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**RECORDED AT THE REQUEST OF
AND WHEN RECORDED MAIL TO:**

Orange County Transportation Authority
c/o Real Property Department
550 S. Main Street
Orange, California 92863-1584

Mail Tax Statements as shown above

THIS SPACE FOR RECORDER'S USE ONLY

Portion of APN 340-382-31

DOCUMENTARY TRANSFER TAX \$ _____

- ___ Computed on the consideration or value of property conveyed
- ___ Exempt per Revenue & Taxation Code Section 11922
- ___ Exempt from Recording Fees per Govt. Code Section 27383

By:

SIGNATURE OF DECLARANT OR AGENT DETERMINING TAX FIRM NAME _____

- ☐ Unincorporated area of Orange County
- ☒ Incorporated - City of Anaheim

OCFCD Parcels: E02-306.3 & 307.3/E02-306.11 & 307.11

OCFCD Project: Carbon Creek Diversion Channel

OCTA Parcels: OR-003-01 & OR-003-03

OCTA Project: Orangethorpe Grade Separation

QUITCLAIM DEED

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

ORANGE COUNTY FLOOD CONTROL DISTRICT,
a body corporate and politic,
hereinafter referred to as "**DISTRICT**"

does hereby REMISE, RELEASE AND FOREVER QUITCLAIM to the

ORANGE COUNTY TRANSPORTATION AUTHORITY
a public entity
hereinafter referred to as "**GRANTEE**",

in an "as is" condition, all RIGHTS, TITLE and INTEREST in and to that certain real property in the county of Orange, state of California identified as **Parcel OR-003-01**, legally described in **Exhibit A** and illustrated in **Exhibit A-1** (the "**Property**"), which Property lies adjacent to DISTRICT'S flood control channel and may be subject to all hazards associated with flood conditions or with operations and maintenance of a flood control facility, of which District assumes no risks, financial or otherwise, associated therewith, including but not limited to flooding, overflow conditions, dust, noise, or vibrations, except for claims or matters arising from the concurrent active or sole negligent acts of DISTRICT, its officers, agents, employees or contractors, and DISTRICT hereby reserves a flood control easement per the terms and conditions set forth in **Exhibit B** over the real property identified as **Parcel OR-003-03** and more particularly described in **Exhibit C** and illustrated in **Exhibit C-1**, all of which Exhibits are attached hereto and made a part hereof.

**RECORDED AT THE REQUEST OF
AND WHEN RECORDED MAIL TO:**

Orange County Transportation Authority
c/o Real Property Department
550 S. Main Street
Orange, California 92863-1584

Mail Tax Statements as shown above

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By: _____

SIGNATURE OF DECLARANT OR AGENT DETERMINING TAX FIRM NAME

- ☐ Unincorporated area of Orange County
☒ Incorporated - City of Anaheim

OCFCD Parcels: E02-306.3 & 307.3/E02-306.11 & 307.11
OCFCD Project: Carbon Creek Diversion Channel
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a body corporate and politic,
hereinafter referred to as "**DISTRICT**"

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a public entity
hereinafter referred to as "**GRANTEE**",

in an "as is" condition, all RIGHTS, TITLE and INTEREST in and to that certain real property in the county of Orange, state of California identified as **Parcel OR-003-01**, legally described in **Exhibit A** and illustrated in **Exhibit A-1** (the "**Property**"), which Property lies adjacent to DISTRICT'S flood control channel and may be subject to all hazards associated with flood conditions or with operations and maintenance of a flood control facility, of which District assumes no risks, financial or otherwise, associated therewith, including but not limited to flooding, overflow conditions, dust, noise, or vibrations, except for claims or matters arising from the concurrent active or sole negligent acts of DISTRICT, its officers, agents, employees or contractors, and DISTRICT hereby reserves a flood control easement per the terms and conditions set forth in **Exhibit B** over the real property identified as **Parcel OR-003-03** and more particularly described in **Exhibit C** and illustrated in **Exhibit C-1**, all of which Exhibits are attached hereto and made a part hereof.

