

Attachment B

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When recorded return to:
COUNTY OF MONTEREY HOUSING
AND COMMUNITY DEVELOPMENT
DEPARTMENT - PLANNING
Attn: **SUMMER OBLEDO**
1441 Schilling Place, South 2nd Floor
Salinas, CA 93901
(831) 755-5025

Space above for Recorder's Use

No fee document pursuant to
Government Code section 27383

Owner Name: John R. Hain and Jennifer L.
Allen, Trustees of The Conrad
McQuay Hain Irrevocable
Trust, dated 12/27/1996
Permit No.: PLN210263
APN: 418-132-001-000/418-132-008-
000
Project Planner: SUMMER OBLEDO

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

AMENDED CONSERVATION AND SCENIC EASEMENT DEED (COASTAL)

This Amendment to the Conservation and Scenic Easement (hereinafter "Amendment") is made this ____ day of _____, ____ by and between John R. Hain and Jennifer L. Allen, Trustees of The Conrad McQuay Hain Irrevocable Trust, dated 12/27/1996, as Grantor, and the County of Monterey, a political subdivision of the State of California, as Grantee.

WITNESSETH:

WHEREAS, a previous Amended Conservation and Scenic Easement Deed, Document #2022008941 was recorded on February 22, 2022, with the incorrect Assessor's Parcel Numbers. Upon execution, this version shall supersede the previous Document #2022008941.

WHEREAS, the Board of Supervisors previously approved the Amended Conservation Scenic Easement Deed on January 31, 2022 with the information contained herein is identical to that was previously approved. Therefore, this amendment does not necessitate either a new review or additional approval.

WHEREAS, Grantor is the owner in fee of the real property more particularly described in Exhibit A attached hereto and made a part hereof, situated in Monterey County, California (the Property), in the Big Sur Coast Land Use Plan area; and

WHEREAS, Grantor's predecessor in interest, Marshal Rothman, granted a Conservation and Scenic Easement recorded February 4, 1994, at Reel 3063, Page 369, Official Records of the County of Monterey (the 1994 Easement); and

WHEREAS, Grantor applied to the County for an Amended Conservation and Scenic Easement (PLN210263), (the Amended Easement) to amend the 1994 Easement to voluntarily grant to the County a conservation and scenic easement over the entirety of Lots 1 and 8, as shown on the map filed January 6, 1994, in the Office of the County of Monterey Recorder o, Volume 18, Page 92; and

WHEREAS, Grantor is willing to grant to the County of Monterey the conservation and scenic use to protect the present scenic beauty and existing openness by the restricted use and enjoyment of the Property by Grantor through the imposition of the conditions described in the 1994 Easement (Document No. 9783, recorded February 4, 1994) and hereinafter expressed; and

WHEREAS, the revised boundaries of the Amended Easement are to include the entire property as described in Exhibit A, and apply to Lots 1 and 8 only;

WHEREAS, Grantor and Grantee intend that this Amendment shall amend the 1994 Easement only as to the location of the easement on the Property. No other terms shall be affected; and

WHEREAS, this Amended Easement is irrevocable and enforceable within the meaning of Article XIII, Section 8, of the California Constitution and California Revenue and Taxation Code, section 402.1.

NOW, THEREFORE, Grantor and Grantee agree as follows:

1. The boundaries and description of this Amended Conservation and Scenic Easement Deed as described on Exhibit A shall amend the Conservation and Scenic Easement Deed as recorded previously as to Lots 1 and 8 only.

