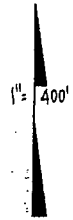


CUESTA LA HONDA

**PROJECT  
PARCEL**



78-2

ATTACHMENT A

**RESOLUTION NO. \_\_\_\_\_**

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA**

\* \* \* \* \*

**RESOLUTION AUTHORIZING AN AMENDMENT OF A PREVIOUSLY  
APPROVED AND RECORDED CALIFORNIA OPEN SPACE EASEMENT  
PURSUANT TO THE OPEN SPACE EASEMENT ACT OF 1974**

---

**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that

**WHEREAS**, on April 3, 1990, the County entered into a Land Conservation Contract covering certain land described therein (the "Property"), which contract was recorded in the Official Records of the County of San Mateo on April 11, 1990, as Document No. 90048334; and

**WHEREAS**, on October 27, 2000, the then owners of the Property served a notice of non-renewal of such contract pursuant to Government Code Section 51245; and

**WHEREAS**, on March 6, 2001, the County rescinded the Land Conservation Contract and the owner of the Property simultaneously granted a California Open Space Easement for the Property, which Easement was recorded in the Official Records of the County of San Mateo on August 9, 2002, as Document No. 2002-155921; and

**WHEREAS**, on November 15, 2007, the current owners of the Property received tentative approval from the County for a minor subdivision of the subject Property; and

**WHEREAS**, as required as a condition of the County's tentative approval of the minor subdivision, the owners have agreed to amend the previously approved and recorded California Open Space Easement; and

**WHEREAS**, the current Open Space Easement allows certain agricultural, residential, recreation, and commercial uses on the Property listed in Sections 6315 and 6316 of the San Mateo County Zoning (RM District) Regulations; and

**WHEREAS**, the proposed amendment to the Open Space Easement further limits the permitted uses on the Property; and

**WHEREAS**, the Board has reviewed the proposed Amended Open Space Easement and desires to accept it on behalf of the County.

**NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** by the Board of Supervisors that the proposed Amended Open Space Easement is hereby accepted on behalf of the County; and

**IT IS FURTHER DETERMINED AND ORDERED** that County staff shall take all appropriate action to ensure recordation of the Amended Open Space Easement.

\* \* \* \* \*

MAR:fc – MARS0334\_WFS.DOC

**RESOLUTION NO. \_\_\_\_\_**

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA**

\* \* \* \* \*

**RESOLUTION AUTHORIZING ACCEPTANCE OF A COUNTY  
CONSERVATION OPEN SPACE EASEMENT PURSUANT TO THE SAN  
MATEO COUNTY ZONING (RM DISTRICT) REGULATIONS**

---

**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that

**WHEREAS**, Section 6317A of the San Mateo County Zoning Regulations (RM District) mandates a grant to the County of a Conservation Open Space Easement (the "Easement") upon subdivision within RM-zoned areas; and

**WHEREAS**, on November 15, 2007, the County tentatively approved a minor subdivision, covering a parcel of land located at 130 Hildebrand Road in the unincorporated La Honda area of San Mateo County, within the RM District; and

**WHEREAS**, the current owners of the Property have proposed to grant the County an Easement on the subject Property as mandated by Section 6317A of the San Mateo County Zoning Regulations; and

**WHEREAS**, the proposed Conservation Open Space Easement restricts, in perpetuity, the use of the land on Property burdened by the Easement to uses consistent with open space, as defined in the California Open Space Lands Act of 1972; and

**WHEREAS**, the Board has reviewed the proposed County Conservation Open Space Easement and desires to accept it, on behalf of the County.

**NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** that the County Conservation Open Space Easement is hereby accepted on behalf of the County; and

**IT IS HEREBY FURTHER DETERMINED AND ORDERED** that County staff shall take all appropriate action to ensure recordation of the County Conservation Open Space Easement.

\* \* \* \* \*

MAR:fc – MARS0333\_WFS.DOC

Recording Requested by:  
Michael D. McCracken , Esq.

