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A G R E E M E N T

THIS AGREEMENT, made and entered into this 22 day of September, 1950, by and between THE IRVINE COMPANY, a corporation, organized and existing under the laws of the State of West Virginia, with its principal place of business in the County of Orange, State of California, herein-after referred to as the "Company", and COUNTY OF ORANGE, a body corporate and politic of the State of California, hereinafter referred to as the "County".

W I T N E S S E T H :

WHEREAS, the County is the owner of the following described land bordering on Newport Bay in said County, under grant from the State of California by Chapter 526 of the Statutes of 1919, as amended by Chapter 575 of the Statutes of 1929, subject to the public uses and trusts provided and set forth in said statutes, said land being described as follows:

A parcel of land lying bayward of the U. S. Bulkhead line as shown on map of Harbor Lines of Newport Bay as established March 20, 1936, and on file in the U. S. Engineer's Office, Los Angeles, California; said parcel being all that land having an elevation above mean high water and lying bayward of said U. S. Bulkhead line between a point on said U. S. Bulkhead line that bears South 40° East 130 feet, more or less, from U. S. Bulkhead Station 104, and a point on said U. S. Bulkhead line that bears North 40° West 530 feet, more or less, from U. S. Bulkhead Station 105.

WHEREAS, the Company is the owner of land lying contiguous to and between the public land hereinabove described and that certain public road known as "Bayside Drive", said intervening land being a portion of lands adjoining Block 94 of Irvine's subdivision in said County, and adjacent to said U. S. Bulkhead line between the points thereon hereinabove designated, and

WHEREAS, there exists no means of access to the above described public land from said Bayside Drive except over and across the said intervening land of the Company; and

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1 WHEREAS, the Company is willing to grant to the County, without mon-
 2 etary consideration, an easement over its said intervening land for access
 3 to said public land, in consideration of the covenants and agreements on
 4 the part of the County hereinafter set forth, and upon and subject to the
 5 conditions subsequent hereinafter specified.

6 NOW, THEREFORE, in consideration of the premises, it is agreed by
 7 and between the parties hereto as follows:

8 The Company hereby grants to the County, without monetary considera-
 9 tion, an easement over and across the following described property, to-wit:

10 A parcel of land 80 feet wide lying in Block
 11 94 and lands adjoining, of Irvine's Subdivision of
 12 Rancho San Joaquin and Lomas de Santiago and Flint
 13 and Bixby's Allotment of Rancho Santiago de Santa
 14 Ana, as shown on a map recorded in Book 1, Page 88
 15 of Miscellaneous Maps, Records of Orange County,
 16 California, and more particularly described as
 17 follows:

18 Beginning at a point in the center line of
 19 Bayside Drive as described in deed dated June 5,
 20 1936, and recorded June 11, 1936 in Book 830,
 21 Page 217 of Official Records, Records of Orange
 22 County, California, said point of beginning bears
 23 South 46° 51' East a distance of 241.49 feet from
 24 the southeasterly end of course designated No. 18;
 25 thence South 43° 09' West 25 feet to a point in
 26 the southwesterly right-of-way line of said Bayside
 27 Drive, said point being the true point of beginning;
 28 thence South 43° 09' West 116.64 feet, more or less,
 29 to a point in the U. S. Bulkhead line; thence South
 30 40° East 80.56 feet along the said U. S. Bulkhead
 31 line; thence North 43° 09' East 126.25 feet, more or
 32 less, to a point in the southwesterly right-of-way
 line of said Bayside Drive; thence North 46° 51' West
 80 feet to the true point of beginning.

24 Said easement is hereby granted and accepted upon and subject to the
 25 following conditions, which shall be deemed conditions subsequent and
 26 shall be binding upon the County, its successors and assigns, in favor of
 27 the Company, its successors and assigns, to-wit:

28 That said easement shall be maintained and used as a public highway
 29 for access by the public and the installation of public utilities to the
 30 land of the County hereinabove described for the public uses and purposes
 31 thereon as hereinafter stated.

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ORANGE COUNTYAPPROVED AS TO DESCRIPTION
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1 the event said easement shall be used for any purpose other than
2 as hereinabove provided, or if the County shall cease to own or to use its
3 said lands for the public purposes and uses hereinafter stated and for
4 that reason or for any other cause said easement shall cease for a period
5 of one (1) year to be maintained and used for the public purposes herein-
6 above specified, or if said easement shall be abandoned, then, in any of
7 said events, said easement shall terminate and shall revert to the Company
8 its successors and assigns, free from any and all rights and interests of
9 the County, its successors and assigns.

10 Said easement is hereby granted and accepted in consideration of the
11 following covenants and agreements on the part of the County, which shall
12 constitute covenants for the benefit of the said intervening land of the
13 Company, and in favor of the Company and its successors and assigns, and
14 shall be binding upon the County and its successors and assigns, to-wit:

15 That the County, for itself and its successors and assigns, hereby
16 covenants and agrees that so long as said easement shall continue in force
17 and effect, the land of the County hereinabove described shall be main-
18 tained, used, and devoted to the public uses and purposes as follows, to-
19 wit:

20 That portion thereof lying southeasterly of a straight line running
21 South 15° West from the most southerly corner of the easement above de-
22 scribed shall be set aside and maintained as an open and unobstructed area
23 for use by the public for fishing, boating, bathing, and other like recrea-
24 tional uses, and that the balance of said land (except such portion there-
25 as the County shall lease to Balboa Yacht Club) shall be used for other
26 public purposes consistent with the trust uses set forth and provided in
27 the statutes hereinabove referred to.

28 It is expressly agreed, however, that should the covenants and agree-
29 ments of the County hereinabove set forth be adjudged in conflict with or
30 in violation of the provisions of said grant from the State of California
31 under the statutes aforementioned, said covenants and agreements shall not
32 be construed to limit the right of public use by the County of its said

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STATE OF CALIFORNIA

COUNTY OF ORANGE

On this 1st day of May, 1951, before me, Elizabeth M. Heststra, personally appeared WILLIS H. WARNER, known to me to be the Chairman of the Board of Supervisors of Orange County, California, that executed the within instrument and acknowledged to me that such County executed the same.

WITNESS my hand and official seal.

Elizabeth M. Heststra
Notary Public in and for said County
and State.

My Commission Expires Dec. 30, 1954

RECORDED AT REQUEST OF

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AT 2 MIN. PAST 12 1951
OFFICIAL RECORDS OF
ORANGE COUNTY CALIFORNIA

Ernest M. Land
11/16

OFFICE OF
COUNTY CLERK
ORANGE COUNTY

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