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RECORDING REQUESTED BY:  
California Regional Water Quality Control Board  
North Coast Region

WHEN RECORDED, RETURN TO:  
North Coast Railroad Authority  
419 Talmage Road #M  
Ukiah, CA 95482

EXEMPT FROM RECORDING FEES PER  
GOVERNMENT CODE §§6103, ~~27009~~ 27383

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**COVENANT AND ENVIRONMENTAL RESTRICTION ON  
ASSESSOR'S PARCEL NUMBER 002-232-15  
309 EAST PERKINS STREET, UKIAH, CA 95482**

This Covenant and Environmental Restriction is made and entered into 18<sup>TH</sup> day of January, 2018 by the North Coast Railroad Authority, a local agency created by the California Legislature, who is the Owner of record of that certain property identified as APN 002-232-15, in the City of Ukiah, County of Mendocino, State of California, a portion of which is more particularly depicted in Exhibit "A" attached hereto and incorporated herein by this reference hereinafter referred to as the "Property".

**WHEREAS**, the North Coast Railroad Authority ("Grantor") applied to and received from the California Regional Water Quality Control Board, North Coast Region ("Regional Board"), for a Clean Water Act Section 401 Quality Certification (WDID Number 1B170610WNME - Ukiah Courthouse Gibson Crossing) which requires, among other things, a plan to enhance approximately 110 linear feet of stream channel function, 0.13 acres of riparian area adjacent to Gibson Creek Bridge including planting of native riparian trees; and

**WHEREAS**, the Ukiah Courthouse Mitigation and Monitoring Plan (State Clearing House No. 2011092089), and the Gibson Creek Enhancement Plan submitted to the Regional Board on July 18, 2017 ("EIR MMP and Enhancement Plan") is incorporated herein by reference and consist of riparian enhancement including a riparian tree list, bio-engineering and tree installation; and

**WHEREAS**, riparian zones play a significant role in the maintenance of water quality by reducing and removing pollutants from surface water runoff, trapping sediments, and stabilizing soil; and

**WHEREAS**, riparian zones play a significant role in moderating storm flows to streams thereby reducing downstream flooding, provide flood storage capacity and groundwater recharge, and provide shade to the water body, providing a more stable aquatic habitat for a variety of aquatic and terrestrial species, for the benefit of the public; and

**WHEREAS**, this covenant and environmental restriction is made for the purpose of ensuring that the new plantings in the 25-foot wide buffer from top of bank in the riparian areas and describe long term maintenance for ecological functions and protection in perpetuity of the riparian mitigation on the east side of the bridge and existing riparian vegetation west of the bridge; and

**NOW THEREFORE**, the Grantor, for and in consideration of the facts recited above enters into the following covenants and deed restrictions on behalf of themselves and their heirs and assigns:

1. The California North Coast Regional Water Quality Control Board will have the right to enforce by proceedings in law or equity the covenants and deed restrictions set out herein and this right shall not be waived by one or more incidents of failure to enforce said right;
2. Employees of the California North Coast Regional Water Quality Control Board will have the right to view the Property in its natural, scenic, and open condition and the right to enter the Property at all reasonable times during normal business hours for the purpose of inspecting Property to determine if the Grantor, or his heirs or assigns, is complying with the EIR MMP and Enhancement Plan, covenants and restrictions herein;
3. Prohibited Uses: The following activities are expressly prohibited within the Property:
  - a. The subdivision of the Property including, but not limited to any subdivisions or establishment of separate legal parcels within Property by (i) certificate of compliance, (ii) lot line adjustments, or (iii) any other method.
    - i. The subject Property may be deeded or conveyed or transferred to ownership by the City of Ukiah or other public or quasi-public entity with the provision that this deed restriction be maintained in perpetuity.
  - b. The placement or construction of any building, structures or other improvements of any kind, including without limitation, roads, parking lots, mobile homes, wind turbines, antennae, or other buildings, advertising, signage, or communication equipment.
  - c. Any recreational, agricultural, commercial, residential or industrial use or activity.
  - d. Any use of chemical including pesticides, insecticides, rodenticides and fertilizer; provided however, City of Ukiah staff or its designee, working on the Property may use herbicides on a limited basis subject to all required permits to control noxious weeds to benefit native California flora and fauna. In most cases, hand or mechanical removal is preferred to the use of herbicides to preserve the habitat quality of the Property.
  - e. Any access by dogs or any other domestic pets.
  - f. The placement of any signs or billboards except as needed to control un-authorized entry or use of the Property or to provide public education on the habitat conservation and enhancement projects or other educational interpretive signage.
  - g. Except in the case of any emergency, the operation of any motorized vehicles is prohibited in the preservation area as depicted in Exhibit "A". Any tools, supplies, plants and removed non-native exotic plants, trash and waste will be carried in and out by foot if there is a need to cross through the preservation area. In no case shall motorized vehicle operate in the preservation area for non-emergency purposes unless authorized in writing by the Regional Board.
4. Allowed Uses: The following activities and uses are expressly permitted within the Property:
  - a. Implementation or maintenance of restoration or enhancement of vegetation, including allowing the City of Ukiah staff or its designee to remove exotic species and poison oak, to trim, cut and prune up trees to enhance visual evaluation of the creek corridor and to create safer viewsheds, replace native plant mortality, installation or maintenance of irrigation lines and installation of approved signage in accordance with Section 3(f).

