

RECORDED AT REQUEST OF AND RETURN TO  
ORANGE COUNTY, EMA PUBLIC WORKS  
RIGHT-OF-WAY ENGINEERING  
300 N. Flower Street, 6th Floor  
Santa Ana, Ca. 92702-4048

Recording Fee Exempt  
Per Govt Code 6103

By B. L. Law  
Orange County Environmental  
Management Agency

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



No Fee

19960232583 11:12am 05/09/96

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0.00 0.00 0.00

Project: Villa Park Road @ E08  
Project No.: Z5  
Parcel No.: 200  
A.P. No.: 378-432-02  
Location: Unincorporated area  
(partly in City of Villa Park)

QUITCLAIM DEED

For a valuable consideration, receipt of which is hereby acknowledged, the

ORANGE COUNTY FLOOD CONTROL DISTRICT,  
a body corporate and politic,  
hereinafter called "DISTRICT,"

does hereby assign, remise, release and forever Quitclaim to the

COUNTY OF ORANGE,  
hereinafter called "COUNTY,"

all right, title and interest in and to the real property in the unincorporated  
area and partially in the City of Villa Park, County of Orange, State of  
California, described in

that certain "Easement Deed for Buttress, Drainage and Access  
Purposes" marked "OCWD DOC. R90-6-137," as granted to DISTRICT by  
the Orange County Water District on August 5, 1992 and accepted by  
DISTRICT for the sole purpose of assignment and quitclaim to  
COUNTY;

said Deed being executed and assigned by DISTRICT, is attached hereto as Exhibit  
"A" and made a part hereof.

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NF

ORANGE COUNTY FLOOD CONTROL DISTRICT

Dated: APR 2 1996

By: *Roger L. Stanton*  
Chairman of the Board of Supervisors

SIGNED AND CERTIFIED THAT A COPY OF  
THIS DOCUMENT HAS BEEN DELIVERED TO  
THE CHAIRMAN OF THE BOARD.

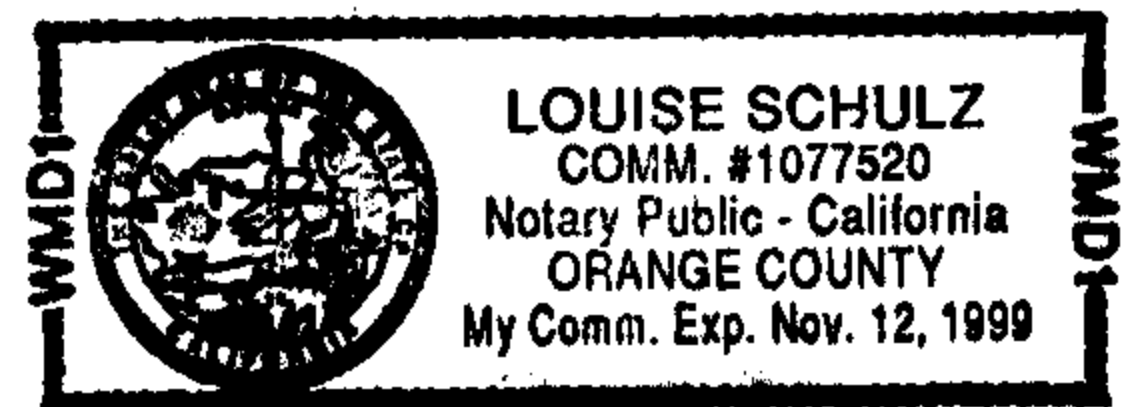
*Suzanne W. Privette, deputy*  
Kathleen E. Goodno, Acting  
Clerk of the Board of Supervisors of  
Orange County Flood Control District

State of California )  
County of Orange ) ss.

On APRIL 2, 1996 before me, Louise Schulz a Notary Public,  
personally appeared Suzanne W. Privette, deputy personally known to me (or proved to me  
on the basis of satisfactory evidence) to be the person whose name is subscribed  
to the within instrument and acknowledged to me that she executed the same in  
her authorized capacity, and that by her signature on the instrument the entity,  
upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal.