Nothing contained herein, or in any document related hereto, shall be construed to imply the conveyance to GRANTEE of rights in the property which exceed those owned by DISTRICT, or any representation or warranty, either express or implied, relating to the nature or condition of the property or DISTRICT'S interest therein.

GRANTEE acknowledges that DISTRICT is granting the property rights in advance of its review and final approval of GRANTEE'S construction plans; and DISTRICT hereby reserves unto itself the rights to any pipelines or other facilities (hereinafter "**Improvements**"), including easements for such Improvements, currently existing within the area to be acquired by this grant that are not shown in Official Records, regardless of whether such Improvements are apparent by physical inspection.

All rights reserved by DISTRICT pursuant to this Quitclaim Deed shall include the ability to grant such rights to others. Any such Improvements that may be disturbed by GRANTEE'S construction shall be replaced, reconstructed and/or relocated at GRANTEE'S expense in the event GRANTEE is unable to protect said Improvements in place. In the event GRANTEE must reconstruct and relocate DISTRICT'S Improvements onto adjoining real property, GRANTEE shall obtain DISTRICT'S approval of the proposed location; and GRANTEE shall acquire, if necessary, a transferable easement and convey said easement to DISTRICT upon DISTRICT'S approval of GRANTEE's construction.

Approved as to Form

Office of the County Counsel
Orange County, California

By: _____

Deputy

Date: _____

7/5/2012

GRANTOR:

ORANGE COUNTY FLOOD CONTROL
DISTRICT, a body corporate and politic

By: _____

Chairman, Board of Supervisors
Orange County, California

Signed and certified that a copy of this document
has been delivered to the Chairman of the Board per
G.C. Sec. 25103, Reso 79-1535

ATTEST:

Susan Novak

Clerk of the Board of Supervisors
Orange County Flood Control District
Orange County, California

GRANTEE'S SIGNATURE ON FOLLOWING PAGE

ACKNOWLEDGEMENT

State of California

County of Orange

On Aug 3, 2012, before me, Sergio Mora, Notary Public, personally appeared Susan Novak, who proved to me on the

basis of satisfactory evidence to be the person(s) whose name(s) 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.



Sergio Mora
Signature of Notary Public

Grantor/Grantee: OC Flood Control District/OC Transportation Authority

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Quitclaim Deed dated July 5 2012 from Orange County Flood Control District, a body corporate and politic, to the Orange County Transportation Authority (OCTA), a public entity, by the within instrument, the provisions of which contain certain terms and conditions which are incorporated by this reference as though fully set forth in this Certification, is hereby accepted and agreed to by the undersigned officer(s) on behalf of the OCTA pursuant to authority conferred by the OCTA Board of Directors Resolution No. 2010-010 adopted on March 8, 2010, and the Grantee agrees to be bound by the terms and conditions in the within instrument and consents to recordation thereof by its duly authorized officer.

Dated: _____

3/3/12

By: _____


Jim Bell

Executive Director, Capital Programs

EXHIBIT 'A'

LEGAL DESCRIPTION

CARBON CREEK DIVERSION CHANNEL (E02)

Those portions of Block F of the Kraemer Tract, in the City of Anaheim, County of Orange, State of California, as shown on a map recorded in Book 12, Pages 87 and 88 of Miscellaneous Records of Los Angeles County, California described as Parcel Numbers 306 and 307 in Deeds to Orange County Flood Control District recorded June 30, 1960 in Book 5308, Page 96 and July 11, 1960 in Book 5323, Page 235, respectively both of Official Records, in the Office of the County Recorder of said Orange County, more particularly described as follows:

OR-003-01 (Fee)

E02-306.3 & E02-307.3

BEGINNING at the southeast corner of Lot 59 as shown on Tract Map Number 5482, recorded in Book 271, Pages 48 through 50, inclusive of Miscellaneous Maps, in the Office of the County Recorder of said Orange County, said point also being on the westerly line of said Parcel No. 306; thence along said westerly line South 03°10'54" West 13.73 feet to the northerly line of Orangethorpe Avenue, 80.00 feet wide, as shown on a map filed in Book 16, Page 36 of Record of Surveys in the Office of the County Recorder of said Orange County; thence along said northerly line North 74°27'32" East 100.25 feet to the easterly line of said Parcel No. 307; thence along said easterly line North 03°11'38" East 15.67 feet to a line bearing North 73°25'02" East from said southeast corner of Lot 59; thence South 73°25'02" West 100.89 feet to the **POINT OF BEGINNING**.

