

CALIFORNIA COASTAL COMMISSION

South Central Coast District Office
89 So. California Street, #200
Ventura, CA 93001
(805) 585-1800
(805) 641-1732

2/03/2010
MRCA
Agenda Item V(e)

TO: Permit Applicants/Agents Permit No.: _____

FROM: _____ District Office of the California Coastal Commission

RE: Instructions for the Completion of Enclosed Deed Restriction

NOTE: THE FOLLOWING INSTRUCTIONS MUST BE ADHERED TO AS CLOSELY AS POSSIBLE. FAILURE TO COMPLETE EACH ITEM PROPERLY MAY NECESSITATE RETURN OF THE DOCUMENT FOR RE-RECORDATION, WHICH WILL DELAY ISSUANCE OF THE PERMIT. IF YOU HAVE ANY QUESTIONS REGARDING THESE INSTRUCTIONS PLEASE DISCUSS THE QUESTIONS WITH THE COASTAL COMMISSION STAFF ANALYST ASSIGNED TO YOUR PERMIT.

This packet is designed to assist you with a requirement you must satisfy in order to obtain your permit. In order to satisfy this requirement, you must do the following six things (some of which are described in greater detail below):

- Make sure you know the exact name(s) of each of the true owner(s) of the property covered by the permit (including the correct name of the trust if the property is held in trust).
- Fill in all the blank spaces on the attached Deed Restriction form as indicated in the line-by-line instructions on pages 3 and 4 of this packet. Do not alter the form (unless explicitly instructed to do so, pursuant to the second instruction on page 3).
- Have the signature page notarized.
- Attach the two necessary exhibits.
- Take the document to the County Recorder's Office for the county in which the property is located and ask to have it "recorded."
- *After* the document has been recorded at the County Recorder's Office, obtain the following two items from a licensed title insurance company and submit them to the Coastal Commission **district office from which you received this document**: (1) a preliminary title report (or other title analysis that satisfies the criteria listed below) that identifies the deed restriction and (2) a certified copy of the recorded Deed Restriction. If you submitted the deed restriction to the County Recorder's Office yourself, you should **wait until it has had time to get into the system** before obtaining the preliminary title report; otherwise, the title report will not identify the deed restriction.

The first five steps are necessary to record the Deed Restriction correctly. More detailed instructions for the first four steps are provided on pages three and four herein. Again, if you have any questions regarding these instructions, please contact the Coastal Commission staff analyst assigned to your permit. If the Deed Restriction is recorded incorrectly, it may require further processing on your part and may **substantially delay the issuance of your permit.**

The final step is necessary in order to demonstrate that the first five steps were completed correctly. You must obtain either a preliminary title report or another title analysis regularly issued by a title insurance company that (1) discloses both the ownership status and the legal description of the property and (2) reflects the presence of the recorded Deed Restriction on the title. The preliminary title report or similar document must be prepared by a licensed title insurance company and dated after the date (or time) of recordation of the Deed Restriction. Again, if you submitted the deed restriction to the County Recorder's Office yourself, you should **wait until it has had time to get into the system** before obtaining the preliminary title report; otherwise, the deed restriction will not show up on the report and you will have to obtain a second or supplemental report. You must also have the title insurance company obtain a certified copy of the Deed Restriction as it was recorded. Submit both documents to the Coastal Commission district office from which you received this document. **Any discrepancy between the ownership status (as set forth in Recital I of the Deed Restriction and on the signature line) and/or the property description (as set forth in Exhibit A of the Deed Restriction), on the one hand, and the information contained in the preliminary title report (or other satisfactory title analysis), on the other, may result in our requiring you to re-record the Deed Restriction or to record an amendment to the Deed Restriction to correct the discrepancy before your permit can be issued.**

When the above steps have been satisfactorily completed and all other prior-to-issuance conditions have been satisfied, the District Office will issue the permit.

