

Recording requested by:
Hamner, Jewell & Associates
Government Real Estate Services

When recorded, return to:
Santa Barbara County
Attn: Chris Sneddon
123 E. Anapamu Street
Santa Barbara, CA 93101

**COUNTY OF SANTA BARBARA
OFFICIAL BUSINESS**

Exempt from the \$75 Building and Jobs Act Fee per Gov't Code §27388.1(2)(D) Public Agency
No fee pursuant to Government Code § 6103
No Documentary Transfer Tax per R&T Code § 11922
No Recording Fee per Government Code § 27383

APN: 061-220-009; 061-220-010; 061-261-001

EASEMENT AGREEMENT
(for public multi-use path)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

La Cumbre Mutual Water Company, a corporation (hereinafter referred to as “GRANTOR”),

hereby grants to the

County of Santa Barbara, a political subdivision of the State of California, its successors and assigns (“COUNTY”),

a perpetual easement for a public multi-use path (“Path”) for recreational and active transportation uses, including but not limited to biking, skating, scooting, walking, and hiking, and purposes incidental thereto, excluding all forms of motorized vehicles, as defined in the California Vehicle Code (with the exception of maintenance vehicles necessary to perform maintenance of the public path), on, over, upon and across that certain land that is situated in the County of Santa Barbara, State of California, more particularly described in Exhibit “A” and depicted in Exhibit “B,” each attached hereto and incorporated herein by this reference (the “Easement”).

The Easement rights granted herein include the right to conform the real property to the new Path improvements and for activities facilitating construction of the Path, including but not limited to grading, and placement of retaining curbs, surfacing, fencing and or railing, landscaping, culverts or drainage lines that traverse the Easement in accordance with the Plans (defined below) and the Land Trust for Santa Barbara County’s design guidelines (“Design Guidelines”).

COUNTY agrees as follows:

a. To install a fence along the full distance of the Easement along Modoc Road, as reflected in the approved plans for the Path, dated September 24, 2024 (“Plans”). The location of the fence will be designed with the intention of deterring unauthorized public access to the Modoc Preserve from the Project. GRANTOR shall have final approval of the dimensions and materials used for fence.

b. To revegetate all areas disturbed by the Path construction with native vegetation, at COUNTY’s sole expense. COUNTY shall monitor and maintain such native vegetation for a period of at least 36 months following completion of Path construction, and further will maintain all revegetation within the Easement area. COUNTY agrees that the Land Trust for Santa Barbara County has the right to designate plant types for such native revegetation.

c. To install the Path improvements per the Plans for the Path that are jointly approved by the COUNTY and GRANTOR.

d. To maintain the Easement in good condition and repair, including but not limited to removal of trash within the Easement removal of palm fronds, tree limbs and vegetation.

e. To irrevocably release, acquit, and forever discharge GRANTOR, including its respective agents, officers, directors, employees, contractors, shareholders, attorneys, insurers, representatives, successors, and assigns, from any and all arbitrations, causes of action, claims, complaints, costs, damages, demands, equitable claims, expenses, liabilities, liens, obligations, petitions, and proceedings, of any nature and kind whatsoever, including, without limitation, those that involve, arise from, concern, or relate to the use of the Path for a public trail.

f. To allow GRANTOR the right to enter upon the Easement for the purpose of inspecting and maintaining its pipelines which traverse the Easement area. In the event any repairs or replacement of such pipelines is necessary, GRANTOR shall provide COUNTY with one week’s prior written notice of its entry on the Easement, except in the case of an emergency where no such notice is required. During the time period of GRANTOR’s repair or replacement work within the Easement, COUNTY shall close the Path within the Easement to public use. After the repair or replacement work is completed, GRANTOR shall reasonably restore the Easement area to the condition it was in prior to such work, with the exception of the top surface material of the Path which COUNTY shall install at its expense. GRANTOR agrees to irrevocably release, acquit, and forever discharge COUNTY, including its respective agents, officers, directors, employees, contractors, shareholders, attorneys, insurers, representatives, successors, and

assigns, from any and all arbitrations, causes of action, claims, complaints, costs, damages, demands, equitable claims, expenses, liabilities, liens, obligations, petitions, and proceedings, of any nature and kind whatsoever, including, without limitation, those that involve, arise from, concern, or relate to GRANTOR's inspection, maintenance, repair or replacement of GRANTOR's pipelines within the Easement.

