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LOS ANGELES COUNTY REGISTRAR • RECORDER/COUNTY CLERK

RECORDING REQUESTED BY AND

WHEN RECORDED RETURN TO:

CALIFORNIA COASTAL COMMISSION
89 S. California Street, Suite 200
Ventura, CA 93001

Attn: Legal Division

IRREVOCABLE OFFER TO DEDICATE EASEMENT
FOR VERTICAL PUBLIC ACCESS
AND
DECLARATION OF RESTRICTIONS

THIS IRREVOCABLE OFFER TO DEDICATE EASEMENT FOR VERTICAL PUBLIC ACCESS AND DECLARATION OF RESTRICTIONS (hereinafter referred to as "the Offer") is made this 7th day of July, 2005, by BARBARA J. PAGE, TRUSTEE OF THE CARVIN TRUST DATED MAY 10, 2002, (hereinafter referred to as the "Grantor").

I. WHEREAS, Grantor is the legal owner of a fee interest of certain real property located in the County of Los Angeles, State of California, legally described as set forth in attached EXHIBIT A hereby incorporated by reference (hereinafter referred to as the "Property"); and

II. WHEREAS, all of the Property is located within the coastal zone as defined in § 30103 of the California Public Resources Code (hereinafter referred to as the "Public Resources Code"); and

III. WHEREAS, the California Coastal Act of 1976, (hereinafter referred to as the "Act") creates the California Coastal Commission (hereinafter referred to as the

THIS DOCUMENT SUPERSEDES AND REPLACES (1) THE DEED RESTRICTION RECORDED AS INSTRUMENT NO. 78-69946 ON JANUARY 18, 1978; AND (2) IRREVOCABLE OFFER TO DEDICATE RECORDED AS INSTRUMENT NO. 80-709137 ON JULY 25, 1980; BOTH OF THE OFFICIAL RECORDS OF LOS ANGELES COUNTY

"Commission") and requires that any coastal development permit approved by the Commission must be consistent with the policies of the Act set forth in Chapter 3 of Division 20 of the Public Resources Code; and

IV. WHEREAS, the People of the State of California have a legal interest in the lands seaward of the mean high tide line; and

V. WHEREAS, pursuant to the Act, Grantor's predecessor-in-interest, W. Huston Lillard III, applied to the Commission for a permit; and

VI. WHEREAS, coastal development permit numbers P-2-15-77-171 and A-8-1-77-1466 were granted by the Commission on March 14, 1977 and August 25, 1977, respectively, to authorize lot consolidation and resubdivision that included a portion of the Property and development of a single family residence on the Property (hereinafter referred to as "the Permits"). The Permits are each subject to the following condition (hereinafter referred to as "the Condition"):

I. Submit a deed restriction for recording granting a vertical public accessway across the property 5 feet in width from the Broad Beach Road right-of-way to the bluff edge, and 10 feet in width down the bluff face to Sea Level Drive.

Such accessway shall not be opened to the public until such time as access has been obtained to the beach.

VII. WHEREAS, pursuant to the Condition, Grantor's predecessor-in-interest, W. Huston Lillard III, recorded in the Official Records of the County of Los Angeles: a) on July 25, 1980 an Irrevocable Offer To Dedicate as Instrument No. 80-709137, that irrevocably offers to dedicate an easement as described in the Condition along the easterly boundary of the new parcels authorized in the Permits (hereinafter referred to as "the 1980 OTD"); and b) on January 18, 1978, a Deed Restriction as Instrument Number 78-69946 that restricts the same area for use as a vertical public accessway (hereinafter referred to as "the 1978 Deed Restriction"); and

VIII. WHEREAS, in 1995 Grantor's predecessor-in-interest, Edward L. Van Halen and Valerie Bertinelli Van Halen, Trustees, and their successors as trustees of the Bertinelli and Van Halen Family Trust, a Trust Agreement dated June 7, 1988, applied to the Commission for a permit to undertake development as defined in § 30106 of the Public Resources Code on the Property; and

IX. WHEREAS, coastal development permit number 4-95-049 and coastal development permit amendment number 4-95-049-A1 (hereinafter referred to as the "Permit, as amended") were granted by the Commission on May 9, 1995 and April 10, 1997, respectively. The Permit, as amended, authorized City of Malibu Lot Line Adjustment Map No. 93-03 (hereinafter "Lot Line Adjustment No. 93-03"), and an addition to the existing residence and a new pool on the Property in the area subject to the 1980 OTD and the 1978 Deed Restriction. Lot Line Adjustment No. 93-03 included relocation of the 1980 OTD to follow the adjusted lot line; and

X. WHEREAS, consistent with the Permit, as amended, and Lot Line Adjustment No. 93-03, Grantor must relocate the public access easement area as shown on Exhibit B, referenced below.

