

Appendix 4B

Scenic and Recreation Easements

VOL 5633 PAGE 387

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RECORDED AT REQUEST OF
TITLE INSURANCE AND TRUST CO.

TAX DUE None
TITLE INSURANCE
AND TRUST COMPANY

GRANT OF SCENIC AND RECREATION EASEMENT

MAY 22 4 48 PM 1969
66.00
MARVIN CHURCH, RECORDER
SAN MATEO COUNTY
OFFICIAL RECORDS

THIS INDENTURE, made this *Fifteenth* day of *January*, 1969, by and between the City and County of San Francisco, a municipal corporation, Grantor, and The United States of America, Grantee, and with the approval and concurrence of the State of California, acting by and through the Department of Public Works, and the County of San Mateo,

W I T N E S S E T H:

WHEREAS, Public Law 88-29, dated May 28, 1963 (77 Stat. 49,16 U.S.C., Sec 460L-1), authorizes the Secretary of the Interior to accept and use donations of property to promote the coordination and development of effective programs relating to outdoor recreation; and

WHEREAS, Grantor is the owner in fee of certain real property, hereinafter described, situate in the County of San Mateo, State of California; and

WHEREAS, said real property is presently under the jurisdiction of the Public Utilities Commission of the City and County of San Francisco and is maintained in substantially its natural state and is devoted to the following uses, to wit: the collection, storage and transmission of water and protection of water quality for human consumption; outdoor recreation; and other uses, all of which shall be compatible with preserving said land in its present state as open-space land for public use and enjoyment; and

1.

WHEREAS, Grantor desires to preserve said real property in its natural condition to the maximum extent possible consistent with the operations and activities carried on and to be carried on by the Grantor, and to limit the use of said property to the uses to which said property is presently devoted in order to discourage conversion of such land to urban use, recognizing that such land has substantial public value as open-space land^{and} that the preservation of the land in its present open state constitutes an important physical, social, esthetic and economic asset to the City and County of San Francisco, the County of San Mateo, the State of California and The United States of America; and

WHEREAS, a 4.2 mile section of the adopted route for Interstate Route 280, hereinafter called the Junipero Serra Freeway, traverses Grantor's watershed lands south of Ralston Avenue in close proximity to Upper Crystal Springs Reservoir, and Grantor desires and has requested that said section of the Junipero Serra Freeway be relocated at a greater and safer distance from the reservoir along a ridge route in order to provide the greatest possible degree of protection against contamination and pollution of the reservoir and to preserve the real property in its natural condition to the maximum extent possible.

NOW, THEREFORE, for and in consideration of (a) the foregoing; (b) the relocation of the Junipero Serra Freeway generally along the alignment as shown on Exhibit "A", titled

"Refined Ridge Route, Interstate Freeway 280, Lands of San Francisco Water Department, December 1968", attached hereto and made a part hereof, which alignment is acceptable to and has been approved by Grantor, or farther to the east of said alignment as may be determined by the California Highway Commission; (c) providing points of access for Panoramic Overlook, Vista Point, West Vista Point, Recreation, Cemetery and Administrative Areas and through access to the College Site, which areas are shown on Exhibit "A"; (d) the substantial additional cost to be incurred by Grantee and the State of California incident to said relocation; (e) the State of California having received assurance from Grantor that the right of way for the aforesaid relocation shall be furnished without cost to the State of California as partial consideration for said relocation; and (f) Grantor having received assurance by the Grantee, the State of California, and the County of San Mateo that the restrictions hereinafter imposed shall have no adverse effect whatsoever upon, and shall not be considered by any court or jury in determining, the fair market value of the lands of Grantor which are presently, or may in the future be, the subject of litigation in eminent domain proceedings brought by the Grantee, the State of California or the County of San Mateo, including but not limited to proceedings now pending before the Superior Court of the State of California in and for the County of

San Mateo in Action Nos. 112271, 113072, 113136, 113137, 113798, and 120527 thereof, the Grantor does hereby grant and convey in perpetuity unto The United States of America, an estate, interest and scenic and recreation easement in said real property of the Grantor, of the nature and character and to the extent hereinafter expressed to be and to constitute a servitude upon said real property of the Grantor, which estate, interest, scenic and recreation easement and servitude will result from the covenants and restrictions set out below and hereby imposed upon the use of said property of 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 United States of America, to do and refrain from doing, severally and collectively, upon the Grantor's said property the various acts hereinafter mentioned, it being hereby agreed and expressed that the doing and refraining from said acts, and each thereof, upon said property is and will be for the benefit of the people of the City and County of San Francisco, the County of San Mateo, the State of California and The United States of America and will help preserve the scenic and natural resources of the area in which said real property is located.

The restrictions hereby imposed upon the use of said property of the Grantor and the acts which said Grantor so covenants to do and refrain from doing upon its said

property in connection therewith are and shall be as follows:

1. The land shall be preserved in its present natural state and shall not be used for any purpose other than for the collection, storage and transmission of water and protection of water quality; outdoor recreation; ecological preservation and other purposes, which shall be compatible with preserving said land as open-space land for public use and enjoyment.

Recreational uses shall be compatible with "Preservation and Recreation Concepts, Peninsula Watershed Lands, San Francisco Water Department, March 1968" a copy of which is marked Exhibit "B", attached hereto and made a part hereof.

2. No structures shall be erected upon said land except such structures as may be directly related to and compatible with the aforesaid uses. No trailer shall hereafter be placed, used or maintained on said land as a substitute for a caretaker's residential building. The design and location of all buildings, except water utilities buildings and appurtenances, shall be subject to the concurrence of a regional representative of the Department of the Interior to be designated by the Secretary of the Interior.

3. No dump of ashes, trash or any unsightly offensive material shall be placed upon the land except that in eroding areas of a drainage system where water runoff is destroying the natural ground cover suitable heavy fill or drainage emplacements may be installed to control and prevent further erosion.

4. No signs, billboards or advertisements, excepting directional signs and identification signs in connection with permitted uses, shall be displayed or placed upon the land.

5. Except as to encroachments presently permitted and renewals thereof, Grantor shall not permit further encroachments of any kind or nature upon said property by any adjoining property owner for the sole benefit of said adjoining land either by way of license, permit, easement or otherwise, unless authorized by a regional representative of the Department of the Interior to be designated by the Secretary of the Interior.

6. (a) Except as required to accomplish the improvements hereinafter permitted or as otherwise permitted to the Grantor hereunder, the general topography of the landscape shall be maintained in its present condition and no substantial excavation or topographic changes shall be made without the concurrence of a regional-representative of the Department of the Interior to be designated by the Secretary of the Interior.

(b) Nothing in this Indenture shall restrict or affect the authority of the State of California to acquire rights of way for, or to construct, highways on State Routes 92, 186/35, 186 and 280 south of Ralston Avenue.

