

4363258

OF SUPERVISORS

NO TAX DUE

NO FEE

BOOK 0052 PAGE 589

RIDGELINE PROTECTION EASEMENT DEED

This is a Ridgeline Protection Easement Deed made by KAISER CEMENT & GYPSUM CORPORATION, as Grantor, to the COUNTY OF SANTA CLARA, a political subdivision of the State of California, as Grantee.

WHEREAS, the Grantor is the owner in fee of that certain real property known as Permanente Cement Plant, situated in the County of Santa Clara, State of California; and

WHEREAS, the Grantor is conducting mining operations and other industrial use upon the property; and

WHEREAS, the site of the mining operations is in the western foothills of the County of Santa Clara and portions of that site have natural beauty and scenic attributes which compliment the surrounding lands; and

WHEREAS, Grantor, as an industrial operator within the County of Santa Clara, desires to make its operations at the Permanente Cement Plant as compatible with the natural environment and general welfare of the community as is reasonably practicable; and

WHEREAS, the ridge commonly known as "Permanente Ridge" provides a scenic backdrop to the residents in the northern portion of the County of Santa Clara and a natural screen to a portion of the industrial operations taking place on the site of the Permanente Cement Plant; and

BOOK 0052 PAGE 590

WHEREAS, the Grantor is willing to grant to the County of Santa Clara an easement protecting and maintaining the said ridge at specified elevations as herein provided;

NOW, THEREFORE, and in consideration of the premises, the Grantor grants and conveys to the County of Santa Clara a ridge-line protection easement in that certain real property of Grantor known as "Permanente Cement Plant," situate in the County of Santa Clara, State of California, and more particularly described in the following referenced deeds in the Official Records of the Recorder of the County of Santa Clara, and depicted as the area outlined in red on the USGS map attached as Exhibit "A" hereto:

<u>Book</u>	<u>Page</u>
945	17
945	98
945	99
1046	265
1090	212
1106	15
1103	591
1153	10
1242	221
1329	183
3510	223
5254	518
6830	732
7787	163
7787	164
8122	556
8757	470

and along that certain line shown in red and marked "Finished Permanente Ridge As Seen From Los Altos" on the map attached as Exhibit "B" hereto, of the nature and character and to the extent hereinafter expressed, which estate, interest and easement will result from the restrictions hereby imposed upon the use of said property by said Grantor, and to that end and for the purpose of

accomplishing the intent of the parties hereto, said Grantor covenants on behalf of itself, its successors and assigns with the said Grantee, its successors and assigns, to do and refrain from doing severally and collectively upon the Grantor's said property the various acts hereinafter mentioned.

Grantor reserves the right to make full use of said real property and ridgeline subject to the provisions of this ridgeline protection easement for all purposes which do not interfere with, impair, destroy or detract from Grantee's rights hereunder.

The restrictions hereby imposed upon the use of said property of the Grantor and the acts which said Grantor shall refrain from doing upon their said property in connection therewith are as follows:

1. Grantor shall not lower the ridgeline described in Exhibit "B" for mining, quarrying or other purposes, below the sea level elevations along that certain line labeled "Proposed Future Ridgeline" on the profile map attached hereto as Exhibit "C"; nor will Grantor mine, quarry or otherwise excavate for minerals or mineral materials in the area shown as the "northeast slope" on Exhibit "B".

2. Grantor shall install, within sixty (60) days of the execution of this document, durable, fixed monuments, contained in concrete, at the four stations indicated on the ridgeline profile map attached as Exhibit "C" hereto, indicating the elevations above sea level referred to in paragraph 1 above.

BOOK 0052 PAGE 592

3. Grantee shall have the right to enter upon the real property for the purpose of making inspections from time to time regarding the preservation of the ridgeline easement.

4. This easement is granted to the County of Santa Clara, its successors and assigns forever. This grant shall be binding upon the successors and assigns of the Grantor.

IN WITNESS WHEREOF, KAISER CEMENT & GYPSUM CORPORATION has caused its corporate name and seal to be affixed hereto and this instrument to be executed by its duly authorized officer.

DATED: August 18, 1972.

KAISER CEMENT & GYPSUM CORPORATION

By Peter S. Nass
Title President

4363258

BOOK 0052 PAGE 592
FILED FOR RECORDS
AT REQUEST OF

BOARD OF SUPERVISORS

OCT 4 3 22 PM '72

OFFICIAL RECORDS
SANTA CLARA COUNTY
GEORGE E. FOWLES
RECORDER

NEM:mo
8/15/72

NO FEE

0052 # 828

RESOLUTION OF ACCEPTANCE

WHEREAS, there has been tendered to the County of Santa Clara, State of California, a ridgeline protection easement deed from the Kaiser Cement and Gypsum Corporation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Santa Clara, State of California, that the interest in real property conveyed by the ridgeline protection easement deed made by Kaiser Cement and Gypsum Corporation, as grantor, to the County of Santa Clara, as grantee, is hereby accepted by the undersigned officer on behalf of the Board of Supervisors of the County of Santa Clara, State of California, and the grantee consents to the recordation thereof by its duly authorized officer.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on August 22, 1972 by the following vote:

AYES: Supervisors, MEHRKENS, ~~SMITH~~, QUINN, CALVO, CORTESE

NOES: Supervisors, NONE

ABSENT: Supervisors, Sanchez


Chairman, Board of Supervisors

ATTEST: DONALD M. RAINS
Clerk, Board of Supervisors





BOOK 0052 Rec 593

STATE OF CALIFORNIA,

County of ALAMEDA } ss.

