September 29, 2021

VIA EMAIL

Alexander Henson, Esq.
Re: Carmel Unified School District: California Public Records Act Request
Response to CPRA Request
Our file 1885.1101

Dear Mr. Henson:

We write on behalf of Carmel Unified School District ("District") in response to your recent letter, dated September 20, 2021, requesting records from the District under the California Public Records Act ("CPRA").

A request for disclosure of public records under the CPRA must be specific and reasonably focused. (Rogers v. Superior Court (1993) 19 Cal.App.4th 469, 480-481.) The reasoning behind this requirement is so a public agency "will have the opportunity to promptly identify and locate such records and to determine whether any exemption to disclosure applies." (Galbiso v. Orosi Pub. Utility Dist. (2008) 167 Cal.App.4th 1063, 1088.) The District has reviewed your request and, as explained below, needs clarification on the records that you seek.

Accordingly, this letter serves as the District's good faith attempt pursuant to Government Code section 6253.1 to elicit additional clarifying information from you that will help identify responsive records and assist you in making a focused and effective request that reasonably describes an identifiable record or records. (See Gov. Code, §6253.1(a) & (b).) Without the clarifying information requested, it is impossible for the District to address the full scope of objections that may apply to your request or identify disclosable responsive records, except as otherwise stated below.

In accordance with California Government Code section 6253.1, the District understands your requests as follows:
• CPRA Request Category No. 1: “Any and all DOCUMENTS RELATED TO or REGARDING the or any LIMITATIONS OF USE on real property owned or operated by the CUSD at the Carmel High School facilities, with special reference to limitations on use of the football field, playing fields, and other athletic fields and facilities at the high school, put in place, in whole or in part, for the purpose of maintaining the quiet enjoyment of the neighborhood surrounding the school.”

This request is overly broad, unduly burdensome, and unlimited in time and scope. (See Bertoli v. City of Sebastopol (2015) 233 Cal.App.4th 353, 371-372.) Specifically, the District is unable to ascertain from this request the time period for which you seek responsive and disclosable records from, and asks that you provide this information.

Additionally, your definition of “LIMITATIONS OF USE”¹ is extremely broad and unlimited in scope. Are you referring to limitations placed on the District in its use and development of its athletic facilities at the Carmel High School campus (such as a deed restriction), or are you referring to limitations placed by the District on others who use the athletic facilities at Carmel High School (such as in a facilities use agreement between the District and a community group, like the Little League or Girl Scouts)? In order to assist you in making a focused and effective request that reasonably describes an identifiable record or records, the District needs clarification.

Notwithstanding the foregoing, to the extent you are seeking grant deeds or other documents that impose limitations of use on the District’s use and development of its Carmel High School campus, the District previously provided your client with the original deed documents from 1947, along with a Deed Restriction between the District and Monterey Peninsula Water Management District from 2014. A copy of these records is enclosed for your convenience.² Apart from these documents, and absent further clarification from you regarding the records that you seek, the District is unaware of any other responsive and disclosable public records imposing restrictions on the District’s use and development of its Carmel High School campus.³

To the extent you are seeking records that concern limitations placed by the District on others, such as third parties who use the District’s athletic facilities under the Civic Center Act, the

¹ "LIMITATIONS OF USE" shall mean any limitations, restraints, stipulations, or conditions on the use or future use or development of any real property owned by or transferred to or acquired by CUSD, or any predecessor of the CUSD, on that real property which now comprises Carmel High School, and more specifically the football field or any other playing or athletic field or facilities at the high school.

² The following documents are enclosed: (1) Deed, dated August 29, 1947 (Book 1006, page 44); (2) Certified Copy of Resolution of Carmel Unified School District, dated August 7, 1947 (Vol. 991, p. 29); (3) Notice and Deed Restriction regarding Lawn Removal with Rebate, dated December 4, 2014 (Doc. # 2014060774); and (4) Deed, dated August 4, 1939 (Vol. 628, page 123).

