easement; and

WHEREAS, it is intended that this easement is irrevocable and shall constitute enforceable restrictions within the meaning of Article XIII, Section 8, of the California Constitution and that said easement shall thereby qualify as an enforceable restriction under the provision of the California Revenue and Taxation Code, Section 402.1; and

WHEREAS, the said Grantor is willing to grant to the County of Monterey the conservation and scenic easement as herein expressed, and thereby protect the present scenic beauty and existing openness by the restricted use and enjoyment of the Property by the Grantor through the imposition of the conditions hereinafter expressed;

NOW, THEREFORE, the Grantor does hereby grant and convey unto the County of Monterey an interest in the form of a conservation and scenic easement in said real property of Grantor of the nature and character and to the extent hereinafter expressed, which easement will result from the restrictions hereby imposed upon the use of said Property by said Grantor, and to that end and for the purposes of accomplishing the intent of the parties hereto, said Grantor covenants on behalf of itself, its heirs, successors, and assigns, with the said Grantee, its successors and assigns, to do and refrain from doing severally and collectively upon the Grantor's Property the various acts hereinafter mentioned.

A. PROPERTY SUBJECT TO EASEMENT. The Property of the Grantor hereinabove referred to and to which the provisions of this instrument apply is situated in the County of Monterey, State of California, and is particularly described and depicted in Exhibit "C", attached hereto, and made a part hereof, hereinafter referred to as the "Conservation and Scenic Easement Area".

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

1. No construction of buildings and other structures, including signs, the removal of major vegetation, grading, paving, or planting of non-native vegetation, shall occur or be allowed within the Easement Area with the exception of the items identified in C: Exceptions and Reservations .

C. EXCEPTIONS AND RESERVATIONS. The following are excepted and reserved to the Grantor to be implemented consistent with the objectives, purposes and conditions of this easement:

1. The right to maintain, repair, and improve all existing private roads (including paving), bridges, private trails, utilities, water system facilities, structures, fences, and vegetation upon the Conservation and Scenic Easement Area.

2. The right to construct, alter, and relocate private roads and trails, utilities, water system improvements, as well as improvements which may be required for resource protection or land stabilization.

3. The right to use and occupancy and maintain the Conservation and Scenic Easement Area for private recreational use and resource protection not inconsistent with the conditions and restrictions herein imposed.

4. Habitat restoration and maintenance.

D. SUBJECT TO APPLICABLE LAWS. Land uses permitted or reserved to the Grantor by this instrument shall be subject to all applicable laws regulating the use of land.

E. BENEFIT AND BURDEN. This grant of conservation and scenic easement shall run with and burden the Property, and all obligations, terms, conditions, and restrictions hereby imposed shall be deemed to be covenants and restrictions running with the land and shall be effective limitations on the use of the Property from the date of recordation of this document and shall bind the Grantor and all of its successors and assigns. This grant shall benefit the County of Monterey and its successors forever. The rights under this agreement shall not be assigned to another local, State or Federal governmental agency.

F. RIGHT OF ENTRY. Upon 72 hours written notice to Grantor, the Grantee may enter onto the Property to ascertain whether the use restrictions set forth above are being observed at times reasonably acceptable to the Grantor. In exercising its right of entry under this Agreement, Grantee, its agencies, departments, officers, agents, and employees, expressly acknowledges that the site consists of treacherous cliffs and a stream, and is surrounding by other private property with gates and fences. Grantor assumes no responsibility for injury or damage to Grantee, its agencies, departments, officers, agents, and employees, or any other person, or their property, who enters

Grantor's property on behalf of Grantee, its agencies, departments, officers, agents, and employees.

G. ENFORCEMENT. Any act or any conveyance, contract, or authorization whether written or oral by the Grantor which uses or would cause to be used or would permit use of the Property contrary to the terms of this grant of easement will be deemed a breach hereof. The Grantee may bring any action in court necessary to enforce this grant of easement, including, but not limited to, injunction to terminate a breaching activity and to force the restoration of all damage done by such activity, or an action to enforce the terms and provisions hereof by specific performance. It is understood and agreed that the Grantee may pursue any appropriate legal and equitable remedies. The Grantee shall have sole discretion to determine under what circumstances an action to enforce the terms and conditions of this grant of easement shall be brought in law or in equity. Any forbearance on the part of the Grantee to enforce the terms and provisions hereof in the event of a breach shall not be deemed a waiver of Grantee's rights regarding any subsequent breach.