*Louise Schulz*  
Signature of the Notary



Recording Requested by and when  
Recorded Mail to:

ORANGE COUNTY WATER DISTRICT  
10500 Ellis Avenue  
Fountain Valley, CA 92728-8300

Exempt from Fee--Public Agency  
(Government Code Section 6103)

This Space for Recorder's use

**EASEMENT DEED FOR BUTTRESS,  
DRAINAGE AND ACCESS PURPOSES**

FOR VALUABLE CONSIDERATION, the receipt and adequacy of which is hereby acknowledged,

the ORANGE COUNTY WATER DISTRICT,  
a political subdivision of the State of California ("Grantor" herein),

hereby GRANTS AND CONVEYS to the ORANGE COUNTY FLOOD CONTROL DISTRICT, a body corporate and politic, ("Grantee" herein), and its successors and assigns, a perpetual easement to install, construct, reconstruct, remove and replace, inspect, maintain, operate and improve for slope buttressing and drainage purposes and structures (the "Facilities" herein) in, on and under the real property situated in the County of Orange, State of California, and more particularly described in Exhibit "1" to this deed, which description by this reference is incorporated herein and made a part hereof as though set forth at length herein (hereinafter, the "Easement Area").

The rights being granted herein include the right to enter upon and to pass and repass over and along the Easement Area, and to deposit tools, implements and other materials thereon by Grantee or its successors and assigns, its officers, agents and employees, and by persons or entities under contract with Grantee, its successors and assigns, wherever and whenever necessary for the purpose of laying, constructing, reconstructing, renewing, inspecting, maintaining, repairing, using and operating the Facilities, together with the right to use the Easement Area for access to rights-of-way of Grantee or its successors and assigns situated on adjacent lands.

It is understood and agreed that the easements and rights-of-way granted herein are subject to the rights of Grantor, its successors and assigns to use the surface of the land within the boundaries of the Easement Area to the extent that such use shall not unreasonably interfere with the full enjoyment by Grantee of the easement hereby granted. It is also understood and agreed that no improvements or structures shall be constructed, installed or situated within the Easement Area without the prior written consent of Grantor.

**It is understood and agreed by the parties hereto that the rights granted under this Easement are subject to the following terms and conditions:**

- 1. Grantee shall use the Easement Area solely for the purpose of installing, constructing, operating, inspecting, maintaining, repairing, improving, reconstructing, removing and relocating flood protection facilities consisting of a slope buttress and drainage facilities, and for related access rights in connection therewith.**
- 2. Grantee shall be responsible for all construction and maintenance costs associated with the Facilities and Grantee's use of the Easement Area.**
- 3. At the completion of the construction of the Facilities, the surface of the Easement Area shall be compacted to its original state, clean and neat, and restored to the condition and elevation that existed prior to construction, to the extent as reasonably possible.**
- 4. In the exercise of its rights under this Easement, Grantee shall comply with all applicable municipal, county, state and federal laws, regulations, ordinances and rules in connection with the operation of the Facilities and the Grantee's use of the Easement Area, and shall at all times keep the Easement Area free and clear of any lien or encumbrance which may affect the title thereto.**
- 5. To the extent permitted by law, Grantee shall indemnify, defend and hold Grantor harmless from and against any damage, loss or liability of any kind, including without limitation, reasonable attorney's fees and court costs, which result directly, indirectly, in whole or in part, from the activities resulting from this Easement Deed, save and except in those instances where such actions, claims, demands, judgments, attorney's fees, costs, damages to persons or property, penalties, obligations or expenses or liabilities of any kind that may be asserted or claimed by any person or entity (including, but not limited to, any employee, agent or contractor of Grantor); are caused in whole or in part by Grantor in exercising its right to use the surface of the land within the boundaries of the easement area as described on said Exhibit 1.**
- 6. Grantee shall not make any future alteration of or improvement to the Easement Area without the prior written approval of Grantor. Grantee shall present all such request for improvements or alterations to Grantor in writing and Grantee shall not commence such alterations or improvements unless and until Grantor has granted approval thereto in writing. Said approvals shall not be unreasonably withheld by Grantor so long as the proposed improvements or alterations do not adversely affect the ability of the Easement Area to function for the water conservation and percolation purposes intended by Grantor.**

7. Grantor shall at all times be named "Additional Insured" on all insurance policies required by Grantee of all contractors working under Grantee in the form and amounts acceptable to Grantor.