Containing 1,396 square feet.

OR-003-02 (Fee)

(E02-306.4 & E02-307.4)


BEGINNING at the northeast corner of Lot 57 as shown on Tract Map Number 5482, recorded in Book 271, Pages 48 through 50, inclusive of Miscellaneous Maps, in the Office of the County Recorder of said Orange County, said corner also being on the westerly line of said Parcel No. 306; thence along said westerly line North 03°10'54" East 20.00 feet to the southerly line of Placentia Yorba Road, now known as Crowther Avenue, 50.00 feet wide, as shown on a map filed in Book 16, Page 36 of Record of Surveys in the Office of the County Recorder of said Orange County; thence along said southerly line South 86°23'10" East 120.51 feet to the easterly line of said Parcel No. 307; thence along said easterly line South 19°00'33" West 20.74 feet to a line parallel with, and distant southerly 20.00 feet from, the southerly line of said Crowther Avenue; thence along said parallel line North 86°23'10" West 114.85 feet to the **POINT OF BEGINNING**.

Containing 2,353 square feet.

Bearings and distances shown hereon are based on the California Coordinate System of 1983, Zone 6, 1983 North American Datum, 2007.00 Epoch Adjustment. Divide distances shown by 0.99999084 to obtain ground distances.

As shown on Exhibit 'A-1' attached hereto by this reference made a part hereof.

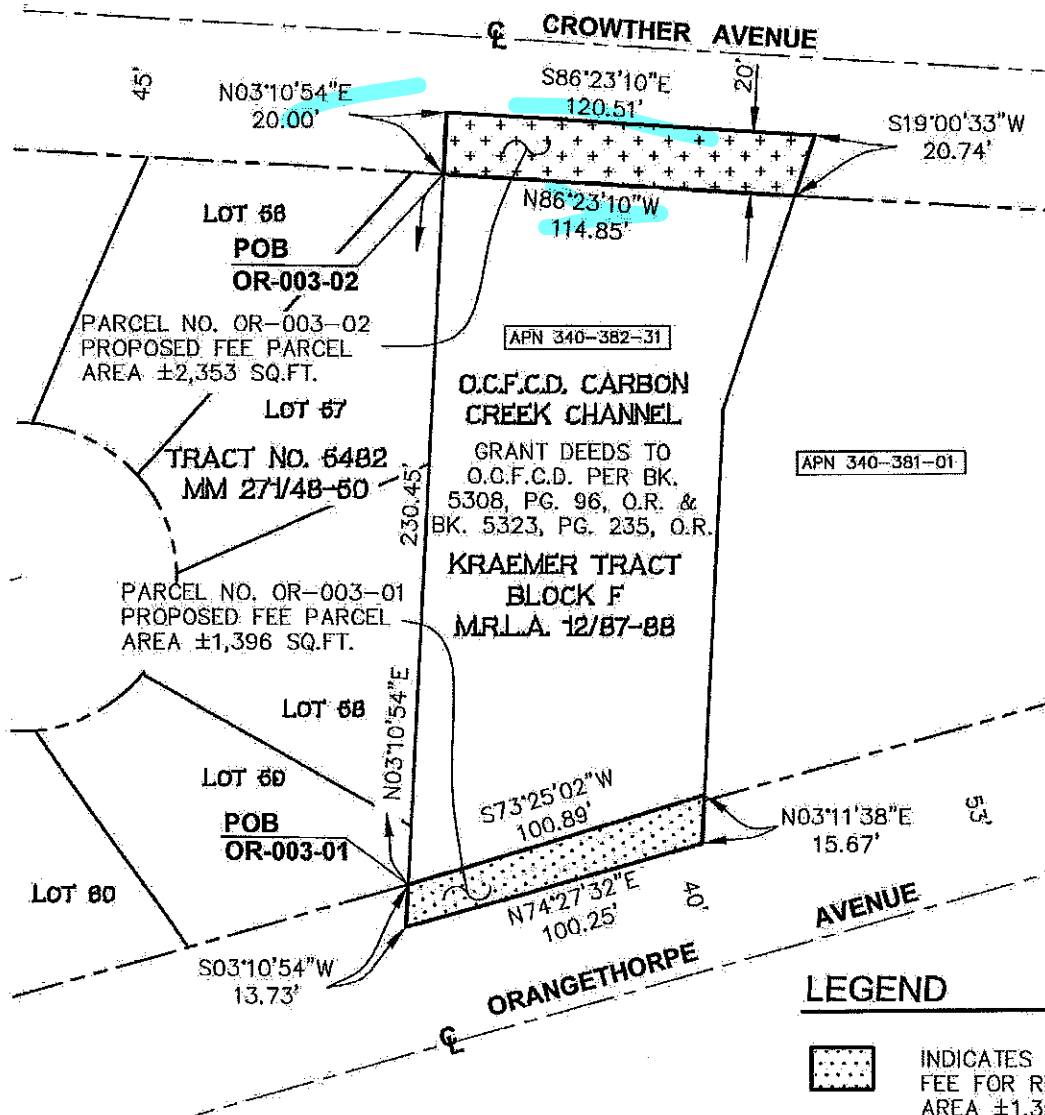
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.