INSTRUCTIONS FOR COMPLETING THE DEED RESTRICTION

PAGE 1

- Lines 11-12: List the full name(s) of all the property owners in their correct capacity of ownership. The ownership information must appear on the deed restriction exactly as it appears on the title report. For example, if a hyphenated last name is used on the deed, the same hyphenated last name should be used on this Deed Restriction. Similarly, if the ownership is held under a trust name, then list all of the trustees and the proper title of the trust, for example: Don W. Smith and Gloria Smith, Trustees of the Don W. and Gloria Smith Trust, dated August 8, 1974. (NOTE: This information can be obtained from your grant deed or title report.)
- Line 21: If the property owner was not the applicant for the permit, identify the permit applicant in Recital IV (followed by the parenthetical phrase "(hereinafter referred to as the "Applicant")) in place of the term "Owner(s)" (just cross out the word "Owner(s)" and replace it), and then use the term "Applicant" in place of: 1) the second reference to "Owner(s)" in Recital VII (page 2, line 11) and 2) the first reference to "Owner(s)" in the "NOW, THEREFORE" clause (page 2, line 12).
- Lines 24: Insert the date of the public hearing at which the Commission approved the permit application. This information can be obtained from the "NOTICE OF INTENT TO ISSUE PERMIT."
- Line 25: Insert the Coastal Development Permit Number (e.g., 5-04-0xx).
- Line 27: Insert the date the "NOTICE OF INTENT TO ISSUE PERMIT" was issued.

PAGE 3

- Line 22: Insert the date that the Deed Restriction is executed.
- Line 25: All legal owners must sign. If the property is held by one or more persons in his/her/their capacity as trustee(s) of a living or family trust, the trustee(s)'s name(s) must be listed at the beginning of the document and the trustee(s) must sign, but the trust status must be listed along with the trustee(s)'s name(s) at the beginning and printed or typed below the signature line at the end (i.e., John Smith, Trustee of the Smith Family Trust dated 0/0/00.) If the property is owned by a company/business organization (i.e., corporation, partnership, limited liability company (LLC), etc.), the company/business name must be listed and the Deed Restriction must indicate clearly that the person executing it is doing so on behalf of the business that owns the property, and in his/her capacity as an officer, partner, or other authorized representative of the company/business (e.g., JONES DEVELOPMENT, INC., By: John Jones, President). Additional signature lines should be added if multiple signatures are required. For example, if the owner is a corporation, several officers

may be required to sign. The name of the owner listed here must match the name listed on page 1 and on the preliminary title report (which shows how title is legally held) **exactly**. If you have any questions about this, please contact the Commission's district office from which you received this document. Mistakes in the ownership information are the most common errors and frequently lead to the need to re-record.

PAGE 4 All signatures must be notarized.

EXHIBIT(S)

Exhibit A: A formal legal description of every parcel of property on which any of the development authorized by the permit will occur. This information can be obtained from your grant deed or title policy. (NOTE: The assessor's parcel number or a street address is NOT a valid legal description.) Insert this description(s) behind the page labeled "Exhibit A (Legal Description of Property)."

Exhibit B: A complete copy of the Notice of Intent to Issue Permit ("NOI"), **signed** by the permit applicant(s) and including any exhibits that are required by any conditions of the permit to be attached to the NOI. (NOTE: There will occasionally be a need to make corrections to a NOI. In such a case, the Commission staff will issue a "Corrected" or "Second Corrected" NOI to supersede and replace the previous NOI. Only the current NOI should be attached to the Deed Restriction.) Insert the signed NOI behind the page labeled "Exhibit B (Notice of Intent to Issue Permit)."

1 RECORDING REQUESTED BY:

2 WHEN RECORDED MAIL TO:

3 California Coastal Commission
4 725 Front Street, Suite 300
5 Santa Cruz, CA 95060-4508
6 Attn: Legal Division

7
8
9 **DEED RESTRICTION**

10
11 I. WHEREAS, _____

12 _____ (hereinafter referred to as "Owner(s)") is/are the record owner(s) of
13 the real property described in Exhibit A, attached hereto and incorporated herein by reference
14 (hereinafter referred to as the "Property"); and

15 II. WHEREAS, the California Coastal Commission (hereinafter referred to as the
16 "Commission") is a public agency created and existing under the authority of section 30300 of the
17 California Public Resources Code (hereinafter referred to as the "PRC"), a section of the California
18 Coastal Act of 1976 (Division 20 of the PRC; hereinafter referred to as the "Act"); and

19 III. WHEREAS, the Property is located within the coastal zone as defined in the Act (PRC
20 § 30103); and

21 IV. WHEREAS, pursuant to section 30600(a) of the PRC, Owner(s) applied to the
22 Commission for a coastal development permit to undertake development, as defined in the Act (PRC
23 § 30106), on the Property; and

24 V. WHEREAS, on _____, 20____, the Commission conditionally approved
25 coastal development permit number _____ (hereinafter referred to as the "Permit"),
26 subject to, among other conditions, the conditions listed under the heading "Special Conditions" in the
27 Notice of Intent to Issue Permit dated _____, 20____, attached hereto as EXHIBIT B

