


State of California
Department of Fish and Wildlife

Memorandum

Date: February 7, 2018

To: Mr. John Donnelly
Executive Director
Wildlife Conservation Board

From: Mr. Edmund Pert 
Regional Manager
South Coast Region

Subject: Easement vacation for portions of Cienega Springs (Cienega), Ventura County

As part of a development in Ventura County, the developer requires the vacation of an easement across their property in order to construct their project. The easement was to provide the previous owner secondary access to the highway 126. This easement was part of a recent acquisition by Wildlife Conservation Board (WCB) for the formerly known as Becerra property or as currently known to the Department as the Cienega Springs property. The Department has secondary access to the property through the Fillmore Fish Hatchery that is located adjacent to the Cienega Springs Property, and therefore does not have a need for this access and it may be disposed of for a fee.

The Department of Fish and Wildlife (Department) South Coast Region supports the vacation of the easement, as described in the enclosed documents, to Hearthstone in fee. We respectfully request that you assign a land agent to this transaction. The proponent is constructing the project under Streambed Alteration Agreements # 1600-2004-0173-R5 and 1600-2015-0273-R5 and CEQA SCH# 2002031079. The County of Ventura submitted the NOD for the project phase 2 in 2004. Earlier phases of the project are currently under construction, and the developer cannot complete phase 2 portion of the project, as the primary road for this phase requires us to vacate this easement.

If you have any questions regarding the transaction, please contact Rick Mayfield, acting Environmental Program Manager, within the South Coast Region. You may reach him at (805) 914-9323 or Rick.Mayfield@Wildlife.ca.gov.

ec: Tim Dillingham, R5 Lands Program Supervisor
John Walsh, WCB

Memorandum

To: Charlton H. Bonham, Director
Department of Fish and Wildlife

From: **Wildlife Conservation Board,**
Mailing address: P.O. Box 944209, Sacramento, California 94244-2090
(916) 445-8448 Fax (916) 323-0280

Subject: GRANT OF INTEREST IN STATE LAND-CLOSING PACKAGE
Project: Hearthstone Quitclaim
County: Ventura
WCB Project ID: 2019118

Date: OCT 14 2019

Attached are the following items concerning the above project lands over which an interest has been granted to an outside party:

- ☒ Easement Deed (copy)
- ☒ Plat or Map
- ☒ CDFW Director/Region action request memo

The pertinent information regarding this property is as follows:

- ☒ WCB Approval Date: 8/28/19
- ☐ WCB Blanket Authority by action of February 24, 1998

Parcel Size: 2± acres

Value: \$134,000

Date of Recordation: 10/11/2019

Assessor's Parcel Number: Portion of 054-0-010-145

General Location and Property Address: West of Filmore Fish Hatchery

Purpose: Quitclaim of a CDFW held access easement of 2± acres to an adjacent landowner near Filmore in Ventura County. Payment of \$134,000 was received by WCB and placed into the Wildlife Restoration Fund.



John P. Donnelly
Executive Director

Attachments

cc: Ed Pert, Regional Manager, South Coast Region (w/all attachments)
Sharon Taylor, Lands Inventory Manager ✓
WFD, Wildlife Branch, Lands Program (w/all attachments)
Mike Boll, Business Management Branch (w/Improvement Value itemization, if applicable)
DGS/RESO – Statewide Property Inventory (w/all attachments)
Budget Officer, WCB

This document filed for recording by Chicago Title Insurance and Trust as an accommodation only. It has not been examined as to its execution or as to its effect upon the title.

| | |
|---|---|
| Recording requested by and when recorded mail to: Hearthstone Multi-Asset Entity C., LP 24151 Ventura Blvd. Calabasas, CA 91302 c/o Steven Porath, Senior Vice President – General Counsel | it- I hereby certify that this is a full, true and correct copy of the original recorded in the office of the County Recorder of <u>VENTURA</u> <u>10/11/2019</u> as Document No. <u>20191011-00123927</u> CHICAGO TITLE By <u>[Signature]</u> FBI OFFICER |
|---|---|

