

1986-065212

CLERK OF THE BOARD OF SUPERVISORS
 COUNTY OF SANTA BARBARA
 ROOM 407, COUNTY ADMINISTRATION BLDG.
 703 E. ARAMAKI STREET
 SANTA BARBARA, CALIFORNIA 93101

Re: Parcel Map - 13,698

When Recorded, Mail Tax Statements to:

6

Date: Oct 941 1986Recording requested by and
when recorded return to

CLERK OF THE BOARD

Karen Conforti

10/08/86

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**IRREVOCABLE OFFER TO DEDICATE EASEMENT
 (Coastal Access)**

This IRREVOCABLE OFFER to dedicate a public access easement on, along, over and upon the real property described on the Attached Exhibit "A" is made by SOUTHERN CALIFORNIA UNIQUE INVESTMENTS, INC., a California corporation (hereinafter referred to as "Grantor") to the COUNTY OF SANTA BARBARA (hereinafter referred to as "Grantee" and as "County").

WHEREAS, Grantor is the owner in fee simple of certain real property described on the attached Exhibit "A"; and

WHEREAS, approvals made by the County of Santa Barbara in accordance with the provisions of the Local Coastal Plan of the County of Santa Barbara, require public access to and/or along the shoreline in connection with the approval of projects located between the first public road and the ocean, as required in said Local Coastal Plan; and

WHEREAS, it has been determined that the approvals made could not be found consistent with the policies of the Santa Barbara County General Plan or County ordinances applicable to the development in absence of an irrevocable offer to dedicate such public access; and

WHEREAS, it is intended that this offer is irrevocable and shall constitute enforceable restrictions within the meaning of Article XIII, Section 8 of the California Constitution, and that the Offer, when accepted, shall thereby qualify as enforceable restrictions under the California Revenue and Taxation Code Section 402.1; and

WHEREAS, the location and configuration of the accessway which is the subject of this offer is such that abuse or misuse thereof has occurred in the past, and, if allowed to occur in the future, could result in a threat to the health, safety and welfare of the neighborhood and the community, a result which both Grantor and Grantee seek to avoid.

NOW, THEREFORE, in consideration of the granting of approval for the project, now hereby acknowledged, the undersigned Grantor offers to dedicate to the County of Santa Barbara, or to its designee, an easement in perpetuity for the purpose of providing public access to and/or along the shoreline (hereinafter referred to as "the accessway") located on the property as described on the attached Exhibit "B" which is hereby incorporated by reference.

This offer shall run with and burden the real 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 heirs, representatives, successors and assigns. This offer shall benefit the County of Santa Barbara.

This offer may only be accepted by the execution and recordation of a Notice of Acceptance by the County of Santa Barbara after a hearing following a reasonable notice of intent to accept this offer given to the

owners of the real property identified on the attached Exhibit A, as shown on the latest Assessor's records.

Grantor shall not charge a fee or require consideration for the use of the premises conveyed under the provisions of this offer in a manner which will limit the protections to Grantor provided by Cal. Civil Code § 846.

This offer does not require the opening of an accessway until the County of Santa Barbara agrees to accept the responsibility for the maintenance and liability associated with the accessway.

Prior to the opening of the accessway, Grantee, in consultation with Grantor, may record additional reasonable terms, conditions and limitations on the use of the easement in order to assure a useable, convenient and safe public accessway.

Grantor may erect and maintain fences and gates as necessary and appropriate to provide security for Grantor's property, but shall not erect any obstruction of the accessway without the prior written approval of the Director of Parks of the County of Santa Barbara based upon an appropriate agreement for the maintenance and removal thereof. This restriction shall be applicable only after Grantee has accepted this offer.