H. MAINTENANCE. The Grantee shall not be obligated to maintain, improve, or otherwise expend any funds in connection with the Property or any interest or easement created by this grant of easement. All costs and expenses for such maintenance, improvement use, or possession shall be borne by the Grantor, except for costs incurred by Grantee for monitoring compliance with the terms of this easement.

I. LIABILITY AND INDEMNIFICATION. This conveyance is made and accepted upon the express condition that the Grantee, its agencies, departments, officers, agents, and employees, are to be free from all liability and claim for damage by reason of any injury to any person or persons, including Grantor, or property of any kind whatsoever and to whomsoever belonging, including Grantor, from any cause or causes whatsoever, except matters arising out of the negligence or intentional acts of the Grantee, its agencies, departments, officers, agents, and employees, while in, upon, or in any way connected with the Property. Grantor its agencies, departments, officers, agents, and employees, hereby covenants and agrees to indemnify and hold harmless the Grantee, its agencies, departments, officers, agents, and employees from all liability, loss, cost, and obligations on account of or arising out of such injuries or losses however occurring except matters arising out of the negligence or intentional acts of the

Grantee, its agencies, departments, officers, agents, and employees. Grantee, its agencies, departments, officers, agents, and employees, expressly acknowledges that the site consists of treacherous cliffs and a stream, and is surrounding by other private property with gates and fences. Grantor assumes no responsibility for injury or damage to Grantee, its agencies, departments, officers, agents, and employees, or any other person, or their property, who enters Grantor's property on behalf of Grantee, its agencies, departments, officers, agents, and employees. The Grantee shall have no right of control over, nor duties and responsibilities with respect to the Property which would subject the Grantee to any liability occurring upon the Property by virtue of the fact that the right of the Grantee to enter the Property or Conservation and Scenic Easement Area is strictly limited to preventing uses inconsistent with the interest granted, the Property is not "property of a public entity" or "public property," and Grantee's rights herein do not include the right to enter the Property or Conservation and Scenic Easement Area for the purposes of correcting any "dangerous condition" as those terms are defined by California Government Code Section 830.

J. SUCCESSORS AND ASSIGNS. The terms, covenants, conditions, exceptions, obligations, and reservations contained in this conveyance shall be binding upon and inure to the benefit of the successors of both the Grantor and the Grantee, whether voluntary or involuntary.

K. SEVERABILITY. If any provision of this conservation and scenic easement is held to be invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

Executed this ____ day of _____, ____, at _____, California.

[insert name of company or trust, as applicable]

By: _____
(Signature)

Mary Madeleine Doud Detels,
Trustee of the Mary Madeleine
Doud Detels Trust dated August
28, 1990

By: _____
(Signature)

(Print or Type Name and Title)

(Print or Type Name and Title)

NOTE TO NOTARY PUBLIC: If you are notarizing the signatures of persons, signing on behalf of a corporation, partnership, trust, etc., please use the correct notary jurat (acknowledgment) as explained in your Notary Public Law Book.

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

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

WITNESS my hand and official seal.

Signature _____

(Seal)

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

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

WITNESS my hand and official seal.

Signature _____

(Seal)

**EXHIBITS TO BE ATTACHED TO:
CONSERVATION AND SCENIC EASEMENT DEED**

1. **EXHIBIT "A":** Full legal description of the entire property for which a Development Permit was granted. The legal description may be obtained from a grant deed or title report for the property. A parcel number will not be accepted as a legal description.
2. **EXHIBIT "B":** A copy of Monterey County Resolution granting the Development Permit.
3. **EXHIBIT "C":** An official surveyor's map, parcel map or plot plan, accompanied by a metes and bounds description, prepared by a licensed surveyor, showing the exact location of the easement on the property. Exhibits shall be marked as C-1, C-2, etc.

"ANY EXHIBIT(S) MUST BE NO LARGER THAN 8 1/2" X 14"

Revised 08-24-2015