

AFRER RECORDING, MAIL TO:
city of Del Mar
201 15th Street
Del Mar, California
Mr. Jack D. Shelver
K-927570-571

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VR 272
FILE/PAGE NO. 160335
BOOK 1971
RECORDED REQUEST OF
TITLE INSURANCE & TRUST CO.

JUL 23 9:00 AM '71

OFFICIAL RECORDS
SAN DIEGO COUNTY, CALIF.
HARLEY F. BLOOM
RECORDER

DECLARATION OF RESTRICTIONS

(Del Mar Bluffs)

This Declaration of Restrictions, made this 20th day
JULY
of ~~XXXX~~, 1971, by HELEN W. WOODWARD, individually, and the
CITY OF DEL MAR, a municipal corporation, hereinafter referred
to individually, respectively, as "Woodward" and "City", and
collectively as "Declarants":

WITNESSETH:

WHEREAS, Declarants own, in divided interests, 8.66 acres,
more or less, at the northwesterly corner of the City of Del
Mar, County of San Diego, State of California, known as the
Del Mar Bluffs; and

WHEREAS, Woodward owns the northeasterly one-half, more
or less, of said property, together with an adjacent easement,
described as Parcels 1 and 1A on Exhibit A attached hereto
as a part hereof, and hereinafter referred to as the "Residence
Preserve;" and

WHEREAS, City owns the southwesterly one-half, more or
less, of said property, together with an adjacent easement,
described as Parcels 2 and 2A on said Exhibit A, and hereinafter
referred to as the "Park Preserve."

NOW, THEREFORE, Declarants do hereby establish a general
plan for the protection, improvement and development of the
Residence and Park Preserves, and do hereby fix the general
restrictions, conditions, covenants and provisions upon and

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subject to which all lots, parcels and portions of the Residence and Park Preserves shall be held, leased, sold or conveyed by Declarants, or either of them, or their respective successors as such owner, each and all of which is and are for the benefit of the Residence and Park Preserves and of each owner of land therein and shall inure to and pass with the Residence and Park Preserves and every parcel thereof and shall apply to and bind the respective successors in interest of the Declarants, or either of them, and are, and each thereof is, imposed upon the Residence and Park Preserves, and each and every parcel thereof, as a servitude in favor of the Residence and Park Preserves, and each and every parcel thereof, as the dominant tenement or tenements, as follows:

I

Residence Preserve

A. That the Residence Preserve or any parcel or portion thereof shall be used for no purpose other than the erection and construction thereon and occupancy thereof of single family private residences, together with the customary outbuildings, servants quarters and garages appurtenant thereto.

B. That the Residence Preserve or any parcel or portion thereof shall not contain any building, structure, garage, outbuilding, fence, pole or other structure which does not have:

1. a completely stone and/or natural wood exterior, and
2. the prior written approval of the Design Review Board, or its successor, of City as to the plans and specifications therefor prepared by a duly licensed architect including finished grading plans; provided, in the event

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said Design Review Board, or its successor, fails to approve or disapprove any such plans and specifications within thirty (30) days after the same have been submitted to it, it shall be deemed that such plans and specifications have been approved pursuant to this subparagraph 2.

II

Park Preserve

A. That it is the intention of City to retain the Park Preserve intact as a naturally preserved park for the enjoyment on foot (or necessary substitute therefor such as wheelchair or baby-buggy) by the public in general and the residents of City in particular.

B. That no road, alley, driveway or other facility providing vehicular ingress or egress shall be constructed, erected, placed or permitted on any portion of the Park Preserve.

C. That no restrooms, picnic facilities, playground equipment or similar installations shall be constructed, erected, placed or permitted on any portion of the Park Preserve.

D. That access to the Park Preserve shall only be from the southerly or southeasterly portion thereof leading to a footpath along the entire western portion of the Park Preserve with a protective low wall or railing and occasional benches; provided, that any structure, fence, railing, bench or other structure constructed, erected, placed or permitted on the Park Preserve shall have a completely stone and/or natural wood exterior.

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E. That no structure, fence, railing, tree, hedge, shrub or other object constructed, erected, placed or permitted on the Park Preserve shall have a height in excess of four (4) feet.

