

**FIRST AMENDMENT TO
CONDITIONAL AGREEMENT TO RECORD A RESTRICTION ON USE OF PROPERTY**

This FIRST AMENDMENT TO CONDITIONAL AGREEMENT TO RECORD A RESTRICTION ON USE OF PROPERTY ("First Amendment") is entered into by and between the COUNTY OF SANTA BARBARA ("COUNTY"), a political subdivision of the State of California, and Foothills Forever, Inc. ("FOOTHILLS FOREVER"), a California non-profit public benefit corporation, each being individually a "PARTY", and collectively "the PARTIES".

RECITALS

WHEREAS, COUNTY is the owner of approximately 200 acres of land located in the foothills above the City of Santa Barbara and to the northeast of the intersection of San Marcos Pass and Foothill Road and identified as the "Designated Remainder" in Tract Map No. 14,585, commonly known as the "San Marcos Foothills Preserve"; and

WHEREAS, as set forth in the Purpose Statement of FOOTHILLS FOREVER's Articles of Incorporation, FOOTHILLS FOREVER was incorporated "to support, protect and conserve Santa Barbara's Foothills lands, in particular the San Marcos Foothills Preserve, and the habitat, cultural, recreational and other resources present and the community benefits provided by these lands"; and

WHEREAS, the PARTIES entered into that certain Conditional Agreement to Record a Restriction on Use of Property on February 4, 2025 in consideration for, and upon, FOOTHILLS FOREVER's full and complete performance of specific obligations, including creation of separate Operational and Restoration Endowments, preparation of Conceptual ADA Improvements and Trails Master Plans, and adoption of by-laws providing for COUNTY representation on the FOOTHILLS FOREVER Board of Directors; and

WHEREAS, the COUNTY has requested to amend the Conditional Agreement to Record a Restriction on Use of Property as it dictates the composition of FOOTHILLS FOREVER's Board of Directors.

NOW THEREFORE, in consideration of the foregoing the PARTIES agree amend the original Conditional Agreement to Record a Restriction on Use of Property as follows:

1. Section 1.1(E)(i)(a): is hereby deleted in its entirety and replaced with the following:
 - a) for one COUNTY representative that shall serve as a full, voting member of the FOOTHILLS FOREVER Board of Directors, and shall be appointed by the Supervisor on the COUNTY Board of Supervisors whose District includes the San Marcos Preserve.
2. It is expressly understood that in all other respects, said terms and conditions of the original Agreement to Record a Restriction on Use of Property, dated February 4, 2025 shall be in full force and effect.

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First Amendment to FFI-SBC 200 Acre Agreement

IN WITNESS WHEREOF, the Parties have executed this First Amendment to be effective as of the first date duly executed by all of the parties hereto (“Effective Date”).

ATTEST:

Mona Miyasato
County Executive Officer
Clerk of the Board

By: _____

Deputy Clerk

COUNTY OF SANTA BARBARA:

By: _____

Bob Nelson, Chair
Board of Supervisors

Date: _____

Foothills Forever, Inc.

By: _____

DocuSigned by:

Dani Lynch

Name: _____

Dani Lynch

Title: _____

Co-President

By: _____

Signed by:

M. Parra

Name: _____

Marianne Parra

Title: _____

Co President

APPROVED AS TO FORM:

Rachel Van Mullem
County Counsel

By: _____

Signed by:

Tyler Sprague

Deputy County Counsel

**APPROVED AS TO ACCOUNTING
FORM:**

Betsy M. Schaffer, CPA
Auditor-Controller

By: _____

Signed by:

James E Munro

Deputy