CONSTRAINTS MAP

LEGAL DESCRIPTION:

PARCEL 1:

A PORTION OF LOTS "B", "C" AND "D", ALL IN THE BANNING TRACT, AS SHOWN ON A MAP OF SAID TRACT FILED IN THE CASE OF HANCOCK BANNING AND OTHERS VS. MARY H. BANNING, FOR PARTITION, BEING CASE NO. 6385 UPON THE REGISTER OF ACTIONS OF THE SUPERIOR COURT OF LOS ANGELES COUNTY, CALIFORNIA, AND A PORTION OF RANCHO SANTIAGO DE SANTA ANA, DESCRIBED IN BOOK 3, PAGE 387 OF PATENTS, RECORDS OF LOS ANGELES COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE BOUNDARY LINE BETWEEN LOTS "A" AND "B" OF SAID BANNING TRACT, WHICH POINT IS THE POINT OF INTERSECTION OF THE CENTER LINE OF NINETEENTH STREET AND THE NORTHWESTERLY LINE OF THE FIRST ADDITION TO THE NEWPORT MESA TRACT, AS SHOWN ON A MAP RECORDED IN BOOK 8, PAGE 61 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA; THENCE SOUTH 88 DEGREES 26' 55" WEST ALONG THE NORTHERLY LINE OF SAID LOT "B", 3315.29 FEET TO THE NORTHWESTERLY CORNER OF LOT "B" OF SAID BANNING TRACT; THENCE SOUTHERLY ALONG THE WESTERLY BOUNDARY LINE OF LOT "B" OF SAID BANNING TRACT, THE FOLLOWING COURSES AND DISTANCES: SOUTH 1 DEGREE 40' WEST 462.00 FEET; THENCE SOUTH 34 DEGREES 15' WEST 462.95 FEET; THENCE SOUTH 8 DEGREES 15' EAST 1058.48 FEET; THENCE SOUTH 39 DEGREES 45' WEST 529.21 FEET; THENCE SOUTH 34 DEGREES 30' WEST 463.08 FEET; THENCE SOUTH 42 DEGREES 45' WEST 397.00 FEET; THENCE SOUTH 4 DEGREES 45' WEST 462.00 FEET; THENCE SOUTH 21 DEGREES 15' WEST 198.50 FEET TO THE SOUTHWEST CORNER OF LOT "B", AS SHOWN ON SAID MAP OF THE BANNING TRACT, WHICH CORNER IS ALSO STATION NO. 149 OF THE BOUNDARY LINE OF RANCHO SANTIAGO DE SANTA ANA, AS DESCRIBED IN BOOK 3, PAGE 387 OF PATENTS, RECORDS OF LOS ANGELES COUNTY, CALIFORNIA; THENCE SOUTH 72 DEGREES 51' 36" EAST 807.47 FEET TO A POINT WHICH BEARS NORTH 20 DEGREES 32' 44" EAST 606.78 FEET FROM THE POINT OF INTERSECTION OF THE CENTER LINE OF THE SANTA ANA RIVER, AS SHOWN ON THE MAP FILED IN AND ANNEXED TO THE COMPLAINT IN THE CASE OF J. B. BANNING JR. VS. SMITH AND OTHERS, BEING CASE NO. 22797 OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR ORANGE COUNTY, A COPY OF THE JUDGMENT OF SAID CASE NO. 22797 HAVING BEEN RECORDED JULY 19, 1929 IN BOOK 297, PAGE 76 OF OFFICIAL RECORDS, WITH THE SOUTHEASTERLY LINE OF SUMMIT STREET, 30 FEET IN WIDTH, AS SHOWN ON A MAP OF EL MORO TRACT RECORDED IN BOOK 8, PAGE 75 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA; THENCE EASTERLY, NORTHEASTERLY AND SOUTHEASTERLY, PARALLEL WITH THE SAID CENTER LINE OF THE SANTA ANA RIVER AND 600.00 FEET DISTANT THEREFROM, MEASURED AT RIGHT ANGLES THERETO, THE FOLLOWING COURSES AND DISTANCES: SOUTH 78 DEGREES 02' EAST 486.60 FEET; SOUTH 66 DEGREES 42' 20" EAST 517.33 FEET; NORTH 20 DEGREES 06' 15" EAST 539.49 FEET; NORTH 51 DEGREES 48' EAST 405.76 FEET; NORTH 74 DEGREES 07' EAST 722.86 FEET;

SOUTH 45 DEGREES 20' 28" EAST 740.97 FEET; SOUTH 21 DEGREES 46' EAST 498.37 FEET; SOUTH 13 DEGREES 35' 40" EAST 663.19 FEET; SOUTH 1 DEGREE 36' 28" WEST 871.22 FEET TO A POINT IN A LINE 600.00 FEET NORTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF THE 100-FOOT RIGHT OF WAY OF THE CALIFORNIA STATE HIGHWAY, AS DESCRIBED IN DEED RECORDED APRIL 20, 1936 IN BOOK 822, PAGE 48 OF OFFICIAL RECORDS, ORANGE COUNTY; THENCE SOUTHEASTERLY, PARALLEL WITH THE NORTHERLY AND NORTHEASTERLY LINE OF SAID CALIFORNIA STATE HIGHWAY, THE FOLLOWING COURSES AND DISTANCES: SOUTH 83 DEGREES 18' EAST 328.62 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1850.00 FEET AND TANGENT TO THE LAST MENTIONED COURSE, A DISTANCE OF 500.12 FEET; THENCE SOUTH 65 DEGREES 56' EAST, TANGENT TO SAID CURVE, 667.15 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 1850.00 FEET AND TANGENT TO THE LAST MENTIONED COURSE, A DISTANCE OF 48.34 FEET TO A POINT IN THE SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF WHITTIER AVENUE (80 FEET IN WIDTH), AS SHOWN ON A MAP OF THE NEWPORT MESA TRACT RECORDED IN BOOK 8, PAGE 1 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, A RADIAL LINE FROM SAID POINT BEARS SOUTH 25 DEGREES 44' 43" WEST; THENCE NORTH 0 DEGREES 36' 01" WEST ALONG THE SAID PROLONGATION OF WHITTIER AVENUE, 3081.05 FEET TO A POINT IN THE SOUTHWESTERLY LINE OF SAID FIRST ADDITION TO NEWPORT MESA TRACT; THENCE NORTH 29 DEGREES 24' 45" WEST ALONG THE SOUTHWESTERLY LINE OF SAID FIRST ADDITION TO THE NEWPORT MESA TRACT, 2708.70 FEET TO THE MOST WESTERLY CORNER OF SAID FIRST ADDITION TO THE NEWPORT MESA TRACT; THENCE NORTH 19 DEGREES 01' 55" EAST ALONG THE NORTHWESTERLY LINE OF THE LAST MENTIONED TRACT, 1065.82 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM, THAT PORTION OF LOT "B" OF SAID BANNING TRACT DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE EASTERLY LINE OF THE 300-FOOT STRIP OF LAND FOR SANTA ANA RIVER CHANNEL, AS DESCRIBED IN THE DEED TO THE NEWBERT PROTECTION DISTRICT, RECORDED JUNE 22, 1911 IN BOOK 197, PAGE 300 OF DEEDS, ORANGE COUNTY, WHICH POINT IS NORTH 71 DEGREES 20' EAST 510.47 FEET FROM THE SOUTHWEST CORNER OF SAID LOT "B", WHICH LAST MENTIONED CORNER IS ALSO STATION 149 OF THE RANCHO SANTIAGO DE SANTA ANA; THENCE NORTH 13 DEGREES 25' EAST ALONG THE EASTERLY LINE OF SAID 300-FOOT STRIP OF LAND, 860 FEET; THENCE SOUTH 76 DEGREES 35' EAST 660 FEET; THENCE SOUTH 13 DEGREES 25' WEST 680 FEET; THENCE NORTH 76 DEGREES 35' WEST 660 FEET TO THE POINT OF BEGINNING, AS CONDEMNED BY THE CITY OF NEWPORT BEACH IN THE ACTION ENTITLED "CITY OF NEWPORT BEACH, A MUNICIPAL CORPORATION, PLAINTIFF VS. TOWNSEND LAND COMPANY AND OTHERS, DEFENDANTS", BEING CASE NO. 34747 OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR ORANGE COUNTY, A CERTIFIED COPY OF THE FINAL JUDGMENT HAVING BEEN RECORDED AUGUST 20, 1937 IN BOOK 910, PAGE 19 OF OFFICIAL RECORDS OF ORANGE COUNTY.