F. That the improvements on the Park Preserve as of the date hereof which violate the provisions of the immediately preceding Paragraphs D and/or E shall, within two (2) years of the date hereof, be demolished and removed from the Park Preserve at the sole cost and expense of City, upon ninety (90) days' written notice by City to the then occupant of such improvements, if any, prior to the commencement of any such demolition or removal.

III

Miscellaneous

A. That the restrictions, covenants, conditions and provisions herein contained shall run with the land and shall be binding and in force and effect perpetually for the mutual benefit of each owner of any portion or parcel of the Residence and Park Preserves and they and each thereof shall inure to and pass with each and every parcel of the Residence and Park Preserves and shall apply to and bind the respective successors in interest of Declarants, or either of them, in and to the Residence and Park Preserves.

B. That a breach or violation of any of the foregoing restrictions, conditions, covenants and provisions shall give the Declarants, or either of them, and/or any owner or owners of lots or building sites in the Residence or Park Preserves, the right to enter upon said property upon or as to which such breach or violation exists, and to abate and remove

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at the expense of the owner thereof, any structure, thing, or condition that may be or exist thereon contrary to the intent and meaning of the provisions hereof, or to prosecute a proceeding at law or in equity against the person or persons who have violated or are attempting to violate any of the restrictions, conditions, covenants and provisions, to prevent or enjoin them from so doing to cause said violation to be remedied, or to recover damages for said violation; provided, however, that a breach or violation of said restrictions, conditions, covenants and provisions shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value as to the Residence and Park Preserves, or any part thereof, but such restrictions, conditions, covenants and provisions shall be binding upon and effective against any owner of any part of the Residence and Park Preserves whose title thereto is acquired by foreclosure, trustee's sale or otherwise.

C. That in the event any restriction, condition, covenant or provision herein contained is invalid or held to be invalid by any court of competent jurisdiction, such invalidity shall not affect any valid restriction, condition, covenant or provision herein contained.

D. That the failure by Declarants, or either of them, or by any property owner or their legal representatives, devisees, heirs, successors and assigns to enforce any such restriction, condition, covenant or provision herein contained, shall in no event be deemed a waiver of the right to do so thereafter.

E. That the provisions contained in this Declaration shall bind and inure to the benefit of and be enforceable by Declarants,

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or either of them, and the owner or owners of any portion of
the Residence and Park Preserves, or their and each of their
legal representatives, devisees, heirs, successors and assigns.

IN WITNESS WHEREOF, the Declarants herein have executed
the within Declaration of Restrictions as of the day and year
first hereinabove written.

Helen W Woodward
Helen W. Woodward

CITY OF DEL MAR

By Tom B. Pearson
Tom B. Pearson, Mayor

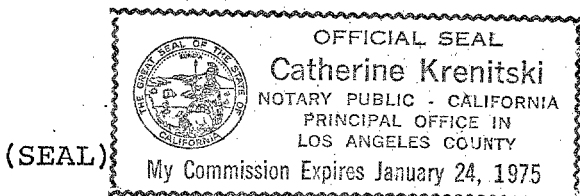
By Jack D. Shelver
Jack D. Shelver, City Manager

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STATE OF CALIFORNIA)
 Los Angeles) ss:
COUNTY OF ~~SAN DIEGO~~)

On July 21, 1971, before me, the under-
signed, a Notary Public in and for said State, personally
appeared HELEN W. WOODWARD, known to me to be the person
whose name is subscribed to the within instrument and acknow-
ledged that she executed the same.

WITNESS my hand and official seal.



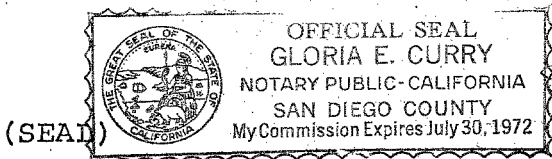
Catherine Krenitski
Notary Public in and for said State.

MY COMMISSION EXPIRES: Jan 24, 1975.

STATE OF CALIFORNIA)
) ss:
COUNTY OF SAN DIEGO)

On July 20, 1971, before me, the under-
signed, a Notary Public in and for said State, personally
appeared TOM B. PEARSON, known to me to be the Mayor, and
JACK D. SHELVER, known to me to be the City Manager of the
municipal corporation that executed the within Instrument,
known to me to be the persons who executed the within Instru-
ment on behalf of the municipal corporation therein named,
and acknowledged to me that such municipal corporation executed
the within instrument pursuant to a resolution of its council.

