


**EASEMENT INFORMATION**

OWNER	USE	DOCUMENT	COLOR
11 COUNTY OF SONOMA	SCENIC EASEMENT	DN 1990-018522	

JOB NAME: ALTON LANE MITIGATION SITE	DRAWN BY: JM	CHK BY:
DESCRIPTION: EASEMENT MAP	SCALE: 1"=200'	10/1/19
	JOB #: 5872-08	1 OF 1

90018522

Recorded at the request of  
and when recorded return to:

County of Sonoma  
Board of Supervisors  
575 Administration Drive, Room 100A  
Santa Rosa, CA 95401

RECORDED AT REQUEST OF Sonoma  
AT 8 MIN. PAST 8 A.M.  
BERNICE A. PETERSON  
SONOMA COUNTY RECORDER  
Date 2-22-90

**FREE**

GRANT DEED OF SCENIC EASEMENT

This Grant Deed of Scenic Easement and real property (herein "Easement") is made by and between David Franks, (herein "Grantors") and the County of Sonoma, a political subdivision of the State of California (herein "Grantee") in Santa Rosa, California.

RECITALS

- A. The Grantors are the owners of certain real property in Sonoma County which consists of approximately 6 acres generally known as Assessor's Parcel No. 34-042-16 (herein "The Property"). A more detailed description of The Property is set forth in Exhibit "A" which is attached hereto and incorporated herein by reference.
- B. The Property is currently under a Type II Williamson Act Contract. The Property is currently zoned AE-B6 40 acre density, 20 acre minimum.
- C. Grantors wish to change the character of the existing use, or the extent or intensity of the existing use of The Property, which change requires the approval of the County. Specifically, Grantors wish to include, by lot line adjustment, 6 acres into the adjacent 29 acre wetland preserve. A legal description of the wetland preserve (herein "Wetland Preserve") is attached hereto and incorporated herein by reference as Exhibit "B".
- D. Grantors wish to create the Wetland Preserve for at least two reasons. First, they desire to protect and preserve the vernal pools and rare and endangered species associated therewith which are located within the Wetland Preserve. Second, they desire to convey the Wetland Preserve to a developer for the purposes of allowing the developer to utilize the Wetland Preserve as mitigation for the loss of wetland habitat associated with residential development located elsewhere in the County.

- E. While the County would not normally allow the subdivision of land encumbered by a Type II Agricultural Contract into parcels less than 40 acres, the General Plan and amended Williamson Act regulations allow for such subdivision in those cases where the owner of The Property desires to create a preserve for the protection of rare and endangered species and vernal pools.
- F. Grantors acknowledge that, even though the Wetland Preserve will be severely restricted in terms of its development potential, the Wetland Preserve still has a viable economic use in that it can be marketed to a third party developer who is in need of wetland habitat to mitigate impacts of residential development located elsewhere in the County.
- G. After consideration of the Grantors offer, the County has recognized that the Wetland Preserve is a site upon which vernal pools and rare and endangered species are located and also has a natural beauty and existing openness which, if preserved in perpetuity, would benefit the County and its residents. Accordingly, the Board of Supervisors, through the execution of this Agreement, has agreed to accept the proposal made by the Grantors and to accept an easement pertaining to the Wetland Preserve and running with the land.
- H. Both the Grantors and the County desire to preserve for the public benefit the natural scenic beauty and existing openness, natural condition and present state of the Wetland Preserve.
- I. The acceptance of the interest in the Wetland Preserve is consistent with the Sonoma County General Plan.
- J. In consideration of the approval of Grantors rezoning and subdivision application, Grantors do hereby agree and covenant for themselves and for all future owners of the Wetland Preserve, to convey an easement to the County pursuant to Government Code section 6950 on the terms and conditions set forth herein and thereby protect the present scenic beauty, existing openness and natural state of the Wetland Preserve by the restrictive use of the Wetland Preserve by the Grantors and their successors and assigns.

#### OPERATIVE PROVISIONS

- 1. In consideration of mutual covenants and promises contained herein, and the recitals set forth above, Grantors hereby grant, deliver and convey to County an open space easement in the Wetland Preserve of the nature and character and to the extent hereafter provided. The grant of this easement shall run with the land in perpetuity and shall bind the Grantors, their successors and assigns. The easement shall be for the benefit of the public generally, as represented by the Sonoma County Board of Supervisors.

2. This easement shall constitute a servitude upon the Wetland Preserve, which results from the restrictions imposed by this instrument upon the use of the Wetland Preserve by Grantors. To that end and for the purpose of accomplishing the intent of the parties, the Grantors covenant on behalf of themselves, their successors and assigns, with the Grantee, that the Wetland Preserve shall be used for only those purposes which will maintain the existing open, scenic and natural character of the Wetland Preserve. Further, Grantors, their successors and assigns agree to refrain from doing any of the following acts upon the Wetland Preserve:
  - A. Placing or erecting or causing the placement or erection of any building, structure or vehicle intended for human occupancy, commercial purposes or agricultural purposes.
  - B. Doing or causing to be done any act which will materially change the general topography or present natural form of the Wetland Preserve.
3. Grantors, their successors and assigns, shall not divide the Wetland Preserve into two or more parcels under separate ownership by sale, gift or otherwise.
4. Grantors warrant that they are the owners of the Wetland Preserve and that no other person, individual, trust, firm, corporation or other entity has an interest in the Wetland Preserve.
5. Grantors further intend and hereby specifically provide that the County shall have the right to enforce this easement, and that the County shall have the right to enter upon the Wetland Preserve for the purpose of inspection and to ensure protection of its rights under this grant after giving notice to Grantors, their successors or assigns. Grantors specifically intend by their offer, and the County specifically intends by its acceptance hereof, that the County shall not have any right of control over or duties or responsibilities with respect to the Wetland Preserve which would subject the County to any liability for injury occurring upon the Wetland Preserve inasmuch as the County shall not have the right to go on to the Wetland Preserve for the purpose of correcting any dangerous conditions as defined by applicable statute.
6. Notwithstanding the restrictions set forth in Section 2 herein, the Grantors reserve the following rights and privileges with respect to the Wetland Preserve:
  - A. The right to prohibit entry onto the Wetland Preserve by unauthorized persons.
  - B. The right to manage the Wetland Preserve and its resources in a manner consistent with accepted principles of conservation practice which are consistent with the restrictions placed upon Grantors by this easement.

