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FILED
 JUN 29 1966

ENTERED IN BOOK

JUDGMENTS

Attorneys for Plaintiff

W. E. ST JOHN, County Clerk
 By: Deputy

No. 118 Page 342

Date JUN 30 1966

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ORANGE

CITY OF SANTA ANA, a municipal
 corporation,

Plaintiff,

NO. 146049

vs.

JUDGMENT IN
 CONDEMNATION
 AGAINST JULE
 C. AXELSON

T. R. BOLTE DEVELOPMENT, INC.,
 a California corporation, etc.
 et al,

Defendants.)

UPON stipulation of the plaintiff and defendant JULE
 C. AXELSON, appearing in pro per, and the plaintiff having paid
 into court pursuant to an order for possession the sum of \$2,825.00
 as compensation for the interest of said above named individual
 in and to the parcels of real property described in plaintiff's
 complaint as parcels 3A and 3B, which said parcels are unimproved
 for the uses and purposes set forth in the complaint, and good cause
 appearing therefore:

IT IS ORDERED AND ADJUDGED that the following described
 parcels of real property be, and the same are hereby condemned for
 the use and purposes hereinafter set forth upon the conditions and
 agreements set forth herein.

IT IS FURTHER ORDERED AND ADJUDGED that the use for which
 the property is sought to be condemned is the construction and
 location of certain drainage facilities more particularly described
 as underground drainage pipe and conduit and rights of way in,

through and over the said real property including a temporary construction easement, is authorized by law and is a public use and that the taking in condemnation is necessary for said public use.

IT IS FURTHER ORDERED AND ADJUDGED that the payment into court of the sum of money specified above is in full payment for the interest in the land so taken, together with all the improvements thereon pertaining to the realty, and for all damages of every kind and nature suffered by the defendant by reason of the taking of said property, rights and interests therein.

IT IS FURTHER ORDERED AND ADJUDGED that the property so taken and condemned herewith is described as follows:

1. An easement over the property described in this paragraph next following for the purpose of constructing and maintaining thereon an underground drainage pipe and conduit, RESERVING TO CONDEMNEE, his heirs, successors and assigns, the right to use the surface of said property and all surface rights not inconsistent with or damaging to the said conduit including the right to pave or place asphalt upon said surface and use the same for parking purposes; EXCEPT HOWEVER that no permanent structure shall be erected or maintained upon said easement except as hereinafter provided.

Said property is described as follows:

The westerly 16.00 feet of that portion of the land allotted to Frederick W. Koll, as described in the Final Decree of Partition of the Rancho Santiago de Santa Ana, which was entered September 12, 1868 in Book "B", page 410 of Judgments of the District Court of the 17th Judicial District in and for the Los Angeles County, California, described as follows:

Beginning at a point on the East line of Section 19, in Township 5, South, Range 9 West, San Bernardino Base and Meridian, distant 1979.46 feet South of the Northeast corner of said Section, said point of beginning being the Southeast corner of a tract of land conveyed to Frank M. Thomas by deed recorded in Book 42, page 365, Deeds, records of said Orange County, thence South along said section line, 2031.28 feet, more or less, to the Northeast corner of tract of land conveyed to James F. Smith by deed recorded in Book 78, page 255, Deeds, records of said Orange County; thence West along the North Line of said tract, 1179.5 feet to the East line of the right of way of the Santa Ana and Newport Railway Company; thence

1 North along said East line 2035.00 feet, more or less,
2 to the South line of tract conveyed to Frank M. Thomas as
3 aforesaid; thence East 1179.5 feet to the point of begin-
4 ning, except that parcel of land conveyed to John A.
Fitzpatrick and others by deed recorded October 3, 1924,
in Book 544, page 113, Deeds, records of said Orange
County.

5 ALSO EXCEPTING THEREFROM the Northerly 300.00 feet
6 of said property, and also that portion described in deed
7 to Divco-Wayne Industries, Inc., recorded December 1,
1964, in Book 7325, page 519 of Official Records.

