

RECORDING REQUESTED BY

MRCA  
5-4-11  
Item VIII  
Attachment

WHEN RECORDED RETURN TO

THE AREA ABOVE IS RESERVED FOR RECORDER'S USE

### **OFFER TO DEDICATE TRAIL EASEMENT**

A. This Offer to Dedicate dated \_\_\_\_ \_\_, 2011 is made by Pebblecreek, LLC, a California limited liability company (“**Pebblecreek**”) with respect to that certain real property more particularly described in Exhibit “A” (“**Pebblecreek Property**”).

### **OFFER TO DEDICATE**

Pebblecreek hereby offers to dedicate to the Mountains Recreation and Conservation Authority (“**MRCA**”) an easement to construct and maintain a public trail over and across a portion of the Pebblecreek, Property depicted in Exhibit “B” (“**Dedication Area**”).

### **VESTING AND ACCEPTANCE**

This Offer to Dedicate shall vest and be accepted by the MRCA only on the following terms, whichever occurs first:

1. Final Approval is obtained to construct five new single family residences on lots located north of Sweetwater Mesa Road in the Santa Monica Mountains, Los Angeles County, indentified as Assessor’s Parcel Nos. 4453-005-037, 4453-005-018, 4453-005-092, 4453-005-091 and 4453-005-038 as proposed in California Coastal Commission coastal development permit application nos 4-10-044, 4-10,041, 4-10-042, 4-10-043, 4-10-044 and 4-10-045 (“**Sweetwater Mesa Projects**”). Final Approval of the Sweetwater Mesa Projects means that the Project, as conditioned by the California Coastal Commission or other administration or regulatory body and as accepted by the applicants has received approvals from all government agencies (including but not limited to the California Coastal Commission, the City of Malibu, the County of Los Angeles and the Regional Water Quality Control Board) which is final and not appealable, (ii) all judicial challenges or administrative appeals are resolved in favor of the Projects and (iii) the statute of limitations for challenging any of the approvals of the Projects has run. Notwithstanding the foregoing, if one or more of the project applicants does not seek to obtain final approval of that applicant’s Sweetwater Mesa Project, this Offer to Dedicate shall

vest if all of the remaining applicants receive Final Approval of their respective Sweetwater Mesa Projects.

2. In the event that Pebblecreek applies for approval of development on the approved building site on the Pebblecreek Property, when final action is taken by the City of Malibu on the application, provided that neither MRCA nor the Santa Monica Mountains Conservancy has opposed such development. For purposes of this paragraph:

A. An approved building site on the Pebblecreek Property refers to the pad on such property located in the City of Malibu, generally depicted on Exhibit 5 of the Coastal Commission Permit Application 4-96-015 entitled "Conceptual Access Roads and Pad" a copy of which is attached as Exhibit "C."

B. Final action the City of Malibu means a (i) final decision is made by the City of Malibu that is final and not appealable, (ii) all judicial challenges or administrative appeals have been concluded, and (iii) the statute of limitation for challenging any such action by the City of Malibu has run.

### **TERMINATION**

This Offer to Dedicate shall terminate automatically and be of no force or effect if any of the following occurs prior to acceptance of this OTD:

1. The Sweetwater Mesa Projects do not receive Final Approval, as defined herein.
2. The MRCA or SMMC (i) oppose any of the Sweetwater Mesa Projects before the Coastal Commission, County of Los Angeles, City of Malibu or any other governmental agency whose approval is necessary for Final Approval of the Sweetwater Mesa Projects or (ii) fail to support the Public Benefits Program in accordance with the terms of the written agreement between MRCA, SMMC and the owners of the Sweetwater Mesa Projects.
3. MRCA or SMMC oppose approval of permitted residential development and accessory uses on the approved building site, as defined herein, on the Pebblecreek Property

### **"GRANTORS"**

PEBBLECREEK, LLC,  
a California limited liability company

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Its: Managing Member

Exhibit "A"

Legal Description of Pebblecreek Property

Exhibit "B"

Depiction of Dedication Area

Exhibit "C"

Location of Approved Building Site