

March 17, 2021

**VIA EMAIL**

Planning Commission

c/o David Carlson, Resource Planner

County of Santa Cruz

701 Ocean Street

Santa Cruz, CA 95060

david.carlson@santacruzcounty.us

Re: Negative Declaration

Felton Quarry Minor Mining Approval Amendment (Application # 191104)

Dear Members of the Commission:

This law firm represents Cave Gulch Neighbors & Friends, a group of residents in Santa Cruz County, concerned with the County's decision to prepare a Negative Declaration when a full Environmental Impact Report (EIR) is warranted and required for the Felton Quarry Minor Mining Approval Amendment, Application 191104 (Project). Felton Quarry's application for a Minor Mining Approval Amendment to allow eighty (80) additional off-hours operations for a total of one hundred (100) off-hours operations per year would create several environmental impacts that must be mitigated and analyzed in an EIR.

**I. Preparation of an Environmental Impact Report is Required for this Project**

First and foremost, courts review negative declarations favorably to challengers. Since the County has not prepared an EIR for this project, our client need only make a "fair argument" that the Parks Master Plan causes a significant environmental impact. Courts have repeatedly affirmed that the fair argument standard is a "low threshold test." *The Pocket Protectors v. City of Sacramento* ("Pocket Protectors") (2004) 124 Cal.App.4th 903, 928; *No Oil Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 86; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1123-1126. *John R. Lawson Rock & Oil, Inc. v. State Air Resources Bd.* (2018) 20 Cal.App.5th 77, 108- 109. "There is 'a low threshold requirement for preparation of an EIR', and a 'preference for resolving doubts in favor of environmental review.'" *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 332. "With

certain limited exceptions, a public agency must prepare an EIR whenever substantial evidence supports a fair argument that a proposed project ‘may have a significant effect on the environment.’” *Protect Niles v. City of Fremont* (2018) 25 Cal.App.5th 1129, 1138-1139. Whether the administrative record contains “substantial evidence” in support of a “fair argument” sufficient to trigger a mandatory EIR is a question of law, not a question of fact. *League for Protection of Oakland’s Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896, 905; *Architectural Heritage Association v. County of Monterey* (2004) 122 Cal.App.4th 1095, 1122 (overruled in part on other grounds in *Friends of Willow Glen Trestle v. City of San Jose* (2016) 2 Cal.App.5th 457, 460). Therefore, under the fair argument standard, “deference to the agency’s determination is not appropriate and its decision not to require an EIR can be upheld only when there is no credible evidence to the contrary.” *Sierra Club v. County of Sonoma* (1992) 6 Cal App 4th 1307, 1318; *see also, Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144; *Quail Botanical Gardens v. City of Encinitas* (1994) 29 Cal.App.4th 1597 (rejecting an approval of a Negative Declaration prepared for a golf course holding that “[a]pplication of [the fair argument] standard is a question of law and deference to the agency’s determination is not appropriate.”) Evidence supporting a fair argument need not be overwhelming, overpowering or uncontradicted. *Friends of the Old Trees v. Department of Forestry and Fire Protection* (1997) 52 Cal.App.4th 1383, 1402. Instead, substantial evidence to support a fair argument simply means “information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.” 14 Cal. Code Regs. § 15384; *Pocket Protectors, supra* 124 Cal.App.4th at 927-928; *League for Protection of Oakland’s Architectural and Historic Resources v. City of Oakland, supra*, 52 Cal.App.4th at 905.

The Negative Declaration is an inadequate environmental document because it fails to sufficiently analyze several environmental impacts. A “negative declaration is inappropriate where the agency has failed either to provide an accurate project description or to gather information and undertake an adequate environmental analysis.” *City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 406. Further, “By deferring environmental assessment to a future date, the conditions run counter to that policy of CEQA which requires environmental review at the earliest feasible stage in the planning process. (See Pub. Resources Code § 21003.1; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 83).” *Sundstrom v. City of Mendocino* (1988) 202 Cal.App.3d 296, 307.

As a result, the Negative Declaration fails to provide the public and the decisionmakers adequate information regarding the Project’s potential environmental impacts on air quality, greenhouse gas emission, and noise. Thus, an EIR must be prepared. *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 503.

## **I. The Negative Declaration Fails to Analyze Air Quality Impacts to Sensitive Receptors**

The Negative Declaration concludes the Project “would not be expected to expose sensitive receptors to substantial pollution concentrations.” (ND, 67.) However, the Negative Declaration also admits “Sensitive receptors along the truck route primarily consist of

residences.” (ND, 65.) Further, “The trucking activity would involve the use of diesel trucks and equipment that will emit diesel exhaust, including diesel particulate matter, which is classified as a [toxic air contaminant].” (ND, 66.)

Diesel exhaust contains substances (diesel particulate matter [DPM], toxic air contaminants [TACs], mobile source air toxics [MSATs]) that are suspected carcinogens, along with pulmonary irritants and hazardous compounds, which may affect sensitive receptors such as young children, senior citizens, or those susceptible to respiratory disease. Where trucking activity occurs in proximity to long-term sensitive receptors, a potential could exist for unhealthful exposure of those receptors to diesel exhaust, including residential receptors.

(ND, 65.) “The fair argument standard is met if the agency’s initial study of the project produces *substantial evidence supporting a fair argument that the proposed project may have a significant adverse effect on the environment.*” *Citizens for the Restoration of L Street v. City of Fresno* (2014) 229 Cal.App.4th 340, 364. “When reviewing whether a discussion is sufficient to satisfy CEQA, a court must be satisfied that the [CEQA document]... makes a reasonable effort to substantively connect a project’s air quality impacts to likely health consequences” *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 510.

The California Supreme Court has provided guidance to project proponents regarding the requirements of a proper analysis involving air quality impacts to surrounding communities.

The task for real party in interest and the County is clear: The EIR must provide an adequate analysis to inform the public how its bare numbers translate to create potential adverse impacts or it must adequately explain what the agency does know and why, given existing scientific constraints, it cannot translate potential health impacts further.”

*Sierra Club v. County of Fresno, supra*, 6 Cal.5th at 521.

Here, the Negative Declaration admits the Project would increase the number of off hours to permit a total of one hundred (100) off-hours operations per year, affecting the sensitive receptors along the Project’s truck routes. The Negative Declaration also acknowledges the potential health impacts of the Project’s anticipated pollutant emissions. However, the Negative Declaration fails to disclose the actual volumes and health impacts of the pollutants the Project may produce. There is a complete lack of information regarding the potential health impacts of the Project, let alone the “bare numbers” of the pollutant levels from which these health impacts may stem. An “agency should not be allowed to hide behind its own failure to gather relevant data.” *City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 408.

CEQA advances a policy of requiring an agency to evaluate the environmental effects of a project at the earliest possible stage in the planning process. We conclude that, by failing to accurately describe the agency action and by deferring full environmental assessment of the consequences of such action, the County has failed to comply with CEQA’s policy and requirements.

*Id.*, at 410 (emphasis added). “If the local agency has failed to study an area of possible environmental impact, a fair argument may be based on the limited facts in the record. Deficiencies in the record may actually enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences.” *Sundstrom v. City. Of Mendocino*, *supra*, 202 Cal.App.3d at 311.

Additionally, the California Supreme Court has held that

CEQA requires that the EIR have made a reasonable effort to discuss relevant specifics regarding the connection between two segments of information already contained in the EIR, the general health effects associated with a particular pollutant and the estimated amount of that pollutant the project will likely produce. This discussion will allow the public to make an informed decision, as CEQA requires.

*Sierra Club v. County of Fresno*, *supra*, 6 Cal.5th at 521. The Negative Declaration provides no such analysis. As is the issue with the CEQA document in *Sierra Club v. County of Fresno*, the Negative Declaration “generally outlines some of the unhealthy symptoms associated with exposure to various pollutants,” but “it does not give any sense of the nature and magnitude of the ‘health and safety problems caused by the physical changes’ resulting from the Project as required by the CEQA guidelines.” *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 521. Therefore, a fair argument exists that the Project may cause a significant adverse impact on sensitive receptors.

## **II. The Negative Declaration Fails to Adequately Analyze the Greenhouse Gas Emissions of the Project**

### **A. The Negative Declaration Fails to Provide the Necessary Calculations to Measure the Project’s Greenhouse Gas Emissions**

The Negative Declaration fails to provide complete information regarding the Project’s sources of and volumes of greenhouse gas emissions. CEQA requires a lead agency to make a good-faith effort to “describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project.” 14 Cal. Code Regs. § 15064.4(a). Subdivision (b) states that “[a] lead agency should consider the following factors, among others, when assessing the significance of impacts from greenhouse gas emissions on the environment: (1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting; (2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; (3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions.” 14 Cal. Code Regs. § 15064.4(b).

The Negative Declaration does not provide any calculations of, or even so little as mention, the potential greenhouse gasses the Project may emit. Without these calculations, there

is no way for the public or decision making body to discern whether the Project will result in a significant environmental impact.

The agency [will] not be allowed to hide behind its own failure to gather relevant data.... CEQA places the burden of environmental investigation on government rather than the public. If the local agency has failed to study an area of possible environmental impact, a fair argument may be based on the limited facts in the record. Deficiencies in the record may actually enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences.

*Gentry v. City of Murietta* (1995) 36 Cal.App.4th 1359, 1378-1379. Therefore, a fair argument exists that the Project may result in significant environmental impacts.

### **B. The Negative Declaration Fails to Use an Appropriate Baseline to Measure the Project's Greenhouse Gas Emissions**

Pursuant to Section 15125(a) of the CEQA Guidelines,

An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. *This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.*

(emphasis added.) “Like an EIR, an initial study or negative declaration ‘must focus on impacts to the existing environment, not hypothetical situations.’” *Communities for a Better Environmental v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 320.

Here, the Negative Declaration curiously claims “increasing the allowed number of night operations out of the Felton plant would reduce greenhouse gas emissions related to large paving projects or multiple separate paving jobs cumulatively requiring forty (40) or more night operations per year.” (ND, 73.) The Negative Declaration reaches this conclusion by theorizing that by increasing the number of night operations out of the Felton plant, paving projects within Santa Cruz County using Granite’s services would be able to use resources from Granite’s Felton plant rather than another plant, such as Granite’s Santa Clara plant. (ND, 73.) The Negative Declaration cites to a single instance in 2019 where a project used Granite’s services to repave Highway 17, stating “The additional night operations were required to complete the job were supplied out of the Santa Clara plan which is further from the job site.” (ND, 73.) However, the use of such a situation as a baseline to determine the Project would decrease GHG emissions is improper.

The California Supreme Court has made clear that “the baseline for CEQA analysis must be the “existing physical conditions in the affected area” [Citation], that is, the “real conditions on the ground” ” [Citations], rather than the level of development or activity that could or should

have been present according to a plan or regulation.” *Communities for a Better Environmental v. South Coast Air Quality Management Dist.*, *supra*, 48 Cal.4th at 321. Here, the Negative Declaration has used a single instance from 2019 as a comparison to the proposed Project to arrive at the baseline conditions. However, the use of an isolated circumstance from two years ago is not comparable the “existing physical conditions in the affected area.” “An approach using hypothetical allowable conditions as the baseline results in ‘illusory’ comparisons that ‘can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts,’ a result at direct odds with CEQA’s intent.” *Ibid.* at 322. As such, the Negative Declaration fails to provide an adequate baseline against which the Project’s GHG emissions can be compared.

Additionally, the Negative Declaration’s 2019 example is inappropriate because it is oversimplified and lacks any scientific support. While the Santa Clara plant may be farther in distance from projects nearer to the Felton plant, traveling a longer distance to the Santa Clara plant may actually emit less greenhouse gases. This is because the Felton plant is at the end of a winding two lane road that requires higher vehicular fuel demand compared to travel on a freeway from Santa Clara. As such, the Negative Declaration’s 2019 example is incomparable to the Project. Therefore, a fair argument exists that the Project may have a significant effect on the environment.

### **III. The Negative Declaration Fails to Analyze the Noise Impacts of the Project**

The Legislature has declared that it is the policy of the state to take all action necessary to provide people with freedom from excessive noise. Pub. Resources Code § 21001. Through CEQA, the public has a statutorily protected interest in quieter noise environments. *Berkeley Keep Jets Over the Bay Committee v. Board of Port Com’rs*, (2001) 91 Cal.App.4th 1344, 1379-1380.

Here, the Negative Declaration entirely fails to disclose the noise levels of the Project. Instead, the Negative Declaration merely offers bald statements that “Noise monitoring at the quarry by the quarry’s acoustical consultant indicates that noise levels during normal quarry operations and off-hours operations of the asphalt plant at the property line and at the nearest residence are in compliance” with Santa Cruz County Mining Regulations. (ND, 79.) However, the Negative Declaration does not actually specify the anticipated noise levels of the Project itself. Instead, the Negative Declaration relies on a broad 21 year-old study conducted in 2000 to claim that

The acoustical study has already demonstrated that the change in average sound level as a result of truck traffic during a night operation do not increase average sound levels by a significant amount. Furthermore, the number of complaints received during the longest duration night operations is not considered to be widespread.

(ND, 81-82.) The subject of the acoustical study conducted in 2000 is not comparable to the Project. As an initial matter, the 2000 study analyzed the noise impacts of trucking activity only on Bay Street, which is an urban street in the City of Santa Cruz with a 25 mph speed limit.

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However, areas along the Project's proposed route, such as Cave Gulch, are quieter rural settings and trucks can travel at up to 40 mph or more."

Moreover, it is uncertain as to what number of complaints is considered "widespread," particularly since the off-hour's operation is ostensibly limited now, and how the actual residents within the Project's vicinity may react to the Project's anticipated noise levels. Further, without any actual data regarding the decibel levels of the trucking activity, it is hard to imagine that increased truck activity at night, when it is most quiet, would not cause a significant impact to residents living near the Project. As such, a fair argument exists that the claimed noise levels are not accurate and may create a significant environmental impact.

Pursuant to Section 21092.2 of the Public Resources Code and Section 65092 of the Government Code, we request notification of all CEQA actions and notices of any public hearings concerning this Project, including any action taken pursuant to California Planning and Zoning Law. In addition, pursuant to Public Resources Code section 21167(f), we request that any Notice of Determination filed for the Project be forwarded to this office if the Project is approved. Section 21167(f) provides:

If a person has made a written request to the public agency for a copy of the notice specified in Section 21108 or 21152 prior to the date on which the agency approves or determines to carry out the project, then not later than five days from the date of the agency's action, the public agency shall deposit a written copy of the notice addressed to that person in the United States mail, first class postage prepaid.

Thank you for your consideration of these comments.

Very truly yours,  
WITTWER PARKIN LLP

William P. Parkin

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April 13, 2021

**VIA EMAIL ONLY**

SANTA CRUZ COUNTY PLANNING COMMISSION

701 Ocean Street, Room 420

Santa Cruz, CA 95060

[Michael.lam@santacruzcounty.us](mailto:Michael.lam@santacruzcounty.us)

Re: **Proposed Resolution to Deny Application For Summary Vacation Re  
Eastern End of North Polo Drive Abutting APN Nos. 041-191-50, 46, 51 & 49  
PLANNING COMMISSION APRIL 14, 2021 MEETING; AGENDA NO. 7**  
Our File No. 00288-Burns

Dear Commissioners:

We represent the Applicants that submitted the June 11, 2019 application for vacation of the County's public interest in what is clearly a private easement. For your review and the record, [linked here](#) is my June 11, 2019 letter to Ms. Jeffs.

In summary, as addressed in detail in our June 11, 2019 letter, North Polo Drive, as it abuts our Clients' properties, is simply not a public easement. This section of North Polo Drive was never dedicated to public use in any of the original subdivision maps. To the contrary, on both the 1929 and 1939 *Polo Field* subdivision maps, both North Polo Drive and South Polo Drive are designated as private roadways, with "***And Not A Public Street***" clearly written on both maps. South Polo Drive has always been a private road and is clearly marked as such on the original subdivision maps. To date, the County has offered nothing that rebuts this information.

While a portion of North Polo Drive has been improved and used as a traveled roadway serving residents along North Polo Drive, the approximate 20' of paved roadway dead ends before our Clients' lots. There are no road or other improvements along the portion of North Polo Drive running through these lots. To date, we've seen nothing from the County indicating otherwise.

While I submitted nearly 200 pages of information supporting our position that the section of North Polo Drive running through our Clients' properties remains a private easement, not public, we've yet to receive any factual or legal authority from County Staff indicating otherwise. Instead, the County's position seems to remain that the County cannot acknowledge through a vacation proceeding that it has no public interest in the subject road area because of the master plan for the Polo Grounds County Park. However, the County's General Plan objectives for what is clearly a private road can never amount to any implied offer of dedication. [See the Supreme Court case of *Scher v. Burke* (2017) 3 Cal. 5<sup>th</sup> 136; and Civil Code § 1009.]

Summary vacation of the County's public interest in this road is authorized under Street & Highways Code § 8333 because the County has never held a public interest in the road



nor ever used it for any purposes whatsoever, let alone public. Thus, while the County may have a private easement interest in the subject right of way, it can never lawfully be used to create a public road serving the Park regardless of the General Plan objectives for the Park.

We would request that the Planning Commission refrain from adopting the Planning Department's proposed Resolution. Moreover, we would encourage the Planning Commission to recommend to Planning Department and Public Works Staff that they consider working with our Clients in good faith to establish a plan whereby our Clients can build their homes and perhaps offer the County the opportunity to utilize the private 20' right of way in a manner that also serves the interests of the Parks Department.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Anna DiBenedetto', with a stylized, looping flourish extending to the right.

ANNA DiBENEDETTO

AKD/rs

[Enclosure](#)

cc: Clients *via email only*

Lezanne Jeffs, Planner IV *via email only*

Kathy Molloy, Planning Director *via email only*

Kimberly Finley, Chief Real Property Agent *via email only*

Daniel Zazueta, Deputy County Counsel *via email only*

Justin Graham, Deputy County Counsel *via email only*

Samantha Petovello, BSc

1715 Bay Street  
Santa Cruz, CA  
95060

April 13, 2021

Dear Planning Commissioners,

I am a resident and homeowner located at 1715 Bay Street. My property is located directly on the trucking route used by the local quarry for their trucking operations. I hold a Bachelor of Science from the University of Calgary, a NEBOSH Certificate with distinction (an international Health, Safety and Environment specific certificate) and have 10 years experience working in the Health, Safety, Security and Environmental (HSSE) field for international oil & gas, mining and environmental companies, one of which was a FTSE-100 company.

I am relieved that the 100-off hours proposal has been rescinded. However, I have learned a significant amount about the quarry operations and have some concerns, both in reference to current operations and any future proposals that may arise.

In my experience, when planning work, the proposed program should be subjected to a robust risk review, where the goal is to mitigate risks to levels that are as low as reasonably practicable (ALARP). This method first identifies the risks and then rates them based on outcome severity and probability of occurrence. Mitigation strategies are identified and re-assessed using the same method. If a risk cannot be mitigated to ALARP, then the work/program cannot be undertaken in the manner proposed. Below is an example of such an assessment matrix (<http://entirelysafes.com/ram-risk-assessment-matrix/#.YHUczi2cbRY>).

| Severity | Consequences                   |                 |                 |                 | Increasing Likelihood                 |                          |                                                                        |                                                                        |                                                      |
|----------|--------------------------------|-----------------|-----------------|-----------------|---------------------------------------|--------------------------|------------------------------------------------------------------------|------------------------------------------------------------------------|------------------------------------------------------|
|          | People                         | Assets          | Environment     | Reputation      | A                                     | B                        | C                                                                      | D                                                                      | E                                                    |
|          |                                |                 |                 |                 | Never heard of before in the Industry | Heard of in the Industry | Has happened in the Company or more than once per year in the Industry | Has happened at the Location or more than once per year in the Company | Has happened more than once per year at the Location |
| 0        | No Injury or health effect     | No damage       | No effect       | No impact       |                                       |                          |                                                                        |                                                                        |                                                      |
| 1        | Slight injury or health effect | Slight damage   | Slight effect   | Slight impact   |                                       |                          |                                                                        |                                                                        |                                                      |
| 2        | Minor injury or health effect  | Minor damage    | Minor effect    | Minor impact    |                                       |                          |                                                                        |                                                                        |                                                      |
| 3        | Major injury or health impact  | Moderate damage | Moderate effect | Moderate impact |                                       |                          |                                                                        |                                                                        |                                                      |
| 4        | PTD or up to 3 fatalities      | Major damage    | Major effect    | Major impact    |                                       |                          |                                                                        |                                                                        |                                                      |
| 5        | More than 3 fatalities         | Massive damage  | Massive effect  | Massive impact  |                                       |                          |                                                                        |                                                                        |                                                      |

Casual consideration of risks for the current operation and any future expansion would lead even a non-expert to realize the current data is inadequate to determine risk for adverse outcomes. For example, the following risks come to mind (but in no way are a complete assessment of the current or potential future operations):

1. Noise impact: There are no recent studies conducted by an independent, certified industrial technologist documenting current noise levels. Data gathered by a local resident suggests that current levels may exceed legislative limits and levels may be high enough to have detrimental effects to humans. This alone should be cause for pause and reconsideration.
2. Traffic levels and potential for incidents involving vehicles, bicycles and people: If recent traffic studies have been conducted, they were not included in the consideration of the now withdrawn proposal for quarry night time hauling. As a resident along the trucking route, I can personally bear witness to the levels of bicycles, pedestrians and hauling trucks. A formal traffic study needs to be completed and included in the review of the current permit application and any future expansion applications. In my line of work, potential of fatality is an unacceptable condition to allow to persist. In this case, the lack of physical barriers separating modes of traffic as well as a lack of lesser controls like controlled intersections, the risk of injury and death due to the interaction of trucks with people is high.
3. Degradation of the road: Without a recent traffic study to determine current usage and a quantified proposed increase in the number of axle loads using the roadway, it is impossible to know what impact would occur to the road, and if it was designed to handle the type of traffic currently being applied to it.
4. Additional hazards: Silica exposure, dust, hydrocarbon exposure, vibration impact, business reputation and environmental contamination have not been fully assessed.

An Environmental Impact Assessment (EIA) would be one of the necessary reports needed to make a complete determination of risk. In addition, a traffic study, compliance report (to current permit requirements), carbon emissions assessment for alternate routes, and community input all need to be completed before a risk review can be considered complete. Then, and only then, can it be determined if the risks can be mitigated to ALARP and the potential profit provides an offset to any potential negative consequences.

In light of concerns raised above, I implore the planning commission to reconsider their negative declaration, complete the necessary data gathering and conduct an assessment of not only the current operating permit, but have the data available for any future applications should they arise.

Sincerely yours,

DocuSigned by:  
  
1BFDC577DC24AF...  
Samantha Petovello, BSc

Dear Commissioners:

Respectfully the staff report presented to your commission is woefully inadequate, misrepresents factual information, and states opinions not founded in expert legal opinion.

Planning staff is aware that numerous documents submitted to the County, that provide legal analysis over this issue, have not been presented in the staff report nor has any legal analysis from a qualified land use attorney been provided in response to those documents. My understanding is Planning staff is relying on some sort of gamesmanship versus trying to present the issues in a forthright manner.

First and foremost this issue is not a General Plan issue if anything, staff's approach violates the General Plan and the public trust.

