

RECORDING REQUESTED BY:

First American Title Ins. Co.

and when recorded mail to:

Summit Hills
P.O. Box 720
Morro Bay, CA 93442

DOC. NO. **20869**
OFFICIAL RECORDS
SAN LUIS OBISPO CO., CA

APR 14 1986
FRANCIS M. COONEY
County Clerk-Recorder
TIME 8:00 AM

DECLARATION

ESTABLISHING ROAD AND UTILITY EASEMENTS

FOR SUMMIT HILLS DEVELOPMENT

(SAN LUIS OBISPO COUNTY, CALIFORNIA)

THIS DECLARATION is made as of the date set forth below by Frog Pond Associates, a California corporation doing business as Summit Hills (hereinafter referred to as "Declarant").

R E C I T A L S

A. Declarant is fee owner of all the real property described in this declaration except Lot 12, Block 78, Atascadero County. Easement rights burdening Lot 12 are described in document recorded May 27, 1982 in Book 2409, Page 697 official records of San Luis Obispo County, California. All the property is located in the unincorporated area of the County of San Luis Obispo, State of California.

B. Pursuant to this Declaration, Declarant creates and establishes the easements described in this declaration.

C. Utilities provided for in this declaration shall be installed and maintained underground unless doing so would involve unreasonable expense, or the utility is required to be above ground by a public entity having jurisdiction over the land or by a public or private utility furnishing any service.

D. All utility easements shall include the rights of installing, constructing, and maintaining utilities reasonably required including, but not by way of limitation, water lines, telephone lines, gas lines, and electrical service lines as well as any other public or private utilities reasonably required for each dominant tenement, together with all incidental rights reasonably necessary for the installation, maintenance and replacement of any utility.

E. All road easements shall include reasonably required secondary easements for any necessary cuts, fills, slope easements, and deposits of spoil as may be necessary for the proper construction maintenance and any reconstruction of any road.

F. The properties burdened and benefited by said easements are described in the Exhibits and maps attached hereto and by this reference incorporated herein.

G. Nothing contained herein shall be construed as imposing an obligation upon Declarant to construct, maintain repair or replace any utility or road or any part thereof or for the costs thereof.

H. Said easements are not to be restricted in scope by any particular use or non-use, and any use or non-use shall not be construed to restrict any benefited property from enjoying the full rights and interests in said easements as described herein in their broadest scope.

I. Each easement right, benefit or burden shall spring into being upon conveyance of any property by Declarant, whether or not reference is made in such conveyance to this Declaration.

J. The legal descriptions and maps describing all the easements established by this Declaration are attached to this Declaration and, by reference, made a part hereof.

K. For information purposes, reference is made to document entitled, in part, "DECLARATION & ESTABLISHMENT OF PROTECTIVE COVENANTS & RESTRICTIONS", specifically including Article V thereof, a document that pertains to and affects all of the land described in this instrument, as well as other nearby property. Specific reference is also made to Article IX thereof in reference to road and street maintenance. Such document was recorded April 11, 1986, in Vol. 2820, commencing at Page 658, OR, San Luis Obispo County, CA.

FROG POND ASSOCIATES
a California corporation
doing business as Summit Hills

By: W. W. Hartzell, Jr.
W. W. HARTZELL, JR.
President

By: Charles E. Ogle
CHARLES E. OGLE
Secretary

STATE OF CALIFORNIA

COUNTY OF San Luis Obispo } ss.

On April 1, 1986, before me, the undersigned, a Notary Public in and for said State, personally appeared W. W. Hartzell, Jr.

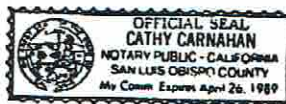
known to me to be the President, and Charles E. Ogle

known to me to be the Secretary of the corporation that executed the within instrument.

and known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.