³ The District recently circulated a Draft Environmental Impact Report (“EIR”), dated August 10, 2021, for the Carmel High School Stadium Lights project at the Carmel High School campus (“Project”). Although the District has yet to complete the California Environmental Quality Act (CEQA) process or adopt the EIR, the Draft EIR contains mitigation measures that are relevant to your request and, if adopted by the District’s Board, would fit within your definition of “Limitations of Use” for the Project if it is approved. A copy of the Draft EIR can be found on the District’s website or at: https://www.carmelunified.org/cms/lib/CA01000917/Centricity/Domain/1/Draft%20EIR.pdf.
District has determined that it has disclosable public records responsive to your request. In
general, the District’s Board Policy 1330, Administrative Regulation 1330, and Facility Use
Agreements include limitations of use that third parties who rent or use District facilities must
abide by. More particular to your request, the District’s Application and Facility Use
Agreements for the Walthour Aquatic Center and Carmel High School Turf Field are specific to
limitations on use of athletic facilities at Carmel High School, and certain Board Meeting
documents from 2015 and 2016 are related to limitations on use of the Aquatics Center that
minimize impacts on neighbors. These disclosable public records are available on the District’s
website or at the links below:

- The following Board Policy documents are available via the District’s Board of Education
  webpage by clicking the “**CUSD’s Board Policies are available at Gamut**” link under
  the “Board Policies” header: [https://www.carmelunified.org/domain/3](https://www.carmelunified.org/domain/3)
  
  o Administrative Regulation 1330 – Use of School Facilities
  
  o Board Policy 1330 – Use of School Facilities
  
  o Exhibit E-1 – Use of School Facilities

- Walthour Aquatics Center Application and Facility Use Agreement: [https://drive.google.com/file/d/0B9or5Oouw4A2b2tKanhVQ2huSEk/view?resourcekey=0-WeHcQIOx7Z_d2_umFdn4DQ](https://drive.google.com/file/d/0B9or5Oouw4A2b2tKanhVQ2huSEk/view?resourcekey=0-WeHcQIOx7Z_d2_umFdn4DQ); additional information is available on the District’s Facilities Use webpage: [https://www.carmelunified.org/domain/583](https://www.carmelunified.org/domain/583)

- Carmel High School Turf Field Application and Facility Use Agreement: [https://drive.google.com/file/d/0B9or5Oouw4A2b2tKanhVQ2huSEk/view?resourcekey=0-WeHcQIOx7Z_d2_umFdn4DQ](https://drive.google.com/file/d/0B9or5Oouw4A2b2tKanhVQ2huSEk/view?resourcekey=0-WeHcQIOx7Z_d2_umFdn4DQ); additional information is available on the District’s Facilities Use webpage: [https://www.carmelunified.org/domain/583](https://www.carmelunified.org/domain/583)

- Agenda, District Board of Education, Regular Meeting, May 27, 2015 (This document is
  available via the District’s Board of Education webpage by clicking the “**Archived
  Board Meeting Agendas (Jan 2013-June 2015)**” link under the menu on the left-
  side of the webpage): [https://www.carmelunified.org/domain/3](https://www.carmelunified.org/domain/3)

- Minutes, District Board of Education, Regular Meeting, May 27, 2015 (This document is
  available via the District’s Board of Education webpage by clicking the “**Archived
  Board Meeting Minutes (Jan 2013-June 2015)**” link under the menu on the left-
  side of the webpage): [https://www.carmelunified.org/domain/3](https://www.carmelunified.org/domain/3)

- Agenda and Minutes, District Board of Education, Regular Meeting, April 20, 2016 (This
  document is available via the District’s Board of Education webpage by clicking the
  “**Archived Board Meeting Agendas + Minutes (July 2015-Dec 2018)**” link under
  the menu on the left-side of the webpage): [https://www.carmelunified.org/domain/3](https://www.carmelunified.org/domain/3)

If you seek copies of executed Applications and Facility Use Agreements that set forth specific
limitations of use applicable to the party to the agreement (e.g., dates, times, etc.), please
focus your request by specifying the date range of interest and the specific athletic facility or
facilities you would like public records for. Without the clarifying information requested, it is
impossible for the District to address the full scope of objections that may apply to your request or identify additional disclosable responsive records.

- **CPRA Request Category No. 2:** “Any and all COMMUNICATIONS dated between January 1, 2015, and the present REGARDING any LIMITATIONS OF USE or DOCUMENTS RELATED TO said LIMITATIONS OF USE at the high school. These communications shall include but not be limited to those sent or received by or exchanged between any and all past and present employees, agents, members, directors, managers, officers, and consultants of CUSD.”

In addition to the issues raised above with respect to the “Limitations of Use” definition, this request is overly broad, unduly burdensome, and unlimited in scope. (See *Bertoli, supra*, 233 Cal.App.4th at 371-372.) The District has had hundreds of past and present employees and consultants, etc., since 2015, and searching each and every email or other communication sent or received by any employee or consultant over the past six years would be unduly burdensome. The District is only obliged to disclose public records that can be located with reasonable effort; a CPRA request that requires an agency to search an enormous volume of data for a “needle in the haystack” is unduly burdensome. (See *Bertoli v. City of Sebastopol* (2015) 233 Cal.App.4th 353, 371-372.)

