

99 2137119

RECORDED/FILED IN OFFICIAL RECORDS  
RECORDER'S OFFICE  
LOS ANGELES COUNTY  
CALIFORNIA  
1:01 PM NOV 16 1999

SPACE ABOVE THIS LINE RESERVED FOR RECORDER S USE

TITLE(S)

FEE CODE	N/A	N/A	0	20	9_	19	04	19
REC FEE	NO PAGES	NO TITLES	PCOR	D A FEE	SURVEY MON	NOTIF	INVOL LIEN	NON CONF

9

EXAMINER S INT

Assessor s Identification Number (AIN)  
To Be Completed By Examiner Or Title Company In Black Ink

Number of Parcels Shown

Revision Number

3P/TDC (12/95) )  
RECORDING REQUESTED BY )

99 2137119

WHEN RECORDED MAIL TO )  
CALIFORNIA COASTAL COMMISSION )  
45 FREMONT STREET, SUITE 2000 )  
SAN FRANCISCO, CA 95105-2219 )  
ATTENTION: LEGAL DEPARTMENT )

Permit No. 5-91-436 )

APN 4444-21-7 through 12 )  
4444-13-13, 4444-8-18 )

FEE \$28 F 8

D.A. FEE Code 20 \$ 200

DECLARATION OF RESTRICTIONS

This Declaration of Restrictions is made this 23rd day of August,  
19 99, by James Nelson Yardley and Gail Reavely Yardley hereinafter referred to  
as "Declarant "

I WHEREAS, Declarant 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, which is hereby incorporated by this reference, and is  
hereinafter referred to as the "Subject Lands"; and

II. WHEREAS, all of the Subject Lands are located within the coastal zone  
as defined in Sections 30103 of the California Public Resources Code (which code is  
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  
"Commission") and requires that any development approved by the Commission must  
be consistent with the policies of the Act set forth in Chapter 3 Division 20 of  
the Public Resources Code, and

IV WHEREAS, pursuant to the Act, Anden/VMS Malibu Venture (hereinafter  
the "Applicant") applied to the Commission for a permit to undertake development as  
defined in the Act within the coastal zone of Los Angeles County (hereinafter the  
"Permit"), and

#2

V. WHEREAS,, In its decision on the Permit (Permit No. 5-91-436),  
decided on July 18, 19<sup>91</sup>) the Commission found that the  
development proposed by the Applicant would cause an increase in the residential  
density, thus contributing to adverse cumulative effects on coastal resources and  
on public access to the coast within the Los Angeles County coastal zone, and  
that such density increase could not be permitted consistent with the policies of  
the Act without corresponding reductions in the number of existing undeveloped  
building sites available in the vicinity for residential development, so as to  
mitigate the adverse cumulative effects of the proposed development; and

VI WHEREAS, in its decision on the Permit the Commission, acting on  
behalf of the People of the State of California and pursuant to the Act, granted  
the permit to the Applicant upon condition (hereinafter the "Condition")  
requiring inter alia that Applicant cause Declarant to recombine and unify the  
Subject lands into a single parcel for all purposes with respect to the lands  
included therein, including but not limited to sale, conveyance, development,  
taxation or encumbrance; and

VII WHEREAS, the Commission has placed the Condition on the Permit  
because a finding must be made under Public Resources Code Section 30604(a) that  
the proposed development is in conformity with the provisions of Chapter 3 of the  
Act and that in the absence of the protections provided by the Condition, said  
finding could not be made, and

VIII WHEREAS, Applicant has elected to comply with the Condition and has  
contracted with Declarant and, in return for valuable consideration granted by  
Applicant to Declarant, receipt of which is hereby acknowledged, Declarant has  
agreed to execute and record this Declaration of Restrictions so as to fulfill  
the Condition, thus allowing Applicant to undertake development authorized by the

Permit; and

IX WHEREAS, Declarant intends that this Declaration of Restrictions recombine and unify the Subject Lands in lieu of a more costly and lengthy map procedure pursuant to Government Code Section 66499.11 which would be undertaken but for costs and time delays, and

X WHEREAS, it is intended that this Declaration of Restrictions is perpetual and shall constitute enforceable restrictions within the meaning of Article XIII, Section 8 of the California Constitution and that said restrictions shall thereby qualify as an enforceable restriction under the provision of the California Revenue and Taxation Code, Section 402.1.

