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NOTICE

If this document contains any restriction based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.2 of the Government Code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

(R2)

21229

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Special Assistant to
The Attorney General
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FILED
Jun. 30, 1944
EDMUND L. SMITH, Clerk
By B. B. Hansen, Deputy Clerk.

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA
CENTRAL DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff,)	
vs.)	No. 2504-Y Civil
2318.833 ACRES OF LAND, more or)	FINAL JUDGMENT
less, in Orange County, State of)	and
California, et al.,)	DECREE IN CONDEMNATION
Defendants.)	

This cause having come on for hearing on the 30th day of June, 1944, before the Honorable Paul J. McCormick, United States District Judge for the Southern District of California, and there having been presented to and filed with the Court Stipulations for Final Judgment of Condemnation and for Award of Compensation and Damages as to the real property as described and set forth in the Second Amended Complaint heretofore filed in the above numbered and entitled action, which Stipulations were signed and executed by Eugene D. Williams, Special Assistant to the Attorney General, and George F. Hurley, Special Attorney, Lands Division, Department of Justice, as counsel for plaintiff, and the defendants, The Irvine Company, a corporation, Ray C. Lambert, also known as Ray G. Lambert, Henry Boosey, A. Casey, Geo. Cook, C. C. Daugherty, B. Jenifer, T. J. LeBard, John Poh & Co., a co-partnership, T. B. Patterson, O. H. Staples, R. J. Wiley and John Poh; and defendant, County of Orange; and ((COURT SEAL))

EF:LG
-25-44 It appearing that said defendants have expressly waived service of process, appointment of appraisers, notice of setting for trial, trial and right of trial or hearing on the issues, the making, service and filing of Findings of Fact and Conclusions of Law and Notice of Entry of Judgment, and have agreed that Judgment upon said Stipulations may be entered forthwith, the Court makes no express findings except as follows, to-wit:

I

That the allegations in Paragraphs I, II, V, VI, VII, VIII, IX, X, XI, and XII, as set forth and alleged in the Second Amended Complaint on file in this matter, are, and each of them is, true.

II

That by letters to the Attorney General of the United States from the Secretary of Navy of the United States, and upon written directions of the Attorney General of the United States, plaintiff was authorized to acquire title to the hereinafter described real property, as provided in said Stipulations and in this Judgment.

III

That a notice of action, in compliance with Section 1243 of the California Code of Civil Procedure, has been recorded in the office of the Recorder of Orange County, California, coincident with the filing of this action.

IV

That the hereinafter described real property is taken free and clear of all liens and encumbrances, except as hereinafter expressly provided.

NOW, upon application of Eugene D. Williams, Special Assistant to the Attorney General, and George F. Hurley, Special Attorney, Lands Division, Department of Justice, counsel for plaintiff, and pursuant to the said Stipulations, ((COURT SEAL))

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That the sum of Nine Hundred Fifty Thousand Dollars (\$950,000.00) is the fair, just and adequate compensation, inclusive of interest, to be paid for the condemnation and taking by plaintiff of the hereinafter described land and improvements of the defendant, THE IRVINE COMPANY, a corporation, and any and all interests therein of the defendant RAY C. LAMBERT, exclusive of the improvements and interests to which the estate and interest taken and acquired by the plaintiff in this proceeding is hereinafter expressly made subject.

2. That the United States of America, in accordance with the provisions hereof, shall pay to defendant, The Irvine Company, a corporation, the sum of Nine Hundred Fifty Thousand Dollars (\$950,000.00) in the following manner, to-wit:

- To the proper persons or officials such sum or sums, if any, as may be necessary to pay and discharge all taxes, assessments, and liens therefor, and all other liens or claims in so far as the same affect the hereinafter described real property;
- To The Irvine Company, a corporation, all the residue and remainder thereof, and
- The Court does hereby reserve jurisdiction to enter such further Orders as may be necessary to distribute such compensation to the parties entitled thereto.

