

302

WHEN RECORDED, PLEASE MAIL
THIS INSTRUMENT TO:

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

NO TRANSFER TAX DUE

SPACE ABOVE FOR RECORDING USE ONLY

81-024519

FILE/PAGE NO.
RECORDED REQUEST OF
County of San Diego
Department of General Services
JAN 26 2 18 PM '81
OFFICIAL RECORDS
SAN DIEGO COUNTY, CA.
RECORDED
RECORDER

NO FEE

GRANT OF OPEN SPACE EASEMENT

Assessor's Parcel
No. 244-120-07

Project TM15482
W.O. No. TC5482
Parcel No. 80-0777A
Log No. 654-3

WHEREAS,

GORDON E. WHITCOMB and ELEANOR M. WHITCOMB,

1. husband and wife warrant that they are the owners of the FEE SIMPLE ESTATE in and to the land in the County of San Diego, State of California, described in Exhibit "A" attached hereto ("The Subject Land"); which estate is or may be subject to real estate taxes, assessments, conditions, restrictions and easement all as the same may be of record, and
2. It is the desire of the Grantor and the County of San Diego, a political subdivision of the State of California (herein after referred to as "COUNTY"), that the Subject Land remain OPEN SPACE.

NOW THEREFORE,

1. The GRANTOR grants to the County,
 - (A) A perpetual easement for OPEN SPACE purposes over, upon, across and under the Subject Land, and no building, structure or other thing whatsoever shall be constructed, erected, placed or maintained on the Subject Land except as exists.
 - (B) The perpetual right, but not the obligation to enter upon the Subject Land and remove any buildings, structures or other things whatsoever constructed, erected, placed or maintained on the Subject Land contrary to any term, covenant or condition of this easement and to do any work necessary to eliminate the effects of any excavation or placement of sand, soil, rock or gravel or any other material done or placed on the Subject Land contrary to any term, covenant or conditions of this easement.
2. GRANTOR covenants and agrees for himself and his successors and assigns as follows:
 - (A) That he shall not erect, construct, place or maintain, or permit the erection, construction, placement or maintenance of any building or structure or other thing whatsoever on the Subject Land other than such buildings, structures and other things as may be permitted pursuant to the zoning ordinance of the County of San Diego.
 - (B) That he shall not use the Subject Land for any purpose except as OPEN SPACE purposes.
 - (C) That he shall not excavate or grade or permit any excavating or grading to be done, or place or allow to be placed any sand, soil, rock, gravel or other material whatsoever on the Subject Land without the written permission of the County or its successors or assigns: provided, however, that Grantor may excavate, grade or place sand, soil, rock gravel or other material on the Subject Land as may be permitted by special use permit issued pursuant to the zoning ordinance of the County of San Diego.
 - (D) That the terms, covenants and conditions set forth herein may be specifically enforced or enjoined by proceedings in the Superior Court of the State of California.

The grant of this easement and its acceptance by the County of San Diego shall not authorize the public or any members thereof to use or enter upon all or any portion of the Subject Land, it being understood that the purpose of this easement is solely to restrict the uses to which the Subject Land may be put.

This easement shall bind the Grantor and his successors and assigns.

No 24519

81-

EXHIBIT "A"

Parcel No. 80-0777A (8-14-80) (GS:WM:ab)

Those portions of the Northwest Quarter of the Northeast Quarter of Seciton 36, Township 12 South, Range 1 East, San Bernardino Meridian, in the County of San Diego, State of California, according to United States Government Survey, included in that land described in deed to Gordon E. Whitcomb, et ux, recorded November 27, 1978, as File/Page No. 78-507520 in the Office of the County Recorder of said County of San Diego, described in the following parcels:

Parcel 1:

BEGINNING at the Southeast corner of said Northwest Quarter of the Northeast Quarter as shown on Record of Survey 5916 recorded July 25, 1961, in the Office of the County Recorder of San Diego County; thence along the Southerly line thereof North 85°47'03" West, 117.05 feet to the TRUE POINT OF BEGINNING; thence continuing North 85°47'03" West, 276.62 feet; thence leaving said Southerly line North 28°11'09" East, 140.75 feet; thence North 05°18'04" West, 82.34 feet; thence North 19°44'08" West,, 95.18 feet; thence North 08°43'08" West, 98.62 feet; thence North 88°50'59" East, 118.57 feet; thence South 80°52'11" East, 100.98 feet; thence South 63°01'15" East, 143.26 feet; thence South 13°44'01" West, 344.66 feet to the TRUE POINT OF BEGINNING.

Parcel 2:

BEGINNING at the Southeast corner of said Northwest Quarter of the Northeast Quarter; thence along the Southerly line thereof North 85°47'03" West, 475.50 feet; thence leaving said Southerly line at right angles North 04°12'57" East, 96.15 feet to the TRUE POINT OF BEGINNING; thence North 05°42'39" East, 102.97 feet; thence South 82°24'45" East, 89.14 feet; thence South 13°37'12" West, 108.55 feet; thence North 78°32'29" West, 74.53 feet to the TRUE POINT OF BEGINNING.

Parcel 3:

That portion of said Whitcomb land lying within a 40.00 foot radius circle, the center of which is described as follows:

BEGINNING at the Northeast corner of said Northwest Quarter of the Northeast Quarter; thence along the Northerly line thereof North 89°33'00" West, 451.04 feet; thence leaving said Northerly line at right angles South 00°27'00" West, 245.50 feet to the center of said 40.00 foot radius circle.

No. 24519

81.

304

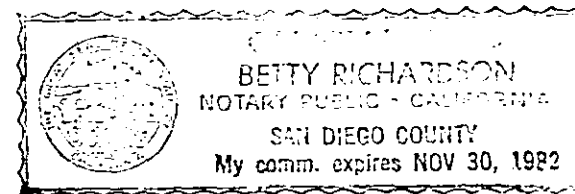
This Open Space Easement shall preclude vegetation removal or additions with the exception that brush clearing for fire protection purposes shall be permitted upon written order by the appropriate fire fighting or fire protection agencies.

No. 24519

81-

Dated this 6th day of November, 1980Gordon E. Whitcomb
GORDON E. WHITCOMBEleanor M. Whitcomb
ELEANOR M. WHITCOMBSTATE OF California)
County of San Diego) ss.On November 6, 1980, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Gordon E. Whitcomb and Eleanor M. Whitcombknown to me to be the person s whose name s are subscribed to the within instrument, and acknowledged that they executed the same.

Witness my hand and official seal.

Betty Richardson
Notary Public in and for said County and StateSTATE OF CALIFORNIA,)
County of San Diego.) ss.On this day of in the year 19 , before me, ROBERT D. ZUMWALT, County Clerk and ex-officio Clerk of the Superior Court in and for said County, which is a court of record having a seal, personally appeared known to me to be the person described in and whose name subscribed to and who executed the annexed instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at my office in the County of San Diego, the day and year in this Certificate first above written.

ROBERT D. ZUMWALT, County Clerk and ex-officio Clerk of the Superior Court

By , Deputy

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 corporation, is hereby accepted on behalf of the Board of Supervisors of said County of San Diego pursuant to authority conferred by Resolution of said Board adopted on March 20, 1979, and the Grantee consents to recordation thereof by its duly authorized officer.

Dated 1-26-81William L. Sullins
WILLIAM L. SULLINS, Director
Facility & Real Property Division
Department of General Services

CCSF 85.51

No. 24519

81-