There are two basic legitimate issues in place:

1. There are four legal buildable lots of record involved, the County four choices:

- a. Allow homes to be built at the edge of the arroyo.
- b. Allow homes to be built in the arroyo.
- c. Purchase the properties at fair market value.
- d. Continue to make this process as time consuming and expensive as possible so that the project is abandoned.

2. The County does not have rights nor any possible public benefit, or use, to 20 feet of what was originally a 40 foot **private right of way and currently is a 20 foot PRIVATE right of way.** The County *may* have some plausible rights to the remaining 20 feet of the *private ROW*, but no plausible *use* of the 20 feet of the ROW.

**Essentially what the staff report presents is a red herring. The issues at hand are where are the four houses going to be? And there will never be any public use of the private ROW unless the County purchases it and/or the current owners agree to some other arrangement.**

I believe Attorney Anna DiBenedetto has done an excellent job of communicating this to County staff and as one can see prior to Ms. DiBenedetto being involved (for example please see attached letter from Attorney Teresa Rein that was submitted to County Planning staff regarding the matter), other attorneys and Court action have determined the same. Why that documentation is not in the staff report is deeply disturbing.

I suggest the Planning Commission request the Planning staff return to the Planning Commission with an expert legal response to Attorney Anna DiBenedetto, Attorney Teresa Rein, etc. positions. And in addition direct staff to choose (as noted prior) whether or not they wish to support houses in the arroyo, houses at the edge of the arroyo, or to have the County purchase the property.

Respectfully-  
Cove Britton  
Matson Britton Architects

O. (831) 425-0544

Dear Planning Commissioners,

Please see attached for a letter from environmental attorney, William P. Parkin, that analyzes and highlights the issues with increasing off hour operations at the Felton Quarry. While this letter was originally intended to oppose the withdrawn application (Application 191104) to amend the current Mining Approval 74-0633, the points addressed in the attached letter are still relevant to our concerns regarding the existing permit (as amended).

Mining Approval 74-0633 for the Felton Quarry was amended in 1999 to include 20 additional off hours operations (with an additional 20 off hours operations with county approval). This permit amendment was approved under a Negative Declaration with Mitigation Measures.

Mr. Parkin highlights why an Environmental Impact Report is critical to the health and safety of the surrounding community when expanding a mining operation. As Mr. Parkin discusses in the letter, air quality impact to sensitive receptors, greenhouse gas emissions, and noise are three elements that may create a significant environmental impact that warrants an Environmental Impact Report. While the analysis was written in response to the application to increase the number of off hours operations to 100 nights a year, this letter is still relevant to consider when reviewing the current permit, Mining Approval 74-0633 (as amended). Considering there was no Environmental Impact Report conducted in the mining permit amendment in 1999, it is only reasonable that the planning commission take a closer look at the environmental impacts of the Felton Quarry as it stands today.

Additionally, The Felton Quarry has received a three-year permit (with a three-year option to extend) to process and recycle concrete and asphalt of burnt properties due to the CZU Lightning Complex fire. Under the existing mining permit, all shipping activities shall normally occur Monday through Friday between the hours of 6:00 AM and 8:00 PM. The “temporary” fire recovery permit includes trucking on Saturday, which is considered an off-hour operation under Mining Approval 74-0633 (as amended). In addition, a rock crusher was brought in to the Felton Quarry for the fire recovery temporary permit. Due to the fire recovery permit including Saturday as a trucking day, as well as operating an additional rock crusher at the quarry site, there is no debate that the Felton Quarry has an increase in capacity. This increase in capacity at the Felton Quarry has not been factored in to the overall impacts and risks of quarry operations, as the planning commission was not involved, no public input was gathered, and no environmental review was conducted.

The environmental impacts discussed in Mr. Parkin’s letter, in conjunction with road damage and threat to human life and public safety from trucking, constitutes an Environmental Impact Report and thorough analysis of the Felton Quarry’s compliance with conditions of approval under the existing permit, Mining Approval 74-0633 (as amended).

Thank you for your time and consideration.

Sincerely,

Addison Yeosock



MICHAEL A. REIN  
TERESA VIG REIN  
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|                              |                             |
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July 16, 2018

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728 N. Branciforte  
Santa Cruz, CA 95062

RE: Santa Cruz County Planning Application No. 181078  
Owner: Burns  
Response to paragraphs 1(d) and (e) of letter to Frank Kruzic  
from County of Santa Cruz Planning Department dated May 10,  
2018 regarding -- "Incomplete Application"  
APN 041-191-44, 45,46,47,48 and 49

Dear Cove,

This letter is sent in response to your request to respond to paragraphs 1(d) and (e) of the Letter from the County of Santa Cruz Planning Department dated May 10, 2018 concerning the "Incomplete Application" relating to Application No. 181078 ("Incomplete Application Letter"). The portion of the Incomplete Application Letter that I will be addressing relates to the status of a right of way fronting the Applicants' property ("Applicants' ROW"), which is a portion of North Drive, also known as North Road or North Polo Drive.

The Incomplete Application Letter asks about the legal status of North Polo Drive; whether the County has an easement over a portion of that property; and whether it is a County maintained road. The Incomplete Application Letter also asks about the effect of the Judgment for Quiet Title and the effect of the Certificate of Compliance.

## 1. Background.

In 1929 and 1939 two unfilled subdivision maps entitled "Polo Field Subdivision No. 1" identified and divided a large tract of property into lots which included the Applicants' lots. The maps designated North Drive, now known as North Polo Drive and South Polo Drive, as a 40 foot right of way. A copy of the 1929 Subdivision Map and the 1939 Subdivision Map are attached hereto as **Exhibit "A"** and **"B"** (collectively, the "Polo Field Maps").

On the Polo Field Maps, North Polo Drive and South Polo Drive are designated as private roadways ("**And Not A Public Street**"). North Polo Drive is the sole access to the Applicants' lots. The access is necessary as it is the only viable access to the Applicants' property due to topography and Valencia Creek.

A portion of North Polo Drive has been improved and used as a traveled roadway serving the residents along North Polo Drive. North Polo Drive is a dead-end-street. At this time, the paved



roadway “dead ends” before the Applicants’ lots and there are no road improvements along the Applicants’ ROW. The current paved right of way along North Polo Drive is around 20 feet wide. A diagram showing the Applicants’ lots and North Polo Drive is attached hereto as **Exhibit "C"**.

## **2. North Polo Drive Was Originally Established As A Private Right of Way.**

Because of the “private” roadway designation on the Maps, the general rule in California is that roads referenced on both recorded and unrecorded maps are private easements. The Court in *Syers v. Dodd* (1932) 120 Cal.App. 444, 446–447 [8 P.2d 157, 158], stated:

... when one lays out a tract of land into lots and streets and sells the lots by reference to a map which exhibits the lots and streets as they lie with relation to each other, the purchasers of such lots have a private easement in the streets opposite their respective lots, for ingress and egress and for any use proper to a private way.... But even in the absence of a recorded map the same rule applies where the seller exhibits the tract to purchasers with reference to an unrecorded map or with reference to stakes on the ground indicating the areas to be used for road purposes. [*Citations omitted*].

Based on this authority, the Applicants’ ROW is a private easement.

## **3. Effect of Quiet Title Judgment.**

Because the Applicants’ deed to their parcels did not expressly grant a right of way to their property, the Applicants filed a quiet title action in 2005. The defendants named in the Quiet Title Action were the original owners and developers of the Property as shown in the Litigation Guarantee: Peninsula Properties Company; Fidelity National Title Insurance, Santa Cruz Land Title Company, Western Title Insurance Company, Clarence E. King, and Mary J. King, believed to be deceased.

After a hearing, the Court ordered 1) that the Applicants owned their property in fee title interest to the center of the Applicants’ ROW, pursuant to California Civil Code Section 1112; Civil Code Section 831 and Code of Civil Procedure Section 2077, which provide that an owner of land bounded by a road or street is presumed to own to the center of the way, and 2) that the Applicants were entitled to an easement over North Polo Drive to access their property.

The Judgment stated that it was binding on all persons claiming by, through or under such persons, and all persons unknown, claiming any legal or equitable right, title, estate, lien or interest in the Applicants’ property. The Judgment for Quiet Title was recorded on April 4, 2006 as instrument 2006-0018947, Official Records of Santa Cruz County. (**Exhibit “D”**). The legal description of the Applicants’ Property, including the portions to the center of the Applicants’ ROW, were recorded with the Judgment.

## **4. Effect of Unconditional Certificates of Compliance.**

In 2014, the County approved four Unconditional Certificates of Compliance relating to the Applicants’ property, which were recorded on April 28, 2014 as Instrument Nos. 2014-0013268, 2014-0013269, 2014-0013270 and 2014-0013271, Official Records of Santa Cruz County (**“Exhibit “E”**). Through the Certificates of Compliance, the County found that the Applicants’ parcels were legal parcels which are in compliance with the provisions of the Subdivision Map Act and applicable

County ordinances. The legal descriptions attached to the Unconditional COCs included the Applicants' property together with ½ of the Applicants' ROW.

## **5. The County Claims A Nonexclusive Private Easement Over North Polo Drive.**

The County claims a nonexclusive easement over the North Polo Drive and the South Polo Drive. However, this is a private easement because the express language on the Polo Fields Map stated that the road was private. There was no original intent to grant the easement to the public. In interpreting easements, the Court's role is to consider the intent of the contracting parties at the time of the grant.

The task of the reviewing court has been described as placing itself in the position of the contracting parties in order to ascertain their intent **at the time of the grant**. (*Machado v. Southern Pacific Transportation Co.* (1991) 233 Cal.App.3d 347, 352–353, 284 Cal.Rptr. 560.

The Court in *Schmidt v. Bank of America, N.A.*, 223 Cal.App.4th 1489 (2014) outlined the differences between a public and a private easement.

Long ago our Supreme Court made clear the difference between public and private rights of way: 'Public ways, as applied to ways by land, are usually termed "highways" or "public roads," and are such ways as every citizen has a right to use. A private way relates to that class of easements in which a particular person, or particular description or class of persons, have an interest or right as distinguished from the general public.' (*Kripp v. Curtis* (1886) 71 Cal. 62, 64, 11 P. 879, citation omitted.)" (*County of Sacramento, supra*, 193 Cal.App.3d at p. 313, 238 Cal.Rptr. 305 [holding that public utility easements are private easements].) "A private easement ordinarily vests those use rights in the owner of a particular parcel of neighboring property, the 'dominant tenement.' [Citation.] Unlike a private easement, the use rights of a public right-of-way are vested equally in each and every member of the public. [Citation.] The city or county government ordinarily administers use of the right-of-way." (*Bello, supra*, 121 Cal.App.4th at p. 308, 16 Cal.Rptr.3d 818.) Here, the reserved easement exists purely between private parties. There is no evidence that the public at large has any rights to the reserved easement or that the use of the easement is regulated by any governmental entity as a public right-of-way. The mere inclusion of the phrase "for public road purposes" does not transform an otherwise private easement into a public right-of-way.

The clear intent of the developer and owners of the land at the time the subdivision was prepared was to establish North Polo Drive (and South Polo Drive) as private rights of way, and not as property to be dedicated to the public.

## **6. A Portion of North Polo Drive (Excluding the Applicants' ROW) Was Accepted Into the County Maintained Road System.**

For reasons that are unclear (as more fully explained below), a portion of North Polo Drive (but not South Polo Drive)<sup>1</sup>, was accepted as an improved road into the County Maintained Road system by resolution adopted on December 6, 1955 and recorded on December 8, 1955 in Volume 1050, page

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<sup>1</sup> South Polo Drive was not accepted into the County Maintained Road System. Signage along South Polo Drive prominently states that South Polo Drive is a private road.

386, Official Records of Santa Cruz County (**Exhibit “F”**). According to James Weller, Title Researcher, the area accepted into the County Maintained Road System did not extend to the Applicants’ ROW (**Exhibit “G”**). At the time of this acceptance, the County did not own the adjacent Polo Grounds Park property.

**(a) As To The Portion of North Polo Drive (Excluding the Applicants’ ROW), We Found No Formal Offer of Dedication by the Owners, But There May Have Been An Implied Offer Of Dedication When a Government Entity Made Improvements.**

To constitute a dedication of land for public use there must be an offer by the owner to appropriate it for such purpose, and the intention to do so must be clearly and unequivocally manifested. This is the vital principle of dedication. It was stated in the early case of *Harding v. Jasper*, 14 Cal. 642, 648, and has been consistently followed since. *Smith v. San Luis Obispo*, 95 Cal. 463, 30 P. 591; *Niles v. City of Los Angeles*, 125 Cal. 572, 58 P. 190. *City of Manhattan Beach v. Cortelyou* (1938) 10 Cal.2d 653, 660 [76 P.2d 483, 485].

In *Flavio v. McKenzie*, 218 Cal.App.2d 549 (1963) 32 Cal.Rptr. 535, the main issue under review was whether a roadway running through a tract of land in San Mateo County was dedicated to public use. The Court stated:

To effect a dedication of land by a private owner to public use, it is essential that there be an unequivocal offer of dedication by the owner and an unequivocal acceptance of the offer by the public. No particular formality is necessary, the offer to dedicate by the owner and the acceptance by the public may be manifested in innumerable ways.’ (*See also*, 15 Cal.Jur.2d, *Dedication* § 21, p. 285.)

The Court, in finding that the road in question was not dedicated to public use, noted that a map of the tract was never recorded, nor was the tract platted by appellants or their predecessors. The Court concluded that “*there not being a sufficient offer of dedication, the question of acceptance thereof by the public becomes moot.*”

We found no evidence that there was ever an offer of dedication by the current owners along North Polo Drive. Lacking evidence of a formal offer of dedication, an implied offer of dedication over a portion of North Polo Drive (excluding the Applicants’ ROW) may have occurred to the extent a governmental entity has made visible improvements on the land.

**(b) As to the Applicants’ ROW, There Was No Offer of Dedication by the Applicants, and No Improvements Have Been Constructed by a Government Entity.** The original intent of the Polo Fields Subdivision Map was to treat North Polo Drive and South Polo Drive as private rights of way. There is no evidence that any owner of the Applicants’ property dedicated the Applicants’ ROW to public use. As the court in *Flavio* stated, without an offer by the owner, the question of acceptance becomes moot.

To this may be added the following: ‘A basic axiom in the law of dedication is that it is not a trivial thing to hold that private property had been dedicated to public use. Whatever the manner in which a dedication is effectuated, the intention of the owner to set apart land for the use of the public—the animus dedicandi—is the foundation of every dedication, and must be unequivocally manifested.’ (15 Cal.Jur.2d, p. 287.)

Further, without any improvements within the Applicants' ROW, there has been no implied offer of dedication.

**(c) California Law Precludes An Implied Offer to Dedicate For Recreational or Right of Way Uses.** The doctrine of implied dedication has been severely limited by the legislature (when the property is not on the coast). No public use, after March 4, 1972, *whether for recreational or non-recreational purposes*, can establish a permanent public right of use of property by prescription or implied dedication unless the owner makes a specific written, irrevocable offer of dedication, or unless a governmental entity has made visible improvements on the land, or has cleaned and maintained it in such a manner that the owner should know of the public use. *Civ. Code, § 1009, subds. (b), (d). Scher v. Burke, 3 Cal.5th 136, 144-145 n.3, 218 Cal. Rptr. 3d 643, 395 P.3d 680 (2017).*

The California Supreme Court has now unequivocally held that the Civil Code Section 1009 precludes any implied offer of dedication by public use, including such non-recreational uses as a road or right of way for vehicular uses and is not limited to recreational uses. *Scher v. Burke, 3 Cal.5th 136, 144-150, 218 Cal. Rptr. 3d 643, 395 P.3d 680 (2017).*

As stated above, there are no public improvements within the Applicants' ROW. Therefore, the Applicants' ROW cannot be dedicated to the public for recreational or right of way use under the doctrine of implied dedication.

**The Applicants' ROW Cannot Be Dedicated to the County for Public Use Because the Original Grant Was Not For Public Use.**

As stated above, a portion of North Polo Drive was accepted into the County Maintained Road System, but it did not extend to the Applicants' ROW. Nor should Applicants' ROW ever be accepted into the County Maintained Road System because the original grant was not for public use. In *61 Ops. Cal Attorney General, 466 (1978)*, the California Attorney General concluded that a non-exclusive easement for road and utility purposes obtained by a private individual and appurtenant to his land may not be dedicated to a county for public use if the original grant of the easement was not expressly for public use, because the change from private to public use would be prohibited as the imposition of a new and additional burden on the easement.

The AG's Opinion noted that the transfer of an appurtenant easement may not materially change the character of the easement contemplated in the original grant. While a minor alteration in the use of an easement is permitted as long as the change is one of degree, the imposition of a new or additional burden upon the easement is prohibited. All uses must be incidental to the original grant and consistent with its purpose. *[Citations Omitted]*.

**Summary Vacation of the Applicants' ROW is Appropriate.**

Streets and Highways Code Section 8333 et seq. authorizes summary vacation of an easement in any of the following cases:

(a) The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.

(b) The date of dedication or acquisition is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not used continuously since that date.

(c) The easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.

Additionally, the County may summarily vacate any of the following:

(a) An excess right-of-way of a street or highway not required for street or highway purposes.

(b) A portion of a street or highway that lies within property under one ownership and that does not continue through such ownership or end touching property of another.

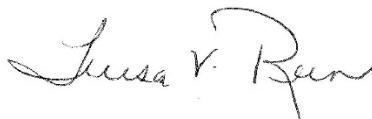
The County owns a private easement along the Applicants' ROW, but it is unclear if or how the County could ever use it. The Applicant's ROW has not been dedicated to the public. North Polo Drive is a dead end road. The County has not used the Applicants' ROW for road purposes, and no improvements are constructed within the Applicants' ROW. Public access to the Polo Grounds Park is off Huntington Drive.

To clarify the ambiguity regarding Applicants' ROW, summary vacation of the Applicants' ROW is appropriate. Summary vacation would allow the Applicant's project to proceed. The County's private access rights would remain even with summary vacation, because the County would still own a private 20' right of way adjacent to the park and Applicants' ROW.

If you have any questions, please feel free to call.

Yours truly,

REIN & REIN

A handwritten signature in cursive script, reading "Teresa V. Rein". The signature is written in dark ink on a white background.

By: Teresa V. Rein

## EXHIBIT A

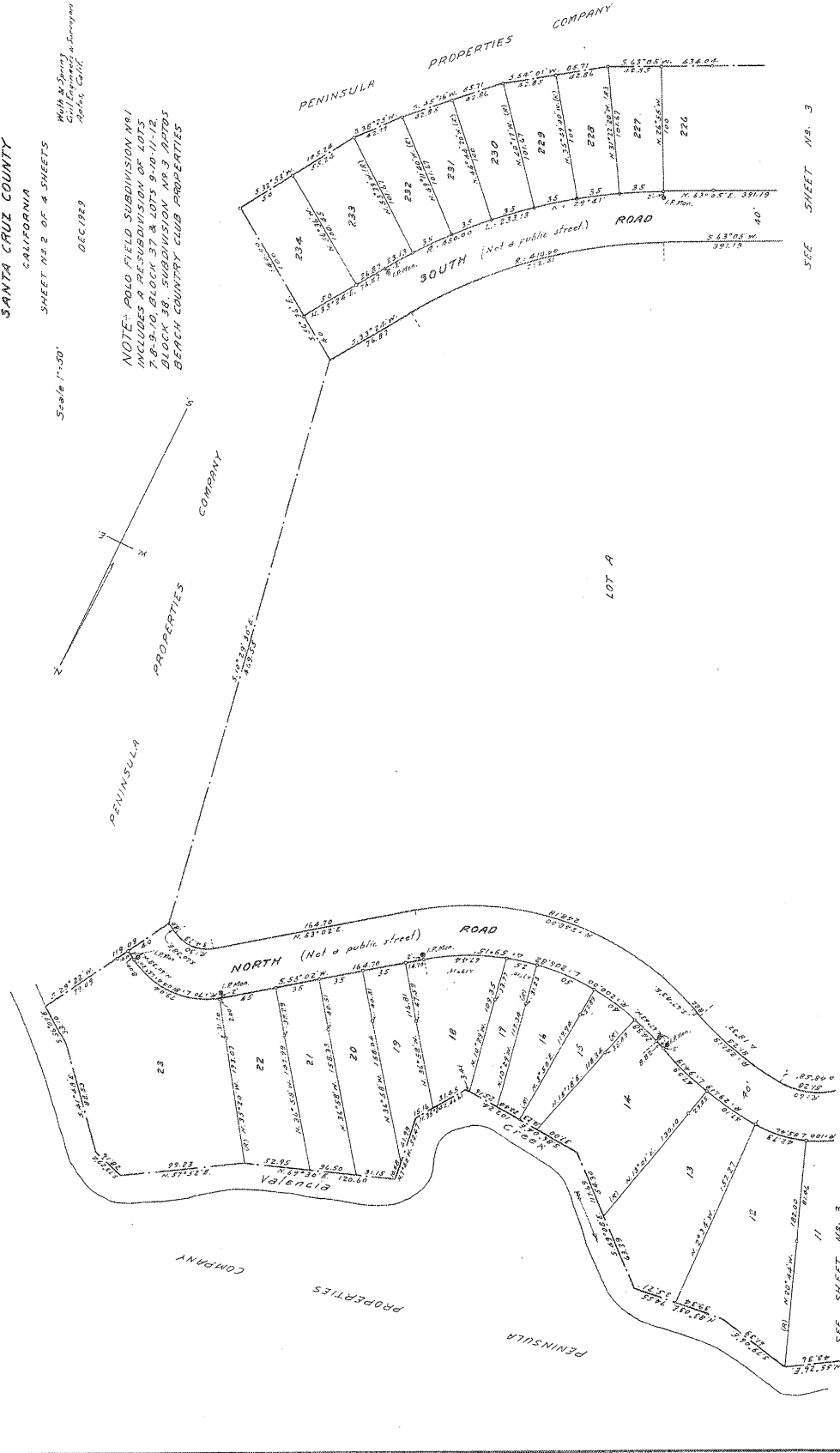
# POLO FIELD SUBDIVISION No. 1

AT  
RIO DEL MAR  
SANTA CRUZ COUNTY  
CALIFORNIA

SHEET No. 2 OF 4 SHEETS  
Scale 1"=50'  
DEC. 1923  
With & Spring  
Archie, Calif.

NOTE: POLO FIELD SUBDIVISION No. 1  
INCLUDES 21 LOTS  
BLOCK 38 SUBDIVISION No. 3, 2270'S  
BEACH COUNTRY CLUB PROPERTIES

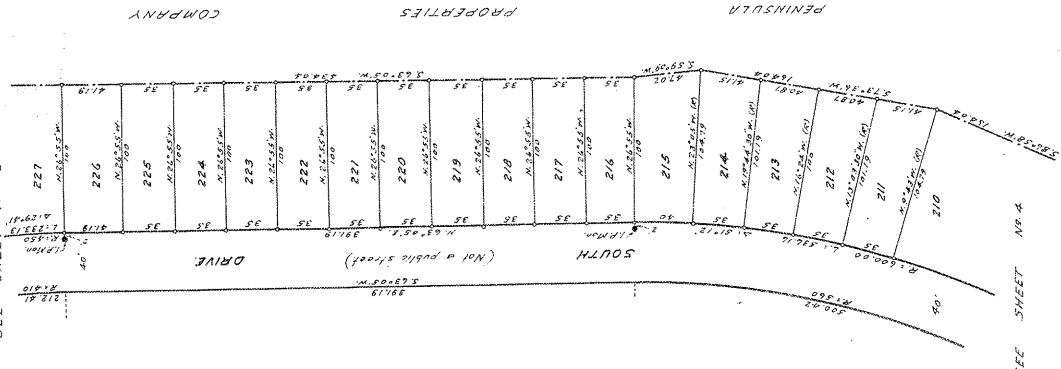
NOTE: 1. Dashed line shows with line.  
1.00 M. 2. Dashed line shows with line and 2 feet  
from property line, measured up  
right angle, as radius of curvature.  
All bearings refer to Subdivision  
No. 3, Beach Country Club  
Properties, mentioned.



