

Recording requested by, and )  
when recorded, return to: )

SANDAG )  
TransNet EMP )  
401 B Street, Suite 800 )  
San Diego, CA 92101 )

THIS IS CERTIFIED TO BE A TRUE AND ACCURATE  
COPY OF THAT CERTAIN INSTRUMENT RECORDED  
5/16/2016 AS FILE NO. 2016-0234149  
IN THE OFFICE OF THE COUNTY RECORDER OF  
San Diego CALIFORNIA.

STEWART TITLE OF CALIFORNIA  
By CB

Space above this line for Recorder's use

Exempt from recording fees per Government Code Section 27383

Hollenbeck Canyon Wildlife Area  
Expansion 5  
San Diego County  
APN 599-090-27, 599-170-03

### NOTICE OF GRANT FUNDING RESTRICTIONS

This Notice of Grant Funding Restrictions ("Notice"), dated as of 4-19-16, 2016, is recorded to provide notice of restrictions in favor of the San Diego Association of Governments, a legislatively created regional government agency ("SANDAG"), affecting approximately 391+/- acres of real property in the unincorporated area of Jamul, San Diego County, California ("Property"). The Property is legally described in **Exhibit A** attached to this Notice and incorporated in it by this reference.

1. In October 2013 SANDAG provided a Call for Projects ("CFP") for the TransNet Environmental Mitigation Program Land Acquisition Grant Program ("Program") to interested stakeholders. The CFP specified that land acquired under the Program should promote the success of the Natural Communities Conservation Planning Program ("NCCPP") through conservation of habitat areas critical to promoting endangered species and wildlife movement.

2. In January 2014 CDFW submitted a grant application to SANDAG seeking funds to acquire the Property to contribute to the success of the San Diego regional NCCPP, by preserving and protecting core wildlife linkages and key populations of endangered species.

3. In February 2015 the SANDAG Board of Directors awarded approximately \$20,000,000 in grant funds to facilitate the acquisition of nine properties, including a grant of up to \$1,203,449 to CDFW to facilitate the acquisition of the Property ("Grant Funds").

4. CDFW is executing this Notice to provide constructive notice of certain restrictions in favor of SANDAG with respect to the Property.

5. Title to the Property will be held by the State of California. CDFW will manage the Property as part of its Hollenbeck Canyon Wildlife Area ("HCWA"). The California Fish and Game Commission has designated HCWA as a wildlife area and identified area specific regulations as set forth in Title 14 of the California Code of Regulations (CCR), Division 1, Chapter 8 (commencing with Section 550). In consideration of receipt of the Grant Funds, CDFW agrees that:

- A. It shall not sell, transfer, exchange, or otherwise convey the Property (including any portion of it or any interest in it) without the written approval of SANDAG, which approval shall not be unreasonably withheld.
- B. It shall not encumber the Property without the written approval of SANDAG, which approval shall not be unreasonably withheld.

6. If SANDAG determines that a violation of any of the terms listed in Paragraph 5, above, has occurred, SANDAG shall give written notice to CDFW of such violation and demand in writing the cure of the violation. If CDFW does not cure the violation within 90 days after receipt of written notice of violation from SANDAG, or if the cure reasonably requires more than 90 days to complete and CDFW does not begin the cure within the 90-day period or to continue diligently to complete the cure, then SANDAG may bring an action at law or in equity in a court of competent jurisdiction for any or all of the following: to recover any damages to which it may be entitled for violation of the terms of this Notice; to enjoin the violation, ex parte as necessary, by temporary or permanent injunction; or to pursue any other legal or equitable relief available to SANDAG. The remedies of SANDAG described in this Paragraph shall be cumulative.

7. Nothing in this Notice shall be construed to entitle SANDAG to bring any action against CDFW for any violation resulting from any natural cause beyond the control of CDFW or any action taken by CDFW under emergency conditions to prevent, abate, or mitigate any threat to human life, the environment, or the Property.

8. The restrictions set forth in this Notice shall be binding upon and inure to the benefit of the parties to this Notice and their respective successors and assigns. A party's rights and obligations under this Notice shall terminate upon transfer of the party's interest in the Property.

