

RECORDING REQUEST BY AND
RETURN TO:

Sonoma County Agricultural
Preservation and Open Space District
575 Administration Drive, Room 102A
Santa Rosa, CA 95403

**SECOND AMENDMENT TO DEED AND AGREEMENT BY AND BETWEEN THE
FORESTVILLE PLANNING ASSOCIATION AND THE SONOMA COUNTY
AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT CONVEYING A
CONSERVATION EASEMENT AND ASSIGNING DEVELOPMENT RIGHTS**

The Forestville Planning Association, a California 501(c)(3) non-profit corporation (hereinafter "GRANTOR"), and the Sonoma County Agricultural Preservation and Open Space District, a public agency formed pursuant to the provisions of Public Resources Code section 5500 et seq. (hereinafter "DISTRICT"), agree as follows:

RECITALS

A. GRANTOR is the owner in fee simple of certain property located in Sonoma County and more particularly described in Exhibit A to Document Number 2013110043 in the Official Records of Sonoma County, recorded November 15, 2013 (hereinafter the "Property").

B. Pursuant to the terms of a funding agreement between GRANTOR and DISTRICT (collectively hereinafter the "Parties"), entered into in conformity with DISTRICT'S "Matching Grant Program," GRANTOR conveyed to DISTRICT a conservation easement interest in the Property by an instrument entitled "DEED AND AGREEMENT BY AND BETWEEN THE FORESTVILLE PLANNING ASSOCIATION AND THE SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT CONVEYING A CONSERVATION EASEMENT AND ASSIGNING DEVELOPMENT RIGHTS," recorded as Document Number 2013110043 in the Official Records of Sonoma County on November 15, 2013 (the "Original Easement").

C. The Parties first amended the Original Easement by an instrument entitled "FIRST AMENDMENT TO DEED AND AGREEMENT BY AND BETWEEN THE FORESTVILLE PLANNING ASSOCIATION AND THE SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT CONVEYING A CONSERVATION EASEMENT AND ASSIGNING DEVELOPMENT RIGHTS," recorded as

Document Number 2017087597 in the Official Records of Sonoma County on November 14, 2017, for the purpose of correcting an error in the Original Easement that prohibited certain public utilities (the "First Amendment").

D. The Original Easement, as amended by the First Amendment, is referred to herein as the "Easement".

E. The Easement restricts certain structures, improvements, and uses to a "Building Envelope" designated on a Baseline Documentation Report Site Map (Baseline Site Map) prepared at the time of execution of the Original Easement.

F. In 2018, GRANTOR discovered jurisdictional wetlands that prevent development within a portion of the designated Building Envelope.

G. The Parties desire to enter into this Second Amendment to the Easement (the "Second Amendment") to realign the Building Envelope boundary to remove the jurisdictional wetlands and extend the Building Envelope further south and west to allow space for GRANTOR to install planned community park-related features on the Property.

H. On _____, by Resolution No. _____, the Board of Directors of DISTRICT made findings that this Second Amendment is consistent with DISTRICT'S amendment policies, made findings pursuant to California Public Resource Code Section 5540.5, and approved this Second Amendment.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Parties agree as follows:

AMENDMENT


1. Realigned Building Envelope. All references in the Easement to the "Building Envelope" shall be to the "Building Envelope" described in Exhibit C-1 and depicted in Exhibit C-2, which are attached to this Second Amendment and hereby incorporated into the Easement by this reference.

2. Unmodified Provisions. Except as expressly set forth herein, no changes are made to the material terms and conditions of the Easement and each and every provision of the Easement not modified shall remain in full force and effect.

3. Authorization of Signatories. By their signatures below, the undersigned represent and warrant that they are authorized to execute this Second Amendment on behalf of the party on behalf of whom they have executed below.

IN WITNESS WHEREOF, GRANTOR and DISTRICT have executed this Second Amendment this _____ day of _____, 2023.

GRANTOR:
FORESTVILLE PLANNING ASSOCIATION

By: 
President of Forestville Planning Association

DISTRICT:
SONOMA COUNTY AGRICULTURAL
PRESERVATION AND OPEN SPACE
DISTRICT

By: Chris Coursey
President of the Board of Directors

EXHIBIT 'C-1'
BUILDING ENVELOPE

Lying within the County of Sonoma, State of California and being a portion of the lands of Forestville Planning Association, as described in that Grant Deed recorded under Document Numbers 2013-110042 and 2016-059608, Sonoma County Records, said portion is more particularly described as follows:

