

17319

Santa Ana, California

July 7th, 1931.

The Board met in regular session. Present Supervisors, John G. Mitchell, Chairman, C. H. Chapman, Willard Smith, George Jeffrey and the Clerk.

Absent Supervisor Wm. Schumacher.

In Re: DEED OF RIGHT OF WAY.

On motion of Supervisor Jeffrey duly seconded and carried Deed of Right of Way from Rancho Santa Margarita a California corporation in the Fifth Road District was declared a public highway which said road is more particularly described as follows:

A strip of land sixty (60) feet in width and being thirty (30) feet on each side of the following described center line:

Commencing at the Northeasterly corner of Rancho Trabuco as shown on a map thereof recorded in Book 1, pages 53 and 54 of Patents, Records of Los Angeles County, and running thence N. $71^{\circ}45'$ W., 3503.02 feet to a point; thence S. $18^{\circ}15'$ W., 30.00 feet to the true point of beginning of the line to be described, said point being in the traveled road in Trabuco Canyon, and running thence from said true point of beginning, S. $67^{\circ}29'$ E., 532.64 feet to the beginning of a curve tangent, concave westerly and having a radius of 100 feet; thence southerly along said curve through a central angle of $122^{\circ}42'$, 214.15 feet to a line tangent, thence S. $55^{\circ}13'$ W., along said tangent line, 75.57 feet to the beginning of a curve tangent, concave southeasterly and having a radius of 300 feet thence Southwesterly along said curve, through a central angle of $41^{\circ}23'30''$, 216.73 feet to a line tangent; thence S. $13^{\circ}49'30''$ W., along said tangent line, 120.16 feet to the beginning of a curve tangent, concave northerly and having a radius of 55 feet; thence Easterly, along said curve, through a central angle of $150^{\circ}00'$, 143.99 feet to a line tangent; thence N. $43^{\circ}49'30''$ E., along said tangent line 183.02 feet to the beginning of a curve tangent, concave Southerly and having a radius of 200 feet; thence Easterly along said curve through a central angle of $64^{\circ}13'$, 224.16 feet to a line tangent; thence S. $71^{\circ}57'30''$ E., along said tangent line 263.78 feet to the beginning of a curve tangent, concave northerly and having a radius of 200 feet; thence Easterly along said curve through a central angle of $34^{\circ}56'$, 121.94 feet to a line tangent; thence N. $73^{\circ}06'30''$ E., along said tangent line 119.41 feet to the beginning of a curve tangent, concave northwesterly and having a radius of 60 feet; thence Northeasterly along said curve through a central angle of $78^{\circ}03'30''$, 81.75 feet to a line tangent; thence No. $4^{\circ}57'$ W., along said tangent line 6.51 feet to the beginning of a curve tangent, concave Southeasterly and having a radius of 100 feet; thence, Northeasterly, along said curve, through a central angle of $113^{\circ}12'$, 197.57 feet to a line tangent which is parallel with and distance southwesterly, thirty (30) feet measured at right angles, from the Northerly line of Rancho Trabuco; thence S. $71^{\circ}45'$ E., along said tangent line 2021.91 feet to a point which is distant Westerly thirty (30) feet measured at right angles from the Easterly line of Rancho Trabuco; thence S. $5^{\circ}49'$ W., parallel with said Easterly line, 4687.66 feet to a point in the present traveled road.

The side lines of said strip of land shall be shortened or lengthened to connect with the present traveled road at the beginning and end of said strip.

The angle in the Southwesterly line of said strip of land near the Northeasterly corner of Rancho Trabuco, shall be cut by using a curve concave southwesterly and having a radius of 50 feet all as shown on the accompanying map which is made a part hereof.

State of California }
County of Orange } ss

I, J. M. Backs, County Clerk and ex-officio Clerk of the Board of Supervisors hereby certify the foregoing to be a full true and correct

copy of the minute entry on record in my office.

Witness my hand and the seal of the Board of Supervisors this 7th day of July 1931.

