

Attachment 3

RECORDING REQUESTED BY AND RETURN TO:

Clerk of the Board of Directors
Sonoma County Agricultural
Preservation and Open Space District
575 Administration Drive, Room 102A
Santa Rosa, CA 95403

Free recording per Government Code Section 6103

**FIRST AMENDMENT TO DEED AND AGREEMENT
BY AND BETWEEN
THE COUNTY OF SONOMA
AND
THE SONOMA COUNTY AGRICULTURAL PRESERVATION
AND OPEN SPACE DISTRICT
CONVEYING A CONSERVATION EASEMENT
AND
ASSIGNING DEVELOPMENT RIGHTS**

THE COUNTY OF SONOMA, a political subdivision of the State of California ("GRANTOR"), and the Sonoma County Agricultural Preservation and Open Space District, a special district formed pursuant to the provisions of California Public Resources Code sections 5500 *et seq.* ("DISTRICT"), agree as follows:

RECITALS

A. GRANTOR is the owner in fee simple of certain parcels of real property located in Sonoma County northeast of Santa Rosa, commonly known as "Mark West Creek Regional Park & Open Space Preserve" (hereinafter "the Property"), more particularly described in Exhibit "A" to an instrument entitled "DEED AND AGREEMENT BY AND BETWEEN THE COUNTY OF SONOMA AND THE SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT CONVEYING A CONSERVATION EASEMENT AND ASSIGNING DEVELOPMENT RIGHTS" (hereinafter "the Easement"), incorporated herein by this reference, which instrument was recorded by the Sonoma County Record on November 16, 2018, as document number 2018079141, Official Records of Sonoma County.

B. GRANTOR, as part of a compliance agreement executed by DISTRICT and Peter A. Lang and Nancy Anne Lang on December 13, 2016, is receiving fee simple ownership of 4.5 acres of land adjacent to the Property more particularly described in Exhibits "A-1" (Legal Description) and "A-2" (Record of Survey) attached hereto and incorporated herein by this reference ("the Exchange Property").

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- C. GRANTOR intends to incorporate the Exchange Property into the Property for management as one unit, and all part of the Mark West Creek Regional Park and Open Space Preserve.
- D. GRANTOR and District wish to amend the Easement to incorporate the Exchange Property.
- E. In 1990, the voters of Sonoma County approved the creation of DISTRICT and the imposition of a transactions and use tax to fund its operations. The purpose for the creation of DISTRICT and the imposition of the tax was to provide for the preservation of agriculture and open space through the acquisition of interests in appropriate properties from willing sellers consistent with a voter-approved Expenditure Plan. The DISTRICT was created and the tax imposed in order to further the state policy for the preservation of agricultural and open space lands, to meet the mandatory requirements imposed on the County and each of its cities by Government Code sections 65560 *et seq.*, and to advance the implementation of the open space elements of their respective general plans. In 2006, the voters of Sonoma County approved an extension of the transaction and use tax and an updated Expenditure Plan.
- F. The DISTRICT is organized pursuant to Public Resources Code sections 5500 *et seq.* and is duly authorized to acquire and hold conservation easement interests pursuant to Civil Code section 815.3 and Public Resources Code section 5540.
- G. On July 13, 2021, DISTRICT's Board of Directors, pursuant to Government Code section 65402 and Sonoma County Ordinance No. 5180, determined, by its Resolution No._____, that the amendment of a conservation easement to incorporate the Exchange Property was consistent with the Sonoma County General Plan (specifically the Plan's Land Use and Open Space and Resource Conservation Elements) because it preserves important biotic resource areas and scenic features with consistent uses and intensities; protects and enhances the county's natural habitats and diverse plant and animal communities; and contributes to the establishment of a countywide park and trail system that meets future recreational needs of the county's residents. By that same resolution, the DISTRICT's Board of Directors determined that the amendment of the conservation easement is consistent with the voter-approved Expenditure Plan.
- H. DISTRICT possesses the ability and intent to enforce the terms of this Easement.
- I. In an agreement of even date entitled "First Amendment to Recreation Conservation Covenant" recorded contemporaneously with this Easement, GRANTOR has obligated itself and its successors to engage in certain recreational operations on the Exchange Property. It is the intent of GRANTOR and DISTRICT that the Recreation Conservation Covenant and this Agreement will be construed together in order to achieve the purposes of both agreements.

