RECORDING REQUESTED BY

Sean J. Hogan, Trustee
Riverview Building, LLC
P.O. Box 1138
Fort Bragg, CA 95437

WHEN RECORDED RETURN TO:

The City of Fort Bragg
416 North Franklin Street
Fort Bragg, CA 95437

IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS EASEMENT

AND

DECLARATION OF RESTRICTIONS

THIS IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS EASEMENT AND DECLARATION OF RESTRICTIONS (the "Offer") is made this 17th day of January, 2017, by Riverview Building, LLC, a California limited liability company, (the"Owner").

I. WHEREAS, Grantor is the record owner of certain real property located in the County of Mendocino, State of California, legally described as set forth in EXHIBIT A, attached hereto and hereby incorporated by reference (the "Property"); and

II. WHEREAS, the Property is located within the coastal zone as defined in §30103 of the California Public Resources Code (the "PRC"), a section of the California Coastal Act of 1976 (Division 20 of the PRC) (the "Act"); and

III. WHEREAS, pursuant to the Act and the City of Fort Bragg Coastal General Plan and Coastal Land Use and Development Code (collectively known as the Local Coastal Program or "LCP"), Grantor applied to the City of Fort Bragg (the "City") for a permit to undertake development, as defined in Section 30106 of the PRC and Section 17.100.020 of the City Coastal Land Use and Development Code on the Property; and

IV. WHEREAS, on August 13, 2014, the City granted Coastal Development Permit No. 9-02/14 and related permits (the "Permit") in accordance with the provisions of the Final Findings and Conditions of Approval, attached hereto as EXHIBIT B, and incorporated herein by reference, which includes the findings adopted by the City in support of its decision, subject to the following condition (the "Condition"):

11. Prior to the issuance of the Coastal Development Permit, the landowner shall execute and record a document in a form and content acceptable to the City of Fort Bragg, and approved by the Executive Director of the Coastal Commission, consistent with provisions of Chapter 17.56 of this Development Code, irrevocably offering to dedicate to a public agency or private nonprofit association approved by the City of Fort Bragg, an easement for vertical access and passive recreational use (Offer to Dedicate).

The recorded Offer to Dedicate shall provide that: (1) the terms and conditions of the permit do not authorize any interference with prescriptive rights in the area subject to the easement prior to acceptance of the offer and, (2) development or obstruction in the accessway prior to acceptance of the offer is prohibited.

The recorded Offer to Dedicate shall include legal descriptions and a map drawn to scale of both the applicant's entire parcel and the easement area. The offer or grant shall be recorded free of prior liens and any other encumbrances which the City of Fort Bragg determines may affect the interest being conveyed, as evidenced by a clean title report. The grant of easement or offer to dedicate shall run with the land in favor of the People of the State of California, binding all successors and assignees, and the offer shall be irrevocable.

V. WHEREAS, the Property is a parcel located between the first public road and the shoreline; and

VI. WHEREAS, under the policies of Section E (Public Access and Recreation) of the Conservation, Open Space, Energy, and Parks Element of the LCP and Sections 30210 through 30214 of the Act, public access to the shoreline and along the coast is to be maximized, and in all new development projects located between the first public road and the shoreline shall be provided; and

VII. WHEREAS, the City found that but for the imposition of the Condition, the proposed development could not be found consistent with the public access policies of the LCP and the Act and that, therefore, in the absence of such a condition, a permit could not have been granted; and

VIII. WHEREAS, Grantor has elected to comply with the Condition and execute this Offer so as to enable Grantor to undertake the development authorized by the Permit; and

NOW AND THERFORE, in consideration of granting of the Permit to the Grantor by the City, the Grantor hereby irrevocably offers to dedicate to the People of the State of California, public access easements in gross and in perpetuity over the Property as follows:

1. DESCRIPTION. The easement offered hereby affects the following portions of the Property: A 25 foot wide vertical access easement from State Highway 1 to the bank of the Noyo River to link to a proposed lateral access along the river. The above easement is described and depicted on EXHIBIT C, attached hereto and incorporated herein by reference (the "Easement Area").
2. PURPOSE. The easement is for the purpose of allowing public access and passive recreational use over the Easement Area.
3. DECLARATION OF RESTRICTIONS. This Offer shall not be used or construed to allow anyone, prior to acceptance of the Offer, to interfere with any rights of public access acquired through use which may exist on the Property. Development or obstruction in the Easement Area prior to acceptance of the Offer is prohibited. After acceptance, Grantor shall not interfere with the public's use of the Easement Area nor take any action inconsistent with such use. No development, including signage, as defined in Section 30106 of the Coastal Act, shall occur on the Property which will prohibit or otherwise restrict public access along the Easement Area. Grantor shall retain all normal rights and incidents of ownership of the underlying fee interest in the Property not inconsistent with the easement. Grantor shall not be bound to undertake any supervision or maintenance to provide for the public purposes hereunder. Prior to the opening of the Easement Area, the Grantee, in consultation with the Grantor, may record additional reasonable terms, conditions, and limitations on the use of the Property in order to assure that this Offer for public access is effectuated.
4. DURATION, ACCEPTANCE AND TRANSFERABILITY. This irrevocable offer of dedication shall be binding upon Owner and the heirs, assigns, or successors in interest to the Property. This Offer may be accepted by a public agency or private

association approved by the City and/or the Executive Director of the Commission (the "Grantee"). Such acceptance shall be effectuated by recordation by the Grantee of an acceptance of this Offer in the form attached hereto as EXHIBIT D. Upon such recordation of acceptance, this Offer and terms, conditions, and restrictions shall have the effect of a grant of public access easement in gross and perpetuity that shall run with the land and be binding on the heirs, assigns, and successors of the Grantor. After acceptance, the easement may be transferred to and held by any entity which qualifies as a Grantee under the criteria hereinabove stated. Acceptance of the Offer is subject to a covenant which runs with the land, providing that the Grantee may not abandon the easement until such time as Grantee effectively transfers said easement to an entity which qualifies as a Grantee under the criteria hereinabove stated.

