

ORIGINAL

Recorded at request of, and return to:
Orange County Right of Way Dept.,
400 West Eighth St., Santa Ana, Calif.

15832

RECORDED AT REQUEST OF
ORANGE COUNTY RT OF WAY DEPT
IN OFFICIAL RECORDS OF
ORANGE COUNTY, CALIF.

201 JUN 18 1964

RUBY McFARLAND, County Recorder

FREE

Project No: C5
Project: East Garden Grove-
Wintersburg Channel
Parcel No: 101

BOOK 7091 PAGE 32

EASEMENT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

BOLSA-HUNTINGTON CORPORATION, a California corporation;
BOLSA-MESA CORPORATION, a California corporation;
BOLSA-LOS PATOS CORPORATION, a California corporation;
BOLSA-LAGUNA CORPORATION, a California corporation; and
BOLSA-GRANDE CORPORATION, a California corporation,
("Grantors" herein)

do hereby GRANT to the ORANGE COUNTY FLOOD CONTROL DISTRICT, a body corporate and politic ("Grantee" herein), an easement and right of way for flood control and water conservation purposes in, over and across that certain real property (the "property" herein) in the County of Orange, State of California, described as:

Those portions of Section 29 and of the West half of Section 28, Township 5 South, Range 11 West, S.B.M., in the Rancho La Bolsa Chica, County of Orange, State of California, that are included within a strip of land of varying widths, the centerline of which is described as follows: Commencing at the intersection of the centerline of the Pacific Electric Railway Company's right of way through portions of said Section 29 and Section 30, with the centerline of the unnamed street now known as Los Patos Avenue, as shown on a map of the tract of Sunset Beach, recorded in Book 3, pages 39 and 40 of Miscellaneous Maps, Records of said Orange County, and as shown in County Surveyor's Transit Book 127, page 51, on file in the office of the County Surveyor of said county; thence along said Los Patos Avenue centerline S. 89° 12' 51" E., 457.83 feet; thence leaving said Los Patos Avenue centerline S. 33° 59' 25" E., 1355.26 feet; thence S. 42° 26' 00" E., 2938.14 feet to a two-inch iron pipe referred to as "Station 0+00" set by the Orange County Flood Control District and shown on Orange County Flood Control District Right of Way Map Drawing No. C5-1, said point being N. 37° 49' 40" W., 400.00 feet from a two-inch iron pipe referred to as "Station 4+00" also shown on said Orange County Flood Control District Right of Way Map Drawing No. C5-1;

Description Compared
By *[Signature]*

thence N. 25° 35' 52" E., 323.50 feet to the true point of beginning; thence from said point of beginning S. 71° 19' 39" E., 225.00 feet to the beginning of a tangent curve, concave northerly and having a radius of 1600.00 feet; thence easterly 370.00 feet along the arc of said curve through a central angle of 13° 14' 59" to a point hereinafter referred to as "Point A"; thence continuing easterly along the arc of the last mentioned curve 886.63 feet through a central angle of 31° 45' 01"; thence tangent to said curve, N. 63° 40' 21" E., 5439.72 feet to a point which is distant S. 0° 11' 01" W., 1796.72 feet from the centerline intersection of Graham Street and Wintersburg Avenue, as said intersection is shown in County Surveyor's Transit Book 136, page 2, on file November 20, 1958, in the office of the County Surveyor of said Orange County.

The side lines of said strip shall be prolonged or shortened to terminate northeasterly in the East line of the West half of said Section 28, Township 5 South, Range 11 West, S.B.M.

From the true point of beginning easterly to "Point A", said strip of land shall be 266.00 feet in width, lying 133.00 feet on each side of the above described centerline. From "Point A" northeasterly to the East line of the West half of said Section 28, said strip shall be 196.00 feet in width, lying 98.00 feet on each side of the above described centerline.

Excepting therefrom all minerals, gas, oil, petroleum, naphtha and other hydrocarbon substances, subject to the express limitation that the foregoing reservation shall in no way be interpreted to include any right of entry in and upon the surface of the above-described property, or the first 500 feet of the subsurface thereof.

