

Recording Requester by:

MOULTON NIGUEL WATER DISTRICT

Return to:

Mr. Carlo H. Habash
MOULTON NIGUEL WATER DISTRICT
27500 La Paz Road
Laguna Niguel, California 92656-3489

Recorded in the County of Orange, California
Gary L. Granville, Clerk/Recorder



No Fee

19980218041 04:30PM 04/13/98

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E01 10 6.00 27.00 0.00 0.00 0.00 0.00

NO CONSIDERATION

**EASEMENT GRANT TO
MOULTON NIGUEL WATER DISTRICT
AND SANTA MARGARITA WATER DISTRICT
OF EASEMENT FOR WATER, RECLAIMED WATER
AND SEWER FACILITIES**

Exempt Govt.
Code §6103

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, San Juan Enclave LLC a California limited liability company, ("Grantor") hereby grants and conveys to MOULTON NIGUEL WATER DISTRICT, a California water district and to SANTA MARGARITA WATER DISTRICT, a California water district ("Grantee"), and their successors and assigns, a perpetual non-exclusive easement and right-of-way for sewer, water, and reclaimed water pipelines and appurtenant facilities for transmission purposes, including, specifically, but not by way of limitation, the right to install, construct, reconstruct, remove and replace, renew, inspect, maintain, repair, improve, relocate and otherwise use water, reclaimed water or sewer pipeline or pipelines together with incidental appurtenances, connections, and structures in over, under, upon, along, through and across the real property hereinafter described.

Said easement shall lie in, over, under, upon, along, through and across that certain real property situated in the County of Orange, State of California, described in Exhibit "A" and depicted in Exhibit "B" (the "Easement Area") both of which are attached hereto and by this reference incorporated herein, together with the right to enter upon and to pass and repass over and along the Easement Area for the construction, operation and maintenance of the facilities to be constructed in the Easement Area by Grantee or its successors and assigns, its officers, agents and employees and by persons under contract with Grantee or its successors and assigns.

It is understood and agreed that the easements and rights-of-way acquired herein are acquired subject to the rights of the Grantor, and its successors and assigns, to use the surface of the Easement Area to the extent that such use is compatible with the full and free exercise of said easement and rights-of-way by the Grantee; provided, however, that no streets, alleys, roadways, fences, block walls, or other structures or other improvements shall be constructed upon, over, and along the Easement Area without first obtaining the prior written consent of Grantee. Grantee does hereby agree that it will not unreasonably withhold such consent.

IT
10P
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NF
10F

No earth, dirt, fill or any other material shall be deposited, placed or maintained on or over the surface of the ground, nor shall any earth be removed from the cover of said pipeline or pipelines and incidental facilities without first obtaining the prior written consent of Grantee. Grantee does agree that it will not unreasonably withhold such consent. It is understood and agreed that Grantee shall bear no responsibility nor assume any cost for the maintenance, repair or replacement of any trees, shrubbery, fences, walls or other plantings or structures situated within the Easement Area that may be injured, damaged or destroyed by Grantee's use of the Easement Area.

In consideration of Grantee's acceptance and recordation of this Grant of Easement, Grantor covenants and agrees for itself and its successors and assigns that any future relocation of the water, reclaimed water or sewer pipeline or pipelines and incidental facilities described herein, if Grantee in its sole discretion consents in writing to such relocation, shall be at the sole expense of Grantor or its successors and assigns and that Grantee shall have no responsibility for such costs.

The Grantor and persons or concerns executing this Grant of Easement represent and warrant to Grantee that Grantor is the owner in fee title of the herein described property, or has the right to make this conveyance, and that it has advised the Grantee in writing of any and all outstanding easements, encumbrances, or deeds of trust.

This Easement Deed and the provisions contained herein shall be binding upon Grantor, Grantee, and their respective successors and assigns.

IN WITNESS WHEREOF, this Grant of Easement has been executed this 23rd day of September, 1997.

SEE PAGE 3 FOR SIGNATURES

Project: _____

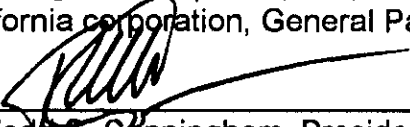
Title Company: _____

Title Report No. _____

San Juan Enclave LLC,
a California limited liability company

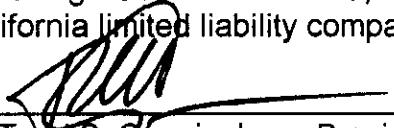
By: Woodbridge Development,
a California general partnership, Member


By: Woodbridge Development, Inc.,
a California corporation, General Partner

By: 
Todd S. Cunningham, President

By: 
Michael W. Kerr, Vice President/Secretary

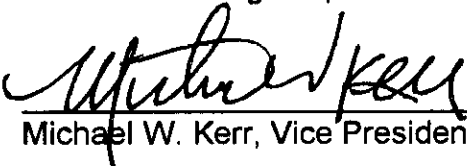
By: WoodBridge Communities LLC,
a California limited liability company, General Partner

