



JANET K. GOLDSMITH

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March 29, 2010

VIA HAND DELIVERY

Rick Hanson
PBS&J
1200 2d Street, Suite 200
Sacramento, CA 95814

Re: Development Limitations on El Sur Ranch

Dear Rick:

A number of comments to the DEIR appear to spring from a factual misperception – the misperception that the El Sur Ranch could be developed for commercial uses. This is simply not possible,

In June of 1997, Mr. Hill conveyed a scenic conservation easement to Monterey County over a 3,252 acre portion of the El Sur Ranch (the "Conservation Easement"). A copy of the recorded Deed of Conservation Easement ("Deed") is attached hereto. All of the area subject to the Conservation Easement (the "Property") is within the critical viewshed of State Route One. See Exhibit 1, attached hereto. The 3,252 acre Conservation Easement includes all 1,081 El Sur Ranch acres west of Highway One, including all of the irrigated pasture and 5.4 miles of ocean frontage. Essentially, the Conservation Easement designates the Property as scenic open space and precludes private development of the Property except for ranching purposes. The County of Monterey acquired the Conservation Easement for the public benefit with funds obtained pursuant to the California Wildlife, Coastal, and Park Land Conservation Act (Public Resources Code Section 5900 et seq.) as part of the County's implementation of the critical viewshed policies of the Big Sur Coast Land Use Plan, for the purpose of maintaining the Property as scenic open space in perpetuity. The Conservation Easement was conveyed to the County in a bargain sale transaction which included approximately a five million dollar (\$5,000,000.00) gift from Mr. Hill.

The operative covenants of the Conservation Easement provide in pertinent part that:

"The Property shall remain as scenic open space in perpetuity and shall not be developed in any manner by any person or entity, public or private, with the sole exception that this prohibition on development shall not apply to the following specific exceptions expressly stated in this Paragraph"

"Except for the exceptions expressly stated in Paragraphs A.1.a. through m. of this Deed of Conservation and Scenic Easement, new structures shall not be placed or constructed upon the Property, nor shall uninhabitable buildings or structures be converted to inhabitable buildings or structures."

"Except for the exceptions expressly stated in Paragraphs A.1.a. through m. of this Deed of Conservation and Scenic Easement, no use of the property which will or does alter the landscape or other attractive scenic features of the property shall be done or suffered. All other uses not constituting development as defined herein are expressly permitted hereunder."

The exceptions for allowed activities include:

- (a) Projects of the California State Department of Transportation essential to the maintenance of Highway One;
- (b) Projects of the Monterey County Department of Public Works essential to the maintenance of existing county improvements;
- (c) Projects of the property owner which consist of structures essential for ranching or similar agricultural uses, projects essential to the maintenance of existing development in its existing state, or private highway improvements or utilities exempt from the critical viewshed restrictions of the Big Sur Coast Area Land Use Plan;
- (d) Maintenance or replacement of existing development associated with ranching and grazing of existing or historic grazing land;
- (e) Continuation of uses of the Property associated with ranching and grazing of existing and historic grazing land; provided that this exception shall not be construed to permit any new development which is not otherwise expressly permitted by the Conservation Easement;
- (f) Maintenance of all other existing development, replacement of existing buildings and structures in the same location; undergrounding of existing above-ground development where such activity is less intrusive on the view shed than the existing facilities; construction of new electrical power and telecommunications lines, provided such activity is consistent with maintenance of scenic open space and habitats; and new underground facilities which do not result in any permanent adverse alteration of the existing critical viewshed appearance;

- (g) Demolition and removal of existing development;
- (h) Restoration activities;
- (i) Removal of invasive and nonindigenous plants and/or revegetating with indigenous species;
- (j) Management of pasture for grazing;
- (k) Fire management measures;
- (l) Continued access to other properties;
- (m) Projects of the owner which consist of coastal dependent uses coming within the exceptions contained in the Big Sur Coast Land Use Plan Sections 3.2.5.a, b, c and d. These exceptions are for coastal dependent uses, natural resource management needs and certain necessary public facilities such as removal of non-native trees, county road improvements, minimal public access improvements and onshore navigational aids for fishing.

Additionally, the Conservation Easement provides that transfer of development credits and/or other development rights acquired from or within the property are extinguished and may not be sold or otherwise transferred.

In conclusion, the Conservation Easement precludes most development of the Property, including any new residential or commercial development. The Conservation Easement restrictions are in perpetuity and constitute covenants running with the land. The instrument is enforceable by Monterey County, the owner and any member of the public.

While there was, at one time, a development proposal and development agreement for El Sur Ranch that had been approved by the County of Monterey, the development was denied by the Coastal Commission (Docket No. 3-85-12), and is therefore of no effect.

Rick Hanson
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Finally, of course, the water right being sought by Mr. Hill would not permit any uses other than irrigation of his previously irrigated pastures.

Sincerely,

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation


Janet K. Goldsmith

JKG/ll
Enclosure

cc: James J. Hill, III
Mark A. Blum


936802.1 8896.2

Recording Requested for the
Public Benefit by, and
When Recorded, Mail to:

Bruce A. Reeves
Monterey County Recorder
Recorded at the request of
First American Title

CRCARMEN
7/09/1997
8:00:00

Clerk, Board of Supervisors
P.O. Box 1729
Salinas, CA 93902

DOCUMENT: 9738325	Titles: 1 / Pages: 23
	Fees 72.00
	Taxes
	Other
	AMT PAID 72.00

THIS SPACE FOR RECORDER'S USE

DEED OF CONSERVATION AND SCENIC EASEMENT

This DEED OF CONSERVATION AND SCENIC EASEMENT is made this 4th day of June, 1997 by JAMES J. HILL, III, a married man ("Grantor" or "Owner" herein), and by the County of Monterey, a body politic ("County" or "Grantee" herein) with reference to the following facts and circumstances:

A. Grantor is the owner in fee of that certain real property situated in Monterey County, California, more particularly described in Exhibit "A", attached hereto and made a part hereof ("the servient tenement"). County has purchased a Conservation and Scenic Easement over a portion of the servient tenement, said portion being more particularly described in Exhibit "B", attached hereto and made a part hereof ("the Property"). All of the Property is deemed to be within the critical viewshed as defined herein.

B. County acquired said Conservation and Scenic Easement for the public benefit with funds obtained pursuant to the California Wildlife, Coastal, and Park Land Conservation Act (Public Resources Code § 5900 et seq., "the Act"), as part of County's implementation of critical viewshed policies of the Big Sur Coast Land Use Plan ("the Plan"), for the purpose of maintaining the Property as scenic open space in perpetuity.

C. On March 17, 1987, County's Board of Supervisors resolved by Resolution No. 87-151 that all lands purchased with funds obtained pursuant to the Act, and all lands from which or in which interests are purchased with funds obtained pursuant to the Act, shall have permanent irrevocable open space or conservation easements, deed restrictions, and/or other appropriate instruments recorded against said lands containing the following restrictions:

"All lands purchased with [the Act] monies, and all lands from which, or in which, interests have been purchased with these monies, shall remain as scenic open space in perpetuity and shall not be developed in any manner by any person or entity, public or private, except for those uses specified in the current certified Big Sur Coast [Land Use Plan], and with the exception that this prohibition on development shall not apply to Cal Trans projects which are essential to maintain Highway One for its existing use as a rural, two-lane, Scenic Highway."

"All lands purchased with [the Act] monies, and all lands from which, or in which, interests have been purchased with these monies, and all such interests, shall not be transferred to the United States Government, or any agency, subdivision or representative thereof by the County of Monterey, its representative, its successors in interest or assigns, or by any other person or entity, public or private."

D. Owner desires to preserve and conserve for the public benefit the great natural scenic beauty and existing openness, natural condition, existing habitats, and existing state of use of the Property. Pursuant to critical viewshed and other appropriate policies of the Plan and objectives of the Act, Owner intends that the only public use of the Property authorized by this Deed of Conservation and Scenic Easement shall be to preserve the Property in its existing natural state in perpetuity for viewing from Highway One and other major public viewing areas specified in the Plan. Nothing in this Deed of Conservation and Scenic Easement shall be construed to restrict, require or authorize physical public access on or over the Property. The landowner reserves the right to deny or to permit public access, provided that any public access uses allowed shall be consistent with the Land Use Plan.

E. Pursuant to County Resolution No. 87-151 and expression of intent in the Act, Owner desires to ensure that the exceptional vistas of the Property as seen from Scenic Highway One along the Big Sur Coast will be preserved in a manner that ensures the continuation of existing state and local jurisdiction over the Big Sur area.