ALSO EXCEPTING THEREFROM, THAT PORTION OF LOT "B" IN SAID BANNING TRACT CONVEYED BY THE TOWNSEND LAND COMPANY TO THE NEWBERT PROTECTION DISTRICT FOR A RIVER CHANNEL, 300 FEET WIDE, BY DEED RECORDED JUNE 22, 1911 IN BOOK 197, PAGE 300 OF DEEDS, ORANGE COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE SOUTHERLY LINE OF SAID LOT "B" OF THE BANNING TRACT, SOUTH 84 DEGREES 45' EAST 135.84 FEET DISTANT FROM THE SOUTHWESTERLY CORNER OF SAID LOT "B", WHICH CORNER IS ALSO STATION 149 OF THE RANCHO SANTIAGO DE SANTA ANA; THENCE NORTH 13 DEGREES 25' EAST ALONG THE WESTERLY SIDE OF SAID 300-FOOT RIGHT OF WAY, 848.75 FEET TO A POINT IN THE WESTERLY LINE OF SAID LOT "B", THENCE ALONG THE WESTERLY LINE OF SAID LOT "B", NORTH 42 DEGREES 45' EAST 38.70 FEET TO AN ANGLE IN SAID WESTERLY LINE; THENCE NORTH 34 DEGREES 30' EAST 462.00 FEET TO AN ANGLE IN SAID WESTERLY LINE; THENCE NORTH 19 DEGREES 45' EAST 528.00 FEET TO AN ANGLE IN SAID WESTERLY LINE; THENCE STILL ALONG SAID WESTERLY LINE, NORTH 8 DEGREES 15' EAST 723.17 FEET TO A POINT IN THE WESTERLY LINE OF SAID 300-FOOT RIGHT OF WAY; THENCE NORTH 13 DEGREES 25' EAST ALONG THE WESTERLY LINE OF SAID RIGHT OF WAY, 607.27 FEET TO A POINT IN THE WESTERLY LINE OF SAID LOT "B", THENCE ALONG THE WESTERLY LINE OF SAID LOT "B", NORTH 34 DEGREES 15' EAST 148.48 FEET TO AN ANGLE IN SAID LINE; THENCE NORTH 1 DEGREE 45' EAST 436.44 FEET TO THE NORTHWEST CORNER OF SAID LOT "B"; THENCE ALONG THE NORTHERLY LINE OF SAID LOT "B", NORTH 89 DEGREES 28' EAST 346.14 FEET TO A POINT IN THE EASTERLY LINE OF SAID 300-FOOT RIGHT OF WAY; THENCE SOUTH 13 DEGREES 25' WEST 3835.55 FEET TO THE SOUTHERLY LINE OF SAID LOT "B"; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT "B", NORTH 84 DEGREES 45' WEST 303.08 FEET TO THE POINT OF COMMENCEMENT.

ALSO EXCEPTING THEREFROM, THE PORTIONS THEREOF INCLUDED WITHIN A STRIP OF LAND 30 FEET IN WIDTH, THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT WHERE THE EASTERLY BOUNDARY LINE OF THE RANCHO AS BOLSAS BETWEEN STATIONS 7B AND 7B OF THE SAID BOUNDARY LINE IS INTERSECTED BY THE LINE WHICH BEARS
NORTH 13 DEGREES 26' 30" EAST FROM THE POINT ON THE SOUTH LINE OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 10 WEST, SAN BERNARDINO BASE AND MERIDIAN, 2294.62 FEET NORTH 89 DEGREES 36' EAST FROM THE SOUTH QUARTER SECTION CORNER OF SAID SECTION, SAID BEGINNING POINT BEING ON THE SURVEYED CENTER LINE OF THE SANTA ANA-ANAHEIM JOINT OUTFALL SEWER; THENCE FROM SAID POINT OF BEGINNING, SOUTH 13 DEGREES 26' 30" WEST ALONG SAID CENTER LINE TO STATION 187+74.48, BEING THE POINT ON THE SOUTH LINE OF SAID SECTION 18, 2294.62 FEET NORTH 89 DEGREES 36' EAST FROM THE SOUTH QUARTER CORNER OF SAID SECTION; THENCE CONTINUING SOUTH 13 DEGREES 26' 30" WEST ALONG SAID SURVEYED CENTER LINE, 2795.66 FEET TO STATION 215+70.15; THENCE SOUTH 19 DEGREES 27' 30" WEST ALONG SAID CENTER LINE, 1050.35 FEET TO A POINT 15.30 FEET SOUTH 84 DEGREES 45' EAST FROM STATION 68 OF THE RANCHO LAS BOLSAS, TOGETHER WITH THE STRIP OF LAND OF VARYING WIDTHS LYING BETWEEN THE EASTERLY LINE OF THE ABOVE DESCRIBED 30-FOOT STRIP AND THE WESTERLY LINE OF THE RIGHT OF WAY OF THE SANTA ANA RIVER THROUGH THE NEWBERT PROTECTION DISTRICT, AS CONVEYED TO THE CITY OF SANTA ANA BY DEED RECORDED APRIL 14, 1934 IN BOOK 670, PAGE 147 OF OFFICIAL RECORDS, ORANGE COUNTY.