8. Any notice or instrument required or permitted to be given or delivered by this Easement may be given or delivered by personal delivery or by depositing the same in any United States mail depository, by registered or certified mail, return receipt requested, and addressed as follows:

If to Grantor:

If by mail:

ORANGE COUNTY WATER DISTRICT  
P.O. Box 8300  
Fountain Valley, CA 92728-8300  
Attn: Property Management

If by personal  
delivery:

ORANGE COUNTY WATER DISTRICT  
10500 Ellis Avenue  
Fountain Valley, CA 92708  
Attn: Property Management

If to Grantee:

Manager, Design Division  
EMA, Public Works/Design Division  
P. O. Box 4048  
Santa Ana, CA 92702-4048

or such other person or address as either party may direct in writing to the other; provided, however, that such new or different person or address shall not become effective until acknowledged in writing by the party to whom directed. Except where service is by personal delivery or by registered or certified mail, return receipt requested, service of any instrument or writing shall be deemed completed forty-eight (48) hours after deposit in a United States mail depository.

This easement and the provisions contained herein shall be binding upon and inure to the benefit of Grantor, Grantee, and their respective heirs, executors, administrators, personal representatives, successors and assigns.

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IN WITNESS WHEREOF, this instrument has been executed on AUGUST 5, 1992.

**GRANTOR**

APPROVED AS TO FORM:

**ORANGE COUNTY WATER DISTRICT,**

By: *Charles E. [Signature]*  
General Counsel, Orange  
County Water District

By: *[Signature]*  
President

By: *[Signature]*  
General Manager

**GRANTEE**

APPROVED AS TO FORM:  
County Counsel

**ORANGE COUNTY FLOOD CONTROL  
DISTRICT**

By: *Daniel P. [Signature]*

By: *[Signature]*  
Chairman, Board of Supervisors

**SIGNED AND CERTIFIED THAT A COPY OF  
THIS DOCUMENT HAS BEEN DELIVERED TO  
THE CHAIRMAN OF THE BOARD**

*Suzanne W. Privette, deputy*

Kathleen E. Goodno, Acting  
Clerk of the Board of Supervisors of  
Orange County Flood Control District  
Easedeed.oc 7/22/92

## EXHIBIT "1"

### [Legal Description of Easement Area]

#### **PARCEL 1302:**

That portion of Lot 7 of Lotspeich & Co.'s Tract, in the County of Orange, State of California, according to a survey map by E. R. Nichols, March 20, 1874 and filed for record on June 12, 1876 in the office of the County Recorder of Los Angeles County, California, described as follows:

Beginning at a point on the center line of Villa Park Road (100.00 feet wide) as described in a Final Order of Condemnation recorded July 31, 1969 in book 9036, page 923 of Official Records in the office of the County Recorder of said Orange County, said point being "S. 85°08'46"E., 1195.49 feet from the westerly terminus of the course described as "S.85°08'46"E., 2579.92 feet" in said Final Order of Condemnation; thence S.4°51'14"W., 50.00 feet to a point on a line that is parallel with and 50.00 feet southerly from said center line of Villa Park Road, said point being the **TRUE POINT OF BEGINNING**; thence S.85°08'46"E., 400.00 feet along said parallel line; thence S.4°51'14"W., 10.00 feet; thence S.62°22'58"W., 13.46 feet; thence S.43°33'11"E., 446.53 feet; thence S.34°51'14"W., 232.60 feet; thence S.64°51'14"W., 469.17 feet; thence N.55°08'46"W., 409.83 feet; thence N.25°08'46"W., 73.92 feet; thence N. 34°51'14" E., 474.65 feet; thence N.61°43'03"W., 49.50 feet; thence N.4°51'14"E., 50.00 feet to the **TRUE POINT OF BEGINNING**.

