

THIS CONTRACT, made and entered into this 28th day of February, 1977, by and between CHARLES KENNEDY, hereinafter referred to as "Owner," and the COUNTY OF SANTA CRUZ, a Political Subdivision of the State of California, hereinafter referred to as "County,"

W I T N E S S E T H:

WHEREAS, Owner is the owner of certain real property in the County of Santa Cruz, which property is presently devoted to agricultural use and is described in Exhibit "A" attached hereto; and

WHEREAS, said property is located in an agricultural preserve heretofore established by County; and

WHEREAS, both Owner and County desire to limit the use of said property to agricultural uses and those compatible uses allowed in the A (Agricultural) District and the P (Agricultural Preserve) Combining District in order to discourage premature and unnecessary conversion of such land to urban use, recognizing that such land has substantial public value as open space, and that the preservation of such land in agricultural production constitutes an important physical, social, esthetic, and economic asset to County; and

WHEREAS, the parties have determined that the highest and best use of such land during the life of this contract, or any renewal thereof, is for agricultural purposes:

NOW, THEREFORE, the parties, in consideration of the mutual covenants and conditions set forth herein and the substantial public benefits to be derived therefrom do hereby agree as follows:

1. The within contract is made and entered into pursuant to the California Land Conservation Act of 1965.

2. During the term of this contract the above-described land shall be used for the commercial production of agricultural commodities and/or those compatible uses allowed in the A (Agricultural) and the P (Agricultural Preserve) Combining District of the County Zoning Ordinance. No structures shall be erected upon said land except such structures as may be incidental to and compatible with such uses.

3. In consideration of the execution hereof by Owner and the execution of similar contracts by other property owners within the same agricultural preserve, County agrees not to authorize any uses, other than those permitted by the County Zoning Ordinance in the A (Agricultural District) and the P (Agricultural Preserve) Combining District, during the term of this contract or any renewal thereof. Nothing herein shall prohibit a change of boundaries of said Agricultural Preserve to omit lands not subject to a contract or to include additional lands.

4. In consideration of the execution hereof by County, Owner agrees to restrict his property to those uses authorized in the A (Agricultural) District and the P (Agricultural Preserve) Combining District. Owner further agrees that he will not convey any part of the above-described property unless any parcel proposed to be conveyed complies in all respects with the provisions of the A (Agricultural) District and the P (Agricultural Preserve) Combining District.

5. In the event that an action in eminent domain for the condemnation of any land described herein is hereafter filed by any public agency, or when such land is acquired in lieu of eminent domain for a public improvement, this contract shall be deemed null and void as of the date the action is filed or the land is so acquired, provided that the condemnation or acquisition is of the fee title or other interest less than the fee which would prevent the land from being used for agricultural or compatible uses and provided that the contract shall be null and void only as to land actually so condemned or acquired or as to such land and a remaining portion that is rendered unsuitable for agricultural or compatible uses.

6. This contract shall be effective commencing on the 28th

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Seal City County Counsel

RECORDED AT REQUEST OF

FEB 28 4 57 PM '77

OFFICIAL RECORDS
SANTA CRUZ COUNTY
RICHARD C. NEAL
RECORDER

BOOK 2726 PAGE 457

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day of February, 1977, and shall remain in effect for a period of ten (10) years therefrom.

This contract shall be automatically renewed at the end of each year for an additional one (1) year period, thus maintaining the term of the contract at ten (10) years, unless notice of non-renewal is given as provided below.

7. Either party hereto may cause this contract to expire at the end of nine (9) years from the next renewal date by serving a written notice of non-renewal on the other party at least ninety (90) days prior to such renewal date, if Owner is serving notice, and sixty (60) days prior to such renewal date if the County is serving notice.

8. Owner shall not receive any payment from County in consideration of the obligations imposed hereunder, it being recognized and agreed that the consideration for the execution of this contract is the substantial public benefit to be derived therefrom and the advantage which will accrue to Owner in the event of any reduction in the assessed value of said property due to the imposition of the limitations on its use contained herein.

9. The within contract shall run with the land described herein and shall be binding upon the heirs, successors, and assignees of the parties hereto.

10. This contract may not be cancelled except upon a petition by the Owner to the Board of Supervisors of County and provided that such board, after a public hearing held in accordance with the provisions of Section 51284 of the Government Code, finds:

- (a) That the cancellation is not inconsistent with the purposes of the California Land Conservation Act of 1965; and
- (b) That cancellation is in the public interest.

The existence of an opportunity for another use of the land shall not be sufficient reason for cancellation. A potential alternative use of the land may be considered only if there is no proximate

land not subject to a Land Conservation Act contract or agreement suitable for the use to which it is proposed the subject land be put. The uneconomic character of an existing agricultural use shall not be sufficient reason for cancellation. The uneconomic character of the existing use may be considered only if there is no other reason or comparable agricultural use to which the land may be put.