NOW AND THEREFORE, in consideration of the granting of the Permit, as amended, by the Commission, the Grantor hereby irrevocably offers to dedicate to the People of the State of California, an easement in gross and in perpetuity over a portion of the Property as follows:

1. DESCRIPTION. The easement offered hereby (hereinafter "the Easement") affects that portion of the Property along the eastern boundary of Parcels 1 and 2 of Lot Line Adjustment Map No. 93-03, recorded as Instrument No. 96-89720 on January 17, 1996 in the Official Records of Los Angeles County, (hereinafter "the Easement Area"), as specifically shown and legally described in EXHIBIT B, attached hereto and incorporated herein by reference.

2. PURPOSE. The Easement shall be used for the sole purpose of allowing public pedestrian ingress and egress to and from Broad Beach Road and the shoreline.

3. DECLARATION OF RESTRICTIONS. After acceptance, Grantor shall not interfere with the public's use of the Easement for the purposes specified herein nor take any action inconsistent with such use, including, without limitation, constructing or improving the Easement Area in a manner inconsistent with the public's use or enjoyment thereof; provided, however, that nothing contained herein shall be construed to obligate Grantor to remove any existing fence currently located within the Easement Area. Grantor shall not be bound to undertake any construction, maintenance or repair within the Easement Area, such right, including the right to construct or remove fencing within the Easement Area, and obligation to be solely that of Grantee. Grantor shall retain all normal rights and incidents of ownership of the underlying fee interest in the Property not inconsistent with the rights granted herein.

4. DURATION, ACCEPTANCE AND TRANSFERABILITY. The Offer shall be binding upon the Grantor and the heirs, assigns, or successors in interest to the Property described above for a period of 21 years. The Offer may be accepted by any agency of the State of California, a political subdivision, or a private association acceptable to the Executive Director of the Commission (hereinafter referred to as the "Grantee"). Such acceptance shall be effectuated by recordation by the Grantee of an acceptance of the Offer in the form attached hereto as EXHIBIT C. Upon such recordation of acceptance, the Offer and terms, conditions, and restrictions shall have the effect of a grant of vertical 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. By

accepting the Offer, Grantee agrees that it shall be bound by all of the terms and conditions of the Offer.

5. REMEDIES. Any act, conveyance, contract, or authorization by the Grantor or Grantee, whether written or oral, which uses or would cause to be used, or would permit use of the Easement Area in a manner which is contrary to the terms of the Offer will be deemed a violation and a breach hereof. The Grantor, any Grantee of the Easement and any offeree of the Offer may pursue any and all available legal and/or equitable remedies to enforce the terms and conditions of the Offer, the Easement and their respective interests 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 Easement Area. 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, the 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 the 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.

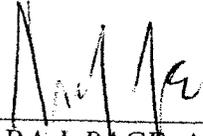
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8. SEVERABILITY. If any provision of the Offer is held to be invalid, or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

Executed on this 7th, day of July, 2005, at Los Angeles, CA



BARBARA J. PAGE, AS TRUSTEE OF
THE CARVIN TRUST DATED MAY 10, 2002

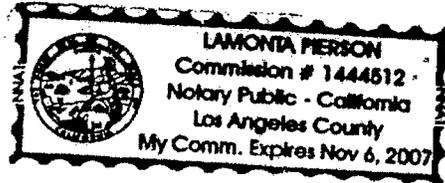
STATE OF CALIFORNIA

COUNTY OF Los Angeles

On July 7, 2005, before me, LAMONTA PIERSON,
a Notary Public personally appeared Barbara J. Page,

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Signature Lamonta Pierson

This is to certify that the Offer to Dedicate set forth above is hereby acknowledged and approved by the undersigned officer on behalf of the California Coastal Commission pursuant to authority conferred by the California Coastal Commission when it issued Coastal Development Permit Nos. P-2-15-77-171; A-8-1-77-1466; 4-95-049 and 4-95-049-A1 on March 14, 1977; August 25, 1977; May 9, 1995; and April 10, 1997, and the California Coastal Commission consents to recordation thereof by its duly authorized officer.