F. Owner intends that this Deed of Conservation and Scenic Easement is permanent and irrevocable and shall constitute enforceable restrictions.

G. Nothing in this Deed of Conservation and Scenic Easement is intended to or shall in any manner abrogate or interfere with any rights of record or prescriptive rights (if any there be) existing on the Property described in Exhibit "B", attached hereto.

NOW, THEREFORE, for a valuable consideration, receipt of which is hereby acknowledged, Grantor hereby grants, transfers and conveys, and County as Grantee hereby accepts from Grantor, a Deed of Conservation and Scenic Easement over the entire Property described in Exhibit B; and for himself, his heirs, assigns, and successors in interest, Grantor hereby covenants and agrees as set forth below:

A. COVENANTS

1. Except as provided for in paragraph 9, below, the Property shall remain as scenic open space in perpetuity and shall not be developed in any manner by any person or entity, public or private, with the sole exception that this prohibition on development shall not apply to the following specific exceptions expressly stated in this paragraph, which are:

a. Projects of the California State Department of Transportation which are essential to the maintenance of Highway One in its existing state as a rural, two-lane Scenic Highway.

b. Projects of the Monterey County Department of Public Works which are essential to the maintenance of, in their existing states, existing County improvements, including existing roads, bridges and utilities.

c. Projects of Owner which consist of structures essential for ranching or similar agricultural uses (including, but not limited to, fencing, water and irrigation facilities essential for range or stock management in association with ranching and grazing of existing or historic grazing land), private highway improvements or utilities coming within the exceptions contained in Land Use Plan Sections 3.2.5.B, C.2 and D, and projects essential to the maintenance of, in their existing states, all existing private developments, structures and utilities, including, but not limited to, existing uninhabited buildings, fences, roads, bridges and utilities.

d. Maintenance or replacement of existing development, structures and utilities associated with ranching and grazing of existing or historic grazing land.

e. Continuation of the uses of the Property associated with ranching and grazing of existing and historic grazing land; provided, however, that this subparagraph shall not be construed to permit any new development which is not expressly permitted in another subparagraph of Paragraph 1 of this Deed of Conservation and Scenic Easement. The uses for ranching and grazing permitted hereunder shall include the broadest scope and intensity thereof which has historically occurred; provided, however, that all grazing shall be practiced in a manner consistent with Paragraph 5 of this Deed of Conservation and Scenic Easement.

f. Maintenance of all other existing development, structures and utilities, including inhabitable buildings; replacement in the same location of existing buildings and structures, provided that no such replacement shall increase the internal floor area of a structure by more than 10%; underground replacement of existing development, structures and utilities; and relocation of existing aboveground development, structures and utilities and the maintenance thereof, provided the relocated facilities are located as close as possible to their original location and are less visually intrusive on the viewshed than the existing facilities, specifically including, but not limited to, relocation of the existing access route to the Lighthouse State Park to an alternate location approved by Owner and the California Department of Parks and Recreation; construction and maintenance of new electrical power and telecommunications lines necessary for extending service to unserved areas, provided said power lines shall be installed in a manner consistent with maintaining the Property as scenic open space and in a manner sensitive to the protection of existing habitats; new development, structures and utilities installed underground in a manner which does not result in any permanent adverse alteration of the existing appearance of the critical viewshed.

g. Demolition and removal of existing development, structures, or utilities.

h. Restoration and/or stabilization of eroded or similarly adversely impacted land; provided, however, that said restoration and/or stabilization shall be performed in the least visually intrusive manner (consistent with maintaining the Property as critical viewshed land) which will accomplish its purpose.

i. Removal of invasive, nonindigenous plant species; and/or revegetating with indigenous species.

j. Management of annual and perennial grasses in conjunction with grazing and in conformance with Paragraph 5 of this Deed of Conservation and Scenic Easement.

k. Fire management measures which are required to be performed by an agency with enforcement jurisdiction; or other fire management practices which are in conformance with the purposes and provisions of the other paragraphs/subparagraphs of this Deed of Conservation and Scenic Easement, including but not limited to fire trails, cleaning, burning, herbicide spraying, and mowing.

l. Use of the Property for continued access to and in connection with the use and enjoyment of those portions of any properties not subject to this Deed of Conservation and Scenic Easement, including but not limited to the Lighthouse State Park and the servient tenement, in a manner and to the extent which is consistent with the Land Use Plan.

m. Projects of the Owner which consist of coastal dependent uses coming within the exceptions contained in Land Use Plan Sections 3.2.5 H.a., b., c. and d.

2. Except for the exceptions expressly stated in Paragraphs A.1.a.-m. of this Deed of Conservation and Scenic Easement, new structures will not be placed or constructed upon the Property, nor shall uninhabitable buildings or structures be converted to inhabitable buildings or structures.

3. Except for the exceptions expressly stated in Paragraphs A.1.a-m. of this Deed of Conservation and Scenic Easement, no use of the Property which will or does alter the landscape or other attractive scenic features of the Property shall be done or suffered. All other uses not constituting development as defined herein are expressly permitted hereunder.

4. Any development of the Property which may be permitted by Paragraphs A.1.a-m. of this Deed of Conservation and Scenic Easement shall be subject to County's land use regulations and carried out in a manner sensitive to the use of the Property for preservation of scenic open space on the Property, and shall seek to minimize adverse impacts on these uses. Compliance with the applicable policies of the Land Use Plan, or any amendments thereto, shall be the test of compliance with this paragraph.

5. Where grazing is permitted by this Deed of Conservation and Scenic Easement, grazing must be conducted so as to preclude overgrazing resulting in soil erosion. Grazing shall be conclusively presumed to be consistent with this requirement if conducted in accordance with the "Guidelines for Residue Management on Annual Range", Leaflet 21327 of the Cooperative Extension of the Division of Agricultural Sciences, University of California, or subsequent or amended version of said Guidelines; provided, however, that deviation from the Guidelines in consideration of other factors shall not create any presumption of overgrazing.

6. The only public use of the Property authorized by this Deed of Conservation and Scenic Easement shall be to preserve the Property in its existing state in perpetuity, for viewing from Highway One and other major public viewing areas specifically named in Section 3.2.2.1 of the Land Use Plan. Nothing in this Deed of Conservation and Scenic Easement shall be construed to restrict, require or authorize physical public access on or over the Property. The landowner reserves the right to deny or to permit public access, provided that any public access uses allowed shall be consistent with the Land Use Plan.

7. Transfer Development Credits and/or other development rights acquired from or with the Property are hereby extinguished and may not be sold or otherwise transferred to any other person, entity or property.

8. The conservation and scenic easement acquired by the County in the Property shall not be sold or otherwise transferred to the United States Government, or any agency, subdivision or representative thereof.

9. If all or any portion of the Property upon which this Conservation and Scenic Easement has been imposed is sought to be condemned by governmental taking for public use, this Deed of Conservation and Scenic Easement shall terminate as of the time of the filing of any complaint in condemnation, but only as to the Property or any portion thereof or any right therein sought to be taken for public use, and the Owner shall be entitled to such compensation for the taking as the Owner would have been entitled to had the Property (or applicable portion thereof) not been burdened by this Deed of Conservation and Scenic Easement, subject to a credit in favor of the Condemnor for the allocable and adjusted amount of consideration paid to Owner by the County of Monterey for this Deed of Conservation and Scenic Easement over the Property or the portion thereof sought to be condemned. If less than all of the Property is sought to be condemned, then the percentage of the total consideration to be repaid shall be equivalent to the percentage which the area sought to be condemned comprises of the entire Property.

B. COVENANTS RUNNING WITH THE LAND

This Deed 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 and benefit the Owner and all of its heirs, successors, interest and assigns as owners of the Property.

C. ENFORCEMENT

Monterey County, Owner and/or any member of the public, or any group or organization thereof, may seek to enforce this Deed of Conservation and Scenic Easement.