NOW, THEREFORE, in consideration of the benefit to the Declarant as a consequence of the grant of the Permit to the Applicant and Applicant's grant of valuable consideration to the Declarant, the ability of the Declarant to recombine and unify the Subject Lands without proceeding by the more lengthy and costly map procedure pursuant to the California Government Code Section 66499.11, and the beneficial effect on the method of determining the assessed value of the Subject Lands including any reduction thereof due to the imposition on its use as set forth in this Declaration of Restriction, the Declarant hereby agrees that: (1) All portions of the Subject Lands shall be recombined and unified, and shall henceforth be considered and treated as a single parcel of land for all purposes with respect to the lands included therein, including but not limited to sale, conveyance, development, taxation or encumbrance, (2) The single parcel created herein shall not be divided or otherwise alienated from the combined and unified parcel, (3) If the County of Los Angeles revises its procedures for recombination and unification of lands pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) such that the Subject Lands may be

recombined and unified, or otherwise merged pursuant to a map procedure without further cost to or effort by Declarant, Declarant hereby agrees and consents to such recombination and unification of the Subject Lands by map procedures; (4) Any breach of this Declaration of Restrictions shall constitute an abrogation of this contractual agreement which flows from the terms of the Permit and shall therefore render the Declarants or their successors liable pursuant to the provisions of Chapter 9 of Division 20 of the Public Resources Code, (5) This Declaration of Restrictions shall constitute a covenant running with the land, restricting the use and enjoyment of the Subject Land, benefitting and burdening all portions of the Subject Lands, and (6) This Declaration of Restrictions shall be attached to and become a part of the deed to the Subject Lands, shall bind the Declarants and their successors, heirs, and assigns in perpetuity and shall benefit the People of the State of California.

If any provisions of these restrictions shall be held to be invalid or for any reason become unenforceable, no other provision shall be thereby affected or impaired

Executed on this 23rd day of August, 19<sup>99</sup>  
at Woodland Hills, California.

By James Nelson Yardley  
James  
Nelson Yardley

Declarant (Type or Print Name)

Gail Reavely Yardley  
Gail Reavely Yardley

Declarant (Type or Print Name)

99 2137119

STATE OF CALIFORNIA

COUNTY OF Los Angeles

On 8-29-99, before me, DAVID GIBSON, a Notary

Public, personally appeared JAMES NELSON YARDLEY & GARCIA LEONARD YARDLEY, 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

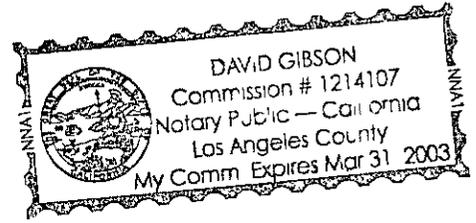
that by his/her/their signature(s) on the instrument the person(s), or the entity

upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature

David Gibson



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 \_\_\_\_\_

99 2137119

Approved on \_\_\_\_\_, 19\_\_

California Coastal Commission

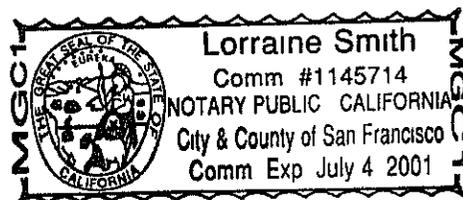
John Bowers  
John Bowers, Staff Counsel

STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

On 10/8/99, before me, Lorraine Smith, 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.