In order to assist you in making a focused and effective request that reasonably describes an identifiable record or records, the District has compiled a list of past and present District employees since 2015 who are or were employed in positions at the District with duties relevant to the use and/or development of athletic facilities at Carmel High School. Communications regarding limitations of use, if any exist, would have most likely been sent, received, or exchanged by the individuals listed below during their time employed in the following roles:

**Superintendent**
Marvin Biasotti: Retired June 30, 2015
Scott Lawrence: July 1, 2015 – December 31, 2015
Karen Hendricks: January 1, 2016 – June 30, 2017
Barb Dill Varga: July 1, 2017 – May 14, 2020
Trisha Dellis: May 15, 2020 – June 30, 2021
Ted Knight: July 30, 2021 - Present

**CBO**
Rick Blanckmeister: July 1, 2006 – June 30, 2019
Yvonne Perez: July 1, 2019 - Present

**Director of Facilities and Transportation**
Dan Paul: Employed in this position at all times relevant to the request

**Facility Use Inquiries**
Dan Paul - Director of Facilities and Transportation
Marcie Garvin - Administrative Assistant II

Please advise whether the communications of any or all of the above-listed employees are the records that you seek, and the District will perform a search to determine whether any
responsive and disclosable records exist. If we have misunderstood the scope of your request, please provide specific and reasonably focused information to clarify your request, such as the names of individuals or the positions/titles of those whose communications you would like the District to locate and search. Without the requested clarifying information, it is impossible for the District to address the full scope of objections that may apply to your request or identify disclosable responsive records.

In general, please be advised that only those documents that meet the definitions contained in the CPRA and which are not otherwise exempt from disclosure will be produced. (Gov. Code, §§6252-6255.) The following records, among others, are exempt from disclosure: (1) Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business (Gov. Code, §6254, subd. (a)); (2) Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to the official information privilege, as well as confidential information (Gov. Code, §6254, subd. (k); Evid. Code, §§1040 & 1060); (3) Records exempt from disclosure under the deliberative process privilege, work product, or attorney-client privilege, or the public interest exemption (Gov. Code, §6255; Evid. Code, §950, et seq.; Citizens for Open Gov., supra, 205 Cal.App.4th at 305); (4) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy (Gov. Code, §6254, subd. (c)); (5) Records pertaining to pending litigation or claims (Gov. Code, §§6254(b) & 6254.25); and (6) any other records exempt from disclosure under Government Code section 6254, et seq., or other applicable law. Furthermore, the CPRA only requires production of records which exist at the time of the request, and the District is not required to create records in order to respond to requests. (Govt. Code, §§6252 & 6253; Haynie v. Sup. Ct. (2001) 26 Cal.4th at 1061). To the extent your request seeks any of the foregoing, such records are exempt from disclosure, and the District is unable to produce such exempt and non-disclosable records.

At your earliest convenience, please provide the clarifications sought above so that the District can fully respond to your CPRA request.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

DANNIS WOLIVER KELLEY

Jessika K. Johnson, Esq.

JKJ:JKJ

cc: Ted Knight, Superintendent (CUSD)
    Tricia Zarevich, Admin. Assistant to the Board (CUSD)
    Dan Paul, Director of Facilities & Transportation (CUSD)
    Jessica Hull, Communications Director (CUSD)
    William B. Tunick, Esq. (DWK)
Deed.

CARMEL LAND COMPANY
TO
THE CARMEL UNIFIED
SCHOOL DISTRICT

DATED 1929

Filed for Record at the Request of

A. D. 19

at min. max. o'clock

RECORDED

County Records.

Recorder.

By Deputy Recorder.

MONTEREY COUNTY
OFFICIAL RECORDS
RECORDED AT REQUEST OF
SALINAS TITLE GUARANTEE COMPANY
1939 AUG 4 PM 4 50

VOL 626 PAGE 123
JOHN E. WALLACE
RECORD

INDEXED

INDEXED

COMPILED

This Indenture, Made this Eleventh day of July A.D. 1939.

Between CARMEL LAND COMPANY, a California Corporation, the part X of the first part, and

CARMEN, UNIFIED SCHOOL DISTRICT, a political subdivision.

