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RECORDING REQUESTED BY
AND RETURN TO:
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, California 94105-2219

IRREVOCABLE OFFER TO DEDICATE PUBLIC LATERAL ACCESS EASEMENT

AND

DECLARATION OF RESTRICTIONS

FEE $ 41.00 M
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THIS IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS EASEMENT AND DECLARATION OF RESTRICTIONS (hereinafter referred to as the "Offer") is made this 3rd day of May, 19 91, by David E. Moore, (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, and described in the attached EXHIBIT A (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 "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, pursuant to the Act, Grantor applied to the California Coastal Commission for a permit to undertake development as defined in §30106 of the Public Resources Code on the Property within the coastal zone

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STATE OF CALIFORNIA
STD. 113 (REV. 8-78)

RECORDED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
4 MIN. PAST. 8 A.M. MAY 10 1991

of Los Angeles County; and

V. WHEREAS, a coastal development permit number 5-91-057 (hereinafter referred to as the "Permit") was granted on April 11, 1991, by the Commission in accordance with the provision of the Notice of Intent to Issue Permit attached hereto as Exhibit B and incorporated herein by reference and Revised Findings to be attached hereto as Exhibit C upon approval by the Coastal Commission and thereupon incorporated by reference, subject to the following condition:

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 Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for lateral public access and passive recreational use along the shoreline. The document shall provide that the offer of dedication 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. Such easement shall be located along the entire width of the property from the mean high tide line landward to the dripline of the approved structure.

(a) Privacy Buffer
The area ten (10) feet seaward from the outer edge of the dripline of the approved structure shall be identified as a privacy buffer. The privacy buffer shall be restricted to pass and repass only, and shall be available only when no other dry beach areas are available for lateral public access.

(b) The remaining area shall be available for passive recreational use.

The document shall be recorded free of prior liens which the Executive Director determines may affect the interest being conveyed, and free of any other encumbrances which may affect said interest. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording. The recording document shall include legal descriptions of both the applicant's entire parcel(s) and the easement area.

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

VII. WHEREAS, under the policies of §30210 through §30212 of the Public Resources Code, 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

VIII. WHEREAS, the Commission found that but for the imposition of the above condition, the proposed development could not be found consistent with the public access policies of §30210 through §30212 of the Public Resource

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Code and that, therefore, in the absence of such a condition, a permit could not have been granted; and

IX. 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 THEREFORE, in consideration of the granting of the Permit to the Grantor by the Commission, Grantor hereby irrevocably offers to dedicate to the People of the State of California, a lateral access easement in gross and in perpetuity over the Property as follows:

1. DESCRIPTION. The easement offered hereby affects that portion of the Property from the mean high tide line landward to the dripline of the approved structure, running along the entire width of the property, and as specifically described in EXHIBIT D, attached hereto and incorporated herein by reference.

2. PURPOSE. The easement is for the purpose of allowing public pedestrian lateral access and passive recreational use along the shoreline.

3. DECLARATION OF RESTRICTIONS. This offer of dedication 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. After acceptance Grantor shall not interfere with the public's use of the easement nor take any action inconsistent with such use, including, without limitation, constructing or improving the Property within the easement area in a manner inconsistent with the public's use or enjoyment thereof. 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

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opening of the accessway, 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 the owner and the heirs, assigns, or successors in interest to the Property described above for a period of 21 years. This 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 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 lateral 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, this 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 Grantor whether written or oral which uses or would cause to be used or would permitum of the easement contrary to the terms of this Offer will be deemed a breach hereof. The Grantor, any Grantee of this 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

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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.

Executed on this 3rd day of May, 1991, at Malibu, California.

Norman R. Haynie

SIGNATURE OF GRANTOR
David E. Moore, by Norman R. Haynie
TYPE OR PRINT NAME ABOVE

SIGNATURE OF GRANTOR
TYPE OR PRINT NAME ABOVE

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NOTE TO NOTARY PUBLIC: If any party signing the attached subordination agreement is signing on behalf of a corporation, public agency, trust, partnership, etc. please the proper notary acknowledgment.

STATE OF California)
COUNTY OF Los Angeles) ss.

On this 3rd day of May, in the year 1991, before me Judith A. Clarke Notary Public,
(name and quality of the officer)
personally appeared Norman R. Haynie, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument as _____ (title of officer) of _____ (corporation) and acknowledged to me that the _____ (corporation) executed it.

_____
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

STATE OF CALIFORNIA
COUNTY OF Los Angeles } ss.

On this 3rd day of May, in the year 1991, before me Judith A Clarke, a Notary Public, personally appeared Norman R. Haynie as Attorney In Fact for David E Moore personally known to me / proved to me on the basis of satisfactory evidence to be the person(s) whose name is subscribed to this instrument, and acknowledged that he/she/they executed it.

Judith A. Clarke
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

OFFICIAL NOTARY SEAL
JUDITH A CLARKE
Notary Public — California
LOS ANGELES COUNTY
My Comm Expires MAR 29, 1993

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This is a true and certified copy of the record if it bears the seal, imprinted in purple ink, of the Registrar-Recorder.

