

Recording Requested by and Please Return to:
Executive Secretary
Sonoma County Department of Transportation
& Public Works
2300 County Center Drive, Suite B 100
Santa Rosa, CA 95403

This Instrument Benefits County Only.
No Fee Required (Government Code section 27383).
APN: 140-100-005 (Portion)

Space Above This Line For Recorder's Use

CONSENT AND SUBORDINATION AGREEMENT

NOTICE: THIS SUBORDINATION AGREEMENT RESULTS IN YOUR INTEREST IN THE PROPERTY BECOMING SUBJECT TO AND OF LOWER PRIORITY THAN A CERTAIN NEW EASEMENT OVER THE SAME PROPERTY.

WHEREAS, THIS AGREEMENT ("Consent Agreement"), made this ____ day of _____, 20__, is by and between Sonoma County Agricultural and Open Space District ("District"), a special district, and County of Sonoma ("County"), a political subdivision of the State of California.

WHEREAS, District is holder and owner of that certain "DEED AND AGREEMENT BY AND BETWEEN NATIONAL AUDUBON SOCIETY AND THE SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT CONVEYING A CONSERVATION EASEMENT AND ASSIGNING DEVELOPMENT RIGHTS," recorded in the Official Records of the County of Sonoma, State of California on December 30, 1994, as Document No. 1994143082 ("the Conservation Easement"), as to certain real property more particularly described therein "(the Property)"; and

WHEREAS, the Property is owned by Audubon Canyon Ranch, Inc. ("ACR"); and

WHEREAS, County is undertaking a road project on and adjacent to the Property, to repair certain storm damage and stabilize the roadway and adjacent slope areas to mitigate future failures and impacts (the "Project"). As part of that Project, County requires a permanent Slope and Drainage Easement ("Slope Easement") over, on, and under a certain 0.49-acre portion of the Property for certain permanent improvements, maintenance, and other slope and drainage rights, which Slope Easement is to be recorded in the Office of the Sonoma County Recorder concurrently this Consent Agreement; and

WHEREAS, the area of the Property encumbered by the County's Slope Easement is described in Exhibit A, and depicted in Exhibit B, attached hereto and incorporated herein by this reference; and

WHEREAS, County and ACR acknowledge need for the District's consent in order to complete the Slope Easement transaction as contemplated; and

WHEREAS, having had sufficient opportunity to review and confer as to the final form and terms of the Slope Easement, and following such findings as required by law as further set forth in Resolution No. _____ of the District Board of Directors on _____ (Date), District is willing to consent to the Slope Easement and to subordinate the Conservation Easement to the Slope Easement to the extent of any conflict as between these easements, as further set forth below;

NOW, THEREFORE, based on the terms and conditions of the Slope Easement and other valuable consideration, the sufficiency and receipt of such is acknowledged, District agrees as follows:

1. The above recitals are true and correct.
2. District hereby consents to the Slope Easement, entitled "Permanent Slope Easement Deed," by and between Audubon Canyon Ranch, Inc., and the County of Sonoma, recorded concurrently with this Consent Agreement.
3. As to the portion of the Property encumbered by the Slope Easement, District hereby subordinates its Conservation Easement to said Slope Easement to the extent of any conflict as between these easements, and agrees that the Conservation Easement shall be subject to said Slope Easement and to the rights, restrictions, and easements arising thereunder to the extent of any conflict, and as if for all purposes said Slope Easement had been executed and recorded prior to the Conservation Easement.

DISTRICT and COUNTY have executed this Consent Agreement on this _____ day of _____, 2021.

SIGNATURES ON FOLLOWING PAGE

SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE
DISTRICT

By: _____
President of the Board of Directors: Lynda Hopkins

ATTEST:

Clerk of the Board of Directors

COUNTY OF SONOMA

By: _____
Johannes Hoevertsz,
Director of Transportation and Public Works
County of Sonoma

Acknowledged, by Audubon Canyon Ranch, Inc:

Nils Warnock,
Interim Executive Director
Audubon Canyon Ranch, Inc

NOTARY PUBLIC CERTIFICATE

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 _____ before me,
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 by my hand and official seal,

Signature _____ (Seal)

NOTARY PUBLIC CERTIFICATE

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 _____ before me,
personally appeared _____, who proved to
me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to
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STATE OF CALIFORNIA
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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 by my hand and official seal,

Signature _____ (Seal)

Exhibit "A"
EASEMENT LEGAL DESCRIPTION

Lying within the southwest 1/4 of Section 9, Township 10 North, Range 8 West, Mount Diablo Base and Meridian, in the County of Sonoma, being over a portion of Parcel 1 of the lands Audubon Canyon Ranch, Inc., a California not-for-profit corporation as described by Grant Deed recorded under Document Number 2012-047732, Sonoma County Records, said portion is more particularly described as follows:

Beginning at a 1/2 inch iron pipe tagged "PLS 9396" on the easterly right of way of Pine Flat Road as described by Dedication and Grant of Easement recorded under Document Number 1994-143079, Sonoma County Records, from which a found 2 inch iron pipe with a brass cap tagged "LS 3890" marking the west 1/4 corner of Section 9 as shown on that certain Record of Survey filed in Book 741 of Maps at Pages 47 through 49, Sonoma County Records, bears North 80°50'01" West 1709.85 feet, and from which a found untagged 1/2 inch iron pipe shown as the southwest corner of the lands of Young on said Record of Survey (shown as tagged "LS 3890" on said Record of Survey) bears North 3°34'44" West 1479.43 feet; thence leaving said right of way, South 75°15'10" East 79.11 feet to a 1/2 inch iron pipe tagged "PLS 9396"; thence South 14°57'15" West 145.48 feet to a 1/2 inch iron pipe tagged "PLS 9396"; thence South 64°26'43" West 37.81 feet; thence South 22°30'04" West 82.28 feet to a 1/2 inch iron pipe tagged "PLS 9396"; thence South 62°10'41" West 82.28 feet to a 1/2 inch iron pipe tagged "PLS 9396" on said easterly right of way of Pine Flat Road; thence along said easterly right of way the following six courses:

on a non-tangent curve to the left, the radius point of which bears North 48°19'12" West 163.00 feet, through a central angle of 24°47'43", for a length of 70.54 feet;
thence on a curve to the left with a radius of 231.00 feet, through a central angle of 17°55'15", for a length of 72.25 feet;
thence North 1°02'10" West 29.42 feet;
thence on a curve to the right with a radius of 128.00 feet, through a central angle of 33°22'51", for a length of 74.57 feet;
thence North 32°20'42" East 51.36 feet;
thence on a curve to the left with a radius of 137.00 feet, through a central angle of 7°23'31", for a length of 17.67 feet to the Point of Beginning.


Containing 0.49 acres more or less.

END OF DESCRIPTION

Being over a portion of APN 141-100-005

The basis of bearings for the description herein in is California Coordinate System 1983, Zone 2, Epoch 2017.50. Distances shown hereon are grid. To obtain ground distances divide the grid distance by a combination factor of 0.9999336848.

Prepared by Cinquini & Passarino, Inc.


Mathew Dudley, PLS 9396

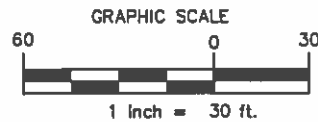


2/11/2020
Date

EXHIBIT 'B'

CURVE TABLE			
#	Radius	Delta	Length
C1	163.00'	24°47'43"	70.54'
C2	231.00'	17°55'15"	72.25'
C3	128.00'	33°22'51"	74.57'
C4	137.00'	7°23'31"	17.67'

FOUND 1/2" IRON PIPE, NO TAG



FOUND 2" IRON PIPE, LS 3890
1/4 CORNER, SECTION 9 PER
741 MAPS 47-49

R=55.00'
Δ=27°19'22"
L=26.23'

R=117.00'
Δ=26°15'23"
L=53.62'

POINT OF BEGINNING

50' EASEMENT FOR
PUBLIC ROAD
PURPOSES PER
DOCUMENT NUMBER
1994-143079

LINE TABLE		
#	Direction	Length
L1	S75°15'10"E	79.11'
L2	S14°57'15"W	145.48'
L3	S64°26'43"W	37.81'
L4	S22°30'04"W	82.28'
L5	S62°10'41"W	82.28'
L6	N01°02'10"W	29.42'
L7	N32°20'42"E	51.36'

RECORD OF SURVEY
741 MAPS 47

N48°19'12"W (RADIAL)

S1°02'10"E 29.42'

R=211.00'
Δ=17°55'15"
L=66.00'

R=148.00'
Δ=33°22'51"
L=86.23'

S32°20'42"W 51.36'

N80°50'01"W 1709.85'

FLAT ROAD

PINE

PHYSICAL CENTERLINE OF ROAD

0.49 ACRE
EASEMENT

LEGEND

○ SET 1/2" IRON PIPE, PLS 9396

CINQUINI & PASSARINO, INC.
LAND SURVEYING

- ▲ BOUNDARY
- ▲ TOPOGRAPHIC
- ▲ CONSTRUCTION
- ▲ SUBDIVISIONS

WWW.CINQUINIPASSARINO.COM

1360 No. Dutton Ave.
Santa Rosa, Ca. 95401
Phone: (707) 542-6268
Fax: (707) 542-2106

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

JOB NAME: PINE FLAT ROAD SLIDE REPAIR
DESCRIPTION: EASEMENT, APN 141-100-005

DRAWN BY: MD
SCALE: 1"=60'
JOB #: 8753-19

CHECKED BY:
DATE: 1/30/20
PAGE: 2 OF 2