After Recordation, Mail to:

Michael D. McCracken, Esq.  
McCRACKEN & BYERS LLP  
1920 Leslie Street  
San Mateo, CA 94403-1325

Space above this line for recorder's use

AMENDMENT TO GRANT OF OPEN SPACE EASEMENT



## AMENDMENT TO GRANT OF OPEN SPACE EASEMENT

The Grant of Open Space Easement , executed February 21, 2001, by Ruiz Real Estate Ventures O.P., LLC and the County of San Mateo, and accepted March 8, 2001 by the County of San Mateo, is hereby amended as follows:

1. Paragraph 4 ("Covenants") is deleted in its entirety, to be replaced with a new Paragraph 4, which shall read as follows:

**4. Covenants.** The Property (Parcels A and B as shown on the attached Parcel Map, Exhibit A hereto) shall be used by Grantor and Grantor's successors only for those purposes that will maintain the open space character of the Property and the agricultural viability of the Property. Specifically, Grantor and its successors shall not do, cause or permit any use of the Property for any purpose except as consistent with the stated purposes, terms, conditions, restrictions, and covenants of this Open Space Easement, the Act, and the California Land Conservation Act (aka "Williamson Act"). Further, of the twenty eight uses otherwise permitted under section 6315 of the San Mateo County Zoning Regulations, only the following uses shall be permitted under this easement: (a) agricultural uses and accessory uses, on-sale sales of agricultural products; (d) Livestock raising and grazing; (i) Single family residences; (s) Home occupations; (t) Wineries, provided the annual storage capacity shall not exceed 10,000 gallons, the annual fermentation capacity shall not exceed 5,000 gallons, and the annual bottling shall not exceed 2,500 cases of wine; the only retail sales permitted will be those of wine produced on the premises; and (w) keeping of pets in association with a one-family dwelling. All other uses listed in section 6315 are expressly prohibited. Further subdivision of the Property is also expressly prohibited.

2. All other provisions of the Grant of Open Space Easement shall remain in full force and effect.

### GRANTORS

Date: \_\_\_\_\_

\_\_\_\_\_  
**Michael D. McCracken**, Legal  
Successor to Ruiz Real Estate  
Ventures O.P., LLC

Date: \_\_\_\_\_

\_\_\_\_\_  
**Marjery R. McCracken**, Legal  
Successor to Ruiz Real Estate  
Ventures O.P., LLC

Recording Requested by:  
Michael D. McCracken , Esq.

After Recordation, Mail to:

Michael D. McCracken, Esq.  
McCRACKEN & BYERS LLP  
1920 Leslie Street  
San Mateo, CA 94403-1325

Space above this line for recorder's use

**GRANT OF CONSERVATION EASEMENT**

**GRANT OF CONSERVATION EASEMENT**  
**(San Mateo County Resource Management District 6317A)**

This GRANT OF CONSERVATION EASEMENT (the "Easement") is made and entered into this \_\_\_\_ day of April, 2008, by Michael D. McCracken and Marjery R. McCracken, husband and wife ("Grantors") and the County of San Mateo, a political subdivision of the State of California ("County").

**RECITALS**

A. Grantors are the owners in fee simple of certain real property, consisting of +/- 20 acres, located in unincorporated San Mateo County, bearing the street addresses 114 and 130 Hildebrand Road, La Honda, CA (San Mateo County APN 078-220-130), more particularly described in Exhibit A hereto ("the Property"). Upon recordation of the Parcel Map, the San Mateo County's Assessor's Office will assign two new Assessor Parcel numbers to Parcel A and Parcel B;

B. The Property possesses certain open space, scenic and vineyard and orchard growing qualities and capabilities of great value to Grantors, the people of San Mateo County, and the people of the State of California;

C. Grantors intend (1) that the Property be used and maintained for the land uses currently authorized under applicable County land use ordinances, which uses are limited to residential and open space compatible uses; and (2) that the open space, scenic and vineyard and orchard growing values of the Property be preserved in perpetuity;

D. The County of San Mateo has adopted an ordinance – Resource Management District ("RMD") 6317A – requiring, as a condition to County approval of a land division, that a landowner grant to the County a Conservation Easement, containing a covenant, running with the land in perpetuity, limiting the use of the land covered by the Easement to uses consistent with open space, as defined in the California Open Space Lands Act of 1972 on January 1, 1980. The boundaries of the Easement may be modified by the parties for purposes of health, safety, and maintenance of the uses allowed at the time of the land division, provided the original intent and purposes of the Easement are maintained.