Upon any such cancellation, the landowner shall pay to County an amount equal to fifty percent (50%) of the full market value of the land when relieved of the restriction, as found by the assessor, multiplied by the latest County assessment ratio published pursuant to Section 401 of the Revenue and Taxation Code when the contract was initially entered into.

The Board of Supervisors of County may waive or defer such payment or any portion thereof provided the Board finds:

- (a) It is in the public interest and the best interests of the program to conserve agricultural land that such payment be waived or deferred, and
- (b) The reason for the cancellation is an involuntary transfer or involuntary change in the use of the land and the land is not suitable and will not be immediately used for a purpose which produces a greater economic return to the Owner.

The Board of Supervisors of the County may make any such waiver or deferral of payment contingent upon the future use made of the land and its economic return to the landowner for a period not to exceed the unexpired period of the contract, had it not been canceled, and a lien shall be on the subject land to secure the performance of the act or acts upon which the waiver or deferral is made contingent.

IN WITNESS WHEREOF, the parties hereto have executed the within contract the day and year first above written.

Charles C. Kennedy
 CHARLES C. KENNEDY
 OWNER

COUNTY OF SANTA CRUZ, a Political
 Subdivision of the State of California
 By Edward F. Brown
 Chairman, Board of Supervisors
 COUNTY

TATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA CRUZ)

On this 28th day of February in
the year 1977 before me Richard C. Neal
County Clerk and Ex-Officio Clerk of the Board of
Supervisors, personally appeared Charles F.
Boraty, known to me to be the Chairman
of the Board of Supervisors of the County of Santa
Cruz, a political subdivision of the State of
California, and known to me to be the person who
executed the within instrument on behalf of said
political subdivision, and acknowledged to me that
such political subdivision executed the same.

RICHARD C. NEAL, COUNTY CLERK AND
EX-OFFICIO CLERK OF THE BOARD OF
SUPERVISORS OF THE COUNTY OF SANTA
CRUZ, CALIFORNIA

BY Helene B. B. B. DEPUTY

State of California
County of Santa Clara

SS

— ACKNOWLEDGMENT — General —

On this 11th day of February A. D. 19 77 before me,
Betty J. Harris a Notary Public in and for the said
County and State, residing therein, duly commissioned and sworn, personally
appeared ***** CHARLES C. KEENEY *****

known to me to be the person whose name is subscribed to the
within Instrument, and acknowledged to me that he executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official
seal the day and year in this Certificate first above written.

Betty J. Harris
Notary Public in and for said County and State of California

My Commission Expires 11-5-78

NP 2 2/70 070

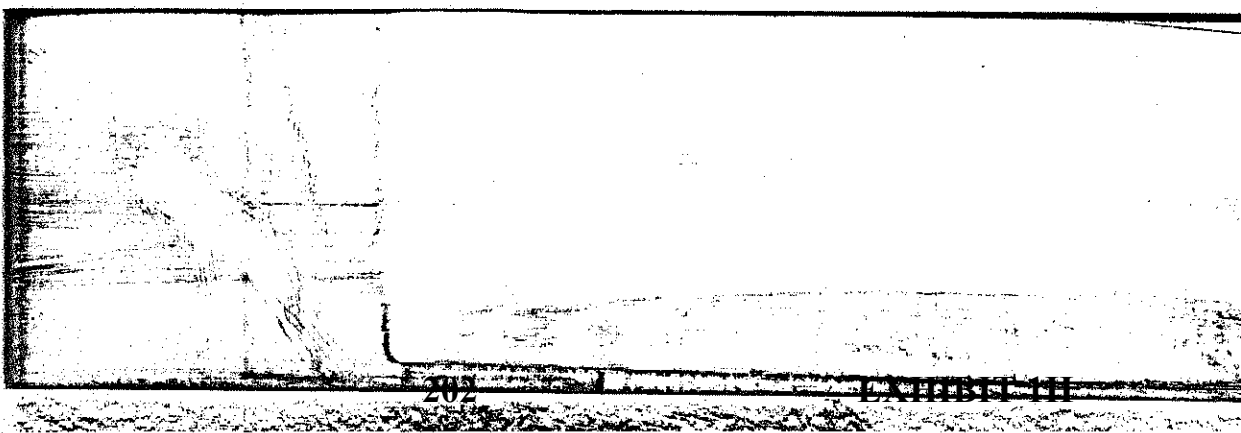
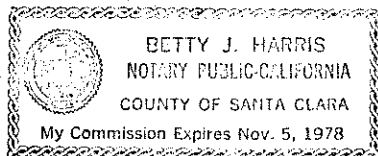