7. Except as required to accomplish the purposes and uses herein permitted to Grantor there shall be no cutting or permitting of cutting, destroying or removing any timber or brush without the concurrence in writing by a regional representative of the Department of the Interior to be designated by the Secretary of the Interior.

8. Concurrence in a requested action shall be deemed

to have been granted if a regional representative of the Department of the Interior has not responded to a request within sixty days.

The foregoing grant and restrictions are made in consideration of and accepted subject to the express condition that the California Highway Commission shall have adopted that portion of the route for the Junipero Serra Freeway traversing lands of the Grantor south of Ralston Avenue as hereinbefore provided in subparagraph (b) on pages 2 and 3 hereof. The foregoing grant and restrictions are made and accepted subject to the further following conditions, exceptions and reservations:

a. The Grantor for itself, its representatives and its successors, assigns and permittees reserves all of their rights not specifically restricted herein, including without limitation the perpetual right to use the below-described premises for purposes which they may find necessary or desirable for their water or other utility operations as now or hereafter conducted, including without limiting the generality of the foregoing the right to construct, maintain, repair, expand and reconstruct buildings (including caretakers' cottages), storage facilities, reservoirs, pipe systems, cable systems, flumes, head walls, retention walls, bulkheads, cofferdams, pumphouses, dikes, roadways, public utilities and similar improvements upon the below-described premises.

b. Nothing herein shall be deemed to nullify, super-

sede or affect any unrecorded lien, encumbrance, rights or other interest in the lands described herein which was in existence at the time of the recordation of this instrument. The Grantor represents and warrants that all of the uses or activities permitted by any of the aforesaid unrecorded liens, encumbrances, rights or other interests in these lands are compatible with the provisions of this Indenture.

c. The general public shall have the right, subject to rules and regulations as may be imposed and be published by Grantor, to enter the premises for recreational purposes.

d. The land of the Grantor, hereinabove referred to and to which provisions of this instrument apply, is bounded and described in Exhibit "C" and is shown on the map marked Exhibit "D", each of which exhibits is attached hereto and made a part hereof, to have and to hold unto The United States of America and its assigns in perpetuity. The covenants agreed to and the restrictions imposed, as aforesaid, shall be binding upon the Grantor, its successors, and assigns, and each of them, and shall constitute a servitude upon the above-described lands.

All amendments to this Indenture shall be agreed to by the Grantor and Grantee and approved by the State of California and the County of San Mateo.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal on the day and year first above written.

CITY AND COUNTY OF SAN FRANCISCO,
a municipal corporation

BY Joseph L. Aloto
Mayer

BY Robert J. Dolan
Clerk of the Board of Supervisors

APPROVED:

William E. McDonnell
WILLIAM E. McDONNELL
President, Public Utilities
Commission

James K. Carr
JAMES K. CARR
General Manager of
Public Utilities

Arthur H. Frye, Jr.
ARTHUR H. FRYE, JR.
General Manager and Chief
Engineer, San Francisco
Water Department

Wallace Wortman
WALLACE WORTMAN
Director of Property

APPROVED AS TO FORM:

THOMAS M. O'CONNOR, City Attorney

BY Thomas M. O'Connor
Deputy City Attorney

APPROVED:

COUNTY OF SAN MATEO

By *James W. Fitzgerald*
Chairman
San Mateo County Board of
Supervisors

APPROVED:

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

By *James A. Mac*

APPROVED AS TO FORM:

Robert J. Collins
Attorney
Department of Public Works

STATE OF CALIFORNIA)
 : ss.
CITY AND COUNTY OF SAN FRANCISCO)

On the *fifteenth* day of *January*, 1969,
before me, MARTIN MONGAN, County Clerk of the City and County
of San Francisco, and ex officio Clerk of the Superior Court
of the State of California, in and for the City and County
of San Francisco, personally appeared JOSEPH L. ALIOTO, Mayor
of the City and County of San Francisco, a municipal corpo-
ration, and ROBERT J. DOLAN, Clerk of the Board of Supervisors
of the City and County of San Francisco, known to me to be
the Mayor and the Clerk of the Board of Supervisors of the
municipal corporation described in and who executed the within
instrument and also known to me to be the persons who executed
it on behalf of the municipal corporation therein named, and
they and each of them acknowledged to me that such municipal
corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal at my office in the City and County
of San Francisco, State of California, the day and year in
this certificate first above written.

Martin Mongan
County Clerk of the City and County
of San Francisco, State of California
and ex officio Clerk of the Superior
Court of the State of California, in
and for the City and County of San
Francisco.



