

Recording Requested by)
County of Santa Barbara)
_____)
When Recorded Return to the)
Clerk of the Board of Supervisors)
County of Santa Barbara)
105 East Anapamu Street)
Santa Barbara, California 93101)
_____)

SHORT FORM LAND CONSERVATION CONTRACT

Incorporating Board of Supervisors Resolutions and
Long Form Contract by Reference

07AGP-00000-00037

THIS LAND CONSERVATION CONTRACT, by and between Daniel H. Gainey, Trustee of the Daniel H. Gainey Trust, Dated March 30, 1998, as to an undivided twenty-five percent interest, DMC Holdings, LLC a California limited liability company as to an undivided twenty-five percent interest and Gainey Management, LLC a Colorado Limited Liability Company, as to an undivided fifty percent interest hereinafter referred to as "OWNER" and the COUNTY OF SANTA BARBARA, a political subdivision of the State of California, hereinafter referred to as "COUNTY".

WITNESSETH:

WHEREAS, OWNER possesses certain real property situated in the County of Santa Barbara, State of California, hereinafter referred to as "THE SUBJECT PROPERTY," and more particularly described in Exhibit A attached hereto and by this reference incorporated herein;
and

WHEREAS, THE SUBJECT PROPERTY is now devoted to agricultural uses and uses compatible thereto; and

WHEREAS, the parties hereto desire to create an "agricultural preserve," consisting of THE SUBJECT PROPERTY, to be established by COUNTY by resolution and by this contract, and to be designated as the **Gainey Agricultural Preserve Name, 07AGP-00000-00037, Assessor Parcel Numbers 141-440-016, -017, -018, -019, -019, 373.06 acres; replacing a portion of 90-AP-016 with zoning of AG-II-100, and AC Comprehensive Plan designation restrictions.**

NOW, THEREFORE, both OWNER and COUNTY, in consideration of the mutual promises, covenants and conditions to which reference is made herein and substantial public benefits to be derived therefrom, do hereby agree as follows:

FIRST: THE SUBJECT PROPERTY shall be subject to all restrictions and conditions adopted or to be adopted by resolutions and minute orders by the Board of Supervisors of the County of Santa Barbara, California, including without limitation those recorded on November 5, 1971, as Inst. No. 36187, Bk. 2371, pg. 404; January 3, 1972, as Inst. No. 57, Bk. 2381, page 794; October 30, 1974, as Instr. No. 38788, Bk. 2539, pg. 258; November 10, 1975, as Instr. Nos. 40442 and 40443, Bk. 2592, pgs. 1763 and 1767; December 11, 1975, as Instr. No. 44871, Bk. 2595, pg. 2134; May 20, 1977, as Reel No. 77-24881; July 11, 1977, Reel No. 77-34734; November 14, 1978, Reel No. 78-52990; October 15, 1980, Reel No. 80-41873, and November 2, 2007, Reel No. 2007-0077408 of the Official Records of the County of Santa Barbara, California, and IT IS MUTUALLY AGREED that the conditions and restrictions set forth in said resolutions and minute orders are adopted and incorporated herein and made a part hereof

as though fully set forth herein at length, and the OWNER will observe and perform said provisions.

SECOND: In consideration of the promises, OWNER shall indemnify and save harmless COUNTY from and against any and all claims, liability, suits, damages, costs including reasonable attorney's fees, losses and expenses in any manner resulting from, arising out of, or connected with the use of any Surveyor's Map depicting the preserve and the description of THE SUBJECT PROPERTY attached hereto.

THIRD: This Contract shall be effective as of the first day of January, 2009, and shall remain in effect for a period of ten (10) years from each succeeding January first.

IN WITNESS WHEREOF, the County of Santa Barbara has executed this Contract on _____.