E. On November 15, 2007, the County of San Mateo approved a parcel map for a minor (2 lot) subdivision of the Property (PLN 2006-00525) ("the Parcel Map"). In Condition of Approval # 4 to said approval, Grantors are required, prior to final map recordation, to grant a Conservation Easement to County covering that area of the Property not subject to development.

F. This Easement is supplemental to that certain Grant of Open Space Easement from Grantors' legal predecessor to County, executed February 1, 2001 and accepted by County March 8, 2001 ("the Open Space Easement"), as amended;

## TERMS AND CONDITIONS OF EASEMENT

**1. Grant of Easement; Term:** Grantors grant to the County, in perpetuity, a Conservation Easement on the terms and conditions set forth below.

**2. Purpose:** It is the purpose of this Easement to enable the Property to retain its open space, scenic and vineyard and orchard growing values, and to prevent any use which would significantly impair such values, while at the same time allowing the owners to enjoy the residential and appurtenant property rights that the underlying zoning permits.

**3. Area of Property Covered by Easement:** The area of the Property (Parcel A and Parcel B) subject to and covered by this Conservation Easement is shown on the attached Exhibit B ("the Easement Area"). The areas *not* subject to and covered by this Easement are those areas of the Property occupied by or designated for residential development pursuant to the Parcel Map, including all appurtenant uses, infrastructure improvements, and accessory structures on the Property. These areas are shown in bold broken lines and designated "Non-Conservation Area" and "Non-Conservation Easement" on the attached Exhibit B ("the Non-Conservation Areas"). Note: by the creation of this Easement, no increase in density credits on the Property is created or implied, and any and all development undertaken pursuant to the Parcel Map shall be subject to State and County laws and regulations in effect at the time any such development takes place.

**4. Limitations on Uses within Easement Area:** Uses allowed within the Easement area shall be limited to uses consistent with open space, as defined in the California Open Space Easement Act of 1972 on January 1, 1980.

**5. Current and Future Uses of the Property:** Grantors and County intend that this Easement shall confine all current and future uses of the Property to those residential and appurtenant uses allowed under the Parcel Map, the RMD, and the Open Space Easement, as amended. County acknowledges, by acceptance of this Easement, said uses of the Property are compatible with the purpose of the Easement.

**6. Reserved Rights:** Grantors reserve to themselves, and to their personal representatives, heirs, successors, and assigns, all rights incidental to their ownership of the Property, including the right to engage in, or permit or invite others to engage in, all uses of the Property consistent with local, state, and federal law that are not expressly prohibited herein and are not inconsistent with the purpose of this Easement.

**7. County's Remedies:** If County determines that Grantors or their successors are in violation of the terms of this Easement or that a violation is threatened, County shall give written notice of such violation and demand corrective action sufficient to cure such violation. If Grantors or their successors fail to cure such violation within 30 days, or fail to provide evidence to County satisfaction within said 30 day period that (1) no such violation exists, or (2) such violation as exists constitutes an act beyond Grantors' control, or (3) 30 days is not sufficient time to cure said violation, County may bring an action in law or equity in a court of competent jurisdiction to enforce the terms of this Easement. Neither this section, nor any other term or condition of this Easement, shall be construed to prevent the County from taking any action, including any enforcement action, it might otherwise be entitled to take under any provision of local, state, or federal law with regard to any condition on the Property.

**8. Acts Beyond Grantors' Control:** Nothing herein shall be construed to entitle County to

bring an enforcement action against Grantors or their successors for any violation resulting from causes beyond Grantors' control, including, without limitation, fire, flood, storm, earth movement, or from any prudent action taken by Grantors under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes.