5. REMEDIES. Any act, conveyance, contract, or authorization by the Grantor, whether written or oral, which uses, or would cause to be used, or would permit use of the Easement Area contrary to the terms of this Offer will be deemed a violation and a breach hereof. The Grantor, any Grantee of the easement and any offeree of this Offer may pursue any and all available legal and/or equitable remedies to enforce the terms and conditions of the Offer and easement and their respective interest in the property. In the event of a breach, any forbearance on the part of any such party to enforce the terms and provisions hereof shall not be deemed a waiver of enforcement rights regarding any subsequent breach.

6. TAXES AND ASSESSMENTS. Grantor agrees to pay or cause to be paid all real property taxes and assessments levied or assessed against the Property. It is intended that this irrevocable offer and the use restrictions contained herein shall constitute enforceable restrictions within the meaning of (a) Article XIII, §8, of the California Constitution; and (b) §402.1 of the California Revenue and Taxation Code or successor statute. Furthermore, this Offer, easement and restrictions shall be deemed to constitute a servitude upon and burden to the Property within the meaning of §3712(d) of the California Revenue and Taxation Code, or successor statute, which survives a sale of tax-deeded property.

7. SUCCESSORS AND ASSIGNS. The terms, covenants, conditions, exceptions, obligations, and reservations contained in this Offer shall be binding upon and inure

to the benefit of the successors and assigns of both the Grantor and the Grantee, whether voluntary or involuntary.

8. SEVERABILITY. If any provision of this Offer is held to be invalid, or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

Riverview Building, LLC, a California limited liability company

By: _____
Sean J. Hogan, Trustee for James G. Cummings Trust
F/B/O Maria Cummings, Member

By: _____
Billie Jo Bouldin, Trustee for James G. Cummings Trust D
F/B/O Kathryn Cummings

By: _____
Billie Jo Bouldin, Trustee for James G. Cummings Trust
F/B/O J. C. Cummings

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)SS
COUNTY OF MENDOCINO)

On JANUARY 18, 2017, before me, C. SOUTHERS, Notary Public, personally appeared SEAN J. HOGAN & BILLIE JO BOULDIN, 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 C Southers

C. SOUTHERS
Commission # 2063350
Notary Public - California
Mendocino County
My Comm. Expires May 2, 2018

This area for official notarial seal

C. SOUTHERS
Commission # 2063350
Notary Public - California
Mendocino County
My Comm. Expires May 2, 2018

CERTIFICATION BY THE CITY OF FORT BRAGG

This is to certify that the Irrevocable Offer to Dedicate Public Access Easement and Declaration of Restrictions (the "Offer to Dedicate") set forth above has been examined by the undersigned officer and has been found to be consistent with all of the terms and conditions of Coastal Development Permit No. 9-02/14 approved by the City of Fort Bragg on August 13, 2014. The City of Fort Bragg consents to the recordation of the Offer to Dedicate by its duly authorized officer.

Dated: January ___, 2017

CITY OF FORT BRAGG

_____

June Lemos, City Clerk
City of Fort Bragg

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)
) ss.
COUNTY OF MENDOCINO)

On January ___, 2017 before me, _____, Notary Public, personally appeared June Lemos, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person 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_____

EXHIBIT "A"

All that certain real property situated in the County of Mendocino, State of California, more particularly described as follows:

TRACT ONE:

Parcel 2, as shown and designated on Parcel Map of Division 1-92 made for James G. Cummings and filed for record December 6, 1995 in the office of the Mendocino County Recorder in Map Case 2, Drawer 62, Page 1.

Excepting therefrom, all those portions thereof lying within Ocean View Drive, described and conveyed to the City of Fort Bragg by Grant Deeds recorded February 19, 1991 in Book 1888, at page 293, and October 9, 1992 in Book 2031, at page 109, Mendocino County Official Records.

Also excepting therefrom all that portion thereof conveyed to Mendocino Coast Sports Foundation by Grant Deed recorded December 2, 1994 in Book 2220 of Official Records at page 97, Mendocino County Records.