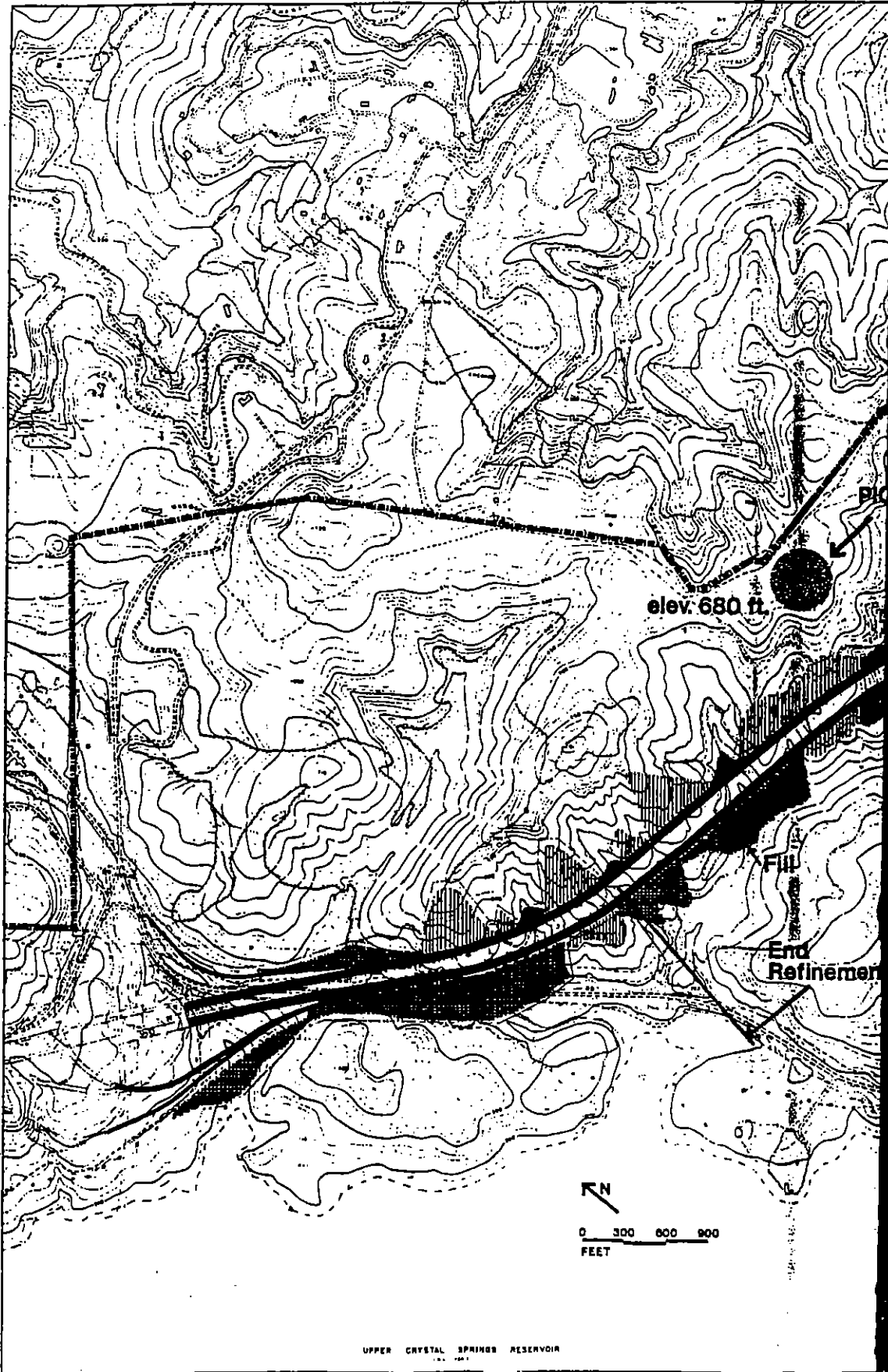
ACCEPTANCE

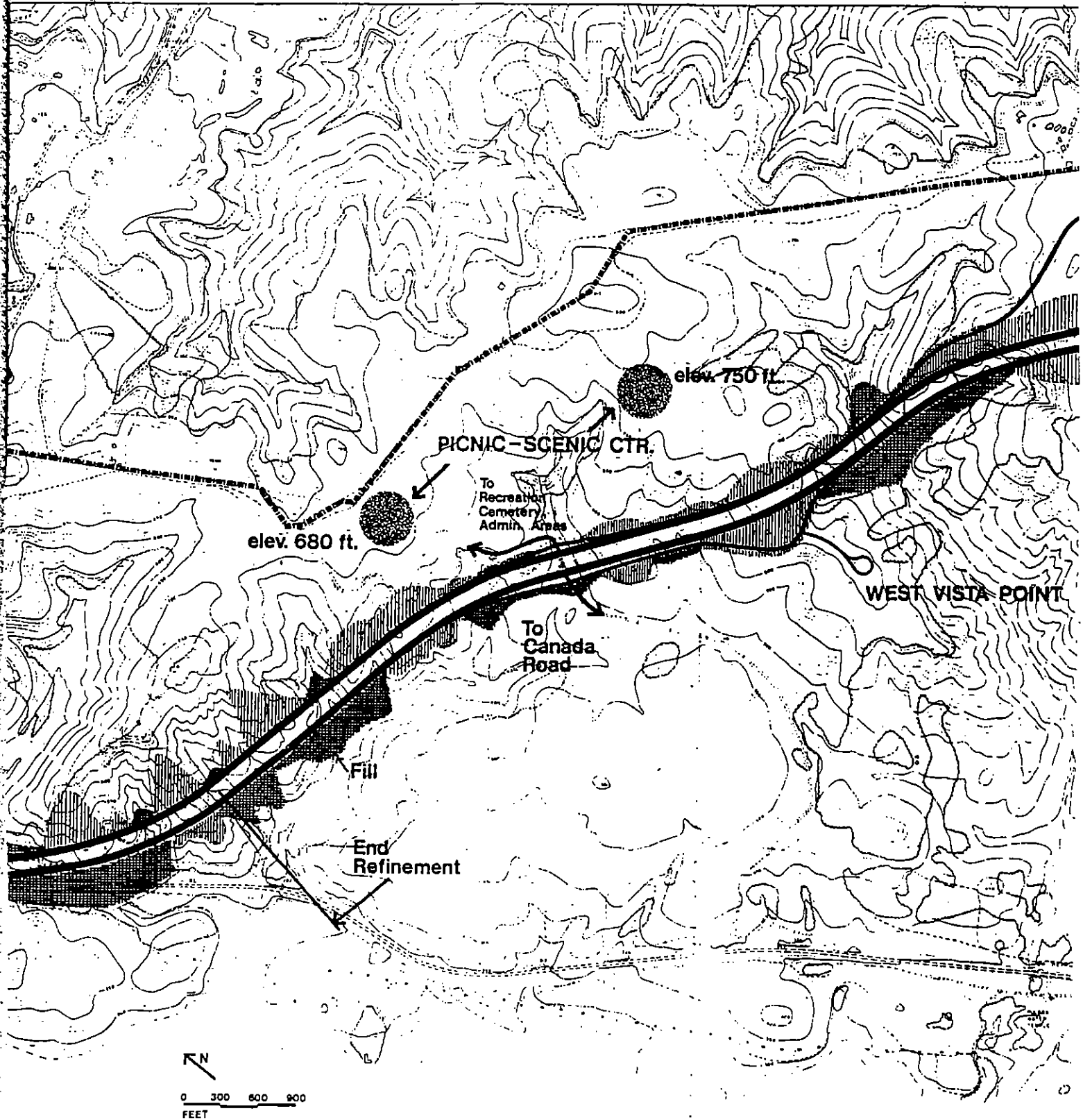
This Indenture is accepted on behalf of The United
States of America this *fifteenth* day of
January, 1969.