ALSO EXCEPTING THEREFROM, THAT PORTION OF SAID LAND INCLUDED WITHIN A STRIP OF LAND 180 FEET WIDE, DESCRIBED AS PARCELS 03-121.1 AND 03-122.1 IN THE FINAL ORDER OF CONDEMNATION RENDERED JANUARY 28, 1962 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF ORANGE, IN THE ACTION ENTITLED "ORANGE COUNTY FLOOD CONTROL DISTRICT VS. CITY OF NEWPORT BEACH, AND OTHERS" (CASE NO. 77399), A CERTIFIED COPY OF WHICH DECREE WAS RECORDED JANUARY 30, 1962 IN BOOK 5993, PAGE 441 OF OFFICIAL RECORDS, ORANGE COUNTY.

ALSO EXCEPTING THEREFROM, THAT PORTION OF SAID LAND INCLUDED WITHIN THE FOLLOWING DESCRIBED LAND:

THAT PORTION OF BLOCK C OF THE BANNING TRACT, AS SHOWN ON A MAP ATTACHED TO REPORT OF THE REFEREES FILED APRIL 14, 1890 IN CASE NO. 6385 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF LOS ANGELES, AND THAT PORTION OF LOTS 1111 AND 1112 AND PORTION OF SIXTEENTH STREET AND WHITIER AVENUE ADJOINING, AS SHOWN ON THE MAP OF NEWPORT MESA TRACT RECORDED IN BOOK 5, PAGE 1 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, DESCRIBED AS A WHOLE AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF SAID SIXTEENTH STREET WITH THE SOUTHWESTERLY BOUNDARY LINE OF FIRST ADDITION TO NEWPORT MESA TRACT, AS SHOWN ON A MAP RECORDED IN BOOK 8, PAGE 61 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA; THENCE SOUTH 89 DEGREES 21' 50" WEST 16.50 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 500.00 FEET; THENCE WESTERLY ALONG SAID CURVE, THROUGH AN ANGLE OF 28 DEGREES 48' 33", A DISTANCE OF 251.41 FEET TO A LINE TANGENT; THENCE
SOUTH 60 DEGREES 33' 17" WEST ALONG SAID LINE TANGENT, A DISTANCE OF 404.60 FEET; THENCE
NORTH 29 DEGREES 26' 43" WEST 804.50 FEET; THENCE NORTH 60 DEGREES 33' 17" EAST 300.00 FEET; THENCE
SOUTH 88 DEGREES 48' 28" EAST 316.57 FEET TO A POINT IN A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 50.00 FEET, A RADIAL LINE FROM SAID POINT BEARS NORTH 88 DEGREES 21' 50" EAST; THENCE NORTHERLY ALONG SAID CURVE, THROUGH AN ANGLE OF 44 DEGREES 24' 55", A DISTANCE OF 38.76 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 60.00 FEET; THENCE NORTHERLY ALONG SAID CURVE, THROUGH AN ANGLE OF 44 DEGREES 24' 55", A DISTANCE OF 69.77 FEET TO A LINE TANGENT; THENCE NORTH 0 DEGREES 36' 01" WEST ALONG SAID LINE TANGENT, A DISTANCE OF 11.11 FEET TO THE SAID SOUTHWESTERLY BOUNDARY LINE OF FIRST ADDITION TO NEWPORT MESA TRACT; THENCE SOUTH 29 DEGREES 26' 43" EAST ALONG SAID SOUTHWESTERLY BOUNDARY LINE, A DISTANCE OF 789.32 FEET TO THE POINT OF BEGINNING.

AS DESCRIBED IN THE FINAL ORDER OF CONDEMNATION RENDERED AUGUST 4, 1965 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF ORANGE, ENTITLED "COSTA MESA UNION SCHOOL DISTRICT OF ORANGE COUNTY, CALIFORNIA VS. SECURITY FIRST NATIONAL BANK, ETC., AND OTHERS" (CASE NO. 123141), A CERTIFIED COPY OF WHICH ORDER WAS RECORDED AUGUST 5, 1965 IN BOOK 7820, PAGE 215 OF OFFICIAL RECORDS, ORANGE COUNTY.

ALSO EXCEPTING THEREFROM, THAT PORTION DESCRIBED AS FOLLOWS:

THAT PORTION OF LOT B OF THE BANNING TRACT, AS SHOWN ON A MAP FILED IN THE CASE OF HANCOCK BANNING AND OTHERS VS. MARY H. BANNING, FOR PARTITION, BEING CASE NO. 6385 UPON THE REGISTER OF ACTIONS OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR LOS ANGELES COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT B; THENCE SOUTHERLY ALONG THE WESTERLY BOUNDARY OF SAID LOT B, SOUTH 01 DEGREE 45' 00" WEST 462.00 FEET TO RANCHO LAS BOLSAS, STATION 75, AND SOUTH 34 DEGREES 15' 00" WEST 462.95 FEET TO RANCHO LAS BOLSAS, STATION 74, BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WESTERLY BOUNDARY, SOUTH 08 DEGREES 15' 00" EAST TO THE WESTERLY LINE OF THE STRIP OF LAND DESCRIBED IN DEED TO THE CITY OF SANTA ANA, RECORDED APRIL 14, 1934 IN BOOK 670, PAGE 147 OF OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA; THENCE NORTHERLY ALONG SAID WESTERLY LINE TO THE INTERSECTION WITH THAT CERTAIN COURSE HEREINABOVE CITED AS "SOUTH 34 DEGREES 15' 00" WEST 462.95 FEET"; THENCE ALONG SAID CERTAIN COURSE, SOUTH 34 DEGREES 15' 00" WEST TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THOSE PORTIONS DESCRIBED AS PARCELS 100, 103, 106 AND 108 IN THE NOTICE OF LIS PENDENS, UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA CASE NO. CV 91-3991-IH, A CERTIFIED OF WHICH WAS RECORDED AUGUST 23, 1991 AS INSTRUMENT NO. 91-455338 OF OFFICIAL RECORDS OF SAID ORANGE COUNTY, WHICH INCLUDES A DECLARATION OF TAKING.