Dated: June 23, 2005

John Bowers
John Bowers, Staff Counsel
California Coastal Commission

STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

On 06/23/05, before me, JEFF G. STABEN, a Notary Public personally appeared John Bowers, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Jeff G. Staben



EXHIBIT A

LEGAL DESCRIPTION

Real property in the City of Malibu, County of Los Angeles, State of California, described as follows:

Parcel 1:

Parcel 3 of Parcel Map No. 4358, Lots 82, 83, Lot H, Vacated State Highway adjoining Lot H and portions of Lots 21, 22, 85 and Vacated State Highway Adjoining Lot 21 of Tract No. 10630, in the city of Malibu, as per map filed in Book 101 Page 34 of Parcel Maps and recorded in Book 181 Pages 6 to 11, inclusive of Maps, respectively, in the office of the county recorder of said county, lying westerly and southerly of the following described line:

Beginning at the intersection of a line parallel with and 61.15 feet distant westerly, measured at right angles to the easterly line of said Lots 21, 22, 85 and their northerly prolongation with the northerly line of said vacated state highway, 20 feet wide, said line being parallel with and 20 feet northerly, measured at right angles to the northerly line of said Lot 21; thence along said parallel line south $10^{\circ} 05' 30''$ west 120.00 feet; thence parallel with the northerly line of said vacated state highway south $79^{\circ} 54' 30''$ east 61.15 feet to the easterly line of said Lot 85.

As shown as Parcel 1 on a Lot Line Adjustment recorded January 17, 1996 as Instrument No. 96-89720.

Except all metals and minerals, and all petroleum, natural gas and other hydrocarbon substances, and all surface deposits and subsoil products of any nature or character whatsoever, in, under or upon said land, and every part thereof, as contained in the deed from the Marblehead Land Company, a corporation, recorded September 18, 1940 in Book 17800 Page 273, Official Records.

Except therefrom all metals and minerals, and all petroleum, natural gas and other hydrocarbon substances, and all surface deposits and subsoil products of any nature or character whatsoever, in, under or upon said land without, however, the right of surface entry, as reserved in the deed from Marblehead Land Company, recorded February 6, 1939 in Book 16402 page 95, Official Records.

Except all metals and minerals and all petroleum, natural gas and other hydrocarbon substances and all surface deposits and sub-soil products of any nature or character whatsoever, in, under or upon said land and every part thereof, but without the right of entry, as reserved in the deed from Marblehead Land Company, a corporation, recorded in Book 13337 Page 253, Official Records.

Parcel 2:

Those portions of Lots 21, 22, 85 and vacated state highway adjoining Lot 21 of Tract No. 10630, in the city of Malibu, as per map recorded in Book 181 Pages 6 to 11, inclusive of Maps, in the office of the county recorder of said county, lying easterly and northerly of the following described line:

Beginning at the intersection of a line parallel with and 61.15 feet distant westerly, measured at right angles to the easterly line of said Lots 21, 22 and 85 and their northerly prolongation with the northerly line of said vacated state highway, 20 feet wide, said line being parallel with and 20 feet northerly, measured at right angles to the northerly line of said Lot 21; thence along said

parallel line South 10° 05' 30" west 120 feet; thence parallel with the northerly line of said vacated state highway south 79° 54' 30" east 61.15 feet to the easterly line of said Lot 85.

As shown as Parcel 2 on a Lot Line Adjustment recorded January 17, 1996 as Instrument No. 96-89720.

Except therefrom all metals and minerals, and all petroleum, natural gas and other hydrocarbon substances, and all surface deposits and subsoil products of any nature or character whatsoever, in, under or upon said land without, however, the right of surface entry, as reserved in the deed from Marblehead Land Company, recorded February 6, 1939 in Book 16402 page 95, Official Records.