Reserving, however, to the Grantors, their heirs, successors, and assigns, easements for the construction, operation, and maintenance of road bridges, pipelines, utility lines, and appurtenant structures so as to provide access across Grantee's channel in, over and upon the easement and right of way granted herein; the exact location of said easements to be mutually agreed upon between Grantee and Grantors, their heirs, successors or assigns. Grantors agree that no construction will be commenced within said reserved easements until the plans therefor, submitted by a Civil Engineer, duly registered as such by the State of California, have been first approved in writing by Grantee's Chief Engineer, and Grantee agrees that such plans will be approved or disapproved by said Engineer within a reasonable time following receipt thereof, and that approval will not be withheld without good cause. Grantors agree that any improvement placed within said reserved easements, pursuant to or under the easements reserved by the first sentence of this paragraph, shall be constructed, operated and maintained at no cost to the Grantee.

Grantors, for themselves and their respective successors and assigns, do hereby release Grantee, its officers, employees and agents, from any and all liability arising out of the use of the property for the purposes stated or implied herein.

The easement and right of way hereby granted shall continue for so long as the property is used for flood control and water conservation purposes, and no longer, and as to any portion of the property shall continue for so long as such portion is used for flood control and water conservation purposes, and no longer. Said easement and right of way is a determinable interest which shall automatically terminate as to any portion of the property which ceases to be used for flood control and water conservation purposes and upon such termination said easement and right of way in, over and across such portion of the property shall revert to Grantors, their heirs, successors or assigns, without re-entry, notice or lapse of time. Termination of said easement and right of way with respect to a portion of the property shall not be deemed to affect the continuance of said easement and right of way in, over and across any remaining portions of the property which continue to be used for flood control and water conservation purposes.

For the purpose of construing and applying the foregoing provisions of this deed, the following provisions shall govern:

1. The entire property shall be deemed to be in use for flood control and water conservation purposes on the date of this deed.
2. On the date of this deed, there are in existence upon the property certain flood control gates which are located approximately 110 feet southeasterly of the true point of beginning referred to in the description of the property herein. So long as said existing flood control gates shall remain in their present location, and shall remain in use, the entire property shall be deemed to be in use for flood control and water conservation purposes.
3. From and after the date that said existing flood control gates shall be demolished, abandoned, or removed, only those portions of the property lying easterly of the point at which the free flow of tidal waters is cut off by the existence of flood control gates and related dams or similar artificial structures shall be deemed to be used for flood control and water conservation purposes, and all portions of the property lying westerly of the most easterly point in the property to which tidal waters have unobstructed access shall be deemed to be no longer in use for flood control and water conservation purposes.
4. If flood control gates are located and operated at any point upon the property, those portions of the property lying easterly of such flood control gates shall be deemed to be cut off from the free flow of tidal waters even though from time to time such gates may be opened to permit tidal waters to flow through them onto portions of the property lying easterly of such gates; but, if regular operations of such gates has been abandoned, then such gates shall not be deemed to cut off the free flow of tidal waters from portions of the property lying easterly thereof.

5. Grantors and their respective heirs, successors and assigns, or any of them, shall have the right and power to construct or establish flood control gates at other points upon the property and, upon completion of said flood control gates, to remove or abandon operation of other existing flood control gates, in their sole discretion, at any time, or from time to time, subject to approval by Grantee's Chief Engineer of the plans for said construction, establishment, removal or demolition of said flood control gates; Grantee agreeing that any such plans shall be approved or disapproved by said Engineer within a reasonable time following receipt thereof, and that approval will not be withheld without good cause.
6. Grantee shall be relieved of any and all maintenance and/or operation of the channel or watercourse on those portions deemed to be no longer in use for flood control and water conservation purposes as stated in items 3, 4 and 5 herein.

Grantors agree to save Grantee, its officers, agents and employees harmless from any or all penalties, liabilities or loss resulting from claims or court actions arising directly or indirectly out of any damage or injury to persons or property by reason of the acts or omissions of Grantors, their agents, employees or independent contractors employed by Grantors in exercising any of the privileges herein reserved or in consequence thereof.

