

RECORDING REQUESTED BY, AND  
WHEN RECORDED TO BE RETURNED TO:

Planning & Development  
County of Santa Barbara  
123 E. Anapamu  
Santa Barbara, California 93101

9

Attn: Mark Walter

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NO DOCUMENTARY TRANSFER TAX (Govt. Code Sec. 6102)

SPACE ABOVE THIS LINE FOR RECORDER'S USE

A.P.N.: 059-010-079

## GRANT OF EASEMENT

This Grant of Easement is made and entered into on the date hereinafter set forth by Joseph M. Handerhan and Tina Handerhan, hereinafter together referred to as OWNERS, for the benefit of the people of the County of Santa Barbara, and the Santa Barbara County Flood Control and Water Conservation District, hereinafter collectively referred to as COUNTY.

### RECITALS

A. WHEREAS, OWNERS own in fee certain real property identified in the Assessor's Records for the County of Santa Barbara, State of California, as APN 059-010-079, with a street address of 1140 Via Regina, Santa Barbara, as more fully described in Exhibit A hereto, which exhibit is incorporated herein by reference (the "Property"); and

B. WHEREAS, on September 29, 2005, COUNTY, acting by and through its Board of Supervisors, approved TPM 14,447, pursuant to County Code Chapter 21, to divide the Property into three parcels identified for reference as Parcels 1, 2 and 3 as illustrated on Exhibit B hereto, which exhibit is incorporated herein by reference; and

C. WHEREAS, the project identified as TPM 14,447 includes a roadway to be constructed over the Property from the public portion of La Riata Lane through all proposed parcels to the southeasterly boundary of the Property, as shown in Exhibit B hereto (the "Roadway"); and

D. WHEREAS, as a condition of approval of TPM 14,447, COUNTY required that prior to recording the Parcel Map to divide the Property into Parcels 1, 2 and 3, OWNERS shall dedicate an emergency public access easement over the Roadway; and

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S.B. COUNTY  
PLANNING & DEVELOPMENT

E. WHEREAS, OWNERS and COUNTY desire by this Agreement to ensure that said easement will be reserved and created by OWNERS;

NOW THEREFORE, in consideration of these premises and the COUNTY's approval of TPM 14,447, pursuant to California Civil Code Section 802, and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned OWNERS, for themselves and their heirs, executors, administrators, successors and assigns, do hereby agree as follows:

1. OWNERS hereby grant to COUNTY a non-exclusive easement in gross for public right-of-way purposes over the Roadway to be constructed over the Property and each of Parcels 1, 2, and 3, as described in Exhibit "C" attached hereto and made a part hereof.

2. For purposes of public access to the Roadway, "emergency conditions" shall be deemed to exist whenever: (a) COUNTY recommends or requires evacuation of any part of the area surrounding or adjacent to the Property, or (b) COUNTY emergency vehicles require immediate access to areas surrounding or adjacent to the Property and, in the sole discretion of COUNTY to determine, timely access cannot be achieved via public roads.

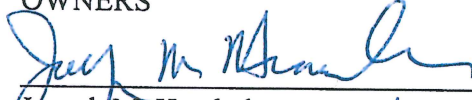
3. This grant of easement shall become effective contemporaneously with the recordation of the Final Map establishing the lot split as approved by COUNTY in the project identified as TPM 14,447.

4. This grant is an instrument affecting title and possession of the Property and each of the three parcels identified for reference as Parcels 1, 2, and 3 to be shown on the Final Map and to be created upon recordation of the Final Map. This grant shall be recorded and shall run as a covenant with the real property described herein, and shall be binding upon and inure to the benefit of the COUNTY and OWNERS and their heirs, executors, administrators, successors and assigns.

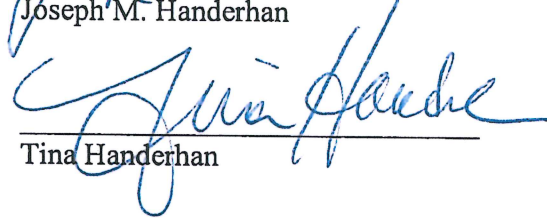
5. OWNERS represent and warrant they are the owners of the Property described herein or are authorized by the owner of the Property to execute this Easement Deed and that no additional signatures are required to bind the OWNER to carry out the duties and obligations contemplated herein.

IN WITNESS WHEREOF, the undersigned OWNERS have executed this Agreement this 19th day of MAY, 2008.