3. That the sum of Eleven Thousand Four Hundred and Forty-three and 53/100 Dollars (\$11,443.53) is the fair, just and adequate compensation and award, inclusive of interest, to be paid for the condemnation and taking of all growing crops and other improvements on the land hereinafter described, all of which growing crops and improvements were situated on said land at the time that the plaintiff entered into possession of said land under and by virtue of an Order for Immediate Possession duly given and made by the above entitled Court on October 17, 1942, and all of which growing crops and improvements were the property of the defendants hereinafter named, and also for the termination of all rights of said defendants, and each of them, to use and occupy portions of said land, which said sum shall be awarded and ordered paid by this Judgment to, and apportioned among, the following named defendants, as follows:

Defendant	Amount	((COURT SEAL))
HENRY BOOSEY	\$ 373.16	
A. CASEY	94.94	
GEORGE O. COOK, also known as		
GEO. COOK	139.22	
CLYDE C. DAUGHERTY, also known as		
C. C. DAUGHERTY	55.74	
B. JENIFER	3,474.61	
T. J. LeBARD	134.24	
JOHN POH & CO., a copartnership	2,862.50	
T. B. PATTERSON	2,742.75	
O. H. STAPLES	393.99	
ROBERT J. WILEY, also known as		
R. J. WILEY	933.42	
JOHN POH	<u>238.96</u>	
Total	\$11,443.53	

4. That the United States of America, in accordance with the provisions hereof, shall pay said sum of Eleven Thousand Four Hundred and Forty-three and 53/100 Dollars (\$11,443.53) in the following manner, to wit:

a. To the defendant, The Irvine Company, a corporation, the amounts hereinabove apportioned to the defendants George O. Cook, also known as Geo. Cook, Clyde C. Daugherty, also known as C. C. Daugherty, O. H. Staples, and Robert J. Wiley, also known as R. J. Wiley, pursuant to and in satisfaction of any and all liens and claims of said defendant, The Irvine Company, affecting the several and respective interests of the four individual defendants herein last named.

b. To the defendants, Henry Boosey, A. Casey, B. Jenifer, T. J. LeBard, John Poh & Co., a copartnership, T. B. Patterson, and John Poh, all the residue and remainder of the respective amounts apportioned among them, as hereinabove set forth. ((COURT SEAL))

c. The Court does hereby reserve jurisdiction to enter such further Orders as may be necessary to distribute such compensation to the parties entitled thereto.

5. That plaintiff, United States of America, has deposited in the Registry of this Court the sum of Nine Hundred Sixty-one Thousand Four Hundred Forty-three and 53/100 Dollars (\$961,443.53); and all valid liens and claims against the hereinafter described real property and all interests therein are hereby transferred therefrom to the said sum now on deposit in the Registry of the Court, to the end that the United States of America will take an unencumbered title to said hereinafter described real property, free and discharged of all liens and claims whatsoever, except as hereinafter expressly provided.

6. That the full fee simple title in and to the hereinafter described real property (hereinafter sometimes referred to as the "Station") shall be and the same is, hereby vested in the plaintiff, United States of America, subject, however, to the rights of the owners of record in and to the following:

(1) The existing water well situated within the Station near the southerly corner of Lot 279, Block 140, Irvine's Sub-Division and the existing submersible pumping plant connected therewith, together with the existing 12" pipe line for the transportation of water from said well and the existing electric power conductor for the operation and control of said pumping plant, both adjacent to the southwesterly boundary of said Lot 279 and extending to the northwesterly boundary of said Station, all as shown on a map attached hereto and made a part hereof; and also, a perpetual easement in favor of defendant The Irvine Company, a corporation, its successors and assigns, for the operation, maintenance, repair, replacement and use of said well, pumping plant, pipe line and other facilities for the production and/or transportation of water from, in and through the same, to and for use on lands situated outside of said Station, and the necessary right of access to said facilities for said purposes. ((COURT SEAL))

(2) The existing 48" covered Gunitex canal from approximately the mid-point of the southeast line of Lot 271, Block 141, said Irvine's Sub-Division, thence traversing said Station through Lots 272 and 277, Block 140, Lots 276 and 275, Block 154, Lot 282, Block 155, and Lot 303, Block 173, said Irvine's Sub-Division, to the southeasterly boundary of said Station, all as shown on a map attached hereto and made a part hereof; and also a perpetual easement in favor of defendant The Irvine Company, a corporation, its successors and assigns,

over and along said canal, for the operation, maintenance, repair, replacement and use thereof for the transportation of water in and through the same, from, to and for use on lands situated outside of said Station, and the necessary right of access to said canal for said purposes.

