

Attachment C – Existing Open Space
Easement and Limited Building Zone to be
Vacated

OCNA

RECORDING REQUESTED BY DEPARTMENT OF GENERAL
SERVICES FOR THE BENEFIT OF THE COUNTY OF SAN DIEGO
PER GOVERNMENT CODE SECTION 27383

**WHEN RECORDED, PLEASE RETURN
THIS INSTRUMENT TO:**

(MAIL STATION A45)

Clerk, Board of Supervisors
San Diego County Administration Center
1600 Pacific Highway
San Diego, California 92101

DOC# 2016-0243472



May 19, 2016 10:05 AM

OFFICIAL RECORDS

Ernest J. Dronenburg, Jr.,

SAN DIEGO COUNTY RECORDER

FEES: \$0.00

PAGES: 4

SPACE ABOVE FOR RECORDER'S USE ONLY

OPEN SPACE EASEMENT

(Biological Resources)

NO TRANSFER TAX DUE
Assessor's Parcel No.:
130-100-27

Project: TM 5545
W.O. No.: Manded 1019435-2015-0234
Parcel No.: 2015-0234-A
Log No.: E15-067

SUSAN J. TURNBULL, as Successor Trustee
of the Turnbull Trust "A" created under the Turnbull Family Trust dated May 15, 2002
and
SUSAN J. TURNBULL, as Successor Trustee
of the Turnbull Trust "B" created under the Turnbull Family Trust dated May 15, 2002
and
SUSAN J. TURNBULL, as Successor Trustee
of the Turnbull Trust "C" created under the Turnbull Family Trust dated May 15, 2002

hereinafter designated GRANTOR, represents that they are the owners of the hereinafter described real property, and for a valuable consideration, the receipt of which is hereby acknowledged, hereby grants to the **COUNTY OF SAN DIEGO**, a political subdivision of the State of California, a perpetual easement for open space, over that area described as follows:

Parcel No. 2015-0234-A

(11/16/2015)

(ENG:BTH:ERL)

THAT PORTION OF PAUMA RANCHO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA ACCORDING TO MAP THEREOF ATTACHED TO THE RECORD OF THE PATENT IN BOOK 1, PAGE 67 OF PATENTS, RECORDS OF SAID COUNTY, INCLUDED IN LAND DESCRIBED IN QUITCLAIM DEED TO SUSAN J. TURNBULL, AS SUCCESSOR TRUSTEE, RECORDED AUGUST 10, 2005 AS DOCUMENT NO. 2005-0683660 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY (TURNBULL'S LAND), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID TURNBULL'S LAND; THENCE ALONG THE NORTHWESTERLY BOUNDARY OF SAID TURNBULL LAND SOUTH 58°40'46" WEST 200.58 FEET; THENCE LEAVING SAID BOUNDARY SOUTH 34°56'06" WEST 115.67 FEET; THENCE SOUTH 55°03'54" EAST 22.00 FEET; THENCE SOUTH 35°57'59" WEST 49.01 FEET TO THE BEGINNING OF A NON-TANGENT 221.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, A RADIAL LINE TO WHICH BEARS NORTH 34°40'53" EAST; THENCE SOUTHERLY ALONG SAID CURVE THROUGH AN ANGLE OF 13°37'48" A DISTANCE OF 52.57 FEET; THENCE NON-TANGENT TO SAID CURVE SOUTH 55°03'54" EAST 648.78 FEET THENCE SOUTH 40°15'14" EAST 169.25 FEET; THENCE SOUTH 69°00'00" EAST 87.73 FEET; THENCE SOUTH 17°07'07" EAST 413.98 FEET; THENCE SOUTH 45°34'28" EAST 72.71 FEET; THENCE SOUTH 15°17'06" EAST 78.42 FEET; THENCE SOUTH 35°40'41" WEST 136.21 FEET TO A POINT IN THE BOUNDARY OF SAID TURNBULL LAND; THENCE ALONG SAID BOUNDARY SOUTH 87°31'50" EAST 284.00 FEET; NORTH 19°53'45" WEST 422.53 FEET; NORTH 62°09'15" EAST 122.00 FEET; NORTH 36°01'27" WEST 912.67 FEET; SOUTH 52°54'20" WEST 150.00 FEET; AND NORTH 31°23'34" WEST 423.30 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 9.43 ACRES MORE OR LESS