APN 018-140-02 & 018-150-61

TRACT TWO:

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF FORT BRAGG, COUNTY OF MENDOCINO, STATE OF CALIFORNIA BEING A PORTION OF SECTION 18, TOWNSHIP 18 NORTH, RANGE 17 WEST, MOUNT DIABLO BASE AND MERIDIAN AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF THE "RESIDUAL LANDS OF HAHN" AS SHOWN ON THAT PARCEL MAP RECORDED JANUARY 24, 1983 IN MAP CASE 2, DRAWER 40, PAGE 7, MENDOCINO COUNTY RECORDS; SAID POINT OF BEGINNING BEING THE INTERSECTION OF THE SOUTH LINE OF OCEAN VIEW DRIVE (A CITY STREET) WITH SAID NORTH LINE OF HAHN LAND; THENCE ALONG SAID SOUTH LINE OF OCEAN VIEW DRIVE AND ALONG A CURVE TO THE LEFT HAVING A RADIAL BEARING OF NORTH 68° 43' 48" EAST, A RADIUS OF 190.00 FEET, A CENTRAL ANGLE OF 60° 55' 18", AN ARC LENGTH OF 202.02 FEET; THENCE NORTH 82° 11' 30" WEST, 152.96 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 250.00 FEET, A CENTRAL ANGLE OF 0° 26' 00", AN ARC LENGTH OF 1.89 FEET; THENCE SOUTH 8° 14' 30" WEST 0.97 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIAL BEARING OF NORTH 22° 04' 18" WEST, A RADIUS OF 135.00 FEET, CENTRAL ANGLE OF 11° 00' 30", AN ARC LENGTH OF 25.94 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 43° 04' 17", AN ARC LENGTH OF 15.03 FEET; THENCE ALONG A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 75.00 FEET, A CENTRAL ANGLE OF 50° 10' 36", AN ARC LENGTH OF 65.68 FEET; THENCE ALONG A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 75.00 FEET, A CENTRAL ANGLE OF 16° 19' 32", AN ARC LENGTH OF 21.37 FEET TO A POINT ON THE NORTH LINE OF THE LANDS OF DERRYBERRY AS DESCRIBED IN THAT DEED RECORDED IN BOOK 2018 OFFICIAL RECORDS, PAGE 625, MENDOCINO COUNTY RECORDS; THENCE LEAVING SAID SOUTH LINE OF OCEAN VIEW DRIVE AND ALONG THE NORTH LINE OF SAID DERRYBERRY LAND AND HAHN LAND SOUTH 82° 11' 30" EAST, 397.54 FEET TO THE POINT OF BEGINNING.

APN: 018-150-55

CITY OF FORT BRAGG
COMMUNITY DEVELOPMENT DEPARTMENT
416 North Franklin Street
Fort Bragg, CA 95437
Tel: (707) 961-2827
Fax: (707) 961-2802
www.city.fortbragg.com

hearing/decision date(s)
July 23, 2014

- ☑ City appeal period ended
- ☑ Coastal Commission appeal period ended
- ☐ prior-to-issuance conditions met

COASTAL DEVELOPMENT PERMIT

PERMIT TYPE & NO.: Major Subdivision 4-02/14 (DIV 4-02/14); Coastal Development Permit 9-02/14 (CDP 9-02/14)

PROPERTY OWNERS: Riverview Building LLC, Neil Zeiger & Margory Hopper

APPLICANT/AGENT: Sean J. Hogan, Member, Riverview Building LLC

PROJECT DESCRIPTION: Division of a 7.13 acre property into four parcels:

Parcel 1: 3.03 acres, portion of APN 018-140-02
Parcel 2: 1.00 acres, portion of APN 018-140-02, portion of APN 018-150-61
Parcel 3: 2.41 acres, portion of APN 018-140-02, portion of APN 018-150-61
Parcel 4: 0.69 acres, APN 018-150-55

LOCATION: 1102 & 1190 South Main Street. The project is in the Coastal Zone.

ZONING: Very High Density Residential (RVH), Highway Visitor Commercial (CH), Coastal Zone (CZ)

PERMIT EFFECTIVE DATE: Ten working days after the California Coastal Commission's receipt of the Notice of Final Action from the City

PERMIT EXPIRATION DATE: Twenty-four months after the permit effective date.

CONDITIONS OF APPROVAL: See attached findings and conditions.

Some Coastal Development Permits are appealable to the California Coastal Commission. Contact the Coastal Commission at (707) 445-7833, for information pertaining to that agency's appeal process.

Community Development Department Statement: I hereby certify that all conditions which must be met prior to issuance of this permit have been met and that this permit is deemed by the City of Fort Bragg Community Development Department to be a valid permit subject to all conditions of approval.

Community Development Director

8-12-2014
Date

Ex "B"

Owner's Statement: I am the owner of the property subject to this permit (or his/her authorized agent) and I hereby certify that I have reviewed the conditions of approval and will establish and continue the use of the subject property in compliance with the specified conditions and applicable sections of the Fort Bragg Municipal Code. I further grant permission for City staff to enter upon the premises for which the permit is issued to verify compliance with the required conditions.

Owner

8/13/14
Date

CEQA FINDINGS

The Planning Commission of the City of Fort Bragg finds, determines, and certifies as follows for the purpose of adopting the MND for this project:

1. The above recitals are true and correct, and are incorporated herein by reference.
2. The MND was prepared in compliance with the requirements of CEQA.
3. The MND was presented to the Planning Commission, a decision-making body for the City, the lead agency for the Project, and the Planning Commission has reviewed and considered the information contained in the MND.
4. The MND reflects the Planning Commission's independent judgment and analysis as to the environmental effects of the Project.
5. After mitigation, all project impacts are less than significant.
6. The Planning Commission has, by its review of the evidence and analysis presented in the MND and in the record, acquired a better understanding of the full scope of the environmental issues presented by the Project. In turn, this understanding has enabled the Planning Commission to make fully informed, thoroughly considered decisions on these important issues.
7. The location of the documents or other material that constitute the record of proceedings upon which the decision is based is the City of Fort Bragg Community Development Department, 416 North Franklin Street, Fort Bragg CA 95437; the official custodian of said records is the City Clerk of the City of Fort Bragg.

