



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

C28

For the meeting of: August 21, 2018

Date: August 6, 2018

To: Board of Supervisors

From: **(P)** Thomas K. Mattson, Public Works Director

Subject: Approval of Bray's Addition to Little Trail Subdivision – Phase 1
018-081-025, Cutten Area

RECOMMENDATION(S): That the Board of Supervisors:

1. Accept and approve the subdivision map for filing with the County Recorder.
2. Accept the dedications to the County of Humboldt of Parcel A (Berner Lane) for public utility purposes; Parcel B for public utility purposes; and reject Parcel A (Berner Lane) for road and drainage purposes
3. Direct the Clerk of the Board to sign the subdivision map on behalf of the Board of Supervisors.
4. Authorize the Chair to execute the Conveyance and Agreement
5. Direct the Clerk of the Board to transmit the subdivision map and the Conveyance and Agreement to the County Recorder.

SOURCE OF FUNDING: General Fund Land Use 1100-168

Prepared by Ronald Garton, County Surveyor **(RG)**

CAO Approval **E. H. H.**

REVIEW:

Auditor _____ County Counsel **UN** Human Resources _____ Other _____

TYPE OF ITEM:

☒ Consent
☐ Departmental
☐ Public Hearing
☐ Other _____

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor **Bass** Seconded by Supervisor **Wilson**

Ayes **Bass, Fennell, Sundberg, Bohn, Wilson**
Nays _____
Abstain _____
Absent _____

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: **8/21/18**

By: _____

Kathy Hayes, Clerk of the Board

DISCUSSION: On September 7, 2017, the Planning Commission approved a tentative map for Little Trail Subdivision, a phased Final Map Subdivision with special permit, to create two (2) parcels of four thousand (4000) square feet net and eight thousand (8000) square feet net. The objective is to create separate legal lots for two (2) existing single family residences (FMS-17-001, SP-16-234).

The subdivision is located in Humboldt County in the Cutten area.

Pursuant to Government Code Section 66458(a), the subdividers, Michael Wade Bray and Kathleen Bray, husband and wife as joint tenants as to an undivided one-half interest and Christopher W. Bray and Kara A. Bray, husband and wife as joint tenants as to an undivided one-half interest, request that the Board of Supervisors approve the subdivision as complete and accept the subdivision map for filing with the County Recorder.

The applicant has requested that Planning and Building Department defer payment of parkland fees for the development of secondary dwelling units on Lots 14 and 15. In order to approve the request, Planning and Building Department requires the dedication of development rights for secondary dwelling units until such time as the deferred fees are paid. The applicant has executed a Conveyance and Agreement for this purpose. The terms of conveyance of development rights is specified in Part 2 of Exhibit B of the Conveyance and Agreement.

The Planning Division has provided notice that all conditions of tentative map approval, other than those required by the Department of Public Works, have been satisfied.

The Department of Public Works has inspected and approved all subdivision improvements.

The Department of Public Works and the Planning Division have determined that the subdivider has met all conditions of subdivision approval and within the required time limits.

The Tax Collector or his designee has signed the map indicating that all taxes have been paid or secured to his satisfaction.

FINANCIAL IMPACT: There is no impact to the General Fund.

Cypress Avenue is an existing County Maintained Road. Brener Lane is a non-county lane and is accepted for public utility purposes only.

This item conforms with the Board of Supervisors' Core Role of enforcing laws and regulations to protect residents.

OTHER AGENCY INVOLVEMENT None.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may determine that the map does not conform to all the requirements of the Subdivision Map Act and any local subdivision ordinance applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder. By doing so the Board shall

disapprove the map in accordance with Government Code Section 66458(a). This action is not recommended.

ATTACHMENTS:

- Subdivision Map (on file with the Clerk of the Board)
- Conveyance and Agreement

Informational note regarding subdivision map noted as attachment: For safekeeping the Land Use Division of Public Works will store the original of the map until approximately 3 working days prior to the Board meeting, at which time it will be transmitted to the Clerk of the Board. For any questions, contact Ron Garton at 268-3762 or Bob Bronkall at 445-7205.

