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SANTA BARBARA COUNTY

105 E. Anapamu Street, Santa Barbara, CA. 93101-2063
Telephone (805) 966-1611

To: Al Fryer, County Surveyor
From: John M. Cohan, Deputy County Counsel
Re: TM 12,679---Grant Deed of Development Rights for Unit II
Date: December 22, 1981

Attached is a copy of the grant deed and a letter to me from SPE Corporation, which is self-explanatory.

Will you please do the following:

1. Advise me prior to December 29 whether the deed complies with Condition 6 of TM 12,679.
2. Whether the property is encumbered as determined by a title search conducted within the past 90 days.
3. Return the deed to me for approval by the Board of Supervisors if the above two conditions are met.

If you have any questions, please call.

JMC:rph

Encl.
a/s

RECEIVED

DEC 23 1981

COUNTY SURVEYOR
SANTA BARBARA, CALIF.

C SPE CORPORATION

647 Camino de Los Mares, Suite 200
San Clemente, California 92672
(714) 496-0065

December 18, 1981

Mr. John Cohan
Office of County Counsel
105 E. Amapamu
Santa Barbara, California 93101

Re: Tract 12679 - Unit II

Dear Jack:

Enclosed is a duly executed Grant Deed of Development Rights covering Unit II of the above-referenced tract. You may recall that in April of this year I sent you an identical document for Unit I. We are presently planning to seek Board approval for our Unit II map at the meeting of the Board scheduled for January 4, 1982.

Please sign the enclosed document on behalf of the County Council's office and then please see that it is presented to the Board of Supervisors for signature by the Chairman of the Board.

Please note that it will be necessary for you to fill in the book and page number of the recorded Unit II map on page 3 of the document after the map has in fact been recorded.

Give me a call if you have any questions concerning this matter.

Yours very truly,


Hunter Wilson

HW:sjd-enc.

WHEN RECORDED, MAIL TO:

Clerk of the Board of Supervisors
Santa Barbara County, California

Grantor Declares Consideration
less than \$100.00.

GRANT DEED OF DEVELOPMENT RIGHTS

In order to establish and preserve the open space character and the noncommercial recreational use of the real property herein-after described (the "Property") and in satisfaction of Condition 18 of the conditions of approval of Tract 12679, as approved by the Board of Supervisors of Santa Barbara County on July 16, 1979, SPE Corporation, a California corporation ("Grantor") hereby conveys and grants to the County of Santa Barbara ("Grantee") all rights to develop or use the Property, EXCEPTING AND RESERVING, however, to Grantor, its successors or assigns, the exclusive right to develop, use, and maintain the Property for open space and noncommercial recreational purposes, including without limitation landscaping, walkways, patios, barbeque pits, horseshoe pits, bicycle paths, putting greens, tennis courts, handball courts, volleyball courts, basketball courts, baseball fields, swimming pools, driveways, private roads, restrooms, and any other related or similar open space or noncommercial recreational uses, together with (i) the right to install and use all underground utilities, including water, sewer, gas, electric, cable TV, and telephone, and the right to grant all easements needful therefor, including the granting of the right to any utility company or service district to construct and/or maintain its equipment and underground services thereon, (ii) the right to grant easements and/or title to any municipal, county, state, or federal agency for the purpose of public roads, and (iii) the right to construct buildings and facilities appropriate for the excepted and reserved rights.

FURTHER EXCEPTING AND RESERVING, however, to Grantor, its successors, transferees, lessees, or assigns, the exclusive right to develop, use and maintain for natural resources recovery purposes,

including the exploration, drilling, and extraction of minerals, hydrocarbons and oil, of that portion of the Property now or hereafter approved by the County of Santa Barbara as natural resources recovery sites, provided, however, that any and all exploration, drilling and extraction conducted on such sites shall conform to the Oil Drilling Combining Regulations of Zoning Ordinance 661, and all amendments thereto, and shall also conform to all conditions and restrictions imposed on the development or use of such natural resource recovery sites by County of Santa Barbara, and provided further, that if any such natural resource recovery site shall be or become non-productive and no longer used for the exploration, drilling or extracting of minerals, hydrocarbons or oil, the same shall become part of the Property to be thereafter developed, used or maintained for open space and noncommercial recreational purposes, subject to all of the reservations (excepting the natural resource recovery reservations), terms and conditions hereof.

In the event there shall be a taking of the entire Property or any portion thereof under the power of eminent domain by any agency, authority, or public utility, including the County of Santa Barbara, all rights conveyed hereunder to Grantee shall terminate and automatically revert to Grantor, its successors or assigns, as to the property taken as of the date upon which title to the property taken passes to and vests in the condemnor. As used hereinabove, the term "taking" shall include a voluntary conveyance by Grantor, its successors or assigns, to an agency, authority, or public utility, including the County of Santa Barbara under threat of a taking under the power of eminent domain in lieu of formal proceedings.

If Grantee shall abandon, convey, transfer, or otherwise release any or all of its rights hereunder, the rights so abandoned, conveyed, transferred, or released shall terminate and automatically revert to the Grantor, its successors or assigns.

Nothing contained herein shall be construed as a grant or other conveyance to Grantee or any other party, including without

limitation the public, of the fee simple interest in the Property or any portion thereof, and Grantor expressly reserves to itself and its successors or assigns such fee simple interest and said other rights and the right to convey to any person or entity such fee simple interest and said other rights to all or any portion of the Property, subject to the rights of the Grantee herein. It is understood that this grant of development rights is intended only to preclude the development, use, and maintenance of the Property by Grantor, its successors or assigns, for any purpose other than those permitted hereunder.

The real property above referred to as the "Property" is more particularly described as Lot 202 of Tract 12679, Unit 2, as recorded in Book _____ of Maps at Pages _____ through _____, Official Records of the Recorder of the County of Santa Barbara, State of California.

Dated: December 4, 1981

GRANTOR:

SPE CORPORATION, a California corporation,

By:  Robert J. Krause, President

By:  Hunter Wilson, Secretary

APPROVED AS TO FORM:

KENNETH L. NELSON County Counsel


By: 

STATE OF CALIFORNIA) ss.
County of Orange)

CHAIRMAN OF THE BOARD OF SUPERVISORS

On this 4th day of December, 1981, before me, the undersigned Notary Public in and for said State, personally appeared ROBERT J. KRAUSE, known to me to be the President, and HUNTER WILSON, known to me to be the Secretary of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

WITNESS my hand and official seal.


Shirley Jo Dolan
Notary Public