D. SEVERABILITY

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

E. DEFINITIONS

For the purposes of this Deed of Conservation and Scenic Easement the following definitions shall apply:

1. **Critical Viewshed** – shall mean those lands so designated in the Land Use Plan which are visible from Scenic Highway One and other major public viewing areas specifically named in Section 3.2.2.1. of the Land Use Plan. Critical Viewshed shall not include those views of Pico Blanco specified in Section 3.8.4.4. of the Land Use Plan.
2. **Big Sur Coast Land Use Plan – (the "Land Use Plan")** – shall mean, except as otherwise specified herein, the Big Sur Coast Land Use Plan as certified by the California Coastal Commission on April 16, 1988, not including any amendments adopted thereto.
3. **Development** – shall mean, on land, in or under water, the placement, construction or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; increase in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal of significant vegetation.
4. **Existing** – when applied to development(s) or other uses(s) shall mean, in existence as of the date this Deed of Conservation and Scenic Easement is executed by the Owner in fee of the Property.
5. **Interest acquired from, in or with the Property** – the following examples are included for clarification but not by way of limitation: Transfer Development Credits are an interest which may be split off and acquired from the Property, or they may be acquired along with the Property; Deed of Conservation and Scenic Easement is an interest remaining with and acquired in the Property. Interest acquired may include, but not by way of limitation, Transfer of Development Credit, development rights, conservation and scenic easement, leasehold, and other interests.
6. **Less visually intrusive** – shall be determined by the Director of Planning and Building Inspection for the County, acting in his official capacity. Any determination by the Director that new or proposed development is more visually intrusive than former development shall be subject to appeal to the Board of Supervisors of the County.

7. **Maintenance** — shall include repair and replacement, provided that the replacement shall be no more than 13% larger than the existing development at the effective date of this instrument; structures or utilities to be replaced shall be substantially the same as, and shall not be more visually intrusive on the Critical Viewshed than, the development, structure or utilities being replaced.

8. **Owner** — shall mean the owner in fee of the Property.

9. **The Property** — shall include the real property described in Exhibit "B", and any interest(s) purchased therefrom, therein or therewith with funds obtained pursuant to the Act.

10. **Structure** — shall include, but is not limited to, any: building, road, trail, parking lot, sign, pipe, flume, conduit, siphon, aqueduct, fence, telephone line, cable television line, and electrical power transmission and distribution line.

11. **Utilities** — shall be limited to the following: electrical power lines, telecommunication lines and facilities, cable television lines and facilities, water systems and water system components, gas lines, sewerage and septic disposal lines and systems.

STATE OF CALIFORNIA
COUNTY OF MONTEREY

REEL 3541 PAGE 914

ss

On this 3rd day of July, 1997, before me, Ernest K. Morishita, Clerk of the Board of Supervisors, in and for said County and State, personally appeared SIMON SALINAS known to me to be the Chairperson of said Board of Supervisors of the County of Monterey, and known to me to be the person who executed the within instrument on behalf of said political subdivision, and acknowledged to me that such County of Monterey executed the same.

ERNEST K. MORISHITA, Clerk of the Board
of Supervisors of Monterey County, State
of California

By: Anne Arli Deputy Clerk
Anne Arli

STATE OF CALIFORNIA)
) ss.
COUNTY OF MONTEREY)

On _____, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, 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.

Signature _____ (Seal)

STATE OF CALIFORNIA)
) ss.
COUNTY OF MONTEREY)

On _____, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, 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.

Signature _____ (Seal)

LEGAL DESCRIPTION:

PARCEL II:

LOT 1 OF PARTITION OF EL SUR RANCHO DESCRIBED AS FOLLOWS:

BEGINNING AT A REDWOOD STAKE 4 X 4 AND 3 FEET LONG MARKED "E.S.5" AND STANDING IN A MOUND OF ROCKS AND BEING CORNER NO. 5 OF THE EL SUR RANCHO AND RUNNING THENCE ALONG THE NORTH BOUNDARY OF SAID RANCHO, VARIATION 15° 35' E., N. 58° W., 105.44 CHAINS TO A STAKE STANDING IN AND NEAR THE MOUTH OF THE LITTLE SUR RIVER; THENCE FOLLOWING ALONG THE SHORE OF THE OCEAN S. 20-1/2° W., 38.28 CHAINS TO STATION; THENCE S. 45-1/2° E., 6.42 CHAINS TO STATION; THENCE S. 1/2° E., 11.41 CHAINS TO STATION; THENCE S. 6° 05' W., 5.84 CHAINS TO STATION; THENCE S. 4-1/2° E., 7.40 CHAINS TO STATION; THENCE S. 10° E., 17.84 CHAINS TO STATION; THENCE S. 13-3/4° W., 19.36 CHAINS TO STATION; THENCE S. 18-1/2° W., 31.21 CHAINS TO A REDWOOD STAKE 6 X 6 AND STANDING 2 FEET OUT OF SAND BEING THE NORTHEAST CORNER OF THE LIGHTHOUSE RESERVATION; THENCE ALONG THE EASTERN BOUNDARY OF SAID RESERVATION S. 8-1/4° E., 25.75 CHAINS TO A REDWOOD STAKE 6 X 6 AND STANDING 2 FEET OUT OF SAND SAID TO BE THE SOUTHEAST CORNER OF THE LIGHTHOUSE RESERVATION; THENCE LEAVING THE BOUNDARY OF SAID RESERVATION S. 75-1/4° E., 30.03 CHAINS TO STATION; THENCE S. 66-1/4° E., 9.02 CHAINS TO STAKE; THENCE S. 10° E., 2.11 CHAINS TO STATION; THENCE S. 50° E., 5.13 CHAINS TO STATION; THENCE S. 81° E., 6.11 CHAINS TO STATION; THENCE S. 56° E., 7.70 CHAINS TO STATION; THENCE S. 10-3/4° E., 8.16 CHAINS TO STATION; THENCE S. 49° E., 99 LINKS TO STATION; THENCE S. 80-3/4° E., 5.25 CHAINS TO STATION; THENCE S. 33-1/4° E., 4.87 CHAINS TO STATION AT MOUTH SQUIRREL CANYON GULCH; THENCE S. 27-1/2° E., 7.79 CHAINS TO STATION; THENCE S. 5-3/4° W., 3.40 CHAINS TO STATION AT NORTHWEST CORNER OF LITTLE MORO; THENCE ALONG THE WESTERN SLOPE OF THE LITTLE MORO, S. 14-3/4° E., 5.00 CHAINS TO STATION; THENCE S. 37° E., 12.00 CHAINS TO STATION; THENCE S. 51-1/4° E., 8.18 CHAINS TO STATION AT THE SOUTHWEST CORNER OF THE LITTLE MORO; THENCE N. 88-1/2° E., 2.16 CHAINS TO STATION AT THE MOUTH OF AN ARROYO; THENCE S. 34-1/2° E., 6.08 CHAINS TO STATION; THENCE S. 29-1/2° E., 7.55 CHAINS TO STATION; THENCE S. 28° E., 6.46 CHAINS TO STATION; THENCE S. 39° E., 7.27 CHAINS TO STATION; THENCE S. 62° E., 2.95 CHAINS TO STATION; THENCE S. 82° E., 5.34 CHAINS TO STATION FROM WHICH A REDWOOD STAKE 4 X 4 STANDING ON BLUFF AND MARKED ON WEST FACE "W.P." ON NORTH FACE "L.I." AND ON SOUTH FACE "L.I.I." BEARS N. 30-3/4° E., 87 LINKS DISTANT; THENCE LEAVING THE SHORE OF OCEAN AND RUNNING ALONG THE LINE BETWEEN LOTS I AND II, N. 30-3/4° E., 179.22 CHAINS AT 87 LINKS A REDWOOD STAKE 4 X 4 STANDING ON A BLUFF AND MARKED ON WEST FACE "W.P." ON NORTH FACE "L.I." AND ON SOUTH FACE "L.I.I.", AT 43.62 CHAINS A REDWOOD STAKE 4 X 4 STANDING IN MOUND OF ROCKS AND MARKED ON NORTH FACE "L.I." AND ON SOUTH FACE "L.I.I." AT 51.75 CHAINS FOOT OF HILLS; THENCE OVER HILLS AT 147.32 CHAINS ACROSS COUNTY ROAD, AT 149.22 CHAINS A REDWOODS STAKE 4 X 4 STANDING ON TOP OF RIDGE AND MARKED ON NORTH FACE "L.I." AND ON SOUTH FACE "L.I.I." 179.22 CHAINS TO A DOUBLE LAUREL TREE 1 FOOT IN DIAMETER AND MARKED "L.I.I." ON EAST FACE, "L.I." ON WEST FACE AND "S.R." ON SOUTH FACE FROM WHICH A LAUREL TREE 2 FEET IN DIAMETER

LEGAL DESCRIPTION -- PAGE 2:

MARKED ON NORTH FACE "T.18 S.R.1.E.S.34", ON EAST FACE "T.19 S.R.1.E.S.3." AND SOUTH FACE "S.R." BEARS S. 67-1/2° E., 45 LINKS DISTANT; THENCE ALONG THE NORTHERN BOUNDARY OF THE SUR RANCHO N. 67-1/2° W., 100.50 CHAINS AT 49.16 CHAINS STAKE AT CORNER TO SECTIONS 33 AND 34, TOWNSHIP 18, SOUTH RANGE 1 EAST, AT 49.60 CHAINS CROSS COUNTY ROAD, AT 100.50 CHAINS PLACE OF BEGINNING AND BEING LOT 1 ON MAP OF PARTITION OF THE EL SUR RANCHO SURVEYED BY JOHN H. GABER IN JUNE AND JULY 1891 WHICH SAID MAP IS ATTACHED TO AND A PART OF THE DEED FROM ENCARNACION VALLEJO DE COOPER, AURELIA COOPER DE MOLERA AND ANNA COOPER DE WOHLER TO J.B. H. COOPER, DATED SEPTEMBER 21, 1891 AND RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF MONTEREY COUNTY IN VOLUME 32 OF CONVEYANCES, AT PAGE 360, ON THE 11TH DAY OF OCTOBER, 1891.