EXHIBIT A

TI#126201-14

PARCEL ONE

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

BEING A PART OF THE LANDS CONVEYED TO CHARLES C. KENNEDY, ET UX., BY DEED RECORDED IN VOLUME 847 AT PAGE 146, OFFICIAL RECORDS OF SANTA CRUZ COUNTY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" PIPE L.S. 2362 AT THE INTERSECTION OF THE NORTH-WESTERLY LINE OF SAID LANDS OF KENNEDY WITH THE NORTHEASTERLY LINE OF HIGHLAND WAY, AS SHOWN UPON THE RECORD OF SURVEY MAP OF HIGHLAND WAY FORMERLY MONTGOMERY ROAD RECORDED IN MAP BOOK 32, PAGE 71, SANTA CRUZ COUNTY RECORDS; THENCE FROM SAID POINT OF BEGINNING ALONG SAID NORTH-EASTERLY LINE OF HIGHLAND WAY, SOUTH 52° 51' EAST 51.51 FEET TO A 5" X 5" CONCRETE MONUMENT AT A POINT OF CURVE; THENCE SOUTHEASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 325 FEET THROUGH AN ANGLE OF 29° 27', A DISTANCE OF 167.05 FEET TO A 5" X 5" CONCRETE MONUMENT AT A POINT OF TANGENCY; THENCE SOUTH 23° 24' EAST 135.81 FEET TO A 5" X 5" CONCRETE MONUMENT; THENCE SOUTH 27° 43' 50" EAST 78.48 FEET TO A 5" X 5" CONCRETE MONUMENT; THENCE SOUTH 56° 00' EAST 72.61 FEET TO A 1/2" IRON PIPE L.S. 2362; THENCE SOUTH 13° 39' 40" EAST 134.43 FEET TO A 5" X 5" CONCRETE MONUMENT; THENCE EASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 275 FEET FROM A TANGENT THAT BEARS SOUTH 53° 36' 20" EAST THROUGH AN ANGLE OF 14° 18', A DISTANCE OF 68.64 FEET TO A 5" X 5" CONCRETE MONUMENT AT A POINT OF TANGENCY; THENCE SOUTH 67° 54' 20" EAST 228.77 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LANDS OF KENNEDY FROM WHICH A "W" SCRIBED IN CIRCLE ON A 8" FIR BEARS NORTH 45° 03' EAST 7.13 FEET DISTANT; THENCE LEAVING SAID NORTHEASTERLY LINE OF HIGHLAND WAY AND ALONG THE SOUTHEASTERLY LINE OF SAID LANDS OF KENNEDY, NORTH 36° 47' EAST 1081.24 FEET TO THE MOST EASTERLY CORNER THEREOF ON THE CENTERLINE OF LOMA PRIETA AVENUE; THENCE ALONG SAID CENTERLINE OF LOMA PRIETA AVENUE, NORTH 52° 29' WEST 859 FEET TO THE MOST NORTHERLY CORNER OF SAID LANDS OF KENNEDY; THENCE LEAVING SAID CENTERLINE AND ALONG THE NORTHWESTERLY LINE OF SAID LANDS, SOUTH 37° 05' WEST 926.32 FEET TO THE POINT OF BEGINNING.

SUBJECT TO THE RIGHT OF THE PUBLIC TO USE SO MUCH OF THE ABOVE DESCRIBED PARCEL OF LAND AS LIES WITHIN THE EXTERIOR BOUNDARIES OF LOMA PRIETA.