#### **PARCEL 1302.1:**

That portion of Lot 4 and 7 of Lotspeich & Co.'s Tract, in the County of Orange, State of California, according to a survey made by E. R. Nichols, March 20, 1874 and filed for record on June 12, 1876 in the office of the County Recorder of Los Angeles County, California described as follows:

Beginning at a point on the center line of Villa Park Road (100.00 feet wide) as described in a Final Order of Condemnation recorded July 31, 1969 in book 9036, page 923 of Official Records in the office of the County Recorder of said Orange County, said point being S.85°08'46"E., 1195.49 feet from the westerly terminus of the course described as "S.85°08'46"E., 2579.92 feet" in said Final Order of Condemnation; thence N.4°51'14"E., 50.00 feet to a point on the line that is parallel with and 50.00 feet northerly from said center line of Villa Park Road, said point being the **TRUE POINT OF BEGINNING**; thence S.85°08'46"E., 394.19 feet along said parallel line to the east line of said Lot 7; thence N.0°30'28"W., 200.88 feet along said east line; thence N.85°08'46"W., 375.42 feet; thence S.4°51'14"W., 200.00 feet to the **TRUE POINT OF BEGINNING**.

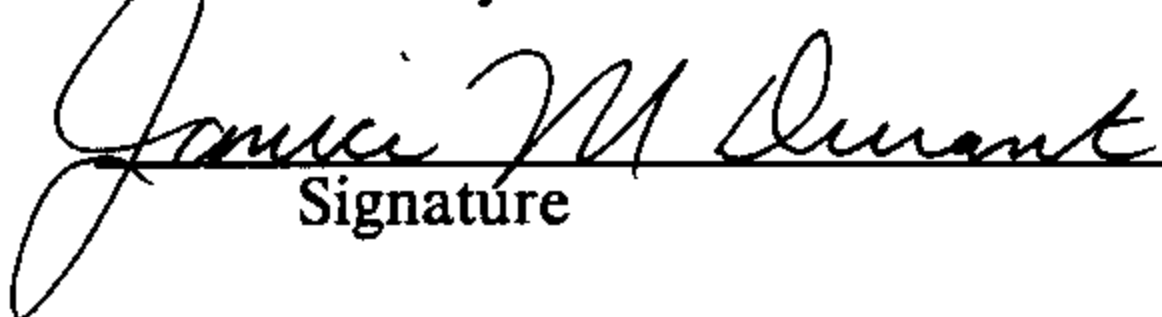




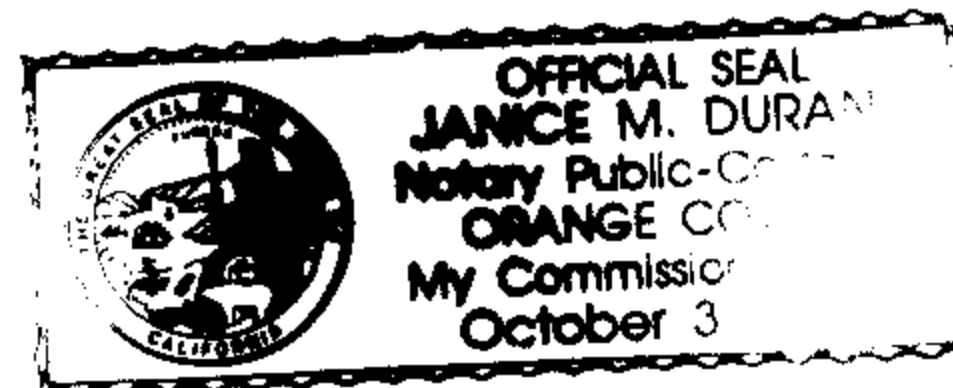
STATE OF CALIFORNIA       )  
                                      )  
COUNTY OF ORANGE       ) ss

On August 5, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared LANGDON W. OWEN and WILLIAM R. MILLS JR., personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons who executed the within instrument as President and General Manager, respectively, on behalf of the ORANGE COUNTY WATER DISTRICT, a political subdivision of the State of California, the entity therein named, and acknowledged to me that the ORANGE COUNTY WATER DISTRICT executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.

