

Recording requested by
and when recorded mail to:
County of Santa Barbara
Public Works Department
620 West Foster Road
Santa Maria, CA 93455
Attn: Martin Wilder

**COUNTY OF SANTA BARBARA
OFFICIAL BUSINESS**

No fee pursuant to Government Code § 6103

SPACE ABOVE THIS LINE FOR RECORDER'S USE
APN 023-060-023, 038 (portions)

EASEMENT DEED

SANTA BARBARA BOTANIC GARDEN, INC., a California Corporation, and owner of real property in the unincorporated area of the County of Santa Barbara, commonly referred to as Assessor's Parcel Numbers 023-060-023 and 023-060-038, referred to as GRANTOR herein,

FOR A VALUABLE CONSIDERATION, DOES HEREBY GRANT TO

The COUNTY OF SANTA BARBARA, a political subdivision of the State of California, its successors or assigns, as GRANTEE herein, a permanent non-exclusive easement and right of way for present and future construction, reconstruction, operation, repair, and maintenance of improvements required by GRANTEE for GRANTEE's operations including, but not limited to, sewer line improvements, in such number and size, and with such accessory parts and structures, and with all surface and subsurface appurtenances incidental thereto, as GRANTEE, or its successors in interest, may from time to time deem necessary to install within the easement, together with necessary rights of ingress and egress to the easement for the above-referenced purposes, in, on, over, along, under and through that certain land situated in the County of Santa Barbara, State of California, more particularly described in Exhibit A and shown on Exhibit B attached hereto and incorporated by this reference subject to the following terms and conditions:

GRANTOR and their successors in interest retain the right to full use of the easement area except that within the easement area no object may be placed or erected or other use made which would interfere with or be inconsistent with the use of the easement for the purposes described herein.

GRANTOR shall defend, indemnify, save, and hold harmless GRANTEE, its agents, employees, officers, successors, and assigns from any and all claims, liabilities, demands, costs (including reasonable attorneys fees), and causes of action of all kinds with regard to the condition of the easement

property which is the subject of this deed, especially contamination by harmful, hazardous and/or toxic materials, if any.

In the event the indemnity hereunder exceeds that permitted by applicable law, such indemnity shall be construed as the maximum permitted by law. This indemnity shall not apply to any contamination which may occur on the easement property as a result of the operations of GRANTEE subsequent to the effective date of this easement.

GRANTOR:

SANTA BARBARA BOTANIC GARDEN

By: 

Steve Windhager, Director and CEO

Date: 10-3-2013, 2013

EXHIBIT A

That portion of a parcel of land shown as 'Parcel B' on Parcel Map No. 10,486 recorded June 17th, 1966 as Book 1, Page 47 of Parcel Maps, and a portion of land described by Grant Deed recorded August 18, 1943 at Book 585, Page 224 of Deeds, in the office of the Santa Barbara County Recorder, County of Santa Barbara, State of California, described as follows:

Commencing at a point on the centerline of Mission Canyon Road, at the most southerly corner of said Parcel B, thence along the boundary between Parcel A (as shown on said map) and said Parcel B, North 5°51'50" West 54.46' to a point on the westerly right-of-way of Mission Canyon Road and the true point of beginning,

Thence 1st, continuing along said boundary, North 5°51'50" West 61.43',

Thence 2nd, North 64°34'52" East 47.24' to a point on the east line of said Parcel B,

Thence 3rd, continuing North 64°34'52" East 35.06' more or less, to a point on the westerly right-of-way of Mission Canyon Road, as shown on Record of Survey, Book 35, Page 38,

Thence 4th, South 34°30'00" West 49.21' more or less, along said westerly right-of-way of Mission Canyon Road to a point on the east line of said Parcel B,

Thence 5th, along the east line of said Parcel B, North 8°28'00" West 16.61' more or less, to a point at the intersection of said east line with the westerly right-of-way of Mission Canyon Road,