Witnesseth: That the said part X of the first part, for and in consideration of the sum of Ten Dollars, lawful money of the United States of America, to it in hand paid by the said part X of the second part, the receipt whereof is hereby acknowledged, do give, grant, bargain, sell, convey and confirm unto the said part X of the second part, and ait to its heirs and assigns forever, all that certain lot, piece or parcel of land situate, lying and being in the County of Monterey, State of California, and bounded and particularly described as follows, to wit:

Beginning at a point on the easterly line of the State Highway where said Highway passes through the lands of the Carmel Land Company, said point of beginning being the intersection of the easterly boundary line of said State Highway with the prolongation of the southerly line of Ocean Avenue as said Ocean Avenue is delineated and so designated on that certain map entitled "Hutton Fields Tract No. 1" filed in Volume 3 of Cities and Towns, at page 21 therein, Monterey County Records, and running thence:

1. N 92° 40' E 871.20 feet; thence,
2. S 7° 20' W 1100.00 feet; thence,
3. S 82° 40' W 871.20 feet to the aforesaid easterly line of the State Highway; thence,
4. Along and following said Highway line N 7° 20' W 1100.00 feet to the place of beginning containing 22.00 Acres, being a portion of the Rancho Canada De La Segunda.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise pertaining, and the reversion and reversionary, remainder and remainders, rents, issues and profits thereof.

To Have and to Hold all and singular the said premises, together with the appurtenances, unto the said part X of the second part, and to its heirs and assigns forever.

County of Monterey

On this 12th day of July in the year one thousand nine hundred and thirty-seven before me, Sally McGee, a Notary Public in and for the State of California, residing therein, duly commissioned and sworn, personally appeared Paul Flanders and James R. Anderson, known to me to be the President and Secretary of the corporation described in and that executed the within instrument, and also known to me to be the person or persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, in the County of Monterey, the day and year in this certificate first above written.

Sally McGee
Notary Public in and for the State of California

Groskin's Block No. 109—Acknowledgment—Corporation.
RESOLUTION ACCEPTING DEED

BE IT RESOLVED by the Board of Trustees of the Carmel Unified School District, that a deed to twenty two acres, more or less, of land in the Rancho Canada de la Segunda, Monterey County, California, dated July 11, 1939, from the Carmel Land Company, a California Corporation, to the Carmel Unified School District, a political subdivision, be, and the same is hereby accepted.

PASSED AND ADOPTED this 3rd day of August, 1939, by the following vote:

AYES: Trustees Watson, Comstock, Levinson, Williams, and Moadsley

NOES: None

ABSENT: None

[Signatures]

[Board of Trustees, Carmel Unified School District]
Deed

This Indenture made the 29th day of August, one thousand nine hundred and forty-seven

Between

CHARLES A. FULLER and HELEN FULLER, his wife and

W. L. HUDSON and MARY FLANDERS HUDSON, his wife

the parties of the first part,

and

CARMEL UNIFIED SCHOOL DISTRICT, a political subdivision of the State of California

the party of the second part,

Witnessest: That the said parties of the first part, in consideration of the sum of TEN ($10.00) dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do hereby present grant, bargain, and sell unto the said party of the second part, and to its heirs and assigns forever, all that certain lot, piece or parcel of land situate in the State of California, and bounded and described as follows, to wit:

Certain real property situate in Lot 2, Hatton Partition, Rancho Canada de la Segunda, County of Monterey, State of California, particularly described as follows:

Beginning at a point on the easterly line of California State Highway No. 1 (100 feet wide), said point being the southwesterly corner of that certain 22.0 acre tract of land conveyed from Carmel Land Company to the Carmel Unified School District by a deed dated July 11, 1939 and recorded August 4, 1939 in Volume 628, Official Records of Monterey County, California, at Page 123, said point of beginning being S. 7° 20' E., 1100.00 feet along said easterly line of said State Highway from the intersection of said easterly line with the southerly line prolonged of Ocean Avenue, as said Ocean Avenue is shown and described on that certain map entitled "Hatton Fields Tract No. 1," filed in Volume 3, Maps of Cities and Towns of Monterey County, California, at Page 31, Monterey County Records; thence, following along said easterly line...
of said State Highway

(1) S. 7° 20' E., 40.00 feet; thence, leaving said line of said highway

(2) N. 82° 40' E., 78.84 feet; thence

(3) 265.16 feet along the arc of a tangent curve the center of which bears S. 7° 20' E., 200.00 feet, through a central angle of 75° 57' 50"; thence tangentially

(4) S. 21° 22' 10" E., 194.30 feet; thence, running parallel to and 400.00 feet from the southerly line of said 22.0 acre tract of land

(5) N. 82° 40' E., 75.00 feet; thence

(6) 628.32 feet along the arc of a tangent curve the center of which bears N. 7° 20' W., 400 feet, (said center being a point on said southerly line of said 22.0 acre tract from which said southwesterly corner bears S. 82° 40' W., 400.00 feet) through a central angle of 90° 00' to a point on said southerly line of said 22.0 acre tract from which the southeasterly corner thereof bears N. 82° 40' E., 71.20 feet; thence, following said southerly line of said 22.0 acre tract

(7) S. 82° 40' W., 800.00 feet to the point of beginning.

