

Recording Requested by and  
When Recorded Return to:

California State Coastal Conservancy  
1330 Broadway, 13<sup>th</sup> Floor  
Oakland, Ca 94612  
Attention: Legal Counsel [JJ]

*Recording Fees Exempt per Gov Code § 6103*

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**APN:**  
**4452-002-011**

**CERTIFICATE OF ACCEPTANCE OF EASEMENT**  
(Ackerberg Public Access Easement)

This Certificate of Acceptance of Easement is made this \_\_\_\_ day of 20\_\_, by the Mountains Recreation and Conservation Authority (“MRCA”), a local public entity established under the California Joint Powers Act.

Pertinent Facts

- A. The Mountains and Recreation Authority (“MRCA”) is a local government public entity established pursuant to the California Joint Powers Act. The members of the MRCA are a local partnership between the Santa Monica Mountains Conservancy, a California state agency, and the Conejo Recreation and Park District and the Rancho Simi Recreation and Park District, both local park agencies established under California law. MRCA is dedicated to the preservation and management of local open space and parkland, watershed lands, trails, and wildlife habitat and manages and provides ranger services for public lands and parks that it owns and that are owned by other public agencies.
- B. The State Coastal Conservancy (the “Conservancy”) is an agency of the State of California existing under Division 21 of the California Public Resources Code, which serves as a repository for interests in land whose reservation is required to meet the policies and objectives of the California Coastal Act (Division 20 of the California Public Resources Code) (the “Coastal Act”) or a certified local coastal plan or program and whose statutory mandate includes the obligation to accept offers to dedicate public accessways required under the Coastal Act.
- B. The California Coastal Commission (the “Commission”) is an agency of the State of California established pursuant to California Public Resources Code Section 30300 and is charged with primary responsibility for implementing and enforcing the Coastal Act.
- C. In 1985, Norman J. and Lisette Ackerberg, the then-owners of certain coastal property legally described as set forth in Exhibit A hereto (the “Property”) in Malibu, California, executed and recorded an offer to dedicate a public access easement (the “OTD”) across the Property

as a condition to Coastal Development Permit No. 5-84-754, issued by the Commission. The OTD was recorded on April 4, 1985 as Document No. 85 369283 of the Official Records of Los Angeles County and is attached hereto as Exhibit B.

- D. Access for All (“AFA”), a nonprofit corporation, created and existing under the laws of the State of California, accepted the OTD by executing and recording its Certificate of Acceptance as Document No. 03- 3801416 on December 17, 2003, in the Official Records of Los Angeles County.
- E. Under the terms of its Certificate of Acceptance, AFA held the public access easement (the “Easement”) created by its acceptance subject to the condition that should AFA fail to carry out its responsibilities to manage the Easement for the purpose of allowing public pedestrian access to the shoreline, then all of AFA's right, title and interest in the Easement would vest in the Conservancy (or another delegated entity) upon: (1) a finding by the Conservancy, made at a noticed public hearing, that AFA failed to carry out its responsibilities and (2) the recording of a Certificate of Acceptance by the Conservancy or a designated qualified entity.
- F. On September 22, 2011, following a noticed public hearing, the Conservancy determined that AFA had failed to carry out its responsibilities under the Certificate of Acceptance to manage the Easement and, accordingly, the Conservancy adopted a resolution which authorized the Conservancy’s Executive Officer to take all necessary steps (including the execution and recording of a Certificate of Acceptance) to vest all right, title and interest in the Easement in the Conservancy, or alternatively or subsequently, in another qualified entity designated by the Executive Officer of the Conservancy and acceptable to the Executive Director of the Commission.
- G. Following the September 22, 2011 public hearing, the Executive Officer of the Conservancy designated MRCA, whose purposes and powers include the holding, management and operation of lands for public recreational purposes, to accept the Easement. MRCA desires to take title to and to manage and operate the Easement.
- H. The Conservancy, MRCA and the Commission have agreed in writing to an unrecorded management plan for the Easement, dated July 25, 3012 (the “Management Plan”). Copies of the Management Plan, which may be amended upon the written agreement of all three parties, are maintained in the offices of the Conservancy and the Commission.
- I. The Conservancy and the Commission, independently, have found that the acceptance of the Easement by MRCA will serve to maintain public access to the coast, consistent with the objectives of California Public Resources Code Sections 30210 et seq., 30212.5, 30230, and 31400 et seq.

