

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

**13AGP-00000-00012**

THIS LAND CONSERVATION CONTRACT, is made by and between CIERVO Farming Company, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, as to an undivided 50% interest, and TYX, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, as to an undivided 50% interest, OWNERS 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 therewith; 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 **CIERVO Farming Company, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, and TYX, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, 13AGP-00000-00012, Assessor Parcel Numbers 153-400-004, 153-400-007, 153-400-009, and 153-400-012, 116.4 acres; replacing a portion of 76-AP-060 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, 2016 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 \_\_\_\_\_.

COUNTY OF SANTA BARBARA

BOARD OF SUPERVISORS

By: \_\_\_\_\_  
JANET WOLF, Chair

Attest:

CLERK OF THE BOARD

By: \_\_\_\_\_  
Deputy Clerk

Approved As To Form:

MICHAEL C. GHIZZONI

COUNTY COUNSEL

By: Julianne L. Hurley  
Deputy County Counsel

OWNER

TYX, LLC, a California Limited Liability  
By: Butera Family Trust, Dated March 9,  
1998, Sole Member

Roy T. Butera, Trustee

CIERVO FARMING CO., LLC, a  
California Limited Liability Company  
By: White Family Trust, Dated August 21,

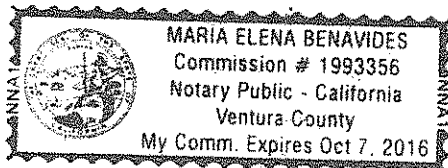
1987  
Dave O. White, Trustee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA       )  
  )  
COUNTY OF VENTURA       )

On October 9, 2015, before me, Maria Elena Benavides, a Notary Public, personally appeared Roy T. Butera, who provided 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.

Signature \_\_\_\_\_

  
\_\_\_\_\_  
*Signature of Notary Public*

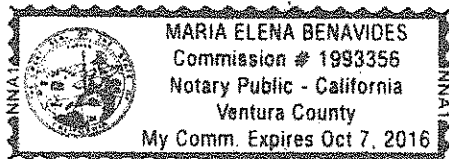
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STATE OF CALIFORNIA     )  
  )  
COUNTY OF VENTURA     )

On October 9, 2015, before me, Maria Elena Benavides, a Notary Public, personally appeared Dave O. White, who provided 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.



Signature \_\_\_\_\_

*Signature of Notary Public*