THE UNITED STATES OF AMERICA

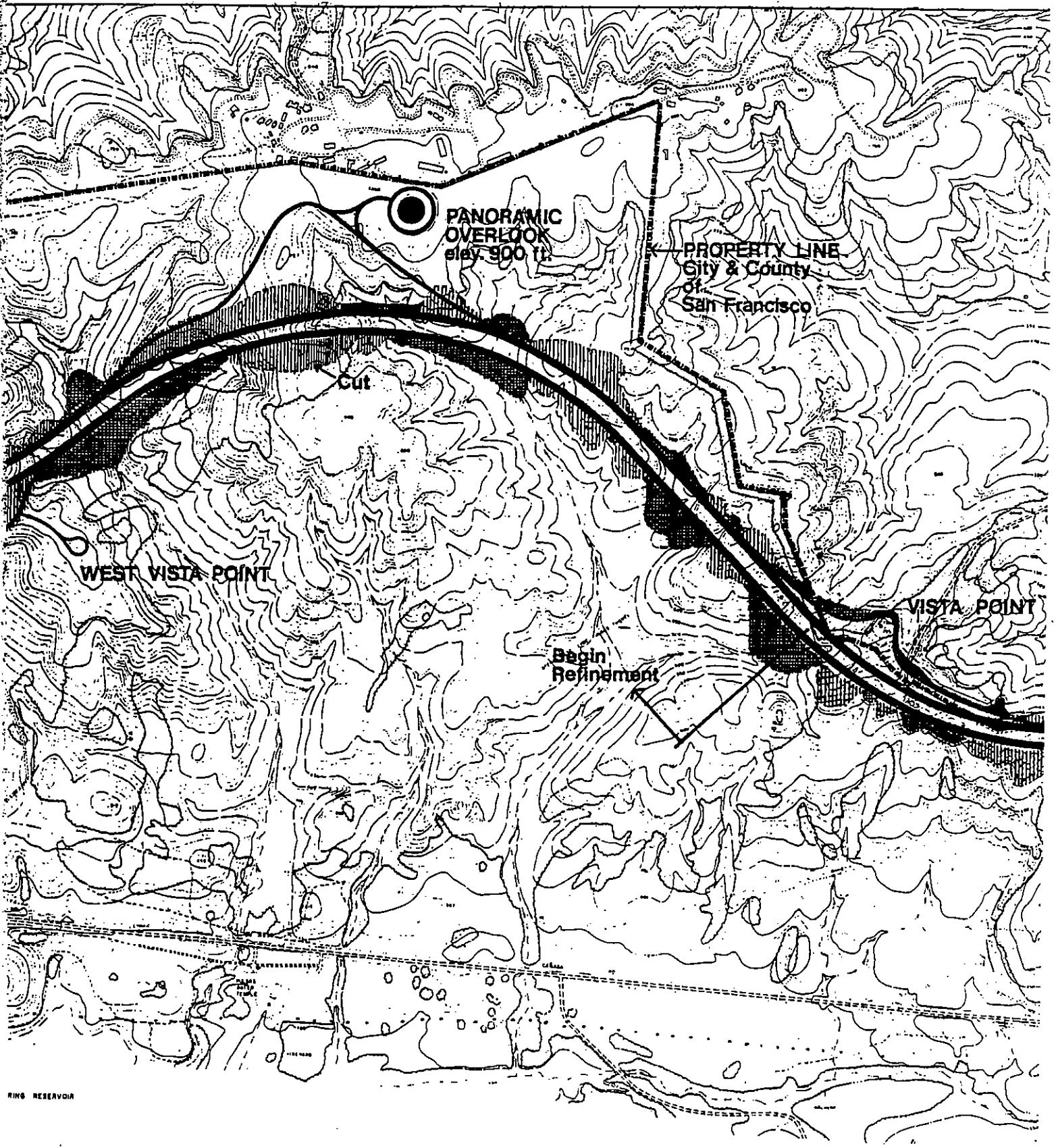
By 

(Title) *Secretary of the Interior*



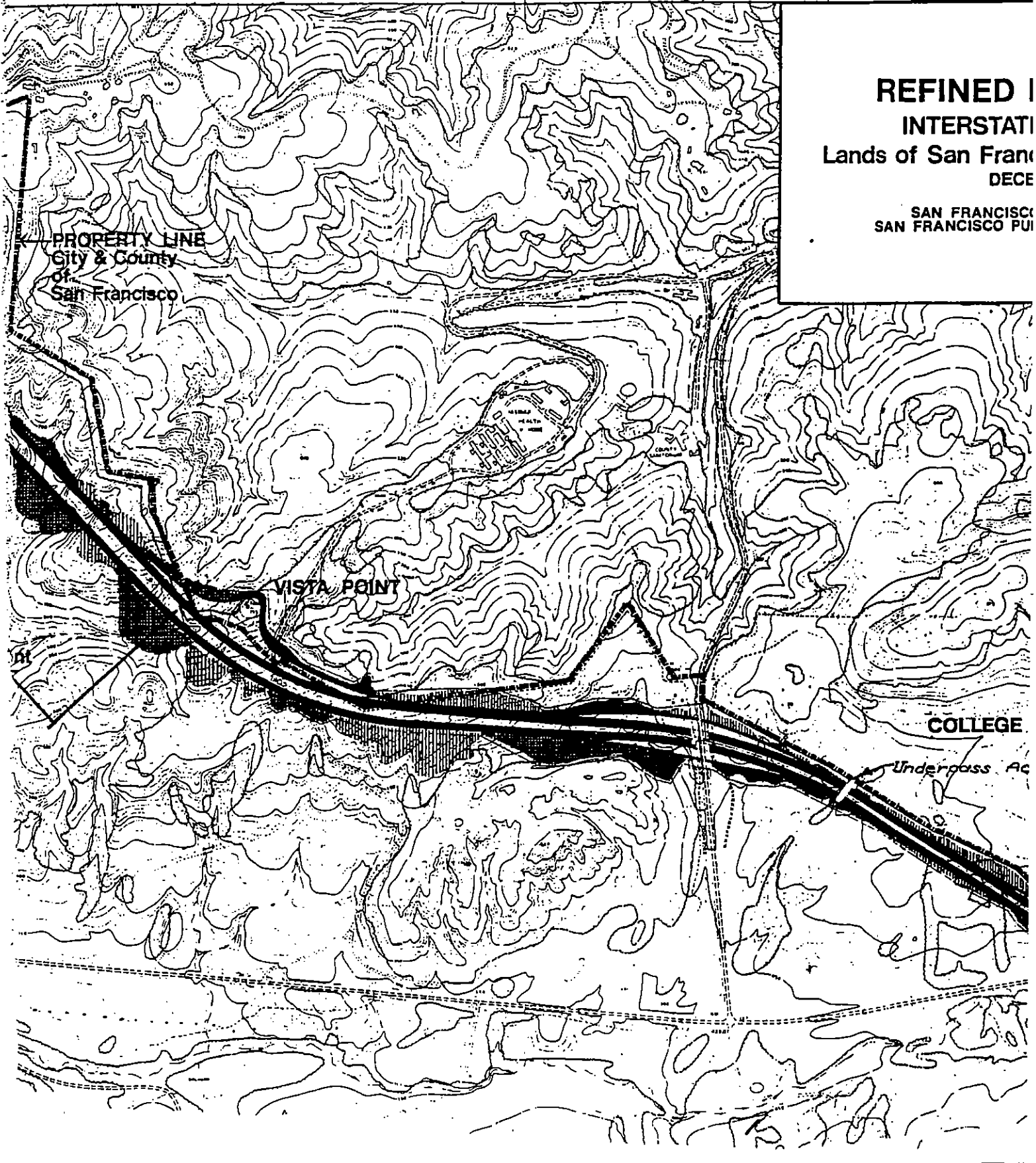


CRYSTAL SPRING RESERVOIR



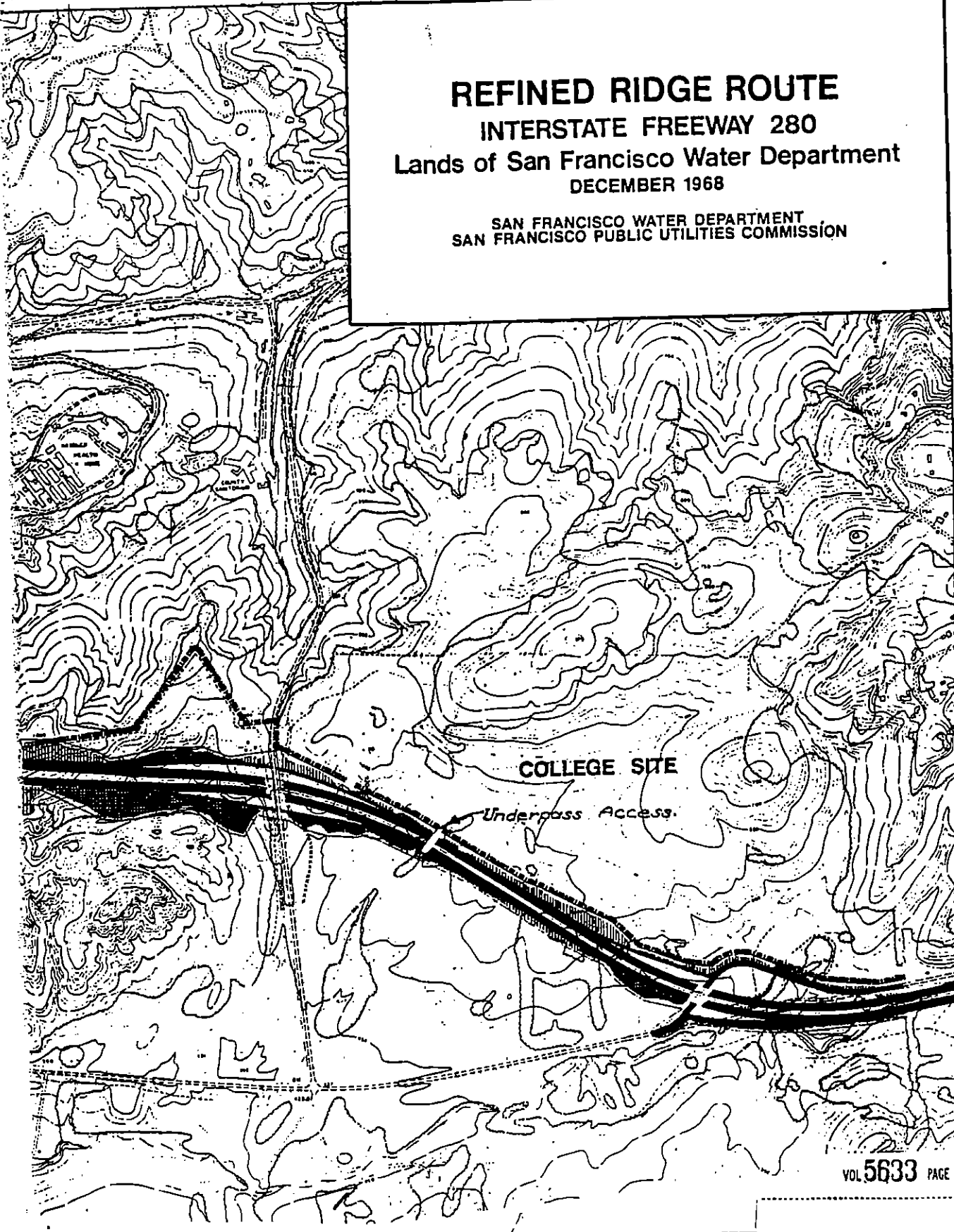
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REFINED RIDGE ROUTE
INTERSTATE FREEWAY 280
Lands of San Francisco Water Department
DECEMBER 1968

SAN FRANCISCO WATER DEPARTMENT
SAN FRANCISCO PUBLIC UTILITIES COMMISSION



SCENIC AND RECREATIONAL EASEMENTSPARCEL I

All that southeasterly portion of the City and County of San Francisco Crystal Springs Watershed property, San Mateo County, commencing at Point "A" as designated on the attached Exhibit "D" map; said Point "A" being distant 9,400 feet along the southerly line of that certain 724.37-acre tract of land, known as the Filoli Estate, Recorded January 4, 1951 in Volume 2002 of Official Records, San Mateo County, at page 82, from the intersection of said southerly line with the westerly line of Parcel 31A as said Parcel 31A is referred to in deed from Spring Valley Water Company to the City and County of San Francisco by deed dated and recorded March 3, 1930 in Volume 491, page 1, Official Records, San Mateo County; thence from Point "A" running southeasterly to Point "B" situated on the southerly watershed property line of said Parcel 31A and as designated on the attached Exhibit "D" map; thence southeasterly, northeasterly and northwesterly along said watershed property line to the most southerly corner of that certain State of California 203.6-acre State College site; thence along the westerly line of said State College site and the easterly line of Parcels 31, 31A and 32 as said last mentioned parcels of land are referred to in said deed from Spring Valley Water Company to the City and County of San Francisco to the intersection with the southerly line of State Freeway Route No. 92;