GENERAL FINDINGS

1. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the General Plan, Coastal Land Use and Development Code (CLUDC) and the Fort Bragg Municipal Code;
2. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
3. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located; and
4. For the purposes of the environmental determination, a Mitigated Negative Declaration has been prepared for conformance with the California Environmental Quality Act (CEQA). As mitigated, the project will not result in significant or potentially significant environmental impacts.

COASTAL DEVELOPMENT PERMIT FINDINGS

1. The proposed development as described in the application and accompanying materials, as modified by any conditions of approval, is in

conformity with the City of Fort Bragg's certified Local Coastal Program and will not adversely affect coastal resources;

2. The project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code);
3. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment;
4. The proposed use is consistent with the purposes of the zone in which the site is located;
5. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan;
6. The proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity; and
7. Services, including but not limited to, water supply, sewage disposal, solid waste, and public roadway capacity have been considered and are adequate to serve the proposed development.
8. The resource as identified will not be significantly degraded by the proposed development;
9. There is no feasible less environmentally damaging alternative;
10. All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted; and
11. Findings in support of a requirement for an Offer to Dedicate a Public Access Easement for an existing public access trail on the property are as follows:
    a. There is substantial evidence of the existence of public prescriptive rights, but a condition requiring dedication of public access protects that right of the public and is equivalent in time, place and manner to any prescriptive rights which may exist.
    b. Development of property over time has the potential to result in a cumulative loss of public access opportunities and rights. For the subject property, an existing public access is present that is recognized in the Coastal General Plan. The present vertical access provides pedestrian access from Highway One at the south end of the Noyo River, across the property and down the forested hillside to the south bank of the Noyo River. At the time of subdivision, the existing public access needs to be recognized and identified as such so that best and highest use of the land when it is developed identifies that use as a part of the definition of what is present and where potential lies.
    c. The Mendocino Coast is a destination for outdoor recreation. The Pacific Ocean and redwood forest attract visitors worldwide. State parks are present along the Mendocino coastline, including Jug Handle State Reserve, Point Cabrillo Light Station State Historic Park, Russian Gulch State Park, and Mendocino Headlands State Park within 7 miles of the City of Fort Bragg to the south, and Glass Beach and MacKerricher State Park within 7 miles of Fort Bragg to

the north. Within the City Limits, public access to the ocean is present at Hare Creek Beach, the Noyo Harbor, and Glass Beach. Additional public access is available along the GP Haul Road. Public access trails are planned for construction at the GP Mill Site within the next year.

The project would result in the creation of new commercial parcels with the potential to provide for support services for visitors. An existing public access trail is present on the property and evidence of current and historic use is verified in the field and by GoogleEarth imagery.

The property is located along the south bank of the Noyo River within the harbor. The existing access trail provides public access to the river, where it links to a proposed lateral access along the river. The project does not include development of structures or uses that would physically conflict with the access trail, however subdivision of the property is likely to result in the sale of individual parcels which may in turn be developed to a highest and best use. Recognition of the public access trail at this time is therefore important in assuring public access is not lost to future development.

d. Imposition of the access requirement for an Offer of Dedication of a 25 foot easement for the vertical access is required to protect the common law rights of the public that have been using the property for public access and also to further the governmental interest in providing for safe, orderly development of property within the City, consistent with the Coastal General Plan.
e. The recommended Offer to Dedicate approach allows for the management responsibility for the access trail to be placed with a management agency that is willing and able to take on that responsibility. The public access easement extent is limited to the actual location on the ground of the access trail and is limited to the minimum width required by the City's Local Coastal Program.

SUBDIVISION FINDINGS

1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the Local Coastal Program, General Plan, and any applicable Specific Plan;
2. The site is physically suitable for the type or proposed density of development;
3. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or injure fish or wildlife or their habitat;
4. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems;
5. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision;

6. The discharge of sewage from the proposed subdivision into the community sewer system would not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board;
7. There are no indications of adverse soil or geological conditions and the subdivider has provided sufficient information to the satisfaction of the City Engineer or other applicable review authority that the site is appropriate for the proposed development; and
8. The proposed subdivision is consistent with all applicable provisions of the Local Coastal Program, the Coastal Land Use and Development Code, any other applicable provisions of the Municipal Code, and the Subdivision Map Act.