**9. Enforceable Restriction under Article XIII, Section 8 of the California Constitution:** It is intended that this Easement shall constitute an enforceable restriction within the meaning of Article XIII, Section 8 of the California Constitution and that this Easement qualify as an enforceable restriction under the provisions of California Revenue and Taxation Code section 402.1.

**10. No Public Access Rights:** No right of access by the general public to any portion of the Property is conveyed by this Easement.

**11. No Assignment of County Interest:** County shall not assign this Easement to any person or entity, private or public.

**12. General Provisions:**

**12.1. Controlling Law:** The interpretation, performance and enforcement of this Easement shall be governed by the laws of the State of California.

**12.2. Severability:** If any provision of this Easement is found to be invalid, the remainder of its provisions shall not be affected thereby.

**12.3. No Forfeiture:** Nothing contained herein shall result in a forfeiture or reversion of Grantors' title in any respect.

**12.4. Successors:** The covenants, terms, conditions and restrictions of this Easement shall be binding on, and inure to the benefit of, the parties hereto and their respect personal representatives, heirs, successors and assigns.

**GRANTORS:**

By: \_\_\_\_\_  
**Michael D. McCracken**

By: \_\_\_\_\_  
**Marjery R. McCracken**

**ACCEPTANCE**

The County of San Mateo, acting by and through its Board of Supervisors, hereby accepts this Grant of Conservation Easement.

**COUNTY OF SAN MATEO**

By: \_\_\_\_\_  
**Adrienne Tissier, President**

## EXHIBIT "A"

The land referred to is situated in the State of California, County of San Mateo, in the unincorporated area, and is described as follows:

### PARCEL ONE:

Parcel 2, as delineated upon that certain Map entitled "PARCEL MAP OF THE LANDS OF RUIZ REAL ESTATE VENTURES O.P., LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, MORE COMMONLY KNOWN AS PARCEL 'A' AS SHOWN ON THAT CERTAIN MAP ENTITLED 'PARCEL MAP OF A RESUBDIVISION OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 14, T7S, R4W, M.D.B. & M' ETC. FILED IN VOLUME 23 OF PARCEL MAPS AT PAGE 4 AND DESCRIBED IN DOCUMENT NO. 2000-1115263 O.R., SAN MATEO COUNTY RECORDS, STATE OF CALIFORNIA", filed for record in the Office of the Recorder of the County of San Mateo, State of California, on May 30th, 2002 in Book 74 of Parcel Maps, at Page 29.

RESERVING THEREFROM so much of that certain 50 foot wide access and public utility easement, as set out on said Map, as lies within said parcel.

### PARCEL TWO:

A non-exclusive easement for ingress and egress and public utilities over a strip of land 50 feet in width lying equally on each side of a centerline more particularly described as follows:

BEGINNING at a point in the Westerly boundary of Parcel "B", as shown on that certain Map entitled, "PARCEL MAP OF A RESUBDIVISION OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 14, T.7 S.R.4 W.M.D.B. & M., BEING A PORTION OF THE LANDS DESCRIBED IN 4744 O.R. 195, SAN MATEO COUNTY, CALIFORNIA", filed in the office of the Recorder of the County of San Mateo, State of California on November 26, 1973 in Book 23 of Parcel Maps at Page 4, distant thereon North 0° 27' 39" East 37.02 feet from the Southwest corner of said Parcel "B"; thence from said point of beginning North 85° 35' 01" East 65.59 feet; thence North 32° 05' 37" East 274.69 feet North 26° 04' 58" East 343.70 feet, North 43° 17' 32" West 204.24 feet, North 48° 20' 02" West 142.70 feet and North 70° 15' 03" West 115.96 feet to the Westerly boundary of said Parcel "B".

The side lines of said easement to be lengthened or shortened so as to interest the Westerly boundary of said Parcel "B".

Said easement to be appurtenant to Parcel "A" of said Parcel Map or any portions thereof and created by Deed recorded under File No. 94515-AG, Records of San Mateo County, California.