SPACE ABOVE THIS LINE FOR RECORDER'S USE

| | |
|--|---|
| Assessor's Parcel No <u>104-1-010-195</u> | OFFICIAL BUSINESS Document Entitled to Free Recording |
| DOCUMENTARY TRANSFER TAX IS \$0 This is a conveyance of an easement and the value is less than \$100; R&T 11911 | |

QUITCLAIM OF EASEMENT DEED

For good and valuable consideration, the receipt of which is hereby acknowledged, **THE STATE OF CALIFORNIA**, acting by and through the **California Department of Fish and Wildlife, Wildlife Conservation Board** ("Grantor"), does hereby remise, release and forever quitclaim to

Hearthstone Multi-Asset Entity C, L.P., a California limited partnership and its successors and assigns:

An easement in the City of Fillmore, County of Ventura, State of California more particularly described on Exhibit A attached hereto and made a part hereof, which easement was originally granted by Sespe Land and Water Company pursuant to Corporation Grant Deed dated December 5, 1973 and recorded in the Official Records of Ventura County, California as Instrument No. 89315, Book 4206, Page 737 on December 31, 1973.

IN WITNESS WHEREOF, Grantor, the State of California, has caused this Quitclaim Deed to be executed on the 24 day of Sept., 2019.

STATE OF CALIFORNIA
Natural Resources Agency
Department of Fish and Wildlife

By: [Signature]

Name: Rebecca Lins

Title: Asst. Exec. Director

CALIFORNIA ALL PURPOSE ACKNOWLEDGEMENT

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 _____

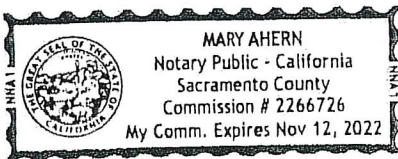
On _____ before me, _____,
Date (Insert Name and Title of the Officer)

personally appeared _____
Name(s) of Signer(s)

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.