By: 
Todd S. Cunningham, President

By: 
Michael W. Kerr, Vice President/Secretary

By: Woodbridge Development, Inc.
a California corporation, Member

By: 
Todd S. Cunningham, President

By: 
Michael W. Kerr, Vice President/Secretary

Project: _____

Title Company: _____


Title Report No. _____

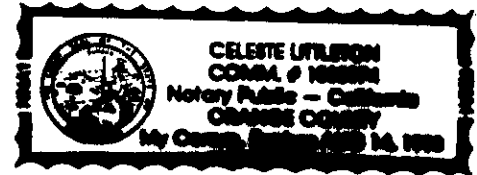
NOTARY ACKNOWLEDGMENTS

State of California)
County of Orange)

On September 24, 1997. before me, Celeste Littleton, Notary Public.
personally appeared **Todd Cunningham and Michael W. Kerr** personally
known to me (or proved to me on the basis of satisfactory evidence) to be the
persons whose names are subscribed to the within instrument and
acknowledged to me that they executed the same in their authorized capacities,
and that by their signatures on the instrument the persons or the entity upon
behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Signature 



Project: _____

Title Company: _____

Title Report No. _____

**ROBERT BEIN, WILLIAM FROST & ASSOCIATES
14725 Alton Parkway
Irvine, California 92618**

Revised June 12, 1997

April 15, 1997

EXHIBIT "A"

JN 31401-5

Page 1 of 2

LEGAL DESCRIPTION

**MOULTON NIGUEL WATER DISTRICT
AND SANTA MARGARITA WATER DISTRICT
SEWER PIPELINE EASEMENT
WITHIN PARCEL "A"**

That certain parcel of land situated in the City of San Juan Capistrano, County of Orange, State of California, being that portion of Parcel "A" of San Juan Capistrano and Vicinity as shown on a map thereof filed in Book 2, Pages 31 through 38 of Records of Surveys in the Office of the County Recorder of said Orange County, California, included within a strip of land 30.00 feet wide, the centerline of which is described as follows:

COMMENCING at the westerly terminus of that certain course in the northerly line of Parcel "0" of said Record of Survey shown as **"North 73°56'10" East 411.28 feet"** on a map of Record of Survey No. 92-1121 filed in Book 146, Pages 28 and 29 of Records of Surveys in said Office of the County Recorder of Orange County; thence along said northerly line **North 73°56'10" East 126.27 feet** to the **TRUE POINT OF BEGINNING**; thence **North 64°28'30" West 82.02 feet**; thence **North 51°34'00" West 98.77 feet**; thence **North 54°09'00" West 97.53 feet**; thence **North 59°24'00" West 53.04 feet**; thence **North 67°14'30" West 130.64 feet**; thence **North 44°08'30" West 45.10 feet**; thence **North 35°39'00" West 48.83 feet**; thence **North 30°08'00" West 41.87 feet**; thence **North 22°06'00" West 160.12 feet**; thence **North 19°38'00" West 104.31 feet**; thence **North 16°02'00" West 99.06 feet**; thence **North 19°07'00" West 104.09 feet**; thence **North 24°02'00" West 128.92 feet**; thence **North 17°13'30" West 32.93 feet**; thence **North 02°28'30" East 39.28 feet**; thence **North 11°56'00" East 116.62 feet**; thence **North 12°14'00" West 27.51 feet**; thence **North 23°16'30" West 55.98 feet**; thence **North 36°47'00" West 93.10 feet**; thence **North 41°46'00" West 88.82 feet**; thence **North 36°43'00" West 61.56 feet**; thence **North 31°49'00" West 50.91 feet**; thence **North 24°17'30" West 88.11 feet** to the northwesterly line of Parcel 1 as described in the Corporation Grant Deed to Wittenberg-Livingston, Inc.

Robert Bein, William Frost & Associates
Moulton Niguel Water District and
Santa Margarita Water District
Sewer Pipeline Easement Within Parcel "A"

Revised June 12, 1997
April 15, 1997
JN 31401-5
Page 2 of 2

EXHIBIT "A"

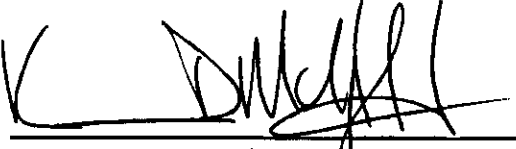
recorded December 15, 1989 as Instrument No. 89-678477 of Official Records in said Office of the Orange County Recorder.

Said strip of land shall be lengthened or shortened so as to terminate southeasterly in said northerly line of Parcel "O" and terminate northwesterly in the westerly and northwesterly lines of said Parcel 1.

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

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




Kevin D. McHugh Jr., P.L.S. 6310

SEE

SHEET

2

SCALE: 1" = 100'

PARCEL
INST. NO.

89 - 678477, O.R.