Signature Cathy Carnahan
CATHY CARNAHAN
Name (Typed or Printed)



(This area for official notarial seal)

Form 3002—(Corporation) First American Title Company

Legal Descriptions for Easements in Block 78 and 79 in Atascadero Colony in San Luis Obispo County, California being Parcels 1, 2, 3, 4, and 5 described as follows:

PARCEL 1 Legal Description of Easements in Lots 32, 33 and 34 Block 79 Atascadero Colony, but also benefitting Lot 4, Block 79.

An easement for road and utility purposes, 40 feet in width, the centerline of which is described as follows:

Commencing at the lot corner common to Lots 4, 5 and 32 in Block 79 of Atascadero Colony in San Luis Obispo County, State of California, as said Block 79 is shown on licensed surveyors map filed for record in the Office of San Luis Obispo County Recorder in Book 39 at Page 49 of Records of Surveys:

Thence running from said point of commencement along the South line of said Lot 4 South 58° 00' 00" East 378.14 feet to the lot corner common to Lots 4, 32 and 33 and the True Point of Beginning; thence running from said True Point of Beginning along the centerline of said 40 foot wide easement the following courses:

1. South 58° 00' 00" East 42.99 feet.
2. On a curve to the left tangent to the last described course having a radius of 300 feet, through a central angle of 40° 41' 25", for an arc length of 213.05 feet.
3. North 80° 30' 15" East 63.01 feet.
4. On a curve to the left tangent to the last described course having a radius of 200 feet, through a central angle of 21° 18' 32", for an arc length of 74.38 feet.
5. North 59° 11' 43" East 50.56 feet.
6. On a curve to the right tangent to the last described course having a radius of 300 feet through a central angle of 28° 07' 17", for an arc length of 147.27 feet.
7. North 87° 19' 00" East 51.75 feet.
8. On a curve to the right tangent to the last described course having a radius of 300 feet through a central angle of 42° 34' 31", for an arc length of 222.92 feet.
9. South 50° 06' 29" East to its intersection with San Miguel Road Right of Way line.

PARCEL 2 Legal Description for Easements in Lots 22 and 23, Block 78 Atascadero Colony but also benefitting Lot 6 Block 78

Legal description of a 40 foot easement for roadway and utility purposes over a portion of Lots 22, and 23, Block 78 of Atascadero Colony of San Luis Obispo, State of California, per 39 RS 49. Said easement lies 20' each side of a centerline which is more particularly described as follows:

Beginning at a corner that is common to Lots 22, 23 and 15 of Block 78 of Atascadero Colony thence North 39° 17' 54" East 477.272 feet to a point on the line of Lots 22 and 23, said point being on the right of way of Old Morro Road, thence North 17° 25' 57" West 51.67 feet to a railroad spike in the centerline of Old Morro Road said point being the True Point of Beginning:

1. South 21° 37' 59" West 71.79 feet.
2. South 30° 41' 57" West 85.35 feet.
3. On a curve to the left tangent to the last described course with a radius of 30.00 feet through a central angle of 113° 52' 16", for an arc length of 59.62 feet.
4. South 83° 10' 19" East 50.78 feet.
5. On a curve to the right tangent to the last described course with a radius of 100.00 feet through a central angle of 23° 11' 03", for an arc length of 40.46 feet.
6. South 59° 59' 16" East 119.76 feet.
7. On a curve to the right tangent to the last described course with a radius of 65.00 feet through a central angle of 94° 26' 25", for an arc length of 107.14 feet.
8. South 34° 27' 09" West 11.98 feet.
9. On a curve to the left tangent to the last described course with a radius of 115.00 feet through a central angle of 58° 23' 12", with an arc length of 117.19 feet.
10. South 23° 49' 20" East to a point on the westerly line of Lot 6, Block 78; the sidelines of said easement shall be lengthened or shortened to terminate on the westerly line of Lot 6.