1 and incorporated herein by reference (hereinafter referred to as the "Special Conditions"), for the
2 reasons stated in the "Findings and Declarations" adopted by the Commission in support of its action,
3 which findings and declarations (along with any other documents that the Permit required to be
4 submitted to the Commission and with which the Permit requires compliance) are available from the
5 Commission upon request; and

6 VI. WHEREAS, the Commission found that, but for the imposition of the Special
7 Conditions, the proposed development could not be found consistent with the provisions of the Act and
8 that a permit could therefore not have been granted; and

9 VII. WHEREAS, Owner(s) has/ve elected to comply with the Special Conditions, which
10 require, among other things, execution and recordation of this Deed Restriction, so as to enable
11 Owner(s) to undertake the development authorized by the Permit;

12 NOW, THEREFORE, in consideration of the issuance of the Permit to Owner(s) by the
13 Commission, the undersigned Owner(s), for himself/herself/themselves and for his/her/their heirs,
14 assigns, and successors-in-interest, hereby irrevocably covenant(s) with the Commission that the Special
15 Conditions (shown in Exhibit B hereto) shall at all times on and after the date on which this Deed
16 Restriction is recorded constitute for all purposes covenants, conditions and restrictions on the use and
17 enjoyment of the Property that are hereby attached to the deed to the Property as fully effective
18 components thereof.

19 1. DURATION. (a) This Deed Restriction shall remain in full force and effect and shall
20 bind Owner(s) and all his/her/their assigns or successors-in-interest during the period that either the
21 development authorized by the Permit, or any part or modification thereof, or the Permit, or any
22 modification or amendment thereof, remains in existence on or with respect to, and thereby confers
23 benefit upon, the Property.

24 (b) Furthermore, in the event of a termination or extinguishment of this Deed Restriction
25 other than pursuant to a Commission-approved amendment to the Permit, the Special Conditions shall,
26 notwithstanding any such termination or extinguishment, continue to restrict the use and enjoyment of
27 the Property as they did prior to that termination or extinguishment and to bind Owner(s) and

1 his/her/their successors-in-interest, so long as either or both of the conditions described in paragraph (a)
2 continue to exist on or with respect to the Property.

3 2. TAXES AND ASSESSMENTS. It is intended that this Deed Restriction is irrevocable
4 and shall constitute an enforceable restriction within the meaning of a) Article XIII, section 8, of the
5 California Constitution; and b) section 402.1 of the California Revenue and Taxation Code or successor
6 statute. Furthermore, this Deed Restriction shall be deemed to constitute a servitude upon and burden to
7 the Property within the meaning of section 3712(d) of the California Revenue and Taxation Code, or
8 successor statute, which survives a sale of tax-deeded property.

9 3. RIGHT OF ENTRY. The Commission or its agent may enter onto the Property at times
10 reasonably acceptable to Owner(s) to ascertain whether the use restrictions set forth above are being
11 observed.

12 4. REMEDIES. Any act, conveyance, contract, or authorization by Owner(s) whether
13 written or oral which uses or would cause to be used or would permit use of the Property contrary to the
14 terms of this Deed Restriction will be deemed a violation and a breach hereof. The Commission and
15 Owner(s) may pursue any and all available legal and/or equitable remedies to enforce the terms and
16 conditions of this Deed Restriction. In the event of a breach, any forbearance on the part of either party
17 to enforce the terms and provisions hereof shall not be deemed a waiver of enforcement rights regarding
18 any subsequent breach.

19 5. SEVERABILITY. If any provision of these restrictions is held to be invalid, or for any
20 reason becomes unenforceable, no other provision shall be affected or impaired.

21
22 Dated: _____, 20__

23
24 Business Name (if property is owned by a business): _____

25 Signed: _____

Signed: _____

26
27 PRINT/TYPE NAME & CAPACITY OF ABOVE

PRINT/TYPE NAME & CAPACITY OF ABOVE

**** NOTARY ACKNOWLEDGMENT ON THE NEXT PAGE ****

1 State of California

2 County of _____

3 On _____ before me, _____, personally appeared

4 _____, who proved to me on the basis of satisfactory evidence to be the person(s)
5 whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
6 his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity
7 upon behalf of which the person(s) acted, executed the instrument.

8 I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is
9 true and correct.

10
11 WITNESS my hand and official seal.

