

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

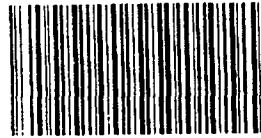
CRROBERTA
11/26/2003
10:18:50

First American Title

RECORDING REQUESTED BY

DOCUMENT: **2003144995**

Titles: 1/ Pages: 11



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

WHEN RECORDED, RETURN TO:

Monterey County Planning and
Building Inspection Department
Post Office Box 1208
Salinas, California 93902

THIS SPACE FOR RECORDER'S USE ONLY

SCENIC EASEMENT DEED
(The Santa Lucia Preserve - Phase F)
(Chamisal Area Subdivision)
(Combined Development Permit #PLN010278)
(Condition No. 7)

THIS DEED made this 25th day of November 2003, by and between RANCHO SAN CARLOS PARTNERSHIP, L.P., a California limited partnership, as Grantor, and the COUNTY OF MONTEREY, a political subdivision of the State of California, and SANTA LUCIA CONSERVANCY, a California Nonprofit Public Benefit Corporation, as Grantees;

WITNESSETH:

WHEREAS, the said Grantor is the owner in fee of the real property described in Exhibit "A" attached and incorporated by reference, situate in Monterey County, California (the "Subject Property"); and

WHEREAS, a Combined Development Permit, Permit #PLN010278 was granted on May 13, 2003, 1996, by the Monterey County Board of Supervisors pursuant to Resolution No. 03-162 for the development of a residential project known as the Chamisal Area Subdivision on the Subject Property ("the Project"); and

WHEREAS, approval of Combined Development Permit #PLN010278 was subject to certain conditions of approval ("the Project Conditions") including but not limited to the following:

"7. Except for areas proposed for development, a scenic easement shall be conveyed to the County over those portions of the property where the slope exceeds 30% and shall be shown on the final map. The scenic easements deed is to be submitted to and approved by Director of Planning and Building Inspection prior to issuance of building permits."

WHEREAS, the Grantor and the Grantees agree that portions of the Subject Property consist of lands where the slope exceeds 30% ("the 30% Slopes"); and

WHEREAS, the 30% Slopes (with the exception of those portions of the property already developed with roads or utilities and those portions of the property for which a use permit for development on slopes in excess of 30% has been approved) are described in Exhibit "B" attached hereto; and

WHEREAS, the 30% Slopes have certain natural scenic beauty and existing openness; and

WHEREAS, the Grantor and the Grantees desire to preserve and conserve for the public benefit the great natural scenic beauty and existing openness, natural condition and present state of use of the 30% Slopes; and

WHEREAS, the said Grantor is willing to grant to the County of Monterey and to the Santa Lucia Conservancy the scenic use as hereinafter expressed of the 30% Slopes, and

thereby protect the present scenic beauty and existing openness by the restricted use and enjoyment of the 30% Slopes by the Grantor through the imposition of the conditions hereinafter expressed; and

NOW, THEREFORE, for and in consideration of the premises, the Grantor does hereby grant and convey unto the County of Monterey, a political subdivision of the State of California, and to the Santa Lucia Conservancy, a California Nonprofit Public Benefit Corporation, jointly, as tenants in common, an estate, interest, and scenic easement in the 30% Slopes of the nature and character and to the extent hereinafter expressed, which estate, interest, and easement will result from the restrictions hereby imposed upon the use of the 30% Slopes by said Grantor, and to that end and for the purpose of accomplishing the intent of the parties hereto, said Grantor covenants on behalf of itself, its heirs, successors, and assigns with the said Grantees, their successors and assigns to do and refrain from doing severally and collectively upon the 30% Slopes the following acts:

1. That no structures will be placed or erected upon the 30% Slopes except the construction, operation and maintenance of approved Project infrastructure, including roads, driveways, bridges, trails, camp sites, culverts, drainage and erosion control structures and facilities, which are exclusively accessory to and in accordance with the approved Project.
2. That no advertising of any kind or nature shall be located on or within the 30% Slopes except signs accessory to the approved Project, such as street, directional, warning, safety, informational and hiking signs.
3. That the Grantor shall not plant nor permit to be planted any vegetation upon the 30% Slopes except for the propagation, cultivation and transplantation of native plants and seeds for nursery development, habitat restoration and enhancement purposes exclusive to the Project, and the planting of such native plants for slope stabilization and erosion control purposes.

4. That, except for the construction, alteration, relocation and maintenance of approved Project infrastructure, including roads, driveways, trails, utilities, culverts, drainage and erosion control structures and facilities, construction and maintenance of fuel breaks and fire-safe areas, all of which are exclusively accessory to permitted uses and in accordance Project Conditions, the general topography of the landscape of the 30% Slopes shall be maintained in its present condition and no excavation or topographic changes shall be made.

5. That no use of the 30% Slopes which will or does materially alter the landscape or other attractive scenic features of the 30% Slopes other than those specified above shall be done or suffered.

6. The 30% Slopes hereinabove referred to and to which the provisions of this deed apply are situated in the County of Monterey, State of California, and are particularly described in Exhibit "B", attached hereto and made a part hereof.