COPY

OWNER'S STATEMENT

THAT THE UNDERSIGNED, BEING THE PARTIES HAVING A RECORD TITLE INTEREST IN THE REAL PROPERTY BEING SUBDIVIDED BY THIS MAP, DO HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND TO THE DEDICATION OF THE EASEMENTS FOR THE PURPOSES SHOWN HEREON, THE EXPRESSED RIGHTS TO THE PUBLIC IN GENERAL, AND TO THE SEVERAL UTILITY COMPANIES SHALL BE AND SHALL REMAIN SUPERIOR TO THE SUPERIOR RIGHTS OF THE COUNTY OF HUMBOLDT.

MICHAEL WADE BRAY & KATHLEEN BRAY, HUSBAND AND WIFE
AS JOINT TENANTS, AS TO AN UNDIVIDED ONE-HALF INTEREST

DATE

CHRISTOPHER W. BRAY & KARA A. BRAY, HUSBAND AND WIFE
AS JOINT TENANTS, AS TO AN UNDIVIDED ONE-HALF INTEREST

DATE

HUMBOLDT LAND TITLE COMPANY,
A CALIFORNIA CORPORATION

DATE

BY _____ TRUSTEE UNDER DEEDS OF TRUST RECORDED ON
DECEMBER 18, 2015 AS INSTRUMENT NUMBER 2015-023558-5 AND ON OCTOBER 7, 2016 AS
INSTRUMENT NUMBER 2016-018016 OF OFFICIAL RECORDS

PRINT NAME AND TITLE

NOTARY ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT

STATE OF CALIFORNIA
COUNTY OF HUMBOLDT

ON _____ BEFORE ME, _____ PERSONALLY

APPEARED MICHAEL WADE BRAY & KATHLEEN BRAY, 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(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL MY PRINCIPAL PLACE OF BUSINESS
IS IN HUMBOLDT COUNTY
SIGNATURE _____ MY COMMISSION EXPIRES _____

NOTARY ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT

STATE OF CALIFORNIA
COUNTY OF HUMBOLDT

ON _____ BEFORE ME, _____ PERSONALLY

APPEARED CHRISTOPHER W. BRAY & KARA A. BRAY, 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(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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STATE OF CALIFORNIA
COUNTY OF HUMBOLDT

ON _____ BEFORE ME, _____ PERSONALLY

APPEARED _____ 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(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL MY PRINCIPAL PLACE OF BUSINESS
IS IN HUMBOLDT COUNTY
SIGNATURE _____ MY COMMISSION EXPIRES _____

TAX COLLECTOR'S CERTIFICATE

I, JOHN BARTHOLOMEW, TAX COLLECTOR OF HUMBOLDT COUNTY, CALIFORNIA, HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THIS OFFICE, AS OF THIS DATE, THERE ARE NO TAX LIENS CURRENTLY DUE AGAINST THE LAND WITHIN THIS SUBDIVISION OR PARCEL DESCRIPTION DESCRIBED AS ASSESSOR'S PARCEL NO. 018-081-025 FOR UNPAID COUNTY TAXES OR SPECIAL ASSESSMENTS.

I FURTHER CERTIFY THAT TAXES OR ASSESSMENTS WHICH WILL BECOME A LIEN ON THE PROPERTY, BUT WHICH ARE NOT YET CURRENTLY DUE, ARE ESTIMATED AT \$ _____ AND THAT A BOND IN THIS AMOUNT HAS BEEN COLLECTED AND DEPOSITED WITH THIS OFFICE ON BEHALF OF THE BOARD OF SUPERVISORS.

JOHN BARTHOLOMEW -
HUMBOLDT COUNTY TAX COLLECTOR

BY _____ DEPUTY DATED _____

PRINT NAME

CLERK OF THE BOARD STATEMENT

I, KATHY HAYES, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT, STATE OF CALIFORNIA, HEREBY CERTIFY THAT SAID BOARD OF SUPERVISORS, AT A MEETING HELD ON _____ AT WHICH A QUORUM WAS PRESENT, APPROVED THE SUBDIVISION MAP, SAID BOARD ACCEPTED THOSE PARCELS OF LAND AND EASEMENTS AS OFFERED FOR DEDICATION FOR THE USES SET FORTH ON THE ACCOMPANYING SUBDIVISION MAP IN CONFORMITY WITH THE TERMS AND DEDICATIONS SUMMARIZED AS FOLLOWS:

BERNER LANE (PARCEL A): ACCEPTED FOR UTILITY PURPOSES.