SPECIAL CONDITIONS

1. Prior to approval of the Final Map, the applicant shall submit a revised Driveway Reciprocal Agreement that includes driveway maintenance standards and access rights for owners' invitees.
2. Prior to approval of the Final Map, the map shall show 22 foot wide driveway easements that encompass the existing access driveways providing access from Highway One on Parcel 1 to Parcel 2, and from the Boatyard Drive on Parcel 3 to Parcel 2. A Driveway Reciprocal Agreement shall be recorded to the satisfaction of the Public Works Director which outlines maintenance and standards for maintenance of the shared driveways.
3. The Final Map shall include a note that, subject to the determination of the Public Works Director, a right turn only sign may be required for the northernmost driveway upon additional site development.
4. The Final Map shall name the street that bisects the subdivision Boatyard Drive.
5. Prior to approval of the Final Map, applicant shall either: 1) install frontage improvements (curb, gutter, sidewalk, drainage inlets, and bicycle lane striping) along Main Street and Ocean View Drive/Boatyard Drive where these improvements are adjacent to Parcels 1, 2, 3 and 4; or 2) the applicant shall bond the required improvements with a Performance Bond (by one or more corporate sureties) equal to 100% of the value of the required frontage improvements (in the form required by section 66499.1 of the Subdivision Map Act) and a Materials and Labor Bond equal to 50% of the value of the required frontage improvements (in the form required by section 66499.2 of the Subdivision Map Act). Work within rights-of-way shall require encroachment permits from Caltrans and the City of Fort Bragg as applicable and shall be approved by these agencies prior to commencement of work.
6. The Final Map shall show Public Utility Easements with widths and locations as shown in the Proposed Easement Utility Map (Attachment 4).
7. The Final Map shall show all easements affecting the property, including any necessary Caltrans easements.
8. Prior to approval of the Final Map, monuments shall be installed in compliance with the requirements of the City Engineer and Map Act.
9. The Final Map shall include a note that requires: 1) a minimum Environmentally Sensitive Habitat Area buffer area of 50 feet wide associated with the Northern Bishop Pine Forest ESHA on proposed Parcel

1 and Parcel 2; and that the ESHA buffer extends over the entire eastern portion of Parcel 3 west to the driveway. The note shall also clarify that this buffer is conceptual and that future development proposals will need to include a resource study to set an appropriate buffer for that development given resources that may be located on the parcel at that time.

10. The Final Map shall include a note that ground disturbance in Parcel 3 shall require the presence of a Native American Monitor. A Native American Monitor shall be required during ground disturbing activities associated with installation of frontage improvements on Parcel 3.
11. Prior to the issuance of the Coastal Development Permit, the landowner shall execute and record a document in a form and content acceptable to the City of Fort Bragg, and approved by the Executive Director of the Coastal Commission, consistent with provisions of Chapter 17.56 of this Development Code, irrevocably offering to dedicate to a public agency or private nonprofit association approved by the City of Fort Bragg an easement for vertical access and passive recreational use (Offer to Dedicate).

    The recorded Offer to Dedicate shall provide that: (1) the terms and conditions of the permit do not authorize any interference with prescriptive rights in the area subject to the easement prior to acceptance of the offer and, (2) development or obstruction in the accessway prior to acceptance of the offer is prohibited.

    The recorded Offer to Dedicate shall include legal descriptions and a map drawn to scale of both the applicant's entire parcel and the easement area. The offer or grant shall be recorded free of prior liens and any other encumbrances which the City of Fort Bragg determines may affect the interest being conveyed, as evidenced by a clean title report. The grant of easement or offer to dedicate shall run with the land in favor of the People of the State of California, binding all successors and assignees, and the offer shall be irrevocable.
12. The applicant shall implement all Mitigation Measures (Mitigation Measures 1, 2 and 3) from the MND as included below.

    Mitigation Measure 1: Prior to issuance of the grading permit, the applicant shall submit for approval by City Public Works Department, a Dust Management, Grading, and Erosion Control Plan in compliance with pertinent portions of Sections 17.62.020 and 17.62.030 of the Coastal Land Use and Development Code.

    Mitigation Measure 2: The Environmentally Sensitive Habitat Area and its approved buffer zone shall be clearly shown on the recorded map. (Note: compliance with Special Condition 9 will satisfy this Mitigation Measure.)

    Mitigation Measure 3: As a condition of project approval, the applicant shall install frontage improvements including but not limited to sidewalks, curb, gutter, drainage facilities, and bicycle lane striping, to the satisfaction of the City Engineer and consistent with Caltrans requirements and the City of Fort Bragg's South Main Street Access and Beautification Plan.

STANDARD CONDITIONS

1. This action shall become final on the 11th working day following the decision unless an appeal to the City Council is filed pursuant to Chapter 17.92.030. This action is appealable to the California Coastal Commission pursuant to Chapter 17.92.040.
2. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.
3. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State and Federal agencies having jurisdiction. All plans submitted with required permit applications shall be consistent with this approval.
4. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
    (a) That such permit was obtained or extended by fraud.
    (b) That one or more of the conditions upon which such permit was granted have been violated.
    (c) That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety or as to be a nuisance.
    (d) A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.
5. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
6. This Coastal Development Permit approval shall lapse and become null and void 24 months from the date of approval unless before the passing of 24 months, a Final Map examined and approved by the City Engineer is approved by the City Council and recorded or an extension is requested and obtained.
7. This Minor Subdivision approval shall lapse and become null and void 24 months from the date of approval unless before the passing of 24 months, a Final Map examined and approved by the City Engineer is approved by the City Council or an extension is requested and granted.