WITNESS my hand and official seal.



201 15th St., Del Mar, Calif. 92014

Gloria E. Curry
Notary Public in and for said State.

MY COMMISSION EXPIRES: 7/30/72.

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PARCEL 1:

THAT PORTION OF LOT 1 -NORTHWEST QUARTER OF THE NORTHWEST QUARTER- OF SECTION 11, TOWNSHIP 14 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF DEL MAR, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED JANUARY 18, 1876, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF LOT 1, WITH THE WEST LINE OF CALIFORNIA STATE HIGHWAY, DISTRICT XI-SD ROUTE 2, SECTION "A"; THENCE SOUTH $15^{\circ}06'53''$ WEST 332.08 FEET; THENCE SOUTH $28^{\circ}27'40''$ WEST 95.00 FEET; THENCE PARALLEL TO THE NORTH LINE OF SAID LOT 1, SOUTH $89^{\circ}51'03''$ WEST 310.00 FEET; THENCE NORTHWESTERLY IN A DIRECT LINE 440.00 FEET MORE OR LESS TO A POINT IN THE NORTH LINE OF SAID LOT 1, DISTANT THEREON SOUTH $89^{\circ}51'03''$ WEST 931.20 FEET FROM THE NORTHEASTERLY CORNER OF SAID LOT 1; THENCE ALONG SAID NORTH LINE NORTH $89^{\circ}51'03''$ EAST 621.48 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE ALONG THE BOUNDARY LINE BETWEEN SAID LOT 1 AND LOT 5 OF SECTION 2 SOUTH $89^{\circ}51'03''$ WEST 886.20 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID LINE SOUTH $89^{\circ}51'03''$ WEST 45.00 FEET TO THE MOST EASTERLY CORNER OF LAND DESCRIBED IN THE DEED FROM WM. C. KERCHOFF COMPANY TO THE TIPPETT COMPANY, RECORDED AUGUST 8, 1936 IN BOOK 561, PAGE 12 OF OFFICIAL RECORDS OF SAN DIEGO COUNTY; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID TIPPETT COMPANY'S LAND SOUTH $77^{\circ}13'03''$ WEST 195.29 FEET MORE OR LESS TO THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN; THENCE ALONG SAID TIDE LINE SOUTH $31^{\circ}04'50''$ EAST 11.26 FEET MORE OR LESS TO INTERSECTION WITH A LINE BEARING SOUTH $77^{\circ}01'$ WEST FROM THE TRUE POINT OF BEGINNING; THENCE NORTH $77^{\circ}01'$ EAST 235.68 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 1A:

THAT RIGHT OF WAY FOR DRIVEWAY AND OTHER PURPOSES IN LOT 1 SECTION 11, TOWNSHIP 14 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF DEL MAR, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED JANUARY 18, 1876, CONVEYED TO GEORGE ALLEN BISBEE BY DEED RECORDED APRIL 21, 1948 AS DOCUMENT NO.

40955 IN BOOK 2766, PAGE 99 OF OFFICIAL RECORDS, BEING DESCRIBED IN TWO PARCELS IN SAID DEED AS FOLLOWS:

-PARCEL 1- IS A PARCEL OF LAND 20.00 FEET WIDE, BEGINNING AT THE MOST SOUTHWESTERLY END OF THE PROPERTY DEEDED TO GEORGE ALLEN BISBEE BY DEED RECORDED IN BOOK 2445, PAGE 399 OF OFFICIAL RECORDS AND CONTIGUOUS TO AND LYING ALONG THE SOUTHEASTERLY SIDE OF SAID PROPERTY DEEDED TO GEORGE ALLEN BISBEE, AND BEING A SERIES OF CONTIGUOUS STRIPS OF LAND 20.00 FEET WIDE ALONG AND SOUTHEASTERLY FROM THE FOLLOWING BEARING OF SAID LAND SO DEEDED TO GEORGE ALLEN BISBEE, TO WIT:

NORTH 41°40'40" EAST 202.04 FEET TO A POINT; THENCE NORTH 28°52'40" EAST 97.00 FEET TO A POINT; THENCE NORTH 13°57'10" EAST 91.00 FEET TO A POINT; THENCE NORTH 28°27'40" EAST 185.00 FEET TO A POINT.