PARCEL B: ACCEPTED

SAID BOARD REJECTED THOSE PARCELS OF LAND AND EASEMENTS AS OFFERED FOR DEDICATION FOR THE USES SET FORTH ON THE ACCOMPANYING SUBDIVISION MAP SUMMARIZED AS FOLLOWS:

BERNER LANE (PARCEL A): REJECTED FOR ROAD AND DRAINAGE PURPOSES.

KATHY HAYES
CLERK OF THE BOARD OF SUPERVISORS

BY _____ DEPUTY DATE: _____

PRINT NAME

COUNTY DEDICATIONS

BERNER LANE, A NON-COUNTY LANE, (PARCEL A) AS SHOWN HEREON OVER A PORTION OF LOT 15 IS A 20' WIDE INGRESS, EGRESS AND DRAINAGE EASEMENT WHICH IS HEREBY CREATED FOR THE BENEFIT OF LOT 14.

PARCEL B AS SHOWN HEREON OVER A PORTION OF LOT 15 IS A 10' WIDE EASEMENT FOR PUBLIC UTILITIES WHICH IS HEREBY DEDICATED TO THE COUNTY OF HUMBOLDT FOR PUBLIC USE.

EASEMENTS CREATED BY THIS MAP

BERNER LANE, A NON-COUNTY LANE, (PARCEL A) AS SHOWN HEREON OVER A PORTION OF LOT 15 IS A 20' WIDE INGRESS, EGRESS AND DRAINAGE EASEMENT WHICH IS HEREBY CREATED FOR THE BENEFIT OF LOT 14.

PARCEL B AS SHOWN HEREON OVER A PORTION OF LOT 15 IS A 10' WIDE EASEMENT FOR PUBLIC UTILITIES, WHICH IS HEREBY CREATED FOR THE BENEFIT OF LOT 14.

NON-COUNTY LANE NOTE

IF THE PRIVATE LANE OR LANES SHOWN ON THIS PLAN OF SUBDIVISION, OR ANY PART THEREOF, ARE TO BE ACCEPTED BY THE COUNTY FOR THE BENEFIT OF THE LOT OWNERS ON SUCH LANE RATHER THAN THE BENEFITS OF THE COUNTY GENERALLY, SUCH PRIVATE LANE OR LANES OR PARTS THEREOF SHALL FIRST BE IMPROVED AT THE SOLE COST OF THE AFFECTED LOT OWNER OR OWNERS, SO AS TO COMPLY WITH THE SPECIFICATIONS AS CONTAINED IN THE THEN-APPLICABLE SUBDIVISION REGULATIONS RELATING TO PUBLIC STREETS.

NOTICE OF DEVELOPMENT PLAN

A NOTICE OF DEVELOPMENT PLAN FOR THE LOTS OF THIS SUBDIVISION HAS BEEN RECORDED. THE REFERENCED DOCUMENT(S) IS/ARE ON FILE WITH THE HUMBOLDT COUNTY PLANNING DEPARTMENT UNDER FILE NO. 018-081-025, CASE NO. FMS-17-001 & SP-15-234.

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF MICHAEL WADE BRAY & KATHLEEN BRAY AND CHRISTOPHER W. BRAY & KARA A. BRAY, ON OCTOBER 2, 2017. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER, AND OCCUPY THE POSITIONS INDICATED, AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP. I HEREBY STATE THAT SAID SURVEY IS TRUE AND COMPLETE AS SHOWN.

PRELIMINARY

WALLACE E. WRIGHT, L.S. #851, EXPIRES: 9/30/2018

DATE

**COUNTY SURVEYOR'S STATEMENT**

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION, AS SHOWN, IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND OF ANY LOCAL SUBDIVISION ORDINANCES OF THE COUNTY OF HUMBOLDT APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH; AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

RONALD C. GARTON, PLS. 7717
HUMBOLDT COUNTY SURVEYOR

DATE

**COUNTY RECORDER'S STATEMENT**

FILED THIS _____ DAY OF _____, 20____ AT _____, CA.

IN BOOK _____ OF MAPS, AT PAGE(S) _____ HUMBOLDT COUNTY RECORDS

AT THE REQUEST OF WHITCHURCH ENGINEERING, INC.