The Path will be improved in accordance with the Plans, the Design Guidelines, and in a manner consistent with the Conservation Easement held by the Land Trust for Santa Barbara County that currently encumbers the perpetual easement area granted herein.

COUNTY shall have the right of ingress and egress for personnel, vehicles, and construction equipment to, from, and along the Easement at any time, without prior notice, however, use of motorized vehicles will be restricted to only as-needed Path maintenance, inspection, and safety and security patrolling needs.

Together with:

A Temporary Easement for the purposes of facilitating construction of the Path improvements and related purposes, in, on, over, under, through, along, and across that certain parcel or parcels of land located in the County of Santa Barbara, State of California, described in Exhibit "C" and depicted in Exhibit "D," attached hereto and incorporated herein.

This Temporary Easement shall commence fifteen (15) days after COUNTY's issuance to GRANTOR and the Land Trust for Santa Barbara County of a Notice of Commencement of Construction, issued to GRANTOR by US Mail or personal delivery to GRANTOR's office, and shall automatically terminate upon completion of COUNTY's construction or one year after the commencement, whichever occurs first. However, COUNTY shall have the right to extend the Temporary Easement term in four (4) additional three (3) month increments if COUNTY determines that additional time beyond the one-year period is necessary for construction completion. In such case, COUNTY shall have the unilateral right to extend this Temporary Easement period through construction completion and agrees to compensate GRANTOR One Thousand Eight Hundred Ten Dollars (\$1,810) for each three-month extension term exercised. Payment for any such extension(s) shall be paid by COUNTY to GRANTOR concurrent with COUNTY's written notice to GRANTOR of COUNTY's intent to exercise such extension provisions. In any event, this Temporary Easement shall terminate on or before June 30, 2026. Upon termination, the Temporary Easement area will be generally restored by COUNTY to a comparable or better condition as that which existed prior to COUNTY's access and use as determined by GRANTOR and the Land Trust for Santa Barbara County in their reasonable discretion.

GRANTOR represents and warrants it is the authorized signatory to execute this Agreement, and that no additional signatures are required to carry out this conveyance.

This Agreement may be executed in counterparts, each of which so executed shall irrespective of the date of its execution and delivery be deemed an original, and all such counterparts together shall constitute one and the same instrument.

GRANTOR:

La Cumbre Mutual Water Company, a corporation

By: _____

Name:

Title:

By: _____

Name:

Title:

Date: _____

Date: _____

ACKNOWLEDGMENT

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 _____

On _____ before me, _____, Notary Public,

personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within 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)

ACKNOWLEDGMENT

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 _____

On _____ before me, _____, Notary Public,

personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within 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)

NOT FOR RECORDATION

FOR INTERNAL ROUTING ONLY

“COUNTY”

COUNTY OF SANTA BARBARA

By: _____

Chris Sneddon, Director
Public Works Department

Date: _____

APPROVED AS TO FORM:

RACHEL VAN MULLEM
COUNTY COUNSEL

APPROVED AS TO FORM:

BETSY M. SCHAFFER, CPA
AUDITOR-CONTROLLER

By: _____

Deputy County Counsel

By: _____

Deputy Auditor-Controller

APPROVED AS TO FORM:

By: _____

Greg Milligan, ARM
Risk Manager

APPROVED AS TO CONTENT:

By: _____

Mostafa Estaji
Deputy Public Works Director

By: _____

Skip Grey, Assistant Director
General Services-Real Property

Acquisition: Modoc Road, Santa Barbara, California

APN: 61-220-009, -010, 061-261-001

CERTIFICATE OF ACCEPTANCE

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA: SS. §27281

THIS IS TO CERTIFY that the interest in real property conveyed by Easement Agreement for a the Public Multi-Use Path permanent easement and temporary construction easement from LA CUMBRE MUTUAL WATER COMPANY, a corporation, as GRANTOR, to the COUNTY OF SANTA BARBARA, a political subdivision of the State of California (“COUNTY”), its successors or assigns, as GRANTEE, is hereby accepted by Order of the Board of Supervisors of the County of Santa Barbara on November 5, 2024, and the County of Santa Barbara, consents to recordation thereof by its duly authorized officer.