ALSO EXCEPTING THEREFROM, THE TITLE AND EXCLUSIVE RIGHT TO ALL OF THE MINERALS, INCLUDING, BUT NOT LIMITED TO, ALL PETROLEUM, OIL, NATURAL GAS, AND OTHER HYDROCARBON SUBSTANCES AND PRODUCTS DERIVED THEREFROM, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS, UPON, OVER AND BENEATH THE SURFACE OF SAID LAND, AT ALL TIMES TO EXPLORE FOR, EXTRACT AND REMOVE ANY OF SAID MINERALS LOCATED BELOW A DEPTH OF 6200 FEET, BUT WITHOUT RIGHT TO USE THE SURFACE OF SAID LAND DOWN TO A DEPTH OF 500 FEET, AS RESERVED IN THE DEED EXECUTED BY HANCOCK BANNING JR. AND OTHERS, DATED AUGUST 1, 1958, RECORDED AUGUST 29, 1958 IN BOOK 4400, PAGE 532, AND RE-RECORDED OCTOBER 6, 1958 IN BOOK 4437, PAGE 228, AS AMENDED BY THE DEED AND AGREEMENT EXCUTED BY HANCOCK BANNING JR. AND OTHERS, RECORDED DECEMBER 27, 1961 IN BOOK 5957, PAGE 665, ALL IN OFFICIAL RECORDS, ORANGE COUNTY.

PARCEL 2:

BEGINNING AT THE SOUTHWEST CORNER OF THAT CERTAIN LAND AS DESCRIBED IN PARCEL 1 IN DEED FROM HANCOCK BANNING JR. AND OTHERS, DATED AUGUST 1, 1958, RECORDED AUGUST 29, 1958 IN BOOK 4400, PAGE 532 OF OFFICIAL RECORDS, ORANGE COUNTY, AND RE-RECORDED OCTOBER 6, 1958 IN BOOK 4437, PAGE 228 OF OFFICIAL RECORDS, ORANGE COUNTY, ALSO BEING THE SOUTHWEST CORNER OF LOT "B" OF THE BANNING TRACT, AS SHOWN ON THE MAP ATTACHED TO THE REPORT OF THE REFEREES FILED APRIL 14, 1890 IN CASE NO. 6385 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF LOS ANGELES, CALIFORNIA, WHICH CORNER IS ALSO STATION 149 OF THE BOUNDARY LINE OF RANCHOS SANTIAGO DE SANTA ANA, AS DESCRIBED IN BOOK 3, PAGE 387 OF PATENTS, RECORDS OF LOS ANGELES COUNTY, CALIFORNIA; THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL 1, SOUTH 72 DEGREES 51' 36" EAST 807.47 FEET TO A POINT WHICH BEARS NORTH 20 DEGREES 32' 44" EAST 606.79 FEET FROM THE POINT OF INTERSECTION OF THE CENTER LINE OF THE SANTA ANA RIVER, AS SHOWN ON THE MAP FILED IN AND ANNEXED TO THE COMPLAINT IN THE CASE OF J. B. BANNING JR. VS. SMITH AND OTHERS, BEING CASE NO. 22797 OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR ORANGE COUNTY, A COPY OF THE JUDGMENT OF SAID CASE NO. 22797 HAVING BEEN RECORDED JULY 19, 1929 IN BOOK 297, PAGE 76 OF OFFICIAL RECORDS, WITH THE SOUTHEASTERLY LINE OF SUMMIT STREET, 30 FEET IN WIDTH, AS SHOWN ON A MAP OF EL MORO TRACT RECORDED IN BOOK 8, PAGE 75 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA;
THENCE EASTERLY, NORTHEASTERLY AND SOUTHEASTERLY, PARALLEL WITH THE SAID CENTER LINE OF THE SANTA ANA RIVER AND 600.00 FEET DISTANT THEREFROM, MEASURED AT RIGHT ANGLES THERETO, THE FOLLOWING COURSES AND DISTANCES:
SOUTH 78 DEGREES 02' EAST 486.60 FEET; SOUTH 66 DEGREES 42' 20" EAST 517.33 FEET; NORTH 20 DEGREES 06' 15" EAST 539.49 FEET; NORTH 51 DEGREES 48' EAST 405.76 FEET; NORTH 74 DEGREES 07' EAST 722.86 FEET;
SOUTH 45 DEGREES 20' 28" EAST 740.97 FEET; SOUTH 21 DEGREES 46' EAST 498.37 FEET; SOUTH 13 DEGREES 35' 40" EAST 663.19 FEET; SOUTH 1 DEGREE 36' 28" WEST 871.22 FEET TO A POINT IN A LINE 600.00 FEET NORTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF THE 100-FOOT RIGHT OF WAY OF THE CALIFORNIA STATE HIGHWAY, AS DESCRIBED IN DEED RECORDED APRIL 20, 1936 IN BOOK 822, PAGE 48 OF OFFICIAL RECORDS, ORANGE COUNTY; THENCE SOUTHEASTERLY, PARALLEL WITH THE NORTHERLY AND NORTHEASTERLY LINE OF SAID CALIFORNIA STATE HIGHWAY, THE FOLLOWING COURSES AND DISTANCES: SOUTH 83 DEGREES 18' EAST 328.62 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1850.00 FEET AND TANGENT TO THE LAST MENTIONED COURSE, A DISTANCE OF 500.12 FEET; THENCE SOUTH 65 DEGREES 56' EAST, TANGENT TO SAID CURVE, 667.15 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 1850.00 FEET AND TANGENT TO THE LAST MENTIONED COURSE, A DISTANCE OF 48.34 FEET TO A POINT IN THE SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF WHITTIER AVENUE (80 FEET IN WIDTH), AS SHOWN ON A MAP OF THE NEWPORT MESA TRACT RECORDED IN BOOK 8, PAGE 61 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, A RADIAL LINE FROM SAID POINT BEARS SOUTH 25 DEGREES 44' 43" WEST; THENCE NORTH 0 DEGREES 36' 01" WEST ALONG THE SAID PROLONGATION OF WHITTIER AVENUE, 3081.05 FEET TO A POINT IN THE SOUTHWESTERLY LINE OF SAID FIRST ADDITION TO NEWPORT MESA TRACT; THENCE NORTH 29 DEGREES 24' 45" WEST ALONG THE SOUTHWESTERLY LINE OF SAID FIRST ADDITION TO THE NEWPORT MESA TRACT, 2708.70 FEET TO THE MOST WESTERLY CORNER OF SAID FIRST ADDITION TO THE NEWPORT MESA TRACT; THENCE NORTH 19 DEGREES 01' 55" EAST ALONG THE NORTHWESTERLY LINE OF THE LAST MENTIONED TRACT, 1065.82 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM, THAT PORTION OF LOT "B" OF SAID BANNING TRACT DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE EASTERLY LINE OF THE 300-FOOT STRIP OF LAND FOR SANTA ANA RIVER CHANNEL, AS DESCRIBED IN THE DEED TO THE NEWBERT PROTECTION DISTRICT, RECORDED JUNE 22, 1911 IN BOOK 197, PAGE 300 OF DEEDS, ORANGE COUNTY, WHICH POINT IS NORTH 71 DEGREES 20' EAST 510.47 FEET FROM THE SOUTHWEST CORNER OF SAID LOT "B", WHICH LAST MENTIONED CORNER IS ALSO STATION 149 OF THE RANCHO SANTIAGO DE SANTA ANA; THENCE NORTH 13 DEGREES 25' EAST ALONG THE EASTERLY LINE OF SAID 300-FOOT STRIP OF LAND, 860 FEET; THENCE SOUTH 76 DEGREES 35' EAST 660 FEET; THENCE SOUTH 13 DEGREES 25' WEST 680 FEET; THENCE NORTH 76 DEGREES 35' WEST 660 FEET TO THE POINT OF BEGINNING, AS CONDEMNED BY THE CITY OF NEWPORT BEACH IN THE ACTION ENTITLED "CITY OF NEWPORT BEACH, A MUNICIPAL CORPORATION, PLAINTIFF VS. TOWNSEND LAND COMPANY AND OTHERS, DEFENDANTS", BEING CASE NO. 34747 OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR ORANGE COUNTY, A CERTIFIED COPY OF THE FINAL JUDGMENT HAVING BEEN RECORDED AUGUST 20, 1937 IN BOOK 910, PAGE 19 OF OFFICIAL RECORDS OF ORANGE COUNTY.