R. S. NO. 92 - 1121
R. S. B. 146 / 28 - 29PCL. 2, LLA 85-121-161
INST. 85 - 250101, O.R.

R. S. B. 79 / 44

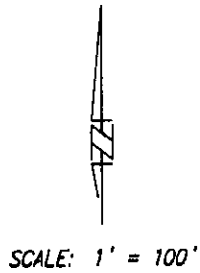
AGUACATE
ROAD**EXHIBIT "B"**SKETCH TO ACCOMPANY A
LEGAL DESCRIPTION FORMOULTON NIGUEL WATER DISTRICT
AND SANTA MARGARITA WATER DISTRICT
SEWER PIPELINE EASEMENT WITHIN
PARCEL "A" OF R.S.B. 2/31-38REVISED JUNE 12, 1997
REVISED MAY 8, 1997SHEET 1 OF 3 SHEETS
Robert Bein, William Frost & Associates
PROFESSIONAL ENGINEERS, PLANNERS & SURVEYORS
14725 ALTON PARKWAY, IRVINE, CALIFORNIA 92618-7007
(714) 472-2005 FAX (714) 472-2272

APRIL 15, 1997

J.N.31401

H:\GRP5\PDATA\31401\DWG\EX40102A.DWG

SEE SHEET 3



R. S. NO. 92 - 1121
R. S. B. 146 / 28 - 29

[N02°28'30"E
39.28']
[N17°13'30"W
32.93']

[N24°02'00"W
128.92']
[N19°07'00"W
104.09']

[N16°02'00"W
99.06']
[N19°38'00"W
104.31']

[N22°06'00"W
160.12']

89 - 678477 O.R.

PCL.

INST. NO.

R. S. B. 33 / 38

SEE SHEET 1

EXHIBIT "B"

SKETCH TO ACCOMPANY A
LEGAL DESCRIPTION FOR

MOULTON NIGUEL WATER DISTRICT
AND SANTA MARGARITA WATER DISTRICT
SEWER PIPELINE EASEMENT WITHIN
PARCEL "A" OF R.S.B. 2/31-38

REVISED JUNE 12, 1997
REVISED MAY 8, 1997



SHEET 2 OF 3 SHEETS
Robert Bein, William Frost & Associates
PROFESSIONAL ENGINEERS, PLANNERS & SURVEYORS
14728 ALVARO PARKWAY, IRVINE, CALIFORNIA 92618-7087
(714) 472-3808 FAX (714) 472-5373

APRIL 15, 1997

J.N.31401

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SCALE: 1' = 100'

R. S. B. 101 / 1 - 8

R. S. B. 53 / 17 - 18

R. S. NO. 92 - 1121

SEC. 36, T 7S, R 8W

SEC. 1, T 8S, R 8W

R. S. B. 146 / 28 - 29

PARCEL 1

INST. NO. 89 - 678477 O.R.

EXHIBIT "B"

SKETCH TO ACCOMPANY A
LEGAL DESCRIPTION FOR

MOULTON NIGUEL WATER DISTRICT
AND SANTA MARGARITA WATER DISTRICT
SEWER PIPELINE EASEMENT WITHIN
PARCEL "A" OF R.S.B. 2/31-38

SEE SHEET 2

SHEET 3 OF 3 SHEETS

Robert Bein, William Frost & Associates
PROFESSIONAL ENGINEERS, PLANNERS & SURVEYORS
14726 ALTON PARKWAY, GLEN, CALIFORNIA 90019-7007
(714) 472-2000 FAX (714) 472-8472



REVISED JUNE 12, 1997
REVISED MAY 8, 1997

APRIL 15, 1997

J.N.31401

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CERTIFICATE OF ACCEPTANCE
MOULTON NIGUEL WATER DISTRICT

This is to certify that the interest in real property conveyed by Deed of Grant of Easement dated Sept 23, 1997, from SAN JUAN ENCLAVE LLC to the MOULTON NIGUEL WATER DISTRICT, a California water district, is hereby accepted by the undersigned officer on behalf of the Board of Directors, pursuant to authority conferred by Resolution No. 81-29 of the Board of Directors, adopted on the 18th day of June, 1981, and the MOULTON NIGUEL WATER DISTRICT consents to recordation thereof by its duly authorized officer.

Dated this 10th day of November, 1997

Carlo H. Hahash

MOULTON NIGUEL WATER DISTRICT
and of the Board of Directors hereof

CERTIFICATE OF ACCEPTANCE
SANTA MARGARITA WATER DISTRICT

The undersigned, being the duly appointed agent of SANTA MARGARITA WATER DISTRICT, a public corporation ("District"), Orange County, California, pursuant to its Resolution No. 88-10-2, does hereby accept on behalf of District, the grant of all interests in real estate for public purposes as described in the attached Grant of Easement dated the 23 day of September, 1997 by and between District and San Juan Enclave LLC, a California limited liability company, and does hereby certify District consents to the recordation of the attached Grant of Easement.

Dated: Dec. 17, 1997

SANTA MARGARITA WATER DISTRICT

BY: Judy H. Sakae
Secretary

Project: _____

Title Company: _____

Title Report No. _____