Place Notary Seal and/or Stamp above

Signature: _____
Signature of Notary Public

Exhibit A

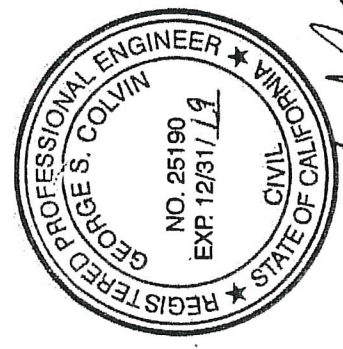
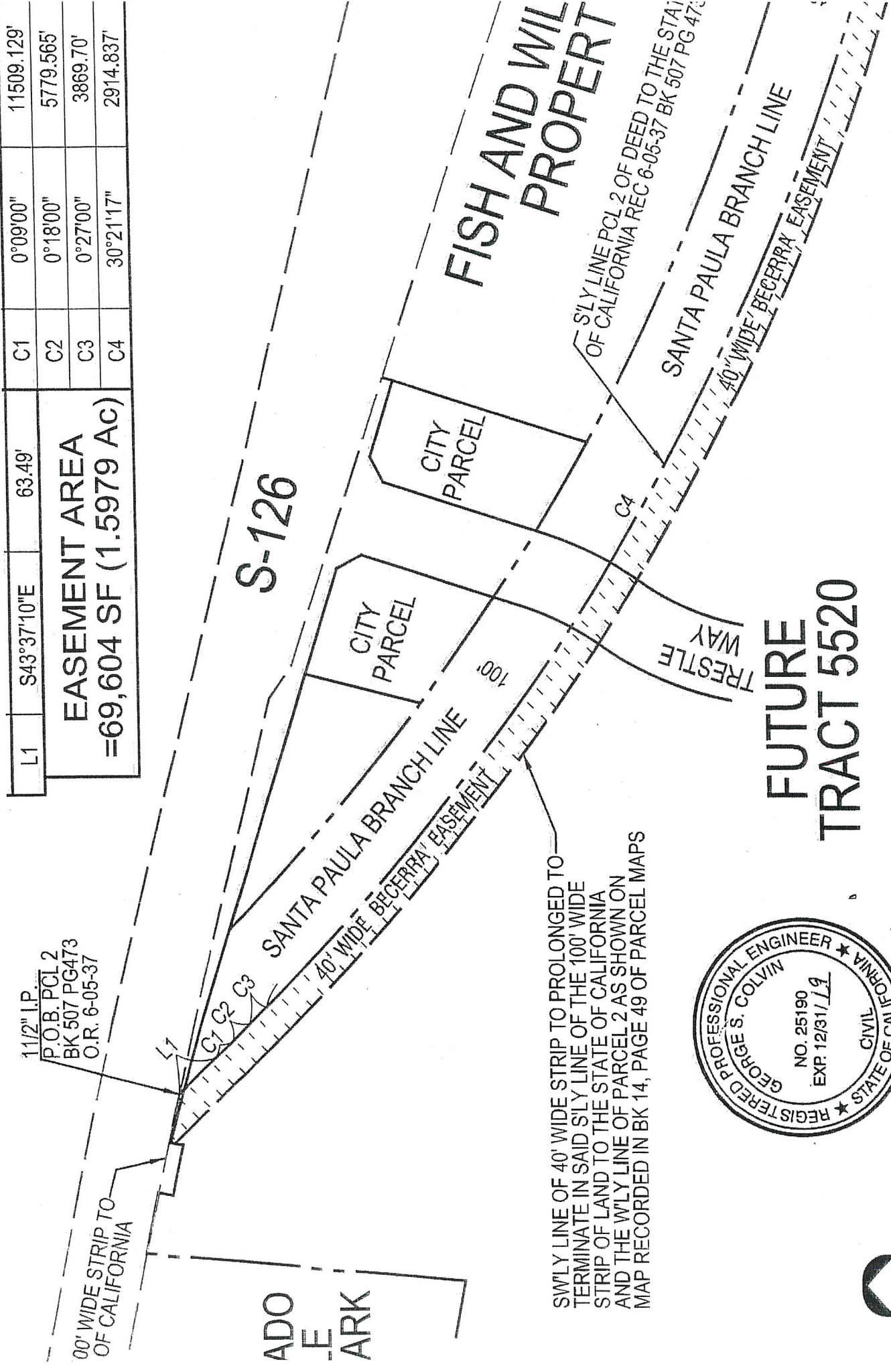
Legal Description

A non-exclusive easement for road purposes over a strip of land forty (40) feet wide in the Tract of land marked "Cienega" on the map of the Fillmore Subdivision of the 'Sespe Rancho', in the County of Ventura, State of California, recorded in Book 3, page 5 of Miscellaneous Records (Maps), in the office of the County Recorder of said Ventura County, the Northeasterly line of said strip being described as follows:

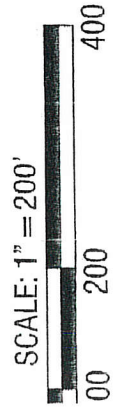
Beginning at a 1-1/2 inch iron pipe set at the point of intersection of the Southerly line of that certain tract of land one-hundred (10) feet wide, as described in Parcel 2 in the Deed to the State of California recorded June 5, 1937 in Book 507, page 473 of Official Records, and the Southwesterly line of the right of way, one-hundred (100) feet wide of the Southern Pacific Railroad Company; thence from said point of beginning along said Southwesterly line by the following seven courses,