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EXHIBIT "C"

thence southwesterly and southeasterly along State Freeway Routes 92 and 280 to the westerly line of San Mateo County Road No. 20 known as Canada Road; thence southeasterly along the westerly line of said Canada Road to the intersection with the southerly line of that certain 136.35-acre tract of land presently leased to said Filoli Estate by instrument recorded January 8, 1921 in Volume 9 of Leases at page 264, San Mateo County Records; thence southwesterly along the southerly line of said leased area and the southerly line of the said Filoli Estate to the point of commencement.

PARCEL II

All that portion of the Crystal Springs watershed property situated northerly of Ralston Avenue and bounded on the east by the watershed property line of Parcel 31 as referred to in said deed from Spring Valley Water Company; on the south and west by the State's Freeway Route No. 280, and on the north by a line along the top bank of the San Mateo Creek Canyon adjoining the downstream side of Crystal Springs Dam.

PARCEL III

All that portion of the Crystal Springs watershed property bounded on the east by the westerly line of State Freeway Route 280; on the south by Ralston Avenue; on the west and north by the westerly line of Skyline Boulevard.

PARCEL IV

All that portion of the Crystal Springs watershed property bounded on the east and southeast by the State Freeway Route No. 280; on the west by the easterly line of Skyline Boulevard and on the north by a line along the top bank of the San Mateo Creek Canyon adjoining the downstream side of Crystal Springs Dam.

PARCEL V

All that portion of the Crystal Springs watershed property situated northerly of Crystal Springs Dam and bounded on the east by the easterly property line of Parcel 31 as referred to in said deed from Spring Valley Water Company, and on the west by the easterly line of State Freeway Route No. 280.