The easement described herein is for the sole purpose of providing safe, non-motorized, public access to and along the beach. This offer is made upon the condition that the easement described shall be used and maintained solely for that purpose. Grantor shall be permitted to plant drought resistant landscaping in the easement subject to the prior approval of the County Park Department. Glass, litter and trash shall be cleaned from the easement area by Grantee on a regular basis so that the premises will be maintained to the level of cleanliness and order achieved for Rincon and Lookout Park. The easement shall be used solely for passive recreation during the daylight hours (dawn to dusk). No motorized vehicles, except for those of Grantor and those used by Grantee for security purposes, shall be permitted on the easement. Grantee shall provide a regular patrol upon the easement to enforce limitations on use by motorized vehicles and to enforce limitations on illegal and unsafe activities in the easement area (including without limitation, nudity, sexual activities, vandalism and trespass to Grantor's property). The accessway shall be maintained in a safe and useable condition at all times during which it is open to the public. These provisions shall be operative and apply only after Grantee's acceptance of the Offer as herein provided. If Grantee at any time shall fail to comply with any of the provisions of this paragraph, or shall cease to use the easement as herein described, the easement herein described shall, immediately upon the happening of said failure or cessation, revert to the Grantor and to Grantor's heirs, representatives, successors in interest or assigns.

P.H.

Grantor covenants and agrees that Grantor, Grantor's successors in interest and assigns, shall provide minor grading of the trail to make it passable and shall relocate any fences on Grantor's land to remove any blockage of the trail, all to be accomplished within six (6) months after the date upon which the County duly records said Notice of Acceptance of this Offer.

If any provision of this offer is held to be unenforceable or invalid, the remaining provisions shall, nevertheless, continue to be fully valid and enforceable except to the extent that they may be rendered impossible by the holding.

The provisions hereof shall inure to the benefit of and be binding upon the heirs, executors, personal representatives, successors and assigns of the respective parties hereto.

Grantors believe that this accessway is required pursuant to existing law. Grantors do not hereby accept responsibility for maintenance or liability for personal injury or property damage arising out of its use.

This irrevocable offer of dedication shall be binding for a period of Twenty one (21) years. Upon recordation of an acceptance of this offer by

the Grantor, under the terms, conditions and restrictions hereof, the dedication shall be an access easement in gross and in perpetuity affecting the land and binding on the parties, their heirs, executors, personal representatives, successors and assigns, subject to the conditions and reverter herein described.

Date: Sept 22, 1986.

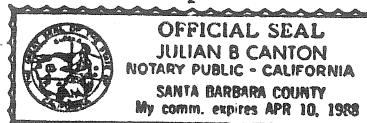
SOUTHERN CALIFORNIA UNIQUE
INVESTMENTS, INC.

By: Julian B. Canton - Pres.

State of California)
ss
County of Santa Barbara

On September 22, 1986 before me, the undersigned, a Notary Public, personally appeared Julian B. Canton

, personally known to me (or proved to me on the basis of satisfactory evidence), to be the the person who executed the instrument on behalf of the Corporation therein named, and acknowledged to me that the Corporation executed it.



5030 Carpinteria Avenue, Carpinteria, CA 93013

ACKNOWLEDGEMENT BY COUNTY OF SANTA BARBARA

This irrevocable offer to dedicate public access easement is acknowledged by the Chairman of the Board of Supervisors of the County of Santa Barbara. This acknowledgment is not and shall not be construed as an acceptance of this offer to dedicate. The County of Santa Barbara does not and will not accept responsibility for maintenance or liability for personal injury or property damage arising out of any use of the accessway until and unless an acceptance of the offer to dedicate is executed and recorded as provided therein.

Dated: Sept 22, 1986

Attest:
HOWARD C. MENZED
COUNTY CLERK-RECORDER

T. L. C.
Chairman, Board of Supervisors

By Kenneth L. Nelson

Deputy Clerk-Recorder

APPROVED AS TO FORM
KENNETH L. NELSON
COUNTY COUNSEL

By: Robert W. Pike
Robert W. Pike
Deputy County Counsel

RWP:lc
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9/9/86

EXHIBIT "A"

That parcel of land outside the pueblo lands of the City of Santa Barbara, County of Santa Barbara, as shown on Record of Survey recorded in Book 116, Page 9 in the Recorder's Office of said county.