WITNESS my hand and official seal this _____ day of _____, _____

“COUNTY”
CLERK OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

By: _____
Sheila De La Guerra
Deputy Clerk

APPROVED AS TO FORM:
RACHEL VAN MULLEM
COUNTY COUNSEL

By: _____
Brian Pettit
Deputy Counsel

EXHIBIT "A"
MULTI-PURPOSE PATH EASEMENT
LEGAL DESCRIPTION

Those portions of Lots 65, 66, 67, and 68, in the County of Santa Barbara, State of California as shown on the map of Tract No. 1, La Cumbre Estates, filed in Map Book 15, Pages 117 through 126, inclusive, in the Office of the County Recorder of said County, lying northerly of the following described line:

Beginning at a 2 inch iron pipe shown at the southerly terminus of the course depicted as "NORTH 88.37" on the map filed in Book 21 of Records of Survey, Page 12, said iron pipe bears North 79°07'46" East 38,122.59 feet from Station "COPR", having a California Coordinate System of 1983 (CCS83), Zone 5, Epoch 1991.35, Coordinate of N 1978671.24' E 5994842.39' as shown on the map filed in Book 171 of Records of Survey, Pages 24 through 25, inclusive, in the Office of said County Recorder, thence,

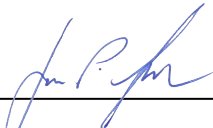
- 1st - North 68°44'58" West 266.39 feet: thence,
- 2nd - North 84°02'25" West 63.43 feet to the beginning of a curve concave southerly having a radius of 10484.00 feet; thence, along said curve,
- 3rd - Westerly through a central angle of 0° 07' 52" an arc length of 23.99 feet; thence,
- 4th - North 84°10'17" West 112.98 feet to the beginning of a curve concave southerly, having a radius of 1479.00 feet; thence, along said curve,
- 5th - Westerly through a central angle of 2° 22' 42" an arc length of 61.39 feet; thence,
- 6th - North 86°32'59" West 555.36 feet to the beginning of a curve concave southerly, having a radius of 1,229.00 feet; thence, along said curve,
- 7th - Westerly through a central angle of 3° 05' 27" an arc length of 66.30 feet; thence,
- 8th - North 89°38'26" West 13.25 feet to the beginning of a curve concave northeasterly, having a radius of 584.00 feet; thence, along said curve,
- 9th - Northwesterly through a central angle of 9° 10' 36" an arc length of 93.53 feet; thence,
- 10th - North 80°27'50" West 8.51 feet to the beginning of a curve concave southwesterly, having a radius of 828.00 feet; thence, along said curve,
- 11th - Southwesterly through a central angle of 7° 55' 40" an arc length of 114.57 feet; thence,
- 12th - North 88°23'30" West 13.65 feet to the beginning of a curve concave northeasterly, having a radius of 406.00 feet; thence, along said curve,

- 13th - Northwesterly through a central angle of 8° 59' 39" an arc length of 63.73 feet; thence,
- 14th - North 79°23'51" West 73.68 feet to the beginning of a curve concave southwesterly, having a radius of 5034.00 feet; thence, along said curve,
- 15th - Easterly through a central angle of 0° 29' 11" an arc length of 42.73 feet; thence,
- 16th - North 79°53'02" West 184.91 feet to the beginning of a curve concave northeasterly, having a radius of 446.00 feet; thence, along said curve,
- 17th - Northwesterly through a central angle of 7° 40' 44" an arc length of 59.77 feet; thence,
- 18th - North 72°12'18" West 23.79 feet to the beginning of a curve concave southwesterly, having a radius of 800.00 feet; thence, along said curve,
- 19th - Northwesterly through a central angle of 4° 25' 14" an arc length of 61.72 feet; thence,
- 20th - North 76°37'32" West 100.06 feet to the beginning of a curve concave southwesterly, having a radius of 4692.00 feet; said beginning of curve bears North 78°04'33" East 36,251.82 feet from said Station "COPR", thence, along said curve,
- 21st - Northwesterly through a central angle of 0°00'33" an arc length of 0.74 feet more or less, to the southerly right of way line of Modoc Road, as said road is shown on said Tract No. 1, La Cumbre Estates.

