

Attachment 4

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

Mark West Creek Regional Park and Open Space Preserve
FIRST AMENDMENT TO
RECREATION CONSERVATION COVENANT
(California Civil Code §§815 *et seq.*)

THIS AGREEMENT is entered into by and between the Sonoma County Agricultural Preservation and Open Space District (“the District”) and the County of Sonoma, a political subdivision of the State of California, its successors and assigns and those claiming under it (“Owner”).

Recitals

A. Owner is the owner in fee simple of that certain 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”), which instrument was recorded on November 16, 2018, as document number 2018079141, Official Records of Sonoma County.

First Amendment to Recreation Conservation Covenant

Attachment 4

B. The Property is subject to an instrument entitled “Mark West Creek Regional Park and Open Space Preserve RECREATION CONSERVATION COVENANT” (hereinafter “the Covenant”), incorporated herein by this reference, which instrument was recorded on November 16, 2018, as document number 2018079142, Official Records of Sonoma County.

C. GRANTOR is receiving fee simple ownership to another parcel of real property approximately 4.5 acres in size, located 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”). GRANTOR agrees to add the Exchange Property to Mark West Creek Regional Park & Open Space Preserve.

D. In a companion transaction of even date, Owner and DISTRICT have amended the Easement to add the Exchange Property to the protections afforded by the Easement (hereinafter “the Easement Amendment”). This First Amendment to Recreation Conservation Covenant is intended to complement the Easement Amendment by assuring the continued and perpetual recreational use of the Exchange Property consistent with the Easement Amendment.

Agreement

FOR VALUABLE CONSIDERATION, Owner hereby undertakes the following obligations for the benefit of the District:

1. Amended Legal Description. Exhibit “A” of the Covenant is hereby amended to include the Exchange Property, as described in Exhibits “A-1” (Legal Description) and “A-2” (Record of Survey).

First Amendment to Recreation Conservation Covenant

Attachment 4

2. Unmodified Provisions. No portions of the Covenant not expressly modified by this First Amendment to Recreation Conservation Covenant shall be modified hereby. Each and every provision of the Agreement not modified hereby shall remain in full force and effect.

GRANTOR:
COUNTY OF SONOMA

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

ATTEST:

Clerk of the Board of Supervisors

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

First Amendment to Recreation Conservation Covenant

Attachment 4

Exhibit A-1

Legal Description

Attachment 4

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.

Attachment 4

Exhibit A-2

Record of Survey