Kari J. Launen
L.S. No. 5679

Feb. 24, 2011
Date



Expiration Date: 9/30/2011



LEGEND



INDICATES AREA TO BE CONVEYED IN FEE FOR RIGHT OF WAY PURPOSES. AREA ±1,396 SQ.FT.



INDICATES AREA TO BE CONVEYED IN FEE FOR RIGHT OF WAY PURPOSES. AREA 2,353 SQ.FT.

P.O.B. POINT OF BEGINNING

T.P.O.B. TRUE POINT OF BEGINNING

--- STREET CENTERLINE

--- STREET RIGHT OF WAY



SCALE: 1"=60'

BASIS OF BEARING:

The Basis of Bearings for this survey is the California Coordinate System of 1983 (CCS 83) Zone 6, as determined locally by the line between Orange County GPS Survey Monuments "5223" and "5213" having a bearing of North 79°40'05" West, 1983 North American Datum, 2007.00 Epoch Adjustment. Divide distances shown by 0.99999084 to obtain ground distances.

PLAT TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT 'A-1'

PARCEL NO. OR-003-01 &
PARCEL NO. OR-003-02

PSOMAS

3 Hutton Centre Drive, Suite 200
Santa Ana, Ca 92707
(714) 751-7373 www.psomas.com

SHEET 1 OF 1

SCALE: 1" = 60'

DRAFTED: NP6

CHECKED: KJL

DATE: 08/12/2010

JOB NO.: 2AECO10200

EXHIBIT B

EASEMENT RESERVATION Covenants and Conditions

The GRANTEE in the Quitclaim Deed to which this Exhibit B is attached, does hereby agree that the flood control easement reserved ("**Easement Reservation**") therein by Orange County Flood Control District ("**DISTRICT**") shall be a perpetual easement and right of way for any and all lawful purposes permitted under the Orange County Flood Control Act, including, but not limited to, flood control, water conservation, recreational and environmental enhancement purposes, including the construction, repair and maintenance of any related flood control facilities (the flood control facilities are hereinafter referred to as "**Facilities**") on, over, under, upon or across that certain real property identified as Parcel OR-003-03 (E02-306.11 & E02-307.11) and more particularly described in the attached Exhibit C and illustrated in the attached Exhibit C-1 (hereinafter referred to as the "**Easement Area**"), and GRANTEE agrees that the Easement Reservation shall be subject to the following terms and conditions:

1. CONSTRUCTION AND MAINTENANCE (PMES2.2N)

Should it be necessary for DISTRICT to conduct any construction or excavation activities or which may impact any GRANTEE-owned facilities on the surface of the Easement Area, DISTRICT'S Director OC Public Works, or designee ("**Director**"), agrees to notify GRANTEE in writing sixty (60) days in advance of such planned activities, and obtain GRANTEE'S written approval of all plans prior to commencement of any such activities. Said approval shall not be withheld unreasonably, nor shall said approval be necessary in any emergency situation or in conducting routine maintenance activities which do not involve disturbance of the surface area.