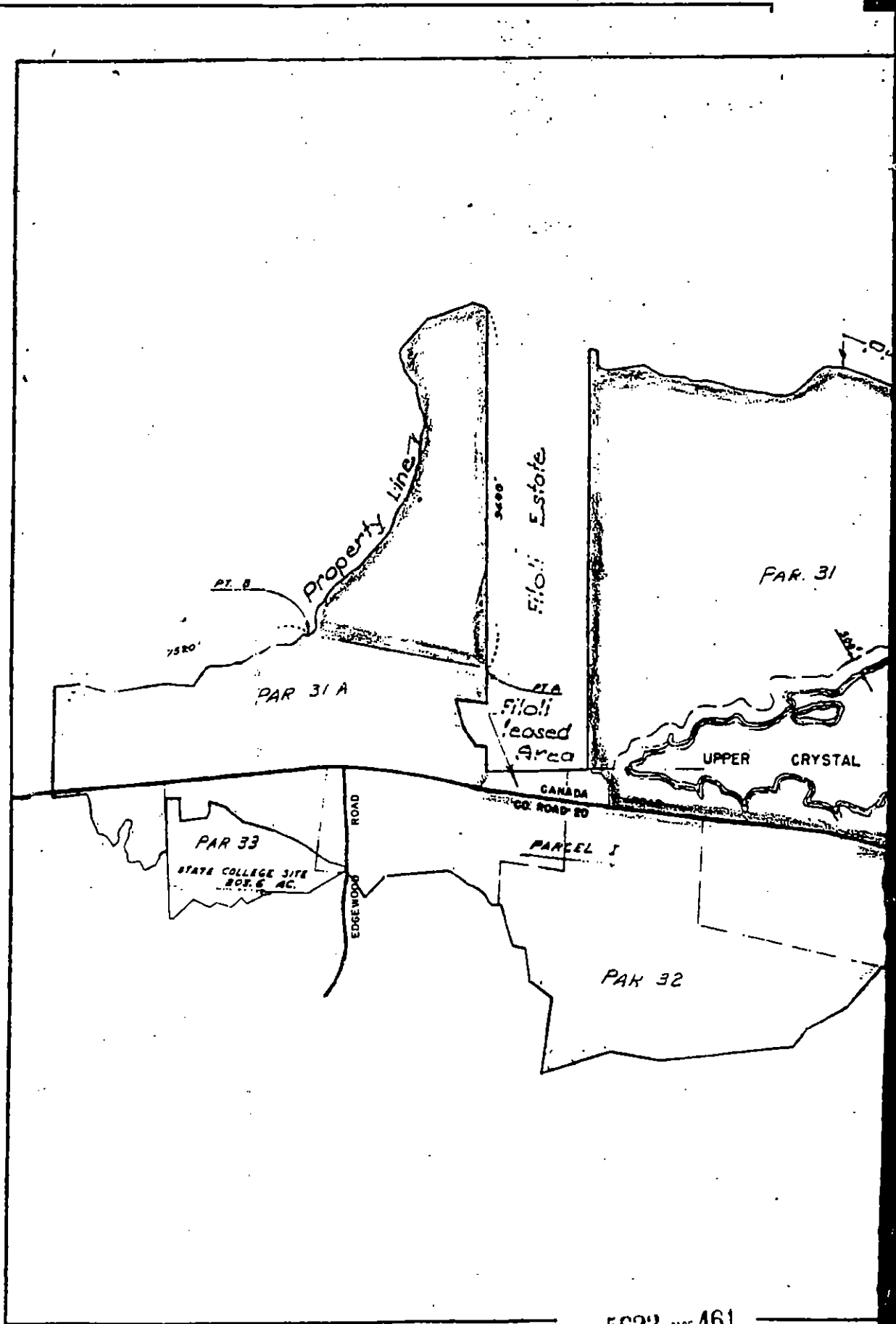
PARCEL VI

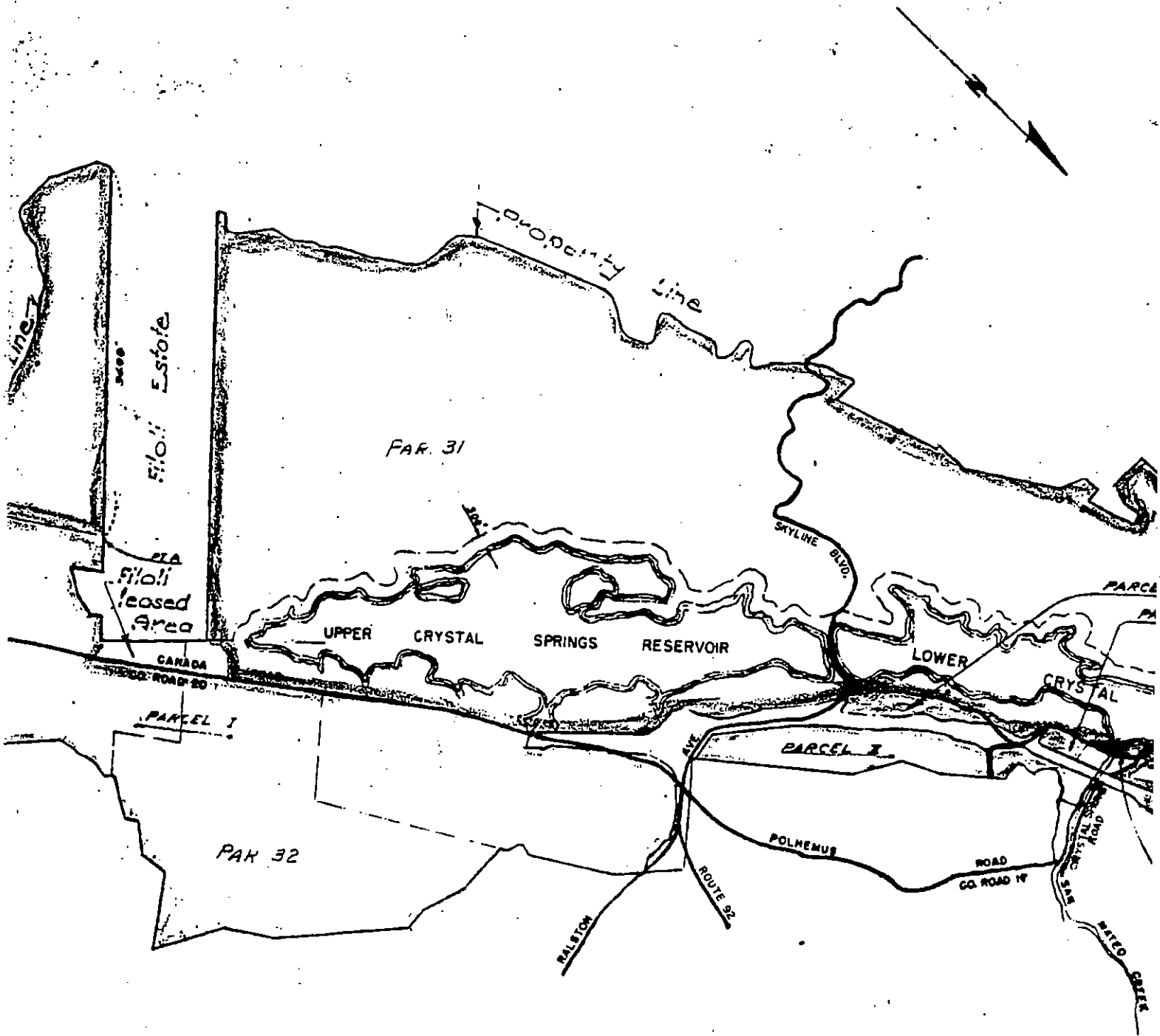
All that portion of the Crystal Springs watershed property situated northerly of the Crystal Springs Dam and bounded on the east by the westerly line of State Freeway Route 280; on the south by the Crystal Springs Road; on the west by a line drawn 300 feet from the high water line, elevation 328 U.S.G.S. base, of the Crystal Springs Reservoir and the westerly line of Sawyer Camp Road, County Road No. 14; and on the north by the intersection of the westerly line of said County Road No. 14 with the westerly line of