PARCEL 3:

A STRIP OF LAND 250 FEET WIDE, DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHERLY LINE OF BLOCK C OF EL MORO TRACT, AS SHOWN ON A MAP RECORDED IN BOOK 8, PAGE 75 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, AND THE EASTERLY LINE OF THE EASEMENT FOR THE PURPOSE OF MAINTAINING A RIVER CHANNEL OVER A STRIP OF LAND 300 FEET WIDE, IN FAVOR OF NEWBERT PROTECTION DISTRICT, AS DESCRIBED IN THE INTERLOCUTORY DECREE OF PARTITION DATED JULY 19, 1929, A CERTIFIED COPY OF WHICH WAS RECORDED JULY 19, 1929 IN BOOK 297, PAGE 76 OF OFFICIAL RECORDS, ORANGE COUNTY, SAID POINT BEING THE MOST NORTHWESTERLY CORNER OF SAID PARCEL 1, ARTICLE II; THENCE SOUTH 13 DEGREES 25' WEST ALONG SAID EASTERLY LINE OF THE RIVER CHANNEL, 256.04 FEET TO THE MOST SOUTHWESTERLY CORNER OF SAID PARCEL 1, ARTICLE II; THENCE NORTH 64 DEGREES 08' 50" WEST ALONG THE NORTHERLY LINE OF SAID BLOCK C OF EL MORO TRACT, 16.02 FEET TO THE NORTHEAST CORNER OF LOT 1 IN BLOCK C OF EL MORO TRACT; THENCE SOUTH 1 DEGREE 36' 28" WEST ALONG THE EASTERLY LINE OF THE 100-FOOT RIGHT OF WAY OF CALIFORNIA STATE HIGHWAY; THENCE NORTH 84 DEGREES 02' WEST ALSO ALONG HIGHWAY RIGHT OF WAY LINE, 145.48 FEET TO THE CENTER LINE OF SAID 300-FOOT RIVER CHANNEL EASEMENT; THENCE NORTH 13 DEGREES 25' EAST ALONG SAID CENTER LINE, 390.57 FEET TO THE NORTHEAST CORNER OF LAND DESCRIBED IN DEED DATED DECEMBER 30, 1929 FROM JOSEPH BANNING JR. AND OTHERS, TO JAMES H. MACKLIN, RECORDED JANUARY 29, 1930 IN BOOK 356, PAGE 31 OF OFFICIAL RECORDS, ORANGE COUNTY; THENCE NORTH 76 DEGREES 17' WEST 288.47 FEET TO A POINT IN THE SOUTHERLY EXTENSION OF THE WESTERLY BOUNDARY LINE OF SAID RANCHO SANTIAGO DE SANTA ANA, WHICH POINT IS ALSO THE NORTHWEST CORNER OF SAID LAND DESCRIBED IN SAID DEED RECORDED IN BOOK 356, PAGE 31 OF OFFICIAL RECORDS, ORANGE COUNTY; THENCE NORTH 15 DEGREES 42' EAST ALONG THE SAID SOUTHERLY EXTENSION OF THE WESTERLY BOUNDARY LINE OF RANCHO SANTIAGO DE SANTA ANA, 119.00 FEET TO THE POINT OF BEGINNING.

EXCEPT ANY PORTION OR PORTIONS OF SAID ABOVE DESCRIBED LAND WHICH IS OR ARE NOT INCLUDED EITHER WITHIN THE EXTERIOR BOUNDARIES OF THE RANCHO SANTIAGO DE SANTA ANA, OR WITHIN THE EXTERIOR BOUNDARY LINES OF GOVERNMENT LOT 1, SECTION 19; GOVERNMENT LOT 1, SECTION 20; AND GOVERNMENT LOT 1, SECTION 25, ALL IN TOWNSHIP 6 SOUTH, RANGE 10 WEST, SAN BERNARDINO BASE AND MERIDIAN.