Containing 4.595 acres, more or less, all in Lot 2, Hatton Partition, in Rancho Canada de la Segunda.
Together with the tenements, hereditaments, and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

To Have and to Hold the said premises, together with the appurtenances, unto the said party of the second part, and to its heirs and assigns forever.

In Witness Whereof the said parties of the first part have executed this conveyance the day and year first above written.

Signed and Delivered in the Presence of

[Signatures]

Mary Flanders Hudson
In witness whereof, I have hereunto set my hand and affixed my official seal, this year day in this certificate first above written.

Charles A. Fuller and Helen Fuller, his wife,

Notary Public in and for the
County of Monterey, State of California.
My commission expires February 28, 1949.
RESOLVED, that certain Deed from CHARLES A. FULLER
and HELEN FULLER, his wife, and W. L. HUDSON and MARY F. HUDSON,
his wife, to CARMEL UNIFIED SCHOOL DISTRICT, a political sub-
division of the State of California, embracing certain real
property situate in Lot 2, Hatton Partition, Rancho Canedo de la
Segunde, County of Monterey, State of California, particularly
described as follows:

"Beginning at a point on the easterly line of California
State Highway No. 1 (100 feet wide), said point being the south-
westerly corner of that certain 22.0 acre tract of land conveyed
from Carmel Land Company to the Carmel Unified School District by
a deed dated July 11, 1939 and recorded August 4, 1939 in Volume
628, Official Records of Monterey County, California, at Page 123,
said point of beginning being S. 7° 20' E., 1100.00 feet along said
easterly line of said State Highway from the intersection of said
easterly line with the southerly line prolonged of Ocean Avenue,
as said Ocean Avenue is shown and described on that certain map
entitled "Hatton Fields Tract No. 1," filed in Volume 3, Maps of
Cities and Towns of Monterey County, California, at Page 31,
Monterey County Records; thence, following along said easterly
line of said State Highway

(1) S. 7° 20' E., 40.00 feet; thence, leaving said
line of said highway

(2) N. 82° 40' E., 78.84 feet; thence

(3) 265.16 feet along the arc of a tangent curve the
center of which bears S. 7° 20' E., 200.00 feet, through a central
angle of 75° 57' 50"; thence tangentially

(4) S. 21° 22' 10" E., 194.30 feet; thence, running
parallel to and 400.00 feet from the southerly line of said 22.0 acre tract of land

(5) N. 82° 40' E., 75.00 feet; thence

(6) 628.32 feet along the arc of a tangent curve the center of which bears N. 7° 20' W., 400 feet, (said center being a point on said southerly line of said 22.0 acre tract from which said southwesterly corner bears S. 82° 40' W., 400.00 feet) through a central angel of 90° 00' to a point on said southerly line of said 22.0 acre tract from which the southeasterly corner thereof bears N. 82° 40' E., 71.20 feet; thence, following said southerly line of said 22.0 acre tract

(7) S. 82° 40' W., 800.00 feet to the point of beginning.

Containing 4.595 acres, more or less, all in Lot 2, Hatton Partition, in Rancho Cañada de la Segunda."

be and the same is hereby accepted;

BE IT FURTHER RESOLVED that HAROLD NIELSEN, President of the said District, be and he hereby is authorized to cause the same to be recorded in the Office of the County Recorder, County of Monterey.

[Signature]

Secretary

[Seal]
I, L. A. WILLIAMS, Clerk Pro Tem, of the Carmel Unified School District, hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted by the Board of Trustees of the CARMEL UNIFIED SCHOOL DISTRICT at a meeting duly called and held on the 16th day of September, 1947.

L. A. WILLIAMS
Clerk pro tem

Recorded at request of SALINAS TITLE GUARANTEE CO., Sept. 24, 1947, at 38 min. past 10 A.M. Fee D.H.
RESOLUTION ACCEPTING GRANT OF REAL PROPERTY

RESOLVED by the Board of Trustees of CARMEL UNIFIED SCHOOL DISTRICT that a certain Deed from CALIFORNIA WATER AND TELEPHONE COMPANY, a corporation, Grantor, to CARMEL UNIFIED SCHOOL DISTRICT, a political subdivision of the State of California, a copy of which is attached hereto, is hereby accepted.