((S E A L))

J. M. Backs Clerk of the Board of Supervisors.

Original
RIGHT OF WAY DEED
IN
RANCHO TRABUCO

THIS INDENTURE, made this 2d day of July 1931, by and between RANCHO SANTA MARGARITA, a California corporation, with its principal place of business in the City and County of San Francisco, State of California, the First Party, and the COUNTY OF ORANGE, State aforesaid, the Second Party.

WITNESSETH:

That the First party for certain valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to said Second Party a right of way for a public road or highway over, along, across, and upon certain real property situated in the RANCHO TRABUCO, County of Orange, State of California, and described as follows, to-wit:

A strip of land sixty (60) feet in width and being thirty (30) feet on each side of the following described center line:

Commencing at the Northeasterly corner of Rancho Trabuco as shown on a map thereof recorded in Book 1, Pages 53 and 54 of Patents, Records of Los Angeles County, and running thence N. 71° 45' W. 3503.02 feet to a point; thence S. 18° 15' W., 30.00 feet to the true point of beginning of the line to be described, said Point being in the traveled road in Trabuco Canyon, and running thence from said true point of beginning, S. 67° 29' E., 532.64 feet to the beginning of a curve tangent, concave Westerly and having a radius of 100 feet; thence Southerly along said curve, through a central angle of 122° 42', 214.15 feet to a line tangent; thence S. 55° 13' W., along said tangent line, 75.57 feet to the beginning of a curve tangent, concave Southeasterly and having a radius of 300 feet; thence, Southwesterly, along said curve, through a central angle of 41° 23' 30", 216.73 feet to a line tangent; thence, S. 13° 49' 30" W., along said tangent line, 120.16 feet to the beginning of a curve tangent, concave Northerly and having a radius of 55 feet; thence Easterly, along said curve, through a central angle of 150° 00' 143.99 feet to a line tangent; thence, No. 43° 49' 30" E., along said tangent line, 183.02 feet to the beginning of a curve tangent, concave Southerly and having a radius of 200 feet; thence, Easterly, along said curve, through a central angle of 64° 13' 224.16 feet to a line tangent; thence S. 71° 57' 30" E., along said tangent line, 263.78 feet to the beginning of a curve tangent, concave Northerly and having a radius of 200 feet; thence, Easterly along said curve, through a central angle of 34° 56', 121.94 feet to a line tangent; thence N. 73° 06' 30" E., along said tangent line, 119.41 feet to the beginning of a curve tangent, concave Northwesterly and having a radius of 60 feet; thence, Northeasterly along said curve, through a central angle of 78° 03' 30", 81.75 feet to a line tangent; thence, No. 4° 57' W., along said tangent line 6.51 feet to the beginning of a curve tangent, concave Southeasterly and having a radius of 100 feet; thence, Northeasterly, along said curve, through a central angle of 113° 12', 197.57 feet to a line tangent which is parallel with and distance Southwesterly, thirty (30) feet, measured at right angles, from the Northerly line of Rancho Trabuco; thence S. 71° 45' E., along said tangent line, 2021.91 feet to a point which is distant Westerly thirty (30) feet, measured at right angles, from the Easterly line of Rancho Trabuco; thence, S. 5° 49' W., parallel with said Easterly line, 4587.66 feet to a point in the present traveled road.

The side lines of said strip of land shall be shortened or lengthened to connect with the

present traveled road at the beginning and end of said strip.

The angle in the Southwesterly line of said strip of land near the Northeasterly corner of Rancho Trabuco, shall be cut by using a curve concave Southwesterly and having a radius of 50 feet, all as shown on the accompanying map which is made a part hereof.