EXHIBIT "B"

Those portions of the outside pueblo lands of the city of Santa Barbara, County of Santa Barbara, as shown on Record of Survey recorded in Book 116, Page 9 in the Recorder's Office of said county described as follows:

PARCEL 1. trail access easement

An easement 10 feet in width, lying 10 feet left of the following described line:

Beginning at a point on the easterly terminus of the Southern Pacific Railroad Company right-of-way as shown on said Record of Survey, said point being South 79°21'10" East, 769.22 feet from the northwest corner of said property thence North 79°21'10" West, along said Southern Pacific Railroad southerly right-of-way line 229.23 feet to Point A.

Thence from Point A, leaving said Southern Pacific Railroad right-of-way an easement 10 feet in width, lying 5 feet on both sides of the following described centerline:

South 53°27'21" West 33.23 feet; thence
South 57°15'20" West 88.66 feet; thence
South 57°14'29" West 69.92 feet; thence
South 57°14'29" West 69.92 feet; thence
South 59°00'09" West 62.69 feet to intersect the present toe of bluff on the Pacific Ocean.

PARCEL 2, beach access easement

Beginning at the most southeasterly corner of said record of survey, said point being the mean high tide line of the Pacific Ocean, thence northwesterly along the mean high tide line of the Pacific Ocean, and southwesterly boundary of said property the following courses and distances:

North 74°24'27" West 281.08 feet; thence
North 58°02'23" West 296.74 feet; thence
North 54°14'55" West 228.73 feet; thence
North 58°47'05" West 280.10 feet; thence
North 59°22'35" West 278.84 feet; thence
North 60°42'10" West 280.61 feet

thence leaving said mean high tide line of the Pacific Ocean, North 00°45'54" east along the west boundary line of said property 88.05 feet; thence leaving said west boundary line along the present toe of bluff the following courses and distances:

South 59°52'00" East 82.38 feet; thence
South 64°22'39" East 97.49 feet; thence
South 64°01'58" East 112.55 feet; thence
South 64°49'05" East 89.22 feet; thence
South 65°02'06" East 47.20 feet; thence
South 45°42'12" East 70.66 feet; thence
South 45°42'12" East 70.66 feet; thence
South 44°44'41" East 75.34 feet; thence
South 56°33'04" East 105.97 feet; thence
South 61°33'45" East 82.13 feet; thence
South 53°40'33" East 96.41 feet; thence
South 53°40'33" East 96.41 feet; thence
South 56°21'17" East 94.25 feet; thence
South 56°21'17" East 94.25 feet; thence
South 57°42'00" East 85.12 feet; thence
South 57°42'00" East 85.12 feet; thence
South 61°55'54" East 82.19 feet; thence
South 71°43'41" East 75.08 feet; thence
South 73°04'36" East 72.10 feet; thence
South 73°04'36" East 72.10 feet to intersect the

easterly boundary of said property. Thence leaving said toe of bluff South 10°43'33" West along the easterly boundary of said property 25.27 feet to the point of beginning.

CERTIFICATE OF ACCEPTANCE

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA)
ss.

THIS IS TO CERTIFY that the interest in real property conveyed by
the Irrevocable offer to dedicate Easement dated
September 22, 1986 from Southern California Unique Investments,
to the County of Santa Barbara, State of California, a political
corporation and/or governmental agency, is hereby accepted by
order of the Board of Supervisors of the County of Santa Barbara
on September 22, 1983 and the grantee consents to recordation
thereof by its duly authorized officer.

WITNESS my hand and official seal of said Board this 22nd
day of September, 1986.

HOWARD C. MENZEL
County Clerk Recorder and
Ex Officio Clerk of the Board
of Supervisors, County of
Santa Barbara, State of California

By John W. Clegg
Deputy Clerk-Recorder in and
for said County and State