[Signature]
Clerk

I, [Signature], clerk of the CARMEL UNIFIED SCHOOL DISTRICT, hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Board of Trustees of the CARMEL UNIFIED SCHOOL DISTRICT at a meeting duly called and held on the 16th day of September, 1947.

[Signature]
This Indenture made the 6th day of September, one thousand nine hundred and forty-seven

Between

CALIFORNIA WATER AND TELEPHONE COMPANY, a corporation

the party of the first part,

and

CARMEL UNIFIED SCHOOL DISTRICT, a political subdivision of the State of California

the party of the second part,

Witnesseth: That the said party of the first part, in consideration of the sum of TEN ($10.00) dollars, lawful money of the United States of America, to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, do es hereby release and forever QUITCLAIM unto the party of the second part, and to its heirs and assigns, all that certain lot, piece, or parcel of land situate in the County of Monterey, State of California, and bounded and described as follows, to wit:

Certain real property situate in Lot 2, Hatton Partition, Rancho Canada de la Segunda, County of Monterey, State of California, particularly described as follows:

Beginning at a point on the easterly line of California State Highway No. 1 (100 feet wide), said point being the southwesterly corner of that certain 22.0 acre tract of land conveyed from Carmel Land Company to the Carmel Unified School District by a deed dated July 11, 1939 and recorded August 4, 1939 in Volume 628, Official Records of Monterey County, California, at Page 123, said point of beginning being S. 7° 20' E., 1100.00 feet along said easterly line of said State Highway from the intersection of said easterly line with the southerly line prolonged of Ocean Avenue, as said Ocean Avenue is shown and described on that certain map entitled "Hatton Fields Tract No. 1," filed in Volume 3, Maps of Cities and Towns of Monterey County, California, at Page 31, Monterey County Records; thence, following along said easterly line of said State Highway

(1) S. 7° 20' E., 40.00 feet; thence, leaving said line of said highway

(2) N. 82° 40' E., 78.84 feet; thence

(3) 265.16 feet along the arc of a tangent curve the center of which bears S. 7° 20' E., 200.00 feet, through a central
angle of 75° 57' 50"; thence tangentially

(4) S. 21° 22' 10" E., 194.30 feet; thence, running
parallel to and 400.00 feet from the southerly line of said 22.0 acre
tract of land

(5) N. 82° 40' E., 75.00 feet; thence

(6) 628.32 feet along the arc of a tangent curve the
center of which bears N. 7° 20' W., 400 feet, (said center being a
point on said southerly line of said 22.0 acre tract from which said
southwesterly corner bears S. 82° 40' W., 400.00 feet) through a
central angle of 90° 00' to a point on said southerly line of said
22.0 acre tract from which the southeasterly corner thereof bears
N. 82° 40' E., 71.20 feet; thence, following said southerly line of
said 22.0 acre tract

(7) S. 82° 40' W., 800.00 feet to the point of beginning.

Containing 4.595 acres, more or less, all in Lot 2,
Hatton Partition, in Rancho Canada de la Segunda.
Together with the tenements, hereditaments, and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

To Have and to Hold the said premises, together with the appurtenances, unto the party of the second part, and to its heirs and assigns forever.

In Witness Whereof the party of the first part has hereunto set hand the day and year first above written.

[Signature]

By [Signature]

State of California

City and County of San Francisco

On this 6th day of September, in the year One Thousand Nine Hundred and Forty, before me, JOHN F. BURNS, a Notary Public, in and for the City and County of San Francisco, State of California, residing therein

duly commissioned and sworn, personally appeared

HARRY REINHARDT and S. D. LEVY

known to me to be the Vice-President and Assistant Secretary

of the Corporation described in and that executed the within instrument, and also known to me to be the person who executed the within instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the said City and County of San Francisco, the day and year in this certificate first above written.

NOTARY PUBLIC

In and for the City and County of San Francisco, State of California

Recorded at request of SALINAS TITLE GUARANTEE CO., Sept. 24, 1947, at 38 min. past 10 A.M. Pee D.H.
In Witness Whereof, I have hereunto set my hand and affixed my official seal on the day and year in this certificate first above written.

Notary Public in and for the State of California.

My commission expires

Notary Public in and for the State of California.