KELLY E. SANDERS
HUMBOLDT COUNTY RECORDER

BY _____ DEPUTY

PRINT NAME

FEE:

INSTRUMENT NO. _____

TRACT NO. _____
BRAY'S ADDITION TO
LITTLE TRAIL SUBDIVISION - PHASE 1

BEING A SUBDIVISION OF THAT CERTAIN REAL PROPERTY LOCATED IN THE UNINCORPORATED AREA OF HUMBOLDT COUNTY, LIVING WITHIN THE SE 1/4 OF SECTION 35, TOWNSHIP 5 N., RANGE 1 W., AND THE NE 1/4 OF SECTION 2, TOWNSHIP 4 N., RANGE 1 W., HUMBOLDT MERIDIAN, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA, AS DESCRIBED IN INSTRUMENT NO. 2015-023558-2, HUMBOLDT COUNTY RECORDS.

WEI Whitchurch Engineering, Inc.

Building • Design • Land development • Civil & Structural • Surveying
610 9th Street
Fortuna, CA 95540
(707) 785-0680 Fax
(707) 785-2968 Fax

OCTOBER 2017

SHEET 1 OF 2

BOOK _____ OF MAPS, PAGE _____

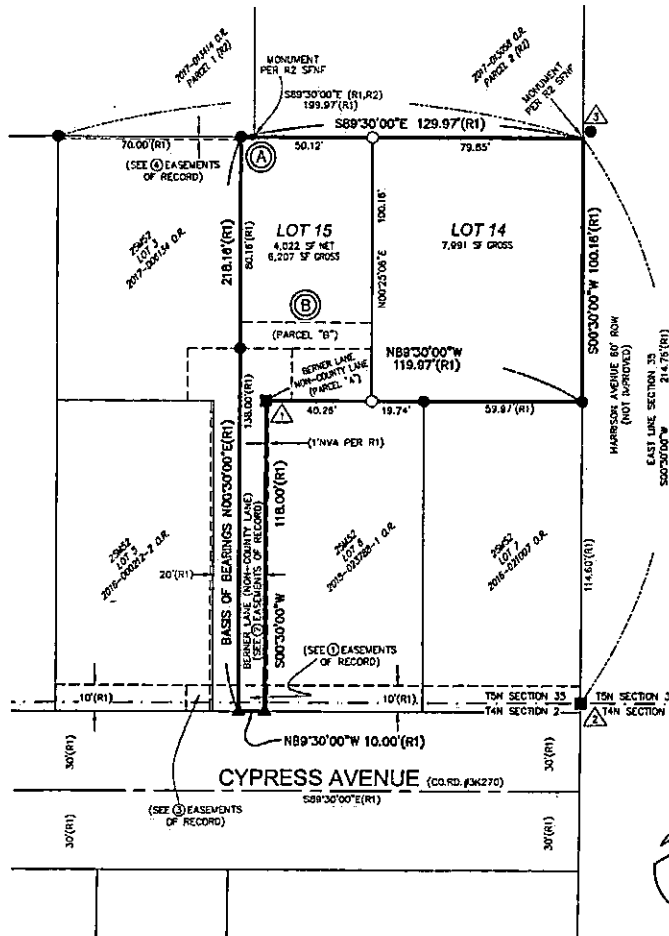
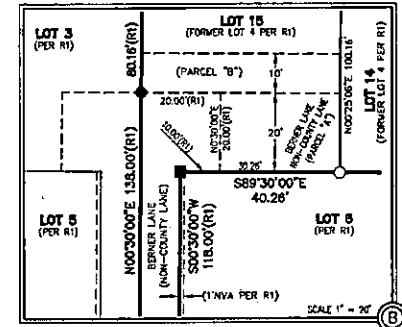
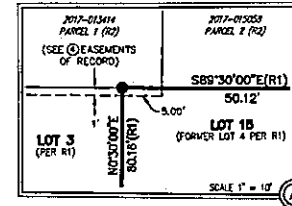
COPY

BASIS OF BEARINGS

THE BASIS OF BEARINGS WAS ESTABLISHED BY HOLDING THE THREE MONUMENTS FOUND ALONG THE EAST LINE OF LOT 3 AS SHOWN PER TRACT NO. 648 "LITTLE TRAIL SUBDIVISION - PHASE 1" IN BOOK 25 OF MAPS, PAGE 53, HUMBOLDT COUNTY RECORDS.