7. Exceptions and Reservations. Excepting and reserving to the Grantor:

7.1. The right to maintain all existing private roads, trails, fences, utilities and other improvements upon the Subject Property.

7.2. The use and occupancy of the Subject Property not inconsistent with the conditions and restrictions herein imposed.


7.3. Land uses permitted, or reserved to the Grantor by this instrument shall be subject to a) the ordinances of the County of Monterey regulating the use of land; b) the covenants, conditions and restrictions contained in the Deed of Conservation Easement from Grantor to the Santa Lucia Conservancy recorded on 2003, as Document No , Official Records of Monterey County, California; c) the covenants, conditions and

restrictions regulating the use of Openlands as contained in the Declaration of Protective Restrictions for the Homelands and Openlands of the Santa Lucia Preserve recorded on December 4, 1998, as Document No. 9885190, Official Records of Monterey County, California; and d) the covenants, conditions and restrictions regulating the use of Wildlands as contained in the Partnership Grant Deed from Grantor to the Santa Lucia Conservancy recorded on , 2003, as Document No. 2003144993, Official Records of Monterey County, California.

To have and to hold unto the said County of Monterey and the Santa Lucia Conservancy, their successors and assigns forever. This grant shall be binding upon the heirs and assigns of the said Grantor.

DATE: September 29, 2003

RANCHO SAN CARLOS PARTNERSHIP, L.P.
A California Limited Partnership

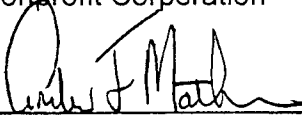
By 

Its: Authorized Representative

"Grantor"

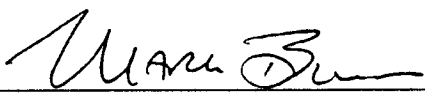
ACCEPTANCE

SANTA LUCIA CONSERVANCY
A Nonprofit Corporation

By 

Its: Treasurer

And


By 

Its: Counsel

"Grantee"

This is to certify that the Easement Deed set forth above is hereby acknowledged by the Board Chair on behalf of the Monterey County Board of Supervisors pursuant to its action granting Combined Development Permit No. 94067 on February 6, 1996, and the Monterey County Board of Supervisors consents to recordation thereof by its duly authorized officer.

COUNTY OF MONTEREY

By 
Chair, Board of Supervisors

Attested By:

Date November 25, 2003

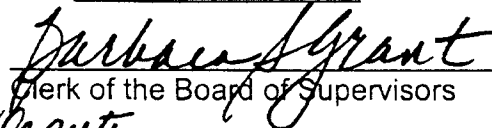

Clerk of the Board of Supervisors
Deputy

EXHIBIT A

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

Lots F-1 through F-12, and Parcel MM. as shown on that certain subdivision map of Tract No. 1406, "Santa Lucia Preserve, Phase F", recorded on 11-26, 2003, in Volume 32 of Maps, "Cities and Towns", at Page 43, Official Records of Monterey County, California.

PLN010278

STATE OF CALIFORNIA)

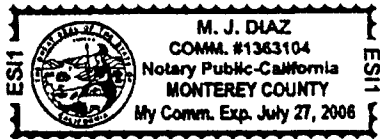
) ss

COUNTY OF MONTEREY)

On September 29th, 2003 before me, M.J. DIAZ Notary Public, personally appeared Andrew F. Mathison personally known to me or 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.

Witness my hand and official seal.

(official seal)



M. J. Diaz
Notary Public in and for the State of
California

OPTIONAL INFORMATION

Title or Type of Document Scenic Easement Deed
Number of Pages 8
Date of Document 9/29/03
Other Permit # PLN010278

STATE OF CALIFORNIA)

) ss

COUNTY OF MONTEREY)

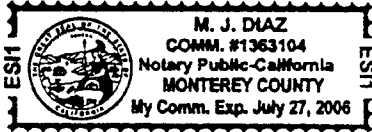
On September 29th, 2003 before me, M.J. DIAZ Notary Public, personally appeared Mark Blum

personally known to me or 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.

Witness my hand and official seal.

(official seal)

M. J. Diaz
Notary Public in and for the State of
California



OPTIONAL INFORMATION

Title or Type of Document Scenic Easement Deed

Number of Pages 8

Date of Document 9/29/03

Other Permit # PLN010279

STATE OF CALIFORNIA)

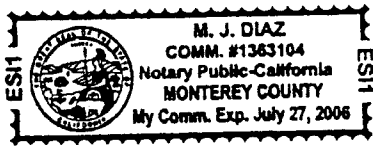
) ss

COUNTY OF MONTEREY)

On September 29, 2003, before me, M.J. DIAZ Notary Public, personally appeared Don Wilcoxon personally known to me or 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.

Witness my hand and official seal.

(official seal)



M. J. Diaz
Notary Public in and for the State of California

OPTIONAL INFORMATION

Title or Type of Document Scenic Easement Deed
Number of Pages 8
Date of Document 9/29/03
Other Permit # PLN 010278

END OF DOCUMENT