MAY 6 1991

REGISTRAR-RECORDER
LOS ANGELES COUNTY, CALIFORNIA

REGISTRAR-RECORDER LOS ANGELES COUNTY CALIFORNIA

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This is to certify that the Offer to Dedicate set forth above is hereby acknowledged by the undersigned officer on behalf of the California Coastal Commission pursuant to authority conferred by the California Coastal Commission when it granted Coastal Development Permit Number 5-91-057 on April 11, 1991, and the California Coastal Commission consents to recordation thereof by its duly authorized officer.

DATED: May 9, 1991

John Bowers

John Bowers, Staff Counsel
California Coastal Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF SAN FRANCISCO)

On this 9th day of May, 19 91, before me Deborah L. Bove, a Notary Public, personally appeared John Bowers, personally known to me to be the person who executed this instrument as staff counsel of the CALIFORNIA COASTAL COMMISSION and acknowledged to me that the CALIFORNIA COASTAL COMMISSION executed it.

DEBORAH L. BOVE
NOTARY PUBLIC-CALIFORNIA
CITY & COUNTY OF
SAN FRANCISCO
My Commission Expires October 4, 1991

Deborah L. Bove
NOTARY PUBLIC IN AND FOR
SAID COUNTY AND STATE

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EXHIBIT A

Lot 156 of Tract No. 10630, as per map recorded in Book 181, Pages 6 to 11 inclusive of Maps, in the office of the county recorder of Los Angeles County.

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EXHIBIT "B" 11

STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION
SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(213) 590-5071

Date: May 6, 1991
Permit Application No. 5-91-057

NOTICE OF INTENT TO ISSUE PERMIT

On April 11, 1991, the California Coastal Commission granted to DAVID MOORE Permit 5-91-057, subject to the attached conditions, for development consisting of:

Construciton of a four story, 3,328 sq. ft. single family residence with septic system on a coastal bluff lot.

more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Los Angeles County at 31834 Sea Level Drive, Malibu.

The actual development permit is being held in the Commission office until fulfillment of the Special Conditions 1-4, imposed by the Commission. Once these conditions have been fulfilled, the permit will be issued. For your information, all the imposed conditions are attached.

Issued on behalf of the California Coastal Commission on April 11, 1991.

PETER DOUGLAS
Executive Director

By: [signature]

Title: Staff Analyst

ACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this notice of the California Coastal Commission determination on Permit No. 5-91-057, and fully understands its contents, including all conditions imposed.

Date _____ Permittee _____

Please sign and return one copy of this form to the Commission office at the above address.

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NOTICE OF INTENT TO ISSUE PERMIT

Permit Application No. 5-91-057

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.

6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. Applicant's Assumption of Risk.

Prior to the issuance of the coastal development permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from storm waves, erosion or flooding and the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission and its advisors relative to the Commission's approval of the project for any damage due to natural hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens which the Executive Director determines may affect the interest being conveyed, and free of any other encumbrances which may affect said interest.

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2. Lateral Public Access.

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 Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for lateral public access and passive recreational use along the shoreline. The document shall provide that the offer of dedication 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. Such easement shall be located along the entire width of the property from the mean high tide line landward to the dripline of the approved structure.

(a) Privacy Buffer

The area ten (10) feet seaward from the outer edge of the dripline of the approved structure shall be identified as a privacy buffer. The privacy buffer shall be restricted to pass and repass only, and shall be available only when no other dry beach areas are available for lateral public access.

(b) The remaining area shall be available for passive recreational use.

The document shall be recorded free of prior liens which the Executive Director determines may affect the interest being conveyed, and free of any other encumbrances which may affect said interest. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording. The recording document shall include legal descriptions of both the applicant's entire parcel(s) and the easement area.

3. Plans Conforming to Geologic Recommendations

All recommendations contained in the Engineering Geologic Investigation dated 1-9-90 by Geoplan, Inc., shall be incorporated into all final design and construction including foundations, grading and drainage and all plans must be reviewed and approved by the consultant prior to commencement of development. Prior to issuance of the coastal development permit the applicant shall submit evidence to the Executive Director of the consultant's review and approval of all final design and construction plans.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

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4. State Lands Commission Review

Prior to the issuance of the Coastal Development Permit, the applicant shall obtain written determination from the State Lands Commission that:

a) No state lands are involved with the development: or

b) State lands aree involved in the development, and all permits required by the State Lands Commission have been obtained: or

c) State lands may be involved in the development, but pending a final determination of state lands involvement, an agreement has been made by the applicant with the State Lands Commission for the project to proceeed without prejudice to the determination.

AFTER YOU HAVE SIGNED AND RETURNED THE DUPLICATE COPY YOU WILL BE RECEIVING THE LEGAL FORMS TO COMPLETE (WITH INSTRUCIONS) FROM THE SAN FRANCISCO OFFICE. WHEN YOU RECEIVE THE DOCUMENTS IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE LEGAL DEPARTMENT AT (415) 904-5200.