**NOW, THEREFORE, MRCA**, in light of the Pertinent Facts recited above, hereby accepts all right, title and interest in the Easement held by AFA, which was created by the OTD recorded on April 4, 1985, as Document No. 85 369283 in the Official Records of Los Angeles County and AFA’s acceptance of the OTD by recording its Certificate of Acceptance on December 17, 2003, as Document No. 03 3801416 in the Official Records of Los Angeles County, subject to the following terms and conditions:

1. MRCA covenants and agrees to use, maintain and operate the Easement solely for public access to the coast, consistent with the terms, conditions and restrictions of the OTD.
2. MRCA covenants and agrees to use, maintain and operate the Easement consistent with the Management Plan, as it may be amended from time-to time by written agreement of MRCA, the Conservancy and the Commission.
3. If MRCA ceases to exist, or fails to carry out its responsibilities under this Acceptance to use, maintain and operate the Easement as specified in paragraphs 1 and 2, above, then all of MRCA's right, title and interest in the Easement shall vest in the State of California, acting by and through the Conservancy, or its successor, upon acceptance by the Conservancy; provided, however, that the State, acting through the Executive Officer of the Conservancy or its successor agency, may designate another public agency or private association acceptable to the Executive Director of the Commission (the "Designee"), in which case vesting shall be in the Designee rather than the State. Notwithstanding the foregoing, the right, title and interest of MRCA in the Easement may not vest in the Conservancy or Designee except upon (1) a finding by the Conservancy, made at a noticed public hearing, that MRCA has ceased to exist, is no longer qualified as a holder of the Easements (or one of them) or failed to carry out its responsibilities; and (2) recordation by the State or the Designee of a Certificate of Acceptance, substantially in the form set forth in California Government Code Section 27281. Nothing herein shall prevent MRCA from transferring the Easement, to a qualified entity pursuant to the terms of the Easement and subject to the terms of the OTD, the terms of the Management Plan, the approval of the Commission and the Conservancy, and the terms and conditions of this Acceptance, thereby relieving itself of the obligation to manage, operate, and maintain the Easement under the terms of this Acceptance.

The signature of MRCA's authorized representative below certifies that MRCA accepts the Easement pursuant to authority conferred by the Board of Directors of MRCA on \_\_\_\_\_, \_\_\_\_\_, and MRCA consents to the recordation thereof by its duly authorized officer. In accepting the Easement, MRCA covenants and agrees to the terms and conditions set forth above.

**MOUNTAINS RECREATION AND CONSERVATION AUTHORITY**

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

Dated: \_\_\_\_\_

Its: \_\_\_\_\_

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.

\_\_\_\_\_  
NOTARY PUBLIC

ACKNOWLEDGMENT BY THE STATE COASTAL CONSERVANCY  
OF MRCA ACCEPTANCE OF EASEMENT

This is to certify that the State Coastal Conservancy, through its Executive Officer, has designated the Mountains Recreation and Conservation Authority, as the public entity to hold all right, title and interest in the Easement created by the OTD recorded on April 4, 1985, as Document No. 85 369283 in the Official Records of Los Angeles County and the Certificate of Acceptance recorded on December 17, 2003, as Document No. 03 3801416 in the Official Records of Los Angeles County, pursuant to the determination made and authority conferred by the State Coastal Conservancy on September 22, 2011.

**STATE COASTAL CONSERVANCY**

By: \_\_\_\_\_  
Samuel Schucaht  
Its: Executive Officer

Dated: \_\_\_\_\_

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.

\_\_\_\_\_  
NOTARY PUBLIC

ACKNOWLEDGMENT BY THE CALIFORNIA COASTAL COMMISSION  
OF ACCEPTANCE OF EASEMENT

This is to certify that the Mountains Recreation and Conservation Authority is a public agency acceptable to the Executive Director of the California Coastal Commission to hold all right, title and interest in the Easement created by the OTD recorded on April 4, 1985, as Document No. 85 369283 in the Official Records of Los Angeles County and the Certificate of Acceptance recorded on December 17, 2003, as Document No. 03 3801416 in the Official Records of Los Angeles County.

**CALIFORNIA COASTAL COMMISSION**

By: \_\_\_\_\_  
Hope Smeltzer  
Its: Chief Counsel

Dated: \_\_\_\_\_

STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO

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.

\_\_\_\_\_  
NOTARY PUBLIC