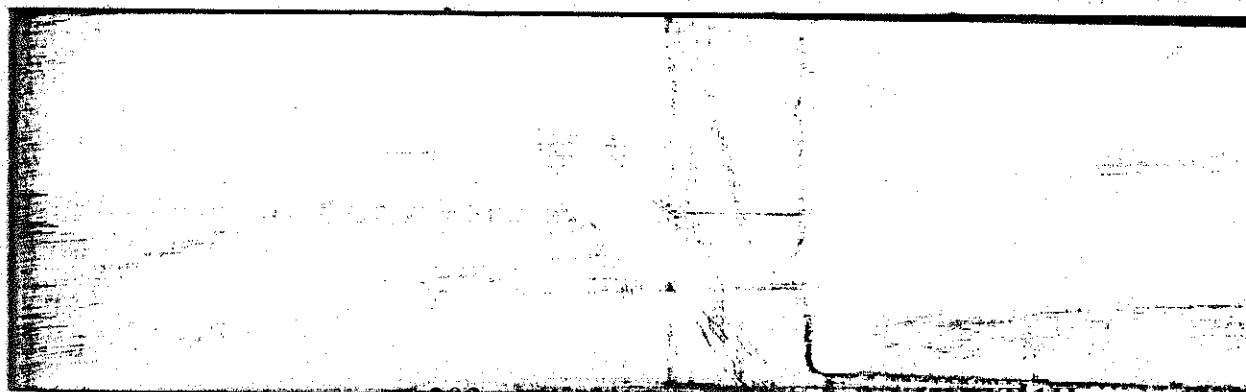
APN 98-011-20

PARCEL TWO

SITUATE PARTLY WITHIN THE COUNTY OF SANTA CLARA AND PARTLY WITHIN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA, PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LANDS CONVEYED BY ERNST EMIL MEYER TO EDMUND GOLDMAN BY DEED DATED OCTOBER 9TH, 1888, AND RECORDED IN VOLUME 65 AT PAGE 270 OF DEEDS ON RECORD IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CRUZ COUNTY, FROM WHICH AN OAK TREE 18" IN DIAMETER BEARS SOUTH 36° 30' EAST 59.70 FEET DISTANT; AND AN IRON BOLT IN A

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DESCRIPTION-PAGE TWO

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BARREL FILLED WITH CONCRETE BEARS NORTH 51° 00' EAST 26.55 FEET DISTANT; THENCE FROM SAID POINT OF COMMENCEMENT, RUNNING TO AND ALONG THE CENTER LINE OF THE MONTGOMERY ROAD, SO CALLED, THE FOLLOWING COURSES AND DISTANCES: NORTH 64° 41' WEST 318 FEET TO A STATION; NORTH 54° 00' WEST 300 FEET TO A STATION; NORTH 42° 45' WEST 300 FEET TO A STATION; NORTH 55° 05' WEST 300 FEET TO A STATION; NORTH 80° 30' WEST 389 FEET TO A STATION; NORTH 70° 25' WEST 169 FEET TO A STATION; NORTH 41° 30' WEST 171 FEET TO A STATION; NORTH 60° 15' WEST 146 FEET TO A STATION; NORTH 43° 30' WEST 173 FEET TO A STATION; NORTH 58° 40' WEST 163 FEET TO A STATION STANDING AT THE SOUTHEAST CORNER OF LANDS, NOW OR FORMERLY, OF H. HOFFMAN AND FROM WHICH A "W" SCRIBED ON THE BARK OF A PEAR TREE BEARS NORTH 51° 00' EAST 16.30 FEET DISTANT; THENCE TO AND ALONG THE CENTERLINE OF A SMALL GULCH LEADING INTO BURRELL CREEK THE FOLLOWING COURSES AND DISTANCES: NORTH 40° 25' EAST 100 FEET TO A STAKE; NORTH 7° 30' WEST 45 FEET TO A STAKE; NORTH 38° 30' EAST 50.80 FEET TO A STAKE; NORTH 64° 50' EAST 32 FEET TO A STATION; NORTH 30° 15' EAST 40 FEET TO A STATION; NORTH 9° 45' WEST 28 FEET TO A STATION; NORTH 11° 00' EAST 40.70 FEET TO A STATION FROM WHICH AN OAK TREE 18" IN DIAMETER BEARS SOUTH 17° 00' EAST 8 FEET DISTANT; THENCE LEAVING SAID SMALL GULCH AND CONTINUING ALONG THE SOUTHERLY OR EASTERLY BOUNDARY OF SAID LANDS OF H. HOFFMAN, SOUTH 