2. Paragraph A LAND SUBJECT TO EASEMENT is amended to include the following: ...made a part hereof, "and is the Conservation Area, consisting of that portion of the Property (Lot 1) that contains an archaeological easement, as depicted on that Map filed January 6, 1994 in the Office of the County Recorder of Monterey County, State of California, in Volume 18, Surveys, Page 92."
3. Paragraph B RESTRICTIONS subsection 1 is amended to state: "That no structures will be placed or erected upon said Conservation and Scenic Easement Area except: None" Language thereafter deleted.
4. Paragraph B RESTRICTION subsection 3 is amended to state: "That the Grantor shall not plant nor permit to be planted any vegetation upon said premises, except: None"
5. Paragraph C EXCEPTIONS and RESERVATIONS is amended by adding paragraph 3 as follows: "Management of vegetation within the Amended Easement area in accordance with future Fuel Management Plan that may be approved by and retained on file with the County of Monterey Planning Department."
6. All other terms and conditions of the original Conservation and Scenic Easement Deed shall remain in full force and effect and are incorporated herein by this reference.
7. This Amended Conservation and Scenic Easement Deed shall run with the land and burden the Property and bind both Grantor and Grantee and their respective heirs, successors, and assigns in perpetuity.
8. 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 Grantor, except for costs incurred by Grantee for monitoring compliance with the terms of this easement.
9. This conveyance is made and accepted upon the express condition that 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 sole negligence of Grantee, while in, upon, or in any way connected with the Property, Grantor hereby covenants and agrees to indemnify and hold harmless 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. Grantee shall have neither right of control over, nor duties and responsibilities with respect to, the Property that would subject Grantee to liability. Grantee's right to enter the land is strictly limited to preventing uses inconsistent with the interest granted. The Property is neither "property of a public entity" nor "public property." Grantee's rights herein do not include the right to enter the land to correct any "dangerous condition" as the three quoted terms are defined by California Government Code section 830.

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

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

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

John R. Hain and Jennifer L. Allen, Trustees of The Conrad McQuay Hain Irrevocable Trust, dated 12/27/1996

By: _____

(Signature)

(Print or Type Name and Title)

By: _____

(Signature)

(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.

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

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 418-132-001 and 418-132-008

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:

Lot 1, as shown on the Map filed January 6, 1994 in the Office of the County Recorder of Monterey County, State of California, in Volume 18, Surveys, Page 92, entirely subject to scenic easement.

Excepting unto the State of California on-sixteenth of all coal, oil, gas, and other mineral deposits contained in said lands, as provided by an act of the legislature approved May 25, 1921 (Chapter 303, Statutes of California, 1291), as reserved in the Patent to John Sassell, recorded May 16, 1927, in Volume 110, of Official Records of Monterey County, Page 445.

PARCEL I(A):

A non-exclusive easement, 30 foot wide, for road and utility purposes as shown and so designated on that certain Map filed January 6, 1994 in the Office of the County Recorder of Monterey County, State of California, in Volume 18, of Surveys, at Page 92.

Excepting therefrom that portion lying within Parcel I above, and that portion lying within Lot 10 as said lot is shown on the map referred to in Parcel I above.

PARCEL I(B):

A non-exclusive easement, 60 foot wide, for road and utility purposes as shown and so designated on that Map filed January 6, 1994 in the Office of the County Recorder of Monterey County, State of California, in Volume 18, Surveys, Page 92.

Excepting therefrom that portion lying within Parcel I above.

PARCEL II:

Lot 8, as shown on the Map filed January 6, 1994 in the Office of the County Recorder of Monterey County, State of California, in Volume 18, Surveys, Page 92, entirely subject to scenic easement.

Excepting unto the State of California on-sixteenth of all coal, oil, gas, and other mineral deposits contained in said lands, as provided by an act of the legislature approved May 25, 1921 (Chapter 303, Statutes of California, 1291), as reserved in the Patent to John Sassell, recorded May 16, 1927, in Volume 110, of Official Records of Monterey County, Page 445.

PARCEL II(A):

A non-exclusive easement, 30 foot wide, for road and utility purposes as shown and so designated on that certain Map filed January 6, 1994 in the Office of the County Recorder of Monterey County, State of California, in Volume 18, of Surveys, at Page 92.

Excepting therefrom that portion lying within Parcel II above.

PARCEL II(B):

A non-exclusive easement, 60 foot wide, for road and utility purposes as shown and so designated on that Map

EXHIBIT "A"
Legal Description
(continued)

filed January 6, 1994 in the Office of the County Recorder of Monterey County, State of California, in Volume 18, Surveys, Page 92.

Excepting therefrom that portion lying within Parcel II above.