-PARCEL 2- LIES CONTIGUOUS TO THE NORTHEAST SIDE OF PARCEL 1 JUST DESCRIBED AND IS ALL THE LAND LYING BETWEEN THE PROPERTY CONVEYED TO GEORGE ALLEN BISBEE IN THE AFORESAID DEED AND THE HEREINAFTER DESCRIBED LINES TO WIT:

THE NORTHEASTERLY LINE OF PARCEL 1 AND A LINE BEGINNING AT THE NORTHEASTERLY CORNER OF THE SAID PARCEL 1 JUST DESCRIBED; THENCE ALONG A CURVE CONCAVE TO THE SOUTHEASTERLY AND HAVING A RADIUS OF 90.00 FEET THROUGH AN ARC OF 60°, MORE OR LESS TO A POINT ON THE WESTERLY LINE OF THE PRESENT STATE HIGHWAY; THENCE ALONG THE STATE HIGHWAY TO THE NORTHWESTERLY POINT OF THE PROPERTY DEEDED TO GEORGE ALLEN BISBEE IN THE AFORESAID DESCRIBED DEED.

EXCEPT THAT PORTION LYING SOUTHERLY OF THE EASTERLY PROLONGATION OF THAT CERTAIN COURSE IN THE SOUTHERLY LINE OF PROPERTY HEREINABOVE DESCRIBED HAVING A BEARING OF SOUTH 89°51'03" WEST AND A LENGTH OF 310.00 FEET.

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PARCEL 2:

THAT PORTION OF LOT 1 -NORTHWEST QUARTER OF THE NORTHWEST QUARTER- OF SECTION 11, TOWNSHIP 14 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF DEL MAR, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED JANUARY 18, 1876, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF LOT 1, WITH THE WEST LINE OF CALIFORNIA STATE HIGHWAY, DISTRICT XI-SD ROUTE 2, SECTION "A"; THENCE SOUTH 15°06'53" WEST 332.08 FEET; THENCE SOUTH 28°27'40" WEST 185.00 FEET; THENCE SOUTH 13°57'10" WEST 91.00 FEET; THENCE SOUTH 28°52'40" WEST 97.00 FEET; THENCE SOUTH 41°40'40" WEST 202.04 FEET; THENCE NORTH 74°52'50" WEST TO THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN; THENCE NORTHERLY ALONG SAID TIDE LINE TO THE NORTH LINE OF LOT 1; THENCE EASTERLY ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION OF SAID LOT 1 IN SECTION 11 CONVEYED BY WM. C. KERCKHOFF COMPANY, TO THE TIPPETT COMPANY BY DEED RECORDED AUGUST 8, 1936 IN BOOK 561, PAGE 12 OF OFFICIAL RECORDS IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY, DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF LOT 1 OF SECTION 11, TOWNSHIP 14 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE ALONG THE BOUNDARY LINE BETWEEN SAID LOT 1 AND LOT 5 OF SECTION 2, SOUTH 89°46' WEST 931.20 FEET TO THE PLACE OF BEGINNING; THENCE SOUTH 77°08' WEST 181.00 FEET, MORE OR LESS TO THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN; THENCE NORTHERLY ALONG SAID MEAN HIGH TIDE LINE 40.00 FEET MORE OR LESS TO THE LINE BETWEEN SECTIONS 2 AND 11; THENCE ALONG SAID SECTION LINE NORTH 89°46' EAST 177.00 FEET, MORE OR LESS TO THE PLACE OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE ALONG THE BOUNDARY LINE BETWEEN SAID LOT 1 AND LOT 5 OF SECTION 2, SOUTH 89°51'03" WEST 886.20 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID LINE SOUTH 89°51'03" WEST 45.00 FEET TO THE MOST EASTERLY CORNER OF LAND DESCRIBED IN THE DEED FROM WM. C. KERCKHOFF COMPANY TO THE TIPPETT COMPANY, RECORDED AUGUST 8, 1936 IN BOOK 561, PAGE 12 OF OFFICIAL RECORDS OF