In the event any GRANTEE-owned facilities, including, but not limited to any roadways, bridges, or structural footings; or any utility lines or improvements, on, over, or about the Easement Area cause damage to DISTRICT'S Facilities, GRANTEE shall be responsible for restoring DISTRICT'S Facilities at GRANTEE'S sole cost and expense to the same condition as existed prior to the damage.

Except in areas in which such activities require regulatory agency approval, or are otherwise designated as environmentally sensitive, DISTRICT shall have the right to cut such roots as may endanger or interfere with DISTRICT'S Facilities, provided however, that any excavation shall be made in such a manner as will cause the least injury to the surface of the ground and to any improvements and/or landscaping around such excavation, and the earth so removed shall be replaced and the surface of the ground around such excavation shall be restored by DISTRICT at its expense to the same condition as existed prior to excavation.

DISTRICT shall, at no cost to GRANTEE, maintain in good repair and in safe condition all DISTRICT Facilities constructed, used or placed upon the Easement Area by or on behalf of DISTRICT pursuant to this Easement Reservation.

2. NOTICES (PMES12.1S)

All notices, documents, correspondence and communications concerning this Easement Reservation shall be addressed as set forth in this Section, or as Director or GRANTEE may hereafter designate by written notice, and shall be sent through the United States mail with postage prepaid. Any such mailing shall be deemed served or delivered forty-eight (48) hours after mailing. Director or GRANTEE may change the address for notices by giving the other at least ten (10) calendar days' prior written notice of the new address.

Notwithstanding the above, Director or GRANTEE may also provide notices, documents, correspondence, or such other communications to the other by personal delivery or by facsimile and so given shall be deemed to

have been given upon receipt if provided by personal delivery; or if by facsimile on the day transmitted provided transmitted by 4:30 P.M. (PT) on the receiving party's regular business day, otherwise delivery shall be deemed to have been given on the next business day.

To DISTRICT:

Orange County Flood Control District
c/o OC Public Works/Real Estate Services
Re: E02-306.11 & 307.11 Carbon Crk Diversion Ch.
300 N. Flower Street, 6th Floor
Santa Ana, CA 92703
Facsimile: 714/834-2870

To GRANTEE:

Orange County Transportation Authority
c/o Real Property Department
550 S. Main Street
P.O. Box 14184
Orange, CA 92863-1584

3. VENUE (PMES13.1S)

DISTRICT and GRANTEE hereto agree that this Easement Reservation has been negotiated and executed in the state of California and shall be governed by and construed under the laws of California. In the event of any legal action to enforce or interpret any Easement Reservation provision included in this Exhibit B, the sole and exclusive venue shall be a court of competent jurisdiction located in the County of Orange, California, and the DISTRICT and GRANTEE hereto agree to and do hereby submit to the jurisdiction of such court, notwithstanding Code of Civil Procedure Section 394. Furthermore, DISTRICT and GRANTEE specifically agree to waive any and all rights to request that an action be transferred for trial to another county.

4. SEVERABILITY (PMES15.1S)

If any term, covenant, condition, or provision of this Easement Reservation is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.

5. ATTORNEYS' FEES (PMES16.1S)

In any action or proceeding brought to enforce or interpret any provision of this Easement Reservation, or where any provision hereof is validly asserted as a defense, DISTRICT and GRANTEE shall bear its own attorneys' fees and costs.

6. SUCCESSORS AND ASSIGNS (PMES18.1S)

The terms, covenants, and conditions contained herein shall apply to and bind the heirs, successors, executors, administrators and assigns of DISTRICT and GRANTEE.