EXCEPTING THEREFROM THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON COURSE FOUR OF THE SURVEY OF THE SAID SUR RANCHO, AS SHOWN ON THE PLATS ACCOMPANYING THE UNITED STATES PATENT OF SAID RANCHO, DATED MAY 18, 1866, WHICH SAID COURSE IS THE EASTERN BOUNDARY OF THE POINT SUR LIGHTHOUSE RESERVATION, AND THE BEARING OF WHICH IS S. 9° E., AND THE DISTANCE OF SAID POINT OF BEGINNING FROM THE NORTHWEST END OF SAID COURSE FOUR BEING TWELVE HUNDRED FEET; THENCE FOLLOWING THE LINE OF SAID COURSE FOUR, S. 9° E., 40 FEET TO A POINT 20 FEET SOUTH FROM A POINT WHERE THE WATER PIPE LINE OF THE POINT SUR LIGHTHOUSE CROSSES SAID COURSE FOUR; THENCE FOLLOWING THE DIRECTION OF SAID WATER PIPE LINE N. 58° E., 575 FEET TO A POINT 20 FEET EAST OF THE EAST END OF THE PUMP HOUSE; THENCE N. 9° W., 40 FEET; THENCE S. 58° W., 575 FEET TO THE POINT OF BEGINNING, AND AS DESCRIBED IN THE DEED TO THE UNITED STATES OF AMERICA, RECORDED NOVEMBER 4, 1889 IN VOLUME 25 OF DEEDS, AT PAGE 367.

ALSO EXCEPTING THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCING AT A POINT MARKED BY A WOODEN HUB, WHICH POINT IS ON COURSE 4 DESCRIBED BELOW, AND IS 1220 FT. FROM ITS NORTHWEST END, SAID COURSE 4 BEING PART OF THE DESCRIPTION OF THE SURVEY OF THE SUR RANCHO AS SHOWN ON PLAT ACCOMPANYING THE UNITED STATES PATENT OF SUCH RANCHO, DATED MAY 18, 1866, SAID COURSE 4 MARKING THE EASTERN BOUNDARY OF THE ORIGINAL POINT SUR LIGHTHOUSE RESERVATION; THENCE N. 66° 46' E., 3036.6 FEET TO A POINT MARKED BY A REDWOOD POST, WHICH POINT MARKS THE COMMENCEMENT OF THE DESCRIPTION OF THE PARCEL OF LAND ACQUIRED BY THE UNITED STATES OF AMERICA BY DEED DATED NOVEMBER 26, 1932 AND RECORDED DECEMBER 15, 1932 IN VOLUME 351 OF OFFICIAL RECORDS OF MONTEREY COUNTY AT PAGE 482; THENCE S. 35° 04' E., 435.6 FEET TO A POINT MARKED BY A REDWOOD POST; THENCE N. 54° 56' E., 200 FEET TO THE BOUNDARY LINE BETWEEN THE SUR RANCHO AND THE CALIFORNIA STATE HIGHWAY NO. 48; THENCE ALONG SAID BOUNDARY LINE N. 35° ALL BEARINGS TRUE AND AS DESCRIBED IN THE DEED TO THE UNITED STATES OF AMERICA, RECORDED DECEMBER 15, 1932 IN VOLUME 351 OF OFFICIAL RECORDS, AT PAGE 482, AS ITEM 1.

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LEGAL DESCRIPTION -- PAGE 3:

ALSO EXCEPTING THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCING AT A POINT MARKED BY A WOODEN SUB, WHICH POINT IS ON COURSE 4 DESCRIBED BELOW AND IS 1220 FEET FROM ITS NORTHWEST END, SAID COURSE 4 BEING PART OF THE DESCRIPTION OF THE SURVEY OF THE SUR RANCH AS SHOWN ON PLAN ACCOMPANYING THE UNITED STATES PATENT OF SUCH RANCH, DATED MAY 18, 1866, SAID COURSE 4 MARKING THE EASTERN BOUNDARY OF THE ORIGINAL POINT SUR LIGHTHOUSE RESERVATION; THENCE N. 57° 29' E., 5364 FEET TO A POINT MARKED BY A 1" DIAMETER WROUGHT IRON PIPE SUNK 30" IN THE GROUND, WHICH POINT MARKS THE COMMENCEMENT OF THE DESCRIPTION OF THE PARCEL OF LAND ACQUIRED BY THE UNITED STATES OF AMERICA BY DEED DATED NOVEMBER 26, 1932 AND RECORDED DECEMBER 15, 1932 IN VOLUME 351 OF OFFICIAL RECORDS OF MONTEREY COUNTY AT PAGE 482; THENCE N. 63° 29' E., 268.0 FEET; THENCE N. 39° 36' W., 575.2 FEET; THENCE S. 88° 28' W., 568.6 FEET; THENCE S. 7° 44' E., 164.0 FEET; THENCE S. 60° 16' E., 775.5 FEET TO THE POINT OF BEGINNING; ALL POINTS BEING MARKED BY A 1" DIAMETER WROUGHT IRON PIPE SUNK IN THE GROUND TO A DEPTH OF 30", AND ALL BEARINGS BEING TRUE AND AS DESCRIBED IN THE DEED TO THE UNITED STATES OF AMERICA, RECORDED DECEMBER 15, 1932 IN VOLUME 351 OF OFFICIAL RECORDS AT PAGE 482, AS ITEM 2.

ALSO EXCEPTING THEREFROM THAT PORTION DESCRIBED IN THE DECLARATION OF TAKING AND AMENDMENTS THEREOF, RECORDED MARCH 3, 1964 IN REEL 292 OF OFFICIAL RECORDS AT PAGES 76, 88, 92, 104 AND 108.

PARCEL 2:

ALL THAT PORTION OF THE EL SUR RANCHO DESIGNATED AS LOT II ON A MAP ENTITLED, "MAP OF THE PARTITION OF THE EL SUR RANCHO, MONTEREY CO., CAL., SURVEYED BY J. E. GARNER, JUNE & JULY 1891", AND BOUNDED AND PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A REDWOOD STAKE 4" X 4", MARKED "S.R." ON SOUTH FACE, "L 11", ON WEST FACE AND "L.111" ON THE EAST FACE AND STANDING IN A MOUND OF ROCKS ON THE NORTHERN BOUNDARY OF EL SUR RANCHO, AND FROM WHICH A REDWOOD TREE THREE FEET IN DIAMETER AND MARKED "B.T.S.R.L. 11 AND L.111" BEARS S. 21-3/4° W., 46 LINKS DISTANT, AND RUNNING THENCE ALONG THE LINE BETWEEN LOTS 11 AND 111 OF THE SAID PARTITION OF THE EL SUR RANCHO, VARIATION 15° 35' EAST, S. 27° 55' WEST, 94.20 CHAINS AT 1.20 CHAINS CROSS THE SOUTH FORK OF THE LITTLE SUR RIVER, AT 1.50 CHAINS WIRE FENCE, AT 48.05 CHAINS A REDWOOD STAKE 4" X 4", MARKED "L 11 AND L 111" ON THE WEST AND EAST FACES RESPECTIVELY, AND STANDING ON TOP OF HIGH RIDGE, AT 94.20 CHAINS STAKE 4" X 4" AND 1-1/2 FEET OUT OF THE GROUND, AN MARKED ON EAST FACE "L111", ON THE SOUTH FACE "LIV" AND ON THE NORTH FACE "L 11", AND FROM WHICH A SYCAMORE TREE 1 FOOT IN DIAMETER AND MARKED "L 111 AND L IV B.T." BEARS S. 49-3/4° WEST 208 LINKS DISTANT, AND A SYCAMORE TREE ONE FOOT IN DIAMETER, MARKED L 11 AND L 111 B.T." BEARS N. 2-3/4° WEST 149 LINKS DISTANT; THENCE ALONG THE LINE BETWEEN LOTS 11 AND IV OF THE SAID PARTITION OF THE EL SUR RANCHO, SOUTH 83° WEST, 86.81 CHAINS, AT 5.36 CHAINS CROSS GULCH, AT 8.45