PARCEL 3 Legal Description of a 30 foot wide Easement across Lots 12 and 13 in Block 78 of Atascadero Colony, but also benefitting Lot 11, Block 78

An Easement 30 feet in width for Road and Utility purposes, the centerline of which is described as follows:

Commencing at the lot corner common to Lots 11, 12, and 13 in Block 78 of Atascadero Colony in San Luis Obispo County, California as said Block 78 is shown on Licensed Surveyors Map filed for record in the office of San Luis Obispo County recorder in Book 39 at page 49 of Record of Surveys:

Thence running from said Point of Commencement North 36° 15' 00" West along the lot line common to Lot 11 and Lot 12 104.74 feet to its intersection with the centerline of said 30 feet wide easement and the True Point of Beginning; Thence running from said True Point of Beginning along said centerline the following courses:

1. South 3° 50' 23" West 136.91 feet, which bears South 53° 45' West 88.17 feet from said lot corner common to Lots 11, 12, and 13.
2. South 3° 50' 23" West 9.68 feet.
3. South 6° 19' 07" East 197.06 feet.
4. South 9° 00' 45" West 103.28 feet to its intersection with the new or relocated centerline of Palo Verde Road as said centerline of said Palo Verde Road is shown on Parcel Map CO 83-191 on sheet number 5.

The easement herewith described is in conformance to the requirement set forth under Parcel 1 as noted on document recorded in Volume 2409 at page 697 of Official Records of San Luis Obispo County.

PARCEL 4 Legal Description Utility Easement, in Lot 22, of PM Map CO-79-001 Atascadero Colony, also benefitting Lot 6, Block 78

A 40 foot wide easement for utility purposes through a portion of Lot 23 in Block 78 of Atascadero Colony as said lot is shown on Licensed Surveyor's Map recorded in Book 39 at Page 49 of Records of Surveys, also being in a portion of Parcel 1 as said parcel is shown on said Parcel Map CO-79-001 Recorded in Book 31 at Page 83 of Parcel Maps, San Luis Obispo County Records, all in the County of San Luis Obispo, and State of California.

The centerline of said 40 foot wide easement is described as follows:

Commencing at the most northerly corner of said Parcel 1 which bears South 41° 11' 00" West 314.53 feet from the most northerly corner of Parcel 2 as shown on said Parcel Map Co-79-001:

Thence running South 53° 35' 34" East 335.07 feet along the centerline of a 50 foot wide San Miguel Road per Parcel Map CO-79-001 to the beginning of a curve; thence on a curve to the left tangent to the last described course having a radius of 250.00 feet thru a central angle of 19° 00' 00", for an arc length of 82.90 feet to the True Point of Beginning.

Thence from said True Point of Beginning along said centerline of said 40 foot wide easement the following courses:

1. South 19° 18' 41" West 32.35 feet to a point which bears North 54° 00' 41" West 323.41 feet from the southwest corner of Lot 23.
2. South 58° 41' 38" East 83.76 feet.
3. South 73° 34' 35" East 135.81 feet.
4. South 61° 33' 20" East 137.20 feet.
5. South 52° 24' 41" East 53.60 feet.
6. South 45° 47' 47" East 117.04 feet to a point which bears North 35° 29' 37" East 437.73 feet from the most southerly corner of Lot 23.
7. North 21° 30' 14" East 71.79 feet to the centerline of Old Morro Road.