OWNERS



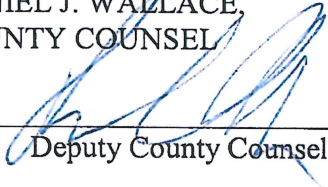
Joseph M. Handerhan



Tina Handerhan

APPROVED AS TO FORM:  
DANIEL J. WALLACE,  
COUNTY COUNSEL

By



Deputy County Counsel

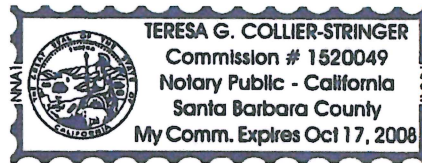
State of California )  
 ) ss.  
County of Santa Barbara )

On May 19<sup>th</sup>, 2008, before me, Teresa G. Collier-Stringer, a Notary Public, personally appeared Joseph M. Handerman, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Teresa G. Collier-Stringer  
Signature



(This area for notary stamp)

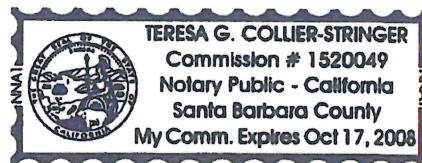
State of California )  
 ) ss.  
County of Santa Barbara )

On May 19<sup>th</sup>, 2008, before me, Teresa G. Collier-Stringer, a Notary Public, personally appeared Tina Handerman, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

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Teresa G. Collier-Stringer  
Signature



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**EXHIBIT A**

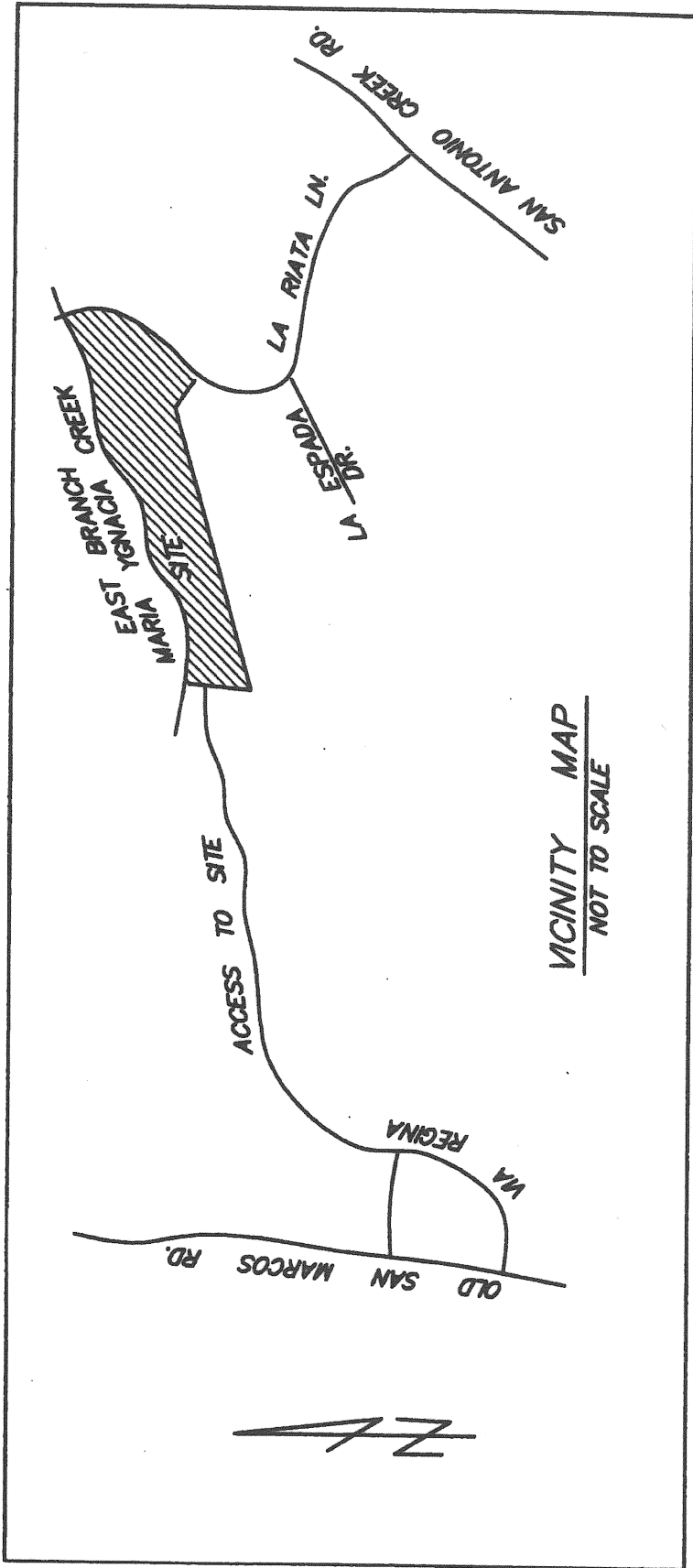
**Property Description**

All that certain land situated in the State of California in the unincorporated area of the County of Santa Barbara, described as follows:

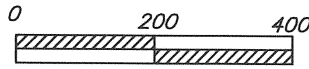
Parcel A of Parcel Map 12,632 filed in Book 22, Pages 24 and 25 of Parcel Maps in the office of the Santa Barbara County Recorder.