EXHIBIT "C"
25' VERTICAL ACCESS EASEMENT

THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF FORT BRAGG CALIFORNIA AND BEING IN SECTION 18, TOWNSHIP 18 NORTH, RANGE 17 WEST MOUNT DIABLO MERIDIAN:

COMMENCING AT THE NORTHWEST CORNER OF PARCEL 2 OF DIVISION 1-92, AS SHOWN AND DELINEATED ON THAT CERTAIN PARCEL MAP RECORDED IN MAP CASE 2, DRAWER 62, PAGE 1, MENDOCINO COUNTY RECORDS:

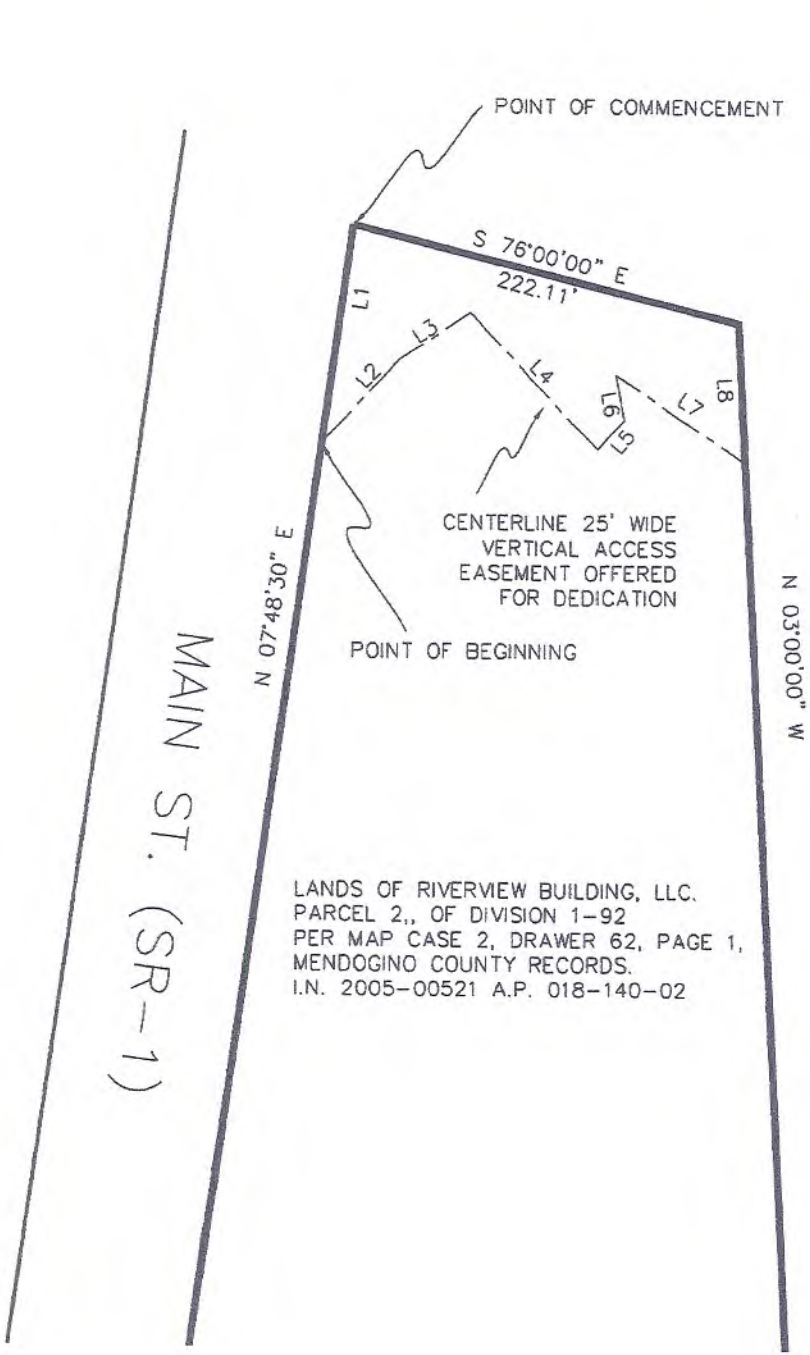
THENCE FROM SAID POINT OF COMMENCEMENT, SOUTH 07°48'30" WEST, ALONG THE WEST BOUNDARY OF SAID PARCEL 2, A DISTANCE OF 123.49 FEET TO THE TRUE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING, LEAVING SAID WESTERLY BOUNDARY, ALONG THE CENTERLINE OF THIS 25' WIDE VERTICAL ACCESS EASEMENT AS FOLLOWS; NORTH 42°06'05" EAST, 63.54 FEET; THENCE NORTH 56°30'39" EAST, 47.90 FEET; THENCE SOUTH 43°06'56" EAST, 104.72 FEET; THENCE NORTH 41°24'47" EAST, 22.29 FEET; THENCE NORTH 10°34'11" WEST, 26.24 FEET; THENCE SOUTH 55°33'59" EAST, 87.72 FEET TO A POINT ON THE EAST BOUNDARY OF SAID PARCEL 2, FROM WHICH THE NORTHEAST CORNER THEREOF BEARS NORTH 03°00'00" WEST, 78.69 FEET.

THE SIDELINES OF SAID 25 FOOT EASEMENT TO BE EXTENDED OR SHORTENED TO MEET AT ANGLE POINTS, TO BEGINNING ON THE WESTERLY BOUNDARY OF PARCEL 2 AND END ON THE EASTERLY BOUNDARY OF PARCEL 2.

