

**RECORDED REQUESTED BY AND
WHEN RECORDED MAIL TO:**

Clerk of the Board of Supervisors
County of San Luis Obispo
1055 Monterey Street
San Luis Obispo, CA 93408

APN 076-213-009 AND 076-215-012

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

COUNTY BUSINESS-FREE. THIS DOCUMENT PRESENTED FOR RECORDING PURSUANT TO GOVT. CODE SECTION 27383

AMENDMENT TO NOTICE OF INTENT TO PRESERVE INTEREST

This Amendment to Notice of Intent to Preserve Interest ("Amendment") is entered into by the County of San Luis Obispo, a political subdivision of the State of California ("Grantor") and Port San Luis Harbor District ("Grantee"). Grantor and Grantee are collectively referred to as the "Parties."

RECITALS

- A. Grantor and Grantee entered into that certain Quitclaim Deed and Grant of Easement ("Original Deed") recorded on July 7, 1983 in Book 2500, Page 879 et seq. of the Official Records of San Luis Obispo County as Document No. 30971 for real property located in the unincorporated area of Avila Beach, County of San Luis Obispo, California as more particularly described in Exhibit 1, attached hereto.
- B. The Original Deed contains a reversionary clause, in favor of Grantor, should Grantee fail to hold the real property in the public trust, "substantially open and available for public parking and unencumbered by any commercial or residential development." 'Substantially open and available' shall mean not less than 300 parking spaces located in said parking lot shall be available for use by the general public not less than 365 days per year."
- C. Grantor recorded a Notice of Intent to Preserve Interest ("Notice") on May 23, 2013 as Document No. 2013029876 of the Official Records of the County of San Luis Obispo in order to preserve Grantor's power of termination contained in the Original Deed.
- D. By this Amendment, the Parties hereby desire to amend the definition of "substantially open and available" described within the Notice.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Parties agree as follows:

1. Grantor and Grantee hereby amend the Notice as follows:

The following sentence of the Notice,

"Substantially open and available' shall mean that not less than 300 parking spaces located in said parking lot shall be available for use by the general public not less than 365 days per year."

shall be deleted in its entirety and replaced with the following:

"Substantially open and available' shall mean that not less than 300 parking spaces located in said parking lot shall be available for use by the general public from Memorial Day weekend through Labor Day weekend, inclusive."

2. All other terms and conditions of the Notice shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, this Amendment to Notice of Intent to Preserve Interest is executed this _____ day of _____, 2014.

GRANTOR:

County of San Luis Obispo,
a political subdivision of the State of
California

By: _____
Name: Bruce S. Gibson
Its: Chairperson of the Board of
Supervisors

Approved by the Board of Supervisors on
this _____, 2014

ATTEST:

Clerk of the Board of Supervisors

APPROVED AS TO FORM AND
LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: Shanna Matmju
Deputy County Counsel

Date: 5/20/14

GRANTEE:

Port San Luis Harbor District,
A California Special District

By: Steve McGrath
Name: Steve McGrath
Its: Harbor Manager

Date: 5/13/14

APPROVED AS TO FORM:

Thomas D. Green, Esq.
Thomas D. Green, Esq.
District Counsel

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN LUIS OBISPO)

On _____, before me, _____ Deputy County Clerk-Recorder, County of San Luis Obispo, State of California, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that **he/she** executed the same in his/her authorized capacity, and that by **his/her** signature on the instrument the person, or the entity upon of which the person 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.

JULIE L. RODEWALD, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: _____
Deputy County Clerk-Recorder

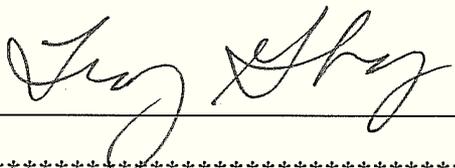
(SEAL)

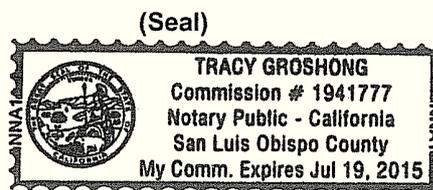
STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO)

On May 13, 2014, before me, Tracy Groshong, Notary Public
personally appeared Stephen M. McGrath
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), 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 



STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO)

On _____, 2014, before me, _____,
personally appeared _____
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), 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.

(Seal)

Signature _____

**Exhibit 1
Legal Description**

PARCEL 1:

All of Lots 6 and 7 and those portions of Lots 2, 3, 4, 5, 13, 14 and 15, lying southwesterly of the right of way of the Pacific Coast Railway Co., all in block 5 of the Town of Avila, County of San Luis Obispo, State of California, as per map recorded in Book A, Page 5 of Maps, in the office of the County Recorder of said County.

Parcel 2:

Lots 1 through 16 inclusive, in Block 9, of the Town of Avila, in the County of San Luis Obispo, State of California, according to the map thereof, recorded August 20, 1875, in Book A, Page 5 of Maps, in the Office of the County Recorder of said County.

Except therefrom the easterly most 70 feet of Lot 1 and the westerly most 50 feet of Lot 2 as per deeds filed for record in Official Records Volume 2457, Page 886 and Volume 2457 Pages 887 to 889 respectively, in the Office of the County Recorder of said County.

And, except therefrom the southeasterly 75 feet of Lots 3, 4, 5, 6, 7 and 8 as described in the deed to Marshall C. Ellis and Rose V. Ellis, recorded April 19, 1955 in Book 800, Page 450 of Official Records, in the Office of the County Recorder of said County.

Said Parcel 2, being all of Parcel A of Parcel map COAL-72-289 as per map recorded in Book 10, Page 40 of Parcel Maps, in the Office of the County Recorder of said County.

PARCEL 3:

That portion of San Francisco Street, Town of Avila, County of San Luis Obispo, State of California per map recorded in Book A, Page 5 of Maps in the Office of the County Recorder of said County, lying between 1st Street and the southeasterly line of the right-of-way of the Pacific Coast Railway Co.

Together with that portion of 2nd Street, Town of Avila, County of San Luis Obispo, State of California, per map recorded in Book A, Page 5 of Maps in the Office of the County Recorder of said County, lying between San Miguel Street and the southeasterly line of the right-of-way of the Pacific Coast Railway Co.

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