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SAN DIEGO COUNTY; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID TIPPETT COMPANY'S LAND SOUTH 77°13'03" WEST 195.29 FEET, MORE OR LESS TO THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN; THENCE ALONG SAID TIDE LINE SOUTH 31°04'50" EAST 11.26 FEET, MORE OR LESS TO INTERSECTION WITH A LINE BEARING SOUTH 77°01' WEST FROM THE TRUE POINT OF BEGINNING; THENCE NORTH 77°01' EAST 235.68 FEET TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT PORTION LYING NORTHERLY AND NORTHEASTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT IN THAT CERTAIN COURSE IN THE EASTERLY LINE OF THE PROPERTY HEREINABOVE DESCRIBED AS SOUTH 28°27'40" WEST 185.00 FEET, DISTANT THEREON SOUTH 28°27'40" WEST 95.00 FEET FROM THE NORTHEASTERLY TERMINUS THEREOF; THENCE PARALLEL TO THE NORTH LINE OF SAID LOT 1, SOUTH 89°51'03" WEST 310.00 FEET; THENCE NORTHWESTERLY ON A DIRECT LINE TO A POINT IN THE NORTH LINE OF SAID LOT 1 DISTANT THEREON SOUTH 89°51'03" WEST 931.20 FEET FROM THE NORTHEASTERLY CORNER OF SAID LOT 1.

PARCEL 2A:

THAT RIGHT OF WAY FOR DRIVEWAY AND OTHER PURPOSES IN LOT 1 SECTION 11, TOWNSHIP 14 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF DEL MAR, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED JANUARY 18, 1876, CONVEYED TO GEORGE ALLEN BISBEE BY DEED RECORDED APRIL 21, 1948 AS DOCUMENT NO. 40955 IN BOOK 2766, PAGE 99 OF OFFICIAL RECORDS, BEING DESCRIBED IN TWO PARCELS IN SAID DEED AS FOLLOWS:

-PARCEL 1- IS A PARCEL OF LAND 20.00 FEET WIDE, BEGINNING AT THE MOST SOUTHWESTERLY END OF THE PROPERTY DEEDED TO GEORGE ALLEN BISBEE BY DEED RECORDED IN BOOK 2445, PAGE 399 OF OFFICIAL RECORDS AND CONTIGUOUS TO AND LYING ALONG THE SOUTHEASTERLY SIDE OF SAID PROPERTY DEEDED TO GEORGE ALLEN BISBEE, AND BEING A SERIES OF CONTIGUOUS STRIPS OF LAND 20.00 FEET WIDE ALONG AND SOUTHEASTERLY FROM THE FOLLOWING BEARING OF SAID LAND SO DEEDED TO GEORGE ALLEN BISBEE, TO WIT:

NORTH 41°40'40" EAST 202.04 FEET TO A POINT; THENCE NORTH 28°52'40" EAST 97.00 FEET TO A POINT; THENCE NORTH 13°57'10" EAST 91.00 FEET TO A POINT; THENCE NORTH 28°27'40" EAST 185.00 FEET TO A POINT.

-PARCEL 2- LIES CONTIGUOUS TO THE NORTHEAST SIDE OF PARCEL 1 JUST DESCRIBED AND IS ALL THE LAND LYING BETWEEN THE PROPERTY CONVEYED TO GEORGE ALLEN BISBEE IN THE AFORESAID DEED AND THE

HEREINAFTER DESCRIBED LINES TO WIT:

THE NORTHEASTERLY LINE OF PARCEL 1 AND A LINE BEGINNING AT THE NORTHEASTERLY CORNER OF THE SAID PARCEL 1 JUST DESCRIBED; THENCE ALONG A CURVE CONCAVE TO THE SOUTHEASTERLY AND HAVING A RADIUS OF 90.00 FEET THROUGH AN ARC OF 60°, MORE OR LESS TO A POINT ON THE WESTERLY LINE OF THE PRESENT STATE HIGHWAY; THENCE ALONG THE STATE HIGHWAY TO THE NORTHWESTERLY POINT OF THE PROPERTY DEEDED TO GEORGE ALLEN BISBEE IN THE AFORESAID DESCRIBED DEED.

EXCEPT THAT PORTION LYING NORTHERLY OF THE EASTERLY PROLONGATION OF THAT CERTAIN COURSE IN THE NORTHERLY LINE OF PROPERTY HEREINABOVE DESCRIBED HAVING A BEARING OF SOUTH 89°51'03" WEST AND A LENGTH OF 310.00 FEET.