DESCRIPTION PREPARED BY: FORREST FRANCIS, LAND SURVEYOR
P. O. BOX 1162
MENDOCINO, CA. 95460

FORREST FRANCIS L. S. 5121
LICENSE EXPIRES 6/30/17

LICENSED LAND SURVEYOR
FORREST N. FRANCIS
No. 5121
STATE OF CALIFORNIA



LANDS OF RIVERVIEW BUILDING, LLC.
PARCEL 2,, OF DIVISION 1-92
PER MAP CASE 2, DRAWER 62, PAGE 1,
MENDOCINO COUNTY RECORDS.
I.N. 2005-00521 A.P. 018-140-02

0 100' 200' 300'

VERTICAL ACCESS EASEMENT

LINE	BEARING	DISTANCE
TIE L1	S 07°48'30" W	123.49'
L2	N 42°06'05" E	63.54'
L3	N 56°30'39" E	47.90'
L4	S 43°06'56" E	104.72'
L5	N 41°24'47" E	22.29'
L6	N 10°34'11" W	26.24'
L7	S 55°33'59" E	87.72'
TIE L8	N 03°00'00" W	78.69'

EXHIBIT "C" MAP

VERTICAL ACCESS EASEMENT

PREPARED BY: FORREST FRANCIS
LAND SURVEYOR
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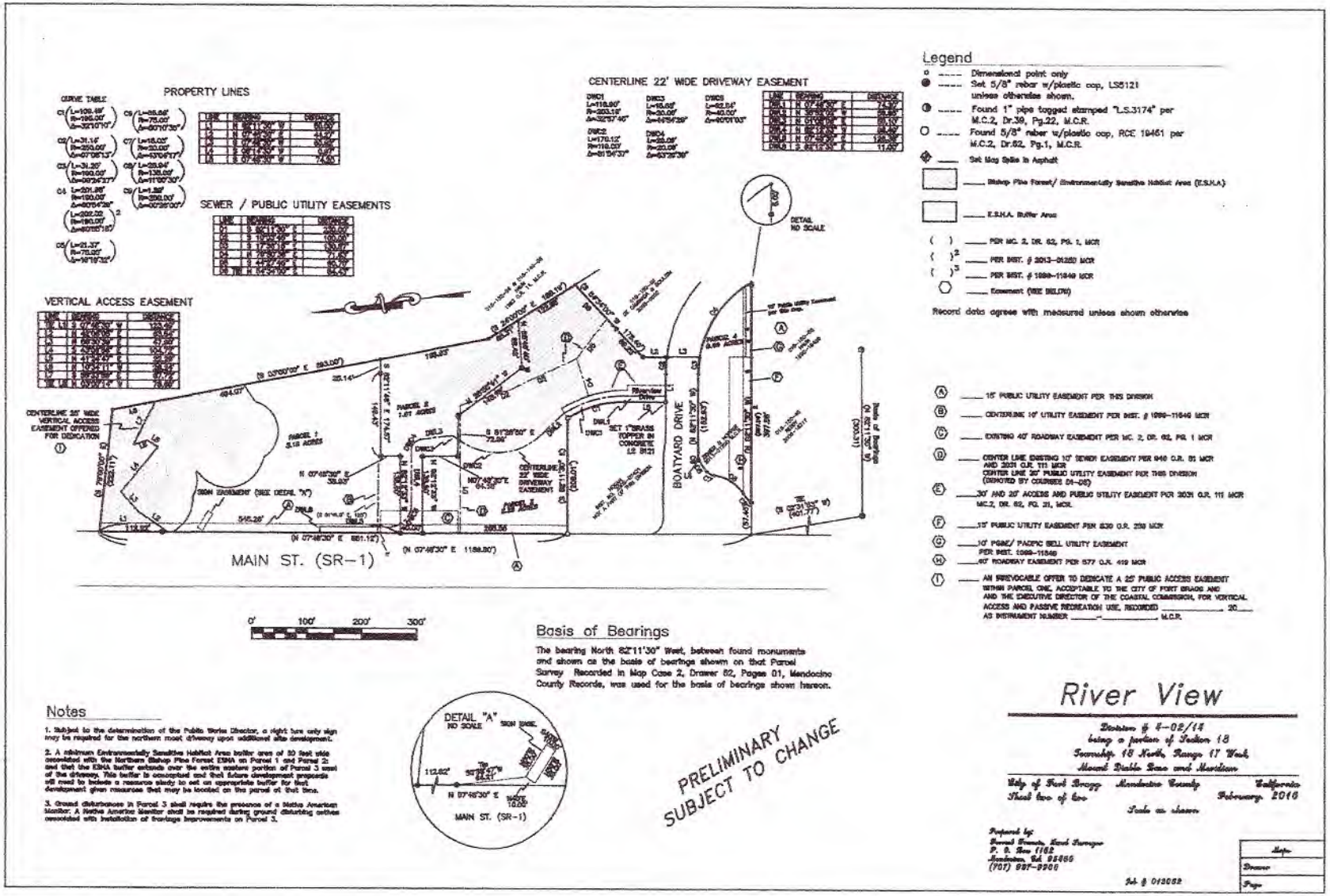
LICENSED LAND SURVEYOR
FORREST N. FRANCIS
No. 5121
STATE OF CALIFORNIA