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THEREFORE, in consideration of the foregoing recitations and of the mutual covenants, terms, conditions, and restrictions herein set forth and other valuable consideration receipt of which is hereby acknowledged, GRANTOR and DISTRICT agree as follows:

EASEMENT

PART ONE: GRANT OF EASEMENT

- 1. Amended Legal Description.** Exhibit "A" of the Easement is hereby amended to include the Exchange Property, as described in Exhibits "A-1" (Legal Description) and "A-2" (Record of Survey).
- 2. Unmodified Provisions.** No portions of the Easement not expressly modified by this First Amendment to Conservation Easement shall be modified hereby. Each and every provision of the Easement not modified hereby shall remain in full force and effect.
- 3. Effective Date.** This First Amendment to Conservation Easement shall be effective as of the date of its acceptance by DISTRICT pursuant to California Public Resources Code sections 5500 *et seq.*

IN WITNESS WHEREOF, GRANTOR and DISTRICT have executed this First Amended Easement this _____ day of _____, 2021.

GRANTOR:

COUNTY OF SONOMA

By: _____
Chair of the Board of Supervisors: Lynda Hopkins

ATTEST:

Clerk of the Board of Supervisors

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DISTRICT:

SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE
DISTRICT

By: _____

President of the Board of Directors: Lynda Hopkins

ATTEST:

Clerk of the Board of Directors

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, _____
(insert name and title of the officer)

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)

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**EXHIBIT A-1
LEGAL DESCRIPTION**

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Exhibit "A"
Lot Line Adjustment
Langs Family Trust to County of Sonoma

Lying within the State of California, County of Sonoma and being a portion of the lands of the Langs Family 2003 Trust as described by Deed recorded under Document Number 2012-100644 Official Records of Sonoma County, said portion is more particularly described as follows:

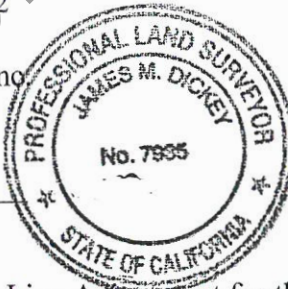
BEGINNING at the southwest corner of said lands, being a point on the west line of Section 7, Township 8 North, Range 8 West, Mount Diablo Meridian; thence along the west line of said lands also being the west line of said section, North 0°03'36" East 715.98 feet to the northeast corner of the lands of the County of Sonoma as described by deed recorded under Document Number 2018-079140 Official Records of Sonoma County; thence South 89°56'24" East 247.12 feet; thence parallel with said west line, South 0°03'36" West 959.29 feet to the southwest line of said lands of Langs Family 2003 Trust; thence along said southwest line, North 25°59'13" West 100.45 feet; thence continuing along said southwest line, North 40°36'43" West 74.78 feet; thence continuing along said southwest line, North 38°55'23" West 97.48 feet; thence continuing along said southwest line, North 67°03'43" West 31.62 feet; thence continuing along said southwest line, North 82°32'13" West 64.37 feet to the POINT OF BEGINNING.

Containing 4.5 Acres more or less

END OF DESCRIPTION

Being a portion of APN 028-070-032

Prepared by Cinquini & Passarino, Inc.