  
Signature

[Seal]



RESOLUTION OF THE BOARD OF SUPERVISORS OF  
ORANGE COUNTY FLOOD CONTROL DISTRICT OF  
ORANGE COUNTY, CALIFORNIA  
April 2, 1996

On motion of Supervisor Bergeson, duly seconded and carried, the following Resolution was adopted:

WHEREAS, on April 10, 1990, this Board as lead agency, approved plans and advertisement for construction of improvements to Santiago Creek at the Villa Park Road crossing and culvert, jointly funded with the County of Orange; and

WHEREAS, the improvements under that contract consisted of slope buttress protection for the road embankment and drainage works appurtenant to the embankment and to the inlet and outlet of the creek culvert; and

WHEREAS, the Orange County Water District (OCWD) as fee owner of the site, has offered a deed for permanent easements to this District for purposes including construction, operation, repair and maintenance of the completed protection works; and

WHEREAS, the construction of improvements within said easements was completed and the maintenance of same is the responsibility of the County of Orange (road fund); and

WHEREAS, a hazardous materials assessment (HMA) prepared for the site identified the existence of a former County-operated landfill near the property and reported that the County IWMD is conducting routine monitoring for potential migration of contaminants to local groundwater; and

WHEREAS, the Director of EMA recommends that the District accept the deed as executed by the OCWD, for the purpose of assigning and quitclaiming the deed by this District to the County of Orange, the owner of the road and slope improvements.

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby:

1. Find that the proposed acceptance for assignment and quitclaim is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) by virtue of the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.
2. Accept the easement deed for slope buttressing and drainage from Orange County Water District, for the sole purpose of assigning and quitclaiming said deed to the County of Orange (owner of the road embankment slopes of Villa Park Road at Santiago Creek), and authorize the Chairman and the Clerk of the Board to execute said deed as part of the quitclaim deed to the County of Orange, to be likewise executed.

Resolution No. F96-11  
Acceptance of Easement Deed from  
Or. Co. Water District for Slope  
Buttress of Villa Park Road at  
Santiago Creek (Flood)  
DPT:ep

*Roger R. Stanton*  
Chairman of the Board of Supervisors  
of the Orange County Flood Control  
District of Orange County, California

SIGNED AND CERTIFIED THAT A COPY  
OF THIS DOCUMENT HAS BEEN DELIVERED  
TO THE CHAIRMAN OF THE BOARD

*Kathleen E. Goodno*  
KATHLEEN E. GOODNO, Acting  
Clerk of the Board of Supervisors  
of the Orange County Flood Control  
District of Orange County, California

AYES: SUPERVISORS MARIAN BERGESON, DONALD J. SALTARELLI, JAMES W.  
SILVA, AND ROGER R. STANTON

NOES: SUPERVISORS NONE

ABSENT: SUPERVISORS WILLIAM G. STEINER

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF ORANGE )

I, Kathleen E. Goodno, Acting Clerk of the Board of Supervisors  
of the Orange County Flood Control District of Orange County,  
California, hereby certify that the above and foregoing Resolution  
was duly and regularly adopted by the said Board at a regular meeting  
thereof held on the 2nd day of April, 1996, and passed by a unanimous  
vote of said Board members present.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this  
2nd day of April, 1996.

*Kathleen E. Goodno*  
KATHLEEN E. GOODNO, Acting  
Clerk of the Board of Supervisors  
of Orange County Flood Control  
District of Orange County, California

KATHLEEN E. GOODNO, ACTING CLERK OF THE BOARD OF SUPERVISORS  
CERTIFY THAT THIS IS A FULL TRUE AND CORRECT COPY OF THE  
MINUTE ENTRY ON RECORD IN THIS OFFICE.