Legend

- ○ ---- Dimensional point only
- ● ---- Set 5/8" rebar w/plastic cap, LS5121 unless otherwise shown.
- ◑ ---- Found 1" pipe tagged stamped "L.S.3174" per M.C.2, Dr.39, Pg.22, M.C.R.
- ○ ---- Found 5/8" rebar w/plastic cap, RCE 19461 per M.C.2, Dr.62, Pg.1, M.C.R.
- ◈ ___ Set Mag Spike in Asphalt
- ___ Bishop Pine Forest/ Environmentally Sensitive Habitat Area (E.S.H.A.)
- ___ E.S.H.A. Buffer Area
- ( ) ___ PER MC. 2, DR. 62, PG. 1, MCR
- ( )^2 ___ PER INST. # 2013-01253 MCR
- ( )^3 ___ PER INST. # 1999-11849 MCR
- ○ ___ Easement (SEE BELOW)

Record data agrees with measured unless shown otherwise

- Ⓐ ___ 15' PUBLIC UTILITY EASEMENT PER THIS DIVISION
- Ⓑ ___ CENTERLINE 10' UTILITY EASEMENT PER INST. # 1999-11849 MCR
- Ⓒ ___ EXISTING 40' ROADWAY EASEMENT PER MC. 2, DR. 62, PG. 1 MCR
- Ⓓ ___ CENTER LINE EXISTING 10' SEWER EASEMENT PER 940 O.R. 81 MCR AND 2031 O.R. 111 MCR
  CENTER LINE 20' PUBLIC UTILITY EASEMENT PER THIS DIVISION (IMPOSED BY COURSES D1-D2)
- Ⓔ ___ 30' AND 25' ACCESS AND PUBLIC UTILITY EASEMENT PER 2031 O.R. 111 MCR MC.2, DR. 62, PG. 21, MCR.
- Ⓕ ___ 15' PUBLIC UTILITY EASEMENT PER 830 O.R. 258 MCR
- Ⓖ ___ 10' PG&E/ PACIFIC BELL UTILITY EASEMENT PER INST. 1999-11849
- Ⓗ ___ 60' ROADWAY EASEMENT PER 577 O.R. 419 MCR
- Ⓘ ___ AN IRREVOCABLE OFFER TO DEDICATE A 25' PUBLIC ACCESS EASEMENT WITHIN PARCEL ONE, ACCEPTABLE TO THE CITY OF FORT BRAGG AND AND THE EXECUTIVE DIRECTOR OF THE COASTAL COMMISSION, FOR VERTICAL ACCESS AND PASSIVE RECREATION USE, RECORDED _____, 20__, AS INSTRUMENT NUMBER _____-_____, M.C.R.

Basis of Bearings

The bearing North 82°11'30" West, between found monuments and shown as the basis of bearings shown on that Parcel Survey Recorded in Map Case 2, Drawer 62, Pages 01, Mendocino County Records, was used for the basis of bearings shown hereon.

Notes

1. Subject to the determination of the Public Works Director, a right turn only sign may be required for the northern most driveway upon additional site development.

2. A minimum Environmentally Sensitive Habitat Area buffer area of 30 feet wide associated with the Northern Bishop Pine Forest ESHA on Parcel 1 and Parcel 2, and that the ESHA buffer extends over the entire eastern portion of Parcel 3 west of the driveway. This buffer is conceptual and that future development proposals will need to balance a resource study to set an appropriate buffer for that development given resources that may be located on the parcel at that time.

3. Ground disturbance in Parcel 3 shall require the presence of a Native American Monitor. A Native American Monitor shall be required during ground disturbing actives associated with installation of frontage improvements on Parcel 3.

PRELIMINARY
SUBJECT TO CHANGE

River View

Division # 1-02/15
being a portion of Section 18
Township 18 North, Range 17 West
Mount Diablo Base and Meridian

City of Fort Bragg Mendocino County California
Sheet two of two
February 2016
Scale as shown

Prepared by:
Donald Brunner, Land Surveyor
P. O. Box 1162
Mendocino, Ca. 95460
(707) 937-9906

Job # 012062

Map
Drawer
Page

EXHIBIT D

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
CITY OF FORT BRAGG
416 North Franklin Street
Fort Bragg, CA 95437

APN: 018-140-02, 018-150-61, 018-150-55

PERMIT NO. _____
ACCEPTANCE CERTIFICATE

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Irrevocable Offer to Dedicate Public Access Easement and Declaration of Restrictions dated January 17, 2017, executed by Sean J. Hogan and Billie Jo Bouldin, and recorded on _____, as Instrument Number _____ in the Official Records of the County of Mendocino, is hereby accepted by _____, on _____, 2016, pursuant to authority conferred by resolution of the _____ adopted on _____, and the grantee consents to recordation thereof by its duly authorized officer.

Dated:

_____
(Entity)

_____
(Name & Title)

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)
) ss.
COUNTY OF MENDOCINO)

On _____ before me, _____, Notary Public, 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.
Signature_____

ACKNOWLEDGMENT BY THE CALIFORNIA COASTAL COMMISSION
AND CITY OF FORT BRAGG OF
ACCEPTANCE OF OFFER TO DEDICATE

This is to certify that _____ is a public agency / private association acceptable to the City of Fort Bragg and the California Coastal Commission to be Grantee under the Offer to Dedicate executed by Riverview Building, LLC, and recorded on _____, 2016, in the office of the County Recorder of Mendocino County as Instrument No. _____.

Dated: _____, 2016

CITY OF FORT BRAGG

By: _____

CALIFORNIA COASTAL COMMISSION

By: _____