12
13 Signature _____ (Seal)

14
15 State of California

16 County of _____

17 On _____ before me, _____, personally appeared

18 _____, who proved to me on the basis of satisfactory evidence to be the person(s)
19 whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
20 his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity
21 upon behalf of which the person(s) acted, executed the instrument.

22 I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is
23 true and correct.

24
25 WITNESS my hand and official seal.

26
27 Signature _____ (Seal)

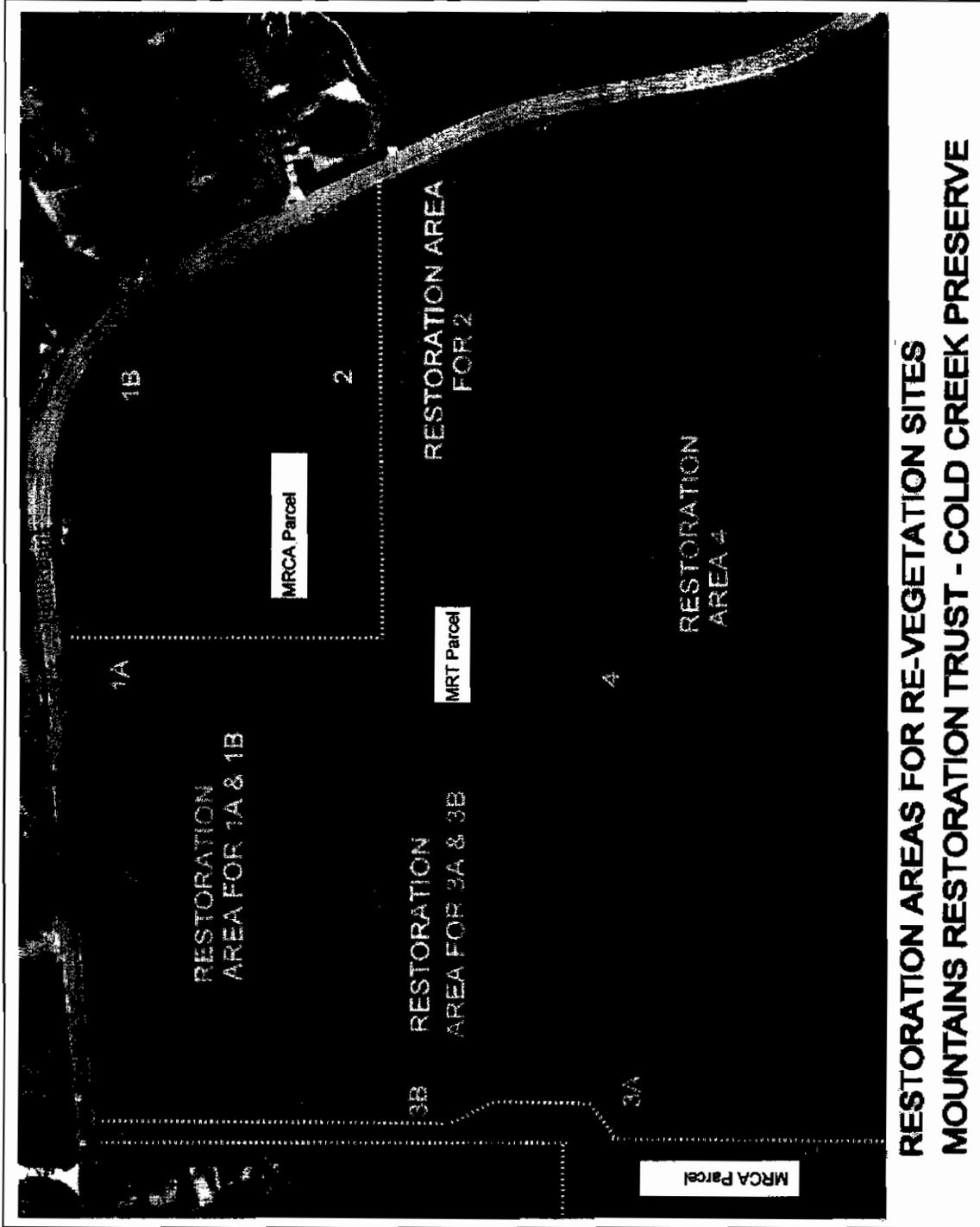
EXHIBIT A

(Legal Description of Property)

EXHIBIT B

(Notice of Intent to Issue Permit)

Parcel lines are drawn for reference purposes only and are not considered to be plotted accurately.