2015-0234-A

This easement is for the protection of sensitive biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. The sole exceptions to this prohibition are:

1. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997 between the wildlife agencies and the fire districts and any subsequent amendments thereto.
2. Activities conducted pursuant to a re vegetation or habitat management plan approved in writing by the Director of Planning & Development Services or the Director of Public Works, for the County of San Diego.
3. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego, in a location and manner approved in writing by the Director of Planning and Development Services of the County of San Diego.

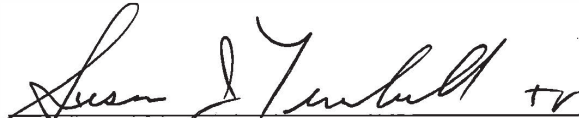
The County of San Diego shall have the right, but not the obligation, to enter upon the land subject to this easement and remove any material, structure or other thing placed or maintained contrary to the terms of this easement, and to do any work necessary to eliminate the effects of any violation of this easement. This easement shall not authorize any member of the public to use or enter upon the land subject to this easement, it being understood that the purpose of this easement is solely to restrict the use of said land. The terms of this easement may be specifically enforced or enjoined by proceedings in a court of competent jurisdiction, and shall be binding upon the Grantor(s) and its or their successors and assigns.

This Grant of Easement is being offered and recorded as a condition of approval for Tentative Map 5545 (TM 5545). If Tentative Map 5545 (TM 5545) expires or is otherwise abandoned, upon the request of the Grantor and approval of the Director of Planning and Development Services, its successors or assigns, the Grant shall be extinguished. The Department of General Services will prepare execute and record a Quitclaim document acknowledging the extinguishment of the Grant upon payment of the fee required to review and process the request.

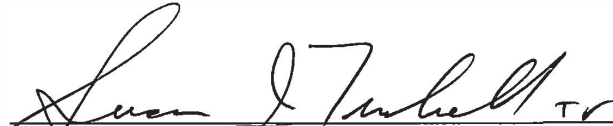
Dated this 25th day of February, 2016



SUSAN J. TURNBULL, as Successor Trustee of the
Turnbull Trust "A" created under the Turnbull Family Trust dated May 15, 2002



SUSAN J. TURNBULL, as Successor Trustee of the
Turnbull Trust "B" created under the Turnbull Family Trust dated May 15, 2002



SUSAN J. TURNBULL, as Successor Trustee of the
Turnbull Trust "C" created under the Turnbull Family Trust dated May 15, 2002

2015-0234-A

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 San Diego) SS

On February 25, 2014 before me, Peggy Delano, a Notary Public in and for said State, personally appeared Susan J. Turnbull

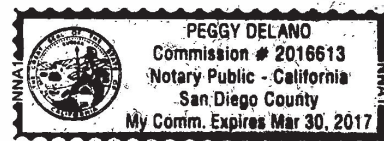
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and by his/her/their signature(s) on the instrument the person(s), or 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: Peggy Delano
Peggy Delano, San Diego, California
Name (typed or printed), Notary Public in and for said County and State

(FOR NOTARY SEAL OR STAMP)



This is to certify that the interest in real property conveyed by the foregoing deed or grant to the **County of San Diego**, a political subdivision, is hereby accepted on behalf of the Board of Supervisors of said County of San Diego pursuant to authority conferred by Resolution No. 12-159 of said Board adopted on **October 10, 2012 (08)** and the Grantee consents to recordation thereof by its duly authorized officer.

