

# RECORD OF SURVEY 2006-1197

CITY OF NEWPORT BEACH, COUNTY OF ORANGE  
STATE OF CALIFORNIA

BEING A SURVEY OF THAT PORTION OF LOT 152, BLOCK 51 OF IRVINE'S SUBDIVISION, AS SHOWN ON A MAP THEREOF, FILED IN BOOK 1, PAGE 88, MISCELLANEOUS MAPS, AS DESCRIBED IN THE DEED RECORDED AUGUST 27, 2004 AS INSTRUMENT NO. 2004000969853, OFFICIAL RECORDS OF SAID COUNTY.

DATE OF SURVEY: OCTOBER, 2006  
DAVID E. WOOLLEY P.L.S. 7304  
D. WOOLLEY & ASSOCIATES, INC.

## SURVEYOR'S STATEMENT:

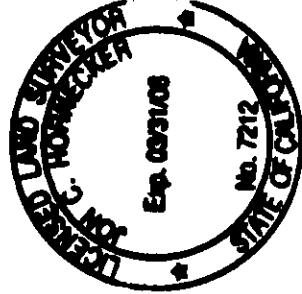
THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT AT THE REQUEST OF HARRY FINKER IN OCTOBER, 2006.



*David E. Woolley*  
DAVID E. WOOLLEY  
F.L.S. NO. 7304  
LICENSE EXPIRATION DATE: 12/31/08

## COUNTY SURVEYOR'S STATEMENT:

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE PROFESSIONAL LAND SURVEYOR'S ACT THIS 26<sup>TH</sup> DAY OF MARCH 2007.



*By: Raymond L. Mathe, Deputy*  
RAYMOND L. MATHE, COUNTY SURVEYOR  
F.L.S. NO. 6185  
LICENSE EXPIRATION DATE: 03/31/08

## DATUM STATEMENT:

THE COORDINATES SHOWN HEREON ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM (CCS 83), ZONE VI, NAD 83, EPOCH 1991.35 (O.C.S. G.P.S. ADJUSTMENT). ALL DISTANCES SHOWN HEREON ARE GROUND UNLESS OTHERWISE NOTED. TO OBTAIN GRID DISTANCE, MULTIPLY DISTANCE BY 0.99997202.

## BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM (CCS83), ZONE 6, NAD 83, EPOCH 1991.35, AS DETERMINED LOCALLY BY A LINE BETWEEN O.C.S. G.P.S. POINTS 6191R1 AND 1916 BEING N507°12'E AS DERIVED FROM GEODETIC VALUES PUBLISHED AND ON FILE IN THE OFFICE OF THE ORANGE COUNTY SURVEYOR.

## PURPOSE OF SURVEY:

THE PURPOSE OF THIS SURVEY IS TO RE-ESTABLISH AND MONUMENT THE BOUNDARY OF THAT PORTION OF LOT 152, BLOCK 51 OF IRVINE'S SUBDIVISION, AS SHOWN ON A MAP THEREOF, FILED IN BOOK 1, PAGE 88, MISCELLANEOUS MAPS, AS DESCRIBED IN THE DEED RECORDED AUGUST 27, 2004 AS INSTRUMENT NO. 2004000969853, OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA.

## RESERVATION NOTE:

THE DISTINCTIVE BOUNDARY SHOWN HEREON IS DESCRIBED IN THE QUITCLAIM DEED RECORDED AS INSTRUMENT NO. 2004000969853, OFFICIAL RECORDS, WHICH USES THE LANGUAGE: "EXCEPTING THEREFROM THE NORTHEASTERLY 30 FEET AND THE SOUTHWESTERLY 30 FEET FOR ROAD AND UTILITY AS RESERVED IN THE DEED FROM THE IRVINE COMPANY, RECORDED MARCH 21, 1951, IN BOOK 2161, PAGE 375, OFFICIAL RECORDS.....".

THIS CORPORATION GRANT DEED FROM THE IRVINE COMPANY (2161/375, O.R.) USES THE LANGUAGE: "RESERVING AND EXCEPTING FOR ROAD PURPOSES AND UTILITIES THE FOLLOWING:"

IF THESE PORTIONS OF THE SUBJECT PROPERTY (AS WELL AS THOSE PORTIONS OF THE ADJOINERS TO THE NORTHWEST AND SOUTHEAST) WERE IN FACT "EXCEPTED" FROM THE ORIGINAL DESCRIPTION, THEN THE OWNERSHIP WOULD HAVE BEEN VESTED IN THE IRVINE COMPANY.

A CORPORATION QUITCLAIM DEED FROM THE IRVINE COMPANY WAS RECORDED DECEMBER 3, 1970 IN BOOK 9477, PAGE 337, O.R., AND USES THE LANGUAGE: "ALL THOSE STRIPS OF LAND RESERVED FOR ROAD PURPOSES AND UTILITIES.....".

IT IS UNDERSTOOD THAT PROPERTY GRANTED IN FEE DOES NOT GENERALLY SPECIFY A PURPOSE, SUCH AS: "FOR ROAD PURPOSES". SAID LANGUAGE IS IMPARTED FOR EASEMENTS AND RESERVATIONS. REFER TO THE MARYLAND COURT OF SPECIAL APPEALS CASE: GREGG NECK YACHT CLUB, INC. v. COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND 137 Md.App.732, 769 Ga.2d 982.

THE ORIGINAL GRANT DEED FROM THE IRVINE COMPANY (2161/375, O.R.) ERRONEOUSLY USED THE WORD "EXCEPTING", IN CONJUNCTION WITH THE WORD "RESERVING". THE INTENT WAS TO RESERVE AN EASEMENT "FOR ROAD PURPOSES AND UTILITIES", NOT TO EXCEPT THOSE PORTIONS FROM THE GRANT. THIS IS FURTHER EVIDENCED BY THE CORPORATION QUITCLAIM DEED FROM THE IRVINE COMPANY, RECORDED DECEMBER 3, 1970 IN BOOK 9477, PAGE 337, O.R. THESE PORTIONS OF THE SUBJECT PROPERTY HAVE BEEN SHOWN ON THIS SURVEY AS PART OF THE FEE PARCEL. SEE RECORD OF SURVEY NO. 94-1004, R.S.B. 153/32 AND P.M.B. 21/8 FOR SIMILAR INTERPRETATIONS OF SAID DEEDS.

ACCEPTED AND FILED AT THE  
REQUEST OF THE

ORANGE COUNTY SURVEYOR

DATE MARCH 30, 2007

TIME 4:30 PM FEE \$ 10.00

INSTRUMENT # 2007-207184

BOOK 218 PAGE B-4415

TOM DALY

COUNTY CLERK-RECORDER

BY \_\_\_\_\_

DEPUTY