In addition to said sixty (60) foot strip, the said First Party hereby conveys to said County of Orange for highway purposes as much land as may be necessary, and adjacent to said highway herein deeded, for the purposes of making the necessary slopes in the construction and maintenance of said highway, together with the right to construct and maintain such drainage ditches as may be required by the Second Party to protect such road from storm waters and floods to have and to hold the right of way herein mentioned and described unto the Second Party at all times hereinafter, but nevertheless the said Second Party shall hold the same subject to each and every the covenants and restrictions hereinafter mentioned, all of which are declared to be conditions subsequent upon which the foregoing grant is made and not otherwise, subject to the due fulfillment and faithful observance and performance of said second party of each and every of said covenants and restrictions according to the full intent and meaning thereof.

-I-

This deed being intended to grant to said Second Party a right of way for public highway purposes between the certain points herein named, and to define the right of way to be enjoyed by the public and limit the same to that hereby granted, and any portion of the heretofore existing roads over and/or across the Trabuco Mesa, being a part of the Rancho Trabuco situated in the County of Orange, State of California, which may not be embraced in the right of way hereby granted by this deed, shall, upon said deed being executed and delivered to the County of Orange, be abandoned, vacated, and released by the Board of Supervisors of said County from public use to the said grantor.

-II-

The right of way hereby granted and the whole thereof shall at all times hereafter forever be used only and solely for the passage and re-passage of human beings, domestic animals, and wheeled vehicles, fitted for use on the surface of ordinary roads or boulevards, the said County of Orange shall not and will not at any time hereafter grant or purport to grant, or attempt to grant, any right or franchise to any person or persons or corporation, pretending or purporting to authorize them to exercise in, on, over, or under the same, any franchise or right of way whatsoever, either for railway, railroad, telephone, telegraph or any other purposes.

-III-

No buildings for business purposes, of any kind or description, shall be maintained or allowed by the County of Orange on its behalf, on any part of the right of way hereby granted; nor shall said County bore, dig, maintain, permit or allow others to bore, dig, or maintain any well on any part of the right of way hereby granted, for the purpose of obtaining therefrom either oil or water, except that said County shall have the right to sink wells on said right of way for the purpose of obtaining a supply of water to be used only for sprinkling said road and right of way and for furnishing water for watering purposes to the travelling public and their animals.

-IV-

In the event the second party at any time fails to use said right of way, as a highway, for the period of one year, such failure shall constitute absolute and irrevocable abandonment on its part of such right of way and the title thereto shall, thereupon, revert to, and revert in, the First Party free and clear of any claims and/or easements of the Second Party in and to the same; and the Second Party covenants and agrees that when, and as, said right of way is abandoned by

it, in any manner whatsoever, or at all, it will forthwith by proper resolutions, or in such other manner as may be required by law, reconvey to the First Party all of its, the Second Party's right, title, interest and estate in and to said right of way, and shall forthwith remove all pavements and/or other road surfacing material placed within the limits of the right of way herein granted.

-V-

It is also understood that the First Party, grantor herein, shall have the right to lay out roads, public or private, so as to cross said highway and connect therewith, or pass under or over the same at such points and places as the said First Party, its heirs or assigns, may from time to time desire.

-VI-

No taxing authority within the County of Orange shall assess any of the lands included within the right of way hereby granted so long as the said County maintains a road or highway on and over the same, or uses, or claims the use of the land included within this deed for road or highway purposes

-VII-

Nothing herein contained and no rights hereby granted shall be construed, or used, or employed so as to prevent the First Party, or its heirs or assigns, owner of said Rancho, or of parts thereof, from constructing under said highway roads, culverts, pipelines, or any other means of communication from the one portion of its said Rancho to the other, which it may at any time hereafter desire, provided, however, that in so doing it shall not injure said highway or interfere with the use thereof by the public; to have and to hold the right of way hereinbefore mentioned and described unto the said Second Party, at all times hereafter but, nevertheless, so that the said Second Party shall hold the same expressly subject to each and every the covenants and conditions in this indenture contained, and hereinbefore mentioned, and subject to the true fulfillment and faithful performance and observance of the Second Party of each and every the said covenants and conditions, according to the true intent and meaning thereof.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals the day and year in this indenture first above written.