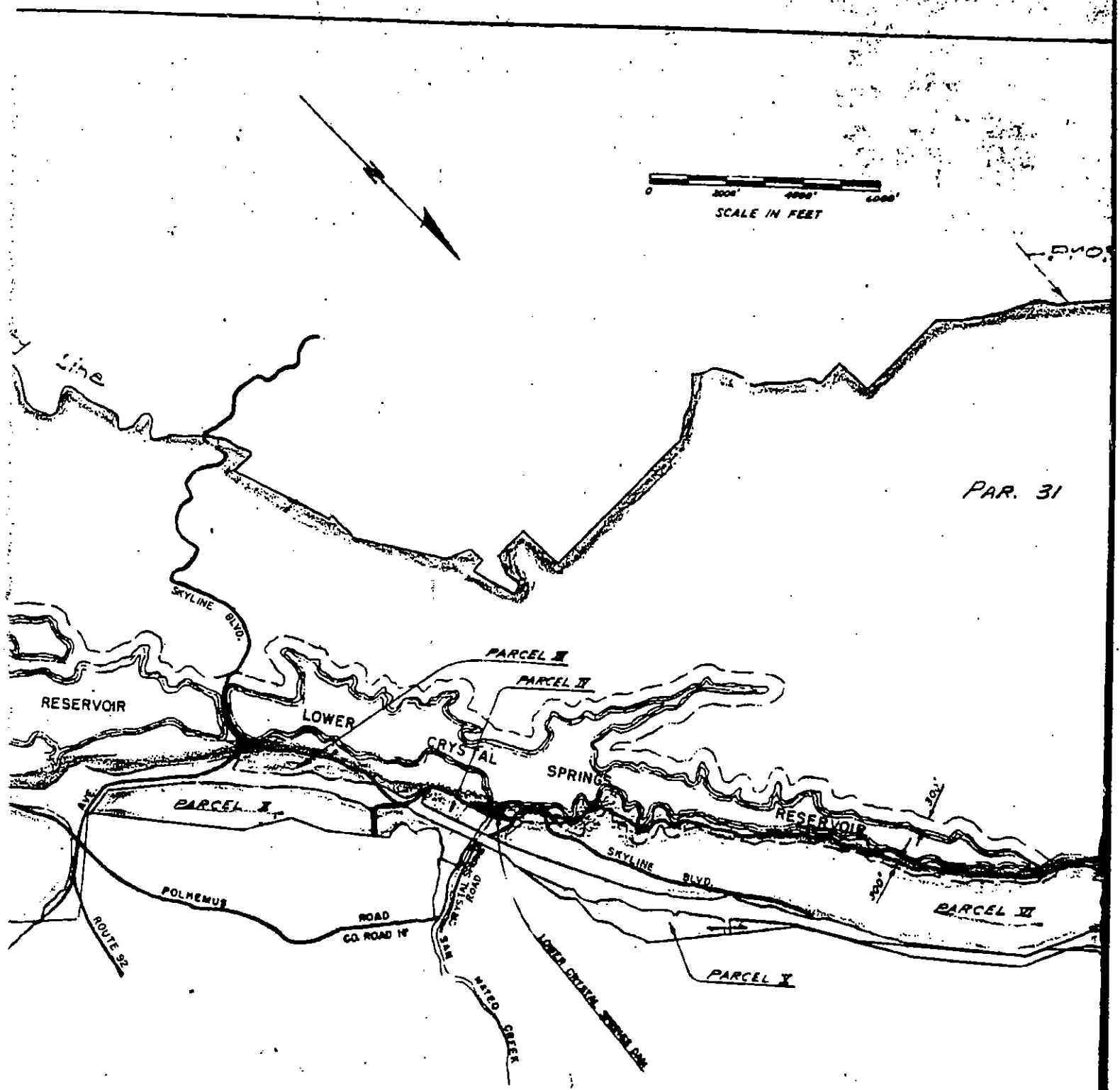
State Freeway Route No. 280.