- 1st: - South $43^{\circ} 37' 10''$ East 63.49 feet to the beginning of a tangent curve concave Northeasterly and having a radius of 11,509.129 feet; thence,
- 2nd: - Southeasterly along said curve through an angle of $0^{\circ} 09'$ an arc distance of 30.13 feet to a point of compound curvature with a curve concave Northeasterly and having a radius of 5779.565 feet; thence
- 3rd: - Southeasterly along said compound curve through an angle of $0^{\circ} 18'$ an arc distance of 30.26 feet to a point of compound curvature with a curve concave Northeasterly and having a radius of 3869.70 feet; thence,
- 4th: - Southeasterly along said compound curve through an angle of $0^{\circ} 27'$ an arc distance of 30.39 feet to a point of compound curvature with a curve concave Northeasterly and having a radius of 2914.837 feet; thence,
- 5th: - Southeasterly along said compound curve through an angle of $31^{\circ} 50'$ an arc distance of 1619.47 feet to a point of compound curvature with a curve concave Northerly and having a radius of 3869.70 feet; thence,
- 6th: - Easterly along said compound curve through an angle of $0^{\circ} 27'$ an arc distance of 30.39 feet to a point of compound curvature with a curve concave Northerly and having a radius of 5779.565 feet; thence,
- 7th: - Easterly along said compound curve through an angle of $0^{\circ} 11' 38''$ an arc distance of 19.56 feet to a Northwesterly corner of Parcel 2 as shown on that certain map recorded in Book 14, page 49 of Parcel Maps and of Parcel 1 in the Deed to Alfred C. Beserra et al., recorded July 3, 1973 in Book 4135, page 534 of Official Records, the Southwesterly line of said forty foot wide strip to be prolonged to terminate in said Southerly line of the one-hundred foot wide strip of land of the State of California, and the Westerly line of said Parcel 2 as shown on the map recorded in Book 14, page 49 of Parcel Maps.

| | | | | | |
|---|-------------|--------|----|-----------|------------|
| L1 | S43°37'10"E | 63.49' | C1 | 0°09'00" | 11509.129' |
| EASEMENT AREA =69,604 SF (1.5979 Ac) | | | C2 | 0°18'00" | 5779.565' |
| | | | C3 | 0°27'00" | 3869.70' |
| | | | C4 | 30°21'17" | 2914.837' |



George S. Colvin



HERITAGE VALLEY PARK

Taylor, Sharon@Wildlife

From: Walsh, John@Wildlife
Sent: Friday, October 25, 2019 3:53 PM
To: Taylor, Sharon@Wildlife
Subject: RE: Cienega Springs easement quitclaim error legal description

Thanks Sharon. I just emailed Hearthstone and suggested they provide a corrective deed.

John

From: Taylor, Sharon@Wildlife <Sharon.Taylor@wildlife.ca.gov>
Sent: Friday, October 25, 2019 3:29 PM
To: Walsh, John@Wildlife <John.Walsh@wildlife.ca.gov>
Subject: Cienega Springs easement quitclaim error legal description

Hi John,

I was reviewing the road easement quitclaim from CDFW to Hearthstone at Cienega Springs (project 2019118) & there are a couple legal description errors. I compared the quitclaim with Parcel 4 of the Beserra deed of 10/19/17 & circled the differences on the quitclaim for 5th & 7th courses. Also a typo in the 2nd paragraph.

There's a 100' radius error in 5th course & has wrong parcel 2 instead of parcel 1 in 7th course.

Would this be re-recorded?

Thanks,
Sharon
Wildlife Branch
916-323-7194

*easement from
Parcel 4 of Beserra*

deed 10/19/17

Exhibit A

Legal Description

/error in legal from CDFW

~~Star~~ Hearshstone quitclaim

10/11/19

Project 2019118

A non-exclusive easement for road purposes over a strip of land forty (40) feet wide in the Tract of land marked "Cienega" on the map of the Fillmore Subdivision of the 'Sespe Rancho', in the County of Ventura, State of California, recorded in Book 3, page 5 of Miscellaneous Records (Maps), in the office of the County Recorder of said Ventura County, the Northeasterly line of said strip being described as follows:

(100) Beginning at a 1-1/2 inch iron pipe set at the point of intersection of the Southerly line of that certain tract of land one-hundred (10) feet wide, as described in Parcel 2 in the Deed to the State of California recorded June 5, 1937 in Book 507, page 473 of Official Records, and the Southwesterly line of the right of way, one-hundred (100) feet wide of the Southern Pacific Railroad Company; thence from said point of beginning along said Southwesterly line by the following seven courses,