REFERENCE INDEX

R1 "LITTLE TRAIL SUBDIVISION - PHASE 1" TRACT MAP NO. 648 BOOK 25 OF MAPS, PAGE 52-53
R2 PARCEL MAP NO. 1779, BOOK 15 OF PARCEL MAPS, PAGE 115



EASEMENTS OF RECORD

- (10' WIDE) AN EASEMENT FOR INGRESS, EGRESS, DRAINAGE AND PUBLIC UTILITIES PER TRACT MAP NO. 648 RECORDED IN BOOK 25 OF MAPS, PAGE 52 AND 53 IN FAVOR OF LOTS 3-7, PARCEL "C" THEREON.
- BERNER LAKE (VARIABLE WIDTH) AN EASEMENT FOR INGRESS, EGRESS DRAINAGE AND PUBLIC UTILITIES PER INSTRUMENT NUMBER 2016-019015 IN FAVOR OF LOT 3 PER TRACT MAP NO. 648 RECORDED IN BOOK 25 OF MAPS, PAGE 52 AND 53.
- (10' BY 10') AN EASEMENT FOR DRAINAGE PER TRACT MAP NO. 648 RECORDED IN BOOK 25 OF MAPS, PAGE 52 AND 53 IN FAVOR OF LOTS 3 & 4, PARCEL "A" THEREON.
- (1' WIDE) AN EASEMENT FOR NON-VEHICULAR ACCESS PER TRACT MAP NO. 648 RECORDED IN BOOK 25 OF MAPS, PAGE 52 AND 53 IN FAVOR OF LOTS 3 & 4, PARCEL "D" THEREON.

LEGEND

- SET 3/4" IP WITH 1-1/4" STEEL TAG MARKED "LS 4851"
- FOUND 3/4" IP WITH PLUG MARKED "RCE 23681" PER R1
- ▲ FOUND NAIL & WASHER MARKED "RCE 23681" PER R1
- FOUND MONUMENT AS NOTED
- SUBJECT LOT PROPERTY LINE
- NEW PROPERTY LINE PER THIS SUBDIVISION
- ADJOINING PARCEL LINE
- CENTERLINE OF PUBLIC ROADWAY
- EASEMENT LINE
- APPROXIMATE SECTION LINE PER R1
- CROWS FOOT/DIMENSION LEADER
- 0000'00"00'E INDICATES MEASUREMENT
- 0000'00"00'(R1) INDICATES MEASUREMENT IS IDENTICAL TO RECORD
- (0000'00"00'E R1) INDICATES RECORD NOT IDENTICAL TO MEASUREMENT

- (A) INDICATES REFERENCE TO A "DETAIL" THIS SHEET
- (B) INDICATES REFERENCE TO "CORNER NOTES" THIS SHEET
- (C) INDICATES REFERENCE TO "EASEMENTS OF RECORD" ON SHEET 1

CORNER NOTES

- ▲ FOUND 3/4" IP NO PLUG (PER R1). SET 1-1/4" STEEL TAG MARKED "LS 4851" INTO FOUND IP.
- ▲ FOUND 1-1/2" COPPERNIEL DISK WITH PUNCH MARK. SECTION CORNER MONUMENT WAS RESET PER R1 CORNER NOTE 4. TSD AT PUNCH MARK, HELD FOR EAST LINE OF SECTION 35. FALLS 000'00"00'E 0.15' FROM RECORD POSITION.
- ▲ FOUND 3/4" IP WITH PLUG MARKED "RCE 23681" PER R1. FALLS 039'06"29"E 0.19' FROM CORNER (UNDER NEW FENCE).