*Clifford J. ...*<sup>2.</sup>  
DEPUTY

RESOLUTION OF THE BOARD OF SUPERVISORS OF  
ORANGE COUNTY, CALIFORNIA

April 2, 1996

On motion of Supervisor Bergeson, duly seconded and carried, the following Resolution was adopted:

WHEREAS, on April 10, 1990, the Orange County Flood Control District (OCFCD) approved plans and advertisement for construction of improvements to Santiago Creek at the Villa Park Road crossing and culvert, jointly funded by this Board with road funds; and

WHEREAS, the improvements under that contract consisted of slope buttress protection for the road embankment and drainage works incidental thereto and to stabilize the inlet and outlet of the creek culvert; and

WHEREAS, the Orange County Water District (OCWD) as fee owner of the site, has offered a deed for permanent easements to OCFCD for purposes including construction, operation, repair and maintenance of the protection works; and

WHEREAS, the improvements within said easements were completed under the OCFCD contract, and being necessary to the protection of the road embankment, their maintenance is a responsibility of the County road fund; and

WHEREAS, the OCFCD has accepted and assigned the deed for purposes of quitclaim to the County of Orange as the owner of the Villa Park Road improvements; and

WHEREAS, a hazardous materials assessment (HMA) prepared for the property identified the existence of a former County-operated landfill near the property and reported that the County IWMD is conducting routine monitoring for potential migration of contaminants to local groundwater; and

WHEREAS, the Director of EMA recommends that this Board accept the deed as executed and assigned to the County of Orange by resolution and assignment/- quitclaim deed of the OCFCD.

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby:

1. Find that the proposed acceptance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) by virtue of the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.
2. Waive the potential for presence of contaminants which may migrate to the property from the former County-operated landfill mentioned in the HMA for the property.
3. Accept the quitclaim deed from the Orange County Flood Control District which contains and assigns to the County the grant deed of easement from Orange County Water District for purposes of buttressing, protecting and maintaining the embankment slopes of Villa Park Road at Santiago Creek; and does accept all rights and responsibilities of Grantee as further set forth in said OCWD deed, and does order that the combined deed be recorded in the office of the County Recorder together with a certified copy of both board resolutions.

Resolution No. 96-210  
Accept Deed from OCWD as Assigned &  
Conveyed in Quitclaim deed from OCFCD 1.

OFFICE OF  
COUNTY COUNSEL  
ORANGE COUNTY

FO192-210 (5/77)

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*Roger R. Stanton*  
Chairman of the Board of Supervisors

SIGNED AND CERTIFIED THAT A COPY  
OF THIS DOCUMENT HAS BEEN DELIVERED  
TO THE CHAIRMAN OF THE BOARD

*Kathleen E. Goodno*  
Kathleen E. Goodno, Acting  
Clerk of the Board of Supervisors  
Orange County, California

AYES: SUPERVISORS MARIAN BERGESON, DONALD J. SALTARELLI, JAMES  
W. SILVA, AND ROGER R. STANTON

NOES: SUPERVISORS NONE

ABSENT: SUPERVISORS WILLIAM G. STEINER

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss.

I, Kathleen E. Goodno, Acting Clerk of the Board of Supervisors  
of Orange County, California, hereby certify that the above and  
foregoing Resolution was duly and regularly adopted by the said Board  
at a regular meeting thereof held on the 2nd day of April, 1996, and  
passed by a unanimous vote of said Board members present.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this  
2nd day of April, 1996.

*Kathleen E. Goodno*  
Kathleen E. Goodno, Acting  
Clerk of the Board of Supervisors of  
Orange County, California

KATHLEEN E. GOODNO, ACTING CLERK OF THE BOARD OF SUPERVISORS  
CERTIFY THAT THIS IS A FULL, TRUE AND CORRECT COPY OF THE  
MINUTE ENTRY ON RECORD IN THIS OFFICE.

*Alvin J. Brown*  
DEPUTY