(3) The facilities and rights hereinabove described shall be held and used subject to the following provisions and conditions, to wit:

(a) That the rights incident to the operation, maintenance and use of said facilities aforesaid shall be exercised in such manner as not to create any unreasonable interference with the occupancy, operation and use by the United States of the said Station, and as not to endanger the personnel of or to damage the property of the United States thereon.

(b) That defendant The Irvine Company, shall, at its sole expense, keep the said facilities in proper repair at all times, and upon making any repairs or replacements therein or thereto, said defendant shall immediately restore said premises to the same condition as the same existed prior to such work.

(c) That should any property of the United States be damaged by said defendant incident to its use of said facilities and its exercise of said rights and privileges, said defendant shall pay to the United States an amount sufficient to compensate for the loss sustained by the United States by reason of any such damages. ((COURT SEAL))

(d) That the United States shall not be responsible for damages to the property or injuries to persons which may arise from or be incident to the operation, maintenance and use of said facilities by said defendant, nor for damages to the property of said defendant or injuries to the persons of said defendant's agents or employees or others who may be on said premises, arising from the activities of the United States thereon, and said defendant shall hold the United States harmless from any and all such claims.

(e) That so long as the Station shall be operated for Naval purposes, the exercise of said rights and privileges by said defendant shall be subject to such reasonable rules and regulations as may be from time to time prescribed by the Commanding Officer of said Station, or other competent Naval authority.

(4) So long as the United States shall own and operate said Station for Naval purposes, the foregoing provisions and conditions shall inure to the benefit of the United States and shall bind the defendant The Irvine Company, its successors and assigns in interest. When and if the United States shall cease to own and so operate the said Station, the provisions of sub-paragraphs (d) and (e) above shall terminate and shall have no further force or effect; but all other provisions and conditions hereinabove set forth, so far as applicable, shall continue to inure to the benefit of the successors and assigns in interest of the United States and shall bind said defendant and its successors and assigns.

(5) A perpetual easement or right of way fifty-five feet (55') in width in favor of defendant, The Irvine Company, a corporation, its successors and assigns, over, along and parallel to the Southwesterly boundary of the hereinafter described real property for public road purposes, subject to the powerline easement hereinafter provided in sub-paragraph (6).

(6) A perpetual easement and right of way for the maintenance, repair, replacement, operation and use by defendant, The Irvine Company, a corporation, and Southern California Edison Company, Ltd., a corporation, jointly, of the existing electric power line and its appurtenances along a line distant 45 feet northeasterly from and parallel with the Southwesterly boundary of the hereinafter described property, and the extension thereof along a line distant 75 feet southeasterly from and parallel with the Northwesterly boundary of Lots 279 and 286, in Block 140 of said Irvine's Subdivision to Trabuco Road as now existing, for the transmission of electricity, together with the necessary right of access thereto for said purposes, said easement being shown on a map attached hereto and made a part hereof. ((COURT SEAL))

(7) A perpetual easement and right of way in favor of Southern California Edison Company, Ltd., a corporation, for the maintenance, repair, replacement, operation and use of the existing electric power line and its appurtenances, along a line distant 25 feet South-easterly from and parallel with the Northwesterly boundary of Lots 286 and 279 in Block 140 of said Irvine's Sub-Division, for the transmission of electricity, together with the right of ingress and egress to and from said right of way for said purposes, as granted by deed dated September 8, 1927, recorded in Book 82 at page 400 of Official Records of Orange County, California, said easement being shown on a map attached hereto and made a part hereof.