9. If a court of competent jurisdiction voids, invalidates or declares unenforceable any part of this Notice on its face, or its application to any person, entity or circumstance, such action shall not affect the remainder of this Notice or its application to any other person, entity or circumstance.

10. For additional information on the Program, reference should be made to the Grant Application Form which is on file with SANDAG, *TransNet* Environmental Mitigation Program, 401 B Street, Suite 800, San Diego, CA 92101.

Dated: 4-19, 2016

State of California  
Department of Fish and Wildlife

By: 

Print Name: Ed Pert

Title: Regional Manager

(Attach acknowledgement)



# 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 Sacramento )

On April 19, 2016 before me, Mary Beth Delaney,  
(here insert name and title of the officer)  
personally appeared Ed Pert

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 Mary Beth Delaney



(Seal)

## Optional Information

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

### Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Notice of Grant Funding Restrictions

containing 3 pages, and dated April 19, 2016

The signer(s) capacity or authority is/are as:

- ☐ Individual(s)  
☐ Attorney-In-Fact  
☐ Corporate Officer(s) \_\_\_\_\_ Title(s)

- ☐ Guardian/Conservator  
☐ Partner - Limited/General  
☐ Trustee(s)  
☒ Other: Ed Pert

representing: CA Dept. of Fish & Wildlife  
Name(s) of Person(s) or Entity(ies) Signer(s) Representing

### Additional Information

#### Method of Signer Identification

Proved to me on the basis of satisfactory evidence:  
☒ form(s) of identification ☒ credible witness(es)

Notarial event is detailed in notary journal on:  
Page # 1 Entry # 60

Notary contact: (916) 445-0137

#### Other

- ☐ Additional Signer(s) ☐ Signer(s) Thumbprint(s)  
☐ \_\_\_\_\_

## EXHIBIT A

### LEGAL DESCRIPTION

The land referred to herein is situated in the State of California, County of San Diego Unincorporated and described as follows:

Parcel D-1:

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

Parcel 1:

Lot 2 and the Southeast Quarter of the Northwest Quarter of Section 7, Township 17 South, Range 2 East, San Bernardino Meridian, in the County of San Diego, State of California, according to the Official Plat thereof.

Parcel 2:

The South one-half of the Northeast Quarter of Section 12, Township 17 South, Range 1 East, San Bernardino Meridian, in the County of San Diego, State of California, according to the Official Plat thereof.

Parcel 3:

The West one-half of the Southeast Quarter of Section 7, Township 17 South, Range 2 East, San Bernardino Meridian, in the County of San Diego, State of California, according to the Official Plat thereof.

Parcel 4:

The East one-half of the Southwest Quarter of Section 7, Township 17 South, Range 2 East, San Bernardino Meridian, in the County of San Diego, State of California, according to the Official Plat thereof.

Excepting therefrom that portion thereof described as follows:

Exception No. 1:

That portion of the West half of the Southeast Quarter of Section 7, T17S, R2E, S.B.M., in the County of San Diego, State of California, according to Official Plat thereof described as follows:

Beginning at a point in the East line of said West half distant thereon South 0° 19' 50" West 577.26 feet from the Northeast corner thereof; thence Westerly along the centerline of existing Travelled Road known as Luce Creek Road 850.00 feet; thence South 930.00 feet in a straight line to a point which lies 800.00 feet West of the East line of said West half; thence East 800.00 feet to a point in said East line distant thereon South 0° 19' 50" West 830.00 feet from the true point of beginning.

Exception No. 2:

That portion of the West half of the Southeast Quarter of Section 7, 17S, R2E, S.B.M., in the County of San Diego, State of California, according to Official Plat thereof described as follows:

Beginning at a point in the East line of said West half distant thereon South 0° 19' 50" West 577.26' from the Northeast corner thereof; thence Westerly along the centerline of existing Travelled Road known as Luce Creek Road 850.00 feet; thence Northerly in a straight line 530' to a point in the North line of said West half distant thereon North 89° 34' 49" West 840.00' from the Northeast corner thereof; thence South 89° 34' 49" East 840.00' to the true point of beginning.