Grantee agrees to save Grantors, their officers, agents, employees and stockholders harmless from any or all penalties, liabilities or loss resulting from claims or court actions arising directly or indirectly out of any damage or injury to persons or property by reason of the acts or omissions of Grantee, its agents, employees, or independent contractors employed by Grantee in exercising any of the rights or privileges herein granted or in consequence thereof.

WITNESS the due execution hereof this 5th day of

December, 1963.

DATED: December 5, 1963

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BOLSA-HUNTINGTON CORPORATION

By Edward R. Valentine
President

By R. Bradbury Clark
Assistant Secretary

BOLSA-MESA CORPORATION

By Edward R. Valentine
President

By R. Bradbury Clark
Assistant Secretary

BOLSA-LAGUNA CORPORATION

By Edward R. Valentine
President

By R. Bradbury Clark
Assistant Secretary

BOLSA-LOS PATOS CORPORATION

By Edward R. Valentine
President

By R. Bradbury Clark
Assistant Secretary

BOLSA-GRANDE CORPORATION

By Edward R. Valentine
President

By R. Bradbury Clark
Assistant Secretary

CORPORATE ACKNOWLEDGMENT

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES ss:

On this 5th day of December 19 63, before me, a
Notary Public in and for said County and State, personally appeared

EDWARD R. VALENTINE, known to me to be the

President, and R. BRADBURY CLARK

Assistant Secretary
known to me to be the Secretary Secretary of the Corporations
that executed the within instrument, known to me to be the persons
who executed the within instrument on behalf of the said Corporations
and acknowledged to me that each Corporation executed the within instru-
ment pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.

Jean A. Kennedy
JEAN A. KENNEDY - NOTARY PUBLIC
In and for the County of Los Angeles and State of California
My Commission Expires November 6, 1964
433 SO. SPRING ST., LOS ANGELES 13, CALIFORNIA

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the
within deed or grant to the Orange County Flood Control District, a body
corporate and politic, is hereby accepted under authority of a resolution
adopted by the Board of Supervisors of said District on May 29, 1959, a
certified copy of which is recorded in Book 4736, page 350 of Official
Records, and the Grantee consents to the recordation thereof by its duly
authorized agent.

Dated _____

By _____
Chief Right of Way Agent

APPROVALS

Approved as to Contents
Orange County Flood Control District

By R. Bradbury Clark

Approved as to form by
County Counsel
on October 1, 1959

Chas. J. P. [Signature]

RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY FLOOD CONTROL DISTRICT OF
ORANGE COUNTY, CALIFORNIA

March 10, 1964

On motion of Supervisor Baker, duly seconded and carried, the following Resolution was adopted:

BE IT RESOLVED that Easement Deeds dated December 5, 1963 from Bolsa-Huntington Corporation, Bolsa-Mesa Corporation, Bolsa-Los Patos Corporation, Bolsa-Laguna Corporation and Bolsa-Grande Corporation, Grantors, to the Orange County Flood Control District, for the East Garden Grove-Wintersburg Channel, be and the same are hereby accepted and ordered recorded.

AYES: SUPERVISORS DAVID L. BAKER, WM. HIRSTEIN, C. M. FEATHERLY, ALTON E. ALLEN AND WILLIAM J. PHILLIPS

NOES: SUPERVISORS NONE

ABSENT: SUPERVISORS NONE

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss.

I, W. E. ST JOHN, County Clerk and ex-officio Clerk of the Board of Supervisors of the Orange County Flood Control District of Orange County, California, hereby certify that the above and foregoing Resolution was duly and regularly adopted by the said Board at a regular meeting thereof held on the 10th day of March, 1964, and passed by a unanimous vote of said Board.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 10th day of March, 1964.

RECEIVED

MAR 23 1964

COUNTY OF ORANGE
RIGHT OF WAY DEPARTMENT

Project No: C5
Project: East Garden Grove-
Wintersburg Channel
Parcel No: 101 and 101.1

Resolution No. F64-12

W. E. ST JOHN
County Clerk and ex-officio Clerk of
the Board of Supervisors of Orange
County Flood Control District of
Orange County, California

By *M. A. L. L. L. L.* Deputy