EXHIBIT 'C'

LEGAL DESCRIPTION

CARBON CREEK DIVERSION CHANNEL (E02)

Those portions of Block F of the Kraemer Tract, in the City of Anaheim, County of Orange, State of California, as shown on a map recorded in Book 12, Pages 87 and 88 of Miscellaneous Records of Los Angeles County, California described as Parcel Numbers 306 and 307 in Deeds to Orange County Flood Control District recorded June 30, 1960 in Book 5308, Page 96 and July 11, 1960 in Book 5323, Page 235, respectively both of Official Records, in the Office of the County Recorder of said Orange County, more particularly described as follows:

OR-003-03 (Drainage Easement)

(E02-306.11 & E02-307.11)

BEGINNING at the southeast corner of Lot 59 as shown on Tract Map Number 5482, recorded in Book 271, Pages 48 through 50, inclusive of Miscellaneous Maps, in the Office of the County Recorder of said Orange County, said point also being on the westerly line of said Parcel No. 306; thence along said westerly line South 03°10'54" West 13.73 feet to the northerly line of Orangethorpe Avenue, 80.00 feet wide, as shown on a map filed in Book 16, Page 36 of Record of Surveys in the Office of the County Recorder of said Orange County; thence along said northerly line North 74°27'32" East 12.60 feet to the **TRUE POINT OF BEGINNING**; thence continuing along said northerly line North 74°27'32" East 66.52 feet; thence North 03°11'38" East 15.25 feet to a line bearing North 73°25'02" East from said southeast corner of Lot 59; thence South 73°25'02" West 66.95 feet; thence South 03°11'38" West 13.97 feet to the **TRUE POINT OF BEGINNING**.

Containing 920 square feet.

OR-003-04 (Drainage Easement)

(E02-306.21 & E02-307.21)

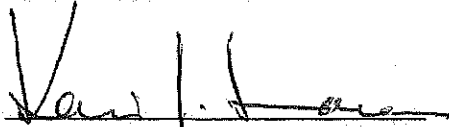
BEGINNING at the northeast corner of Lot 57 as shown on Tract Map Number 5482, recorded in Book 271, Pages 48 through 50, inclusive of Miscellaneous Maps, in the Office of the County Recorder of said Orange County, said corner also being on the westerly line of said Parcel No. 306; thence along said westerly line North $03^{\circ}10'54''$ East 20.00 feet to the southerly line of Placentia Yorba Road, now known as Crowther Avenue, 50.00 feet wide, as shown on a map filed in Book 16, Page 36 of Record of Surveys in the Office of the County Recorder of said Orange County; thence along said southerly line South $86^{\circ}23'10''$ East 11.99 feet to the **TRUE POINT OF BEGINNING**; thence continuing along said southerly line South $86^{\circ}23'10''$ East 63.00 feet; thence South $03^{\circ}11'38''$ West 20.00 feet to a line parallel with, and distant southerly 20.00 feet from the southerly line of said Crowther Avenue; thence along said parallel line North $86^{\circ}23'10''$ West 63.00 feet; thence North $03^{\circ}11'38''$ East 20.00 feet to the **TRUE POINT OF BEGINNING**.

Containing 1,260 square feet.

Bearings and distances shown hereon are based on the California Coordinate System of 1983, Zone 6, 1983 North American Datum, 2007.00 Epoch Adjustment. Divide distances shown by 0.99999084 to obtain ground distances.

As shown on Exhibit 'C-1' attached hereto and by this reference made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.