Containing an area of 16,491 square feet, more or less.

Note: All bearings and distances shown hereon are referenced to the California Coordinate System of 1983 (CCS83), Zone 5, Epoch 1991.35. To obtain ground distances, multiply by a Combination Factor of 1.0000656 as determined at said 2 inch iron pipe.

This legal description as described is graphically delineated on the accompanying "Exhibit B", being 1 sheet, and made a part hereof for general reference purposes.

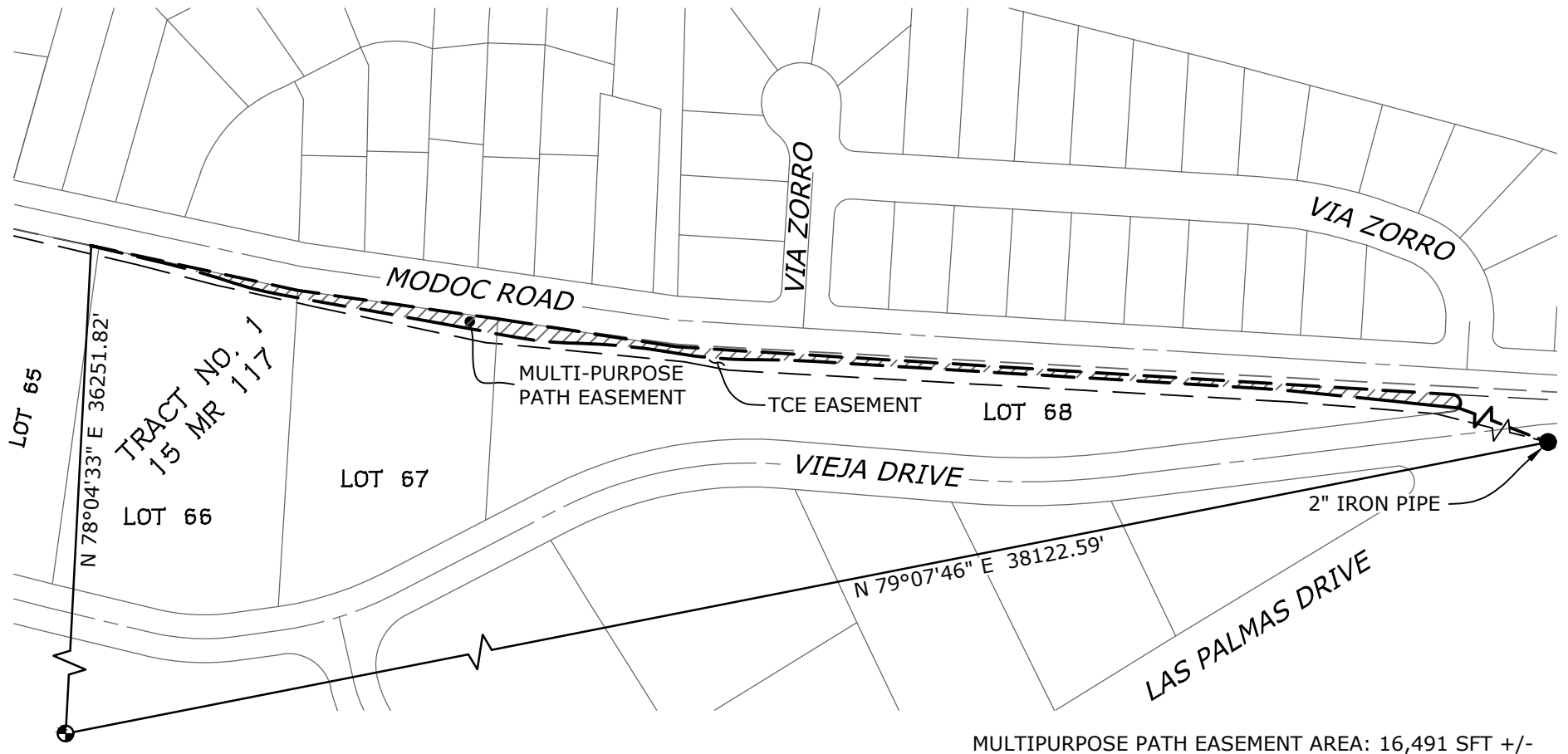


James P. Fallon, PLS 7807

4/24/2024



THE LAND GRAPHICALLY SHOWN HEREON IS DESCRIBED IN THE ACCOMPANYING "EXHIBIT A", BEING 2 SHEETS,
AND MADE A PART HEREOF FOR REFERENCE PURPOSES.