(8) A perpetual easement and right of way for public road purposes in favor of defendant, The Irvine Company, a corporation, its successors and assigns, over and along the following described strip of land, to wit:

A strip of land sixty (60) feet in width and being thirty (30) feet on each side of the following described center line:

Beginning at a point in the Southwesterly line of Lot 278, Block 141, Irvine's Subdivision, as shown on a Map thereof recorded in Book 1, Page 88, Miscellaneous Record Maps, Records of Orange County, California, which said point bears S. 49° 20' 31" E. 30.00 feet from the most Westerly corner of said Lot 278, Block 141, Irvine's Subdivision, and running thence from said point of beginning, N. 40° 37' 23" E., parallel with the Northwesterly line of said Block 141, 3632.03 feet to the beginning of a curve tangent concave Southerly and having a radius of 300 feet; the beginning of said curve bears S. 40° 37' 23" W., 330.07 feet; thence

((COURT SEAL))

S. 49° 22' 37" E., 30.00 feet from the most Northerly corner of the Westerly one-quarter (W 1/4) of Lot 271, Block 141, said Irvine's Subdivision; thence, Easterly, along said curve through a central angle of 90° 00' 40", 471.30 feet to a line tangent, said tangent line being parallel with and distant 30.00 feet Southwesterly, measured at right angles, from the Northeasterly line of the Southwesterly one-half of Lots 271 and 272 of said Block 141, (Irvine's Subdivision), thence, S. 49° 21' 57" E., along said tangent line, 4951.51 feet to a point in the Southeasterly line of said Block 141; thence S. 49° 19' 37" E., parallel with the Northeasterly line of the Southwesterly one-half of Lots 273 and 274, Block 154, said Irvine's Subdivision, 3635.60 feet to the beginning of a curve tangent, concave Westerly and having a radius of 300 feet; the beginning of said curve bears N. 49° 18' 37" W., 329.63 feet; thence S. 40° 40' 23" W., 30.00 feet from the most Easterly corner of the Westerly one-quarter of said Lot 274, Block 154, Irvine's Subdivision; thence, Southerly, along said curve, through a central angle of 89° 56' 05", 470.90 feet to a line tangent; said tangent line being parallel with and distant Northwesterly, measured at right angles, 30.00 feet from the Southeasterly line of said Westerly one-quarter of Lot 274, Block 154, Irvine's Subdivision; thence S. 40° 36' 28" W., along said tangent line, 721.29 feet to the beginning of a curve tangent, concave Easterly and having a radius of 300 feet; the beginning of said curve bears N. 40° 36' 28" E., 269.61 feet; thence N. 49° 23' 32" W., 30.00 feet from the most Southerly corner of the said Westerly one-quarter of Lot 274, Block 154, Irvine's Subdivision; thence, Southerly, along said curve, through a central angle of 89° 55' 05", 470.81 feet to a line tangent; said tangent line being ((COURT SEAL)) parallel with and distant Southwesterly, measured at right angles, 30.00 feet from the Northeasterly line of Lot 275, said Block 154, Irvine's Subdivision; thence S. 49° 18' 37" E., along said tangent line, 1923.91 feet to the beginning of a curve tangent, concave Westerly and having a radius of 300 feet; the beginning of said curve bears N. 49° 18' 37" W., 329.83 feet; thence, S. 40° 41' 23" W., 30.00 feet from an angle point in the exterior boundary of property owned by United States Government as shown on a Map recorded in Book 12, Page 42 Record of Surveys, Records of Orange County, California; thence Southerly along said curve, through a central angle of 89° 58' 19", 471.09 feet to a line tangent; which said tangent line is parallel with the said exterior boundary line of property owned by the United States Government; thence S. 40° 39' 42" W., along said tangent line, 2311.48 feet to a point in the Southwesterly line of Lot 302, Block 174 of said Irvine's Subdivision.

EXCEPTING THEREFROM that portion of the above described Right-of-Way included within the Southerly one-quarter of Lot 274, Block 154, said Irvine's Subdivision.

SUBJECT, HOWEVER, and upon the express condition that in the event the United States of America shall at any time hereafter condemn said easement and right of way, or any part thereof, the owner thereof shall and does waive any and all claim for compensation and damages by reason of said condemnation.