- b. Seasonal grass mowing if required for fire hazard reduction until the riparian vegetation is mature enough to shade out the grass.
  - c. Removal of trash, garbage, illegal camping and other foreign items and objects.
  - d. Routine maintenance and repair and cleaning of the public right-of-way, utilities, including storm drain lines, sewer lines, power lines, irrigation systems, any gas, electric or water within the Property; provided however, damage to plants shall be avoided to the maximum extent possible.
  - e. Any use or activity necessary or appropriate to implement the EIR MMP and Enhancement Plan.
5. Restriction in perpetuity: This Deed Restriction and the provision thereof are irrevocable and shall continue in effect in perpetuity. This Deed Restriction cannot be amended or modified without written approval from the Regional Board.
6. Governing Law: This Covenant Restriction shall be governed and construed in accordance with the laws of the State of California.
7. Severability: Invalidation of this Covenant Restriction by a judgement or court order shall in no way affect any other provisions hereof, and the same shall remain in full force and affect.
8. Third Party Damage: Owners shall not be responsible for the unauthorized entry, trespass, vandalism or damage that occurs on the Property as result of third-party activity over which Owner have no direct control.
9. No Dedication Intended: Nothing set forth herein shall be construed to be a gift or dedication, or offer of a gift or dedication, of the Property or any portion thereof to the general public.

IN WITNESS WHEREOF, the parties execute this Covenant as of the date set forth above.

SIGNATURE OF GRANTOR

MITCH STOGNER, EXECUTIVE DIRECTOR

Dated: 1-18-08

Mitch Stogner  
EXECUTIVE DIRECTOR  
NORTH COAST RAILROAD AUTHORITY

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 MENDOCINO

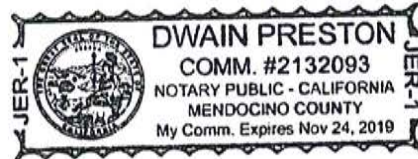
On 1-18-08, before me, Dwain Preston - Notary Public, personally appeared,  
MITCH STOGNER

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.