### PARCEL THREE:

A general permanent, non-exclusive easement for the purpose of ingress and egress and for private and public utilities purposes, 50 feet wide over Lots 2 of Section 14, T.7 S.R. 4W., Mount Diablo Base and Meridian and being from the Easterly right of way line of La Honda Road (San Mateo County Route 28), to the Westerly line of the South 1/2 of the Northeast 1/4 of said Section 14, and more particularly described as follows:



BEGINNING at a 3/4" diameter pipe on the Easterly right of way line of La Honda Road (San Mateo County Route 28) which pipe bears South 38° 47' 23" West 175.64 feet from the HUB at the center line of La Honda Road at said road station 60 + 82.86 as shown on San Mateo County Public Road at said road station 60 + 82.86 as shown on San Mateo County Public Works Department Drawing File No. 1656, sheet 3 of 9 sheets, and also bears North 5° 01' 38" East 176.84 feet from the HUB at the centerline of La Honda Road at said road station 64 & 99.01 as shown on said drawing File No. 1656, sheet 3 of 9 sheets; thence from this point of beginning along the following courses being the centerline of the 50 foot wide right of way, South 80° 29' 20" East 102.53, South 82° 23' 50" East 65.02 feet, North 62° 20' 20" East 193.61 feet, North 85° 59' 25" East 124.36 feet, South 51° 33' 52" East 85.45 feet, thence parallel and Southwesterly 27 feet from the Southwesterly line of an existing barn, South 60° 25' 22" East 141.16 feet, South 22° 36' 27" East 63.89 feet, South 17° 05' 03" West 484.13 feet, South 51° 15' 05" East 140.57 feet, North 86° 04' 00" East 152.65 feet, South 82° 03' 15" East 115.07 feet, North 83° 41' 25" East 134.27 feet, North 47° 48' 05" East 126.42 feet, North 68° 5' 35" East 34.59 feet, South 82° 00' 04" East 75.94 feet, South 25° 15' 00" East 69.88 feet and South 32° 01' East 12.40 feet to a station in the Westerly line of the South 1/2 of the Northeast 1/4 of said Section 14, T.7S., R.4W., Mount Diablo Base and Meridian, distant thereon North 0° 23' 00" East 318.84 feet from the Southwesterly corner thereof.

Said 50 foot easement to lie equally on each side of the above described centerline and to the appurtenant to Parcel One above or any portions thereof, and was created by Deed recorded November 23, 1973 under File No. 93847-AG, Records of San Mateo County, California.

PARCEL FOUR:

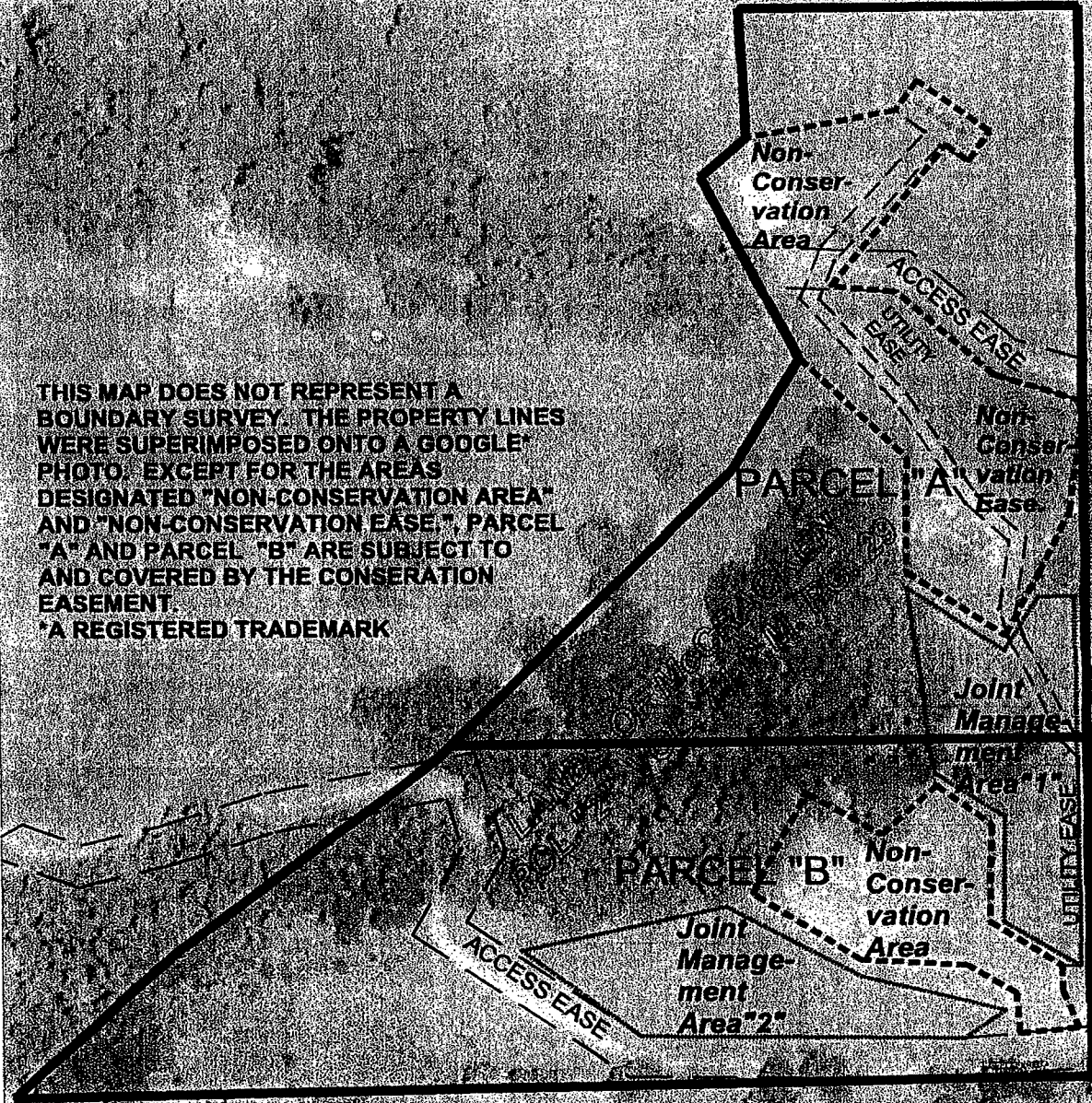
A non-exclusive easement for access and public utilities over so much of that certain 50 foot wide easement set out for said purposes lying within Parcel 1, as delineated upon that certain Map entitled "PARCEL MAP OF THE LANDS OF RUIZ REAL ESTATE VENTURES O.P., LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, MORE COMMONLY KNOWN AS PARCEL 'A' AS SHOWN ON THAT CERTAIN MAP ENTITLED 'PARCEL MAP OF A RESUBDIVISION OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 14, T7S, R4W, M.D.B. & M' ETC. FILED IN VOLUME 23 OF PARCEL MAPS AT PAGE 4 AND DESCRIBED IN DOCUMENT NO. 2000-1115263 O.R., SAN MATEO COUNTY RECORDS, STATE OF CALIFORNIA", filed for record in the Office of the Recorder of the County of San Mateo, State of California, on May 30th, 2002 in Book 74 of Parcel Maps, at Page 29.

A.P.N. 078-220-~~080~~ (Ptn.)  
130

J.P.N. 078-022-220-08 (Ptn.)



THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY. THE PROPERTY LINES WERE SUPERIMPOSED ONTO A GOOGLE® PHOTO. EXCEPT FOR THE AREAS DESIGNATED "NON-CONSERVATION AREA" AND "NON-CONSERVATION EASE", PARCEL "A" AND PARCEL "B" ARE SUBJECT TO AND COVERED BY THE CONSERVATION EASEMENT.  
\*A REGISTERED TRADEMARK



**EXHIBIT "B" (3/29/08)  
CONSERVATION EASEMENT**