- 1st: - South 43° 37' 10" East 63.49 feet to the beginning of a tangent curve concave Northeasterly and having a radius of 11,509.129 feet; thence,
- 2nd: - Southeasterly along said curve through an angle of 0° 09' an arc distance of 30.13 feet to a point of compound curvature with a curve concave Northeasterly and having a radius of 5779.565 feet; thence
- 3rd: - Southeasterly along said compound curve through an angel of 0° 18' an arc distance of 30.26 feet to a point of compound curvature with a curve concave Northeasterly and having a radius of 3869.70 feet; thence,
- 4th: - Southeasterly along said compound curve through an angle of 0° 27' an arc distance of 30.39 feet to a point of compound curvature with a curve concave Northeasterly and having a radius of 2914.837 feet; thence,
- 5th: - Southeasterly along said compound curve through an angle of 31° 50' an arc distance of 1619.47 feet to a point of compound curvature with a curve concave Northerly and having a radius of 3869.70 feet; thence,
- 6th: - Easterly along said compound curve through an angle of 0° 27' an arc distance of 30.39 feet to a point of compound curvature with a curve concave Northerly and having a radius of 5779.565 feet; thence,
- 7th: - Easterly along said compound curve through an angle of 0° 11' 38" an arc distance of 19.56 feet to a Northwesterly corner of Parcel 2 as shown on that certain map recorded in Book 14, page 49 of Parcel Maps and of Parcel 1 in the Deed to Alfred C. Beserra et al., recorded July 3, 1973 in Book 4135, page 534 of Official Records, the Southwesterly line of said forty foot wide strip to be prolonged to terminate in said Southerly line of the one-hundred foot wide strip of land of the State of California, and the Westerly line of said Parcel 2 as shown on the map recorded in Book 14, page 49 of Parcel Maps.

*3969.70
in deed*

Parcel 1

1

Parcel 4
Reserva Deed description

EXHIBIT "A"
Legal Description

granted to John E. Rhodes, et al., in deed recorded April 7, 1964, in Book 2516, Page 116 of Official Records.

(b) An undivided 40% interest in and to all oil, gas, hydrocarbon and minerals of every kind lying more than 500 feet below the surface of said land, without right of surface entry, as granted to Patricia W. Heath, et al., in deed recorded November 22, 1967, in Book 3226, Page 579 of Official Records.

ALSO EXCEPT from that portion of said land lying within said Lots 2, 3 and 4, all oil, gas and other hydrocarbon substances and all other minerals in, under or that may be taken from said land, together with the sole and exclusive perpetual right to explore for, produce, extract, take and remove said substances (and water for such operations on said land), from and to store the same upon the said land, together with the right to construct, erect, maintain, operate, use, repair and replace thereon, and remove therefrom all derricks, tanks, machinery, buildings and equipment and structures which may be reasonable, necessary or convenient for such purposes, together with the rights of way for passage over, upon and across and ingress and egress to and from said land and for pipelines, telephone and power lines in connection with such operations on said land or elsewhere, as reserved by the Texas Company, a corporation, in deed recorded December 3, 1948, in Book 849, Page 225 of Official Records.

Parcel 4:

A non-exclusive easement for road purposes over a strip of land 40 feet wide in the tract of land marked "Cienega" on the map of the Fillmore Subdivision of the Sespe Rancho, in the County of Ventura, State of California, recorded in Book 3, Page 5 of Miscellaneous Records (Maps), in the office of the County Recorder of said Ventura County, the Northeasterly line of said strip being described as follows:

Beginning at a 1 1/2 inch iron pipe set at the point of intersection of the Southerly line of that certain tract of land 100 feet wide, as described in Parcel 2 in the deed to the State of California, recorded June 5, 1937 in Book 507, Page 473 of Official Records, and the Southwesterly line of the right of way, 100 feet wide of the Southern Pacific Railroad Company; thence from said point of beginning along said Southwesterly line by the following seven courses,

