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**RECORDING REQUESTED AND
WHEN RECORDED RETURN TO:**

**CITY OF NEWPORT BEACH
PUBLIC WORKS DEPARTMENT
P.O. BOX 1768
Newport Beach, CA 92658-1768**

Recording Fee: Exempt
(Government Code – Section 27383)

(Space above this line for Recorder's use)

GRANT OF DRAINAGE EASEMENT AND AGREEMENT

THIS GRANT OF DRAINAGE EASEMENT AND AGREEMENT ("Agreement") is entered into this 14th day of August, 2017, by and among the City of Newport Beach, a California municipal corporation and charter city ("City") and William Buck Johns and Elizabeth Colleen Johns, as Co-Trustees of the Johns Living Trust established August 13, 2007 ("Owner"). City and Owner are sometimes referred to herein individually as a "Party" or collectively as the "Parties."

RECITALS

- A. The City is a municipal corporation organized and validly existing under the laws of the State of California with the power to carry on its business as it is now being conducted under the statutes of the State of California and the Charter of the City.
- B. Owner is the vested owner of the real property located at 2600 Mesa Drive in the City of Newport Beach, Orange County Assessor's Parcel Number 439-051-05 ("Property").
- C. On April 25, 2015, the Parties, along with the County of Orange and John Clinton Manly, IV and Jill Apperson Manly, as Co-Trustees of the Manly Family Trust established May 12, 2008, entered into a Cooperative Agreement for Mesa Drive Drainage Improvements Project ("Cooperative Agreement"), to address the fact that some of the drainage on Mesa Drive and properties north of Mesa Drive have historically flowed across the Property, the natural drainage course that runs along the Property has progressively eroded material over many decades, that erosion is progressively headcutting toward Mesa Drive and, if left uncontrolled, could eventually undercut the roadway, the eroded sediment has been carried into and deposited in Upper Newport Bay ("Bay"), and, if left uncontrolled, storm flows could begin to disturb native riparian plants growing along the Bay. As a result, the Parties expressed their intent to construct a storm drain and catch basins on Mesa Drive to safely convey drainage across the Property, and construct a wetlands at the downstream end of the storm drain system as a good water quality management practice to buffer negative impacts of urban runoff to the Bay ("Project").

- D. In furtherance of the intent of the Project and the Cooperative Agreement, Owner has agreed to provide temporary construction and right of entry easements for the design and construction of the Project. Such temporary construction and right of entry easements are being provided via separate written instruments.
- E. In fulfillment of the terms and conditions of the Cooperative Agreement, Owner desires to grant to City, at no cost to City, a perpetual and irrevocable drainage easement in, on, under, and across the portion of the Property described and depicted in Exhibit A, incorporated herein by reference, for the maintenance, repair, and replacement of the storm drain system, catch basins, and appurtenances thereto installed and constructed for the Project.

GRANT AND AGREEMENT

NOW, THEREFORE, City and Owner agree:

1. FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Owner grants City an exclusive easement for drainage and related purposes for the maintenance, repair, and replacement of the Project improvements, including the storm drain system, catch basins, and appurtenances thereto, in, over, under, along, on, and across that portion of the Property described and depicted in Exhibit A ("Easement Area").
2. The above recitals are true and correct and incorporated into the provisions of this Agreement.

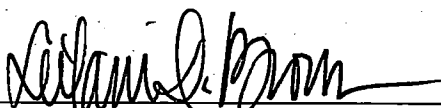
IN WITNESS WHEREOF, the Parties hereto have caused this Agreement be executed on the dates written below.

CITY OF NEWPORT BEACH,
a California Municipal Corporation

Date: 8/10/17

By: 
Dave Kiff, City Manager

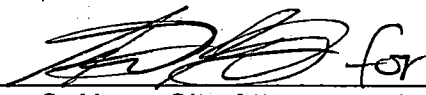
ATTEST:
Date: 8.11.17

By: 
Leilani I. Brown, City Clerk



**APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE**

Date: 8/7/17

By:  for
Aaron C. Harp, City Attorney ^{AL}_{8/17}

OWNER:

2600 Mesa Drive, Newport Beach:

Date: _____

Signed in Counterpart

By: _____
William Buck Johns, Co-Trustee of
the Johns Living Trust established August 13, 2007

Date: _____

Signed in Counterpart


By: _____
Elizabeth Colleen Johns, Co-Trustee of
the Johns Living Trust established August 13, 2007

Attachment: Exhibit A – Easement Area

[END OF SIGNATURES]

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

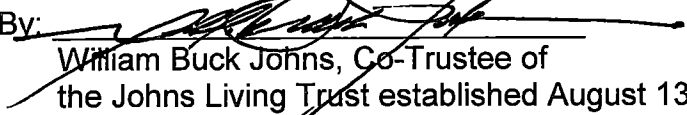
Date: 8/7/17

By:  for
Aaron C. Harp, City Attorney ^{AL}₀₁₇

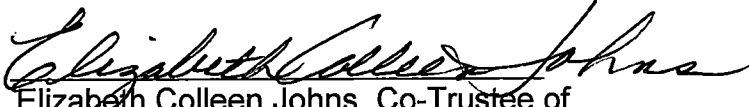
OWNER:

2600 Mesa Drive, Newport Beach:

Date: 8/10/17

By: 
William Buck Johns, Co-Trustee of
the Johns Living Trust established August 13, 2007

Date: 8/10/17

By: 
Elizabeth Colleen Johns, Co-Trustee of
the Johns Living Trust established August 13, 2007

Attachment: Exhibit A – Easement Area

[END OF SIGNATURES]

ACKNOWLEDGMENT

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

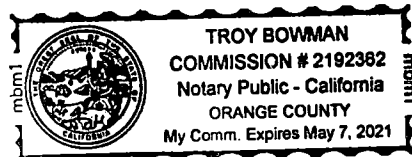
County of Orange

On 8/10/2017 before me, TROY BOWMAN, Notary Public
(insert name and title of the officer)

personally appeared WILLIAM BUCK JOHNS & ELIZABETH COLLEEN JOHNS
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.



Signature [Signature] (Seal)

ACKNOWLEDGMENT

State of California

County of _____ } ss.

On _____ before me, _____, Notary
Public, personally appeared _____

_____, 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 signatures(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.

Signature

(seal)

ACKNOWLEDGMENT

State of California

County of _____ } ss.

On _____ before me, _____, Notary
Public, personally appeared _____

_____, 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 signatures(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.

Signature

(seal)

**Exhibit A
Easement Area**

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BAYVIEW HEIGHTS DRAINAGE PIPELINE EASEMENT

That certain parcel of land situated in the City of Newport Beach, County of Orange, State of California, being that portion of Parcel 1 as shown on a map thereof filed in Book 21, Page 8 of Parcel Maps, in the Office of the County Recorder of said Orange County, lying within a strip of land of variable width, the centerline of which is described as follows:

COMMENCING at the intersection of the centerline of Mesa Drive with the centerline of Cypress Street as shown on Record of Survey 2013-1134 filed in Book 273, Pages 36 through 44 of Records of Surveys in said Office of the County Recorder of Orange County; thence along said centerline of Mesa Drive South 49°22'16" East 1158.91 feet to the easterly boundary line of said Parcel 1, said point being marked by a spike and washer stamped "Orange County Surveyor 6191R1" as shown on said Record of Survey; thence along said easterly boundary line South 40°37'44" West 30.00 feet to the southwesterly right-of-way line of said Mesa Drive as shown on said Parcel Map; thence along said southwesterly right-of-way line North 49°22'16" West 47.66 feet to the **TRUE POINT OF BEGINNING**; thence leaving said southwesterly right-of-way line South 04°19'59" East 18.28 feet to a point hereinafter referred to as Point "A"; thence continuing South 04°19'59" East 4.65 feet to the beginning of a tangent curve concave northwesterly and having a radius of 90.00 feet; thence along said curve southerly 61.78 feet through a central angle of 39°19'59"; thence tangent from said curve South 35°00'00" West 17.57 feet to a point hereinafter referred to as Point "B"; thence continuing South 35°00'00" West 15.00 feet to a point hereinafter referred to as Point "C"; thence continuing South 35°00'00" West 41.54 feet to the beginning of a tangent curve concave southeasterly and having a radius of 90.00 feet; thence along said curve southwesterly 31.42 feet through a central angle of 20°00'00"; thence tangent from said curve South 15°00'00" West 256.51 feet to the northerly line the land described in that certain Corporation Grant Deed to the County of Orange recorded February 26, 1969 in Book 8885, Page 409 of Official Records, in said Office of the County Recorder of Orange County.

Said strip of land shall be 20.00 feet wide, lying 5.00 feet easterly and 15.00 feet westerly of said centerline, between the true point of beginning and Point "A"; 10.00 feet wide, lying 5.00 feet easterly and 5.00 feet westerly of said centerline, between Points "A" and "B"; 28.00 feet wide, lying 10.00 feet easterly and 18.00 feet westerly of said centerline, between Points "B" and "C"; and 20.00 feet wide, lying 10.00 feet easterly and 10.00 feet westerly of said centerline, between Point "C" and the terminus of this strip.

The sidelines of said strip shall be lengthened or shortened so as to terminate northerly in said southwesterly

**Bayview Heights
Drainage Pipeline Easement**

Exhibit "A"

right-of-way line of Mesa Drive and easterly in said easterly boundary line of said Parcel Map.

CONTAINING: 2,205 Square Feet, more or less.

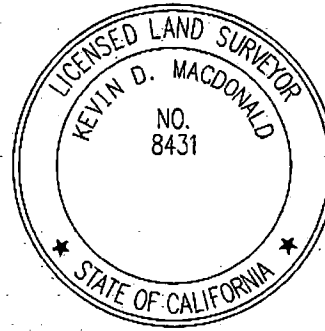
SUBJECT TO all Covenants, Rights, Rights-of-Way and Easements of Record.

EXHIBIT "B" attached and by this reference made a part hereof.

Kevin D. MacDonald, L.S. 8431 Date

Michael Baker International
5 Hutton Centre Drive, Suite 500
Santa Ana, California 92707
JN 145986

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CYPRESS STREET

P.O.C.