LEGAL DESCRIPTION -- PAGE 4:

CHAINS A TREE ON LINE, AT 37.81 CHAINS CROSSES ROAD, AT 38.17 CHAINS A REDWOOD STAKE 4" X 4" AND MARKED "L 11" ON THE NORTH FACE AND "L IV" ON THE SOUTH FACE, AT 38.81 CHAINS COUNTY ROAD, AT 72.81 CHAINS PICKET FENCE, AT 85.81 CHAINS CROSS GULCH, AT 86.81 CHAINS A REDWOOD STAKE 4" X 4" MARKED "L 11" ON NORTHWEST FACE AND "L IV" ON SOUTHEAST FACE; THENCE S. 11° 35' EAST, 45.29 CHAINS AT 95 LINKS CROSSES GULCH, AT 20.08 CHAINS FENCE, AT 38.11 CHAINS STAKE 4" X 4" STANDING IN PICKET FENCE AND MARKED "L 11" ON WEST FACE AND "L IV" ON EAST FACE, 45.29 CHAINS TO STAKE STANDING IN SUR RIVER; THENCE DOWN THE SAID RIVER SOUTH 6° WEST 9.42 CHAINS TO A STAKE; THENCE S. 25-1/4° WEST, 3.36 CHAINS TO A STAKE STANDING ON THE NORTHERN BOUNDARY OF THE "LANDING RESERVATION"; THENCE ALONG THE NORTHERN BOUNDARY OF THE SAID "LANDING RESERVATION" N. 84-1/2° W., 7.55 CHAINS TO A STAKE 4" X 4" AND STANDING ON HIGH BLUFF; THENCE ALONG THE WESTERN BOUNDARY OF THE SAID "LANDING RESERVATION", S. 17° 03' W., 7.85 CHAINS TO A STAKE ON HIGH BLUFF AT THE SHORE LINE OF THE PACIFIC OCEAN; THENCE ALONG THE SAID SHORE LINE OF THE SAID PACIFIC OCEAN, N. 46° W., 1.19 CHAINS TO STATION; THENCE N. 37° W., 6.25 CHAINS TO STATION; THENCE N. 33° W., 13.69 CHAINS TO STATION; THENCE N. 40-1/2° W., 6.46 CHAINS TO STATION; THENCE N. 17-1/4° W., 5.60 CHAINS TO STATION; THENCE N. 49° W., 12.02 CHAINS TO STATION; THENCE N. 48-1/4° W., 5.30 CHAINS TO STATION ON POINT OF BLUFF ON THE NORTH EDGE OF SWISS CANYON GULCH; THENCE N. 55-1/2° W., 5.37 CHAINS TO STATION; THENCE N. 77-1/2° W., 4.35 CHAINS TO STATION; THENCE N. 65-1/4° W., 2.39 CHAINS TO STATION; THENCE N. 51° W., 7.58 CHAINS TO STATION; THENCE N. 82° W., 3.15 CHAINS TO STATION, FROM WHICH A REDWOOD STAKE 4" X 4" STANDING ON BLUFF AND MARKED ON THE WEST FACE "W.P." ON NORTH FACE "L 1" AND ON THE SOUTH FACE "L 11" BEARS N. 30 3/4° EAST 87 LINKS DISTANT; THENCE LEAVING THE SAID SHORE LINE OF THE PACIFIC OCEAN AND RUNNING ALONG THE LINE BETWEEN LOTS 1 AND II OF THE SAID PARTITION OF THE EL SUR RANCHO, N. 30-3/4° EAST, 179.22 CHAINS, AT 87 LINKS A REDWOOD STAKE, 4" X 4" STANDING ON BLUFF AND MARKED ON WEST FACE "W.P.", ON NORTH FACE "L I" AND ON SOUTH FACE "L II", AT 43.62 CHAINS A REDWOOD STAKE 4" X 4" STANDING IN MOUND OF ROCKS AND MARKED ON THE NORTH FACE "L I" AND ON THE SOUTH FACE "L II", AT 51.75 CHAINS FOOT OF HILLS; THENCE OVER HILLS, AT 147.32 CHAINS CROSS COUNTY ROAD, AT 149.22 CHAINS A REDWOOD STAKE 4" X 4" STANDING ON TOP OF RIDGE AND MARKED ON NORTH FACE "L I" AND ON THE SOUTH FACE "L II", 179.22 CHAINS TO A DOUBLE LAUREL TREE ONE FOOT IN DIAMETER AND MARKED "L II" ON THE EAST FACE AND "L I" ON WEST FACE AND "S.R." ON THE SOUTH FACE, FROM WHICH A LAUREL TREE TWO FEET IN DIAMETER MARKED ON NORTH FACE "T. 18 S.R. 1 E.S. 34", ON EAST FACE "T. 19 S.R. 1 E. S. 3", AND ON THE SOUTH FACE "S.R.", BEARS S. 67-1/2° EAST, 45 LINKS DISTANT; THENCE ALONG THE NORTHERN BOUNDARY OF THE EL SUR RANCHO, SOUTH 67-1/2° EAST, 106 CHAINS TO THE PLACE OF BEGINNING.

PARCEL 3:

NORTHWEST QUARTER OF SOUTHWEST QUARTER AND SOUTHWEST QUARTER OF NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 18 SOUTH, RANGE 1 EAST, M.D.M.

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LEGAL DESCRIPTION -- PAGE 9:PARCEL 4:

NORTH HALF OF SOUTHEAST QUARTER AND NORTH HALF OF SECTION 28,
TOWNSHIP 18 SOUTH, RANGE 1 EAST, M.D.M.

PARCEL 5:

SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 18 SOUTH, RANGE 1 EAST,
M.D.M.

EXCEPTING THEREFROM 1.35 ACRES CONVEYED BY GEORGE BIBBY TO SUR
SCHOOL DISTRICT BY DEED DATED MAY 28, 1884, RECORDED IN VOLUME 10
OF DEEDS, PAGE 339, MONTEREY COUNTY RECORDS.

PARCEL 6:

SOUTH HALF OF SOUTHEAST QUARTER OF SECTION 28 AND NORTH HALF OF
NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 18 SOUTH, RANGE 1 EAST,
M.D.M.

EXCEPTING THEREFROM THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

COMMENCING AT A BIG REDWOOD TREE STANDING AT THE SOUTHEAST CORNER
OF A BRIDGE ACROSS THE SOUTH FORK OF THE LITTLE SUR RIVER AND AT
THE JUNCTION OF SAID RIVER ON THE EAST BANK WITH THE COUNTY HIGHWAY
ON THE SOUTH SIDE, AND ABOUT 400 FEET SOUTH OF THE JUNCTION OF THE
NORTH AND SOUTH FORKS OF SAID LITTLE SUR RIVER; THENCE NORTHEAST
150 FEET; THENCE DUE EAST 50 FEET TO EAST SIDE LINE; THENCE SOUTH
100 FEET; THENCE WEST 50 FEET, MORE OR LESS, TO THE EAST BANK OF
SAID RIVER; THENCE ALONG THE EAST BANK OF SAID RIVER ABOUT 250 FEET
TO THE PLACE OF BEGINNING; AND BEING LOCATED IN THE NORTHEAST 1/4
OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 18 SOUTH, RANGE 1
EAST, M.D.M.

PARCEL 7:

LOTS 1, 2, 3, 4 AND 5, EAST HALF OF NORTHWEST QUARTER, NORTH HALF
OF SOUTHEAST QUARTER, SOUTHEAST QUARTER OF SOUTHEAST QUARTER, AND
NORTHEAST QUARTER OF SECTION 29 (BEING ALL OF FRACTIONAL SECTION
29) IN TOWNSHIP 18 SOUTH, RANGE 1 EAST, M.D.M.