MULTIPURPOSE PATH EASEMENT AREA: 16,491 SFT +/-

STATION "COPR"
N 1978671.24'
E 5994842.39'
CCS83 (1992), ZONE 5, EPOCH 1991.35
PER BOOK 171 OF RECORDS OF
SURVEY, PAGES 24-25



SCALE: 1"=200'



4/24/2024

EXHIBIT "B"
MULTI-PURPOSE
PATH EASEMENT
SANTA BARBARA, CA

SHEET 1 OF 1



WO 0390

N:\projects\0390\geo\cad\0390ex02_path_esmt.dwg

EXHIBIT "C"
TEMPORARY CONSTRUCTION EASEMENT
LEGAL DESCRIPTION

Those portions of Lots 62, 63, 64, 65, 66, 67, and 68, in the County of Santa Barbara, State of California as shown on the map of Tract No. 1, La Cumbre Estates, filed in Map Book 15, Pages 117 through 126, inclusive, in the Office of the County Recorder of said County, lying northerly of the following described line:

Beginning at a 2 inch iron pipe shown at the southerly terminus of the course depicted as "North 88.37" on the map filed in Book 21 of Record of Survey, Page 12, said iron pipe bears North 79°07'46" East 38,122.59 feet from Station "COPR", having a California Coordinate System of 1983 (CCS83), Zone 5, Epoch 1991.35, Coordinate of N 1978671.24' E 5994842.39', as shown on the map filed in Book 171 of Records of Survey, Pages 24 through 25, inclusive, in the Office of said County Recorder, thence,

- 1st - North 72°09'26" West 292.81 feet; thence,
- 2nd - North 85°23'29" West 185.63 feet; thence,
- 3rd - North 86°45'55" West 707.34 feet; thence,
- 4th - North 79°10'31" West 55.31 feet; thence,
- 5th - North 84°19'51" West 129.27 feet; thence,
- 6th - North 84°38'03" West 121.18 feet; thence,
- 7th - North 78°09'09" West 220.75 feet; thence,
- 8th - North 77°39'22" West 124.39 feet; thence,
- 9th - North 75°30'31" West 102.40 feet; thence,
- 10th - North 76°50'56" West 284.17 feet; thence,
- 11th - North 82°23'19" West 117.92 feet; thence,
- 12th - North 79°15'42" West 262.29 feet; thence,
- 13th - North 81°10'17" West 325.71 feet; thence,
- 14th - North 70°12'07" West 89.90 feet; thence,
- 15th - North 69°45'18" West 153.11 feet; thence,
- 16th - North 62°11'30" West 42.96 feet to a point which bears North 77°15'57" East 35,153.48 from said Station "COPR", thence,

17th - North 52°12'58" West 101.23 feet, more or less, to the easterly line of the Santa Barbara County Flood Control easement, recorded September 2, 1977, as Instrument No. 77-44842 in the office of said County Recorder.

Excepting therefrom those portions of said Lots lying northerly of the following described line:

Beginning at a 2 inch iron pipe shown at the southerly terminus of the course depicted as "NORTH 88.37" on the map filed in Book 21 of Records of Survey, Page 12, said iron pipe bears North 79°07'46" East 38,122.59 feet from Station "COPR", having a California Coordinate System of 1983 (CCS83), Zone 5, Epoch 1991.35, Coordinate of N 1978671.24' E 5994842.39' as shown on the map filed in Book 171 of Records of Survey, Pages 24 through 25, inclusive, in the Office of said County Recorder, thence,