SEE SHEET No. 3

A80-431\_1

SEE SHEET NO. 2



SEE SHEET NO. 4

NOTE: POLO FIELD SUBDIVISION NO. 1  
INCLUDES A RESUBDIVISION OF LOTS  
7-8-9-10, BLOCK 37 & LOTS 9-10-11-12,  
BLOCK 38, SUBDIVISION NO. 3, APUD  
BEACH COUNTRY CLUB PROPERTIES.

W. H. & S. J. Davis  
Civil Engineers  
Apex, Calif.

DEC 1929

# POLO FIELD SUBDIVISION NO. 1

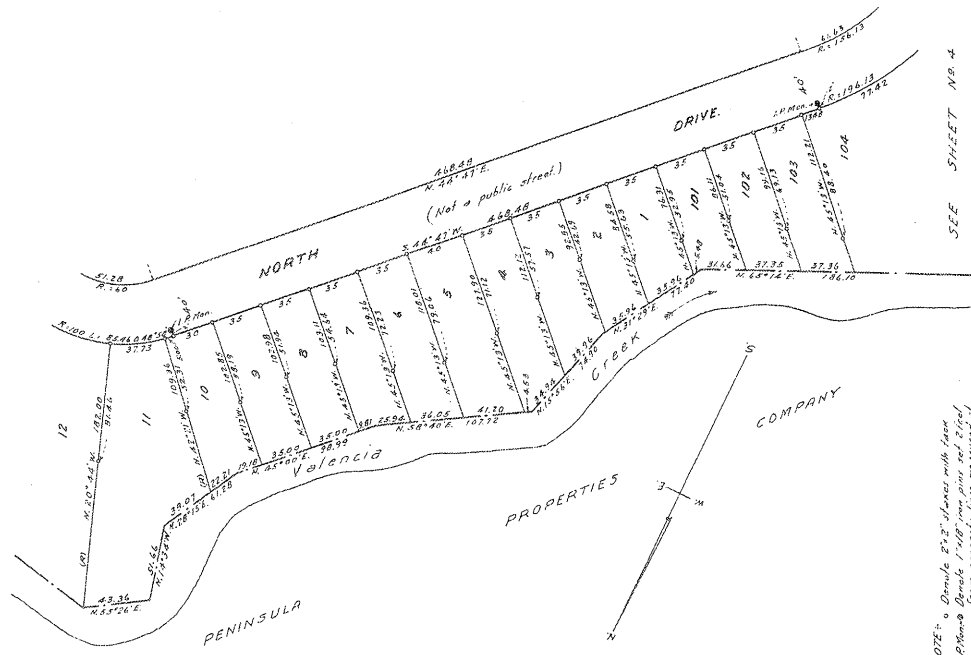
AT  
RIO DEL MAR  
SANTA CRUZ COUNTY  
CALIFORNIA

SHEET NO. 3 OF 4 SHEETS

Scale 1"=50'

LOT A

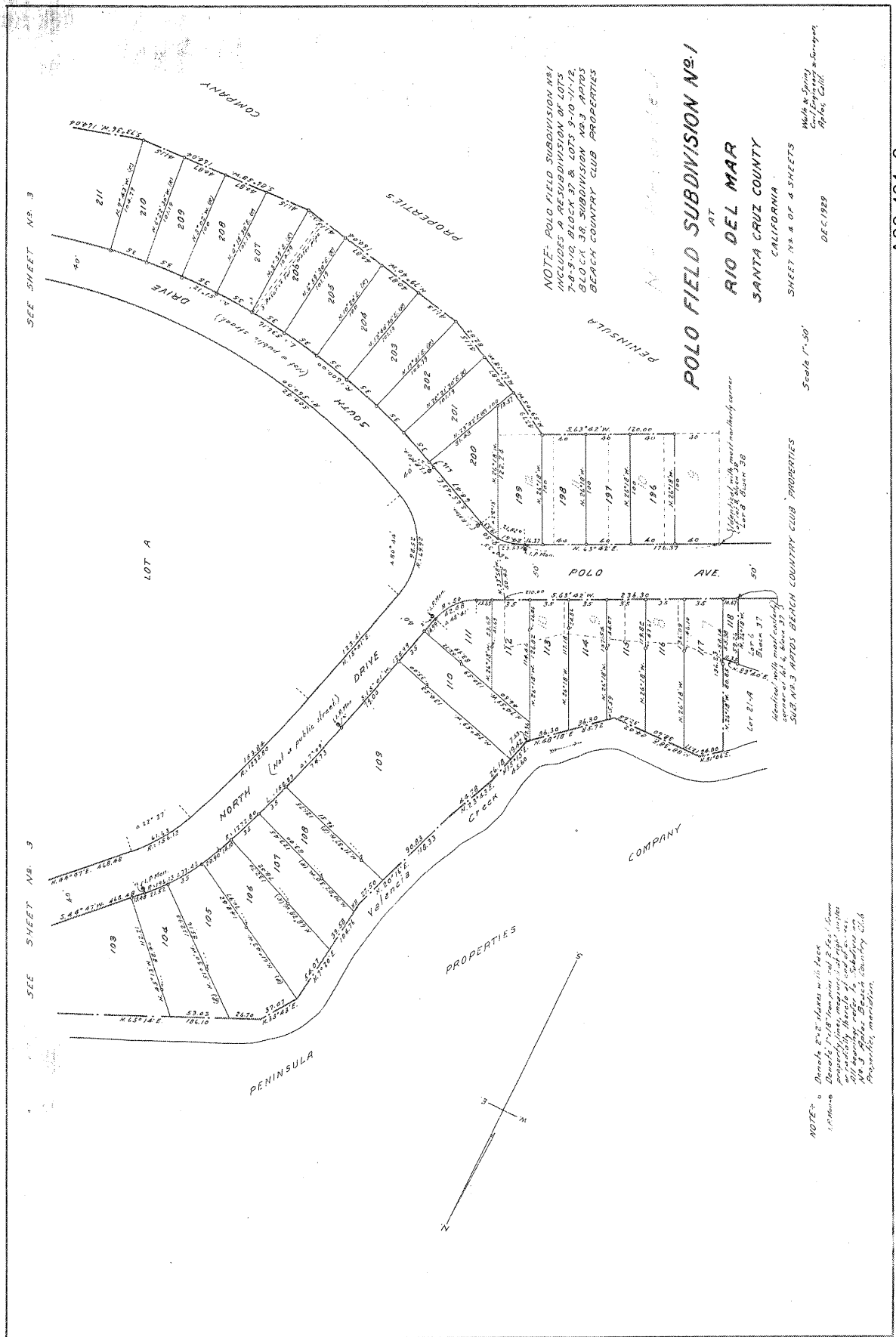
SEE SHEET NO. 2



SEE SHEET NO. 4

NOTE: 1. Don't 2 1/2" stones with 1/2" lead  
1/2" lead Don't 1 1/2" iron pins and 2 1/2"  
iron pins in each lot. Don't  
set and set corner.  
Don't set corner in Subdivision  
No. 3. Don't set corner in Club  
Properties. mention.

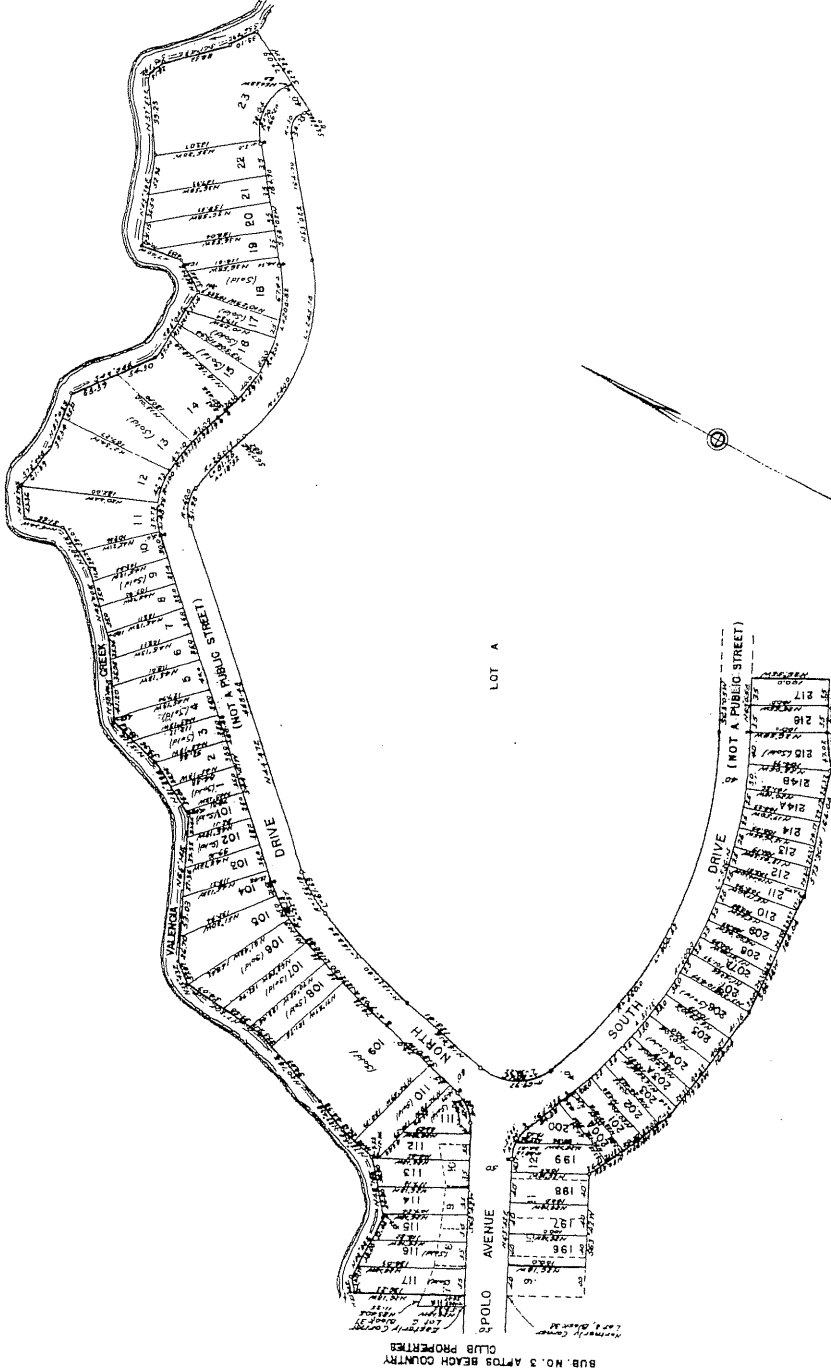




A80-431\_3

A80-431\_3

## EXHIBIT B

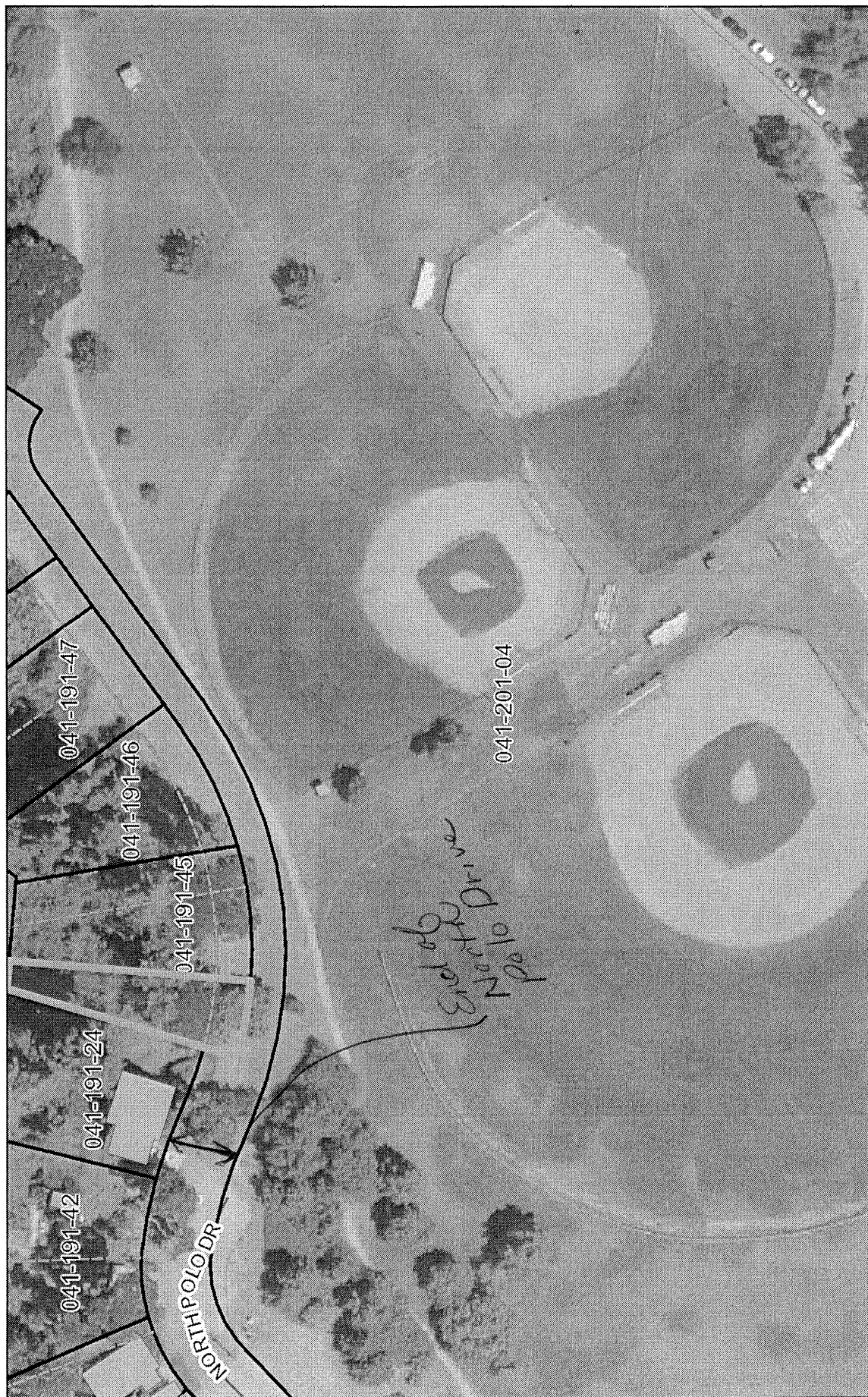


Note: - o Denotes 2" x 2" stakes with tack.  
 • Denotes 1" x 15" iron pin set 2' from property lines, measured at right angles to tangent at end of curve.  
 Bearing base derived from Sub. No. 3 Artos Beach Country Club Properties.

Unrecorded Map  
 of Portion of  
 POLO FIELD Subdivision No. 1  
 of  
 RIO DEL MAR  
 SANTA CRUZ COUNTY  
 CALIFORNIA  
 Compiled by the office of  
 Lloyd Bowman R. E.  
 Dec. 1939 Scale 1"=100'

## EXHIBIT C

# Burns



June 19, 2018

Boundaries and Easements

Parcel

General Easement

Road Easement

Utility Easement

Drainage Easement

Well Easement

Right of Way

Lot Line

Miscellaneous

Parcel-Survey

Right of Way-Survey

Parcel APN labels

Building footprints

Parcels

1:960  
0 40 80 160 ft

0 12.5 25 50 m

County of Santa Cruz GIS

Exhibit C

## EXHIBIT D

COPY of Document Recorded

4-Apr-2006 2006-0018947

Has not been compared with  
original

SANTA CRUZ COUNTY RECORDER

**Recording Requested By and  
When Recorded, Return To:**

Charlene B. Atack  
Bosso Williams  
A Professional Corporation  
P. O. Box 1822  
Santa Cruz, CA 95061-1822

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SPACE ABOVE THIS LINE FOR RECORDER'S USE —

**JUDGMENT FOR QUIET TITLE**

**Exhibit D**

1 Charlene B. Atack SBN 068692  
2 BOSSO WILLIAMS  
3 A Professional Corporation  
4 133 Mission Street, Suite 280  
5 P.O. Box 1822  
6 Santa Cruz, California 95061-1822  
7 Telephone: (831) 426-8484

8 Attorneys for Plaintiffs

FILED

APR 4 2006

ALEX CALVO, CLERK  
BY   
DEPUTY SANTA CRUZ COUNTY

9 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CRUZ

10 JOE PAUL BURNS aka PAUL JOE  
11 BURNS and BETTY BURNS,

No. CV 152568

12 Plaintiffs,



13 vs.

JUDGMENT FOR QUIET TITLE

14 PENINSULA PROPERTIES COMPANY,  
15 LTD., a California Corporation, formerly  
16 known as Peninsula Properties Company, a  
17 California Corporation, FIDELITY  
18 NATIONAL TITLE INSURANCE  
19 COMPANY, successor in interest to Santa  
20 Cruz Land Title Company, a California  
21 Corporation, and to Western Title  
22 Insurance Company, a California  
23 Corporation, CLARENCE E. KING,  
24 MARY J. KING, the testate and intestate  
25 successors of Clarence E. King and Mary  
26 J. King, believed to be deceased, and all  
27 persons claiming by, through, or under  
28 such persons, RUBEN JUÁREZ, all  
persons unknown, claiming any legal or  
equitable right, title, estate, lien or interest  
in the property described in the complaint  
adverse to plaintiffs' title, or any cloud on  
plaintiffs' title thereto, and DOES 1 to 100,  
inclusive,

Defendants.



1 Charlene B. Atack SBN 068692  
BOSSO WILLIAMS  
2 A Professional Corporation  
133 Mission Street, Suite 280  
3 P.O. Box 1822  
Santa Cruz, California 95061-1822  
4 Telephone: (831) 426-8484

5 Attorneys for Plaintiffs  
6  
7

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CRUZ

9 JOE PAUL BURNS aka PAUL JOE  
10 BURNS and BETTY BURNS,

No. CV 152568

11 Plaintiffs,

JUDGMENT FOR QUIET TITLE

12 vs.

13 PENINSULA PROPERTIES COMPANY,  
LTD., a California Corporation, formerly  
14 known as Peninsula Properties Company, a  
California Corporation, FIDELITY  
15 NATIONAL TITLE INSURANCE  
COMPANY, successor in interest to Santa  
16 Cruz Land Title Company, a California  
Corporation, and to Western Title  
17 Insurance Company, a California  
Corporation, CLARENCE E. KING,  
18 MARY J. KING, the testate and intestate  
successors of Clarence E. King and Mary  
19 J. King, believed to be deceased, and all  
persons claiming by, through, or under  
20 such persons, RUBEN JUÁREZ, all  
persons unknown, claiming any legal or  
21 equitable right, title, estate, lien or interest  
in the property described in the complaint  
22 adverse to plaintiffs' title, or any cloud on  
plaintiffs' title thereto, and DOES 1 to 100,  
23 inclusive,

24 Defendants.  
25 \_\_\_\_\_/

26 The above-entitled matter came on regularly for hearing on April 4, 2006 in  
27 Department 9 of the above-referenced court, Judge Harry E. Woolpert presiding. Attorney  
28 Charlene B. Atack appeared on behalf of plaintiffs. No appearance was made by any

1 defendant.

2 Evidence, oral and documentary, was presented, and the matter was submitted.

3 The defendants named as Peninsula Properties Company, Ltd., a California  
4 Corporation, formerly known as Peninsula Properties Company, a California Corporation;  
5 Fidelity National Title Insurance Company, successor in interest to Santa Cruz Land Title  
6 Company, a California Corporation, and to Western Title Insurance Company, a California  
7 Corporation, Clarence E. King, Mary J. King, the testate and intestate successors of Clarence  
8 E. King and Mary J. King, believed to be deceased, and all persons claiming by, through, or  
9 under such persons, and all persons unknown, claiming any legal or equitable right, title,  
10 estate, lien or interest in the property described in the complaint adverse to plaintiffs' title, or  
11 any cloud on plaintiffs' title thereto, having been served and having failed to appear and  
12 answer said complaint within the time allowed by law, and the default of said defendants  
13 having been duly entered, upon application of plaintiffs to the Court, and after having  
14 considered the evidence, pursuant to the testimony presented and the declarations on file  
15 herein, the Court orders the following judgment:

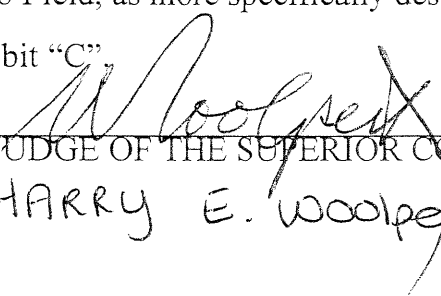
16 IT IS HEREBY ORDERED AND ADJUDGED as follows:

17 1. That as of September 29, 2005, the filing date of this complaint, JOE PAUL  
18 BURNS aka PAUL JOE BURNS and BETTY BURNS as husband and wife, hold title as  
19 joint tenants in fee simple of that certain real property specifically described in Exhibit "A"  
20 attached hereto (hereinafter "Subject Property"), and that defendants Peninsula Properties  
21 Company, Ltd., a California Corporation, formerly known as Peninsula Properties Company,  
22 a California Corporation; Fidelity National Title Insurance Company, successor in interest to  
23 Santa Cruz Land Title Company, a California Corporation, and to Western Title Insurance  
24 Company, a California Corporation, Clarence E. King, Mary J. King, the testate and intestate  
25 successors of Clarence E. King and Mary J. King, believed to be deceased, and all persons  
26 claiming by, through, or under such persons, and all persons unknown, claiming any legal or  
27 equitable right, title, estate, lien or interest in the property described in the complaint adverse  
28 to plaintiffs' title, or any cloud on plaintiffs' title thereto own no right, title, or interest in the

1 Subject Property.

2 2. That as of September 29, 2005, the filing date of this complaint, JOE PAUL  
3 BURNS aka PAUL JOE BURNS and BETTY BURNS, as husband and wife, are the owners  
4 of a right of way specifically described in Exhibit "B" attached hereto. Said easement is  
5 appurtenant to lots 15 through 22 as shown on that unrecorded Subdivision Map dated  
6 December 1939, entitled Subdivision Map of Polo Field, as more specifically described in the  
7 legal description which is attached hereto as Exhibit "C"

8 Dated: 4-4-2006

  
JUDGE OF THE SUPERIOR COURT  
HARRY E. WOOLPERT

9  
10  
11  
12  
13  
14  
15  
16  
17  
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19  
20  
21 J:\wpdata\KJ\QUIET\BURNS.Judgment  
22  
23  
24  
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26  
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28

## DESCRIPTION OF THE NORTHERLY ONE-HALF POLO DRIVE

Situate in the County of Santa Cruz, State of California.