PARCEL 8:

LOT 1 OF SECTION 32; LOTS 1, 2, 3 AND 4, SOUTH HALF OF NORTHEAST
QUARTER AND NORTH HALF OF NORTHWEST QUARTER OF SECTION 33, AND LOT
4 AND SOUTHWEST QUARTER OF NORTHWEST QUARTER OF SECTION 34, IN
TOWNSHIP 18 SOUTH, RANGE 1 EAST, M.D.M.

PARCEL 9:

LOTS 5, 6, 7, 8, 9 AND 10 OF SECTION 34, TOWNSHIP 18 SOUTH, RANGE
1 EAST, M.D.M.

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LEGAL DESCRIPTION -- PAGE 6:**PARCEL 10:**

NORTHWEST 1/4, LOTS 4, 5, 12, 13, 14, 15 AND 16 AND NORTH 1/2 OF LOTS 22, 23 AND 24, SECTION 35, TOWNSHIP 18, SOUTH, RANGE 1, EAST M.D.M.

LOTS 1, 2 AND 3, NORTHEAST 1/4, EAST 1/2 OF NORTHWEST 1/4 AND NORTHWEST 1/4 OF NORTHWEST 1/4, SECTION 34, TOWNSHIP 18, SOUTH RANGE 1, EAST, M.D.M.

EXCEPTING THEREFROM THAT PORTION DESCRIBED IN THE QUITCLAIM DEED TO GRANITE ROCK COMPANY, A CALIFORNIA CORPORATION, RECORDED JANUARY 25, 1985 IN REEL 1806 OF OFFICIAL RECORDS, AT PAGE 264.

PARCEL 11:

LOT NO. 1 AS SHOWN ON THE MAP ATTACHED TO A CERTIFIED COPY OF A DECREE IN PARTITION IN AN ACTION ENTITLED "JOHN BROWN, AND ANNA BEELE BROWN, HIS WIFE, PLAINTIFFS, VS. C.W. HOWLAND AND KATHRYN HOWLAND, HUSBAND AND WIFE, DEFENDANTS", RECORDED MAY 10, 1923 IN VOLUME 17 OF OFFICIAL RECORDS, MONTEREY COUNTY, PAGE 208, IN THE OFFICE OF THE COUNTY RECORDER OF SAID MONTEREY COUNTY, PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A 4" X 4" POST STANDING AT THE COMMON CORNER TO SECTIONS 27, 28, 33 AND 34, TOWNSHIP 18 SOUTH, RANGE 1 EAST, MOUNT DIABLO BASE AND MERIDIAN, AND RUNNING THENCE ALONG THE SECTION LINE BETWEEN SAID SECTIONS 27 AND 28, N. 2° 05' W., AT 620.0 FEET TO STATION R1 OF ROAD RIGHT OF WAY, 1310.0 FEET TO A 4" X 4" POST AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE EAST 997.8 FEET TO STATION; THENCE S. 2° 05' E., AT 581.5 FEET, A 4" X 4" POST MARKED WP-JB-CWH, BEARS WEST 150 FEET, AT 702.0 FEET, STATION R11 OF ROAD RIGHT OF WAY BEARS WEST 150 FEET AND FROM SAID R11 A 12" REDWOOD TREE MARKED BT, RW11, BEARS N. 40° 00' W., 16.3 FEET DISTANT AND A 18" REDWOOD TREE MARKED BT, RW11, BEARS N. 66° 00' E., 29.0 FEET DISTANT AND A 16" ALDER TREE MARKED BT, RW11 BEARS S. 38° 05' E., 50.9 FEET DISTANT AND A 14" ALDER TREE MARKED BT, RW11 BEARS S. 34° 10' W., 38.6 FEET DISTANT AND A 5" REDWOOD TREE MARKED LINE, BEARS N. 2° 05' W., 5.6 FEET DISTANT, AT 794.8 FEET A 4" X 4" POST MARKED WP-JB-CWH, BEARS WEST 150 FEET, 1310.0 FEET TO THE SECTION LINE BETWEEN SECTIONS 27 AND 34; THENCE ALONG SAID SECTION LINE WEST 997.8 FEET TO THE PLACE OF BEGINNING, AND BEING A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 18, SOUTH RANGE 1 EAST. MOUNT DIABLO BASE AND MERIDIAN.

EXCEPTING THEREFROM, THAT PORTION THEREOF CONVEYED TO F.P. FELIZ BY DEED DATED MAY 23, 1923 AND RECORDED IN VOLUME 19 OF OFFICIAL RECORDS, MONTEREY COUNTY, PAGE 42.

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LEGAL DESCRIPTION — PAGE 7:PARCEL 12:

ALL PROPERTY LYING BETWEEN THE WESTERLY BOUNDARY OF THE PROPERTY DESCRIBED IN THE PARCELS 1 AND 2 DESCRIBED ABOVE, BEING THE PROPERTY ORIGINALLY KNOWN AS EL SUR RANCH, AND THE MEAN HIGH TIDE OF THE PACIFIC OCEAN.

PARCEL 13:

LOT THIRTEEN (13) OF SECTION 26 IN TOWNSHIP 18 SOUTH, RANGE ONE (1) EAST OF MOUNT DIABLO BASE AND MERIDIAN, SAVE AND EXCEPT THEREFROM THAT CERTAIN STRIP OF LAND 310 FEET IN LENGTH BY 200 FEET IN WIDTH, SITUATE WITHIN LOT 13, DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 13 WHERE THE SOUTH LINE OF THE NORTH FORK OF LITTLE SUR RIVER INTERSECTS THE SAME; RUNNING THENCE SOUTHERLY ALONG THE WEST SIDE LINE OF SAID LOT 13, A DISTANCE OF 310 FEET; THENCE AT RIGHT ANGLES EASTERLY, A DISTANCE OF 200 FEET; THENCE AT RIGHT ANGLES NORTHERLY, A DISTANCE OF 310 FEET, MORE OR LESS, TO THE SOUTHERLY LINE OF SAID NORTH FORK OF LITTLE SUR RIVER; THENCE FOLLOWING THE MEANDERINGS OF SAID NORTH FORK OF LITTLE SUR RIVER, WESTERLY 200 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

TOGETHER WITH A RIGHT OF WAY FOR ROAD PURPOSES NOT TO EXCEED 30 FEET IN WIDTH, AND THE RIGHT IF NEED BE, OF CONSTRUCTING SUCH ROAD IN THE MOST ACCESSIBLE AND ADVANTAGEOUS LOCATION, FROM THE COUNTY ROAD TO THE PREMISES ABOVE DESCRIBED, OVER AND ACROSS THE SW 1/4 OF SECTION 26 AND THE S 1/2 OF THE S 1/2 OF SECTION 27 IN TOWNSHIP 18 SOUTH, RANGE 1 EAST, M.D.M., ALSO THE RIGHT OF FISHING IN ANY AND ALL PARTS OF THE CREEK OR RIVER FLOWING THROUGH SAID PREMISES, TOGETHER WITH THE RIGHT OF WAY NECESSARY TO THE FULL AND COMPLETE ENJOYMENT OF SUCH FISHING, AS RESERVED IN THE DEED FROM DAVID RODRICK TO JOHN BROWN, ET AL, DATED DECEMBER 7, 1900 AND RECORDED DECEMBER 10, 1900 IN VOLUME 63 OF DEEDS, MONTEREY COUNTY RECORDS, AT PAGE 230.