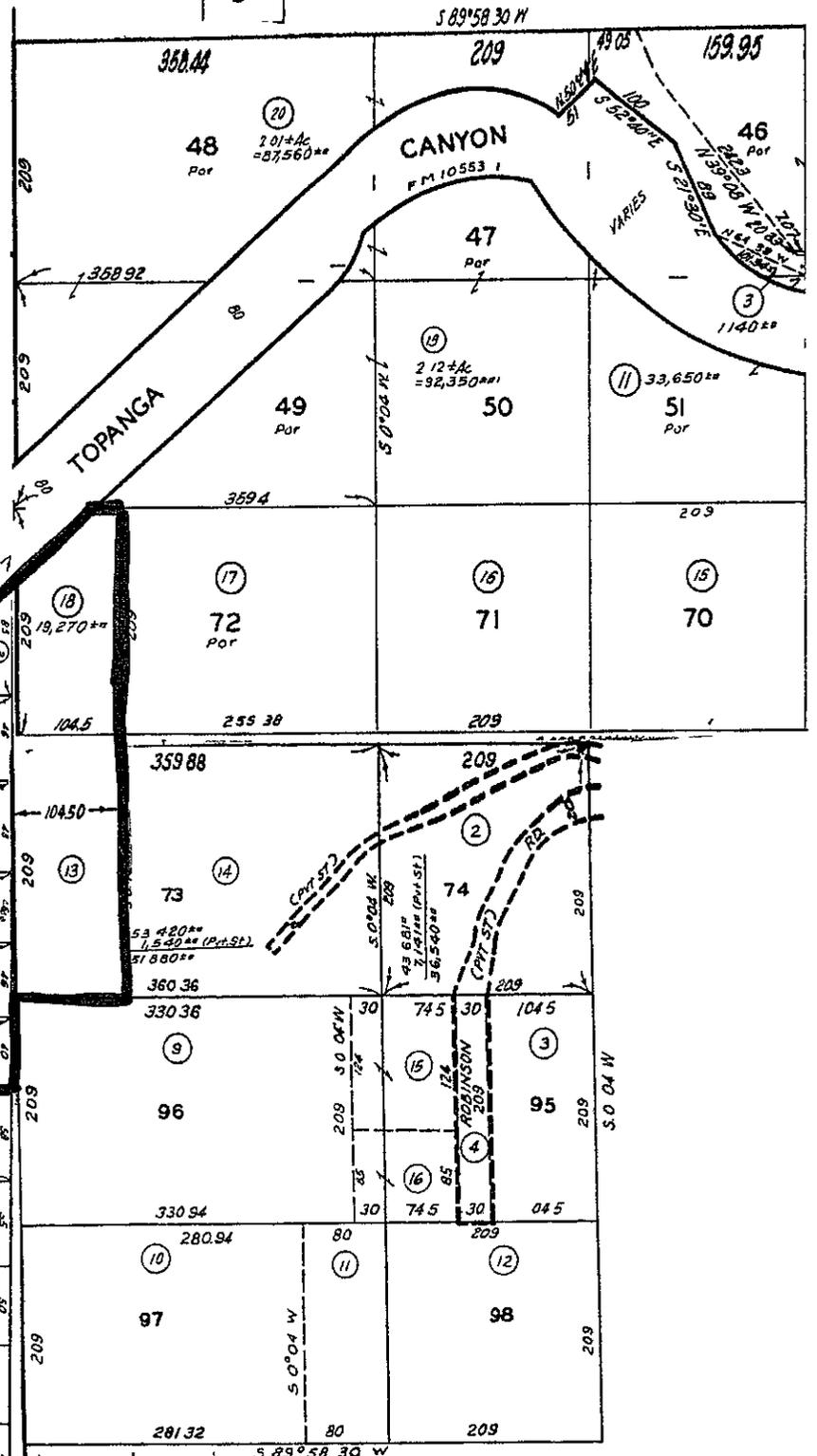
Signature Lorraine Smith



99 2137119

4444 8

4444 21



TRACT NO 6915  
M B 96 - 83-88

4444 13

99 2137119

GARAPATAS TRACT  
M B 22 - 140

EXHIBIT A

SUBJECT LANDS

THE WESTERLY 104 5 FEET OF LOT 73 OF GARAPATAS TRACT, AS PERM MAP RECORDED IN BOOK 22, PAGE 140 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF LAOS ANGELES, COUNTY, STATE OF CALIFORNIA, RECOMBINED WITH

A SINGLE LOT PURSUANT TO DECLARATION OF RESTRICTIONS RECORDED ON JULY 1, 1999, AS INSTRUMENT NO 99-1205906 CONSISTING OF THE FOLLOWING DESCRIBED FORMER LOTS

- 1 LOTS 117 THROUGH 122, INCLUSIVE OF TRACT 6915, AS PER MAP RECORDED IN BOOK 96, PAGES 83 THROUGH 88, INCLUSIVE OF MAPS, IN THE LOS ANGELES COUNTY RECORDER'S OFFICE, AND
- 2 THE WESTERLY 104 5 FEET OF LOT 72 OF THE GARAPATAS TRACT, AS PER MPA RECORDED IN BOOK 22, PAGE 140 OF MAPS, IN THE OFFICE OF THE LOS ANGELES COUNT RECORDER EXCEPT SUCH PORTION INCLUDED IN THE TOPANGA CANYON HIGHWAY

**99 2137119**