33° 00' EAST 276 FEET; THENCE RUNNING ALONG THE EASTERLY BOUNDARY OF SAID LANDS, NORTH 41° 00' EAST 249 FEET TO THE NORTHEAST CORNER THEREOF; THENCE ALONG THE NORTHERLY BOUNDARY OF SAID LANDS, NORTH 51° 55' WEST 857 FEET TO A STATION FROM WHICH AN OAK TREE 10" IN DIAMETER BEARS SOUTH 61° 00' WEST 25.30 FEET DISTANT; THENCE ALONG THE WESTERLY BOUNDARY OF SAID LAST MENTIONED LANDS, SOUTH 37° 43' WEST 645.80 FEET TO A STATION IN THE CENTERLINE OF BURRELL CREEK, SO CALLED; THENCE ALONG THE CENTERLINE OF SAID BURRELL CREEK THE FOLLOWING COURSES AND DISTANCES: NORTH 65° 06' WEST 496.10 FEET; NORTH 46° 50' WEST 100 FEET; NORTH 42° 50' WEST 60 FEET; NORTH 19° 50' WEST 38.80 FEET; NORTH 55° 20' WEST 65.50 FEET; NORTH 47° 35' WEST 65.20 FEET; SOUTH 86° 55' WEST 36 FEET; NORTH 63° 10' WEST 41 FEET; NORTH 34° 05' WEST 50 FEET; NORTH 68° 20' WEST 66 FEET; NORTH 46° 20' WEST 54 FEET TO THE EASTERLY BOUNDARY OF LANDS, NOW OR FORMERLY, OF G. L. GOODWIN AND FROM WHICH A REDWOOD TREE 3' IN DIAMETER BEARS SOUTH 59° 45' EAST 55 FEET DISTANT; THENCE LEAVING SAID BURRELL CREEK AND RUNNING ALONG THE EASTERLY BOUNDARY OF SAID LAST MENTIONED LANDS OF GOODWIN, NORTH 35° 25' EAST 791.10 FEET TO A STATION IN THE MIDDLE OF THE COUNTY ROAD KNOWN AS LOMA PRIETA AVENUE; THENCE ALONG THE CENTERLINE OF SAID LOMA PRIETA AVENUE THE FOLLOWING COURSES AND DISTANCES: SOUTH 89° 00' EAST 106.90 FEET; NORTH 78° 30' EAST 198 FEET; NORTH 89° 00' EAST 132 FEET; NORTH 75° 45' EAST 118.80 FEET; SOUTH 78° 30' EAST 112.20 FEET; SOUTH 76° 45' EAST 191.40 FEET; SOUTH 87° 30' EAST 188.43 FEET TO A STATION ON THE EASTERLY BOUNDARY OF LANDS, NOW OR FORMERLY, OF D. FINNIE; THENCE LEAVING SAID LOMA PRIETA AVENUE AND RUNNING ALONG THE EASTERLY BOUNDARY OF SAID LAST MENTIONED LANDS, NORTH 35° 25' EAST 790.79 FEET TO A 4 X 4 REDWOOD STAKE MARKED "S.J.W. CO AND M.C. & W", STANDING IN A BARREL FILLED WITH CONCRETE AT THE SOUTHWEST CORNER OF LANDS, NOW OR FORMERLY, OF THE SAN JOSE WATER COMPANY; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID LAST MENTIONED LANDS, SOUTH 76° 47' EAST 1625.54 FEET TO A 2 X 4 REDWOOD STAKE MARKED