Dated: 5/17/2016

Adam S. Weinberg
for ADAM S. WEINBERG, CCIM
Chief, Real Estate Services Division
Department of General Services
County of San Diego



C-6

2015-0234-B

(continued)

SOUTH 34°56'06" WEST 40.00 FEET; THENCE NORTH 55°03'54" WEST 115.20 FEET TO THE BEGINNING OF A TANGENT 100.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY; THENCE NORTHWESTERLY AND NORTHERLY ALONG SAID CURVE THROUGH AN ANGLE OF 77°39'54" A DISTANCE OF 135.55 FEET; THENCE TANGENT TO SAID CURVE NORTH 22°36'00" EAST 13.27 FEET TO A POINT IN THE NORTHERLY BOUNDARY OF SAID LAND TURNBULL LAND; THENCE NORTHEASTERLY ALONG SAID BOUNDARY NORTH 58°40'46" EAST 169.41 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 1.75 ACRES MORE OR LESS.

This perpetual open space easement is for the protection of an adjacent area containing sensitive biological resources (encumbered by an open space easement) from encroachment due to clearing of vegetation or fire clearing activities and prohibits construction, erection or placement of any structure designed or intended for occupancy by humans or animals. The sole exception(s) to this prohibition are:

1. Decking, fencing, and similar facilities.
2. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.

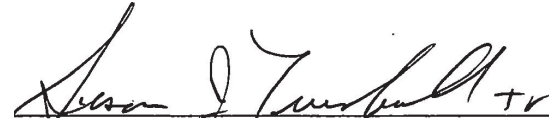
The County of San Diego shall have the right, but not the obligation, to enter upon the land subject to this easement and remove any material, structure or other thing placed or maintained contrary to the terms of this easement, and to do any work necessary to eliminate the effects of any violation of this easement. This easement shall not authorize any member of the public to use or enter upon the land subject to this easement, it being understood that the purpose of this easement is solely to restrict the use of said land. The terms of this easement may be specifically enforced or enjoined by proceedings in a court of competent jurisdiction, and shall be binding upon the Grantor(s) and its or their successors and assigns.

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Dated this 25th day of February, 20 16



SUSAN J. TURNBULL, as Successor Trustee of the
Turnbull Trust "A" created under the Turnbull Family Trust dated May 15, 2002



SUSAN J. TURNBULL, as Successor Trustee of the
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2015-0234-B

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STATE OF California)
COUNTY OF San Diego) } ss

On February 25, 2014 before me, Peggy Delano a Notary Public in and for said State, personally appeared Susan J. Turnbull

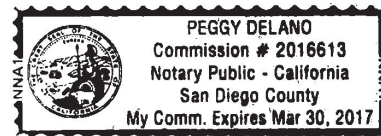
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and by his/her/their signature(s) on the instrument the person(s), or 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: Peggy Delano
Peggy Delano San Diego, California
Name (typed or printed), Notary Public in and for said County and State

(FOR NOTARY SEAL OR STAMP)