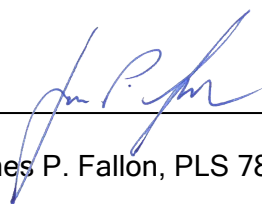
- 1st - North 68°44'58" West 266.39 feet: thence,
- 2nd - North 84°02'25" West 63.43 feet to the beginning of a curve concave southerly having a radius of 10484.00 feet; thence, along said curve,
- 3rd - Westerly through a central angle of 0° 07' 52" an arc length of 23.99 feet; thence,
- 4th - North 84°10'17" West 112.98 feet to the beginning of a curve concave southerly, having a radius of 1479.00 feet; thence, along said curve,
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- 7th - Westerly through a central angle of 3° 05' 27" an arc length of 66.30 feet; thence,
- 8th - North 89°38'26" West 13.25 feet to the beginning of a curve concave northeasterly, having a radius of 584.00 feet; thence, along said curve,
- 9th - Northwesterly through a central angle of 9° 10' 36" an arc length of 93.53 feet; thence,
- 10th - North 80°27'50" West 8.51 feet to the beginning of a curve concave southwesterly, having a radius of 828.00 feet; thence, along said curve,
- 11th - Southwesterly through a central angle of 7° 55' 40" an arc length of 114.57 feet; thence,
- 12th - North 88°23'30" West 13.65 feet to the beginning of a curve concave northeasterly, having a radius of 406.00 feet; thence, along said curve,
- 13th - Northwesterly through a central angle of 8° 59' 39" an arc length of 63.73 feet; thence,
- 14th - North 79°23'51" West 73.68 feet to the beginning of a curve concave southwesterly, having a radius of 5034.00 feet; thence, along said curve,

- 15th - Easterly through a central angle of 0° 29' 11" an arc length of 42.73 feet; thence,
- 16th - North 79°53'02" West 184.91 feet to the beginning of a curve concave northeasterly, having a radius of 446.00 feet; thence, along said curve,
- 17th - Northwesterly through a central angle of 7° 40' 44" an arc length of 59.77 feet; thence,
- 18th - North 72°12'18" West 23.79 feet to the beginning of a curve concave southwesterly, having a radius of 800.00 feet; thence, along said curve,
- 19th - Northwesterly through a central angle of 4° 25' 14" an arc length of 61.72 feet; thence,
- 20th - North 76°37'32" West 100.06 feet to the beginning of a curve concave southwesterly, having a radius of 4692.00 feet; said beginning of curve bears North 78°04'33" East 36,251.82 feet from said Station "COPR", thence, along said curve,
- 21st - Northwesterly through a central angle of 0°00'33" an arc length of 0.74 feet more or less, to the southerly right of way line of Modoc Road, as said road is shown on said Tract No. 1, La Cumbre Estates.

Containing an area of 35,643 square feet, more or less.

Note: All bearings and distances shown hereon are referenced to the California Coordinate System of 1983 (CCS83), Zone 5, Epoch 1991.35. To obtain ground distances, multiply by a Combination Factor of 1.0000656 as determined at said 2 inch iron pipe.

This legal description as described is graphically delineated on the accompanying "Exhibit D", being 2 sheets, and made a part hereof for general reference purposes.

