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State of California
San Francisco Bay Conservation
and Development Commission

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San Francisco Bay Conservation
and Development Commission
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STATE OF CALIFORNIA
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THIS SPACE FOR RECORDER

**Notice of Conditions, Covenants,
and Restrictions Affecting**

_____ County Assessor Parcel _____.

1. An agreement imposing open space restrictions on the use of the affected parcels.
2. BCDC Permit No. _____ dated _____, as amended through Amendment No. _____, dated _____.

**Agreement Imposing Open Space Restrictions
on the Use of Real Property**

This agreement is made this _____ day of _____, 20____, by and between _____, hereinafter referred to as “the permittee(s),” and the San Francisco Bay Conservation and Development Commission, hereinafter referred to as “Commission.”

WHEREAS, the permittee(s) own(s) **[LEASE(S) OR HOLD(S) AN EASEMENT AFFECTING]** certain real property referred to as “the subject property” that is located in the City of _____, County of _____, State of California, and is more particularly described in Exhibit A, attached hereto and incorporated by reference into this agreement; and

WHEREAS, pursuant to the McAteer-Petris Act (Cal. Govt. Code § 66600 *et seq.*), the permittee(s) sought in Application No. _____ a permit for the following: **[INSERT THE PROJECT DESCRIPTION FROM SECTION I-A OF THE PERMIT]**; and

WHEREAS, the Commission has issued Permit No. _____, a copy of which is attached as Exhibit B and incorporated by reference, hereinafter referred to as “the permit,” for this work and the uses subject to conditions that are imposed for the benefit of the public and surrounding landowners, and without agreement to which by the permittee(s) the Commission could not issue the permit; and

WHEREAS, Special Conditions _____ to the permit provide that the permittee(s) must dedicate or otherwise permanently restrict certain real property more specifically described in Exhibit C to this agreement, which is attached and incorporated by reference into this agreement, for open space purposes to remain permanently unfilled, undeveloped, and unimproved.

NOW, THEREFORE, in consideration of the issuance of the permit and Special Conditions to the permit by the Commission and of the benefit conferred thereby on the subject

property, the permittee(s), on behalf of the permittee(s) and the permittee's(s') heirs, successors and assigns, hereby covenant(s) and agree(s) with the Commission, its successors and assigns that the portion of property more particularly described in Exhibit C, which is attached and incorporated by reference, shall be maintained as open space and shall remain unfilled, undeveloped, and unimproved.

FURTHER, the permittee(s) agree(s) on behalf of the permittee(s) and the permittee's(s') heirs, successors and assigns that this open space restriction shall be attached to and become a part of the deed of the property.

FURTHER, the permittee(s) acknowledge(s) that any violation of this open space condition and deed restriction shall constitute a violation of the McAteer-Petris Act and of Permit No. _____, and, in addition to any other remedies provided by law, will subject the permittee(s) or any other person violating this open space condition and deed restriction to remedies as provided by sections 66637-66642 of the McAteer-Petris Act.

IT IS FURTHER RECOGNIZED that, pursuant to sections 10503(c) and (d) of the Commission's regulations and Standard Conditions _____ to this permit, this agreement and deed restriction is a covenant running with the land for as long as the terms and conditions of the permit remain in effect or for so long as any use or construction authorized by this permit exists, whichever is longer, and shall bind the permittee(s), and the permittee's(s') heirs, successors, and assigns. The permittee(s) further agree(s) that the permittee(s) shall insert the restriction herein described in any subsequent deed or other legal instrument that divests the permittee(s) of either the fee simple title to or possessory interest in the subject property or any portion thereof.

In witness thereof, the parties hereto have duly executed this agreement.

Executed on this _____ day of _____, 20_____,
at _____, California.

(Typed Name and Title of Person Who
is Executing Document for Permittee(s))

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____)

On _____, before me, _____, a Notary Public, 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) 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)

Executed on this _____ day of _____, 20____,
at _____, California.

LAWRENCE J. GOLDZBAND
Executive Director
San Francisco Bay Conservation and
Development Commission

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____)

On _____, before me, _____, a Notary Public, personally appeared Lawrence J. Goldzband, 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)