((CORPORATE SEAL))

RANCHO SANTA MARGARITA

By James E. Walsh Its President

By Darrell W. Daly Its Secretary

State of California

City and County of San Francisco

} ss

On this 3rd day of July in the year One Thousand Nine Hundred and Thirty-one, before me, William J. Brennan,

a Notary Public, in and for the City and County of San Francisco, personally appeared James E. Walsh, known to me to be the President and Darrell W. Daly, known to me to be the Secretary of Rancho Santa Margarita, the corporation described in and that executed the within instrument, and also known to me to be the persons who executed it on behalf of the corporation therein named, and they acknowledged to me that such corporation executed the same.

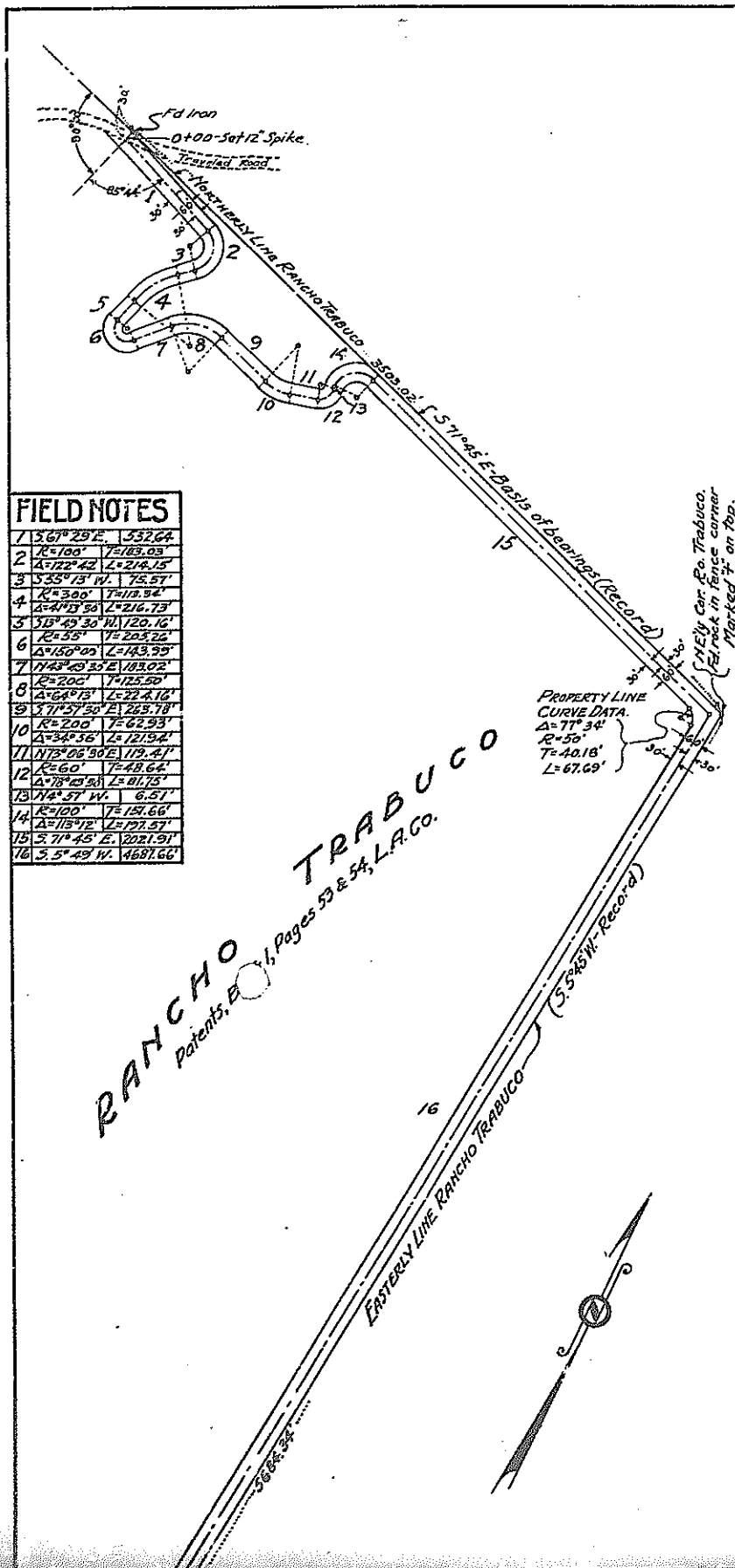
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the City and County of San Francisco, the day and year in this certificate first above written.