On this 18th day of August in the year one thousand nine hundred and 72 before me, Carleen M. Darling

a Notary Public, State of California, duly commissioned and sworn, personally appeared Peter S. Hass

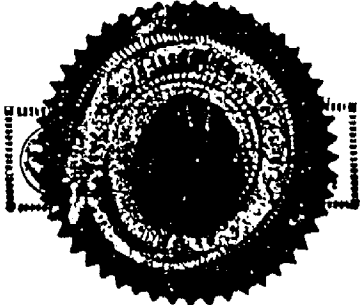
known to me to be the President of the corporation described in and that executed the within instrument, and also known to me to be the person who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

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

Carleen M. Darling

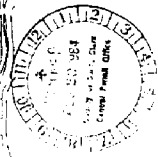
Notary Public, State of California.

My Commission Expires September 10, 1972



Cowdery's Form No. 27 - (Acknowledgment Corporation).
(C. C. Secs. 1190-1190.1)

PRINTED 1/19/64 51-0416

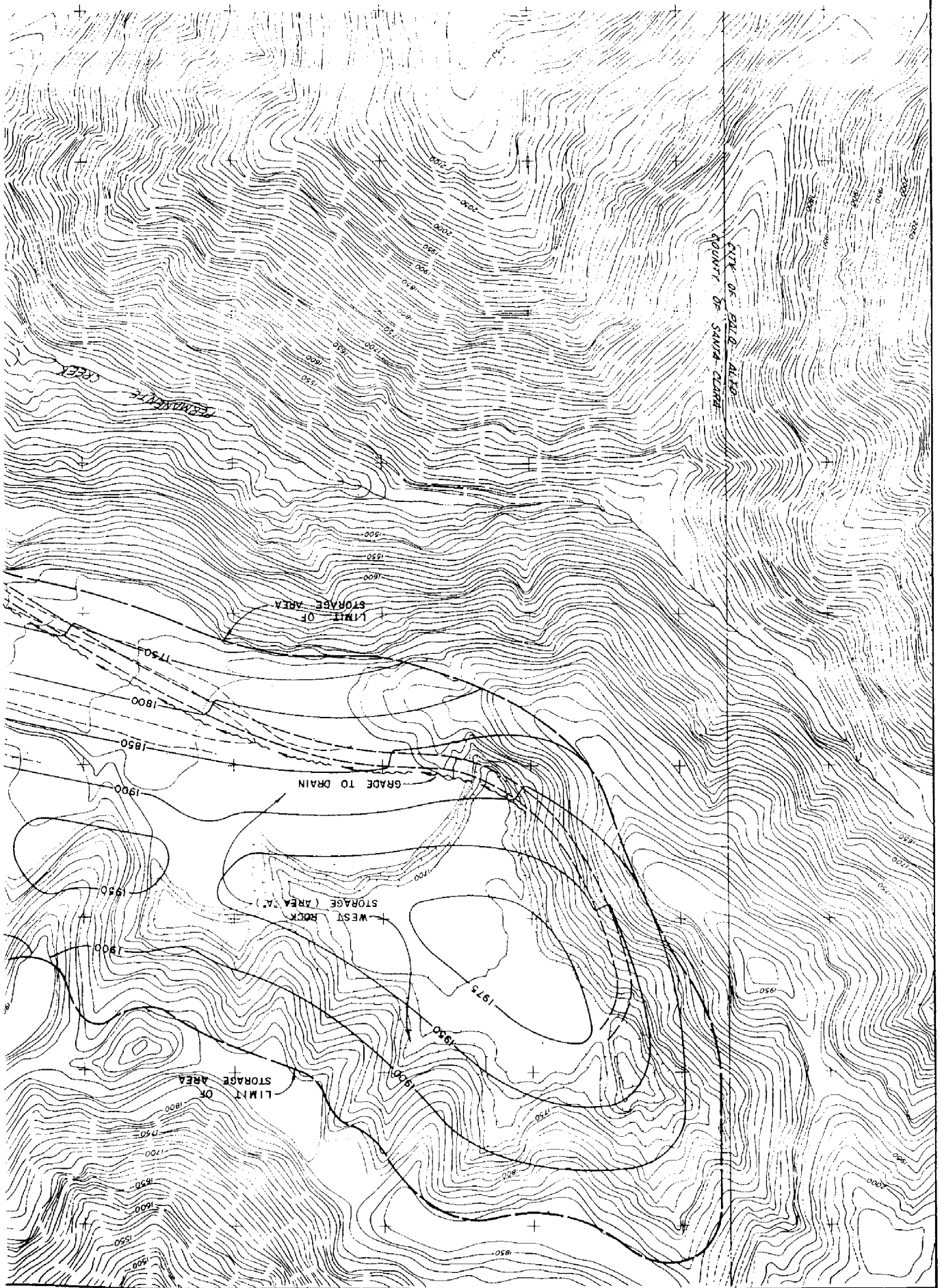


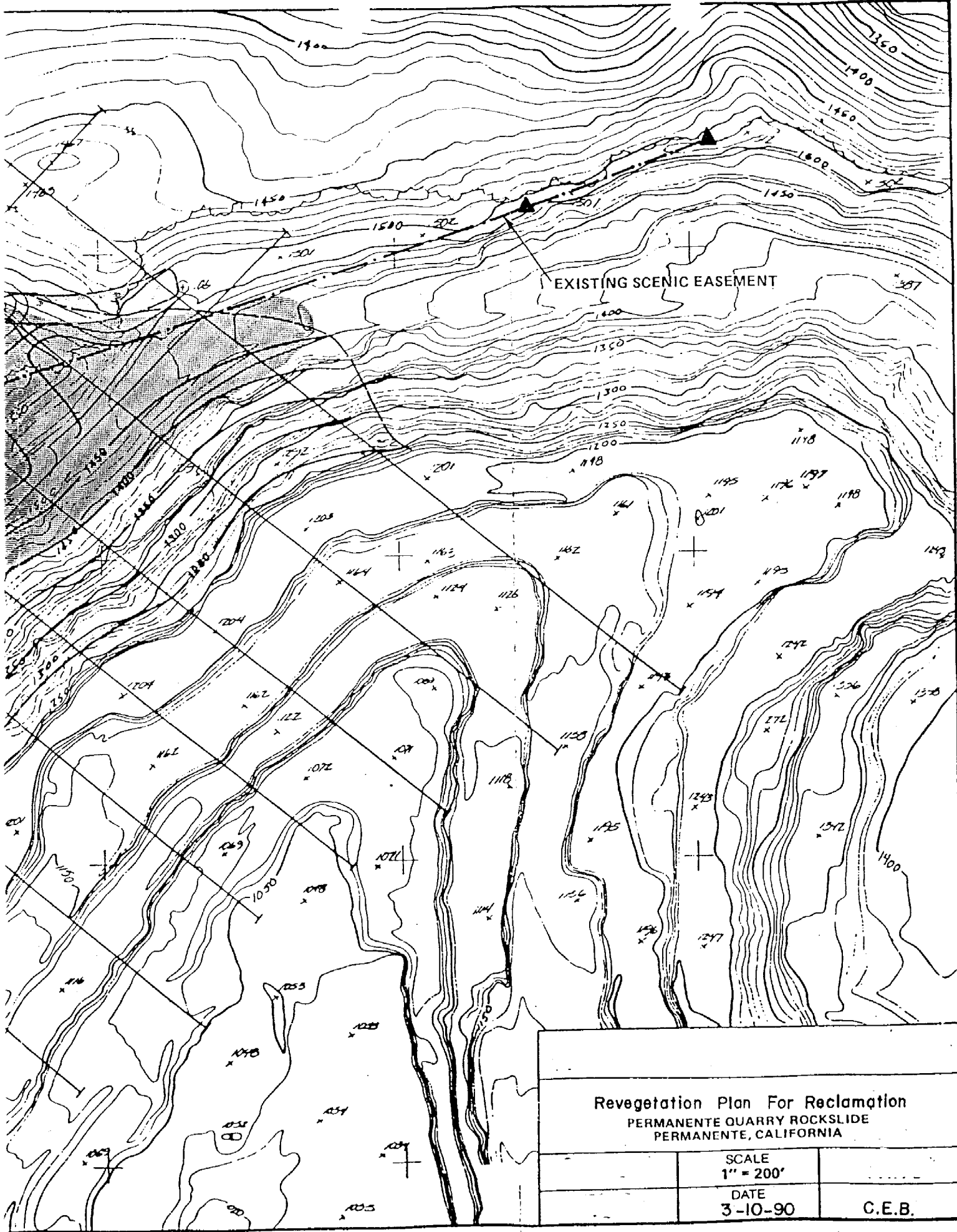
R+G Ruth and Co. Inc.
 Architecture Engineering Planning
 818 THE ALAMEDA
 SAN JOSE CALIFORNIA 95126
 (408) 287-8273
 REG NO. 24894
 CH. KD. *MR*
 DESIGN *RAV*
 DRAWN *RAV*
 SCALE 1" = 200'

KAISER CEMENT CORPORATION
 SANTA CLARA COUNTY, CALIFORNIA
PERMANENT QUARRY
RECLAMATION PLAN

MARK	DATE	BY	DESCRIPTION







Revegetation Plan For Reclamation PERMANENTE QUARRY ROCKSLIDE PERMANENTE, CALIFORNIA		
	SCALE 1" = 200'	
	DATE 3-10-90	C.E.B.

