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DOC# 2024-0213579

Aug 12, 2024 12:54 PM
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Requested by and, when Recorded, Return To:
Marshall A. Lewis, Esq.
Lewis, Hoxie & Spear, APLC
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San Diego, CA 92108-3780

APN: 430-510-25 and APN: 430-510-26

Documentary Transfer Tax is 0. There is no transfer of ownership (Revenue and Taxation Code 11911).

Marshall A. Lewis, Esq.

VIEW EASEMENT

This Declaration dated November 29, 2023, is made by Caesar Clark Bolchini, as Trustee of the Bolchini Family Trust dated March 20, 1992 (hereinafter referred to as the "**Bolchini Trustee**").

The **Bolchini Trustee** is the owner of certain real property in the City of San Diego, San Diego County, State of California, described in Exhibit "A" attached hereto and incorporated by reference herein (hereinafter referred to as the "**Servient Tenement**").

The **Bolchini Trustee** is also the owner of certain real property in the City of San Diego, San Diego County, State of California, described in Exhibit "B" attached hereto and incorporated by reference herein (hereinafter referred to as the "**Dominant Tenement**").

The **Servient Tenement**, at the date hereof, is unimproved property. The **Dominant Tenement**, at the date hereof, is a property that has been improved with a single-family residence. The elevation of the ground level of the **Dominant Property** is higher than the ground level of the **Servient**

Tenement. The **Dominant Tenement** affords its occupants with a very favorable view toward the west, across the **Servient Tenement,** of Mission Bay and beyond. To preserve that view in perpetuity for the occupants of the **Dominant Tenement,** this instrument is intended to prohibit any construction or vegetation on the **Servient Tenement** that exceeds the height of approximately 12 feet above the front sidewalk level of the **Servient Tenement,** as more particularly detailed below.

GRANT OF EASEMENT

The **Bolchini Trustee** hereby grants a perpetual easement to the **Bolchini Trustee** and future owners and occupants of the **Dominant Tenement** over the **Servient Tenement** of the right to receive unobstructed view over the entire **Servient Tenement** to the extent that the view may be received and enjoyed by owners and occupants of the **Dominant Tenement** by prohibiting any structure, vent, chimney, pipe, skylight, antenna, fence, tree or shrub or other vege-tation upon the **Servient Tenement** or part thereof above the height of the **Sloping Plane** (as hereinafter defined). The **Sloping Plane** passes through the presumed line of points (hereinafter defined and referred to as "**Points A**") of the observer on the **Dominant Tenement** and a parallel line of points above the easterly property line of the **Servient Tenement** (hereinafter defined as "**Points B**") and extending to the westerly

property line of the **Servient Tenement**, as illustrated on the attached Exhibit "C" hereto.

Points B are located directly above the easterly property line of the **Servient Tenement** at an elevation of 134.05 feet above **Sea Level**. Parallel to **Points B** is a line of points, being **Points A**, easterly of **Points B** a distance of 76.1 feet and over the **Dominant Tenement** at an elevation of 136.33 feet above **Sea Level**. The **Sloping Plane** also intersects a point that is at an elevation of 134.22 above **Sea Level** and is 12.27 feet above a scribed X in the concrete of the sidewalk that crosses northerly/southerly parallel to the easterly property line of the **Servient Tenement** a distance of approximately 7.0 feet easterly of said easterly property line.

The **Sloping Plane** also intersects a point that is at an elevation of 131.707 feet above **Sea Level** and is directly above the westerly property line of the **Servient Tenement** and the same distance from the northerly property line of the **Servient Tenement** as the aforesaid scribed X.

The **Sloping Plane** is at the same elevation between the northerly and southerly property lines of the **Servient Tenement**, the centerline of which has a bearing of N 79° 49'38" W.

For the purposes hereof, "**Sea Level**" is defined as the mean between high and low sea level at San Diego on August 1, 2022. As actual sea level changes from time to time, the elevations in

this Declaration shall be adjusted accordingly.

Any obstruction of such view above the **Sloping Plane** shall be considered an unauthorized interference with such right of easement and shall be promptly removed upon notice, such removal to be at the expense of the then owner of the **Servient Tenement.** The easement granted hereby is declared to be appurtenant to the properties and shall run with the land.

USE

The owners and occupants of the **Dominant Tenement** and their heirs and successors and assigns shall have the use of the air space only for the purpose of sight and view, may place no physical object in that air space or enter such air space or pass any physical object through such space, except as authorized herein upon default of the owners and occupants of the **Servient Tenement.**

The owners and occupants of the **Servient Tenement** shall not place any physical object in the space above the **Sloping Plane** or otherwise interfere with the enjoyment of such space and shall not permit any such object to be placed in such space, nor permit the growth of any vegetation, including trees, to penetrate any part of such space. However, the owners and occupants of the **Servient Tenement** and their successors and assigns and agents shall have the right to temporarily enter such space for

reasonable periods of time for the purpose only of construction and maintenance of any structure or vegetation beneath that space, but without the right to leave any equipment, supplies or other objects for longer than is reasonably necessary to make and complete such construction and repairs and perform such maintenance. Further, it is a part of this easement obligation that the owners and occupants of the **Servient Tenement** shall maintain the exterior of the **Servient Tenement**, including its roof, in a manner to not be an eyesore or objectionable from the view of the **Dominant Tenement.**

MAINTENANCE

The owners and occupants of the **Servient Tenement** and their successors and assigns and their agents shall perform maintenance on all vegetation on the **Servient Tenement** at least quarterly to keep such vegetation from penetrating the **Sloping Plane.** If the owners and occupants of the **Servient Tenement** fail to perform such maintenance, after fifteen days' written notice, the owners and their agents of the **Dominant Tenement** shall have the right to enter the **Servient Tenement** to the extent reasonably necessary to perform such maintenance and removal at the cost of the owners of the **Servient Tenement**, including reasonable attorney fees and costs incurred in connection with such entry and collection of such fees and costs.