Exception No. 3:



All that portion of the Southeast Quarter of the Northwest Quarter of Section 7, T17S, R2E, S.B.M., described as follows:

All that portion of said Southeast Quarter of the Northwest Quarter lying Easterly of the centerline of existing Travelled Road known as Daley Truck Trail as shown on Record of Survey No. K 16759 filed in the Office of the County Recorder of said County.

Together with that portion of said Southeast Quarter of the Northwest Quarter lying Easterly of a line between the Northwest terminus of Curve No. 6 and the center of Curve No. 12 on said Record of Survey No. 16759 & West of the centerline Daley Truck Trail.

Excepting therefrom that portion of said Southeast Quarter of the Northwest Quarter lying Easterly and Southerly of the following described line:

Beginning at a point in the East line of said Southeast Quarter of the Northwest Quarter distant thereon South  $0^{\circ} 33' 01''$  West 250.00 feet from the Northeast corner thereof; thence West 420.00 feet; thence South 240.00 feet; thence Southwesterly in a straight line 450 feet more or less to a point in the centerline of said Daley Truck Trail; said point being the Southerly terminus of that course designated South  $60^{\circ} 57' 47''$  East 121.07' on said Record of Survey No. 16759.

Said property is described as Parcel D-1 in Certificate of Compliance recorded May 10, 2006 as Instrument No. 2006-0330443 of Official Records.

Parcel D-2:

An easement for ingress and egress and utilities over, under, along and across that portion of the West half of the Southeast Quarter and East half of the Southwest Quarter and the South half of the Northwest Quarter of Section 7, T17S, R2E, S.B.M., lying within a 60.00 foot wide strip of land. The centerline of said strip being described as follows:

The centerline of existing Travelled Road known as Daley Truck Trail as shown on Record of Survey No. 16759, filed in the office of the County Recorder of San Diego County, California.

Excepting therefrom that portion thereof lying within Parcel D-1.

Parcel D-3:

An easement for ingress and egress and utilities over, under, along and across that portion of the East half of the Southwest Quarter and the West half of the Southeast Quarter of Section 7, T17S, R2E, S.B.M., in the County of San Diego, State of California, lying within a 60.00' wide strip of land. The centerline of said strip being described as follows:

The centerline of existing Travelled Road known as Luce Creek Road as shown on Record of Survey No. 10924 filed in the Office of the County Recorder.

Said easement shall terminate in the Easterly sideline of Parcel D-2.

Excepting therefrom that portion thereof lying within Parcel D-1.

Parcel D-4:

An easement and right of way for road and utility purposes over, under, along and across a strip of land 60.00 feet in width lying within the North Half of the Southwest Quarter of Section 8, Township 17 South, Range 2 East, San Bernardino Meridian, in the County of San Diego, State of California, according to Official Plat thereof, the center line of said 60.00 foot strip being described as follows:

Beginning at a point in the South line of said North half of the Southwest Quarter, distant thereon North  $89^{\circ} 31' 17''$  W East, 964.41 feet from the Southwest corner thereof; thence North  $14^{\circ} 11' 15''$  East, 15.02 feet to the beginning of a tangent 300.00 foot radius curve concave Southeasterly; thence Northeasterly

along said curve through a central angle of  $28^{\circ} 48' 45''$ , a distance of 150.86 feet to a 390.82 foot radius tangent reverse curve; thence Northeasterly along said curve through a central angle of  $46^{\circ} 30' 00''$ , a distance of 251.44 feet; thence tangent to said curve North  $3^{\circ} 30' 00''$  West, 7.55 feet to the beginning of a tangent 300.00 foot radius curve concave Easterly; thence Northerly along said curve through a central angle of  $14^{\circ} 29' 16''$ , a distance of 75.86 feet to a 461.68 foot radius tangent reverse curve; thence Northerly along said curve through a central angle of  $21^{\circ} 30' 25''$ , a distance of 173.30 feet to the True Point of beginning of the herein described center line, being also Point "X" of this description; thence continuing Northerly along said curve through a central angle of  $7^{\circ} 49' 52''$ , a distance of 63.10 feet to a 300.00 radius tangent reverse curve; thence Northeasterly along said curve through a central angle of  $100^{\circ} 00' 00''$ , a distance of 523.60 feet to a 300.00 foot radius tangent reverse curve; thence Northerly and Northeasterly along said curve through a central angle of  $67^{\circ} 08' 12''$  a distance of 351.53 feet to a point in the center line of Lyons Valley Road, according to Road Survey No. 1265 on file in the Office of the County Engineer Of said San Diego County.