ABBREVIATIONS

- IP IRON PIPE
- NVA NON-VEHICULAR ACCESS EASEMENT
- SPNK SEARCHED FOR NOT FOUND
- (R1) RECORD CITATION SEE "REFERENCE INDEX" THIS SHEET
- O.R. OFFICIAL RECORDS HUMBOLDT COUNTY
- NET NET AREA EXCLUDES ACCESS OR ROAD AREAS

TRACT NO. _____ BRAY'S ADDITION TO LITTLE TRAIL SUBDIVISION - PHASE 1

BEING A SUBDIVISION OF THAT CERTAIN REAL PROPERTY LOCATED IN THE UNINCORPORATED AREA OF HUMBOLDT COUNTY, LYING WITHIN THE SE 1/4 OF SECTION 35, TOWNSHIP 3 N., RANGE 1 W., AND THE NE 1/4 OF SECTION 2, TOWNSHIP 4 N., RANGE 1 W., HUMBOLDT COUNTY OF HUMBOLDT, STATE OF CALIFORNIA, AS DESCRIBED IN INSTRUMENT NO. 2015-023559-2, HUMBOLDT COUNTY RECORDS.

WEL Whitchurch Engineering, Inc.
Building - Design - Land Development - Civil & Structural - Surveying
810 9th Street
Fortuna, CA 95540
(707) 785-0528 Pk.
(707) 785-2959 Fax

OCTOBER 2017 SHEET 2 OF 2

BOOK _____ OF MAPS, PAGE _____

Recording Requested by:
County of Humboldt
Planning and Building Department
EXEMPT PURSUANT TO G.C. 27383

Return to:
County of Humboldt
Planning and Building Department
3015 H Street
Eureka, CA 95501-4484

CONVEYANCE AND AGREEMENT
(for Development Restrictions)

Entered Into On: August 21, 2018) Assessor Parcel Number:
(to be filed in by the Clerk of the Board) **018-081-025**

BY AND BETWEEN)
Wade and Kathleen Bray)

(hereinafter referred to as OWNER)

Case No: **FMS-17-001**

AND THE COUNTY OF HUMBOLDT)
(hereinafter referred to as COUNTY)

Application No.: **10625**

WITNESSETH

WHEREAS, OWNER has applied to COUNTY for permits and other grants of approval necessary to carry out a project which is described within a project application filed with Humboldt County Planning and Building Department as the Case Number and Assessor Parcel Number referenced above (hereinafter referred to as proposed project); and

WHEREAS, the real property upon which OWNER's proposed project is situated, is or includes the real property which is described in EXHIBIT A which is attached to this agreement and incorporated by reference herein (hereinafter referred to as the subject property); and

WHEREAS, the subject property is situated in the County of Humboldt, State of California; and

WHEREAS, COUNTY, as a condition and in consideration of approval of OWNER's proposed project, requires that OWNER grant to COUNTY all of the OWNER's right, power, and privilege to develop the subject property in the manner or for the purposes described in PART 1 of EXHIBIT B which is attached to this Agreement and incorporated by reference herein; and

WHEREAS, OWNER is willing and desires to grant to COUNTY the OWNER's right, power, and privilege to develop the subject property in the manner or for the purposes described in PART 1 of EXHIBIT B attached hereto;

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1. OWNER hereby relinquishes and grants to COUNTY all of the OWNER's right, power, and privilege to develop the subject property in the manner or for the purposes described in PART 1 of EXHIBIT B attached hereto. Concurrently with this grant, OWNER agrees not to develop the subject property in the manner or for the purposes described in PART 1 of EXHIBIT B unless and until COUNTY quitclaims to OWNER or OWNER's successors in interest in said property, all rights, power, and privilege granted to COUNTY by this conveyance.

2. Both parties acknowledge that this agreement and the grant of the right to develop by OWNER to COUNTY contained herein are made in consideration of approval by COUNTY of OWNER's proposed project.

3. COUNTY agrees to quitclaim to OWNER, or OWNER's successor(s) in interest, the right, power and privilege to develop subject property in the manner or for the purposes described in PART 1 of EXHIBIT B attached hereto, if and when both of the following events occur:

A. OWNER or OWNER's successor(s) in interest applies to COUNTY for reconveyance to the OWNER or OWNER's successor(s) of the right, power, and privilege herein granted to COUNTY.

B. OWNER or OWNER's successor(s) in interest shows to COUNTY's satisfaction either that the conditions specified in PART 2 of EXHIBIT B attached hereto have been satisfied by the OWNER of the subject property, or that because of changed circumstances the conditions specified in PART 2 of EXHIBIT B are no longer applicable.