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DESCRIPTION-PAGE THREE

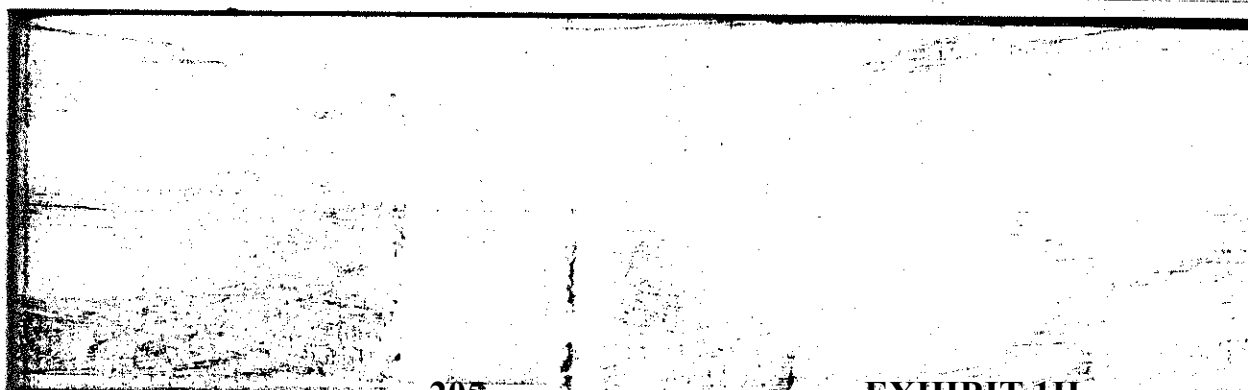
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"S.J.W. CO. AND M.C. & H." STANDING AT THE NORTHWEST CORNER OF LANDS, NOW OR FORMERLY, OF NELLIE J. WOOD; THENCE ALONG THE WESTERLY OR NORTH-WESTERLY BOUNDARY OF SAID LAST MENTIONED LANDS, SOUTH 37° 25' WEST 1319.28 FEET TO A STATION ON THE CENTERLINE OF LOMA PRIETA AVENUE, SOMETIMES CALLED THE EAST SUMMIT ROAD; THENCE ALONG SAID ROAD THE FOLLOWING COURSES AND DISTANCES: SOUTH 57° 15' EAST 52 FEET TO A STATION; NORTH 79° 45' EAST 66 FEET TO A STATION; NORTH 50° 15' EAST 165 FEET TO A STATION; NORTH 73° 00' EAST 178.20 FEET TO A STATION; SOUTH 49° 15' EAST 33 FEET TO A STATION; SOUTH 10° 30' EAST 145.20 FEET TO A STATION; SOUTH 48° 15' EAST 105.60 FEET TO A STATION; SOUTH 89° 30' EAST 66 FEET TO A STATION; NORTH 71° 30' EAST 237.60 FEET TO A STATION; SOUTH 59° 10' EAST 310.20 FEET TO A STATION FROM WHICH AN IRON PIPE BEARS SOUTH 76° 07' EAST 33.01 FEET DISTANT AND A FLAG POLE ON TOP OF THE HILL BEARS NORTH 15° 00' EAST 355 FEET DISTANT; THENCE CONTINUING ALONG THE CENTERLINE OF SAID ROAD, SOUTH 89° 45' EAST 178.20 FEET TO A STATION; SOUTH 60° 45' EAST 85.80 FEET TO A STATION; SOUTH 82° 15' EAST 99 FEET TO A STATION; SOUTH 27° 00' EAST 165 FEET TO A STATION; SOUTH 73° 45' EAST 92.40 FEET TO A STATION; SOUTH 16° 00' EAST 99 FEET TO A STATION; SOUTH 57° 00' EAST 66 FEET TO A STATION; SOUTH 85° 00' EAST 66 FEET TO A STATION; SOUTH 17° 15' EAST 46.20 FEET TO A STATION; SOUTH 12° 15' WEST 118.80 FEET TO A STATION; SOUTH 62° 45' EAST 52.80 FEET TO A STATION; NORTH 69° 45' EAST 184.80 FEET TO A STATION; SOUTH 59° 45' EAST 52.80 FEET TO A STATION; SOUTH 5° 00' WEST 85.80 FEET TO A STATION; SOUTH 73° 15' EAST 19.80 FEET TO A STATION; NORTH 54° 00' EAST 274.40 FEET TO A STATION; SOUTH 11° 00' EAST 59.40 FEET TO A STATION; SOUTH 31° 00' WEST 118.80 FEET TO A STATION; SOUTH 12° 00' EAST 59.40 FEET TO A STATION; SOUTH 83° 30' EAST 165 FEET TO A STATION; SOUTH 23° 45' EAST 33 FEET TO A STATION; SOUTH 59° 15' WEST 132 FEET TO A STATION; SOUTH 30° 45' WEST 66 FEET TO A STATION; SOUTH 1° 15' WEST 52.80 FEET TO A STATION; SOUTH 65° 00' EAST 66 FEET TO A STATION; SOUTH 58° 00' EAST 165 FEET TO A STATION; THENCE LEAVING SAID LAST MENTIONED ROAD, SOUTH 44° 07' WEST 755.22 FEET TO THE NORTHEAST BOUNDARY OF SAID FIRST ABOVE MENTIONED LANDS OF GOLDMAN; THENCE ALONG SAID BOUNDARY, NORTH 43° 09' WEST 783 FEET TO AN IRON PIPE; THENCE CONTINUING ALONG SAID BOUNDARY, NORTH 83° 15' WEST 132 FEET TO AN IRON PIPE; THENCE SOUTH 25° 30' WEST 181.50 FEET TO AN IRON PIPE STANDING IN A FENCE LINE ON THE WESTERLY BOUNDARY OF SAID LANDS; THENCE CONTINUING ALONG THE WESTERLY BOUNDARY OF SAID LANDS, SOUTH 19° 00' WEST 132 FEET TO AN IRON PIPE STANDING IN A FENCE LINE; THENCE CONTINUING ALONG SAID BOUNDARY, SOUTH 26° 00' WEST 330 FEET TO AN IRON PIPE STANDING IN A FENCE LINE; THENCE SOUTH 51° 00' WEST 297 FEET TO THE POINT OF COMMENCEMENT.

EXCEPTING THEREFROM THE LANDS DESCRIBED IN THE DEED TO ELSA H. DRESSER RECORDED DECEMBER 16, 1933, IN BOOK 259, PAGE 75, OFFICIAL RECORDS.