MISCELLANEOUS

A. The owners of the **Dominant Tenement** and of the **Servient Tenement** shall execute such additional documents as may be reasonably needed to effectuate the intent of this Declaration, or required by the City of San Diego, in order to fully implement and effectuate the purposes hereof.

B. No breach of the Easement created by this Declaration shall impair or defeat the lien of any existing bona fide encumbrancer of the **Servient Tenement** at the date hereof.

C. This Declaration shall bind and inure to the benefit and burden of the respective heirs, personal representatives, successors and assigns of the owners of the **Dominant Tenement** and the **Servient Tenement.**

D. The easement created hereby shall continue until terminated by operation of law or by express written and recorded release by the then owners of the **Dominant Tenement.**

IN WITNESS WHEREOF, the declarant has executed this instrument the day and year first above written.

Caesar Clark Bolchini

Caesar Clark Bolchini, as Trustee of the
Bolchini Family Trust dated March 20, 1992

Exhibit "A"

Property Description of **Servient Tenement**

Lot 2 of the Bolchini Subdivision in the City of San Diego, County of San Diego, State of California, according to Map thereof No 4919, filed in the Office of the County Recorder of San Diego County, February 16, 1962.

APN: 430-510-25

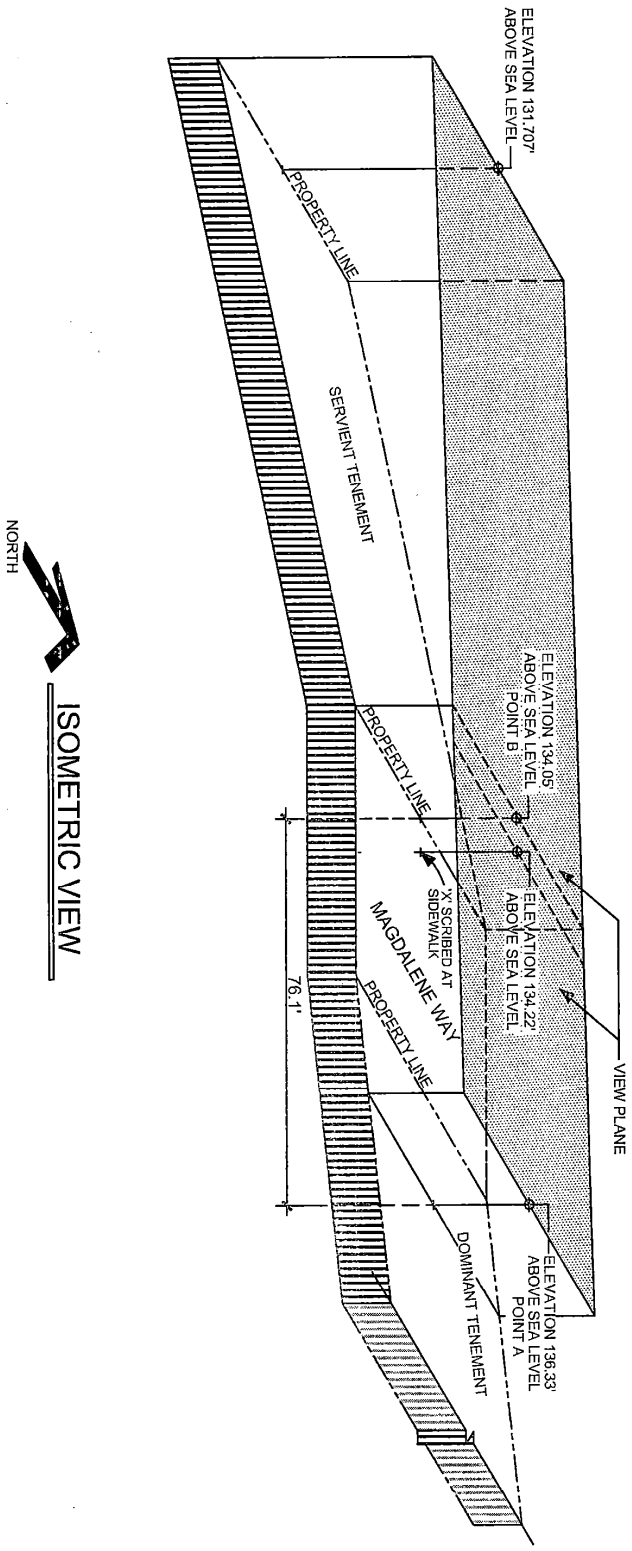
Exhibit "B"

Property Description of Dominant Tenement

Lot 3 of the Bolchini Subdivision in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 4919, filed in the Office of the County Recorder of San Diego County, February 16, 1962.

APN: 430-510-26

EXHIBIT "C"



ISOMETRIC VIEW

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 San Diego

On November 29, 2023, before me, MARSHALL A. LEWIS, Notary Public, personally appeared CAESAR CLARK BOLCHINI, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacities, and that, by his signature on the instrument, the person, or the entity upon behalf of which the person 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)
Marshall A. Lewis, Notary Public

