Recorded at the request of
State of California

San Francisco Bay Conservation

 and Development Commission

WHEN RECORDED, mail to:

San Francisco Bay Conservation

 and Development Commission

375 Beale Street, Suite 510

San Francisco, California 94105

STATE OF CALIFORNIA

OFFICIAL BUSINESS

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Recording pursuant to

Government Code

Sections 6103 and 27383

NO TAX DUE

 THIS SPACE FOR RECORDER

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

 County Assessor Parcel

1. An agreement imposing public access restrictions on the use of the affected parcels.

2. BCDC Permit No. dated , as

amended through Amendment No. dated .

**Agreement Imposing Public Access 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 public access purposes.

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 held open to the public for public access purposes, including but not limited to walking, viewing, sitting, fishing, picnicking, and other related purposes.

FURTHER, the permittee(s) agree(s) on behalf of the permittee(s) and the permittee’s(s’) heirs, successors and assigns that this public access 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 public access 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 public access 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 some 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.

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Signature **(Seal)**