This is to certify that the interest in real property conveyed by deed or grant dated February 1, 1990, from David E. Franks to the County of Sonoma, a political subdivision of the State of California, is hereby accepted by order of the Board of Supervisors on \_\_\_\_\_, 19\_\_\_\_, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: February 14, 1990

Nick Laporte  
Chairman of the Board of Supervisors  
of the County of Sonoma

77001002

- 7. Grantors intend that the easement granted herein shall confine the use of the Wetland Preserve to the uses enumerated herein and such other uses as the County may, by resolution of its Board of Supervisors, agree do not conflict with the aesthetic and environmental values which the Grantors and County seek to preserve through the grant of this easement.
- 8. The grant of this easement is effective as of the date of its acceptance pursuant to Government Code section 6950 by the County.

IN WITNESS WHEREOF, the Grantors have executed this Grant of Easement and Agreement this \_ day of \_ 19\_\_.

GRANTORS

          *David E. Frank*            
          *Anna Frank*            
          *Anna Frank by*            
          *David E. Frank*            
*her attorney in fact*

ATTN: GAIL DAVIS

90018522



Ray Carlson & Associates, Inc.  
LAND SURVEYING

APPROVED  
FEB 05 1990  
SURVEYORS

Boundary & Topographic Surveys  
Parcel & Subdivision Maps  
Construction  
Consulting  
Court Exhibits

RECEIVED  
FEB 05 1990  
PLANNING DEPARTMENT  
COUNTY OF SONOMA

EXHIBIT "A"

Being a portion of the lands of David E. and Anna Franks as described in that deed recorded as Document No. 85-055371, Official Records, Sonoma County Records, said portion being more particularly described as follows;

Beginning at a 3/4" iron pipe tagged L.S. 3193 marking the southeast corner of Lot 2 as shown and delineated on that Parcel Map No. 89-235 filed in Book 441 of Maps, Page 14, Sonoma County Records, said pipe also marking the northeast corner of the lands of Franks above mentioned; thence along the common line of said lands and said Lot 2, North 88 degrees 53 minutes 21 seconds West, 626.39 feet (North 88 degrees 52 minutes 00 seconds West, 626.37 feet per above mentioned Parcel Map) to a 3/4" iron pipe tagged L.S. 3193 marking the southwest corner of said Lot 2; thence South 00 degrees 19 minutes 44 seconds West, 393.06 feet to a set 1/2" iron pipe tagged P.L.S. 4206 in an ancient fence accepted as marking the north line of the lands of Wycoff as described in that deed recorded in Book 2585 of Official Records, Page 417, Sonoma County Records; thence along said fence line South 88 degrees 38 minutes 38 seconds East, 635.61 feet to a found 3/4" iron pipe marking the northeast corner of said lands of Wycoff; thence along the west line of the above mentioned lands of Franks North 00 degrees 59 minutes 55 seconds West, 76.10 feet to a found 1/2" iron pipe tagged R.E. 13451; thence continuing North 00 degrees 59 minutes 55 seconds West, 319.94 feet to the point of beginning.

Containing 5.70 acres, more or less.

The purpose of this deed is for a Lot Line Adjustment for the combination of a portion of the lands of Franks as described by deed recorded under Document No. 85-055371, Sonoma County Records, (AP# 034-042-16) with the lands of Porter, as described by deed recorded in Book 3534, Page 947, of Sonoma County Records, (AP# 034-042-01). This deed is pursuant to ZC/LLA 89-554 on file in the office of the Sonoma County Planning Department. It is the express intent of the signators hereto that the recordation of this deed extinguishes any unperfected parcels or portions of parcels.

AP# 34-042-16  
TMD/BROWN  
Job No. 89-227 (RZ/LLA 89-554)  
February 1990



STATE OF CALIFORNIA )  
 ) ss  
COUNTY OF SONOMA )

On this 1<sup>st</sup> day of February, in the year 1990, before me,  
Kathleen L. Albright, Notary Public, personally appeared  
DAVID E. FRANKS

, personally known to me (or proved to me on  
the basis of satisfactory evidence) to be the person whose name is  
subscribed to this instrument, and acknowledged that he (she or the  
executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my  
official seal in the County of Sonoma the day and year in this  
certificate first above written.

*Kathleen L. Albright*  
Notary Public, State of California

CC. Sec. 1189  
General Acknowledgment



STATE OF CALIFORNIA )  
 ) ss  
COUNTY OF SONOMA )

On this 1<sup>st</sup> day of FEBRUARY, in the year 1990  
before me, Kathleen L. Albright, Notary Public, personally appeared  
DAVID E. FRANKS

personally known to me (or proved to me on the basis of satisfactory  
evidence) to be the person whose name is subscribed to this  
instrument as the attorney in fact of ANNA FRANKS  
, and acknowledged to me that he (she) subscribes  
the name of ANNA FRANKS thereto as  
principal, and his (her) own name as attorney in fact.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my  
official seal in the County of Sonoma the day and year in this  
certificate first above written.

*Kathleen L. Albright*  
Notary Public, State of California

CC. Sec. 1192  
Attorney in Fact Acknowledgment