1st: South 43° 37' 10" East 63.49 feet to the beginning of a tangent curve concave Northeasterly and having a radius of 11,509.129 feet; thence,

2nd: Southeasterly along said curve through an angle of 0° 09' an arc distance of 30.13 feet to a point of compound curvature with a curve concave Northeasterly and having a radius of 5779.565 feet; thence,

3rd: Southeasterly along said compound curve through an angle of 0° 18' an arc distance of 30.26 feet to a point of compound curvature with a curve concave Northeasterly and having a radius of 3869.70 feet; thence,

4th: Southeasterly along said compound curve through an angle of 0° 27' an arc distance of 30.39 feet to a point of compound curvature with a curve concave Northeasterly and having a radius of 2914.837 feet; thence,

5th: Southeasterly along said compound curve through an angle of 31° 50' an arc distance of 1619.47 feet to a point of compound curvature with a curve concave Northerly and having a radius of 3969.70 feet; thence,

Parcel 4

Beserra deed description
10/19/17 Project 2006061

EXHIBIT "A"
Legal Description

6th: Easterly along said compound curve through an angle of $0^{\circ} 27'$ an arc distance of 30.39 feet to a point of compound curvature with a curve concave Northerly and having a radius of 5779.565 feet; thence,

7th: Easterly along said compound curve through an angle of $0^{\circ} 11' 38''$ an arc distance of 19.56 feet to the Northwestern corner of Parcel 1 as shown on that certain map recorded in Book 14, Page 49 of Parcel Maps and of Parcel 1 in the deed to Alfred C. Beserra et al., recorded July 3, 1973, in Book 4135, Page 534 of Official Records, the Southwesterly line of said 40 foot wide strip to be prolonged to terminate in said Southerly line of the 100 foot wide strip of land of the State of California, and the Westerly line of said Parcel 1 as shown on the map recorded in Book 14, Page 49 of Parcel Maps.

EXCEPT any portion described herein as Parcel 11.

Parcel 5: Assessor's Parcel No. 041-0-260-355; 041-0-290-505

That portion of that certain tract of land marked "Cienega" on the map of the Fillmore Subdivision of Sespe Rancho, in the County of Ventura, State of California, as per Map recorded in Book 3, Page 5 of Miscellaneous Records (Maps), in the office of the County Recorder of said Ventura County, together with a portion of Lot 2 of Section 32, Township 4 North, Range 19 West, San Bernardino Meridian, described as follows:

Beginning at a point in the North line of lands described in the deed to Alfred C. Beserra, et al., recorded on December 31, 1973, in Book 4206, Page 737 of Official Records, at the Southwest corner of Parcel "A" as shown on the map of said land recorded in Book 16, Page 3 of Parcel Map; thence from said point of beginning along said North line of lands of Beserra,

1st: West 1,000.00 feet; thence at right angles,

2nd: North 250.00 feet; thence,

3rd: South $87^{\circ} 05' 28''$ East 1032.03 feet to a point on the West line of said Parcel "A"; thence along said West line,

4th: South $8^{\circ} 49' 50''$ West 200.00 feet to said point of beginning.

EXCEPT an undivided 20% interest in and to all oil, gas, and other mineral rights (excluding gravel), as granted to John E. Rhodes and G. Bernice Rhodes, in deed recorded April 7, 1964, in Book 2516 Page 116 of Official Records.

ALSO EXCEPT an undivided 40% interest in and to all oil, gas, hydrocarbons and mineral of every kind lying more than 500 feet below the surface of said land, without right of surface entry, as granted to Patricia W. Heath, et al., in deed recorded November 22, 1967, in Book 3226 Page 579 of Official Records.

ALSO EXCEPT from that portion of said land lying within said Lot 2, all oil, gas and other hydrocarbon substances and all other minerals in, under or that may be taken from said land, together with the sole and exclusive perpetual right to explore for, produce, extract, take and remove said substances (and water for such operations on said land), from and to store the same upon the said land, together with the right to