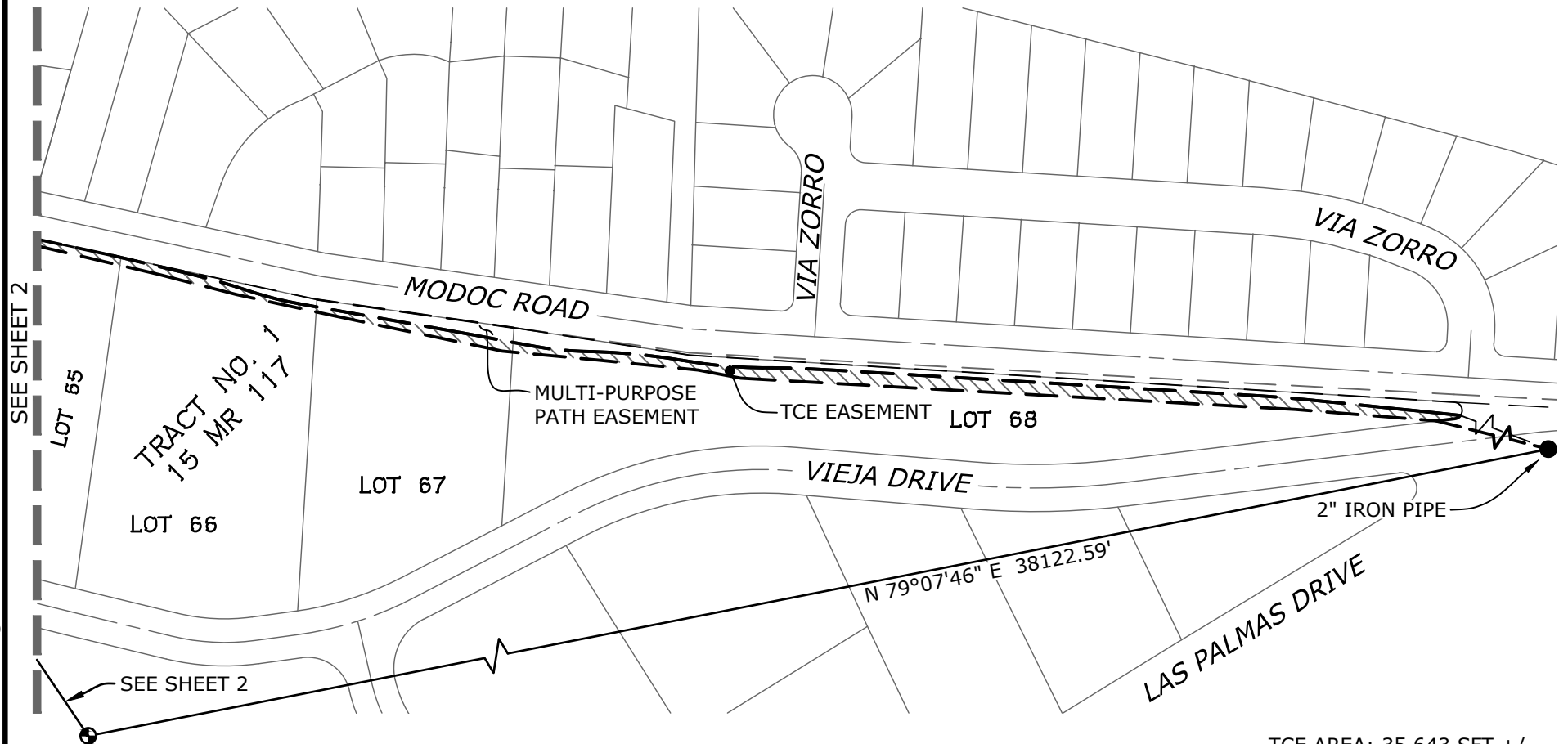


James P. Fallon, PLS 7807

4/25/2024



THE LAND GRAPHICALLY SHOWN HEREON IS DESCRIBED IN THE ACCOMPANYING "EXHIBIT C", BEING 3 SHEETS,
AND MADE A PART HEREOF FOR REFERENCE PURPOSES.



TCE AREA: 35,643 SFT +/-

STATION "COPR"
N 1978671.24'
E 5994842.39'
CCS83 (1992), ZONE 5, EPOCH 1991.35
PER BOOK 171 OF RECORDS OF
SURVEY, PAGES 24-25



SCALE: 1"=200'