ALSO EXCEPTING THEREFROM, THAT PORTION OF SAID LAND INCLUDED WITHIN A STRIP OF LAND 180 FEET WIDE, DESCRIBED AS PARCEL 03-122.1 IN THE FINAL ORDER OF CONDEMNATION RENDERED JANUARY 28, 1962 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF ORANGE, IN THE ACTION ENTITLED "ORANGE COUNTY FLOOD CONTROL DISTRICT VS. CITY OF NEWPORT BEACH AND OTHERS" (CASE NO. 77399), A CERTIFIED COPY OF WHICH DECREE RECORDED JANUARY 30, 1962, BOOK 5993, PAGE 441, OFFICIAL RECORDS, ORANGE COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM THOSE PORTIONS DESCRIBED AS PARCELS 100, 103, 106 AND 108 IN THE NOTICE OF LIS PENDENS, UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA CASE NO. CV 91-3991-IH, A CERTIFIED OF WHICH WAS RECORDED AUGUST 23, 1991 AS INSTRUMENT NO. 91-455338 OF OFFICIAL RECORDS OF SAID ORANGE COUNTY, WHICH INCLUDES A DECLARATION OF TAKING.

ALSO EXCEPTING THEREFROM, THE TITLE AND EXCLUSIVE RIGHT TO ALL OF THE MINERALS, INCLUDING, BUT NOT LIMITED TO, ALL PETROLEUM, OIL, NATURAL GAS, AND OTHER HYDROCARBON SUBSTANCES AND PRODUCTS DERIVED THEREFROM, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS, UPON, OVER AND BENEATH THE SURFACE OF SAID LAND, AT ALL TIMES TO EXPLORE FOR, EXTRACT AND REMOVE ANY OF SAID MINERALS LOCATED BELOW A DEPTH OF 6200 FEET, BUT WITHOUT RIGHT TO USE THE SURFACE OF SAID LAND DOWN TO A DEPTH OF 500 FEET, AS RESERVED IN THE DEED EXECUTED BY HANCOCK BANNING JR. AND OTHERS, DATED AUGUST 1, 1958, RECORDED AUGUST 29, 1958 IN BOOK 4400, PAGE 532, AND RE-RECORDED OCTOBER 6, 1958 IN BOOK 4437, PAGE 228, AS AMENDED BY THE DEED AND AGREEMENT EXCUTED BY HANCOCK BANNING JR. AND OTHERS, RECORDED DECEMBER 27, 1961 IN BOOK 5957, PAGE 665, ALL IN OFFICIAL RECORDS, ORANGE COUNTY.

PARCEL 3 CONTINUED

CONSTRAINTS MAP

TITLE REPORT:

BOUNDARY AND EASEMENTS SHOWN HEREON ARE PER FIRST AMERICAN TITLE COMPANY FOR ORDER NO. 9536545 DATED OCTOBER 6, 2010. THE ITEMS REFERRED TO BELOW ARE EXCLUSIONS TO COVERAGE AS CITED IN SAID REPORT.

1. THE LIEN OF SUPPLEMENTAL TAXES
2. INTENTIONALLY DELETED
3. RIGHTS OF THE PUBLIC IN AND TO THAT PORTION OF THE LAND LYING WITHIN ANY ROAD, STREET OR HIGHWAY.
4. PUBLIC TRUST EASEMENT FOR COMMERCE, NAVIGATION AND FISHERIES OVER ANY TIDELANDS, FILLED OR UNFILLED, IN THE BED OF THE SANTA ANA RIVER OR IN THE BED OF ANY TIDAL SLOUGH WITHIN THE BOUNDARIES OF THE RANCHO SAN JOAQUIN.

   NOTE: NOT PLOTTABLE
5. PUBLIC EASEMENT FOR FISHING, BOATING AND RECREATION OVER ANY PORTIONS WHICH ARE SUBMERGED OR WHICH MAY BECOME SUBMERGED, AND WHICH ARE CONNECTED TO A NAVIGABLE WATERWAY, INCLUDING, BUT NOT LIMITED TO, THE TRIBUTARY SLOUGH WHICH LIES WITHIN THE BOUNDARIES OF SAID RANCHO SANTIAGO DE SANTA ANA.

   NOTE: NOT PLOTTABLE
8. THE RIGHTS AND RIGHTS OF WAY AFFECTING A PORTION OF SAID LAND, RELATING TO DRAINAGE DITCHES AND CONSTRUCTION AND MAINTENANCE OF THE SANTA ANA RIVER CHANNEL, AS SET FORTH IN THE AGREEMENT DATED SEPTEMBER 6, 1910, BETWEEN TALBERT DRAINAGE DISTRICT AND NEWBERT PROTECTION DISTRICT, RECORDED OCTOBER 8, 1910 IN BOOK 193, PAGE 371 OF DEEDS, ORANGE COUNTY.

   NOTE: NOT PLOTTABLE
7. RIGHTS OF WAY ACROSS AND ALONG A PORTION OF PARCELS 2 AND 3, FORMERLY IN TRACT NO. 15, AS SHOWN ON A MAP RECORDED IN BOOK 9, PAGE 18 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, FOR UNDERGROUND PIPE LINES FOR THE DISTRIBUTION OF WATER, GAS, LIGHT AND OIL FOR DOMESTIC AND AGRICULTURAL PURPOSES, AS RESERVED IN DEEDS FROM LOS ANGELES TRUST & SAVINGS BANK, RECORDED NOVEMBER 7, 1914 IN BOOK 282, PAGES 117 AND 119 OF DEEDS, AND MARCH 23, 1915 IN BOOK 274, PAGE 147 OF DEEDS, ALL RECORDS OF ORANGE COUNTY.

   NOTE: NOT PLOTTABLE
8. AN EASEMENT FOR STATE HIGHWAY AND INCIDENTAL PURPOSES, RECORDED JANUARY 18, 1924 IN BOOK 508, PAGE 65 OF DEEDS.

   IN FAVOR OF: STATE OF CALIFORNIA
   AFFECTS: A PORTION OF SAID LAND, TOGETHER WITH THE RIGHT TO EXTEND EXCAVATION AND EMBANKMENT SLOPES BEYOND THE LIMITS OF SAID STATE HIGHWAY

   NOTE: DOES NOT AFFECT
9. AN EASEMENT TO CONSTRUCT, LAY OPERATE, MAINTAIN AND REPAIR A 12-INCH DIAMETER WATER PIPELINE AND INCIDENTAL PURPOSES, RECORDED JULY 26, 1928 IN BOOK 182, PAGE 237 OF OFFICIAL RECORDS.

   IN FAVOR OF: CITY OF NEWPORT BEACH
   AFFECTS: PARCEL 1

   NOTE: PORTION OF SAID EASEMENT WAS QUITCLAIMED BY DEED RECORDED SEPTEMBER 25, 1990 AS INSTRUMENT NO. 90-511498 OF OFFICIAL RECORDS.
10. AN EASEMENT FOR SEWER PURPOSES AND FOR THE PURPOSE OF MAINTAINING A RIVER CHANNEL AND INCIDENTAL PURPOSES, RECORDED JULY 18, 1929 IN BOOK 297, PAGE 76 OF OFFICIAL RECORDS.