RESTORATION AREAS FOR RE-VEGETATION SITES MOUNTAINS RESTORATION TRUST - COLD CREEK PRESERVE

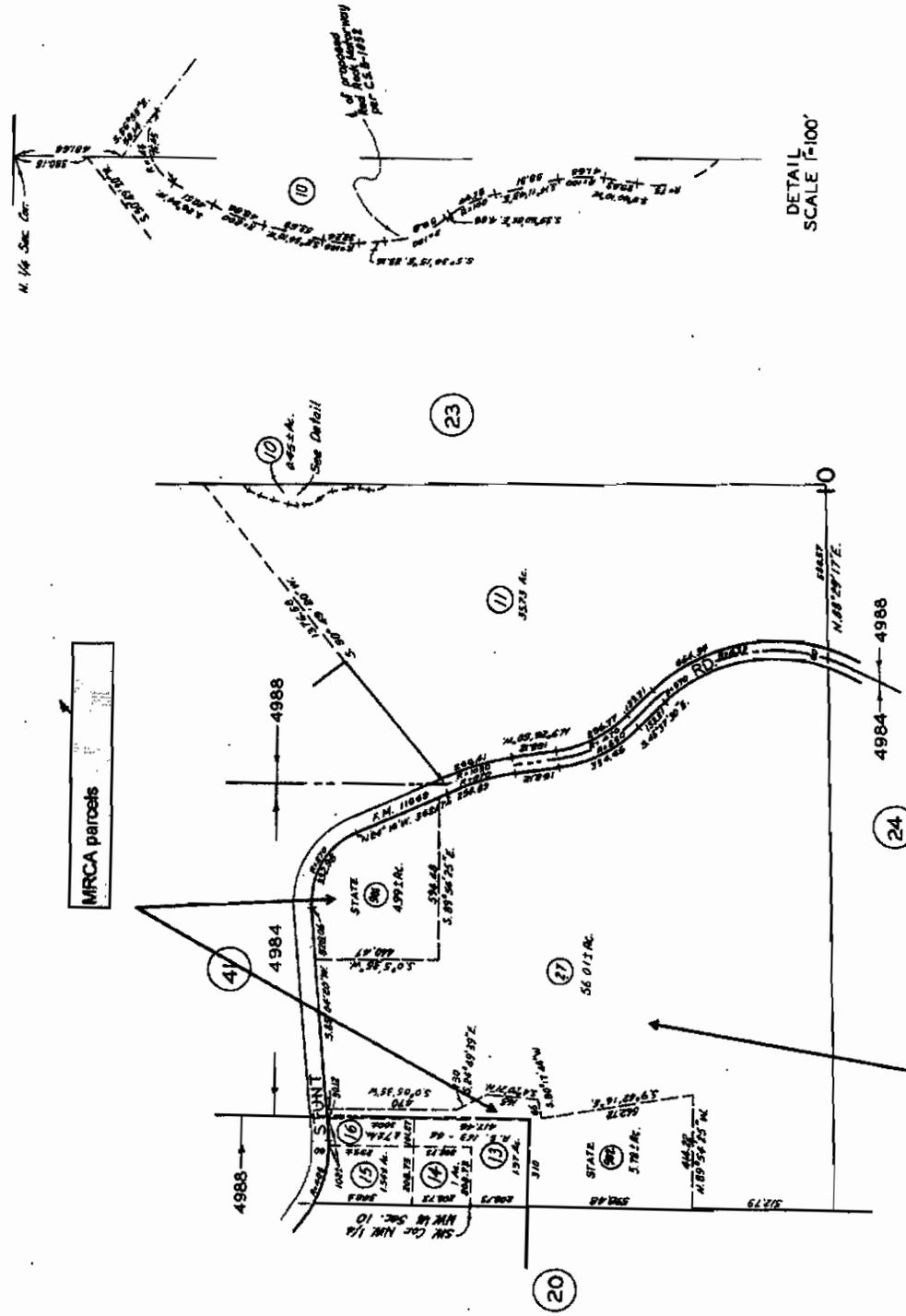
...\\mrt\planting area 3-8 REST AREA.dgn 03/12/2008 8:04:07 AM

TG 589-D-5

4400 CC
SCALE 1" = 400'

2000

6-24-00
660814
620817
620173, 6009
690807002
770319
#102-902002001-02
#102-902002002-02
19911407008001-02



CODE
4984
4988

FOR PREV. ASSMT. SEE:
4455-22

T. 1 S., R. 17 W.

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.