8 Provided further that there is reserved to Condemnee,
9 his heirs, successors and assigns the right at any time hereafter
10 upon 90 days notice to Condemnor to select upon, over and across
11 said 16.00 foot easement a site or location for two (2) spur tracks
12 to run to the Southern Pacific railway line, one of said spur
13 tracks to be in the Northerly one-half of said easement and the
14 other to be in the Southerly one-half of said easement and, upon
15 notice of said election, condemnor will grant to said condemnee
16 or his heirs, successors or assigns, or any of them a good and
17 sufficient easement across said property for the purposes of said
18 spur track and permitting the construction, installation and
19 maintenance of same by said persons or by the Southern Pacific
Railway or its successors.

20 PROVIDED FURTHER, that if said option or selection is
21 exercised within 90 days prior to the date upon which the laying of
22 pipe reaches the point selected for said spur track or tracks or
23 either of them, condemnor will, at its own expense, provide at said
24 point such shoring, re-enforcement or saddle as shall be necessary
25 to insure that the weight and pressure of said spur track will not
26 damage the underlying pipe and conduit. If said notification shall
27 occur later than said date, condemnor shall pay to condemnee, his
28 heirs, successors or assigns, the sum of \$100.00 for each such
29 spur track as liquidated severance damages but condemnee, his heirs,
30 successors or assigns shall be compelled to install and maintain
31 such shoring and re-enforcement over the conduit or pipe at their
32 own expense.

2. A temporary easement to be used in conjunction with construction of a drainage channel from Edinger Avenue Southerly to Warner Avenue over the Easterly 25.00 feet of the Westerly 41.00 feet of that portion of the land allotted to Frederick W. Koll, as described in the Final Decree of Partition of the Rancho Santiago de Santa Ana, which was entered September 12, 1868 in Book "B", page 410 of Judgments of the District Court of the 17th Judicial District in and for the Los Angeles County, California, described as follows:

Beginning at a point on the East line of Section 19, in Township 5, South, Range 9 West, San Bernardino Base and Meridian, distant 1979.46 Feet South of the Northeast corner of said Section, said point of beginning being the Southeast corner of a tract of land conveyed to Frank M. Thomas by deed recorded in Book 42, page 365, Deeds, records of said Orange County, thence South along said Section line, 2031.28 feet, more or less, to the Northeast corner of tract of land conveyed to James F. Smith by deed recorded in Book 78, page 255, Deeds, records of said Orange County; thence West along the North line of said tract 1179.5 feet to the East line of the right of way of the Santa Ana and Newport Railway Company; thence North along said East line 2035.00 feet, more or less, to the South line of tract conveyed to Frank M. Thomas as aforesaid; thence East 1179.5 feet to the point of beginning, EXCEPT that parcel of land conveyed to John A. Fitzpatrick and others by deed recorded October 3, 1924, in book 544, page 113, deeds, records of said Orange County, California.

ALSO EXCEPTING THEREFROM the northerly 300.00 feet of said property, and also that portion described in deed to Divco-Wayne Industries, Inc., recorded in December 1, 1964, in Book 7325, page 519 of Official Records.

THE TERM OF THIS EASEMENT shall be from midnight,

August 31, 1966, through midnight February 28, 1967 and on the last mentioned date the said easement shall terminate.

IT IS FURTHER ORDERED that defendant Jule C. Axelson shall recover costs of suit incurred herein in the sum of \$

DATED: June 29, 1966

William L. Murray
Judge of the Superior Court

THIS INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

ATTEST

July 14 1966
ST. JOHN
County Clerk and Clerk of the
Superior Court of the State of California in and for
the County of Orange.

BY

R. Reene DEPUTY

RECORDED AT REQUEST OF
TITLE INS. & TRUST CO.
IN OFFICIAL RECORDS OF
ORANGE COUNTY, CALIF.
PM
3:05 JUL 14 1966
J. WYLLIE CARLYLE, County Recorder

FREE

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