    IN FAVOR OF: CITY OF SANTA ANA
    AFFECTS: THE WESTERLY PORTION OF THE HEREIN DESCRIBED LAND AND OVER A STRIP OF LAND 300 FEET WIDE, ACROSS THE WESTERLY PORTION OF SAID LAND.

    NOTE: DOES NOT AFFECT. EASEMENT LIES IN RIVER
11. AN EASEMENT FOR PIPE LINES FOR THE CONVEYANCE OF WATER AND INCIDENTAL PURPOSES, RECORDED MAY 13, 1933 IN BOOK 611, PAGE 277 OF OFFICIAL RECORDS.

    IN FAVOR OF: NEWPORT MESA IRRIGATION DISTRICT OF ORANGE COUNTY, CALIFORNIA
    AFFECTS: A PORTION OF PARCEL 1
12. AN EASEMENT FOR STATE HIGHWAY AND DRAINAGE DITCH PURPOSES AND INCIDENTAL PURPOSES, RECORDED APRIL 20, 1936 IN BOOK 822, PAGE 48 OF OFFICIAL RECORDS.

    IN FAVOR OF: STATE OF CALIFORNIA
    AFFECTS: PORTIONS OF SAID LAND

    NOTE: DOES NOT AFFECT. EASEMENT LIES IN PACIFIC COAST HIGHWAY
13. AN EASEMENT FOR STATE HIGHWAY AND DRAINAGE DITCH PURPOSES AND INCIDENTAL PURPOSES, RECORDED APRIL 20, 1936 IN BOOK 822, PAGE 48 OF OFFICIAL RECORDS.

    IN FAVOR OF: STATE OF CALIFORNIA
    AFFECTS: A PORTION OF PARCEL 3

    NOTE: DOES NOT AFFECT. EASEMENT LIES IN PACIFIC COAST HIGHWAY
14. AN EASEMENT FOR SANITARY SEWER PIPE LINE AND PRIVATE ROAD PURPOSES AND SANITARY SEWER PIPELINE AND WATER PIPE LINES AND INCIDENTAL PURPOSES, RECORDED AUGUST 20, 1937 IN BOOK 910, PAGE 19 OF OFFICIAL RECORDS.

    AFFECTS: A PORTION OF SAID PARCELS 1, 2, AND 3 AND OVER A STRIP OF LAND 30 FEET IN WIDTH AND OVER A STRIP OF LAND 20 FEET WIDE.

    NOTE: THE PRESENT OWNERSHIP OF SAID EASEMENTS AND/OR RIGHTS OF WAY HAS NOT BEEN DETERMINED.
15. THE RIGHT TO CONSTRUCT DRAINAGE DITCHES, CHECK DAMS, ETC. ON A PORTION OF LAND ADJOINING STATE HIGHWAY, AS CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED NOVEMBER 9, 1937 IN BOOK 918, PAGE 93 OF OFFICIAL RECORDS, ORANGE COUNTY.

    NOTE: AFFECTS PARCELS 2 AND 3 AND THE LOCATION AND EXTENT OF THE RIGHTS REFERRED TO ABOVE WERE NOT SPECIFICALLY DESCRIBED IN SAID DOCUMENT.
16. THE EFFECT OF A MAP PURPORTING TO SHOW THE LAND AND OTHER PROPERTY, FILED IN BOOK 12, PAGE 25; IN BOOK 27, PAGE 47; IN BOOK 65, PAGE 31; IN BOOK 121, PAGE 32; AND IN BOOK 125, PAGE 25 ALL OF RECORD OF SURVEYS.
17. AN OIL AND GAS LEASE RECORDED SEPTEMBER 6, 1951 IN BOOK 2227, PAGE 139 AND AUGUST 10, 1945 IN BOOK 1323, PAGE 429, BOTH OF OFFICIAL RECORDS.
18. A SUBSURFACE OIL AND GAS LEASE, EXECUTED BY JERGINS OIL COMPANY, A CALIFORNIA CORPORATION AS LESSOR AND HUMBLE OIL & REFINING COMPANY, A CORPORATION AS LESSEE, RECORDED JANUARY 3, 1952 IN BOOK 2270, PAGE 282 OF OFFICIAL RECORDS.

    NOTE: NOT PLOTTABLE
19. AN ACTION COMMENCED FEBRUARY 24, 1953 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF ORANGE, ENTITLED "COUNTY SANITATION DISTRICT NO. 1 OF ORANGE COUNTY, CALIFORNIA VS. FARMERS AND MERCHANTS NATION BANK OF LOS ANGELES, AS TRUSTEE, AND OTHERS" (CASE NO. 59960), TO CONDEMN AN EASEMENT FOR RIGHT OF WAY FOR A PUBLIC SANITARY SEWER, OVER, ON, UPON, IN AND THROUGH THE WESTERLY PORTION OF PARCELS 3 AND 4.
20. AN EASEMENT FOR PIPE LINES FOR THE TRANSPORTATION OF OIL, ETC. AND INCIDENTAL PURPOSES, RECORDED JULY 18, 1955 IN BOOK 3143, PAGE 120 OF OFFICIAL RECORDS.

    IN FAVOR OF: STANDARD OIL COMPANY OF CALIFORNIA AND STANDARD GASOLINE COMPANY
    AFFECTS: A PORTION OF PARCELS 2 AND 3
21. ANY RIGHTS OF WAY FOR PIPE LINES OF PACIFIC COAST GASOLINE COMPANY AND OF WILSHIRE OIL COMPANY OF CALIFORNIA, AS DISCLOSED IN THE QUITCLAIM DEEDS TO ORANGE COUNTY FLOOD CONTROL DISTRICT, RECORDED JANUARY 7, 1959 IN BOOK 4540, PAGE 98 OF OFFICIAL RECORDS, AND JULY 7, 1959 IN BOOK 4789, PAGE 163 OF OFFICIAL RECORDS, RESPECTIVELY, ALL OF ORANGE COUNTY.

    NOTE: DOES NOT AFFECT
22. AN EASEMENT FOR POLE LINES AND INCIDENTAL PURPOSES, RECORDED APRIL 5, 1961 IN BOOK 5679, PAGE 247 OF OFFICIAL RECORDS.