My commission expires

[Signature of Notary Public]

[Official Seal]

Witnessed at City of

on the day of

[Date]

[Notary Public]

[Signature of Notary Public]
NOTICE AND DEED RESTRICTION REGARDING LAWN REMOVAL WITH REBATE

NOTICE IS GIVEN that the Monterey Peninsula Water Management District (hereinafter referred to as the Water Management District), duly formed as a water district and public entity pursuant to the provisions of law found at Statutes of 1977, Chapter 527, as amended (found at West’s California Water Code Appendix, Chapters 118-1 to 118-901), has approved a Rebate for Lawn removal to the real property referenced below as “Subject Property”.

NOTICE IS FURTHER GIVEN that the real property affected by this agreement is situated in the County of Monterey:

3600 OCEAN AVE, CARMEL, CA 93923
{RO CANADA DE LA SEGUNDA PUR OF LOT 2}
ASSESSOR’S PARCEL NUMBER 015-081-001-000

This real property is hereinafter referred to as the “Subject Property.” The Subject Property is located within the jurisdiction of the Water Management District. Carmel Unified School District, (hereinafter referred to as “Owner(s)”), is record Owner(s) of the Subject Property.

Owner(s) and the Water Management District each acknowledge and agree to the removal of the established football field Lawn at the Subject Property and replacement with 102,000 square-feet of low water use plants or permeable surfaces. The Owner(s) agrees to an annual visual verification of Lawn removal by the District for the term of this restriction.

NOTICE IS FURTHER GIVEN that this agreement is binding and has been voluntarily entered into by Owner(s), and each of them, and constitutes a mandatory condition precedent to receipt of regulatory approval from the Water Management District relating to the Subject Property and Rebate No. 15204 in the amount of $102,000.00. This agreement attaches to the land and shall bind any tenant, successor or assignee of Owner(s).

The Owner(s) and the Water Management District each intend that this Notice and Deed Restriction act as a deed restriction upon the Subject Property, and that it shall be irrevocable under its terms. This document shall be enforceable by the Water Management District or any public entity that is a successor to the Water Management District.
The Owner(s) elects and irrevocably covenants with the District to abide by this Notice and Deed Restriction. But for the limitations and notices set forth herein, approval of this Rebate would otherwise be withheld and found to be inconsistent with the Water Management District Rules and Regulations.

This Notice and Deed Restriction is placed upon the Subject Property. Any transfer of this property, or an interest therein, is subject to its terms. This Notice and Deed Restriction shall have a termination date fifteen (15) years from the date of recording unless amended by the filing of a less restrictive deed restriction and repayment of the full Rebate amount and any processing fee required pursuant to District Rules and Regulations.

If any provision of this Notice and Deed Restriction is held to be invalid, or for any reason becomes unenforceable, no other provision shall thereby be affected or impaired.

The undersigned Owner(s) agrees with and accepts all terms of this document stated above, and requests and consents to recording of this Notice and Deed Restriction Regarding Lawn Removal with Rebate. The Owner(s) further agrees to notify any present and future tenant of the Subject Property of the terms and conditions of this document.

OWNER(S) agrees to recordation this Notice and Deed Restriction in the Recorder’s Office for the County of Monterey. Owner(s) further unconditionally accepts the terms and conditions stated above.

(Signatures must be notarized).

Carmel Unified School District

By: 

Marvin Biasotti, Superintendent

Dated: 12/3/14

By:

Stevie Kister, Conservation Representative
Monterey Peninsula Water Management District

Dated: 
ACKNOWLEDGMENT

State of California
County of Monterey

On December 3, 2014 before me, Tricia Westrick, Notary Public
(insert name and title of the officer)

personally appeared Marvin Biasotti

who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature ____________________________  (Seal)

TRICIA WESTRICK
Commission # 1940413
Notary Public - California
Monterey County
My Comm. Expires Jul 8, 2015
CERTIFIED COPY OF RESOLUTION OF CARMEL UNIFIED SCHOOL DISTRICT.

RESOLVED that the Board of Trustees accept
the Deed dated this day from Charles A. Fuller and Helen
Fuller, his wife, and W. L. Hudson and Mary F. Hudson,
his wife, to a parcel of land containing 0.774 acres
lying along a part of the Northerly line of the High
School Site on California State Highway No. 1. and
hereby authorizes its recordation.

Chairman of the Board.

CARMEL, Calif. August 1st 1947.