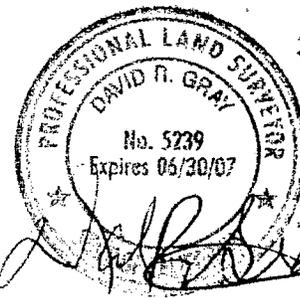
Except therefrom all metals and minerals, and all petroleum, natural gas and other hydrocarbon substances, and all surface deposits and subsoil products of any nature or character whatsoever, in, under or upon said land without, however, the right of surface entry, as reserved in the deed from Marblehead Land Company, recorded August 31, 1938 in Book 15957 Page 342, Official Records.

APN: 4470-024-061 and 4470-024-062

LEGAL DESCRIPTION: PUBLIC ACCESS EASEMENT AREA

A STRIP OF LAND FIVE (5) FEET AND TEN (10) FEET IN WIDTH OVER THOSE PORTIONS OF PARCELS 1 AND 2 OF LOT LINE ADJUSTMENT (LLA NO. 93-03), IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER CERTIFICATE OF COMPLIANCE RECORDED JANUARY 17, 1996 AS INSTRUMENT NO. 96-89720, OFFICIAL RECORDS OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL 2; THENCE, ALONG THE EASTERLY LINE OF SAID PARCEL 2 AND PARCEL 1 THE FOLLOWING THREE (3) COURSES, SOUTH 10°05'30" WEST 158.00 FEET; THENCE, SOUTH 87°58'05" WEST 32.14 FEET; THENCE, SOUTH 16°56'50" WEST 96.41 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 1; THENCE, ALONG THE SOUTHERLY LINE OF SAID PARCEL 1, NORTH 87°56'08" WEST 10.35 FEET TO A LINE PARALLEL WITH AND 10.00 FEET DISTANT WESTERLY, MEASURED AT RIGHT ANGLES TO SAID EASTERLY LINE; THENCE, ALONG SAID PARALLEL LINE, NORTH 16°56'50" EAST 100.92 FEET TO A LINE PARALLEL WITH AND 5.00 FEET DISTANT NORTHERLY, MEASURED AT RIGHT ANGLES TO SAID EASTERLY LINE; THENCE, ALONG SAID PARALLEL LINE, NORTH 87°58'05" EAST 36.96 FEET TO A LINE PARALLEL WITH AND 5.00 FEET DISTANT WESTERLY, MEASURED AT RIGHT ANGLES TO SAID EASTERLY LINE; THENCE, ALONG SAID PARALLEL LINE, NORTH 10°05'30" EAST 153.96 FEET TO THE NORTHERLY LINE OF SAID PARCEL 2; THENCE, ALONG SAID NORTHERLY LINE, SOUTH 79°54'30" EAST 5.00 FEET TO THE **POINT OF BEGINNING**.



JUN 20 2005

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
CALIFORNIA COASTAL COMMISSION
45 FREMONT STREET, 20TH FLOOR
SAN FRANCISCO, CA 94105

EXHIBIT C

PERMIT NO:
ACCEPTANCE CERTIFICATE
PAGE ONE (1) OF TWO (2)

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Offer to Dedicate dated _____, executed by _____ and recorded on _____ as Instrument Number _____, is hereby accepted by _____, a public agency/private association on _____, pursuant to authority conferred by resolution of the _____ adopted on _____, and the grantee consents to recordation thereof by its duly authorized officer.

By: _____

For: _____

STATE OF CALIFORNIA
COUNTY OF _____

On _____, before me, _____, a Notary Public personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

ACKNOWLEDGMENT BY THE CALIFORNIA COASTAL COMMISSION
OF ACCEPTANCE OF OFFER TO DEDICATE

This is to certify that _____ is a
public agency/private association acceptable to the Executive Director of the California Coastal
Commission to be Grantee under the Offer to Dedicate executed by
_____ on _____, and recorded on
_____, in the office of the County Recorder of
_____ County as Instrument Number _____.

Dated: _____

California Coastal Commission

STATE OF CALIFORNIA
COUNTY OF _____

On _____, before me, _____, a
Notary Public personally appeared _____,
personally known to me (or proved to me on the basis of satisfactory evidence) to be the
person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me
that he/she/they executed the same in his/her/their authorized capacity(ies), and that by
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____