The sidelines of said 60.00 foot easement shall be prolonged or shortened so as to terminate in the North in the Southerly sidelines of said Lyons Valley Road.

Excepting therefrom that that portion thereof lying within Parcel D-1.

Parcel D-5:

An easement and right of way for road and utility purposes over, under, along and across strip of land 60.00 feet in width lying within the North Half of the Southwest Quarter of Section 8 and the Northeast Quarter of the Southeast Quarter of Section 7, all in Township 17 South, Range 2 East, San Bernardino Base and Meridian, in the County of San Diego, State of California, according to Official Plat thereof, the center line of said 60.00 foot strip being described as follows:

Beginning at Point "X" described in Parcel 5 above, being a point being the arc of a 329.00 foot radius curve concave Northerly, a radial to said point bears South  $37^{\circ} 41' 41''$  East; thence Southwesterly and Westerly along said curve through a central angle of  $50^{\circ} 46' 13''$ , a distance of 291.33 feet; thence tangent to said curve North  $76^{\circ} 55' 28''$  West, 130.00 feet to the beginning of a tangent 300.00 foot radius curve concave Northeasterly; thence Northwesterly along said curve through a central angle of  $34^{\circ} 46' 31''$ , a distance of 182.26 feet (recital  $21^{\circ} 43' 27''$ , a distance of 113.75 feet) to a tangent reverse 300.00 foot radius curve; thence Northwesterly along said curve through a central angle of  $21^{\circ} 43' 27''$ , a distance of 113.75 feet (read  $34^{\circ} 48' 31''$ , a distance of 182.26 feet); thence tangent to said curve North  $63^{\circ} 50' 24''$  West, 531.12 feet to a point on the West line of said North Half of the Southwest Quarter, said point being distant thereon South  $0^{\circ} 11' 54''$  West, 286.20 feet from the Northwest corner of said North Half of the Southwest Quarter; thence continuing North  $65^{\circ} 50' 24''$  West, 133.68 feet to the beginning of a tangent 300.00 foot radius curve concave Southerly; thence Westerly along said curve through a central angle of  $40^{\circ} 49' 21''$ , a distance of 213.75 feet to a tangent reverse 300.00 foot radius curve; thence Westerly along said curve through a central angle of  $34^{\circ} 59' 45''$ , a distance of 183.24 feet to a tangent reverse 300.00 foot radius curve; thence Southwesterly along said curve through a central angle of  $82^{\circ} 53' 29''$ , a distance of 454.02 feet to a tangent reverse 300.00 foot radius curve; thence Southwesterly along said curve through a central angle of  $59^{\circ} 58' 14''$ , a distance of 334.94 feet to a tangent reverse 300.00 foot radius curve; thence Southwesterly along arc through a central angle of  $31^{\circ} 56' 34''$ , a distance of 167.26 feet to a point on the west line of said Northeast Quarter or the Southeast Quarter of Section 7, said point being distant thereon South  $0^{\circ} 21' 03''$  West, 577.26 feet from the Northwest corner of said Northeast Quarter of the Southeast Quarter.

The sidelines of said 60.00 foot easement shall be prolonged or shortened so as to terminate in the West with the West line of said Northeast Quarter and the Southeast Quarter of Section 7 and in the East with the location and Southerly prolongation of the East line of Parcel 5 described above.

Excepting therefrom that that portion thereof lying within Parcel D-4.

Parcel E:

The West half of the Northeast Quarter of Section 18, Township 17 South, Range 2 East, San Bernardino Meridian, in the County of San Diego, State of California, according to the Official Plat thereof.

APN: 599-090-27-00 and 599-170-03-00  
(End of Legal Description)