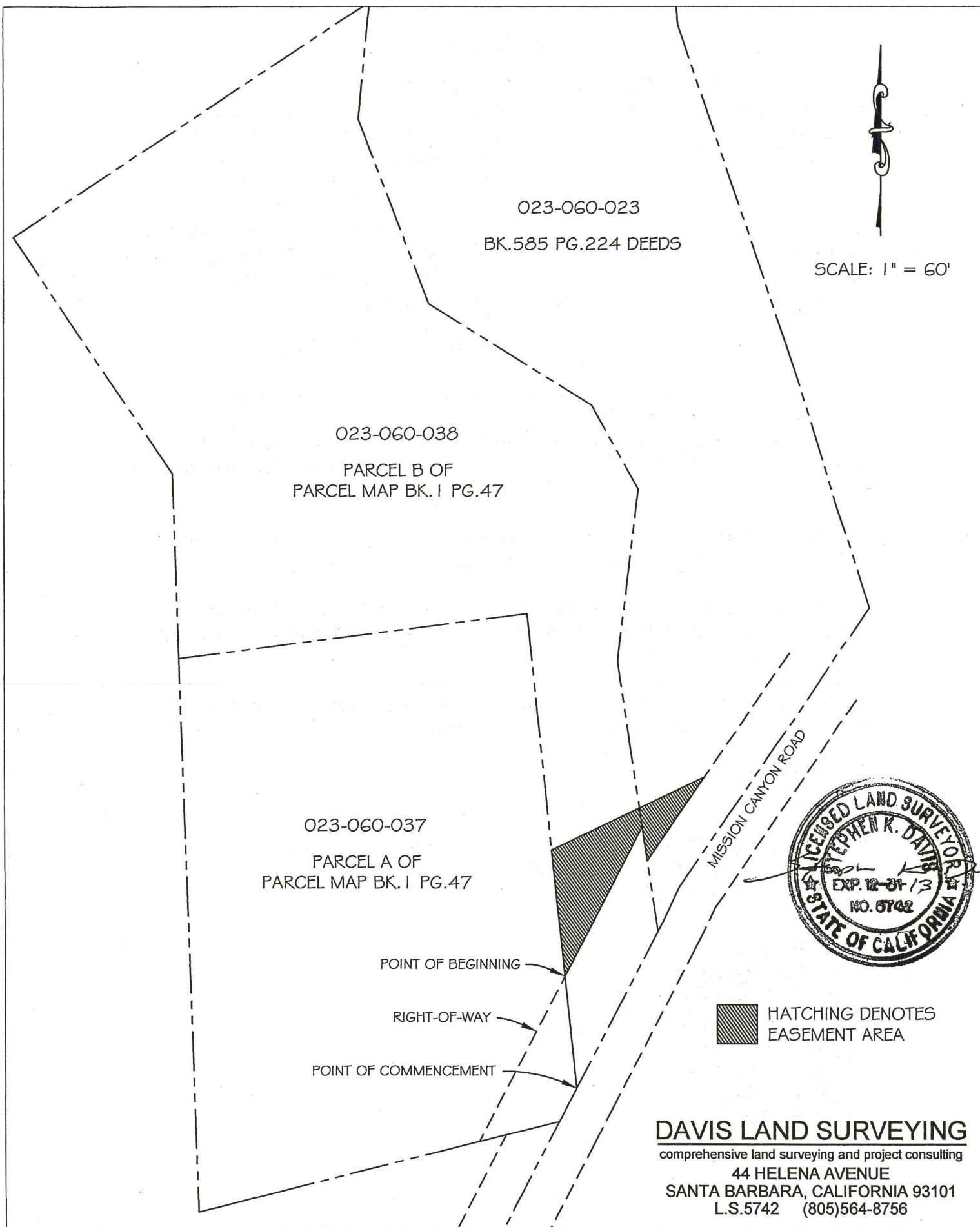
Thence 6th, southwesterly along the westerly right-of-way of Mission Canyon Road, South 27°33'40" West 81.57' to the point of beginning.