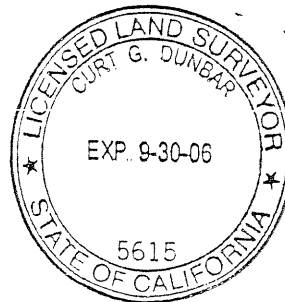
**Being** the northerly one half of Polo Drive and being more particularly described as follows, to wit:

**Beginning** at the True Point of Beginning of Parcel One as said Parcel is described in that certain Quitclaim Deed to Paul and Betty Burns, recorded January 13, 1994 in Volume 5431 of Official Records, Page 188, Santa Cruz County Records, said Point being the southwestern corner of Lot 16 of Polo Field Subdivision No. 1 (unfiled);

**Thence** from said **Point of Beginning**, along the northern boundary of Polo Drive (and being the southern boundaries of Lots 16, 17, 18, 19, 20, 21 and 22 of said Polo Field Subdivision No. 1), easterly, curving to the left from a radial bearing of North  $3^{\circ}50'22''$  East, with a radius of 200.00 feet, through a central angle of  $40^{\circ}48'22''$ , a distance of 142.44 feet to a point of tangency; thence North  $53^{\circ}02'00''$  East 164.70 feet to the beginning of a tangent curve; thence northeasterly, curving to the right, with a radius of 50.00 feet, through a central angle of  $1^{\circ}38'00''$ , a distance of 2.00 feet to the southeastern corner of said Lot 22; thence along the southeastern prolongation of the eastern boundary of said Lot 22, South  $35^{\circ}20'00''$  East 20.00 feet to the centerline of said Polo Drive; thence along said centerline, South  $53^{\circ}02'00''$  West 164.70 feet to the beginning of a tangent curve; thence westerly, curving to the right, with a radius of 220.00 feet, through a central angle of  $52^{\circ}15'55''$ , a distance of 200.68 feet to a point from which the southwestern corner of Lot 15 of said Polo Field Subdivision No. 1 (unfiled) bears North  $15^{\circ}18'00''$  East; thence along said southern prolongation of the western boundary said Lot 15, North  $15^{\circ}18'00''$  East 20.00 feet, more or less, to the southwestern corner of said Lot 15; thence along the northern boundary of Polo Drive (and being the southern boundaries of Lot 15), easterly, curving to the left from a radial bearing of North  $15^{\circ}17'55''$  East, with a radius of 200.00 feet, through a central angle of  $11^{\circ}27'33''$ , a distance of 40.00 feet, more or less, to the **Point of Beginning**.



Curt G. Dunbar, PLS 5615  
License renewal date 9-30-06



## DESCRIPTION OF 40.00' POLO DRIVE

Situate in the County of Santa Cruz, State of California.

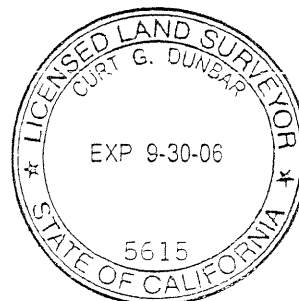
**Being** a right of way for ingress, egress, and public utilities, 40.00 feet in width, the northerly and westerly boundary of which are more particularly described as follows, to wit:

**Beginning** at a point in the northern sideline of Polo Drive, at the easterly corner of Lot 6 Block 37, as said Lot, Block and Drive are shown on that map of "Aptos Beach Country Club Subdivision No. 3" recorded in Volume 23 of Maps at Page 3, Santa Cruz County Records;

**Thence** from said **Point of Beginning**, along the northern and western boundaries boundary of Polo, North  $63^{\circ}42'00''$  East 236.05 feet, more or less, to the beginning of a tangent curve; thence northerly, curving to the left, with a radius of 50.00 feet, through a central angle of  $48^{\circ}41'00''$ , a distance of 42.48 feet to a point of tangency; thence North  $15^{\circ}01'00''$  East 128.99 feet to the beginning of a tangent curve; thence northeasterly, curving to the right, with a radius of 1272.80 feet, through a central angle of  $7^{\circ}09'00''$ , a distance of 158.83 feet to a point of compound curvature; thence northeasterly, curving to the right, with a radius of 196.13 feet, through a central angle of  $22^{\circ}37'00''$ , a distance of 77.42 feet to a point of tangency; thence North  $44^{\circ}47'00''$  East 468.48 feet to the beginning of a tangent curve; thence northeasterly, curving to the right, with a radius of 100.00 feet, through a central angle of  $48^{\circ}58'00''$ , a distance of 80.46 feet to a point of compound curvature; thence southeasterly, curving to the right, with a radius of 291.19 feet, through a central angle of  $18^{\circ}32'00''$ , a distance of 94.19 feet to a point of tangency; thence South  $67^{\circ}43'00''$  East 8.82 feet to the beginning of a tangent curve; thence northeasterly, curving to the left, with a radius of 200.00 feet, through a central angle of  $59^{\circ}15'00''$ , a distance of 206.82 feet to a point of tangency; thence North  $53^{\circ}02'00''$  East 164.70 feet to the beginning of a tangent curve; thence easterly, curving to the right, with a radius of 70.00 feet, through a central angle of  $66^{\circ}20'00''$ , a distance of 79.40 feet to a point of tangency; thence South  $60^{\circ}38'00''$  East 8.00 feet to eastern terminus of said right of way.



Curt G. Dunbar, PLS 5615  
License renewal date 9-30-06



The land referred to herein is described as follows:

SITUATE IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA AND DESCRIBED AS FOLLOWS:

PARCEL ONE:

COMMENCING ON THE NORTHWESTERLY LINE OF POLO AVENUE AT THE MOST EASTERLY CORNER OF LOT 10, OF BLOCK 37, AS SAID AVENUE, LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED ON THAT CERTAIN MAP ENTITLED "MAP OF SUBDIVISION NO. 3 APTOS BEACH COUNTRY CLUB PROPERTIES APTOS SANTA CRUZ COUNTY CALIFORNIA" ETC., AND FILED FOR RECORD AUGUST 10, 1925 IN VOLUME 23 OF MAPS, PAGE 3, RECORDS OF SANTA CRUZ COUNTY, CALIFORNIA AND RUNNING THENCE ALONG A DIRECT PRODUCTION NORTHEASTERLY OF SAID NORTHWESTERLY LINE OF SAID POLO AVENUE, NORTH  $63^{\circ} 42'$  EAST, 26.30 FEET; THENCE 42.48 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE LEFT, TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 50.00 FEET; THENCE NORTH  $15^{\circ} 01'$  EAST, 128.99 FEET; THENCE 158.83 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 1272.80 FEET; THENCE 77.42 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 196.13 FEET; THENCE NORTH  $44^{\circ} 47'$  EAST, 468.48 FEET; THENCE 85.46 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 100.00 FEET; THENCE 94.19 FEET SOUTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 291.19 FEET; THENCE SOUTH  $67^{\circ} 43'$  EAST, 8.82 FEET; THENCE 64.38 FEET EASTERLY ON THE ARC OF A CURVE TO THE LEFT, TANGENT TO LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 200.00 FEET TO THE POINT OF BEGINNING ON THE DESCRIPTION OF THE PARCEL OF LAND HEREBY TO BE CONVEYED; THENCE FROM SAID POINT OF BEGINNING, 40.00 FEET WESTERLY ON THE ARC OF A CURVE TO THE RIGHT, THE RADIUS OF WHICH CURVE IS 200.00 FEET, AND THE CHORD OF WHICH ARC BEARS NORTH  $80^{\circ} 26'$  WEST; THENCE NORTH  $15^{\circ} 18'$  EAST, 118.34 FEET; THENCE SOUTH  $86^{\circ} 04'$  EAST, 16.23 FEET; THENCE SOUTH  $3^{\circ} 50'$  WEST, 119.94 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT 21 OF THE APTOS RANCHO.

PARCEL TWO:

COMMENCING ON THE NORTHWESTERLY LINE OF POLO AVENUE AT THE MOST EASTERLY CORNER OF LOT 10, OF BLOCK 37, AS SAID AVENUE, LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED ON THAT CERTAIN MAP ENTITLED "MAP OF SUBDIVISION NO. 3 APTOS BEACH COUNTRY CLUB PROPERTIES APTOS SANTA CRUZ COUNTY CALIFORNIA" ETC., AND FILED FOR RECORD AUGUST 10, 1925 IN VOLUME 23 OF MAPS, PAGE 3, RECORDS OF SANTA CRUZ COUNTY, CALIFORNIA AND RUNNING THENCE ALONG A DIRECT PRODUCTION NORTHEASTERLY OF SAID NORTHWESTERLY LINE OF SAID POLO AVENUE, NORTH  $63^{\circ} 42'$  EAST, 26.30 FEET; THENCE 42.48 FEET NORTHEASTERLY ON THE

PARCEL TWO - CONTINUED

ARC OF A CURVE TO THE LEFT, TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 50.00 FEET; THENCE NORTH 15° 01' EAST, 128.99 FEET; THENCE 158.83 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 1272.80 FEET; THENCE 77.42 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 196.13 FEET; THENCE NORTH 44° 47' EAST, 468.48 FEET; THENCE 85.46 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 100.00 FEET; THENCE 94.19 FEET EASTERLY ON THE ARC OF A CURVE TO THE RIGHT TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 291.19 FEET; THENCE SOUTH 67° 43' EAST, 8.82 FEET; AND THENCE 114.38 FEET EASTERLY ON THE ARC OF A CURVE TO THE LEFT, TANGENT TO LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 200.00 FEET TO THE POINT OF BEGINNING OF THE DESCRIPTION OF THE PARCEL OF LAND HEREBY TO BE CONVEYED; THENCE FROM SAID POINT OF BEGINNING 50.00 FEET WESTERLY ON THE ARC OF A CURVE TO THE RIGHT, THE RADIUS OF WHICH IS 200.00 FEET AND THE CHORD OF WHICH ARC BEARS SOUTH 86° 40' 30" WEST; THENCE NORTH 3° 50' EAST, 119.94 FEET; THENCE SOUTH 86° 04' EAST, 20.44 FEET; THENCE SOUTH 10° 29' EAST, 117.34 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT 21 OF THE APTOS RANCHO.

PARCEL THREE:

COMMENCING ON THE NORTHWESTERLY LINE OF POLO AVENUE AT THE MOST EASTERLY CORNER OF LOT 10, OF BLOCK 37, AS SAID AVENUE, LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED ON THAT CERTAIN MAP ENTITLED "MAP OF SUBDIVISION NO. 3 APTOS BEACH COUNTRY CLUB PROPERTIES APTOS SANTA CRUZ COUNTY CALIFORNIA" ETC., AND FILED FOR RECORD AUGUST 10, 1925 IN VOLUME 23 OF MAPS, PAGE 3, RECORDS OF SANTA CRUZ COUNTY, CALIFORNIA AND RUNNING THENCE ALONG A DIRECT PRODUCTION NORTHEASTERLY OF SAID NORTHEASTERLY LINE OF SAID POLO AVENUE, NORTH 63° 42' EAST, 26.30 FEET; THENCE 42.48 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE LEFT, TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 50.00 FEET; THENCE NORTH 15° 01' EAST, 128.09 FEET; THENCE 158.83 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 1272.80 FEET; THENCE 77.42 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 196.13 FEET; THENCE NORTH 44° 47' EAST, 468.48 FEET; THENCE 85.46 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 100.00 FEET; THENCE 94.19 FEET EASTERLY ON THE ARC OF A CURVE TO THE RIGHT TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 291.19 FEET; THENCE SOUTH 67° 43' EAST, 8.82 FEET; THENCE 139.38 FEET EASTERLY ON THE ARC OF A CURVE TO THE LEFT, TANGENT TO LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 200.00 FEET TO THE POINT

PARCEL THREE CONTINUED

OF BEGINNING OF THE DESCRIPTION OF THE PARCEL OF LAND HEREBY TO BE CONVEYED; THENCE FROM SAID POINT OF BEGINNING, 25.00 FEET WESTERLY ON THE ARC OF A CURVE TO THE RIGHT, THE RADIUS OF WHICH CURVE IS 200.00 FEET AND THE CHORD OF WHICH ARC BEARS SOUTH 75° 56' WEST; THENCE NORTH 10° 29' WEST 117.34 FEET; THENCE SOUTH 86° 04' EAST 25.16 FEET; THENCE SOUTH 10° 29' EAST, 109.35 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT 21 OF THE APTOS RANCHO.

PARCEL FOUR:

COMMENCING ON THE MOST EASTERLY CORNER OF LOT 10, OF BLOCK 37, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED ON THAT CERTAIN MAP ENTITLED "MAP OF SUBDIVISION NO. 3 APTOS BEACH COUNTRY CLUB PROPERTIES APTOS SANTA CRUZ COUNTY CALIFORNIA" ETC., AND FILED FOR RECORD AUGUST 10, 1925 IN VOLUME 23 OF MAPS, PAGE 3, RECORDS OF SANTA CRUZ COUNTY, CALIFORNIA AND RUNNING THENCE ALONG A DIRECT PRODUCTION NORTHEASTERLY OF THE SOUTHEASTERLY LINE OF SAID LOT 10, NORTH 63° 42' EAST, 26.30 FEET; THENCE 42.48 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE LEFT, TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 50.00 FEET; THENCE NORTH 15° 01' EAST, 128.99 FEET; THENCE 158.83 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 1272.80 FEET; THENCE 77.42 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID CURVE THE RADIUS OF WHICH CURVE IS 196.13 FEET; THENCE NORTH 44° 47' EAST, 468.48 FEET; THENCE 85.46 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 100.00 FEET; THENCE 94.19 FEET EASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID CURVE, THE RADIUS OF WHICH CURVE IS 291.19 FEET; THENCE SOUTH 67° 43' EAST, 8.82 FEET; THENCE 206.82 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE LEFT, TANGENT TO LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 200.00 FEET AND THENCE NORTH 53° 02' EAST, 14.70 FEET TO THE POINT OF BEGINNING, OF THIS DESCRIPTION; THENCE FROM SAID POINT OF BEGINNING, SOUTH 53° 02' WEST, 14.70 FEET; THENCE 67.44 FEET SOUTHWESTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 200.00 FEET; THENCE NORTH 10° 29' WEST, 109.35 FEET; THENCE SOUTH 86° 04' EAST, 3.41 FEET; THENCE NORTH 35° 24' EAST, 31.45 FEET; AND THENCE SOUTH 36° 58' EAST, 116.81 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM MINERAL RIGHTS RESERVED IN THE DEED BY PENINSULA PROPERTIES COMPANY, A CALIFORNIA CORPORATION RECORDED JUNE 29, 1931 IN VOLUME 204, PAGE 119 OF OFFICIAL RECORDS OF SANTA CRUZ COUNTY AND AS EXCEPTED IN THE DEED BY FERRIS MCCONNELL KETCH RECORDED NOVEMBER 14, 1934 IN VOLUME 277, PAGE 34 OF OFFICIAL RECORDS OF SANTA CRUZ COUNTY.



PARCEL FOUR - CONTINUED

BEING A PORTION OF LOT 21 OF THE APTOS RANCHO.

PARCEL FIVE:

COMMENCING ON THE NORTHWESTERLY LINE OF POLO AVENUE AT THE MOST EASTERLY CORNER OF LOT 10, OF BLOCK 37, AS SAID AVENUE, LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED ON THAT CERTAIN MAP ENTITLED "MAP OF SUBDIVISION NO. 3 APTOS BEACH COUNTRY CLUB PROPERTIES APTOS SANTA CRUZ COUNTY CALIFORNIA" ETC., AND FILED FOR RECORD AUGUST 10, 1925 IN VOLUME 23 OF MAPS, PAGE 3, RECORDS OF SANTA CRUZ COUNTY, CALIFORNIA AND RUNNING THENCE ALONG A DIRECT PRODUCTION NORTHEASTERLY OF SAID NORTHWESTERLY LINE OF SAID POLO AVENUE, NORTH 63° 42' EAST, 26.30 FEET; THENCE 42.48 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE LEFT, TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 50.00 FEET; THENCE NORTH 15° 01' EAST, 128.99 FEET; THENCE 158.83 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 1272.80 FEET; THENCE 77.42 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 196.13 FEET; THENCE NORTH 44° 47' EAST, 468.48 FEET; THENCE 85.46 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 100.00 FEET; THENCE 94.19 FEET EASTERLY ON THE ARC OF A CURVE TO THE RIGHT TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 291.19 FEET; THENCE SOUTH 67° 43' EAST, 8.82 FEET; THENCE 206.82 FEET EASTERLY ON THE ARC OF A CURVE TO THE LEFT, TANGENT TO LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 200.00 FEET THENCE NORTH 53° 02' EAST, 164.70 FEET AND THENCE 2.00 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 70.00 FEET TO THE POINT OF BEGINNING OF THE DESCRIPTION OF THE PARCEL OF LAND HEREBY TO BE CONVEYED; THENCE FROM SAID POINT OF BEGINNING, 2.00 FEET SOUTHWESTERLY ON THE ARC OF A CURVE TO THE LEFT, THE RADIUS OF WHICH CURVE IS 70.00 FEET AND THE CHORD OF WHICH ARC BEARS SOUTH 53° 51' WEST; THENCE SOUTH 53° 02' WEST, 45.00 FEET; THENCE NORTH 36° 58' WEST 147.99 FEET; THENCE NORTH 69° 30' EAST, 52.95 FEET; THENCE SOUTH 35° 20' EAST 133.07 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT 21, OF THE APTOS RANCHO.

APN: 041-191-19 (PARCEL FIVE)  
041-191-22 (PARCEL FOUR)  
041-191-33 (PARCEL ONE)  
041-191-34 (PARCEL TWO AND THREE)

RECEIVED  
COUNTY CLERK  
SANTA CRUZ  
OCT 10 1958  
OFFICE OF THE  
COUNTY CLERK  
SANTA CRUZ  
CALIFORNIA

The land referred to herein is described as follows:

SITUATE IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA AND DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTHWESTERLY LINE OF A 40.00 FOOT ROAD KNOWN AS NORTH ROAD AT THE SOUTHEAST CORNER OF LAND CONVEYED TO FLOYD MICHOE AND THOMAS KELLER BY DEED RECORDED OCTOBER 8, 1958 IN VOLUME 1208, PAGE 464, OFFICIAL RECORDS OF SANTA CRUZ COUNTY; THENCE ALONG THE NORTHERLY LINE OF SAID ROAD, NORTH 53° 02' EAST 105.00 FEET TO A POINT; THENCE LEAVING SAID ROAD, NORTH 36° 58' WEST 147.99 FEET TO A POINT; THENCE SOUTH 69° 30' WEST 67.65 FEET TO A POINT; THENCE SOUTH 7° 40' EAST 52.47 FEET TO A POINT; THENCE SOUTH 35° 24' WEST 15.16 FEET TO THE NORTHERN CORNER OF SAID LAND OF MICHOE AND KELLER; THENCE ALONG THE EASTERLY LINE OF SAID LAND, SOUTH 36° 58' EAST 116.81 FEET TO THE POINT OF BEGINNING.

BEING LOTS 19, 20, AND 21, AS SHOWN ON AN UNFILED MAP OF POLO FIELD SUBDIVISION NO. 1.

APN: 41-191-18 AND 25

I hereby certify the foregoing  
instrument is a correct copy of  
the original on file in this office.

DATED APR - 4 2006  
ALEX CALVO, CLERK

By  Deputy  
MICHELLE IRIS

## EXHIBIT E

Recording requested by:

County of Santa Cruz

Return recorded form to:

Planning Department  
County of Santa Cruz  
701 Ocean Street, 4<sup>th</sup> Floor  
Attention: Randall Adams  
Application #: 141028



2014-0013268 04/28/2014 08:48:51 AM

OFFICIAL RECORDS OF Santa Cruz County  
Sean Saldavia Recorder  
RECORDING FEE: \$21.00  
COUNTY TAX: \$0.00  
CITY TAX: \$0.00

CONFORMED COPY

NCOP  
3 PGS

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Notice of Compliance

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION  
(CALIFORNIA GOVERNMENT CODE §27361.6)

**Exhibit E**

Recording requested by:

COUNTY OF SANTA CRUZ

When recorded, return to:

Planning Department

Attn: Randall Adams

Application Number: 141028

### UNCONDITIONAL CERTIFICATE OF COMPLIANCE

WHEREAS, Joe P. Burns and Betty L. Burns, Trustees, are the property owner(s) or vendee of such owner(s) of certain real property located in the County of Santa Cruz, State of California, known as Santa Cruz County Assessor's Parcel Number 041-191-44 & -45, and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, pursuant to an application for Parcel Legality Status Determination, the County of Santa Cruz has determined that such real property is determined to be one legal parcel;

WHEREAS, such real property complies with the applicable provisions of the Subdivision Map Act and the local ordinances of the County of Santa Cruz enacted pursuant to the Subdivision Map Act.

NOW, THEREFORE an Unconditional Certificate of Compliance is hereby issued for the above-described parcel.

FURTHERMORE, THIS CERTIFICATION OF COMPLIANCE SHALL NOT CONSTITUTE A DETERMINATION THAT SAID PARCEL IS BUILDABLE OR IS ENTITLED TO A BUILDING PERMIT OR OTHER DEVELOPMENT APPROVAL WITHOUT COMPLIANCE WITH THE PROVISIONS OF ALL OTHER SANTA CRUZ COUNTY ORDINANCES AND REGULATIONS.

THIS CERTIFICATE OF COMPLIANCE RELATES ONLY TO ISSUES OF COMPLIANCE OR NONCOMPLIANCE WITH THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES ENACTED PURSUANT THERETO. THE PARCEL DESCRIBED HEREIN MAY BE SOLD, LEASED OR FINANCED WITHOUT FURTHER COMPLIANCE WITH THE SUBDIVISION MAP ACT OR ANY LOCAL ORDINANCE ENACTED PURSUANT THERETO. DEVELOPMENT OF THE PARCEL MAY REQUIRE ISSUANCE OF A PERMIT OR PERMITS, OR OTHER GRANT OR GRANTS OF APPROVAL.