**EXHIBIT B**

**Map of Property Showing Proposed Three Parcels**



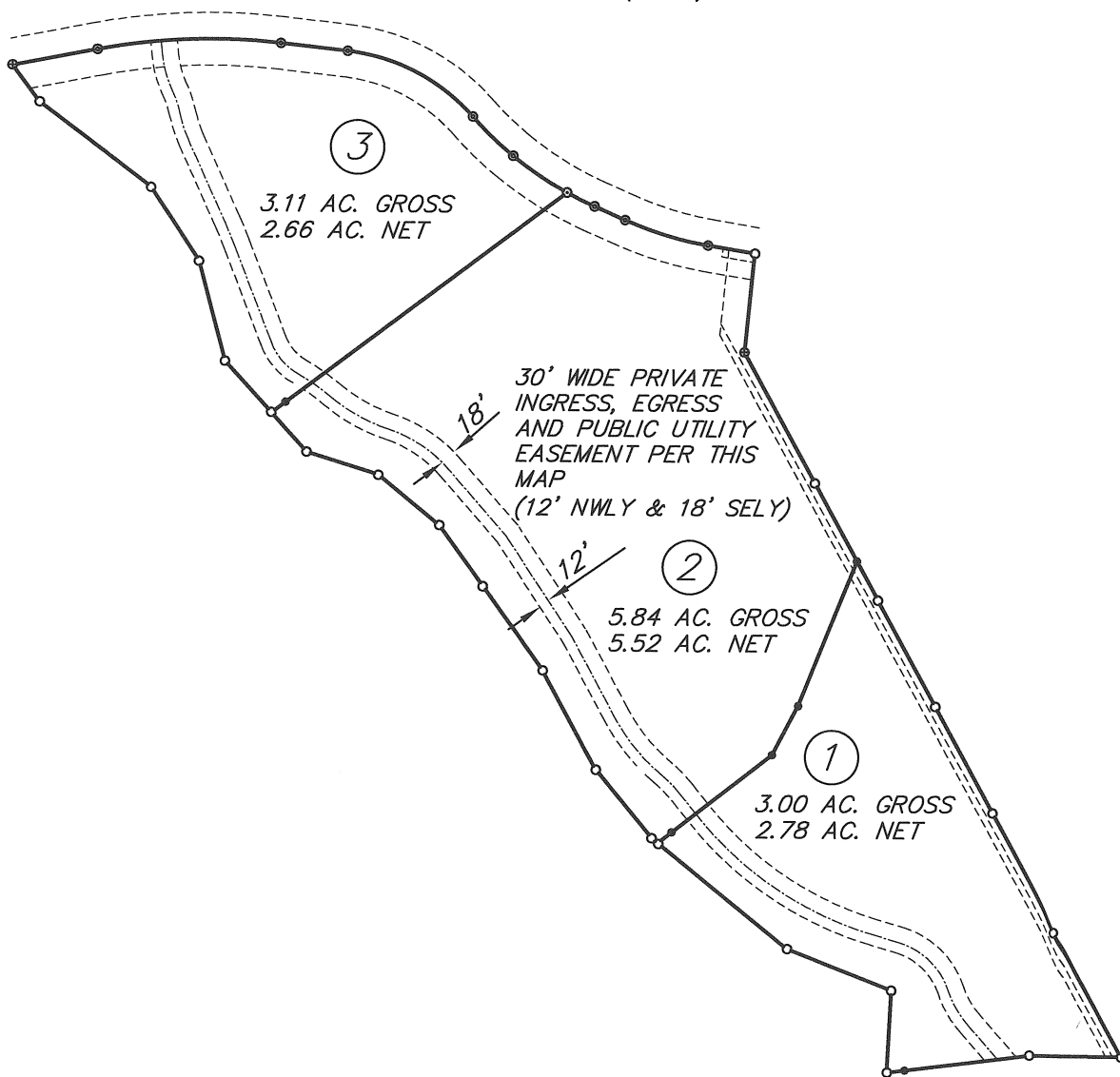
VICINITY MAP  
NOT TO SCALE



SCALE: 1" = 200'

# PARCEL MAP NO. 14,447

DODSON LAND SURVEYING INC.  
4568 AUHAY DRIVE  
SANTA BARBARA, CALIFORNIA 93110  
(805) 681-1615





**EXHIBIT C**

**Legal Description of Easement Area**

Those portions of the land shown as Parcels 1, 2 and 3 of Parcel Map No. 14,447 as shown on map filed in Book \_\_\_\_\_, Pages \_\_\_\_\_ of Parcel Maps in the office of the County Recorder in the County of Santa Barbara, State of California included within the strip of land shown as "  $\text{C}$  30' INGRESS, EGRESS AND PUBLIC UTILITY EASEMENT PER THIS MAP (12' NWLY & 18' SELY) ".

Document prepared by:



Dennis M. Dodson

LS 7234

License Expiration Date: 12-31-08