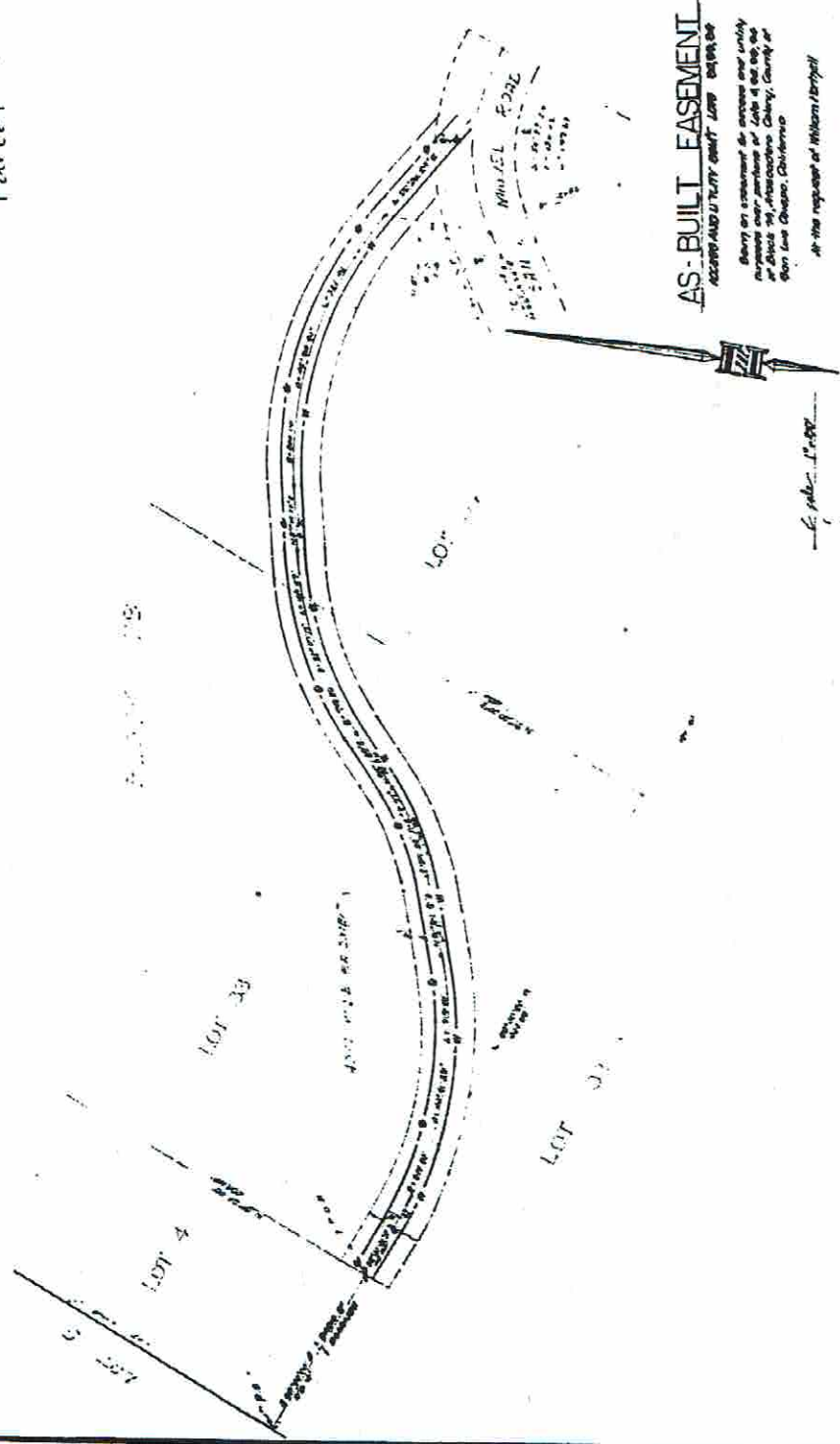
PARCEL 5 Legal Description of Easement in Lots 33 and 34, Block 79
Atascadero Colony, but also benefitting Lot 4, Block 79.