DATED 21 April 2014

COUNTY OF SANTA CRUZ

By: Steven Guiney

Steven Guiney, AICP

Principal Planner

STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ

On 4-25-14, before me, Bernice Romero, Notary Public, personally appeared Steven Guiney, 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 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 Bernice Romero

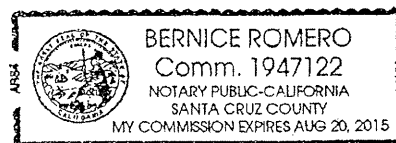


EXHIBIT A

SITUATE IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA AND DESCRIBED AS  
FOLLOWS:

LOTS 15, 16, 17 AND NORTHERLY ½ OF POLO AVENUE

Real property situate in the unincorporated area of the County of Santa Cruz, State of California, a part of Lot 21 of the Aptos Rancho, comprised of those three certain parcels of land described in the deeds dated February 8, 1932 by Western Title Insurance Company to Harry J. King and Lucille B. King recorded May 2, 1936, (i) in Volume 307, pages 129-130, (ii) in Volume 307, page 131, and (iii) in Volume 307, page 132, Official Records of Santa Cruz County, that is, Lot 15, Lot 16, and Lot 17, respectively, so designated and delineated on the unrecorded map of "Polo Field Subdivision No. 1 at Rio Del Mar" made in December, 1929 by Wuth & Sprinz, Civil Engineers & Surveyors, together with the adjoining half-widths of Polo Avenue, title to which was quieted in Joe Paul Burns aka Paul Joe Burns and Betty Burns pursuant to the Decree filed April 4, 2006 in Superior Court of the State of California, County of Santa Cruz, in the Matter of Burns v. Peninsula Properties Company et al., a certified copy of which was recorded April 4, 2006, Document No. 2006-0018947, Official Records of Santa Cruz County, more particularly described in the whole as follows:

Beginning at the southwesterly corner of the parcel of land described in the deed dated June 2, 1930 by Peninsula Properties Company to G. W. Atwater, recorded June 29, 1931 in Volume 204, pages 119-120, Official Records of Santa Cruz County, being a point in a curve on the northerly line of Polo Avenue;

Thence southerly, along the southerly prolongation of the westerly line of the parcel of land described in said deed last aforementioned, South 10° 29' 00" East, a distance of 20.14 feet to the centerline of said Polo Avenue, at a point in a circular curve concentric with the aforementioned curve in the northerly line of Polo Avenue;

Thence westerly along said centerline, and along the arc of the last said curve, concave to the north, having a radius of 220.00 feet, through a central angle of 32° 17' 33", an arc distance of 123.99 feet, to the intersection of said centerline with the southerly prolongation of the westerly line of the parcel of land described in the aforementioned deed recorded in Volume 307, page 129-130;

Thence, northerly along said southerly prolongation, and continuing along said westerly line, radial to said curve, North 15° 18' 00" East, a distance of 138.34 feet;

Thence South 86° 04' 00" East, a distance of 62.42 feet, to the northwesterly corner of the parcel of land described in the aforementioned deed recorded in Volume 204, pages 119-120;

Thence along the westerly line of said parcel of land, South 10° 29' 00" East, a distance of 109.36 feet to the point of beginning.

Containing 12,755 square feet, more or less.

All distances are in feet and decimals thereof.

APN: 041-191-44, 45

Recording requested by:

County of Santa Cruz

Return recorded form to:

Planning Department  
County of Santa Cruz  
701 Ocean Street, 4<sup>th</sup> Floor  
Attention: Randall Adams  
Application #: 141028



2014-0013269 04/28/2014 08:48:51 AM  
OFFICIAL RECORDS OF Santa Cruz County  
Sean Saldavia Recorder  
RECORDING FEE: \$21.00  
COUNTY TAX: \$0.00  
CITY TAX: \$0.00

CONFORMED COPY

NCOP  
3 PGS

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Notice of Compliance

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION  
(CALIFORNIA GOVERNMENT CODE §27361.6)



Recording requested by:

COUNTY OF SANTA CRUZ

When recorded, return to:

Planning Department

Attn: Randall Adams

Application Number: 141028

### UNCONDITIONAL CERTIFICATE OF COMPLIANCE

WHEREAS, Joe P. Burns and Betty L. Burns, Trustees, are the property owner(s) or vendee of such owner(s) of certain real property located in the County of Santa Cruz, State of California, known as Santa Cruz County Assessor's Parcel Number 041-191-46, and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, pursuant to an application for Parcel Legality Status Determination, the County of Santa Cruz has determined that such real property is determined to be one legal parcel;

WHEREAS, such real property complies with the applicable provisions of the Subdivision Map Act and the local ordinances of the County of Santa Cruz enacted pursuant to the Subdivision Map Act.

NOW, THEREFORE an Unconditional Certificate of Compliance is hereby issued for the above-described parcel.

FURTHERMORE, THIS CERTIFICATION OF COMPLIANCE SHALL NOT CONSTITUTE A DETERMINATION THAT SAID PARCEL IS BUILDABLE OR IS ENTITLED TO A BUILDING PERMIT OR OTHER DEVELOPMENT APPROVAL WITHOUT COMPLIANCE WITH THE PROVISIONS OF ALL OTHER SANTA CRUZ COUNTY ORDINANCES AND REGULATIONS.

THIS CERTIFICATE OF COMPLIANCE RELATES ONLY TO ISSUES OF COMPLIANCE OR NONCOMPLIANCE WITH THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES ENACTED PURSUANT THERETO. THE PARCEL DESCRIBED HEREIN MAY BE SOLD, LEASED OR FINANCED WITHOUT FURTHER COMPLIANCE WITH THE SUBDIVISION MAP ACT OR ANY LOCAL ORDINANCE ENACTED PURSUANT THERETO. DEVELOPMENT OF THE PARCEL MAY REQUIRE ISSUANCE OF A PERMIT OR PERMITS, OR OTHER GRANT OR GRANTS OF APPROVAL.

DATED 21 April 2014

COUNTY OF SANTA CRUZ

By: Steven Guiney  
Steven Guiney, AICP  
Principal Planner

STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ

On 4-25-14, before me, Bernice Romero, Notary Public, personally appeared Steven Guiney, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) 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 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 Bernice Romero

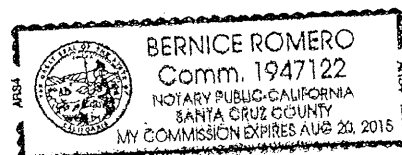


EXHIBIT A

SITUATE IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA AND DESCRIBED AS  
FOLLOWS:

LOT 18 AND NORTHERLY ½ OF POLO AVENUE

Real property situate in the unincorporated area of the County of Santa Cruz, State of California, a part of Lot 21 of the Aptos Rancho, comprised of that certain parcel of land described in the deed dated June 2, 1930 by Peninsula Properties Company to G. W. Atwater, recorded June 29, 1931 in Volume 204, pages 119-120, Official Records of Santa Cruz County, that is, Lot 18, so designated and delineated on the unrecorded map of "Polo Field Subdivision No. 1 at Rio Del Mar" made in December, 1929 by Wuth & Sprinz, Civil Engineers & Surveyors, together with the adjoining half-width of Polo Avenue, title to which was quieted in Joe Paul Burns aka Paul Joe Burns and Betty Burns pursuant to the Decree filed April 4, 2006 in Superior Court of the State of California, County of Santa Cruz, in the Matter of Burns v. Peninsula Properties Company et al., a certified copy of which was recorded April 4, 2006, Document No. 2006-0018947, Official Records of Santa Cruz County, more particularly described in the whole as follows:

Beginning at the most southerly corner of the parcel of land described in the deed dated August 18, 1959 by Santa Cruz Land Title Company to Fred J. Straub and Hilda E. Straub, recorded September 1, 1959 in Volume 1268, page 498, Official Records of Santa Cruz County, being a point on the northwesterly line of said Polo Avenue;

Thence along the southeasterly prolongation of the southwesterly line of the parcel of land described in said deed last aforementioned, South 36° 58' 00" East, a distance of 20.00 feet to the centerline of said Polo Avenue;

Thence along said centerline, South 53° 02' 00" West, a distance of 14.70 feet, to the beginning of a curve concave to the northwest, tangent to said line;

Thence continuing along said centerline, and along the arc of said curve, having a radius of 220.00 feet, through a central angle of 19° 58' 27", a distance of 76.70 feet, to the intersection of said centerline with the southerly prolongation of the westerly line of the parcel of land described in said deed recorded in Volume 204, pages 119-120;

Thence northerly along said prolongation, and continuing along said westerly line, North 10° 29' 00" West, a distance of 129.51 feet;

Thence South 86° 04' 00" East, a distance of 2.83 feet;

Thence North 35° 24' 00" East, a distance of 31.44 feet, to the most westerly corner of said parcel of land described in said deed recorded in Volume 1268, page 498;

Thence along the southwesterly line of said parcel of land, South 36° 58' 00" East, a distance of 116.82 feet, to the point of beginning.

Containing 8015 square feet, more or less.

All distances are in feet and decimals thereof.

APN: 041-191-46

Recording requested by:

County of Santa Cruz

Return recorded form to:

Planning Department  
County of Santa Cruz  
701 Ocean Street, 4<sup>th</sup> Floor  
Attention: Randall Adams  
Application #: 141028



2014-0013271 04/28/2014 08:48:51 AM

OFFICIAL RECORDS OF Santa Cruz County  
Sean Saldavia Recorder  
RECORDING FEE: \$21.00  
COUNTY TAX: \$0.00  
CITY TAX: \$0.00

CONFORMED COPY

NCOP  
3 PGS

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Notice of Compliance

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION  
(CALIFORNIA GOVERNMENT CODE §27361.6)

Recording requested by:

COUNTY OF SANTA CRUZ

When recorded, return to:

Planning Department

Attn: Randall Adams

Application Number: 141028

### UNCONDITIONAL CERTIFICATE OF COMPLIANCE

WHEREAS, Joe P. Burns and Betty L. Burns, Trustees, are the property owner(s) or vendee of such owner(s) of certain real property located in the County of Santa Cruz, State of California, known as Santa Cruz County Assessor's Parcel Number 041-191-49, and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, pursuant to an application for Parcel Legality Status Determination, the County of Santa Cruz has determined that such real property is determined to be one legal parcel;

WHEREAS, such real property complies with the applicable provisions of the Subdivision Map Act and the local ordinances of the County of Santa Cruz enacted pursuant to the Subdivision Map Act.

NOW, THEREFORE an Unconditional Certificate of Compliance is hereby issued for the above-described parcel.

FURTHERMORE, THIS CERTIFICATION OF COMPLIANCE SHALL NOT CONSTITUTE A DETERMINATION THAT SAID PARCEL IS BUILDABLE OR IS ENTITLED TO A BUILDING PERMIT OR OTHER DEVELOPMENT APPROVAL WITHOUT COMPLIANCE WITH THE PROVISIONS OF ALL OTHER SANTA CRUZ COUNTY ORDINANCES AND REGULATIONS.

THIS CERTIFICATE OF COMPLIANCE RELATES ONLY TO ISSUES OF COMPLIANCE OR NONCOMPLIANCE WITH THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES ENACTED PURSUANT THERETO. THE PARCEL DESCRIBED HEREIN MAY BE SOLD, LEASED OR FINANCED WITHOUT FURTHER COMPLIANCE WITH THE SUBDIVISION MAP ACT OR ANY LOCAL ORDINANCE ENACTED PURSUANT THERETO. DEVELOPMENT OF THE PARCEL MAY REQUIRE ISSUANCE OF A PERMIT OR PERMITS, OR OTHER GRANT OR GRANTS OF APPROVAL.

DATED 21 April 2014

COUNTY OF SANTA CRUZ

By: Steven Guiney  
Steven Guiney, AICP  
Principal Planner

STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ

On 4-25-14, before me, Bernice Romero, Notary Public, personally appeared Steven Guiney, who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ ~~is~~ 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 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 Bernice Romero

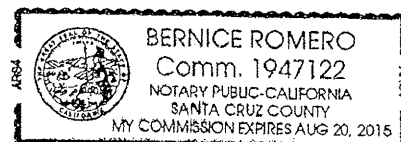


EXHIBIT A

SITUATE IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA AND DESCRIBED AS  
FOLLOWS:

LOT 22 AND NORTHERLY ¼ OF POLO AVENUE

Real property situate in the unincorporated area of the County of Santa Cruz, State of California, a part of Lot 21 of the Aptos Rancho, comprised of that certain parcel of land described in the deed dated January 16, 1946 by Santa Cruz Land Title Company to James F. Traganza and Genevieve Traganza, recorded June 21, 1962 in Volume 1478, pages 16-17, Official Records of Santa Cruz County, that is, Lot 22, so designated and delineated on the unrecorded map of "Polo Field Subdivision No. 1 at Rio Del Mar" made in December, 1929 by Wuth & Sprinz, Civil Engineers & Surveyors, together with the adjoining half-width of Polo Avenue, title to which was quieted in Joe Paul Burns aka Paul Joe Burns and Betty Burns pursuant to the Decree filed April 4, 2006 in Superior Court of the State of California, County of Santa Cruz, in the Matter of Burns v. Peninsula Properties Company et al., a certified copy of which was recorded April 4, 2006, Document No. 2006-0018947, Official Records of Santa Cruz County, more particularly described in the whole as follows:

Commencing at the most southeasterly corner of the parcel of land described in the deed dated December 28, 1932 by Western Title Insurance Company to Hollis Edward Snell, recorded June 13, 1933 in Volume 246, pages 444-445, Official Records of Santa Cruz County, a point on the northerly line of Polo Avenue;

Thence along said northerly line, North 60° 38' 00" West, a distance of 8.00 feet, to the beginning of a tangent curve concave to the south;

Thence, continuing on said northerly line, along the arc of said curve, having a radius of 70.00 feet, through a central angle of 64° 42' 00", a distance of 79.05 feet, to the southwesterly corner of said parcel of land last aforementioned, and the true point of beginning of this description;

Thence from said true point of beginning southeasterly, radial to said curve, along the southeasterly prolongation of the southwesterly line of said parcel of land last aforementioned, South 35° 20' 00" East, a distance of 20.00 feet to the centerline of said Polo Avenue, at a point in a circular curve concentric with the aforementioned curve in the northerly line of Polo Avenue;

Thence southwesterly along the said centerline, and along the arc of the last said curve, concave to the southeast, having a radius of 50.00 feet, and a central angle of 1° 38' 00", a distance of 1.43 feet;

Thence, continuing along said centerline, tangent to said curve, South 53° 02' 00" West, a distance of 45.00 feet, to the intersection of said centerline with the southeasterly prolongation of the southwesterly line of the parcel of land described in said deed recorded in Volume 1478, pages 16-17;

Thence, northwesterly along said southeasterly prolongation, and continuing along said southwesterly line, North 36° 58' 00" West, a distance of 168.00 feet;

Thence North 69° 30' 00" East, a distance of 52.97 feet to the northwesterly corner of the parcel of land described in said deed recorded in Volume 246, pages 444-445;

Thence, along the southwesterly line of said parcel of land, South 35° 20' 00" East, a distance of 133.07 feet to the true point of beginning.

Containing 7818 square feet, more or less.

All distances are in feet and decimals thereof.

APN: 041-191-49

Recording requested by:

County of Santa Cruz

Return recorded form to:

Planning Department  
County of Santa Cruz  
701 Ocean Street, 4<sup>th</sup> Floor  
Attention: Randall Adams  
Application #: 141028



2014-0013270 04/28/2014 08:48:51 AM  
OFFICIAL RECORDS OF Santa Cruz County  
Sean Saldavia Recorder  
RECORDING FEE: \$21.00  
COUNTY TAX: \$0.00  
CITY TAX: \$0.00

CONFORMED COPY

NCOP  
3 PGS

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Notice of Compliance

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION  
(CALIFORNIA GOVERNMENT CODE §27361.6)

Recording requested by:

COUNTY OF SANTA CRUZ

When recorded, return to:

Planning Department

Attn: Randall Adams

Application Number: 141028

### UNCONDITIONAL CERTIFICATE OF COMPLIANCE

WHEREAS, Joe P. Burns and Betty L. Burns, Trustees, are the property owner(s) or vendee of such owner(s) of certain real property located in the County of Santa Cruz, State of California, known as Santa Cruz County Assessor's Parcel Number 041-191-47 & -48, and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, pursuant to an application for Parcel Legality Status Determination, the County of Santa Cruz has determined that such real property is determined to be one legal parcel;

WHEREAS, such real property complies with the applicable provisions of the Subdivision Map Act and the local ordinances of the County of Santa Cruz enacted pursuant to the Subdivision Map Act.

NOW, THEREFORE an Unconditional Certificate of Compliance is hereby issued for the above-described parcel.

FURTHERMORE, THIS CERTIFICATION OF COMPLIANCE SHALL NOT CONSTITUTE A DETERMINATION THAT SAID PARCEL IS BUILDABLE OR IS ENTITLED TO A BUILDING PERMIT OR OTHER DEVELOPMENT APPROVAL WITHOUT COMPLIANCE WITH THE PROVISIONS OF ALL OTHER SANTA CRUZ COUNTY ORDINANCES AND REGULATIONS.

THIS CERTIFICATE OF COMPLIANCE RELATES ONLY TO ISSUES OF COMPLIANCE OR NONCOMPLIANCE WITH THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES ENACTED PURSUANT THERETO. THE PARCEL DESCRIBED HEREIN MAY BE SOLD, LEASED OR FINANCED WITHOUT FURTHER COMPLIANCE WITH THE SUBDIVISION MAP ACT OR ANY LOCAL ORDINANCE ENACTED PURSUANT THERETO. DEVELOPMENT OF THE PARCEL MAY REQUIRE ISSUANCE OF A PERMIT OR PERMITS, OR OTHER GRANT OR GRANTS OF APPROVAL.

DATED 21 April 2014

COUNTY OF SANTA CRUZ

By: Steven Guiney  
Steven Guiney, AICP  
Principal Planner

STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ

On 4-25-14, before me, Bernice Romero, Notary Public, personally appeared Steven Guiney, 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 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 Bernice Romero

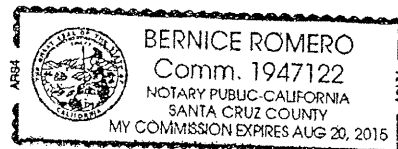


EXHIBIT A

SITUATE IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA AND DESCRIBED AS  
FOLLOWS:

LOTS 19, 20, 21 AND THE NORTHERLY ½ OF POLO AVENUE

Real property situate in the unincorporated area of the County of Santa Cruz, State of California, a part of Lot 21 of the Aptos Rancho, comprised of that certain parcel of land described in the grant deed dated August 18, 1959 from Santa Cruz Land Title Company to Fred J. Straub and Hilda E. Straub, recorded September 1, 1959 in Volume 1268, page 498, Official Records of Santa Cruz County, that is, Lots 19, 20, and 21 so designated and delineated on the unrecorded map of "Polo Field Subdivision No. 1 at Rio Del Mar" made in December, 1929 by Wuth and Sprinz, Civil Engineers & Surveyors, together with the adjoining half-width of Polo Avenue, title to which was quieted in Joe Paul Burns aka Paul Joe Burns and Betty Burns pursuant to the Decree filed April 4, 2006 in Superior Court of the State of California, County of Santa Cruz, in the Matter of Burns v. Peninsula Properties Company et al., a certified copy of which was recorded April 4, 2006, Document No. 2006-0018947, Official Records of Santa Cruz County, more particularly described in the whole as follows:

Beginning at the most southerly corner of the parcel of land described in the deed dated January 16, 1946 by Santa Cruz Land Title Company to James F. Traganza and Genevieve Traganza, recorded June 21, 1962 in volume 1478, page 16-17, Official Records of Santa Cruz County, being a point on the northwesterly line of said Polo Avenue from which the most easterly corner of the that certain parcel of land described in the deed dated June 2, 1930 by Peninsula Properties Company to G. W. Atwater, recorded June 29, 1931 in Volume 204, pages 119-120, Official Records of Santa Cruz County, bears South 53°02'00" West, a distance of 105.00 feet;

Thence, along the southeasterly prolongation of the southwesterly line of the parcel of land described in said deed recorded in Volume 1478, pages 16-17, South 36°58'00" East, a distance of 20.00 feet to the centerline of said Polo Avenue;

Thence along said centerline South 53°02'00" West, a distance of 105.00 feet to the intersection of said centerline with the southeasterly prolongation of the northeasterly line of the parcel of land described in said deed recorded in Volume 204, pages 119-120;

Thence northwesterly along said prolongation and along said northeasterly line North 36°58'00" West, a distance of 136.82 feet to the most northerly corner of the parcel of land described in said deed recorded in Volume 204, pages 119-120;

Thence along the generally northerly boundary lines of the parcel of land described in said deed recorded in Volume 1268, page 498, North 35°24'00" East, a distance of 15.17 feet, North 07°40'00" West, a distance of 52.45 feet, and North 69°30'00" East, a distance of 67.65 feet to the most westerly corner of the parcel of land described in said deed dated January 16, 1946, recorded June 21, 1962 in volume 1478, page 16-17, Official Records of Santa Cruz County;

Thence, along the northeasterly line of the parcel of land described in said deed dated January 16, 1946, recorded June 21, 1962 in volume 1478, page 16-17, Official Records of Santa Cruz County South 36°58'00" East, a distance of 148.00 feet to the Point of Beginning.

Containing 17,750 Square Feet, more or less.  
All distances are in feet and decimals thereof.  
APNs: 041-191-47 and 48



## EXHIBIT F

19659

RECORDED AT REQUEST OF

TOM M. KELLEY  
County Clerk

DEC 8 4 07 PM 1955

VOL 1050 PAGE 386

OFFICIAL RECORDS SANTA CRUZ COUNTY  
Lyle P. Manning RECORDER

44

RESOLUTION NO. \_\_\_\_\_

On motion of Supervisor Clement

Seconded by Supervisor Harts

the following resolution is adopted:

ACCEPTANCE OF CERTAIN IMPROVED ROADS INTO COUNTY ROAD SYSTEM

WHEREAS, the roads hereinafter particularly described have heretofore been offered for dedication for public use to the County of Santa Cruz, State of California; and

WHEREAS, public convenience and necessity require the acceptance of said roads into the County Road System of said County;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED THAT THE BOARD OF SUPERVISORS of the County of Santa Cruz does hereby accept as a part of the County Road System the following described public roads:

CRESTA DRIVE, CIRCLE WAY and UPPER ROAD, as same are shown on map of Cresta Vista - total length 2303 ft.

FALL CREEK DRIVE, from State Highway to Farmer Street as shown on map of Felton Forrest Sub-division No. 1, exclusive of Bridge at Southern end - total length 2417 ft.

POLO AVENUE, for its entire length, and NORTH DRIVE from Polo Avenue northerly to the Southerly production of the Eastern boundary of land conveyed to Jef L. Young, et al by deed recorded in Volume 480 at Page 255 of Official Records of Santa Cruz County - total length 2003'.

HILLSIDE WAY for its entire length from Ledyard Acres Westerly to the former State Highway from Santa Cruz to Watsonville - total length 3409'.

BE IT FURTHER RESOLVED AND ORDERED that the Clerk of this Board be and he hereby is directed to cause a copy of this resolution to be recorded in the office of the County Recorder of the County of Santa Cruz, State of California, and is further directed to transmit a certified copy of this resolution to the Road Commissioner of said County.

PASSED AND ADOPTED THIS 6th day of December, 1955, by the following vote:

AYES: Supervisors Clement, Harts, Silliman and Wahlberg.

NOES: Supervisors None.

ABSENT: Supervisors (Therebeing a vacancy on the Board.)

G. E. Wahlberg  
Chairman of said Board

ATTEST:

Tom M. Kelley  
Clerk of said Board

Exhibit F

State of California, County of Santa Cruz--

Vol. 1050 PAGE 387

I, Tom M. Kelley, County Clerk and Ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of a resolution passed and adopted by and entered in the Minutes of the said Board.

In witness whereof I have hereunto set my hand and affixed the

Seal of the said Board, on December 8, 1955

TOM M. KELLEY, County Clerk

By Ernest E. Smith Deputy Clerk

418-1M-755

Revenue Stamps in amt. of 55¢ attached and cancelled.