MESA DRIVE

BAYVIEW AVENUE

(N49°22'16"W) S49°22'16"E 1158.91'

SW'LY RIGHT-OF-WAY LINE

T.P.O.B.

E'LY BOUNDARY LINE
P.M.B. 21/8

PARCEL 1
PARCEL MAP, P.M.B. 21/8

PARCEL 1
GRANT DEED
INST. NO.
2015000084570, O.R.

POINT "B"

POINT "C"

E'LY BOUNDARY LINE
P.M.B. 21/8

POR. LOT 152
BLOCK 51
IRVINE'S SUBDIVISION
M.R.M. 1/88

LINE DATA TABLE

NO.	BEARING	LENGTH
L1	S40°37'44"W	30.00'
L2	N49°22'16"W	47.66'
L3	S04°19'59"E	22.93'
L4	S04°19'59"E	18.28'
L5	S35°00'00"W	74.11'
L6	S35°00'00"W	17.57'
L7	S35°00'00"W	15.00'
L8	S35°00'00"W	41.54'
L9	S15°00'00"W	256.51'

CURVE DATA TABLE

NO.	DELTA	RADIUS	LENGTH
C1	39°19'59"	90.00'	61.78'
C2	20°00'00"	90.00'	31.42'

LEGEND

() RECORD DATA PER RECORD OF
SURVEY 2013-1134, R.S.B. 273/36-44

● SPIKE & 1 1/2" WASHER STAMPED
"ORANGE COUNTY SURVEYOR 6191R1"
PER RECORD OF SURVEY 2013-1134,
R.S.B. 273/36-44

EXHIBIT "B"

SKETCH TO ACCOMPANY A
LEGAL DESCRIPTION FOR

BAYVIEW HEIGHTS
DRAINAGE PIPELINE EASEMENT
CONTAINING: 2,205 S.F. +/-

SHEET 1 OF 2 SHEETS

Michael Baker

INTERNATIONAL

5 Hutton Centre Drive, Suite 500
Santa Ana, CA 92707

(949) 472-3505 · MBAKERINTL.COM

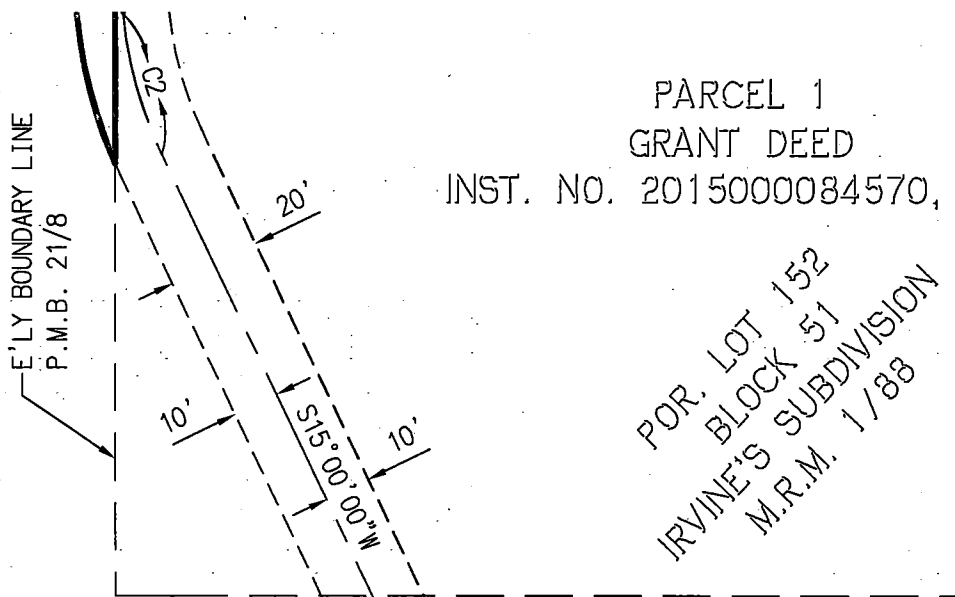
JULY 7, 2017

JN 145986

NOTE

SEE SHEET 1 FOR LEGEND AND DATA TABLES

- SEE SHEET 1 -



PARCEL 1
GRANT DEED
INST. NO. 2015000084570, O.R.

POR. LOT 152
BLOCK 51
IRVINE'S SUBDIVISION
M.R.M. 1/88

PARCEL 2
GRANT DEED
INST. NO. 2015000084570, O.R.

PARCEL 1
PARCEL MAP,
P.M.B. 21/8

NORTHERLY LINE
BOOK 8885/409, O.R.

SCALE 1"=40'

SHEET 2 OF 2 SHEETS

EXHIBIT "B"

SKETCH TO ACCOMPANY A
LEGAL DESCRIPTION FOR

BAYVIEW HEIGHTS
DRAINAGE PIPELINE EASEMENT
CONTAINING: 2,205 S.F. +/-

Michael Baker

INTERNATIONAL

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Santa Ana, CA 92707

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JULY 7, 2017

JN 145986