Legal description of a 40 foot easement for roadway and utilities purpose
through a portion of Lots 33 and 34, Block 79 of Atascadero Colony,
County of San Luis Obispo, State of California, said easement lies 20'
each side of a centerline which is more particularly described as follows:

Commencing at a found iron pipe monument at the corner common to
Lots 4, 33 and 32 of Block 79 of Atascadero Colony Per 39 RS 49
thence along the lot line between Lots 33 and 4 North 31° 25' 00"
East 683.32 feet to the True Point of Beginning. Thence from said
True Point of Beginning along said centerline of said 40 foot easement:

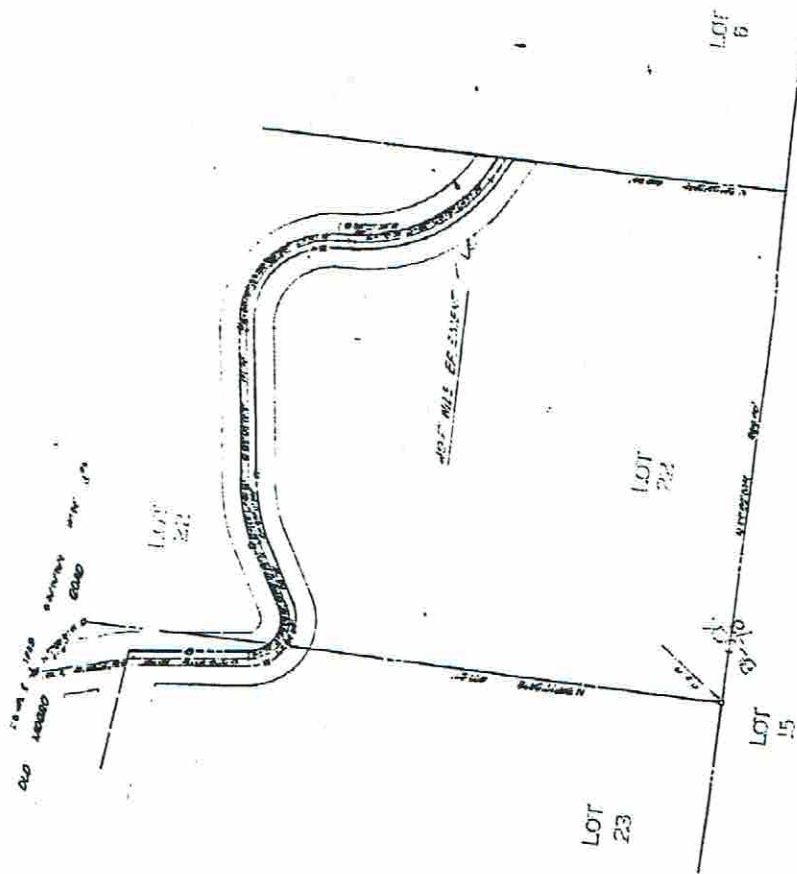
1. South 59° 17' 07" East 100.52 feet.
2. On a curve to the right tangent to the last described course
with a radius of 105.00 feet through a central angle of
49° 59' 13", for an arc length of 91.61 feet.
3. South 09° 17' 54" East 81.42 feet.
4. On a curve to the left tangent to the last described course
with a radius of 187.50 feet through a central angle of
23° 49' 32" for an arc length of 77.97 feet.
5. South 33° 07' 25" East 127.01 feet.
6. On a curve to the right tangent to the last described course
with a radius of 500.00 feet through a central angle of
03° 00' 56", for an arc length of 26.32 feet.
7. South 30° 06' 29" East 50.84 feet.
8. On a curve to the left tangent to the last described course
with a radius of 250.00 feet, through a central angle of
06° 11' 53", for an arc length of 27.05 feet.
9. South 36° 18' 27" East 47.66 feet.
10. On a curve to the left tangent to the last described course
with a radius of 150.00 feet, through a central angle of
14° 09' 26", for an arc length of 37.06 feet to the E. C.,
which point bears North 08° 06' 26" East 81.00 feet from the
B. C. of a curve noted as the "C" line on the "As Built"
plans of San Miguel Road.
11. South 50° 27' 53" East to the intersection of the right of way
of San Miguel Road.