That the real property affected by this Judgment is described as follows, to wit:

All of that land lying and being situate in the County of Orange, ((COURT SEAL)) State of California, being a portion of Blocks 140, 141, 154, 155, 173 and 174 of the Irvine's Sub-Division as recorded in Book 1, Page 88 of Miscellaneous Records Maps filed in the County Records Office of Orange County, California, and more particularly described as follows:

"Beginning at the point of intersection of the northeasterly right-of-way line of the Atchison, Topeka and Santa Fe Railroad and the northwesterly line of Lot 286 of Block 140, said point being 50 feet northeasterly from the westerly corner of said Lot 286; thence from said point of beginning north 39° 59' 50" east along the northwesterly line of Lots 286 and 279 of said Block 140, 5230.98 feet to the most northerly corner of said Lot 279; thence north 39° 57' 44" east along the northwesterly line of Lots 278 and 271 of Block 141, 3962.03 feet to the center line of said Lot 271, thence south 50° 01' 26" east with the center line of said Lot 271 and Lot 272 of said Block 154, 5261.56 feet thence south 49° 59' 06" East with the center line of Lots 273 and 274 of Block 154, 3965.23 feet to the center of said Lot 274; thence south 39° 56' 59" west with the center line of said Lot 274, 1720.53 feet to the Northeasterly line of Lot 275; thence south 49° 58' 06" east with the northeasterly line of said Lot 275 and the northeasterly line of Lot 302 of Block 174, 2523.35 feet to a point; thence south 40° 00' 13" west across Lot 302 and across Lot 305 of Block 173, 3481.76 feet to a point on a northerly line of a drainage ditch; thence with a northerly line of said drainage ditch south 67° 14' 30" west 2619.37 feet to the southeasterly line of Lot 283 Block 155; thence south 39° 59' 00" west with the southeasterly line of said Lot 283, a distance of 2,061.63 feet to the northeasterly right-of-way line of said Atchison, Topeka and Santa Fe Railroad; thence north ((COURT SEAL)) 50° 00' 00" west with said right-of-way 10,570.13 feet to the point of beginning, containing 2318.833 acres, more or less."

7. That First National Bank in Santa Ana, a national banking association, has filed in the above entitled proceedings a Disclaimer, therein disclaiming any right, title or interest in and to the real property hereinabove described, as well as any right, title or interest in and to the compensation provided by this Judgment.

8. That this Court retains jurisdiction of this proceeding for the entry of such further Orders and Decrees as the Court may deem proper.

9. The Court finds and it is adjudged that the defendant Ray C. Lambert, also known as Ray G. Lambert, is not entitled to receive any other and further compensation by reason of this Judgment.

10. The Court finds and it is adjudged that the defendant County of Orange is not entitled to receive any other and further compensation by reason of this Judgment.

DATED: This 30th day of June, 1944.

((COURT SEAL))

(Seal)

Paul J. McCormick

United States District Judge.

APPROVED AS TO FORM AND SUBSTANCE:

THE IRVINE COMPANY, a corporation

By James Irvine President.

By W. B. Hellis Secretary.

SCARBOROUGH & PETTY

By James G. Scarborough

Attorneys for Defendant, The Irvine Company.

Ray C. Lambert

Ray C. Lambert

Henry Boosey

Henry Boosey

A. Casey

A. Casey

Geo. Cook

Geo. Cook

C. C. Daugherty

C. C. Daugherty

B. Jenifer

B. Jenifer

T. J. LeBard

T. J. LeBard

JOHN POH & CO., a copartnership

By John Poh

T. B. Patterson

T. B. Patterson

O. H. Staples

O. H. Staples

R. J. Wiley

R. J. Wiley

John Poh

John Poh

(Seal)

COUNTY OF ORANGE

By Willis H. Warner Chairman

of the Board of Supervisors.

Attest: B. J. Smith County Clerk

and ex-officio Clerk of the Board

of Supervisors.

Joel E. Ogle

Joel E. Ogle County Counsel

of the County of Orange.

APPROVED AS TO FORM AND SUBSTANCE AND

PRESENTED BY:

Eugene D. Williams Special Assistant

to the Attorney General George F. Hurley,

Special Attorney, Lands Division,

Department of Justice

By George F. Hurley

((COURT SEAL))

Attorneys for Plaintiff.

Judgment entered Jun. 30, 1944. Docketed Jun. 30, 1944. Book 26, Page 437.

Edmund L. Smith, Clerk. By B. B. Hansen, Deputy.

21229 Recorded at Request of Dept. of Justice at 11 A.M. Jul. 12, 1944, in Book 1264, Page 154, Official Records of Orange County, California. Ruby McFarland, County Recorder.

Dorothy Dodge COMPARED Mable Shaw

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