4/25/2024

EXHIBIT "D"
TEMPORARY CONSTRUCTION
EASEMENT (TCE)
SANTA BARBARA, CA

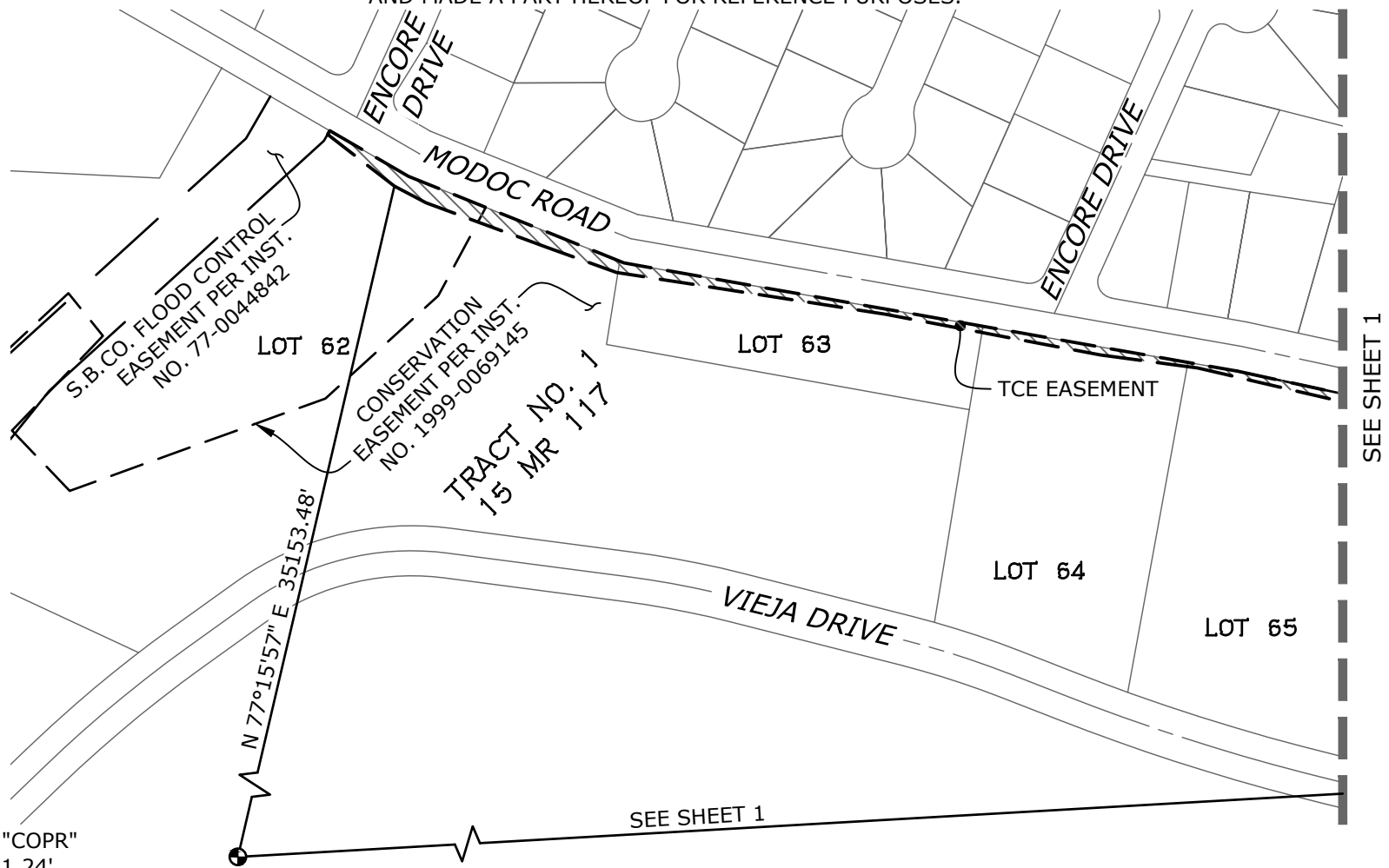
SHEET 1 OF 2



Encompass Consultant Group

WO 0390

THE LAND GRAPHICALLY SHOWN HEREON IS DESCRIBED IN THE ACCOMPANYING "EXHIBIT C", BEING 3 SHEETS,
AND MADE A PART HEREOF FOR REFERENCE PURPOSES.



SEE SHEET 1

SEE SHEET 1

STATION "COPR"
N 1978671.24'
E 5994842.39'
CCS83 (1992), ZONE 5, EPOCH 1991.35
PER BOOK 171 OF RECORDS OF
SURVEY, PAGES 24-25



SCALE: 1"=200'

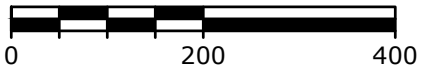


EXHIBIT "D"
TEMPORARY CONSTRUCTION
EASEMENT (TCE)
SANTA BARBARA, CA

SHEET 2 OF 2



WO 0390

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