PARCEL 14:

ALL THOSE CERTAIN LOTS, PIECES, OR PARCELS OF LAND, SITUATE IN THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, BEING PART OF SECTIONS 26 AND 27, TOWNSHIP 18 SOUTH, RANGE 1 EAST, M.D.M., DESCRIBED AS FOLLOWS, TO-WIT:

THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 26; THE SOUTH HALF OF THE SOUTHEAST QUARTER (S 1/2 OF SE 1/4); THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE 1/4 OF SW 1/4), AND ALL THAT PART OF THE SOUTHWEST QUARTER OF SOUTHWEST QUARTER (SW 1/4 OF SW 1/4) OF SECTION 27, DESCRIBED AS FOLLOWS, TO-WIT:

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LEGAL DESCRIPTION -- PAGE 81

BEGINNING AT A POINT IN THE SECTION LINE BETWEEN SECTIONS 27 AND 34, TWP. 185., R. 1 E., M.D.M., FROM WHICH THE COMMON CORNER OF SECTIONS 27, 28, 33 AND 34, TWP. 18 S., R. 1 E., M.D.M., BEARS WEST 997.8 FEET DISTANT AND RUNNING THENCE N. 2° 05' W., AT 515.2 FEET A 4" X 4" POST MARKED WP, JB, CWB, BEARS WEST 150 FEET AT 608.0 FEET, STATION R11 OF ROAD RIGHT OF WAY, BEARS WEST 150 FEET AND FROM SAID R11 A 12" REDWOOD TREE MARKED BT, RW11 BEARS N. 40° 00' W., 16.8 FEET DISTANT, AND AN 18" REDWOOD TREE MARKED BT, RW11 BEARS N. 66° 00' E., 29.0 FEET DISTANT AND A 16" ALDER TREE MARKED BT, RW11 BEARS S. 38° 05' E., 53.9 FEET DISTANT AND A 14" ALDER TREE MARKED BT, RW11 BEARS S. 34° 10' W., 38.6 FEET DISTANT, AND A 5" REDWOOD TREE MARKED LINE O BEARS N. 2° 05' W., 5.6 FEET DISTANT, AT 728.5 FEET A 4" X 4" POST MARKED WP, JB, CWB, BEARS WEST 150 FEET, 1310.0 FEET TO STATION; THENCE EAST 322.2 FEET TO STATION; THENCE S. 2° 05' E., ALONG NORTH AND SOUTH LINE THROUGH THE CENTER OF THE WEST 1/2 OF SECTION 27, 1310.0 FEET TO STATION IN THE SECTION LINE BETWEEN SAID SECTIONS 27 AND 34; THENCE WEST 322.2 FEET TO THE PLACE OF BEGINNING.

COURSES ALL TRUE, VARIATION MAGNETIC NEEDLE BEING 16° 30' EAST.

SAID LAND BEING ALSO DESCRIBED AS LOT 2 AS SHOWN ON THE MAP ATTACHED TO A CERTIFIED COPY OF A DECREE IN PARTITION IN AN ACTION ENTITLED, "JOHN BROWN AND ANNA BELLE BROWN, HIS WIFE, PLAINTIFFS, VS. C.W. HOWLAND AND KATHERYN HOWLAND, HUSBAND AND WIFE, DEFENDANTS," RECORDED MAY 10, 1923 IN VOLUME 17 OFFICIAL RECORDS, MONTEREY COUNTY, PAGE 208, IN THE OFFICE OF THE COUNTY RECORDER OF SAID MONTEREY COUNTY.

ALSO THE JOINT USE WITH C.W. HOWLAND OF THAT CERTAIN RIGHT OF WAY (AS SET APART BY DECREE IN PARTITION IN AN ACTION HAD IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF MONTEREY, ENTITLED, "JOHN BROWN, ET AL VS. C.W. HOWLAND, ET AL") DESCRIBED AS FOLLOWS TO-WIT:

BEGINNING AT A POINT IN THE SECTION LINE BETWEEN SECTIONS 27 AND 28, TWP. 18 S., R. 1 E., M.D.M., FROM WHICH THE COMMON CORNER TO SECTIONS 27, 28, 33 AND 34 BEARS S. 2° 05' E., 620.0 FEET DISTANT AND A 30" REDWOOD TREE MARKED BTRW1 BEARS N. 25° 20' E., 88.0 FEET DISTANT AND A 48" REDWOOD TREE MARKED BTRW1 BEARS S. 4° 40' W., 39.0 FEET DISTANT AND RUNNING THENCE N. 87° 30' E., 60.0 FEET TO STATION R2; THENCE N. 39° 00' E., 100.0 FEET TO STATION R3; THENCE N. 64° 35' E., 60.0 FEET TO STATION R4; THENCE S. 88° 15' E., 81.00 FEET TO STATION R5; THENCE N. 77° 35' E., 70.0 FEET TO STATION R6; THENCE S. 43° 05' E., 47.0 FEET TO STATION R7; THENCE S. 77° 50' E., 136.0 FEET TO STATION R8; ON LEFT BANK OF NORTH FORK OF LITTLE SDR RIVER FROM WHICH A 30" REDWOOD TREE MARKED BT, BWS BEARS S. 49° 45' W., 10.0 FEET DISTANT AND A 15" REDWOOD TREE MARKED BT, RWS BEARS S. 36° 10' E., 24.0 FEET DISTANT; THENCE N. 63° 15' E., 127.0 FEET TO STATION R9 ON RIGHT BANK OF SAID RIVER; THENCE S. 73° 50' E., 170.0 FEET TO STATION R10; THENCE S. 71° 30' E., 70.0 FEET TO STATION R11; FROM WHICH A 12" REDWOOD TREE MARKED BT, RW11

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LEGAL DESCRIPTION -- PAGE 2:

BEARS N. 40° 00' W., 16.3 FEET DISTANT AND AN 18" REDWOOD TREE MARKED ET, RW11 BEARS N. 65° 00' E., 29.0 FEET DISTANT AND A 16" ALDER TREE MARKED ET, RW11 BEARS S. 38° 05' E., 50.9 FEET DISTANT, AND AN 14" ALDER TREE MARKED ET, RW11 BEARS S. 34° 10' W., 38.6 FEET DISTANT AND A 5" REDWOOD TREE MARKED LINE O BEARS N. 2° 05' W., 5.6 FEET DISTANT; THENCE CONTINUING IN THE SAME DIRECTION 150 FEET MORE OR LESS TO THE DIVISION LINE BETWEEN LOTS 1 AND 2 OF SAID PARTITION.

COURSES ALL TRUE, VARIATION OF MAGNETIC NEEDLE BEING 16° 30' EAST.

ALSO ALL THAT PART OF LOT THIRTEEN (13) OF SECTION TWENTY-SIX (26), TOWNSHIP EIGHTEEN (18) SOUTH, RANGE ONE (1) EAST OF MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

THAT CERTAIN STRIP OF LAND 310 FEET IN LENGTH BY 200 FEET IN WIDTH SITUATE WITHIN SAID LOT 13 DESCRIBED AS FOLLOWS TO-WIT:

COMMENCING AT A POINT ON THE WEST LINE OF SAID LOT 13 WHERE THE SOUTH LINE OF THE CREEK (THE NORTH FORK OF LITTLE SUR RIVER) INTERSECTS THE SAME; RUNNING THENCE SOUTHERLY ALONG SAID WEST LINE OF SAID LOT 13, 310 FEET; THENCE AT RIGHT ANGLES EASTERLY 200 FEET; THENCE AT RIGHT ANGLES, NORTH 310 FEET, MORE OR LESS TO THE SOUTHERLY LINE OF SAID CREEK; THENCE FOLLOWING THE WANDERINGS OF SAID CREEK, WESTERLY 200 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXHIBIT B: DESCRIPTION OF CONSERVATION AND SCENIC EASEMENTLEGAL DESCRIPTION:CONSERVATION AND SCENIC EASEMENT:

ALL OF THAT PORTION OF THAT CERTAIN REAL PROPERTY AS DESCRIBED IN A GRANT DEED FROM OLD CALIFORNIA TITLE COMPANY, A CALIFORNIA CORPORATION, TO JAMES J. HILL, III, RECORDED NOVEMBER 21, 1984, IN REEL 1788, PAGE 605, OFFICIAL RECORDS, COUNTY OF MONTEREY, CALIFORNIA, LYING WESTERLY OF THE FOLLOWING LINE, DESCRIBED HEREIN AS TWO SEGMENTS WITH A COMMON POINT OF BEGINNING, THE BASIS OF BEARINGS AND COORDINATE VALUES OF SAID LINE BEING THE MERIDIAN OF THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 4, THE AVERAGE CONVERSION FACTOR OF GRID DISTANCES TO GROUND DISTANCES BEING 1.00004513.