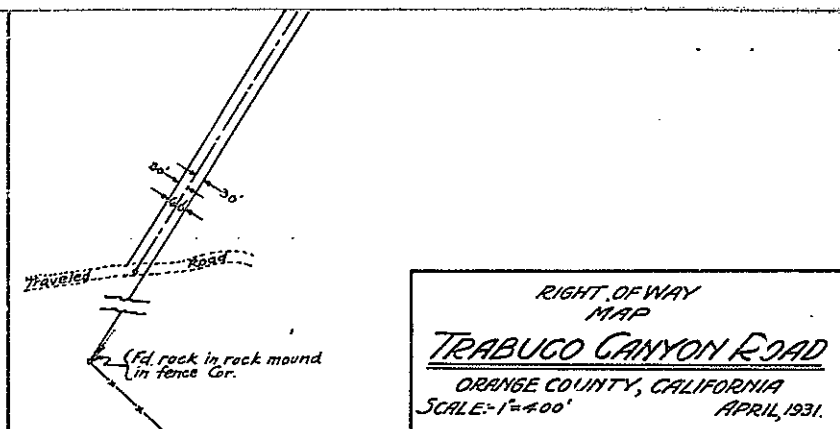
((SEAL))

William J. Brennan Notary Public

in and for the City and County of San Francisco, State of California.

My Commission Expires January 23, 1934.





RESOLUTION OF THE BOARD OF DIRECTORS OF
RANCHO SANTA MARGARITA ADOPTED AT A SPECIAL
MEETING OF THE BOARD, July 2, 1931.

I, DARRELL W. DALY, Secretary of Rancho Santa Margarita, a corporation, HEREBY CERTIFY that the following is a full, true and correct copy of a Resolution adopted by the Board of Directors of said corporation at a special meeting of said Board of Directors duly and regularly called, conveyed and held at No. 2100 Broadway, in the City and County of San Francisco, State of California, on July 2, 1931, at 5 o'clock P.M. at which meeting a quorum of the Board of Directors of said corporation was present and said Resolution was adopted by the unanimous vote of all Directors present:

RESOLVED: That the President or Vice-President and Secretary of this corporation be and they are hereby authorized, empowered and directed to execute a grant to the County of Orange, State of California, of a right of way for use as a public road or highway over and across such of the lands and premises owned by this corporation situate in the Rancho Trabuco, in the County of Orange, State of California, as their judgment shall be for the best interest of this corporation; such grant to be in such form and to contain such terms and provisions as to the said officers of this corporation shall seem proper.

I further certify that said Resolution has not been vacated, modified or rescinded, but remains in full force and effect.

In Testimony Whereof, I have hereunto set my hand and affixed the Seal of said Rancho Santa Margarita, a corporation, this 3rd day of July 1931.

((CORPORATE SEAL))

Darrell W. Daly Secretary of RANCHO
SANTA MARGARITA, a corporation.

Filed July 7, 1931, J. M. Backs, County Clerk, by B. Deputy.

Recorded at request of J. M. Backs, Jul. 8, 1931, at 30 min. past 3 P.M. in Book 496, Page 44, Official Records of Orange County, Justine Whitney, County Recorder, Ruby Cameron, Deputy.

Elanche Vaughn COMPARED Marie Woods

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See book 496 Page 44 of Official Records
For further information at within case

DEED OF TRUST

THIS DEED OF TRUST, made this 14th day of June 1931, between A. E. SAUTER and HELENE G. SAUTER, husband and wife, as joint tenants, with the right of survivorship, herein called TRUSTORS.