APN 98-021-01; 98-021-04

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DESCRIPTION-PAGE FOUR

T1126201-14

PARCEL THREE

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

COMMENCING AT A POINT ON THE COUNTY LINE DIVIDING THE COUNTIES OF SANTA CLARA AND SANTA CRUZ AT THE NORTHEAST CORNER OF LAND, NOW OR FORMERLY, OWNED BY ANDREW FINNIE, AND RUNNING THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE EASTERLY BOUNDARY OF LAND, NOW OR FORMERLY OF SAID FINNIE, TO THE MIDDLE OF BURRELL CREEK, FROM WHICH POINT A REDWOOD STUMP 5 FEET IN DIAMETER BEARS NORTH 85° EAST 96 LINKS DISTANT; THENCE BY TRUE MERIDIAN MAGNETIC VARIATION BEING $16-1/2^{\circ}$ EAST, ALONG THE EASTERLY BOUNDARY OF LAND OF ONE HALL, SOUTH $20-1/2^{\circ}$ WEST 16.55 CHAINS TO THE MIDDLE OF THE COUNTY ROAD KNOWN AS THE SLAUGHTER ROAD, FROM WHICH POINT A WITNESS POST BEARS NORTH $20-1/2^{\circ}$ EAST 27 LINKS DISTANT; THENCE ALONG THE MIDDLE OF SAID COUNTY ROAD, SOUTH $28-3/4^{\circ}$ EAST 2.99 CHAINS TO A STATION, SOUTH $51-1/4^{\circ}$ EAST 3.00 CHAINS TO A STATION, SOUTH $40-3/4^{\circ}$ EAST 0.76 CHAINS TO A STATION, SOUTH 77° EAST 2.14 CHAINS TO A STATION, SOUTH $63-1/4^{\circ}$ EAST 3.50 CHAINS TO A STATION FROM WHICH A WITNESS POST BEARS SOUTH 55° EAST 30 LINKS DISTANT; THENCE LEAVING SAID COUNTY ROAD AND TO AND ALONG A FENCE; SOUTH 55° EAST 4.00 CHAINS TO A STAKE; THENCE LEAVING SAID FENCE, SOUTH 62° EAST 0.72 CHAINS TO A REDWOOD TREE 16 INCHES IN DIAMETER STANDING IN THE MIDDLE OF A GULCH; THENCE ALONG THE MIDDLE OF SAID GULCH, NORTH $71-1/2^{\circ}$ EAST 0.68 CHAINS TO A STATION, SOUTH $71-1/2^{\circ}$ EAST 0.74 CHAINS TO A STATION, NORTH 67° EAST 2.14 CHAINS TO A STATION, SOUTH $81-3/4^{\circ}$ EAST 0.76 CHAINS TO A STATION, NORTH $12-3/4^{\circ}$ EAST 0.82 CHAINS TO A STATION, NORTH $36-1/2^{\circ}$ EAST 1.03 CHAINS TO A STATION, NORTH $11-3/4^{\circ}$ EAST 0.90 CHAINS TO A STATION, NORTH 31° EAST 0.90 CHAINS TO A STATION, IN THE MIDDLE OF THE MONTGOMERY ROAD, SO CALLED; THENCE ALONG THE MIDDLE OF SAID LAST NAMED ROAD, NORTH 49° WEST 0.40 CHAINS TO A STATION, NORTH $14-1/2^{\circ}$ EAST 4.10 CHAINS TO A STATION FROM WHICH A REDWOOD STUMP 3-1/2 FEET IN DIAMETER BEARS SOUTH $16-1/2^{\circ}$ WEST 168 LINKS DISTANT, NORTH 26° WEST 4.70 CHAINS TO A STATION, NORTH 57° WEST 3.50 CHAINS TO A STATION, NORTH 39° WEST 1.50 CHAINS TO A STATION, NORTH 52° WEST 2.41 CHAINS TO A STATION FROM WHICH A REDWOOD STUMP 5 FEET IN DIAMETER BEARS NORTH $16-1/4^{\circ}$ WEST 5 LINKS DISTANT; THENCE LEAVING SAID LAST NAMED ROAD, NORTH $70-1/2^{\circ}$ EAST 2.00 CHAINS TO THE MIDDLE OF BURRELL CREEK AFORESAID; THENCE ALONG THE MIDDLE OF SAID BURRELL CREEK, NORTH $33-3/4^{\circ}$ EAST 0.55 CHAINS TO A STATION, NORTH $17-1/4^{\circ}$ WEST 0.94 CHAINS TO A STATION; THENCE IN A NORTHEASTERLY DIRECTION AND PARALLEL WITH THE EASTERLY LINE OF LAND, NOW OR FORMERLY, OF FINNIE 25 RODS, MORE OR LESS, TO A STAKE AND STONES; THENCE IN AN EASTERLY DIRECTION 15 RODS 5-1/2 FEET TO A STAKE AND STONE; THENCE IN A SOUTHEASTERLY DIRECTION, A DISTANCE OF 4 RODS, 3-1/2 FEET TO A STAKE AND STONES; THENCE IN A NORTHEASTERLY DIRECTION, 20 RODS TO A STAKE AND STONES FROM WHICH IN A SOUTHWESTERLY DIRECTION AND 8 FEET AWAY THEREFROM IS A SMALL BLACK OAK TREE BLAZED ON THE SIDE FACING SAID STAKE AND STONES WHICH SAID STAKE AND STONES ARE ON SAID DIVIDING LINE BETWEEN SAID COUNTIES OF SANTA CLARA AND SANTA CRUZ; THENCE FOLLOWING SAID DIVIDING LINE IN A NORTHWESTERLY DIRECTION, A DISTANCE OF 59 RODS 4-1/2 FEET TO A POINT OF COMMENCEMENT.

