

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
Planning and Development
123 E. Anapamu Street
Santa Barbara, CA 93101

SEND ANOTHER COPY TO: Planning and Development
ATTENTION: Alex Tuttle

(FOR RECORDER'S USE)

CONDOMINIUM SUBDIVISION AGREEMENT

THIS CONDOMINIUM SUBDIVISION AGREEMENT is entered into on the date set forth below in Santa Barbara, California, by and between the COUNTY OF SANTA BARBARA, a body corporate and politic (hereinafter referred to as "County"), and John and Suzanne Murphy (hereinafter referred to as "Subdivider").

WHEREAS:

A. Subdivider is the owner of one existing rental duplex apartment consisting of two units located at and commonly known as 528A and 528B San Ysidro Road in the Montecito area of Santa Barbara County, (APN 011-200-056).

B. On June 15, 2005, the Montecito Planning Commission approved a Tentative Parcel Map application (05TPM-00000-00006) to convert said apartments to a condominium subdivision.

C. In approving the Tentative Parcel Map for the condominium conversion project, the Planning Commission imposed numerous conditions, including a condition that the Subdivider enter into an agreement with the County to provide certain notices and protections to the tenants of the project and to limit the rent increases for said apartments for a five (5) year period.

D. The County and Subdivider desire to enter into this Agreement in order to carry out the aforementioned conditions

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING RECITALS, the parties hereto agree as follows:

1. EVICITION OF TENANTS

Subdivider agrees that no tenant residing in the duplex on the date of approval of the Tentative Parcel Map, shall be evicted within five (5) years of the date of approval of the parcel map as a direct result of the conversion of the project's rental units to a condominium. This provision shall not prevent the eviction of any tenant for violation of any agreement, express or implied, or shall not prevent the expiration of standard lease agreements between Subdivider and tenants.

2. NOTICE TO TENANTS OF APPROVAL OF PARCEL MAP

Subdivider agrees, pursuant to Government Code Section 66427.1(b), that each of the tenants residing in the duplex on the date of recordation, if any, will be given written notice within ten (10) days of approval of a final parcel map for the condominium conversion.

3. NOTICE TO TENANTS OF INTENTION TO CONVERT

Subdivider agrees, pursuant to Government Code Section 66427.1(c), that each of the tenants residing in the duplex has been, or will be, given one hundred eighty (180) days written notification of the Subdivider's intention to convert prior to the termination of tenancy due to the conversion, or Subdivider shall provide proof concurrent with recordation that such notice is not necessary because there are no tenants.

4. FIRST RIGHT OF REFUSAL

Subdivider agrees that pursuant to Government Code Section 66427.1(d), each of the tenants residing in the duplex shall be given notice of an exclusive right to contract for the purchase of their respective units upon the same terms and conditions that such units will be initially offered to the general public or terms more favorable to the tenant. This First Right to Purchase shall run for a period of not less than ninety days from the date of issuance of the subdivision public report unless the tenant gives prior notice of his intention not to exercise that right.

5. LIMITATION ON RENT INCREASES

Subdivider agrees that for tenants residing in the project on the date of approval of the Tentative Parcel Map, for a period of 5 years commencing upon the date of approval of the Tentative Parcel Map, the rent on their units shall not be increased more than the percentage increase in the Consumer Price Index for All Urban Consumers for the Los Angeles-Long Beach Area (1967-100) as published by the U.S. Department of Labor's Bureau of Labor Statistics, using as a base the month of June 2005, except that, in addition, such rent may be increased or shall be decreased in order to pass on to such tenants their pro-rata share (calculated on the basis of the total number of units in the condominium project) of the increase or decrease in real property taxes as compared to the property taxes of June 2005, during the period until termination of tenant's occupation. The term "property taxes" shall mean and include all taxes, assessments, and other governmental charges, general or special, ordinary or extraordinary, of any kind or nature whatsoever, applicable to the property covered by this Tentative Parcel Map. This condition shall not apply to change the terms of lease rental agreements which are in effect at the date of approval of the Tentative Parcel Map.

This Agreement shall be binding upon and inure to the benefit of the parties hereto, their heirs, successors and assigns and shall be recorded in the Office of the County Recorder of Santa Barbara County.

IN WITNESS WHEREOF, the parties have executed this Agreement this ___ day of _____, 2005.

COUNTY OF SANTA BARBARA,
a body corporate in politic

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

By _____
_____, Chair
Board of Supervisors

By _____
Deputy

SUBDIVIDER

APPROVED AS TO FORM:

STEPHEN SHANE STARK
COUNTY COUNSEL

By _____
Deputy County Counsel