ATTEST:

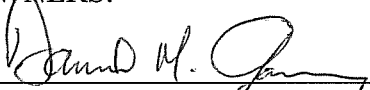
CLERK OF THE BOARD

By: _____
Deputy Clerk

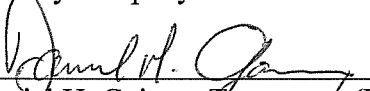
COUNTY OF SANTA BARBARA

By: _____
Chairman, Board of Supervisors
Salud Carbajal

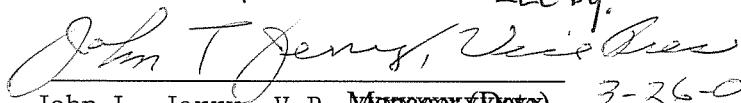
OWNERS:



Daniel H. Gainey, Manager (Date)
DMC Holdings, LLC, a California limited liability company



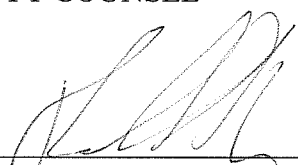
Daniel H. Gainey, Trustee (Date)
Daniel H. Gainey Trust, dated March 30, 1998

GAINEY MANAGEMENT LLC by:


John L. Jerry, V.P., Manager (Date) 3-26-08
US Bank National Association, Successor
Trustee of the Daniel J. Gainey 1975 Trust
MANAGER

APPROVED AS TO FORM:

DANIEL J. WALLACE
COUNTY COUNSEL

By:  _____
Deputy County Counsel

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Agricultural Preserve
No. 07AGP-00000-00037

Legal Description

That portion of the Canada de los Pinos or College Rancho, in the County of Santa Barbara, State of California, according to the map thereof recorded in the office of the County Recorder of said County on May 7, 1877 in Book "B" of Miscellaneous Records at Page 348 described as follows:

Beginning at the Northwest corner of the first parcel of land described in the deed from Joseph S. Alemany, Archbishop of San Francisco, to Cornelius Murphy, dated November 4, 1879 and recorded in Book "V" of Deeds, at Page 480 (being the Northwest corner of Lot 1 in Section 1 as shown on the map mentioned), and thence South along West line of the land described in said Deed 80 chains (5280 feet), more or less, to the Southwest corner of said tract of land described in said deed to Cornelius Murphy:

thence East along the South line of the land described in said last mentioned deed, 46.25 chains (3052.5 feet) to a redwood post at the Southwest corner of the tract of land described in the deed from Cornelius Murphy to Francis Mora, Roman Catholic Bishop of Monterey, a corporation sole, dated January 17, 1894 and recorded in Book 38, page 479 of Deeds, records of said County, from which corner a white oak stump 18 inches in diameter bears North 37 ° West 1.85 chains:

thence North along the West line of the tract of land described in the deed from Murphy to Mora 80 chains (5280 feet), to the Northwest corner of said last mentioned tract, being a point in the North line of the tract of land described in the deed Joseph S. Mora to Cornelius Murphy herein before mentioned:

thence West along said North line 46.25 chains (3052.5 feet) to the point of beginning.

Said land being the Parcel of land described in the deed from Francis Mora, Roman Catholic Bishop of Monterey, a corporation sole to Cornelius Murphy recorded in the Office of the Recorder of Santa Barbara County on February 4, 1894 in Book 36 Page 479 of Deeds.

Said land is described in a County of Santa Barbara Certificate of Compliance recorded May 6, 1993 as Instrument No. 93-34438 of Official Records, records of said County.

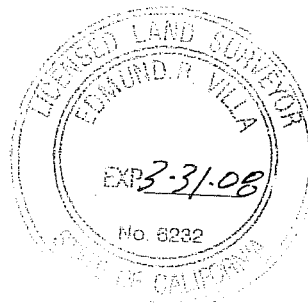
APN: 141-440-16,17,18,19,20

APPROVED AS TO FORM
AND SURVEY CONTENT

Deputy County Surveyor

Edmund R. Villa
MICHAEL B. EMMONS, PLS 5899
COUNTY SURVEYOR
LICENSE EXP. 12/31/08

For:



APN: 141-440-020



APN: 141-440-019



APN: 141-440-016

APN: 141-440-017

APN: 141-440-018



Mesa Verde Rd (Pvt)

REFUGIO ROAD

Gainey

Agricultural Preserve No:
07AGP-00000-00037

Approved by the County Board of Supervisors
Resolution No. _____
Passed and Adopted _____

Michael F. Brown
Clerk of the Board of Supervisors
By: _____ Deputy

Not to Scale