Parcel 1



AS-BUILT EASEMENT
 ACCESS AND UTILITY EASEMENT
 Survey on statement to correct and verify
 the accuracy of the original survey
 as shown on the original survey, County of
 San Luis Obispo, California
 At the request of William H. Hapfel
 CENTRAL COUNTY ENGINEERING
 2000 Pacific Street
 San Luis Obispo, California 93401

Parcel 2



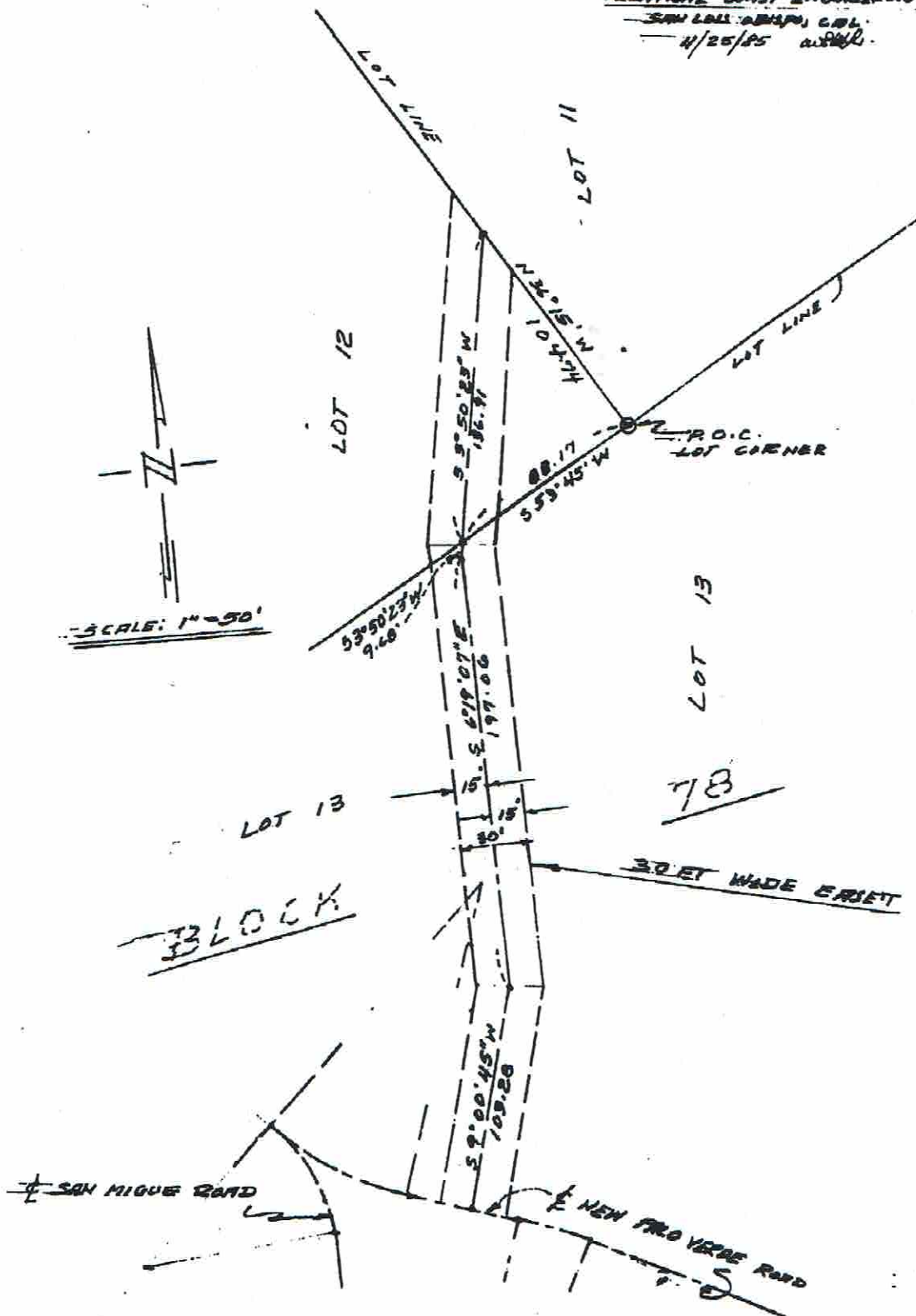
AS-BUILT EASEMENT

ACCORDING TO THE RECORDS OF THE
COUNTY OF SAN LUIS OBISPO, CALIFORNIA
AT THE REQUEST OF WILLIAM HARTILL

Central Coast Engineering
San Luis Obispo, California 93401

DATE: 10/10/00
BY: [Signature]
CHECKED: [Signature]