GRANT DEED  
(Joint Tenancy)

For value received I, PEARL E. BAKER Grant to JEF L. YOUNG and HELEN A. YOUNG, (his sister) as JOINT TENANTS all that real property situate in the County of Santa Cruz, State of California, described as follows:

COMMENCING on the Northwesterly line of Polo Avenue at the most Easterly corner of Lot 10 of Block 37, as said Avenue, Lot and Block are delineated and so designated on that certain map entitled "Map of Subdivision No. 3 Aptos Beach Country Club Properties, Aptos, Santa Cruz County, California" etc., and filed for record August 10, 1925 in Book 23 of Maps, page 3, Records of Santa Cruz County, California and running thence along a direct production Northeasterly of said Northwesterly line of said Polo Avenue, North 63° 42' East, 26.30 feet; thence 42.48 feet Northeasterly on the arc of a curve to the left, tangent to last said course, the radius of which curve is 50.00 feet; thence North 15° 01' East, 128.99 feet; thence 158.83 feet Northeasterly on the arc of a curve to the right, tangent to last said course, the radius of which curve is 1272.80 feet; thence 77.42 feet Northeasterly on the arc of a curve to the right, tangent to last said course, the radius of which curve is 196.13 feet; thence North 44° 47' East 468.48 feet; thence 85.46 feet Northeasterly on the arc of a curve to the right, tangent to last said course, the radius of which curve is 100.00 feet; thence 47.10 feet Southeasterly on the arc of a curve to the right, tangent to last said course, the radius of which curve is 291.19 feet to the point of beginning of the description of the parcel of land hereby to be conveyed; thence from said point of beginning 47.10 feet Northwesterly in the arc of a curve to the left, the radius of which curve is 291.19 feet and the chord of which arc bears North 81° 37' West; thence North 2° 34' West, 157.27 feet; thence North 83° 03' East, 35.21 feet; thence South 49° 08' East, 63.39 feet; and thence South 13° 01' West 130.10 feet to the point of beginning. BEING a portion of Lot 21 of the Aptos Rancho.

GRANTING also, an easement or right of way for road purposes over a strip of land 40 feet in width, the Northwesterly line of which is the line described herein from said most Easterly corner of said Lot 10 of said Block 37 to the point of beginning of the herein described parcel of land.

WITNESS my hand this 26th day of May, 1944.

Pearl E. Baker

STATE OF CALIFORNIA )  
COUNTY OF MONTEREY ) ss.

On May 26, 1944, before me, ETHEL C. IRVINE, a Notary Public in and for said County and State, personally appeared PEARL E. BAKER known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Ethel C. Irvine  
Notary Public in and for the County  
of Monterey State of California

(SEAL)

My commission expires Nov. 5, 1946

Recorded at request of Santa Cruz Land Title Co. Jul 1-1944 at 54 Min. past 10 A. M.

6479  
Typist Annebel Conrado

Belle Lindsay  
County Recorder

--oOo--

DEED OF RECONVEYANCE

WHEREAS, the indebtedness secured to be paid by the deed of trust executed by HOWARD RUTH and BERYLE RUTH, his wife, to L. F. HINDS and A. J. THORP as Trustees, dated May 4, 1937 and recorded in the County Recorder's office of the County of Santa Cruz, State of California, in Volume 329 of Official Records, at page 92, has been fully paid.

NOW, THEREFORE, we, the said Trustees, do hereby GRANT and RECONVEY unto THE PRESENT HOLDERS OF THE EQUITABLE TITLE OF SAID REAL PROPERTY, without warranty, all the estate and interest derived to the said Trustees, under said deed of trust, in the lands therein described, situated in the County of Santa Cruz, State of California, reference being hereby specifically made to said Deed of Trust and the record thereof for a particular description of said lands.

IN WITNESS WHEREOF, the said Trustees have executed these presents, this 19th day of June, 1944.

L F Hinds            Trustee  
A. J. Thorp        Trustee

STATE OF CALIFORNIA, ) ss.  
COUNTY OF SANTA CRUZ. )

On this 19th day of June, in the year of our Lord One Thousand Nine Hundred and forty four, before me, the undersigned a Notary Public in and for said County of Santa Cruz, State of California, residing therein, duly commissioned and sworn, personally appeared L. F. HINDS and A. J. THORP the trustees herein known to me to the persons described in and whose names are subscribed to the within instrument and acknowledged to me that they executed the same, as such trustee.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official Seal at my office

## EXHIBIT G

July 2, 2018

Terry Rein  
Rein & Rein, P.C.  
550 Water Street  
Building H  
Santa Cruz CA 95060

RE: Burns land at the end of North Drive, Aptos

Terry,

With regard to the “Incomplete Application” letter dated May 10, 2018 by the Santa Cruz County Planning Department (the “County”) to Frank Kuzic (Application # 181078 Burns), in paragraph 1. d. the County requested “evidence that the 40-foot right of way for North Drive has been legally abandoned . . .” etc.

One of the etceteras has to do with the December 6, 1955 Santa Cruz County Board of Supervisors (also the “County”) Resolution (the “BS Resolution”), according to which the County “accept[ed] as a part of the County Road System the following described public roads [among others] NORTH DRIVE from Polo Avenue Northerly to the Southerly production of the Eastern boundary of land [described in] the deed to Jef L. Young, et al, recorded in Volume 480 at page 255 of Official Records . . . total length 2003 [feet].”

I note that the extent of the roadway “accepted” by the County comes up about 80 feet short of the nearest point in the Burns land boundary. Whether or not any record exists of a preceding offer of dedication to the County, which would presumably have been made by Peninsula Properties Company, is a matter apparently not yet determined, but I believe that it is unlikely. Whatever the case may be, the BS Resolution does not affect the Burns land.

The BS Resolution was filed for record on December 8, 1955 in Volume 1050, page 386, Official Records. The archived record of the Minutes of the Board of Supervisors meeting of December 6, 1955 is kept in Volume 48, page 265 of Minutes. It contains no further information concerning whether, when, and by whom North Drive was offered for dedication to public use if it ever was.

I note as well that the real property interest of the County in the 61.50-acre Polo Field parcel (APN 041-201-04) apparently is a leasehold, created pursuant to a lease dated July 1, 2002. The vestee of record (the lessor) appears to be The Santa Cruz County Public Financing Authority, a joint exercise of powers agency (“SCCPFA”).

Thus, the County’s interest in the September 25, 1933 appurtenant private right of way granted by Peninsula Properties Company, Ltd. to Clarence E. King and Mary J. King (“King”), the predecessors in title to SCCPFA, is limited to that of a leaseholder. That right, whatever it may amount to, is certainly not for a public road, street, highway, or any public utility or infrastructure.

Moreover, it appears that the use of the 20-foot wide area of the Burns land affected by the 1933 private right of way as a means of access to and from the Polo Field parcel has long since been physically abandoned and is presently prohibited to users of the public park.

The Superior Court's Judgment Quieting Title filed in CV 152568 on April 4, 2006 ordered and adjudged that as of September 29, 2005 Burns held title in fee simple as to their 20-foot wide half-width of "North Drive" without exception or encumbrance as to, among others, Peninsula Properties Company, King, *and all persons claiming by, through or under [them]*, as well as "all persons unknown claiming any legal or equitable right, title, estate, lien, or interest . . . adverse to [Burns's] title, or any cloud on [Burns's] title . . ." It seems to me that would include SCCPFA and its lessee, the County, with regard to whatever remains of the 1933 appurtenant private right of way granted by Peninsula Properties Company to King.

I attach photographs of the Board Minutes of December 6, 1955, and some supporting maps and documents.

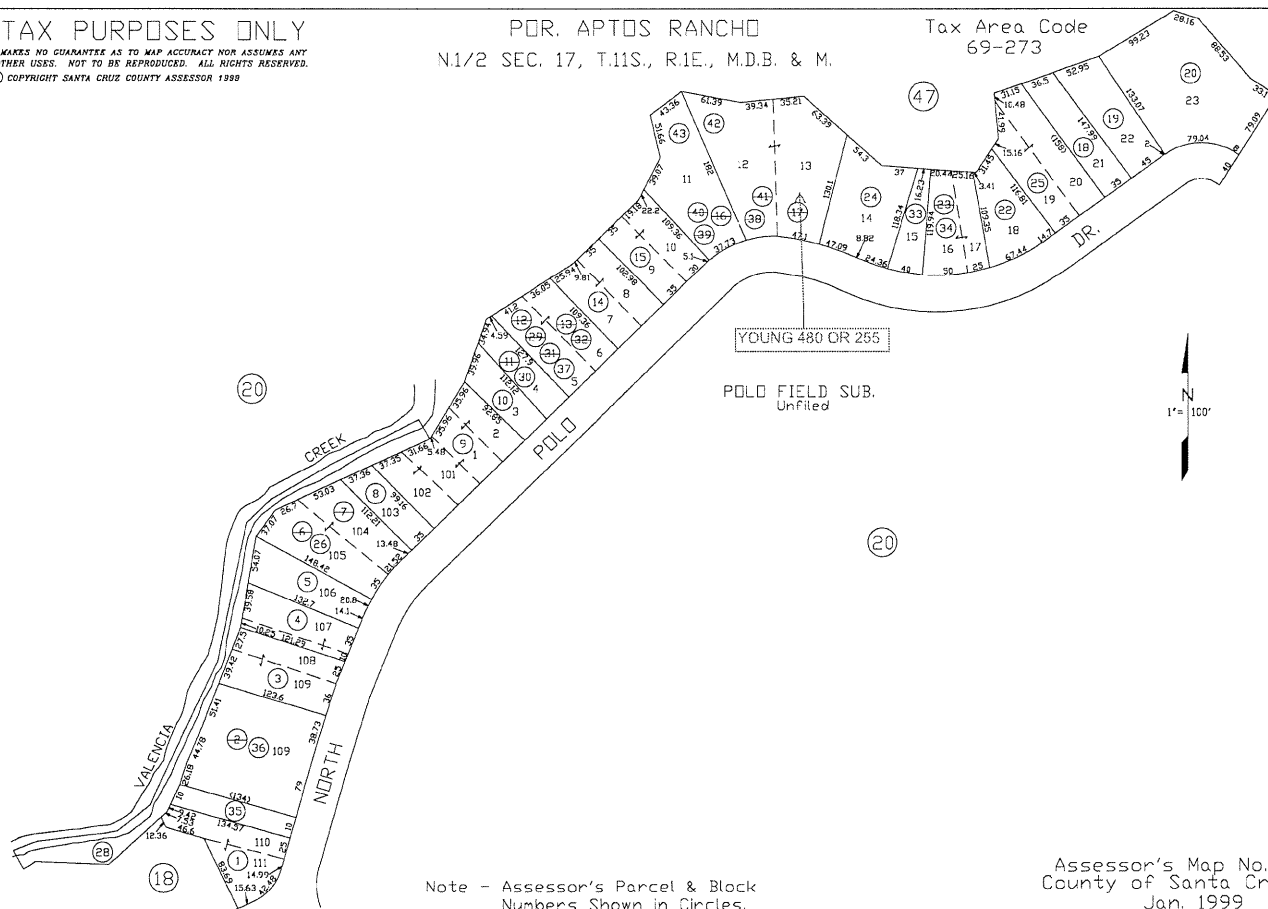
Best regards,

Jim Weller

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1998

Tax Area Code  
69-273

41-19

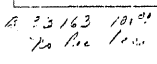


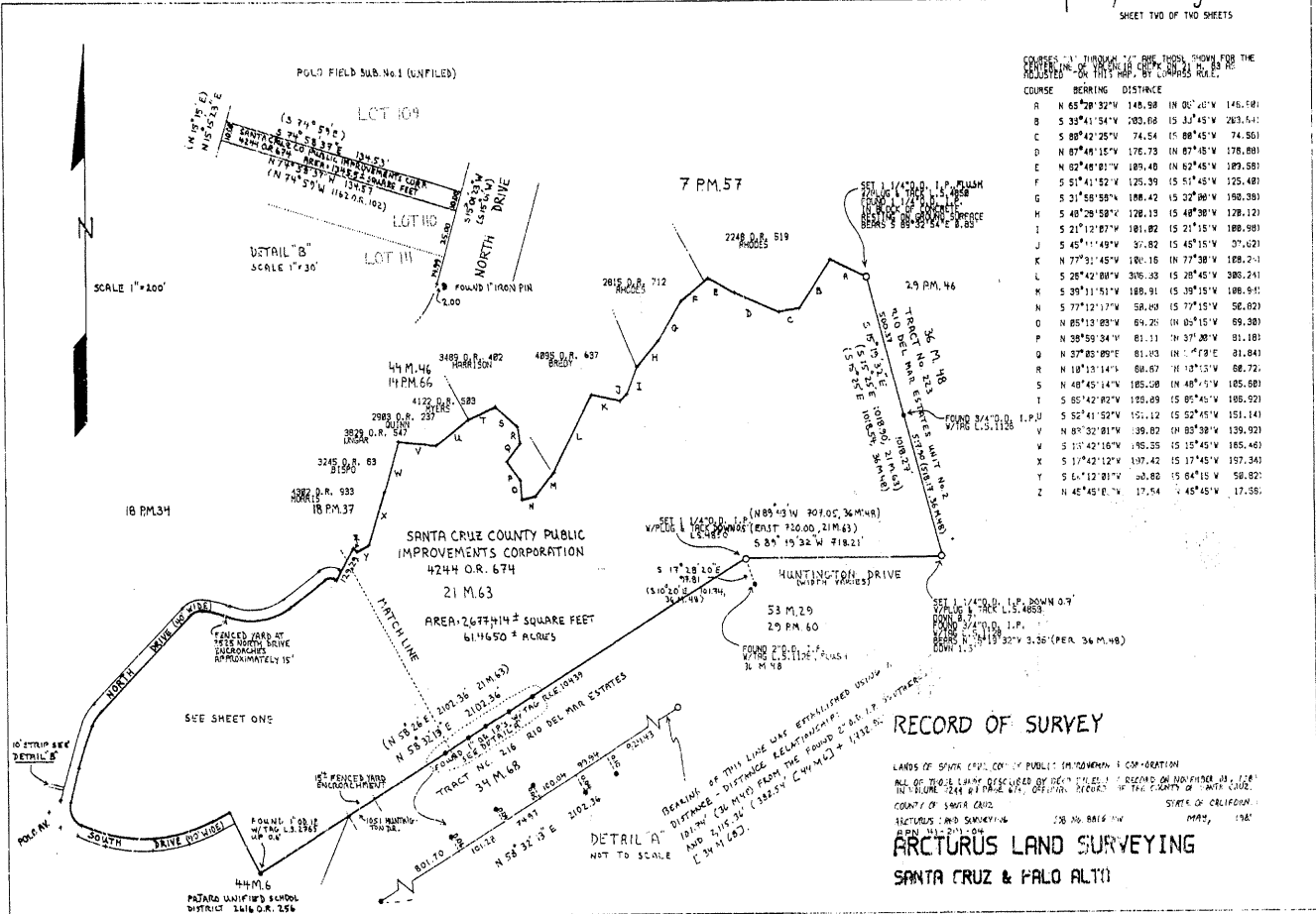
Note - Assessor's Parcel & Block Numbers Shown in Circles.

Assessor's Map No. 41-19  
County of Santa Cruz, Calif.  
Jan. 1999

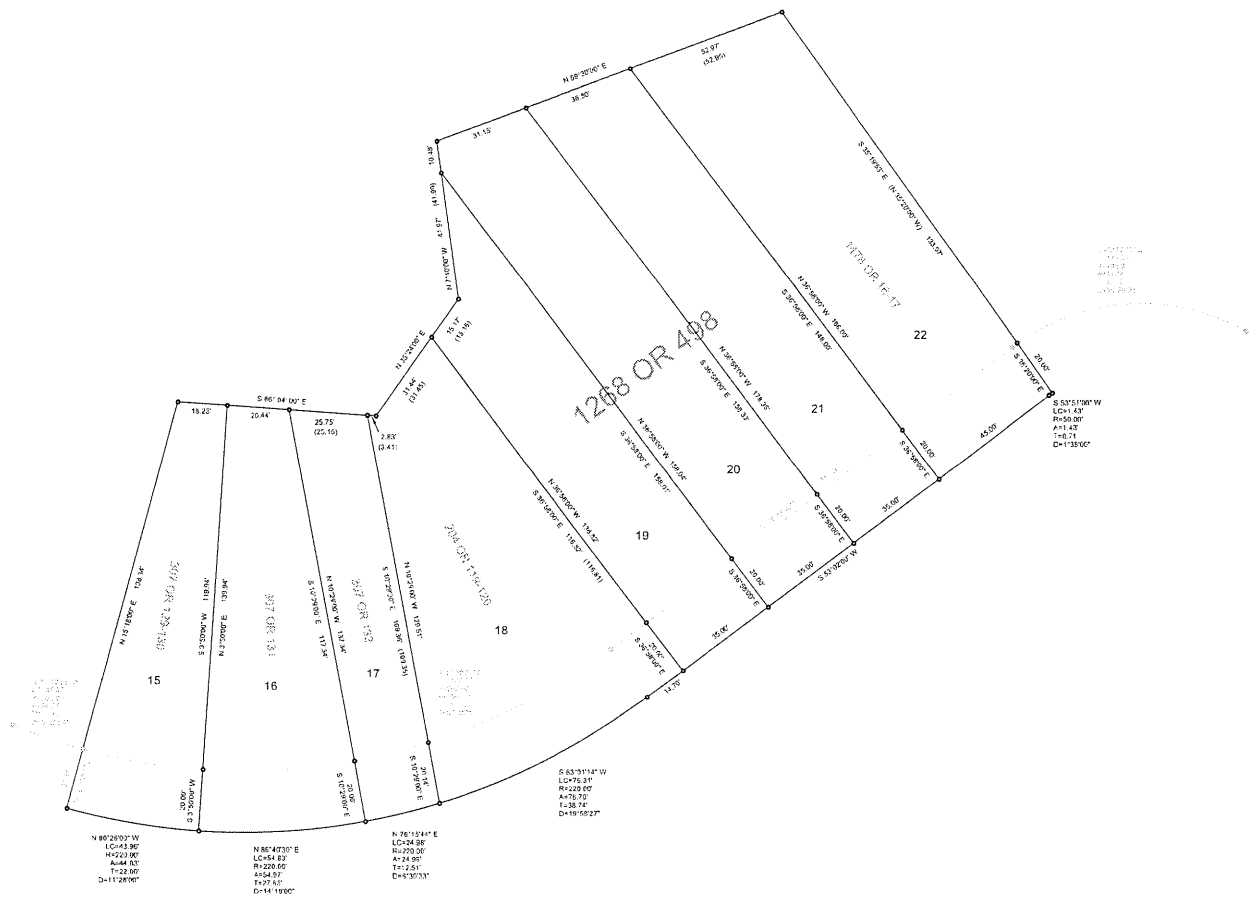
Electronically Redrawn 1/14/99 rw  
Rev. 1/14/99 (Cor. to pp. 55) rw  
Rev. 8/30/00 (street ranges) nvn  
Rev. 8/31/00 CB (Rev'd 1-42 & 43)  
Rev. 9/25/00 CB (Cor. to 1-42 & 43)











Plat showing Matt Ward's descriptions of Burns lots,  
per unrecorded map of Polo Field Subdivision No. 1

NOTE: 1. Denote 6" x 8" slabs with base.  
 2. Denote 1" x 16" iron pipe set 2 feet from property line, measured at right angles to property line.  
 3. All bearings refer to Subdivision No. 3, Rialto Beach Country Club Properties, meridian.

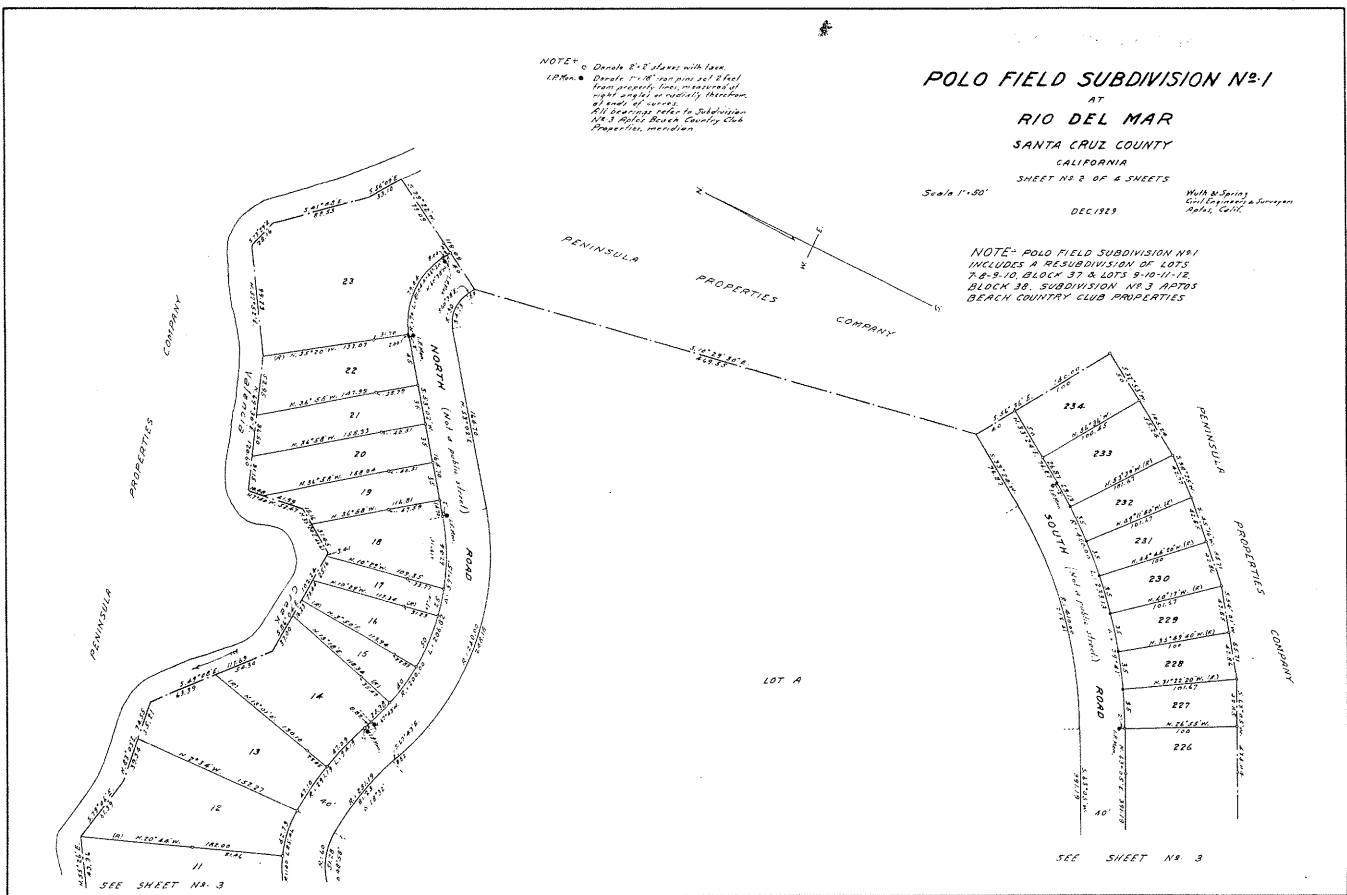
**POLO FIELD SUBDIVISION No. 1**  
 AT  
**RIO DEL MAR**  
 SANTA CRUZ COUNTY  
 CALIFORNIA  
 SHEET No. 2 OF 4 SHEETS

Scale 1"=50'

DEC 1928

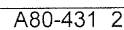
With N. Spring  
 and Engineers & Surveyors  
 Dallas, Texas