I, Martha Moller, Clerk of the Unified School District
hereby certify the above to be a copy of a Resolution passed
unanimously at a Special Meeting of the Board held on Friday,
August 1st 1947.
This Indenture made and entered into the first day of August, 1939, one thousand nine hundred and forty-seven.

Between Charles A. Ruller and Helen Ruller, his wife, and W. L. Hudson and Mary F. Hudson, his wife, the parties of the first part, and Carmel Unified School District, a political subdivision of the State of California, the parties of the second part.

Witneseth: That the said parcel of land, in consideration of the sum of ten dollars, lawful money of the United States of America, to be paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do hereby grant, bargain, and sell unto the said parties of the second part and to its heirs and assigns forever.

The certain lot, piece or parcel of land situate in the State of California, and bounded and described as follows, to wit:

Beginning at a point on the northerly line of a certain 22.00 acre tract of land conveyed from the Carmel Land Co., to the Carmel Unified School District by a deed dated July 21, 1939 and recorded August 4, 1939 in Volume 628, Official Records of Monterey County, California, at Page 123, said point of beginning being more particularly N. 82° 40' 00" E., 125.00 feet, from the point of intersection of the easterly line of California State Highway No. 1, 100 feet wide, with the prolongation of the southwesterly line of a street, 70 feet wide, known as "Ocean Avenue," as said Ocean Avenue is shown on that certain map entitled "Hatton Fields Tract No. 1," filed on December 7, 1925 with the Recorder of Monterey County, California, in Volume 3, Maps of Cities and Towns, at Page 31, said point of beginning being also the southeasterly corner of that certain rectangular parcel of land conveyed from the Carmel Land Co., to the County of Monterey by a deed dated January 16, 1916, and recorded January 21, 1916 in Volume 61, Official Records of Monterey County, California, at Page 350, said rectangular parcel to be used for street purposes under the name of "Doris Watson Place:" thence, following said northerly line of said 22.00 acre tract of land conveyed by said deed to Carmel Unified School District.

(1) N. 82° 40' 00" E., 508.22 feet; thence, leaving said line of said 22.00 acre tract of land

(2) N. 35° 12' 20" W., 79.29 feet; thence

(3) S. 82° 40' 00" W., 656.53 feet; thence

(4) 34.93 feet along the arc of a circular curve the center of which bears N. 57° 21' 54" W., 493.28 feet, through an interior angle of 10° 43' 00" to a point on the easterly line of said rectangular parcel conveyed by said deed to the County of Monterey for street purposes; thence, following said easterly line of said rectangular parcel

(5) S. 7° 20' E., 65.33 feet to the point of beginning.

Containing 0.774 acres, more or less.

Also a right of way for construction, maintenance and use as a roadway over the following described parcel of land:

Beginning at the northeasterly corner of said rectangular parcel of land conveyed by said deed to the County of Monterey for street purposes, said street to be called "Doris Watson Place," said point of beginning being N. 82° 40' 00" E., 125.00 feet, from the point of intersection of said easterly line of said California State Highway No. 1, with the prolongation of the northerly line of said street known as "Ocean Avenue," as said northerly line is shown on said map entitled "Hatton Fields Tract No. 1," thence, following the easterly line of said rectangular parcel conveyed to the County of Monterey for street purposes.

(1) S. 7° 20' W., 21.57 feet; thence leaving said easterly line of said parcel

(2) 34.93 feet along the arc of a circular curve the center of which bears N. 47° 12' 00" W., 195.00 feet, through an interior angle of 10° 15' 00"; thence

(3) S. 82° 40' 00" W., 21.67 feet to the point of beginning.

Containing 0.033 acres, more or less.

All courses true, based on a bearing of N. 7° 20' W. for said easterly line of California State Highway No. 1.
Together with the tenements, hereditaments, and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

To Have and to Hold the said premises, together with the appurtenances, unto the said party of the second part, and to its heirs and assigns forever.

In Witness Whereof the said parties of the first part have hereunto set their hand the day and year first above written.

Signed and Delivered in the Presence of

[Signatures]

Cowley's Form No. 404—DEED—BARGAIN AND SALE—Issue Form.
STATE OF CALIFORNIA

On this 1st day of December, in the year one thousand nine hundred and forty seven, before me, a Notary Public in and for the County of Monterey

State of California, residing therein, duly commissioned and sworn, personally appeared Charles A. Fuller, Helen Fuller, his wife, W. L. Hudson, and Mary E. Hudson, his wife, known to me to be the person(s) whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in said County of Monterey the day and year in this certificate first above written.

[Signature]

Notary Public in and for said County of Monterey, State of California.

My commission expires [date]