CERTIFICATE OF ACCEPTANCE

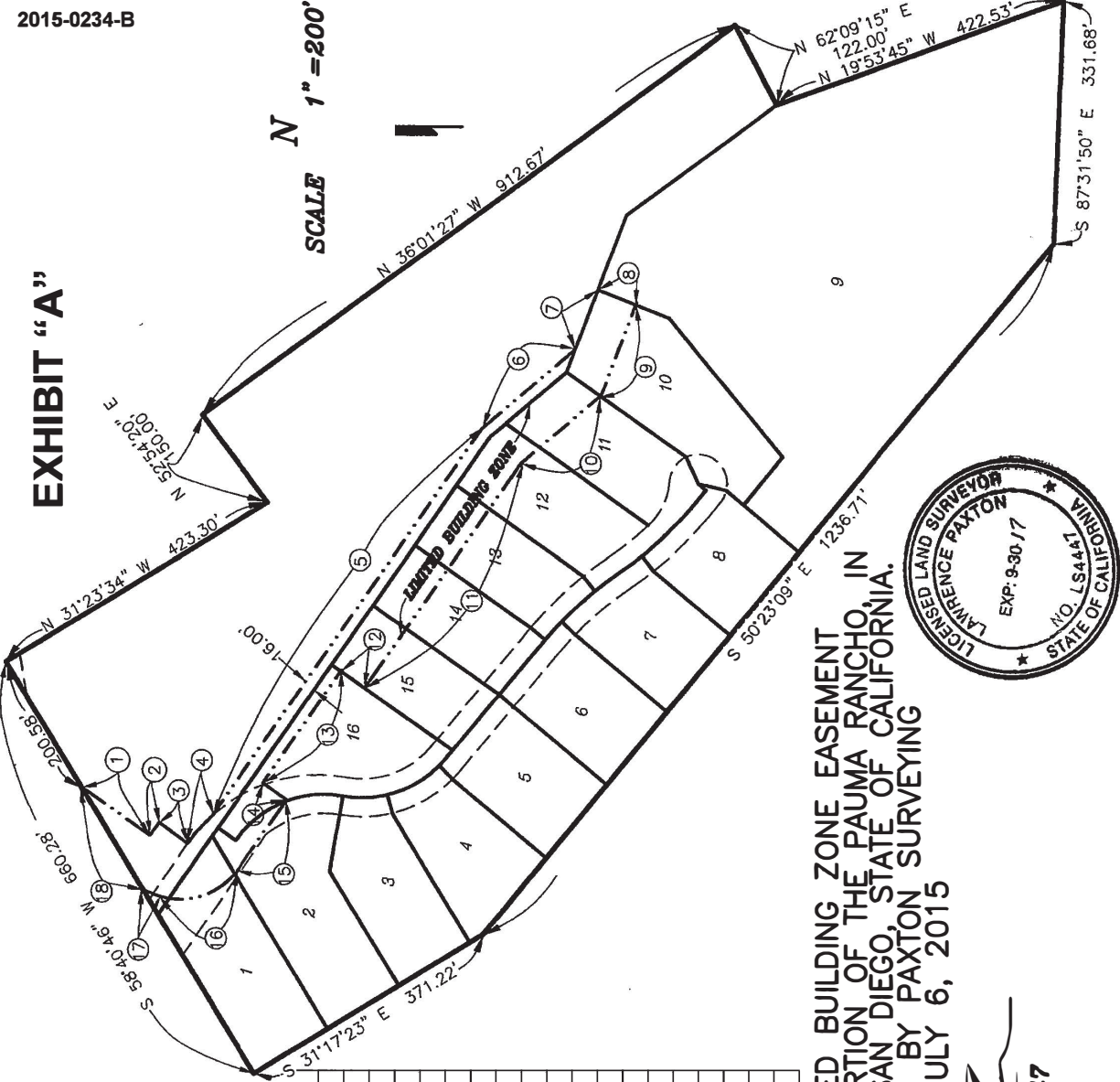
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Dated: 5/17/2016

Adam S. Weinberg
For ADAM S. WEINBERG, CCIM
Chief, Real Estate Services Division
Department of General Services
County of San Diego

2015-0234-B

EXHIBIT "A"



	DELTA/BEARING	RADIUS	DISTANCE
①	N 34°56'06" E		115.67'
②	N 55°03'54" W		22.00'
③	N 35°57'59" E		49.01'
④	13°37'48"	221.00	52.57'
⑤	N 55°03'54" W		648.78'
⑥	N 40°15'14" W		169.25'
⑦	N 69°00'00" W		87.73'
⑧	S 21°00'00" W		60.00'
⑨	N 69°00'00" W		136.38'
⑩	N 40°15'14" W		145.58'
⑪	N 55°03'54" W		374.61'
⑫	N 34°56'06" E		40.00'
⑬	N 55°03'54" W		190.00'
⑭	N 34°56'06" E		40.00'
⑮	N 55°03'54" W		115.20'
⑯	77°39'54"	100.00'	135.55'
⑰	N 22°36'00" E		13.27'
⑱	N 58°40'46" E		169.41'

PLAT OF A LIMITED BUILDING ZONE EASEMENT
LYING WITHIN A PORTION OF THE PAUMA RANCHO, IN
THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.
PREPARED BY PAXTON SURVEYING
JULY 6, 2015

Lawrence Paxton
LAWRENCE PAXTON, ALS 4447