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DESCRIPTION-PAGE FIVE

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EXCEPTING THEREFROM THE LANDS DESCRIBED IN THE DEED TO THE COUNTY OF SANTA CRUZ, RECORDED FEBRUARY 26, 1959, IN BOOK 1232, PAGE 39, OFFICIAL RECORDS.

INCLUDED IN THE FOREGOING DESCRIPTION SHALL BE ANY AND ALL OTHER REAL PROPERTIES OR INTEREST THEREIN, OWNED BY GRANTORS LOCATED, LYING AND BEING WITHIN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA.

APN 98-011-22 ; 98-011-23
PARCEL FOUR

ALL THAT CERTAIN REAL PROPERTY PARTLY WITHIN AND PARTLY WITHOUT THE COUNTIES OF SANTA CLARA AND SANTA CRUZ, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING PART OF THE SOQUEL AUGMENTATION RANCHO, AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF LOMA PRIETA AVENUE, SO CALLED, WITH THE PRODUCED EASTERLY BOUNDARY OF LANDS CONVEYED BY DAVID FINNIE AND IDA M. FINNIE TO ALBERT P. BOOTH, BY DEED DATED DECEMBER 28, 1915, AND RECORDED IN BOOK 269 OF DEEDS, PAGE 59, SANTA CRUZ COUNTY RECORDS; THENCE FROM SAID PLACE OF BEGINNING RUNNING ALONG THE EASTERLY BOUNDARY OF LANDS, NOW OR FORMERLY, OF FINNIE, NORTH 35° 25' EAST 790.79 FEET TO A 4 X 4 REDWOOD STAKE MARKED "S. J. W. CO. AND M. C. & W." STANDING IN A BARREL FILLED WITH CONCRETE AT THE SOUTHWEST CORNER OF LANDS, NOW OR FORMERLY, OF THE SAN JOSE WATER COMPANY; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID LAST MENTIONED LANDS, SOUTH 76° 47' EAST 1625.54 FEET TO A 2 X 4 REDWOOD STAKE MARKED "S. J. W. CO. AND M. C. & W." STANDING AT THE NORTHWEST CORNER OF LANDS, NOW OR FORMERLY, OF NELLIE J. WOOD; THENCE ALONG THE WESTERLY OR NORTHWESTERLY BOUNDARY OF SAID LAST MENTIONED LANDS, SOUTH 37° 25' WEST 1319.28 FEET TO A STATION ON THE CENTERLINE OF LOMA PRIETA AVENUE OR SOMETIMES CALLED THE EAST SUMMIT ROAD, FROM WHICH AN IRON PIPE BEARS NORTH 37° 25' EAST 17.40 FEET DISTANT; THENCE LEAVING SAID ROAD, SOUTH 36° 55' WEST 467.00 FEET TO A EUCALYPTUS TREE MARKED "S"; THENCE SOUTH 77° 45' WEST 701.50 FEET TO AN IRON PIPE STANDING AT A FENCE CORNER; THENCE ALONG A FENCE LINE, NORTH 57° 15' WEST 64.50 FEET TO A FENCE POST MARKED "S" AND FROM WHICH THE NORTHEAST CORNER OF LANDS, NOW OR FORMERLY, OF H. HOFFMAN, BEARS NORTH 7° 35' EAST 120.00 FEET DISTANT; THENCE NORTH 18° 25' EAST 351.50 FEET TO AN IRON PIPE; THENCE NORTH 66° 45' WEST 822.00 FEET TO AN IRON PIPE FROM WHICH THE NORTHWEST CORNER OF SAID LANDS, NOW OR FORMERLY OF H. HOFFMAN, BEARS SOUTH 37° 43' WEST 15.00 FEET DISTANT; THENCE NORTH 44° 45' WEST 692.00 FEET TO A 10 INCH PINE TREE MARKED "S"; THENCE NORTH 16° 20' WEST 115.00 FEET, A LITTLE MORE OR LESS, TO THE MIDDLE OF SAID LOMA PRIETA AVENUE; THENCE ALONG THE MIDDLE OF SAID LOMA PRIETA AVENUE, SOUTH 89° 00' EAST 2.00 FEET, A LITTLE MORE OR LESS, TO AN ANGLE; THENCE CONTINUING ALONG THE CENTERLINE OF SAID LOMA PRIETA AVENUE THE FOLLOWING COURSES AND DISTANCES: NORTH 78° 30' EAST 198.00 FEET, NORTH 89° 00' EAST 132.00 FEET, NORTH 75° 45' EAST 118.80 FEET, SOUTH 78° 30' EAST 112.20 FEET, SOUTH 76° 45' EAST 191.40 FEET AND SOUTH 87° 30' EAST 188.43 FEET TO THE PLACE OF BEGINNING.

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