JA:tn
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EXHIBIT C

REVISED FINDINGS FOR COASTAL DEVELOPMENT PERMIT NO. 5-91-057 SHALL BE RECORDED UPON APPROVAL BY THE CALIFORNIA COASTAL COMMISSION.

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EXHIBIT D

LEGAL DESCRIPTION OF THE LATERAL PUBLIC ACCESS EASEMENT

That portion of Lot 156 of Tract No. 10630 as said tract was recorded in Book 181, pages 6 to 11, inclusive of Maps, in the County of Los Angeles which is located southerly of a line which is drawn 62.83 feet northerly of and parallel to the most southerly lot line of said lot 156.

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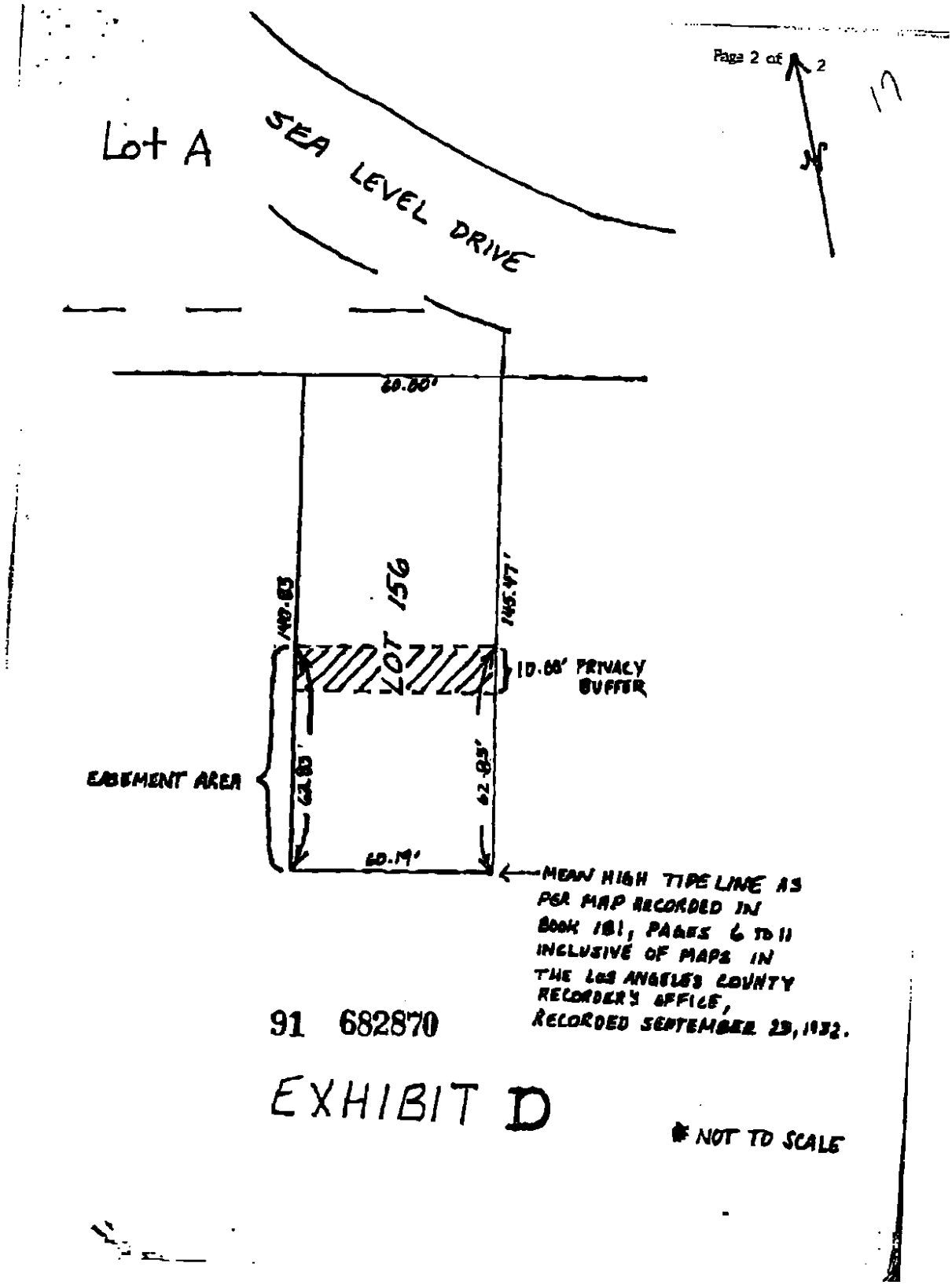

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EXHIBIT D

* NOT TO SCALE

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Recording Requested by and
When Recorded Mail to:
California Coastal Commission
631 Howard Street, Fourth Floor
San Francisco, California 94105

EXHIBIT E
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: _____

Dated:

For: _____

STATE OF CALIFORNIA)
)ss
COUNTY OF _____)

On this _____ day of _____, in the year 19___, 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 who executed this instrument as _____ of _____ and acknowledged to me that the _____ executed it.

_____
NOTARY PUBLIC IN AND FOR
SAID COUNTY AND STATE

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ACKNOWLEDGEMENT 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 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

_____

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