SEGMENT ONE (TO SOUTH)

BEGINNING AT A POINT IN PARCEL 1 AS SAID PARCEL IS DESCRIBED AND SO DESIGNATED IN THE AFOREMENTIONED GRANT DEED, SAID POINT OF BEGINNING HAVING CALIFORNIA STATE PLANE COORDINATES OF NORTHING: 2,013,031.94 FEET AND EASTING: 5,715,387.46 FEET, LYING DISTANT S 71° 42' 01" E, 6,730.63 FEET FROM UNITED STATES GEODETIC SURVEY (U.S.G.S.) STATION "VENTURA" AND DISTANT N 10° 37' 34" W 15,044.39 FEET FROM U.S.G.S. STATION "MOLERA"; THENCE FROM SAID POINT OF BEGINNING

1. SOUTH 26° 49' 40" EAST 356.39 FEET; THENCE
2. SOUTH 06° 02' 44" EAST 1657.21 FEET; THENCE
3. SOUTH 20° 02' 23" EAST 395.52 FEET; THENCE
4. SOUTH 4° 20' 59" WEST 158.28 FEET; THENCE
5. NORTH 67° 07' 13" WEST 297.52 FEET; THENCE
6. SOUTH 17° 08' 44" WEST 270.00 FEET; THENCE
7. SOUTH 1° 32' 00" WEST 146.12 FEET; THENCE
8. SOUTH 47° 50' 08" EAST 88.10 FEET; THENCE
9. SOUTH 29° 43' 51" EAST 77.69 FEET; THENCE
10. SOUTH 7° 51' 05" WEST 353.64 FEET; THENCE
11. SOUTH 3° 57' 48" WEST 361.80 FEET; THENCE

EXHIBIT B

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LEGAL DESCRIPTION - PAGE 2:

12. NORTH 35° 26' 34" EAST 259.94 FEET; THENCE
13. NORTH 41° 25' 21" EAST 673.68 FEET; THENCE
14. NORTH 33° 49' 00" EAST 456.86 FEET; THENCE
15. SOUTH 75° 47' 29" EAST 375.58 FEET; THENCE
16. SOUTH 66° 30' 54" EAST 812.62 FEET; THENCE
17. SOUTH 1° 03' 59" EAST 2142.81 FEET; THENCE
18. SOUTH 25° 31' 54" EAST 294.84 FEET; THENCE
19. NORTH 82° 03' 41" EAST 346.53 FEET; THENCE
20. NORTH 2° 38' 09" EAST 845.02 FEET; THENCE
21. NORTH 12° 33' 31" EAST 243.61 FEET; THENCE
22. NORTH 67° 05' 20" EAST 578.57 FEET; THENCE
23. SOUTH 84° 21' 26" EAST 365.42 FEET; THENCE
24. NORTH 89° 02' 03" EAST 404.00 FEET TO A POINT DISTANT NORTH 06° 28' 49" EAST 10,815.95 FEET FROM SAID U.S.G.S. STATION "MOLERA"; THENCE
25. NORTH 72° 47' 15" EAST 800 FEET MORE OR LESS TO THE EASTERLY BOUNDARY LINE OF SAID PARCEL I; THENCE SOUTHWESTERLY ALONG SAID EASTERLY BOUNDARY LINE 6,080 FEET, MORE OR LESS, TO THE WESTERLY SIDELINE OF CALIFORNIA STATE HIGHWAY NO. 1; THENCE SOUTHEASTERLY ALONG SAID WESTERLY SEDELIN TO THE EASTERLY BOUNDARY LINE OF PARCEL NUMBERED II (2) AS SAID PARCEL IS DESCRIBED AND SO DESIGNATED IN THE AFOREMENTIONED GRANT DEED; THENCE SOUTHERLY ALONG SAID EASTERLY BOUNDARY LINE, TO THE POINT OF MEAN HIGH TIDE.

SEGMENT TWO (TO NORTH)

BEGINNING AT THE POINT PREVIOUSLY DESCRIBED HEREIN AS THE POINT OF BEGINNING OF SEGMENT ONE; THENCE NORTHERLY FROM SAID POINT OF BEGINNING

1. NORTH 09° 06' 48" EAST 459.56 FEET; THENCE

EXHIBIT B

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LEGAL DESCRIPTION - PAGE 3:

2. NORTH 71° 00' 25" EAST 287.92 FEET; THENCE
3. NORTH 20° 40' 41" EAST 683.32 FEET; THENCE
4. NORTH 8° 23' 37" EAST 261.76 FEET; THENCE
5. NORTH 74° 00' 00" EAST 780.00 FEET; THENCE
6. NORTH 32° 52' 08" WEST 2085.19 FEET; THENCE
7. NORTH 7° 11' 30" EAST 934.53 FEET; THENCE
8. NORTH 21° 10' 00" WEST 710.00 FEET; THENCE
9. SOUTH 66° 00' 00" WEST 1450.00 FEET; THENCE
10. NORTH 66° 30' 08" WEST 1299.87 FEET; THENCE
11. NORTH 11° 10' 00" WEST 911.06 FEET; THENCE
12. NORTH 56° 45' 00" EAST 1930.00 FEET; THENCE
13. NORTH 37° 05' 15" WEST 245.59 FEET; THENCE
14. SOUTH 84° 59' 27" WEST 1060.51 FEET; THENCE
15. NORTH 35° 38' 33" WEST 101.68 FEET; THENCE
16. NORTH 29° 33' 26" EAST 261.47 FEET; THENCE
17. NORTH 74° 16' 38" EAST 442.42 FEET; THENCE
18. NORTH 54° 40' 40" EAST 557.46 FEET; THENCE
19. NORTH 12° 22' 43" WEST 233.15 FEET; THENCE
20. SOUTH 86° 40' 34" WEST 375.30 FEET; THENCE
21. NORTH 39° 42' 58" WEST 257.69 FEET; THENCE
22. SOUTH 75° 02' 29" WEST 216.04 FEET; THENCE
23. SOUTH 49° 23' 16" WEST 317.02 FEET; THENCE

EXHIBIT B

LEGAL DESCRIPTION - PAGE 4:

24. NORTH 34° 35' 19" WEST 202.53 FEET TO A POINT DISTANT NORTH 34° 01' 35" EAST 7,159.03 FEET FROM SAID U.S.G.S. STATION "VENTURA"; THENCE

25. NORTH 16° 19' 03" WEST 432 FEET, MORE OR LESS TO THE NORTH LINE OF PARCEL VII, AS SAID PARCEL IS DESCRIBED IN SAID GRANT DEED.

EXCEPTING THEREFROM THAT UNDIVIDED 1/20 INTEREST IN FEE SIMPLE IN AND TO THAT CERTAIN TRACT DESIGNATED AS "PARCEL III" IN SAID REEL 1788, PAGE 605 OF OFFICIAL RECORDS, MONTEREY COUNTY.

EXHIBIT B

Page 4 of 4

Before the Board of Supervisors in and for the
County of Monterey, State of California

APPROVE ACQUISITION OF A)
SCENIC CONSERVATION)
EASEMENT FOR PROPERTY IN)
THE CRITICAL VIEWSHED OF)
BIG SUR - EL SUR RANCH)

Upon motion of Supervisor Karas, seconded by Supervisor

Pennycook, and carried by those members present, the Board does hereby

1. Utilize Proposition 70 funds from the Big Sur Preservation Trust Fund budgeted in Fund 5, Budget Unit 289, Line Item 6700 Land Acquisition, to approve the acquisition of a Scenic Conservation Easement on Parcel 1 of the El Sur Ranch, as defined in Exhibit B, for \$11,512,500 in Big Sur, California.
2. Authorize County Counsel and the Assistant County Administrative Officer - Intergovernmental Affairs to execute all of the necessary documents to complete the transaction including but not limited to escrow documents and title insurance.
3. Authorize staff to record the attached Scenic Conservation Easement on Parcel 1 of the El Sur Ranch, as defined in Exhibit B.
4. In approving the acquisition of a scenic easement on Parcel 1 of the El Sur Ranch, as described above, the Board of Supervisors expressly finds that the Lot Line Adjustment which created Parcel 1 is consistent with the Big Sur Local Coastal Plan and the County's Proposition 70 guidelines.

5. In the event the validity of the Lot Line Adjustment is challenged, the Board of Supervisors finds that the acquisition of a scenic easement on Parcel 1 should be deemed approved and such acquisition is reaffirmed and ratified. The Board expressly finds that acquisition of a scenic easement on the subject property, regardless of whether a lot line adjustment is approved, is in substantial compliance with the Big Sur Local Coastal Plan and the County's Proposition 70 guidelines and to the extent there is any inconsistency with such guidelines, such inconsistency is expressly waived by the Board of Supervisors.

PASSED AND ADOPTED on this 3rd day of December, 1996, by the following vote, to-wit:

AYES: Supervisors Salinas, Pannycok, Perkins, Johnsen and Karas.

NOES: None.

ABSENT: None.

I, ERNEST K. MORISHITA, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an official order of said Board of Supervisors duly made and entered in the minutes thereof at page of Minute Book 59 on December 3, 1996
Date: December 3, 1996

ERNEST K. MORISHITA, Clerk of the Board
of Supervisors, County of Monterey,
State of California.

By Nancy Rubenhill Deputy

END OF DOCUMENT