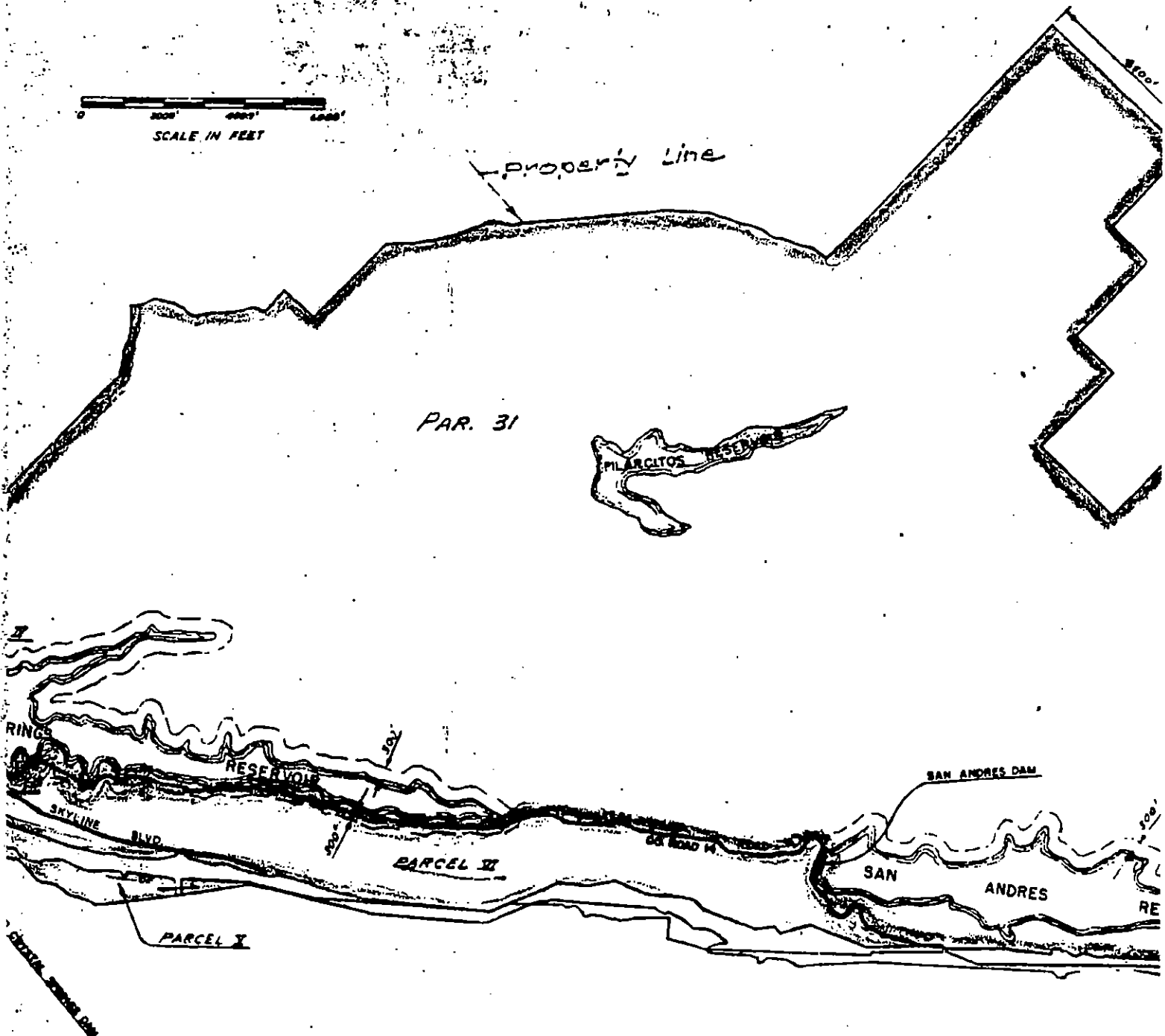
PARCEL VII

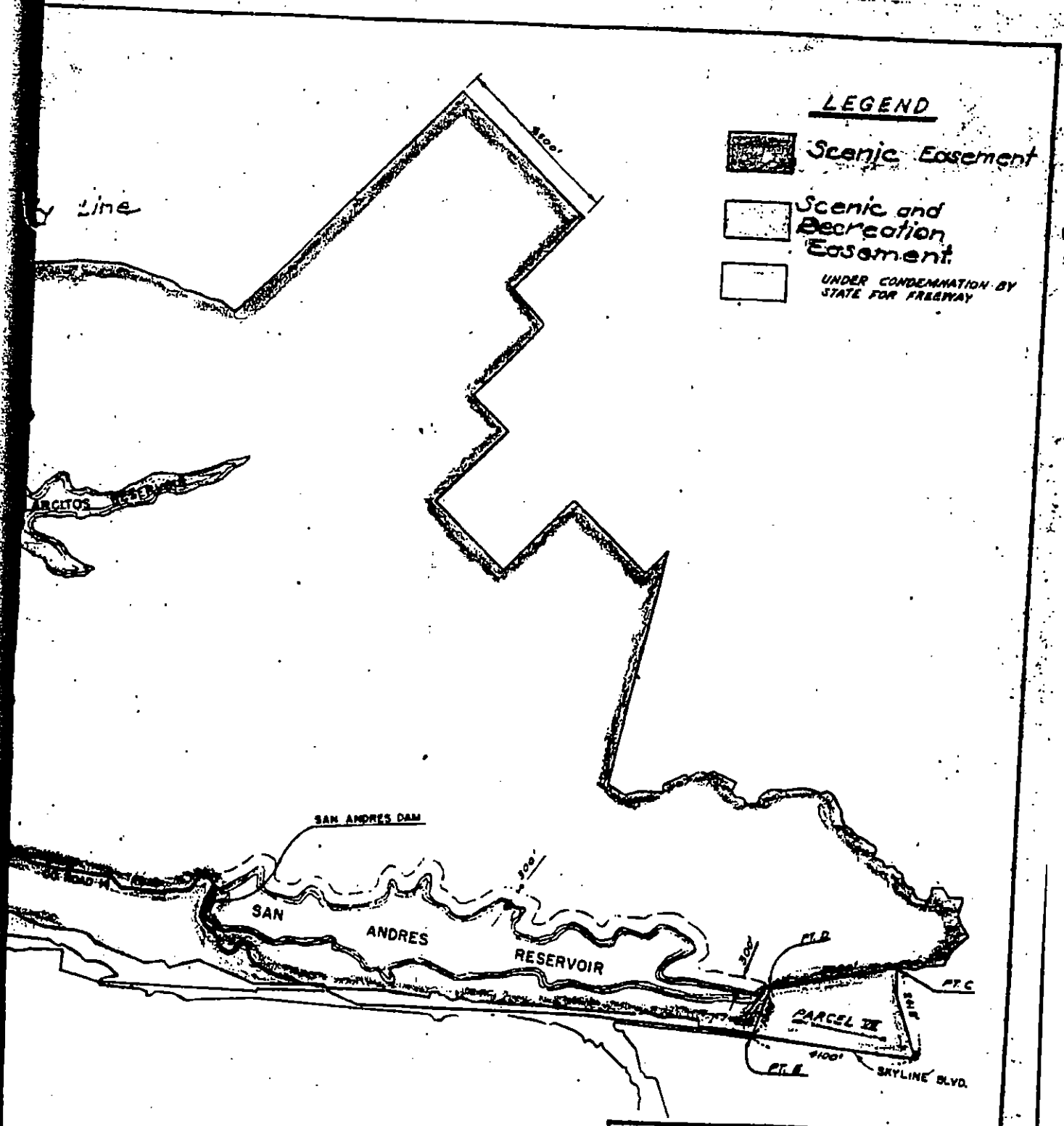
All that portion of the San Andreas watershed property bounded on the east by the westerly line of State Route No. 35, Skyline Boulevard; on the north by the northerly property line of Parcel 31 as referred to in said deed from Spring Valley Water Company; on the west and south by a line connecting points "C", "D" and "E" on the said Exhibit "D" map.














LEGEND

-  Scenic Easement
-  Scenic and Recreation Easement
-  UNDER CONDEMNATION BY STATE FOR FREEWAY

PENINSULA WATERSHED LANDS			
SCALE 1" = 2000'		DR. R.C.	DATE NOV. 1958
33013AC		DRAWING NO. X-1838-B	
EXHIBIT "D"			