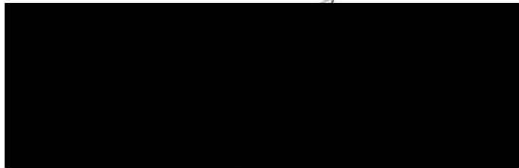
Beginning at a 1/2" iron pipe tagged PLS 7935 marking an angle point along the westerly boundary of the lands of Forestville Planning Association, from which a 1/2" iron pipe tagged PLS 7935 bears North 0°59'44" West 250.00 feet; thence along said westerly boundary, South 55°37'42" East 46.81' feet to an angle point said westerly boundary; thence leaving said boundary, South 1°00'35" East 152.91 feet; thence North 89°00'53" East 97.67 feet; thence North 1°00'35" West 134.62 feet; thence North 8°21'09" West 25.00 feet; thence North 12°33'15" West 31.36 feet; thence North 10°09'44" West 25.00 feet; thence along a curve to the right with a radius of 116.14 feet through a central angle of 55°27'04", for a distance of 112.40 feet; thence North 45°17'20" East 26.12 feet; thence South 89°21'47" East 74.27 feet to the easterly boundary of said lands of Forestville Planning Association; thence along said easterly boundary, North 0°59'44" West 89.70 feet to the northerly boundary of said lands of Forestville Planning Association; thence along said northerly boundary North 89°21'47" West 250.00 feet to a 1/2" iron pipe, tagged PLS 7935, marking the northwesterly corner of said lands of Forestville Planning Association; thence along the westerly boundary of Forestville Planning Association, South 0°59'44" East 250.00 feet to the POINT OF BEGINNING.

Containing 61,492 sq. ft. more or less.

END OF DESCRIPTION

Being a portion of APN 083-270-001 & 083-270-002.

Prepared by Cinquini & Passarino, Inc.



Mathew Dudley, PLS 9396



3/31/2023

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 Sonoma

On 4/13/2023 before me, Carrie Ann Johnson, Notary Publick
(insert name and title of the officer)

personally appeared Lucy Barnett Hardcastle,
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 [Redacted Signature] (Seal)



EXHIBIT 'C-2'

FRONT STREET (STATE HIGHWAY 116)

N89°21'47"W 250.00'

LANDS OF
KUNZ
083-080-047
DN 2020-061987

DESCRIBED AREA
61,492 SQFT.

S059°44"E 250.00'

L6

LANDS OF
FORESTVILLE PLANNING
ASSOCIATION
083-270-001
DN 2016-059608 AND
DN 2013-110042

POINT OF BEGINNING



LINE TABLE

LINE #	DIRECTION	LENGTH
L1	S55°37'42"E	46.81'
L2	N08°21'09"W	25.00'
L3	N12°33'15"W	31.36'
L4	N10°09'44"W	25.00'
L5	N45°17'20"E	26.12'
L6	S89°21'47"E	74.27'
L7	N00°59'44"W	89.70'

CURVE TABLE

CURVE #	RADIUS	DELTA	LENGTH
C1	116.14'	55°27'04"	112.40'

LANDS OF
FORESTVILLE SQUARE
PARTNERS, LLC
083-270-003
DN 2013-110048

S100°35'E 152.91'

N100°35"W 134.62'

N89°00'53"E 97.67'

LEGEND

- FOUND 1/2" IRON PIPE PLS 7935

- △ BOUNDARY
- △ TOPOGRAPHIC
- △ CONSTRUCTION
- △ SUBDIVISIONS

CINQUINI & PASSARINO, INC.
LAND SURVEYING
1360 No. Dutton Ave.
Santa Rosa, Ca. 95401
Phone: (707) 542-6268
Fax: (707) 542-2106
WWW.CINQUINIPASSARINO.COM

THIS DIAGRAM IS FOR GRAPHIC
PURPOSES ONLY. ANY ERRORS
OR OMISSIONS SHALL NOT
AFFECT THE LEGAL DESCRIPTION.

JOB NAME: 6990 FRONT ST - FORESTVILLE	DRAWN BY: CBS	CHECKED BY: MDD
DESCRIPTION: BUILDING ENVELOPE	SCALE: 1" = 60'	DATE: 3-15-23
	JOB #: 10043-23	PAGE: 2 OF 2

**CERTIFICATE OF ACCEPTANCE
OF REAL PROPERTY BY THE
BOARD OF DIRECTORS OF THE
SONOMA COUNTY AGRICULTURAL PRESERVATION
AND OPEN SPACE DISTRICT**
(Government Code Section 27281)

This is to certify that the interests in real property conveyed by the Second Amendment to Conservation Easement Agreement dated _____ from Forestville Planning Association to the Sonoma County Agricultural Preservation and Open Space District, a governmental agency formed pursuant to the provisions of Public Resources Code Section 5506.5 ("District"), is hereby accepted by the President of the Board of Directors on behalf of the District pursuant to the authority conferred by Resolution No. 2023-_____ of the Board of Directors, dated March 14, 2023 and the District consents to the recording thereof by its duly authorized officer.

Sonoma County Agricultural Preservation and
Open Space District

Dated: _____

By: _____
Chris Coursey, President
Board of Directors

ATTEST:

Clerk of the Board of Directors