4. OWNER understands and agrees that the quitclaim by COUNTY to OWNER or OWNER's successor(s) in interest of the right, power, and privilege herein granted to COUNTY, as provided above, will not give OWNER or OWNER's successor(s) in interest the unlimited right to develop the subject property, but will only revert in OWNER or OWNER's successor(s) in interest the right, power, and privilege to apply to COUNTY for the permits and other grants of approval necessary to develop the subject property and to have such application processed in accordance with, and subject to, all laws and regulations applicable to such application at the time it is submitted.

5. OWNER agrees to insert in any document which transfers title to the subject property, or any part thereof, a provision excepting from such transfer the right, power, and privilege to develop the subject property in the manner or for the purposes described in PART 1 of EXHIBIT B attached hereto unless and until COUNTY has executed and delivered to OWNER and OWNER's successor(s) in interest the quitclaim deed provided for above. OWNER further agrees to include in any such transfer document a provision by the terms of which the transferee, and each subsequent transferee, agrees to each and every condition contained in this Conveyance and Agreement, including the requirement contained in this paragraph.

IN WITNESS WHEREOF, the parties hereto have caused this Conveyance and Agreement to be executed by their duly authorized officers on the date set forth above.

COUNTY OF HUMBOLDT

BY


Chair, Board of Supervisors Ryan Sundberg
County of Humboldt, State of California

CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
COUNTY OF HUMBOLDT }

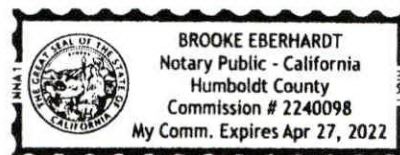
On this 21st day of August 2018, before me, Brooke Eberhardt Public

Notary, personally appeared Ryan Sundberg 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(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

Witness my hand and official seal.


Signature (seal)



OWNER(s)*

<u>Wade Bray</u> <small>Print name here</small> Wade Bray* <small>Print name here</small> <u>Christopher Wade Bray</u> <small>Print name here</small> Christopher Wade Bray* <small>Print name here</small>	<u>Kathleen Bray</u> <small>Sign above</small> Kathleen Bray* <small>Sign above</small> <u>Kara A Bray</u> <small>Sign above</small> Kara A Bray <small>Sign above</small>
--	---

*husband and wife as joint tenants, as to an undivided one half interest

* Owners attach separately full page Notary Acknowledgment

CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
 COUNTY OF HUMBOLDT }

On this 7th day of August 20 18, before me, Katie A. Blair Public

Notary, personally appeared Wade Bray, Kathleen Bray 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(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

Witness my hand and official seal.

Katie A. Blair (seal)
 Signature



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Humboldt

On August 7, 2018 before me, Katie A. Blair, Notary Public
(insert name and title of the officer)

personally appeared Christopher Wade Bray, Kara A. Bray,
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(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument:

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

WITNESS my hand and official seal.

Signature Katie A. Blair (Seal)



EXHIBIT A

PROPERTY DESCRIPTION

All that real property situated in the County of Humboldt, State of California, described as follows:

All that portion of real property situated in the Unincorporated Area of Humboldt County, the Southeast Quarter of Section 35, Township 5 North, Range 1 West and the Southeast Quarter of Section 2, Township 4 North, Range 1 West, Humboldt Meridian, State of California, as shown on the map thereof on file in the Recorder's Office of the County of Humboldt, California, as follows:

Tract No. _____ (Bray's Addition to Little Trail Subdivision – Phase 15, as shown on the map thereof on file in the Recorder's Office of the County of Humboldt, California, as follows: _____ of Maps, Pages _____.

Information to be filled in at the time of recording / filing with the County Recorder

Wallace E. Wright
6-08-2018



RE: FMS-17-001

H.C.P.D. File No. APN: 018-081-025

EXHIBIT B

DEVELOPMENT RESTRICTION

PART 1

The OWNER relinquishes and grants to the County of Humboldt the right, power and privilege to develop the real property described in Exhibit "A" for:

1. Development of second or secondary dwelling units on Lots 14 and 15.

PART 2

The condition referred to in Paragraph B of Section 3 of the agreement to which this exhibit is attached is as follows:

1. Payment of parkland dedication fees in the amount of \$1,462.34 for Lots 14 and 15 or on a pro-rata basis at the time individual lot owners apply for a permit to construct a secondary dwelling unit according to the following schedule:

Lot No.	FEE	Date Paid
14	\$487.45	
15	\$974.89	