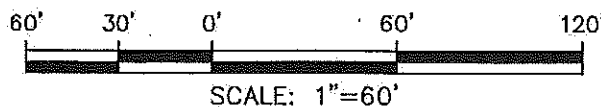
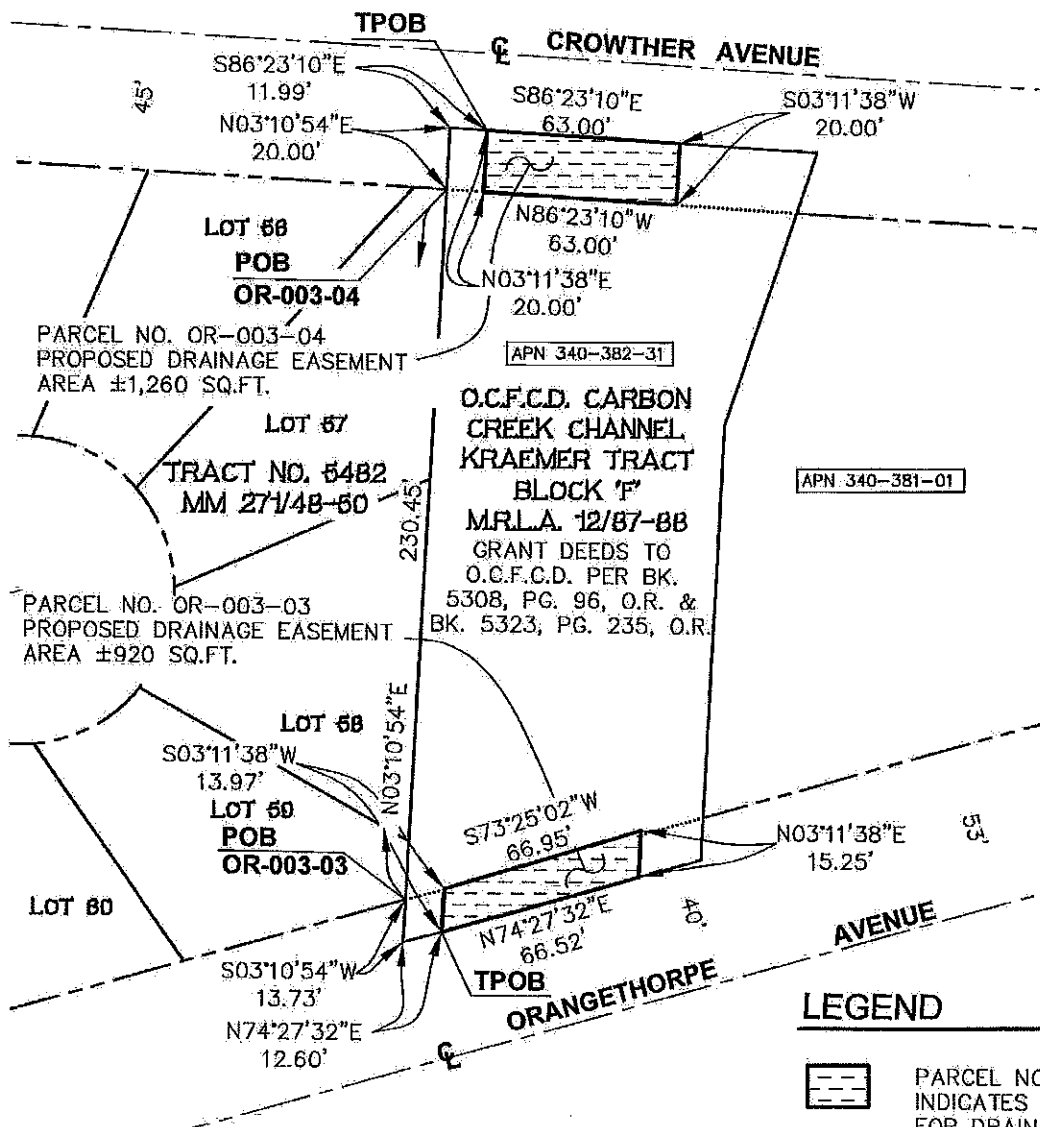
Kari J. Launen

L.S. No. 5679

Expiration Date: 9/30/2011

APRIL 4, 2011
Date





LEGEND



PARCEL NO. OR-003-03
INDICATES AREA TO BE CONVEYED
FOR DRAINAGE EASEMENT PURPOSES.
AREA ±920 SQ.FT.



PARCEL NO. OR-003-04
INDICATES AREA TO BE CONVEYED
FOR DRAINAGE EASEMENT PURPOSES.
AREA 1,260 SQ.FT.

P.O.B. POINT OF BEGINNING

— STREET CENTERLINE

--- STREET RIGHT OF WAY

BASIS OF BEARING:

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PLAT TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT 'C-1'

PARCEL NO. OR-003-03 &
PARCEL NO. OR-003-04

PSOMAS
3 Hutton Centre Drive, Suite 200
Santa Ana, Ca 92707
(714) 751-7373 www.psomas.com

SHEET 1 OF 1

SCALE: 1" = 60'

DRAFTED: NPG

CHECKED: KJL

DATE: 10/26/2010

JOB NO.: 2AEC010200