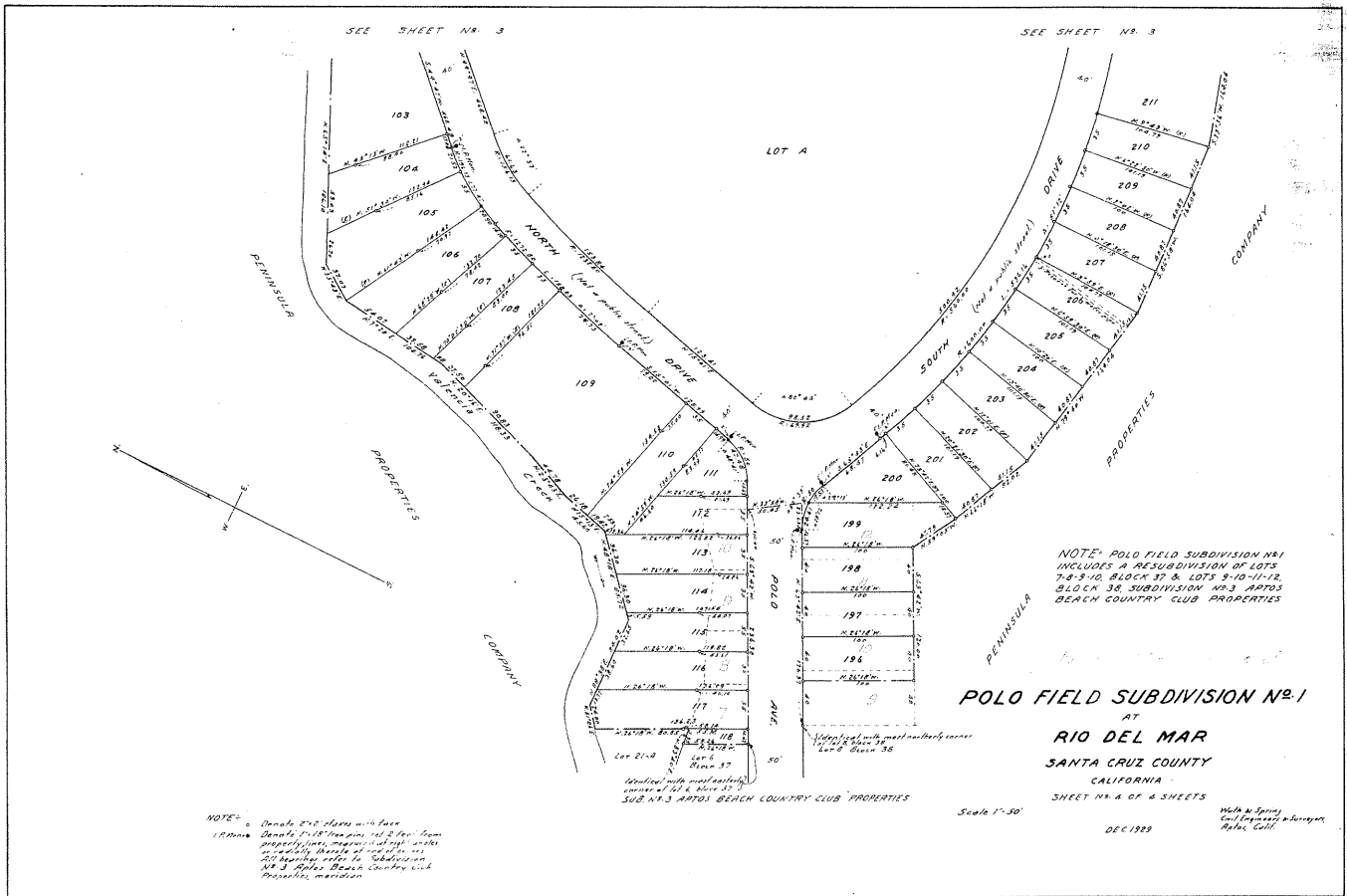
NOTE: POLO FIELD SUBDIVISION No. 1  
 INCLUDES A RESUBDIVISION OF LOTS  
 7, 8, 9, 10, BLOCK 37, & LOTS 9, 10, 11, 12,  
 BLOCK 38, SUBDIVISION No. 3, APTOS  
 BEACH COUNTRY CLUB PROPERTIES



A80-431\_1

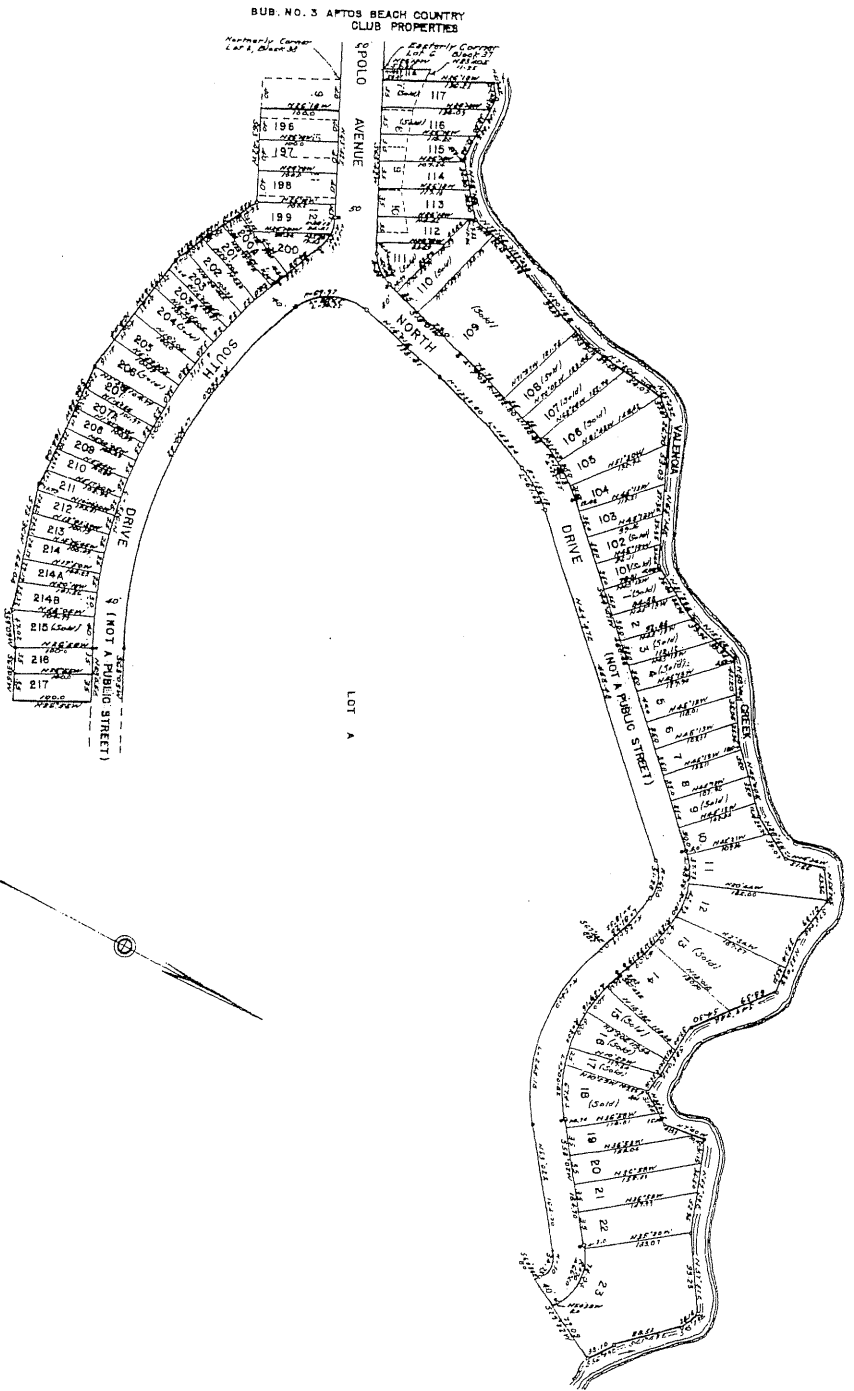
A80-431\_1





A80-431\_3

A80-431.3



Note: - o Denotes 2" x 2" stakes with tack.  
 • Denotes 1" x 1/8" iron pin set 2' from property lines, measured at right angles to tangent of end of curve.  
 Bearing base derived from Sub. No. 3 Aptos Beach Country Club Properties.

Unrecorded Map  
 of Portion of  
 POLO FIELD Subdivision No. 1  
 at  
 RIO DEL MAR  
 SANTA CRUZ COUNTY,  
 CALIFORNIA.  
 Compiled by the office of  
 Lloyd Bowman R.E.  
 Dec. 1939 Scale 1" = 100'.





2002-0054036

**FREE RECORDING REQUESTED BY AND  
WHEN RECORDED, RETURN TO:**

County of Santa Cruz - Real Property  
701 Ocean Street, Room 520  
Santa Cruz, CA 95060  
Attn: Mr. Pat Busch

Recorded  
Official Records  
County Of  
SANTA CRUZ  
RICHARD W. BEDAL  
Recorder

REC FEE .00

08:56AM 31-Jul-2002 1ah  
Page 1 of 7

SPACE ABOVE LINE FOR RECORDER'S USE ONLY

This transaction is exempt from California documentary transfer tax under Section 11922 of the California Revenue and Taxation Code. This document is exempt from recording fees under Section 27383 of the California Government Code.

**MEMORANDUM OF LEASE**

THIS MEMORANDUM OF LEASE ("Memorandum") is dated as of July 1, 2002, by and between THE SANTA CRUZ COUNTY PUBLIC FINANCING AUTHORITY, a joint exercise of powers agency organized and existing under the laws of the State of California (the "Authority"), and the COUNTY OF SANTA CRUZ, a Political Subdivision organized and existing under the laws of the State of California (the "County").

**RECITALS**

A. The County and the Authority have previously entered into that certain Site Lease of even date herewith (the "Site Lease") pursuant to which the County has leased certain real property more particularly described in the attached Exhibit "A" (the "Ben Lomond Property") to the Authority.

B. Concurrently herewith, the County and the Authority have entered into that certain Lease Agreement of even date herewith (the "Lease") whereby the Authority subleased the Ben Lomond Property together with certain real property owned by the Authority more particularly described on Exhibit "B" (the "Polo Grounds Property") (collectively the "Property") to the County. This Memorandum of Lease is made for the purpose of giving notice of the terms and conditions of the Lease.

The basic terms and provisions of the Lease are as follows:

1. The Authority hereby subleases to the County, and the County hereby subleases from the Authority, the Property, subject to the terms and provisions of the Lease. The term of this sublease from the Authority to the County shall commence upon the recordation of this Memorandum and shall terminate on the date set forth in the Lease, but under any circumstances not later than July 15, 2042. Rent pursuant to the Lease shall be paid in accordance with the terms and provisions of the Lease.

2. This instrument is a Memorandum of the Lease and is subject to all of the terms, provisions, covenants and conditions provided in the Lease, which Lease is incorporated by this reference as if set forth fully herein. ~~This Memorandum in no way modifies the provisions of the~~ Lease. If the terms of this Memorandum are inconsistent with the terms of the Lease, the terms of the Lease shall prevail.

[BALANCE OF THE PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the Authority and the County have caused this Memorandum to be executed by their duly authorized representatives as of the date first above written.

---

THE SANTA CRUZ PUBLIC FINANCING  
AUTHORITY, a joint exercise of powers agency  
organized and existing under the laws of the State  
of California

By: 

Its: Assistant Executive Director

COUNTY OF SANTA CRUZ, a Political  
Subdivision organized and existing under the  
laws of the State of California

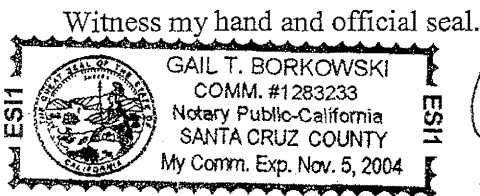
By: 

Its: Assistant County Administrative Officer

STATE OF CALIFORNIA )  
COUNTY OF Santa Cruz ) ss

On July 30, 2002, before me, Gail T. Borkowski,  
personally appeared Pat Busch

personally known to me (~~or 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.



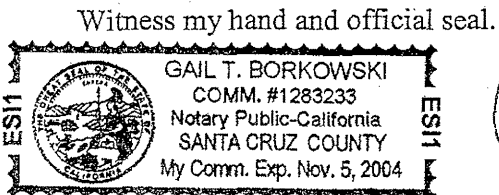
Gail T. Borkowski  
Notary Public

[SEAL]

STATE OF CALIFORNIA )  
COUNTY OF Santa Cruz ) ss

On July 30, 2002, before me, Gail T. Borkowski,  
personally appeared Pat Busch

personally known to me (~~or 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.



Gail T. Borkowski  
Notary Public

[SEAL]

**EXHIBIT "A"**

**THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ, UNINCORPORATED AREA AND IS DESCRIBED AS FOLLOWS:**

ALL THE LANDS AS SHOWN UPON THAT CERTAIN SUBDIVISION MAP ENTITLED "BEN LOMOND VILLAS" FILED FOR RECORD NOVEMBER 14, 1911 IN VOLUME 19 PAGE 14 SANTA CRUZ COUNTY RECORDS.

EXCEPTING THEREFROM LOTS 49, 50, BLOCK A; LOTS 16, 33, 34, BLOCK B; LOTS 20, 48, 49, 50, BLOCK C; LOTS 13, 14, 24, 25, 36, 37, BLOCK E; LOTS 12, 13, 48, BLOCK F; LOT 23, BLOCK G; LOT 43, BLOCK K; LOTS 40, 41, 44 BLOCK L; LOT 42, BLOCK M; LOTS 23, 24, BLOCK N; LOTS 23, 24, 25, 34, 37, 38, 50, BLOCK O; LOT 12, BLOCK Q; LOTS 26, 29, BLOCK R; LOT 18, BLOCK T; LOTS 24, 25, 26, 30, 31, BLOCK V; LOT 9, BLOCK W, AS THE SAME ARE SHOWN ON SAID MAP.

ALSO EXCEPTING THEREFROM THAT PORTION LYING WITHIN THE 100 FOOT WIDE NEWELL CREEK ROAD RIGHT OF WAY.

A.P. No.:      076-221-15  
                 076-231-02  
                 076-241-05  
                 076-261-03

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ, UNINCORPORATED AREA, AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

COMMENCING AT THE MOST NORTHERLY CORNER OF LOT 12 OF BLOCK 38 AS LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED ON THAT CERTAIN MAP ENTITLED "MAP OF SUBDIVISION ON. 3, APTOS BEACH COUNTRY CLUB PROPERTIES, APTOS, SANTA CRUZ COUNTY, CALIFORNIA," ETC., AND FILED FOR RECORD AUGUST 10, 1925, IN BOOK 23 OF MAPS, PAGE 3, RECORDS OF SANTA CRUZ COUNTY CALIFORNIA; THENCE BEARING TO THE NORTHWESTERLY LINE OF SAID LOT 12 BEING CALLED NORTH 63° 42' EAST FOR THE PURPOSES OF THIS DESCRIPTION, AND RUNNING THENCE SOUTH 65° 43' EAST, 92.22 FEET; THENCE NORTH 24° 17' EAST 40 FOOT TO THE POINT OF BEGINNING OF THE DESCRIPTION OF THE PARCEL OF LAND HEREBY TO BE CONVEYED, SAID POINT BEING ON THE NORTHWESTERLY LINE OF A 40 FOOT ROAD; THENCE FROM SAID POINT OF BEGINNING AND ALONG SAID NORTHWESTERLY LINE OF SAID ROAD 500.42 FEET SOUTHEASTERLY ON THE ARC OF A CURVE TO THE LEFT, THE RADIUS OF WHICH CURVE IS 560 FEET AND THE CORD OF WHICH ARC BEARS NORTH 88° 41' EAST; THENCE NORTH 63° 05' EAST 70 FEET; THENCE LEAVING SAID LINE OF SAID ROAD SOUTH 26° 55' EAST 240.79 FEET THENCE NORTH 58° 26' EAST 2102.36 FEET; THENCE DUE EAST 720 FEET; THENCE NORTH 15° 25' WEST 1018.90 FEET; THENCE NORTH 65° 26' WEST 146.90 FEET TO THE CENTER OF VALENCIA CREEK; THENCE DOWN THE CENTER LINE OF SAID CREEK, SAID LINE BEING ALSO THE NORTHWESTERLY LINE OF LOT 21 SO CALLED, OF THE APTOS RANCHO THE FOLLOWING COURSES AND DISTANCES, TO WIT: SOUTH 33° 45' WEST 203.64 FEET; SOUTH 80° 45' WEST 74.58 FEET NORTH 67° 45' WEST 176.88 FEET; NORTH 62° 45' WEST 109.56 FEET SOUTH 51° 45' WEST 125.40 FEET; SOUTH 32° 00' WEST 160.38 FEET; SOUTH 40° 30' WEST 120.12 FEET; SOUTH 21° 15' WEST 100.98 FEET; SOUTH 45° 15' WEST 37.62 FEET; NORTH 77° 30' WEST 108.24 FEET; SOUTH 26° 45' WEST 306.24 FEET; SOUTH 39° 15' WEST 108.90 FEET SOUTH 77° 15' WEST 50.82 FEET; NORTH 5° 15' WEST 69.30 FEET; NORTH 37° 00' WEST 81.18 FEET; NORTH 37° 00' EAST 81.84 FEET; NORTH 10° 15' WEST 60.72 FEET; NORTH 48° 45' WEST 105.60 FEET; SOUTH 65° 45' WEST 106.92 FEET; SOUTH 52° 45' WEST 151.14 FEET; NORTH 83° 30' WEST 139.92 FEET; SOUTH 15° 45' WEST 185.46 FEET; SOUTH 17° 45' WEST 197.34 FEET; SOUTH 64° 15' WEST 50.82 FEET; AND NORTH 45° 45' WEST 17.56 FEET; THENCE LEAVING SAID CENTERLINE OF SAID CREEK AND SAID NORTHWESTERLY LINE OF SAID LOT 21, SOUTH 29° 22' WEST 129.29 FEET TO THE SOUTHEASTERLY LINE OF A 40 FOOT ROAD; THENCE ALONG SAID SOUTHEASTERLY LINE OF SAID ROAD THE FOLLOWING COURSES AND DISTANCES, TO WIT: NORTH 60° 38' WEST 8.00 FEET; 34.73 FEET WESTERLY ON THE ARC OF A CURVE TO THE LEFT, TANGENT BEING LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 30 FEET; SOUTH 53° 02' WEST 164.70 FEET; 248.18 FEET WESTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT BEING LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 240 FEET; NORTH 67° 43' WEST 8.82 FEET; 81.25 FEET WESTERLY ON THE ARC OF A CURVE TO THE LEFT, TANGENT BEING LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 251.19 FEET; 51.28 FEET WESTERLY ON THE ARC OF A CURVE TO THE LEFT; TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 60 FEET; SOUTH 44° 47' WEST 468.48 FEET; 61.63 FEET SOUTHWESTERLY ON THE ARC OF A CURVE TO THE LEFT, TANGENT BEING LAST SAID COURSE, THE RADIUS OF WHICH IS 156.13 FEET; 153.84 FEET SOUTHWESTERLY ON THE ARC OF A CURVE TO THE LEFT TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 1232.80 FEET; SOUTH 15° 01' WEST 123.41 FEET AND 98.52 FEET EASTERLY ON THE ARC OF A CURVE TO THE LEFT, TANGENT BEING LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 69.92 FEET TO THE POINT OF BEGINNING. BEING A PORTION OF LOT 21 SO CALLED OF THE APTOS RANCHO.

PARCEL TWO:

---

RIGHTS OF WAY FOR ROAD PURPOSES OVER BOTH OF SAID 40 FOOT ROAD MENTIONED ABOVE, TO AND OVER POLO AVENUE, AS SHOWN UPON THE MAP OF SUBDIVISION 3 OF APTOS BEACH COUNTRY CLUB PROPERTIES

A.P. No.: 041-201-04

2006-0018947

**Recording Requested By and  
When Recorded, Return To:**

Charlene B. Atack  
Bosso Williams  
A Professional Corporation  
P. O. Box 1822  
Santa Cruz, CA 95061-1822

|                     |                  |       |
|---------------------|------------------|-------|
| Recorded            | REC FEE          | 43.00 |
| Official Records    |                  |       |
| County of           | CC CONFORMED COP | 1.00  |
| Santa Cruz          |                  |       |
| GARY E. HAZELTON    |                  |       |
| Recorder            |                  |       |
|                     | LAH              |       |
| 02:21PM 04-Apr-2006 | Page 1 of 13     |       |



---

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**JUDGMENT FOR QUIET TITLE**



1 Charlene B. Atack SBN 068692  
2 BOSSO WILLIAMS  
3 A Professional Corporation  
4 133 Mission Street, Suite 280  
5 P.O. Box 1822  
6 Santa Cruz, California 95061-1822  
7 Telephone: (831) 426-8484

8 Attorneys for Plaintiffs

FILED

APR 4 2006

ALEX CALVO, CLERK  
BY  
DEPUTY SANTA CRUZ COUNTY

9 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CRUZ

10 JOE PAUL BURNS aka PAUL JOE  
11 BURNS and BETTY BURNS,

No. CV 152568

12 Plaintiffs,



13 vs.

JUDGMENT FOR QUIET TITLE

14 PENINSULA PROPERTIES COMPANY,  
15 LTD., a California Corporation, formerly  
16 known as Peninsula Properties Company, a  
17 California Corporation, FIDELITY  
18 NATIONAL TITLE INSURANCE  
19 COMPANY, successor in interest to Santa  
20 Cruz Land Title Company, a California  
21 Corporation, and to Western Title  
22 Insurance Company, a California  
23 Corporation, CLARENCE E. KING,  
24 MARY J. KING, the testate and intestate  
25 successors of Clarence E. King and Mary  
26 J. King, believed to be deceased, and all  
27 persons claiming by, through, or under  
28 such persons, RUBEN JUÁREZ, all  
persons unknown, claiming any legal or  
equitable right, title, estate, lien or interest  
in the property described in the complaint  
adverse to plaintiffs' title, or any cloud on  
plaintiffs' title thereto, and DOES 1 to 100,  
inclusive,

Defendants.

1 Charlene B. Attack SBN 068692  
2 BOSSO WILLIAMS  
3 A Professional Corporation  
4 133 Mission Street, Suite 280  
5 P.O. Box 1822  
6 Santa Cruz, California 95061-1822  
7 Telephone: (831) 426-8484

8 Attorneys for Plaintiffs

9  
10 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CRUZ

11 JOE PAUL BURNS aka PAUL JOE  
12 BURNS and BETTY BURNS,

No. CV 152568

13 Plaintiffs,

JUDGMENT FOR QUIET TITLE

14 vs.

15 PENINSULA PROPERTIES COMPANY,  
16 LTD., a California Corporation, formerly  
17 known as Peninsula Properties Company, a  
18 California Corporation, FIDELITY  
19 NATIONAL TITLE INSURANCE  
20 COMPANY, successor in interest to Santa  
21 Cruz Land Title Company, a California  
22 Corporation, and to Western Title  
23 Insurance Company, a California  
24 Corporation, CLARENCE E. KING,  
25 MARY J. KING, the testate and intestate  
26 successors of Clarence E. King and Mary  
27 J. King, believed to be deceased, and all  
28 persons claiming by, through, or under  
such persons, RUBEN JUÁREZ, all  
persons unknown, claiming any legal or  
equitable right, title, estate, lien or interest  
in the property described in the complaint  
adverse to plaintiffs' title, or any cloud on  
plaintiffs' title thereto, and DOES 1 to 100,  
inclusive,

Defendants.