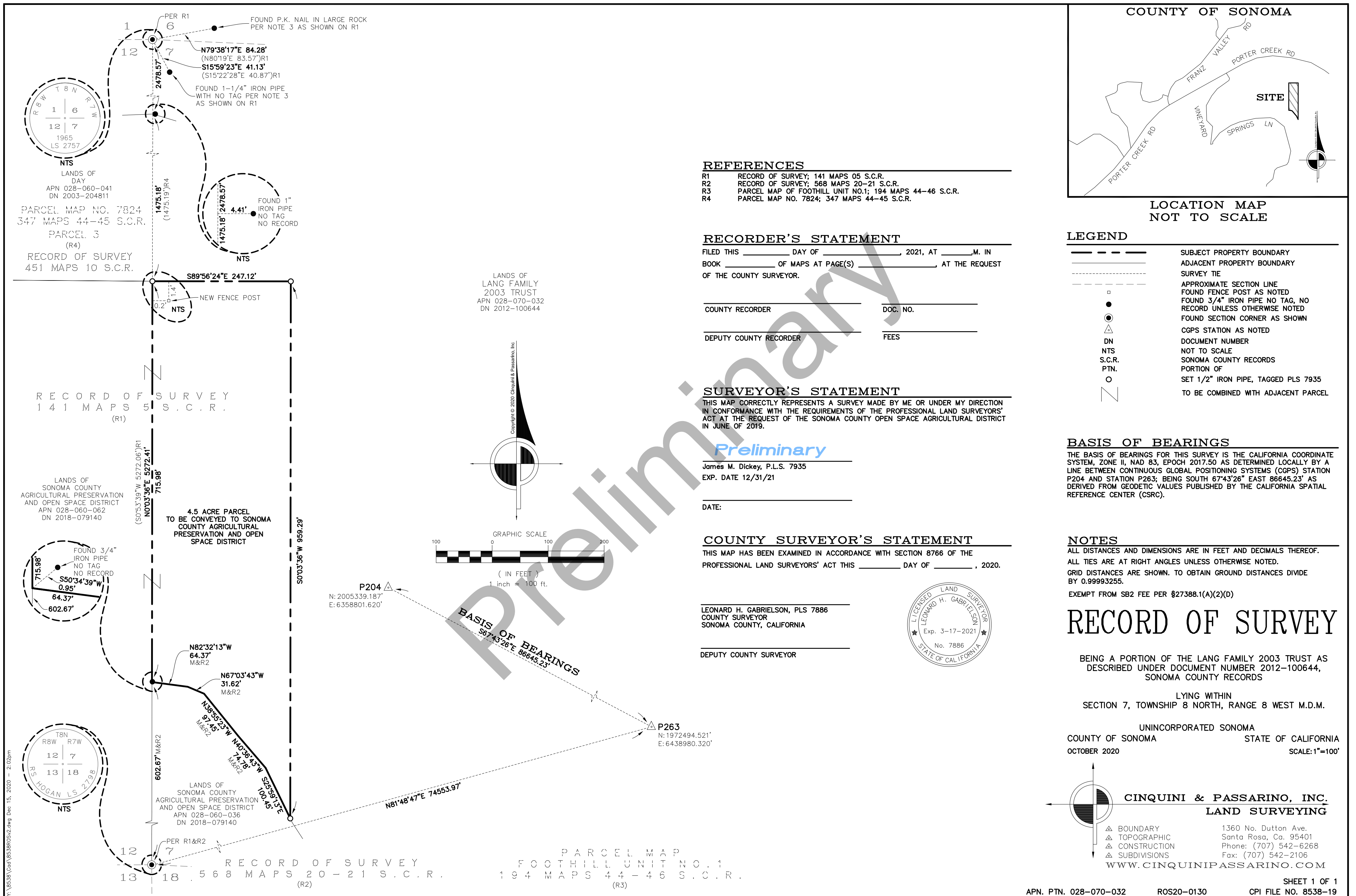
James M. Dickey, PLS 7935

Date

The purpose of this deed is for a Lot Line Adjustment for the combination of a portion of the lands of the Langs Family 2003 Trust as described in that Grant Deed recorded as Document No. 2012-100644 of Official Records, Sonoma County Records, portion of APN 028-070-032 with the lands of County of Sonoma as described in that Grant Deed recorded as Document No. 2018-079140 of Official Records, Sonoma County Records, being APN 028-060-062. This deed is pursuant to LLA20-_____ on file in the office of the Sonoma County Permit and Resource Management Department. It is the express intent of the signators hereto that the recordation of this deed extinguishes any underlying parcels or portions of parcels.

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**EXHIBIT A-2
RECORD OF SURVEY**



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CERTIFICATE OF ACCEPTANCE