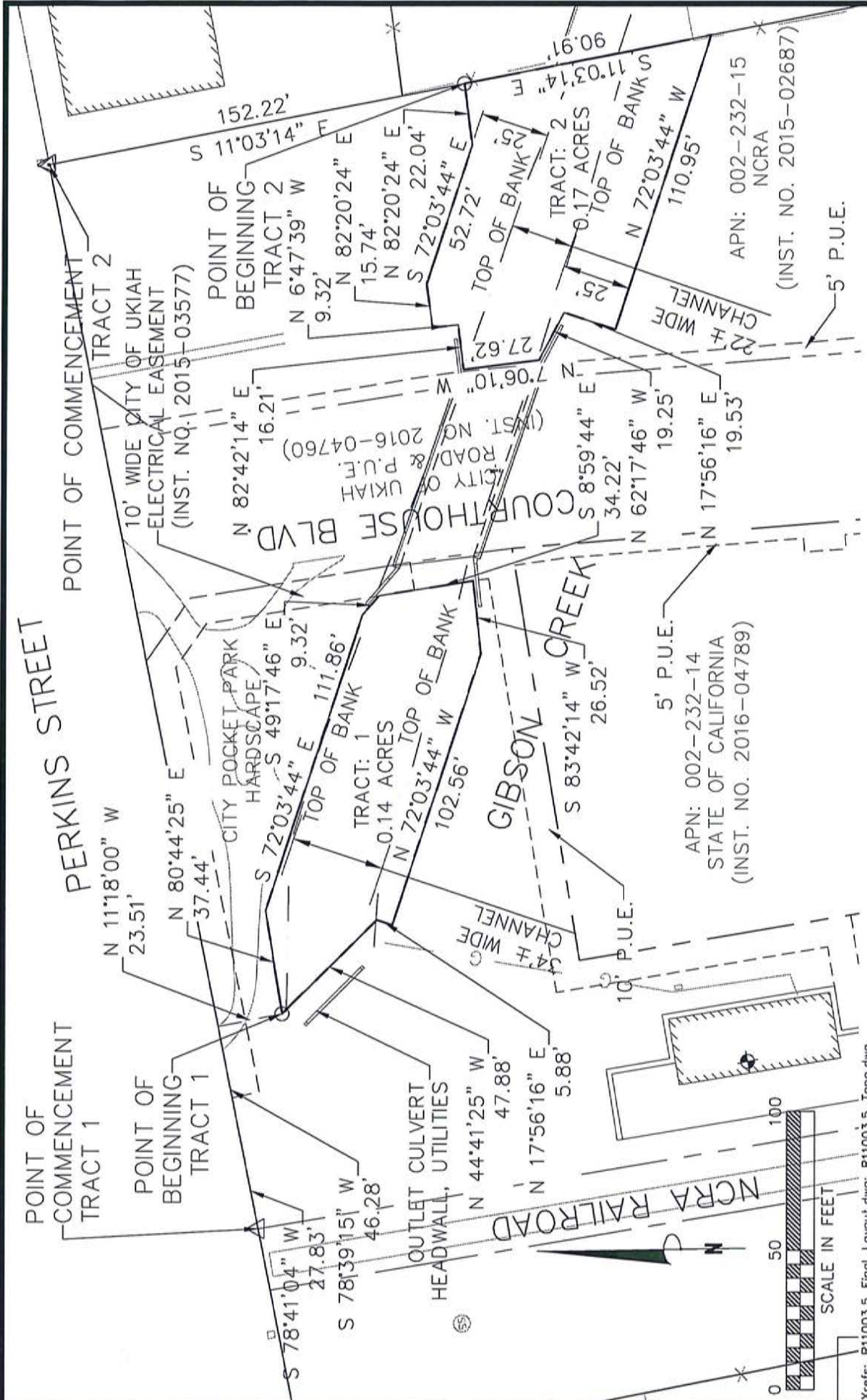
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS MY HAND AND OFFICIAL SEAL

Signature Dwain Preston



(This area for official notarial seal)



Xrefs: R11003.5\_Final\_Layout.dwg; R11003.5\_Topo.dwg  
 Path: Z:\R11003.5\_Drawings\SURVEY\R11003.5\_Deed-Restrictions.dwg Plot Date: Dec 05, 2017 at 2:39pm

Date:	December 2017
Scale:	1"=50'
Drawn:	MAW
Checked:	GCR
Reviewed:	GCR
JOB NO.	R11003.5

**RAU AND ASSOCIATES INC.**  
 CIVIL ENGINEERS • LAND SURVEYORS  
 100 NORTH PINE STREET • (707) 462-6536 • UKIAH, CA 95482

DRAWING: EXHIBIT A  
**TRACTS 1 & 2 DEED RESTRICTIONS**  
 PROJECT: CITY OF UKIAH – RAIL YARD REDEVELOPMENT PROJECT

SHEET **1** of 1