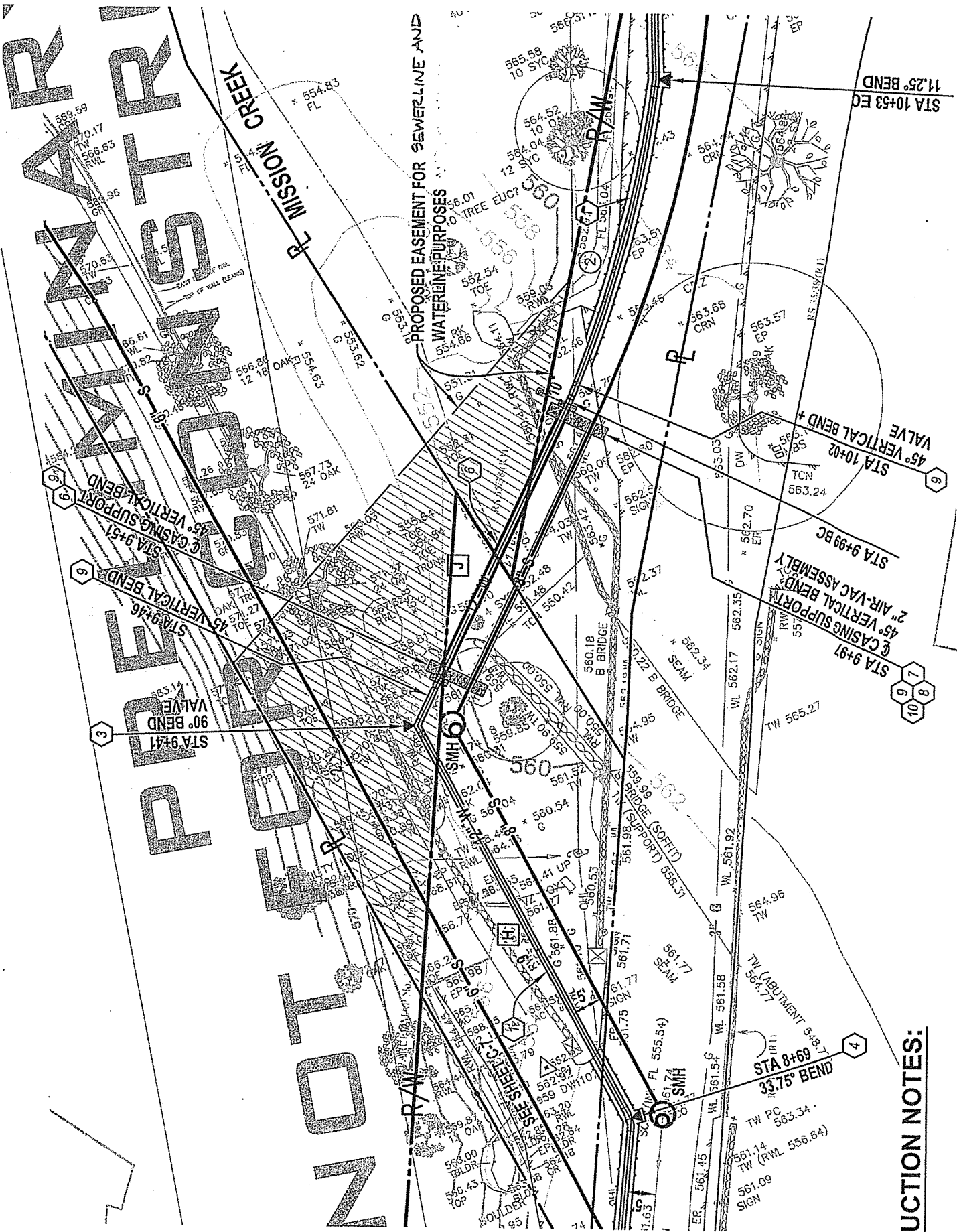
See attached Exhibit B

Prepared by: Stephen K. Davis Date: 10-1-13
Stephen K. Davis P.L.S. 5742
License Expiration Date: 12/31/2013



EXHIBIT B





CTION NOTES:

ACKNOWLEDGMENT

State of California

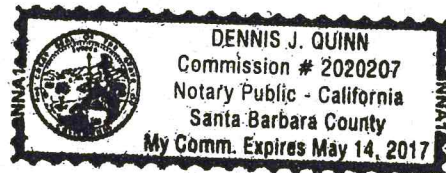
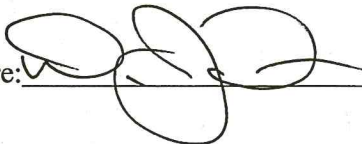
County of Santa Barbara

On 10-3-13 before me, DENNIS J. QUINN, a Notary Public, personally appeared STEVEN WILLIAM WINDHAGER, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is are subscribed to within the instrument and acknowledged to me that he she/they executed the same in his her/their authorized capacity(ies), and that by his her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) 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

Signature: _____



(Seal)

CERTIFICATE OF ACCEPTANCE

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA: SS.

THIS IS TO CERTIFY that the interest in real property conveyed by the EASEMENT DEED dated October 16, 2013, from SANTA BARBARA BOTANIC GARDEN as GRANTOR, to the COUNTY OF SANTA BARBARA, a political subdivision of the State of California, is hereby accepted by Order of the Supervisors of the County of Santa Barbara on _____, 2014 and the County of Santa Barbara as GRANTEE consents to recordation thereof by its duly authorized officer.

WITNESS my hand and official seal

this _____ day of _____, 2014

MONA MIYASATO
CLERK OF THE BOARD

By: _____
Deputy
(Seal)

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By: *Johnnie L Hartley*
Deputy Counsel