4/25/85 *aut*

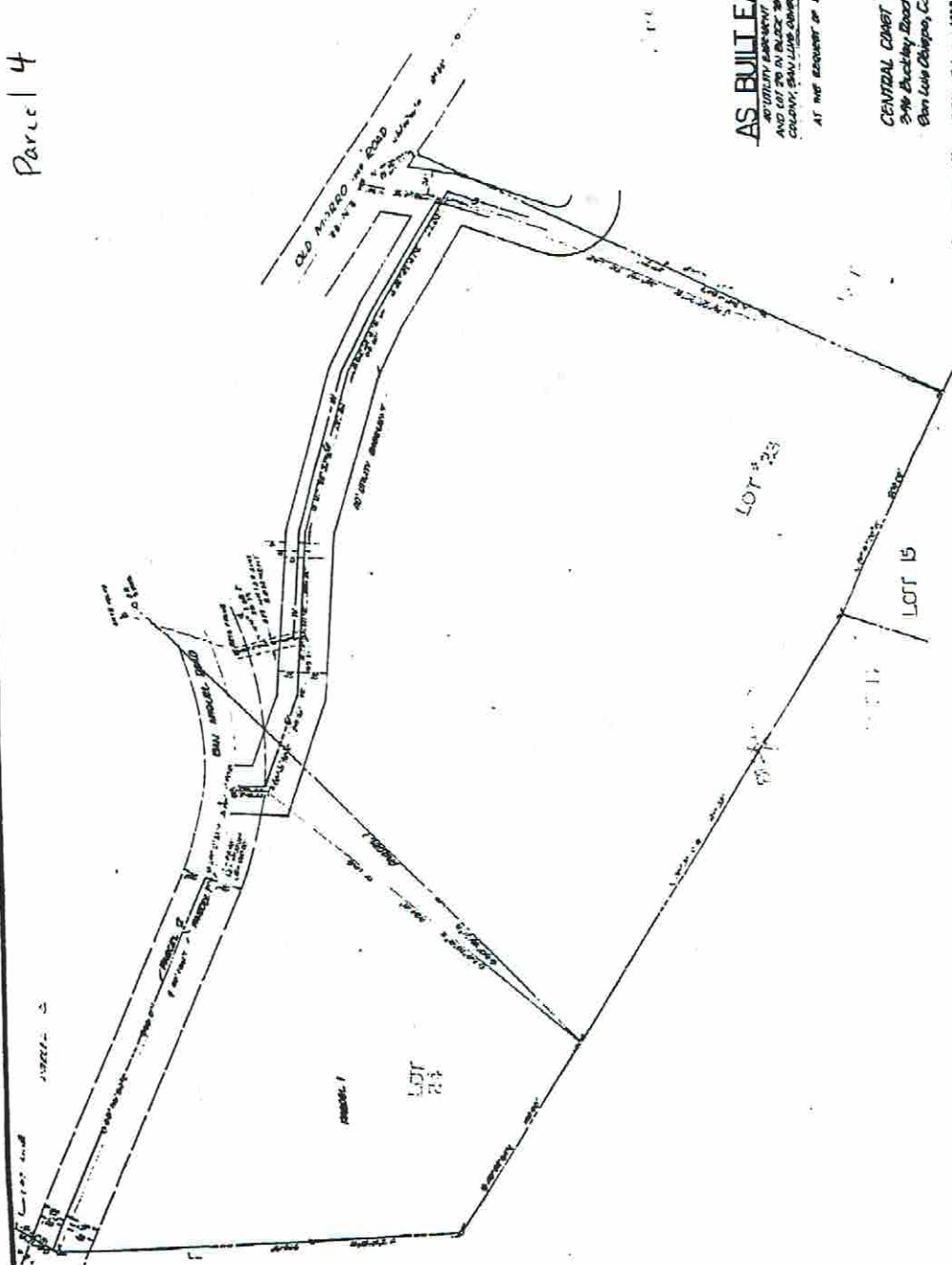


AS BUILT EASEMENT
FOR ROAD & UTILITY PURPOSES
IN A PORTION OF LOTS 12 AND 13
BLOCK 78 OF ATASCADERO COLONY
SAN LUIS OBISPO COUNTY, CAL.

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BRILL

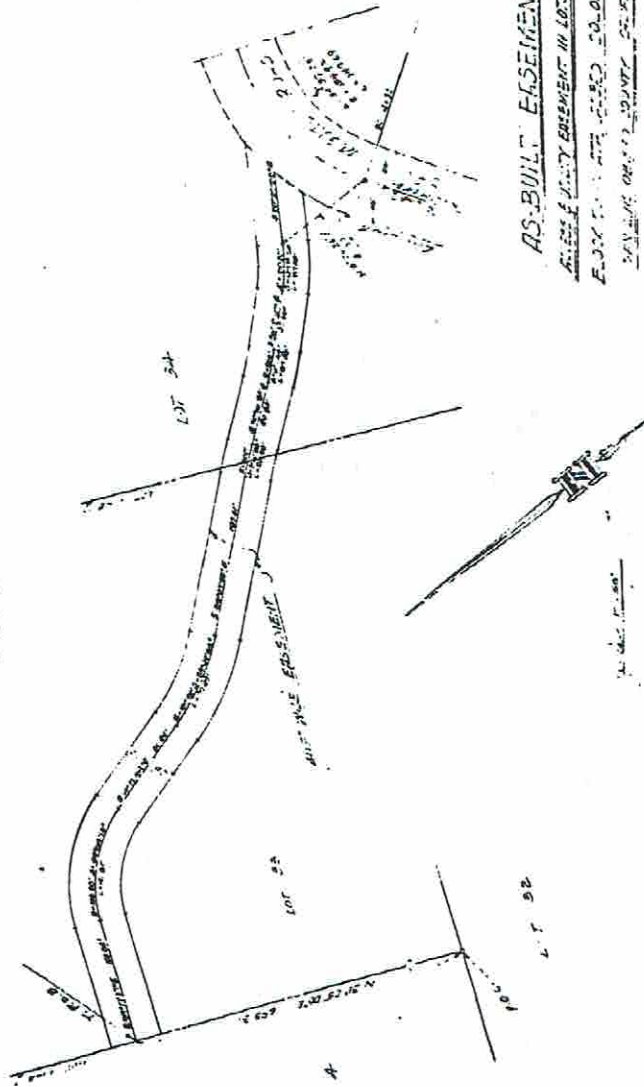
Parcel 4



AS BUILT EASEMENT
UTILITY EASEMENT THROUGH TRACT 1
AND LOT 20 IN BLOCK 20 OF THE IMPROVED
COLUMBIA SAN LUIS OBISPO
AT THE REQUEST OF WILLIAM HARTZEL

CENTRAL CONCRETE ENGINEERING
3440 Buckley Road
San Luis Obispo, California 93401

Parcel 15



AS-BUILT EASEMENT

EASEMENT EASEMENT IN LOT 34

EASEMENT EASEMENT IN LOT 35

EASEMENT EASEMENT IN LOT 36

BY RECORD OF 10 MAY 1911

LANDS, SURVEY AND MAPPING

IN THE STATE OF CALIFORNIA

AND THE COUNTY OF SAN JOSE

END OF DOCUMENT

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