\_\_\_\_\_  
The above-entitled matter came on regularly for hearing on April 4, 2006 in  
Department 9 of the above-referenced court, Judge Harry E. Woolpert presiding. Attorney  
Charlene B. Attack appeared on behalf of plaintiffs. No appearance was made by any

Judgment For Quiet Title

1 defendant.

2 Evidence, oral and documentary, was presented, and the matter was submitted.

3 The defendants named as Peninsula Properties Company, Ltd., a California  
4 Corporation, formerly known as Peninsula Properties Company, a California Corporation;  
5 Fidelity National Title Insurance Company, successor in interest to Santa Cruz Land Title  
6 Company, a California Corporation, and to Western Title Insurance Company, a California  
7 Corporation, Clarence E. King, Mary J. King, the testate and intestate successors of Clarence  
8 E. King and Mary J. King, believed to be deceased, and all persons claiming by, through, or  
9 under such persons, and all persons unknown, claiming any legal or equitable right, title,  
10 estate, lien or interest in the property described in the complaint adverse to plaintiffs' title, or  
11 any cloud on plaintiffs' title thereto, having been served and having failed to appear and  
12 answer said complaint within the time allowed by law, and the default of said defendants  
13 having been duly entered, upon application of plaintiffs to the Court, and after having  
14 considered the evidence, pursuant to the testimony presented and the declarations on file  
15 herein, the Court orders the following judgment:

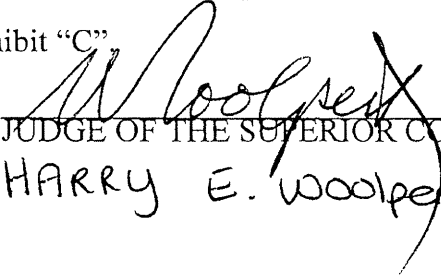
16 IT IS HEREBY ORDERED AND ADJUDGED as follows:

17 1. That as of September 29, 2005, the filing date of this complaint, JOE PAUL  
18 BURNS aka PAUL JOE BURNS and BETTY BURNS as husband and wife, hold title as  
19 joint tenants in fee simple of that certain real property specifically described in Exhibit "A"  
20 attached hereto (hereinafter "Subject Property"), and that defendants Peninsula Properties  
21 Company, Ltd., a California Corporation, formerly known as Peninsula Properties Company,  
22 a California Corporation; Fidelity National Title Insurance Company, successor in interest to  
23 Santa Cruz Land Title Company, a California Corporation, and to Western Title Insurance  
24 Company, a California Corporation, Clarence E. King, Mary J. King, the testate and intestate  
25 successors of Clarence E. King and Mary J. King, believed to be deceased, and all persons  
26 claiming by, through, or under such persons, and all persons unknown, claiming any legal or  
27 equitable right, title, estate, lien or interest in the property described in the complaint adverse  
28 to plaintiffs' title, or any cloud on plaintiffs' title thereto own no right, title, or interest in the

1 Subject Property.

2 2. That as of September 29, 2005, the filing date of this complaint, JOE PAUL  
3 BURNS aka PAUL JOE BURNS and BETTY BURNS, as husband and wife, are the owners  
4 of a right of way specifically described in Exhibit "B" attached hereto. Said easement is  
5 appurtenant to lots 15 through 22 as shown on that unrecorded Subdivision Map dated  
6 December 1939, entitled Subdivision Map of Polo Field, as more specifically described in the  
7 legal description which is attached hereto as Exhibit "C"

8 Dated: 4-4-2006

  
JUDGE OF THE SUPERIOR COURT

HARRY E. WOOLPERT

J:\wpdata\KJ\QUIET\BURNS.Judgment

## DESCRIPTION OF THE NORTHERLY ONE-HALF POLO DRIVE

Situate in the County of Santa Cruz, State of California.

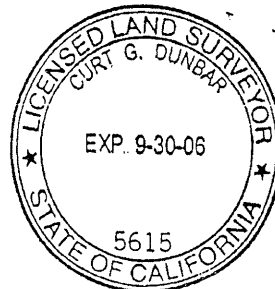
**Being** the northerly one half of Polo Drive and being more particularly described as follows, to wit:

**Beginning** at the True Point of Beginning of Parcel One as said Parcel is described in that certain Quitclaim Deed to Paul and Betty Burns, recorded January 13, 1994 in Volume 5431 of Official Records, Page 188, Santa Cruz County Records, said Point being the southwestern corner of Lot 16 of Polo Field Subdivision No. 1 (unfiled);

**Thence** from said **Point of Beginning**, along the northern boundary of Polo Drive (and being the southern boundaries of Lots 16,17,18,19,20,21 and 22 of said Polo Field Subdivision No. 1), easterly, curving to the left from a radial bearing of North  $3^{\circ}50'22''$  East, with a radius of 200.00 feet, through a central angle of  $40^{\circ}48'22''$ , a distance of 142.44 feet to a point of tangency; thence North  $53^{\circ}02'00''$  East 164.70 feet to the beginning of a tangent curve; thence northeasterly, curving to the right, with a radius of 50.00 feet, through a central angle of  $1^{\circ}38'00''$ , a distance of 2.00 feet to the southeastern corner of said Lot 22; thence along the southeastern prolongation of the eastern boundary of said Lot 22, South  $35^{\circ}20'00''$  East 20.00 feet to the centerline of said Polo Drive; thence along said centerline, South  $53^{\circ}02'00''$  West 164.70 feet to the beginning of a tangent curve; thence westerly, curving to the right, with a radius of 220.00 feet, through a central angle of  $52^{\circ}15'55''$ , a distance of 200.68 feet to a point from which the southwestern corner of Lot 15 of said Polo Field Subdivision No. 1 (unfiled) bears North  $15^{\circ}18'00''$  East; thence along said southern prolongation of the western boundary said Lot 15, North  $15^{\circ}18'00''$  East 20.00 feet, more or less, to the southwestern corner of said Lot 15; thence along the northern boundary of Polo Drive (and being the southern boundaries of Lot 15), easterly, curving to the left from a radial bearing of North  $15^{\circ}17'55''$  East, with a radius of 200.00 feet, through a central angle of  $11^{\circ}27'33''$ , a distance of 40.00 feet, more or less, to the **Point of Beginning**.



Curt G. Dunbar, PLS 5615  
License renewal date 9-30-06



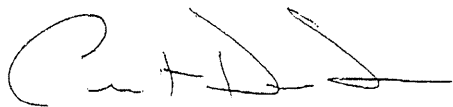
## DESCRIPTION OF 40.00' POLO DRIVE

Situate in the County of Santa Cruz, State of California.

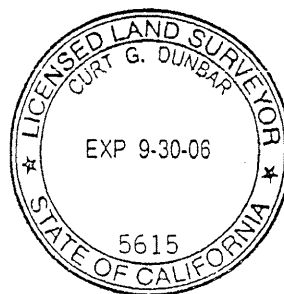
**Being** a right of way for ingress, egress, and public utilities, 40.00 feet in width, the northerly and westerly boundary of which are more particularly described as follows, to wit:

**Beginning** at a point in the northern sideline of Polo Drive, at the easterly corner of Lot 6 Block 37, as said Lot, Block and Drive are shown on that map of "Aptos Beach Country Club Subdivision No. 3" recorded in Volume 23 of Maps at Page 3, Santa Cruz County Records;

**Thence** from said **Point of Beginning**, along the northern and western boundaries boundary of Polo, North  $63^{\circ}42'00''$  East 236.05 feet, more or less, to the beginning of a tangent curve; thence northerly, curving to the left, with a radius of 50.00 feet, through a central angle of  $48^{\circ}41'00''$ , a distance of 42.48 feet to a point of tangency; thence North  $15^{\circ}01'00''$  East 128.99 feet to the beginning of a tangent curve; thence northeasterly, curving to the right, with a radius of 1272.80 feet, through a central angle of  $7^{\circ}09'00''$ , a distance of 158.83 feet to a point of compound curvature; thence northeasterly, curving to the right, with a radius of 196.13 feet, through a central angle of  $22^{\circ}37'00''$ , a distance of 77.42 feet to a point of tangency; thence North  $44^{\circ}47'00''$  East 468.48 feet to the beginning of a tangent curve; thence northeasterly, curving to the right, with a radius of 100.00 feet, through a central angle of  $48^{\circ}58'00''$ , a distance of 80.46 feet to a point of compound curvature; thence southeasterly, curving to the right, with a radius of 291.19 feet, through a central angle of  $18^{\circ}32'00''$ , a distance of 94.19 feet to a point of tangency; thence South  $67^{\circ}43'00''$  East 8.82 feet to the beginning of a tangent curve; thence northeasterly, curving to the left, with a radius of 200.00 feet, through a central angle of  $59^{\circ}15'00''$ , a distance of 206.82 feet to a point of tangency; thence North  $53^{\circ}02'00''$  East 164.70 feet to the beginning of a tangent curve; thence easterly, curving to the right, with a radius of 70.00 feet, through a central angle of  $66^{\circ}20'00''$ , a distance of 79.40 feet to a point of tangency; thence South  $60^{\circ}38'00''$  East 8.00 feet to eastern terminus of said right of way.



Curt G. Dunbar, PLS 5615  
License renewal date 9-30-06



The land referred to herein is described as follows:

SITUATE IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA AND DESCRIBED AS FOLLOWS:

PARCEL ONE:

COMMENCING ON THE NORTHWESTERLY LINE OF POLO AVENUE AT THE MOST EASTERLY CORNER OF LOT 10, OF BLOCK 37, AS SAID AVENUE, LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED ON THAT CERTAIN MAP ENTITLED "MAP OF SUBDIVISION NO. 3 APTOS BEACH COUNTRY CLUB PROPERTIES APTOS SANTA CRUZ COUNTY CALIFORNIA" ETC., AND FILED FOR RECORD AUGUST 10, 1925 IN VOLUME 23 OF MAPS, PAGE 3, RECORDS OF SANTA CRUZ COUNTY, CALIFORNIA AND RUNNING THENCE ALONG A DIRECT PRODUCTION NORTHEASTERLY OF SAID NORTHWESTERLY LINE OF SAID POLO AVENUE, NORTH 63° 42' EAST, 26.30 FEET; THENCE 42.48 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE LEFT, TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 50.00 FEET; THENCE NORTH 15° 01' EAST, 128.99 FEET; THENCE 158.83 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 1272.80 FEET; THENCE 77.42 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 196.13 FEET; THENCE NORTH 44° 47' EAST, 468.48 FEET; THENCE 85.46 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 100.00 FEET; THENCE 94.19 FEET SOUTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 291.19 FEET; THENCE SOUTH 67° 43' EAST, 8.82 FEET; THENCE 64.38 FEET EASTERLY ON THE ARC OF A CURVE TO THE LEFT, TANGENT TO LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 200.00 FEET TO THE POINT OF BEGINNING ON THE DESCRIPTION OF THE PARCEL OF LAND HEREBY TO BE CONVEYED; THENCE FROM SAID POINT OF BEGINNING, 40.00 FEET WESTERLY ON THE ARC OF A CURVE TO THE RIGHT, THE RADIUS OF WHICH CURVE IS 200.00 FEET, AND THE CHORD OF WHICH ARC BEARS NORTH 80° 26' WEST; THENCE NORTH 15° 18' EAST, 118.34 FEET; THENCE SOUTH 86° 04' EAST, 16.23 FEET; THENCE SOUTH 3° 50' WEST, 119.94 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT 21 OF THE APTOS RANCHO.

PARCEL TWO:

COMMENCING ON THE NORTHWESTERLY LINE OF POLO AVENUE AT THE MOST EASTERLY CORNER OF LOT 10, OF BLOCK 37, AS SAID AVENUE, LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED ON THAT CERTAIN MAP ENTITLED "MAP OF SUBDIVISION NO. 3 APTOS BEACH COUNTRY CLUB PROPERTIES APTOS SANTA CRUZ COUNTY CALIFORNIA" ETC., AND FILED FOR RECORD AUGUST 10, 1925 IN VOLUME 23 OF MAPS, PAGE 3, RECORDS OF SANTA CRUZ COUNTY, CALIFORNIA AND RUNNING THENCE ALONG A DIRECT PRODUCTION NORTHEASTERLY OF SAID NORTHWESTERLY LINE OF SAID POLO AVENUE, NORTH 63° 42' EAST, 26.30 FEET; THENCE 42.48 FEET NORTHEASTERLY ON THE

PARCEL TWO - CONTINUED

ARC OF A CURVE TO THE LEFT, TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 50.00 FEET; THENCE NORTH 15° 01' EAST, 128.99 FEET; THENCE 158.83 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 1272.80 FEET; THENCE 77.42 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 196.13 FEET; THENCE NORTH 44° 47' EAST, 468.48 FEET; THENCE 85.46 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 100.00 FEET; THENCE 94.19 FEET EASTERLY ON THE ARC OF A CURVE TO THE RIGHT TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 291.19 FEET; THENCE SOUTH 67° 43' EAST, 8.82 FEET; AND THENCE 114.38 FEET EASTERLY ON THE ARC OF A CURVE TO THE LEFT, TANGENT TO LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 200.00 FEET TO THE POINT OF BEGINNING OF THE DESCRIPTION OF THE PARCEL OF LAND HEREBY TO BE CONVEYED; THENCE FROM SAID POINT OF BEGINNING 50.00 FEET WESTERLY ON THE ARC OF A CURVE TO THE RIGHT, THE RADIUS OF WHICH IS 200.00 FEET AND THE CHORD OF WHICH ARC BEARS SOUTH 86° 40' 30" WEST; THENCE NORTH 3° 50' EAST, 119.94 FEET; THENCE SOUTH 86° 04', EAST, 20.44 FEET; THENCE SOUTH 10° 29' EAST, 117.34 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT 21 OF THE APTOS RANCHO.

PARCEL THREE:

COMMENCING ON THE NORTHWESTERLY LINE OF POLO AVENUE AT THE MOST EASTERLY CORNER OF LOT 10, OF BLOCK 37, AS SAID AVENUE, LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED ON THAT CERTAIN MAP ENTITLED "MAP OF SUBDIVISION NO. 3 APTOS BEACH COUNTRY CLUB PROPERTIES APTOS SANTA CRUZ COUNTY CALIFORNIA" ETC., AND FILED FOR RECORD AUGUST 10, 1925 IN VOLUME 23 OF MAPS, PAGE 3, RECORDS OF SANTA CRUZ COUNTY, CALIFORNIA AND RUNNING THENCE ALONG A DIRECT PRODUCTION NORTHEASTERLY OF SAID NORTHEASTERLY LINE OF SAID POLO AVENUE, NORTH 63° 42' EAST, 26.30 FEET; THENCE 42.48 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE LEFT, TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 50.00 FEET; THENCE NORTH 15° 01' EAST, 128.09 FEET; THENCE 158.83 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 1272.80 FEET; THENCE 77.42 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 196.13 FEET; THENCE NORTH 44° 47' EAST, 468.48 FEET; THENCE 85.46 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 100.00 FEET; THENCE 94.19 FEET EASTERLY ON THE ARC OF A CURVE TO THE RIGHT TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 291.19 FEET; THENCE SOUTH 67° 43' EAST, 8.82 FEET; THENCE 139.38 FEET EASTERLY ON THE ARC OF A CURVE TO THE LEFT, TANGENT TO LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 200.00 FEET TO THE POINT



PARCEL THREE CONTINUED

OF BEGINNING OF THE DESCRIPTION OF THE PARCEL OF LAND HEREBY TO BE CONVEYED; THENCE FROM SAID POINT OF BEGINNING, 25.00 FEET WESTERLY ON THE ARC OF A CURVE TO THE RIGHT, THE RADIUS OF WHICH CURVE IS 200.00 FEET AND THE CHORD OF WHICH ARC BEARS SOUTH 75° 56' WEST; THENCE NORTH 10° 29' WEST 117.34 FEET; THENCE SOUTH 86° 04' EAST 25.16 FEET; THENCE SOUTH 10° 29' EAST, 109.35 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT 21 OF THE APTOS RANCHO.

PARCEL FOUR:

COMMENCING ON THE MOST EASTERLY CORNER OF LOT 10, OF BLOCK 37, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED ON THAT CERTAIN MAP ENTITLED "MAP OF SUBDIVISION NO. 3 APTOS BEACH COUNTRY CLUB PROPERTIES APTOS SANTA CRUZ COUNTY CALIFORNIA" ETC., AND FILED FOR RECORD AUGUST 10, 1925 IN VOLUME 23 OF MAPS, PAGE 3, RECORDS OF SANTA CRUZ COUNTY, CALIFORNIA AND RUNNING THENCE ALONG A DIRECT PRODUCTION NORTHEASTERLY OF THE SOUTHEASTERLY LINE OF SAID LOT 10, NORTH 63° 42' EAST, 26.30 FEET; THENCE 42.48 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE LEFT, TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 50.00 FEET; THENCE NORTH 15° 01' EAST, 128.99 FEET; THENCE 158.83 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 1272.80 FEET; THENCE 77.42 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID CURVE THE RADIUS OF WHICH CURVE IS 196.13 FEET; THENCE NORTH 44° 47' EAST, 468.48 FEET; THENCE 85.46 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 100.00 FEET; THENCE 94.19 FEET EASTERLY ON THE ARC OF A CURVE TO THE RIGHT TANGENT TO LAST SAID CURVE, THE RADIUS OF WHICH CURVE IS 291.19 FEET; THENCE SOUTH 67° 43' EAST, 8.82 FEET; THENCE 206.82 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE LEFT, TANGENT TO LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 200.00 FEET AND THENCE NORTH 53° 02' EAST, 14.70 FEET TO THE POINT OF BEGINNING, OF THIS DESCRIPTION; THENCE FROM SAID POINT OF BEGINNING, SOUTH 53° 02' WEST, 14.70 FEET; THENCE 67.44 FEET SOUTHWESTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 200.00 FEET; THENCE NORTH 10° 29' WEST, 109.35 FEET; THENCE SOUTH 86° 04' EAST, 3.41 FEET; THENCE NORTH 35° 24' EAST, 31.45 FEET; AND THENCE SOUTH 36° 58' EAST, 116.81 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM MINERAL RIGHTS RESERVED IN THE DEED BY PENINSULA PROPERTIES COMPANY, A CALIFORNIA CORPORATION RECORDED JUNE 29, 1931 IN VOLUME 204, PAGE 119 OF OFFICIAL RECORDS OF SANTA CRUZ COUNTY AND AS EXCEPTED IN THE DEED BY FERRIS MCCONNELL KETCH RECORDED NOVEMBER 14, 1934 IN VOLUME 277, PAGE 34 OF OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

PARCEL FOUR - CONTINUED

BEING A PORTION OF LOT 21 OF THE APTOS RANCHO.

PARCEL FIVE:

COMMENCING ON THE NORTHWESTERLY LINE OF POLO AVENUE AT THE MOST EASTERLY CORNER OF LOT 10, OF BLOCK 37, AS SAID AVENUE, LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED ON THAT CERTAIN MAP ENTITLED "MAP OF SUBDIVISION NO. 3 APTOS BEACH COUNTRY CLUB PROPERTIES APTOS SANTA CRUZ COUNTY CALIFORNIA" ETC., AND FILED FOR RECORD AUGUST 10, 1925 IN VOLUME 23 OF MAPS, PAGE 3, RECORDS OF SANTA CRUZ COUNTY, CALIFORNIA AND RUNNING THENCE ALONG A DIRECT PRODUCTION NORTHEASTERLY OF SAID NORTHWESTERLY LINE OF SAID POLO AVENUE, NORTH 63° 42' EAST, 26.30 FEET; THENCE 42.48 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE LEFT, TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 50.00 FEET; THENCE NORTH 15° 01' EAST, 128.99 FEET; THENCE 158.83 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 1272.80 FEET; THENCE 77.42 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 196.13 FEET; THENCE NORTH 44° 47' EAST, 468.48 FEET; THENCE 85.46 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 100.00 FEET; THENCE 94.19 FEET EASTERLY ON THE ARC OF A CURVE TO THE RIGHT TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 291.19 FEET; THENCE SOUTH 67° 43' EAST, 8.82 FEET; THENCE 206.82 FEET EASTERLY ON THE ARC OF A CURVE TO THE LEFT, TANGENT TO LAST SAID COURSE THE RADIUS OF WHICH CURVE IS 200.00 FEET THENCE NORTH 53° 02' EAST, 164.70 FEET AND THENCE 2.00 FEET NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO LAST SAID COURSE, THE RADIUS OF WHICH CURVE IS 70.00 FEET TO THE POINT OF BEGINNING OF THE DESCRIPTION OF THE PARCEL OF LAND HEREBY TO BE CONVEYED; THENCE FROM SAID POINT OF BEGINNING, 2.00 FEET SOUTHWESTERLY ON THE ARC OF A CURVE TO THE LEFT, THE RADIUS OF WHICH CURVE IS 70.00 FEET AND THE CHORD OF WHICH ARC BEARS SOUTH 53° 51' WEST; THENCE SOUTH 53° 02' WEST, 45.00 FEET; THENCE NORTH 36° 58' WEST 147.99 FEET; THENCE NORTH 69° 30' EAST, 52.95 FEET; THENCE SOUTH 35° 20' EAST 133.07 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT 21, OF THE APTOS RANCHO.

APN: 041-191-19 (PARCEL FIVE)  
041-191-22 (PARCEL FOUR)  
041-191-33 (PARCEL ONE)  
041-191-34 (PARCEL TWO AND THREE)

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IN THE OFFICE OF THE CLERK  
OF THE COUNTY OF SANTA CRUZ

RECEIVED  
FEB 10 1961

CLERK OF THE COUNTY OF SANTA CRUZ

The land referred to herein is described as follows:

SITUATE IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA AND  
DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTHWESTERLY LINE OF A 40.00 FOOT ROAD KNOWN AS  
NORTH ROAD AT THE SOUTHEAST CORNER OF LAND CONVEYED TO FLOYD MICHO  
AND THOMAS KELLER BY DEED RECORDED OCTOBER 8, 1958 IN VOLUME 1208,  
PAGE 464, OFFICIAL RECORDS OF SANTA CRUZ COUNTY; THENCE ALONG THE  
NORTHERLY LINE OF SAID ROAD, NORTH 53° 02' EAST 105.00 FEET TO A  
POINT; THENCE LEAVING SAID ROAD, NORTH 36° 58' WEST 147.99 FEET TO  
A POINT; THENCE SOUTH 69° 30' WEST 67.65 FEET TO A POINT; THENCE  
SOUTH 7° 40' EAST 52.47 FEET TO A POINT; THENCE SOUTH 35° 24' WEST  
15.16 FEET TO THE NORTHERN CORNER OF SAID LAND OF MICHO AND  
KELLER; THENCE ALONG THE EASTERLY LINE OF SAID LAND, SOUTH 36° 58'  
EAST 116.81 FEET TO THE POINT OF BEGINNING.

BEING LOTS 19, 20, AND 21, AS SHOWN ON AN UNFILED MAP OF POLO FIELD  
SUBDIVISION NO. 1.

APN: 41-191-18 AND 25

I hereby certify the foregoing  
instrument is a correct copy of  
the original on file in this office.

DATED APR - 4 2006  
ALEX CALVO, CLERK

By  Deputy  
MICHELLE IRIS