    NOTE: DOES NOT AFFECT
23. COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, TERMS AND PROVISIONS AS CONTAINED IN THE DEEDS DATED AUGUST 1, 1958 AND RECORDED AUGUST 29, 1958 IN BOOK 4400, PAGE 532 OF OFFICIAL RECORDS, (RE-RECORDED OCTOBER 6, 1958 IN BOOK 4437, PAGE 228 OF OFFICIAL RECORDS) AND DATED NOVEMBER 29, 1961, FROM HANCOCK BANNING JR. AND OTHERS, RECORDED DECEMBER 27, 1961 IN BOOK 5957, PAGE 665 OF OFFICIAL RECORDS, ALL OF ORANGE COUNTY, TO WHICH RECORDS REFERENCE IS MADE FOR FULL PARTICULARS, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE TITLE 42, SECTION 3604(C), OF THE UNITED STATES CODES.
24. THE EFFECT ON A PORTION OF SAID LAND OF A NOTICE OF APPLICATION FOR OIL AND GAS LEASE, DATED MAY 7, 1970, EXECUTED BY HALSTEAD M. PEMBROKE, RECORDED MAY 8, 1970 IN BOOK 9285, PAGE 531 OF OFFICIAL RECORDS, ORANGE COUNTY.
25. THE EFFECT ON PARCEL 3 OF AN ACTION TO QUIET TITLE, COMMENCED AND NOW PENDING IN THE SUPERIOR COUNTY OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF ORANGE, ENTITLED "HALSTEAD M. PEMBROKE VS. STATE OF CALIFORNIA AND OTHERS" CASE NO. 188863.
26. AN EASEMENT FOR STORM DRAIN AND INCIDENTAL PURPOSES, RECORDED AUGUST 28, 1974 IN BOOK 11231, PAGE 650 OF OFFICIAL RECORDS.

    IN FAVOR OF: THE CITY OF NEWPORT BEACH
    AFFECTS: A STRIP OF LAND 35.00 FEET IN WIDTH, OVER THAT PORTION OF LOT 1 OF TRACT NO. 2250 IN SAID COUNTY OF ORANGE, AS PER MAP RECORDED IN BOOK 104, PAGES 6 AND 7 OF MISCELLANEOUS MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND THAT PORTION OF LOT D OF THE BANNING TRACT, PER MAP OF SAID TRACT ATTACHED TO THE REPORT OF THE REFEREES FILED APRIL 14, 1890 IN CASE NO. 6385 UPON THE REGISTER OF ACTIONS OF THE SUPERIOR COURT OF LOS ANGELES COUNTY, CALIFORNIA.

    NOTE: SAID DEED RECITES, AMONG OTHER THINGS, AS FOLLOWS:

    "THIS EASEMENT SHALL BE DEEMED ABANDONED AND SHALL REVERT TO GRANTOR IF IT SHALL NOT BE IMPROVED AND UTILIZED FOR THE PURPOSES SPECIFIED ABOVE WITHIN A PERIOD OF THREE (3) YEARS FROM THE DATE HEREOF, OR IF SO IMPROVED AND UTILIZED, IS THEREAFTER NO LONGER SO USED."

    SAID EASEMENT IS CURRENTLY BEING USED FOR THE PURPOSES REFERRED TO ABOVE.

    AFFECTS PARCEL 2
27. AN AGREEMENT DATED JULY 18, 1977, EXECUTED BY BEECO, LTD., AS OWNER, AND EDWARD G. KADANE, AS THE CO-TRUSTEE OF THE ESTATE OF MIKE KADANE, AND OTHERS, WHEREIN SAID PARTIES AGREE WITH THE OWNERS OF ADJOINING PROPERTY, THAT FOLLOWING THE DEVELOPMENT OF SAID ADJACENT LAND, OWNER WILL CONTINUE TO ACCEPT SURFACE WATER FROM SAID ADJOINING PROPERTY, RECORDED FEBRUARY 2, 1978 IN BOOK 12553, PAGE 74 OF OFFICIAL RECORDS, ORANGE COUNTY.

    NOTE: THE ABUTTING PORTION OF THE ADJACENT PROPERTY BENEFITING FROM SAID AGREEMENT IS SHOWN HEREON.
28. AN EASEMENT FOR DRAINAGE AND WATER TRANSMISSION PURPOSES, AS CONVEYED TO BEECO, LTD., A CORPORATION, UPON THE TERMS AND CONDITIONS CONTAINED THEREIN, AS MORE FULLY SET FORTH IN AN INSTRUMENT RECORDED MAY 6, 1981 IN BOOK 14047, PAGE 789 OF OFFICIAL RECORDS, ORANGE COUNTY; RECORD REFERENCE IS HEREBY MADE FOR FULL PARTICULARS.
29. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "SURFACE WATER ACCEPTANCE AGREEMENT", EXECUTED BY AND BETWEEN BEECO, LTD. AND WHITTIER AVENUE DEVELOPMENT CORPORATION RECORDED MAY 6, 1981 IN BOOK 14047, PAGE 803 OF OFFICIAL RECORDS.

    NOTE: THE ABUTTING PORTION OF THE ADJACENT PROPERTY BENEFITING FROM SAID AGREEMENT IS SHOWN HEREON.
30. SURFACE EASEMENTS AND SUBSURFACE PASS-THROUGH RIGHTS OF WAY, IN FAVOR OF THE CITY OF NEWPORT BEACH, AS ORDERED, ADJUDGED AND DECREED UNDER CASE NO. 35-56-16 IN SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF ORANGE, RECORDED JUNE 25, 1982 AS INSTRUMENT NO. 82-219742 OF OFFICIAL RECORDS.

    NOTE: AFFECTS PORTIONS OF THE LAND.

    NOTE: A. DRILLING EASEMENT
    B. OIL TRANSMISSION PIPELINE AND ACCESS EASEMENT
    C. OIL TRANSMISSION PIPELINE AND ACCESS EASEMENT
31. AN UNRECORDED CONTRACT, DATED NOVEMBER 1, 1943, BY AND BETWEEN THE CITY OF NEWPORT BEACH AND D.W. ELITE, AS SUBSEQUENTLY AMENDED BY AN UNRECORDED INSTRUMENT DATED JANUARY 31, 1955, (BY AND BETWEEN THE CITY OF NEWPORT BEACH AND MONTEREY OIL COMPANY AND HUMBLE OIL AND REFINING COMPANY), AND AS FURTHER AMENDED BY AND UNRECORDED INSTRUMENT DATED OCTOBER 30, 1968, (BY AND BETWEEN THE CITY OF NEWPORT BEACH AND ARMSTRONG PETROLEUM COMPANY), UPON TERMS, COVENANTS AND CONDITIONS THEREIN CONTAINED, AS DISCLOSED BY A QUITCLAIM DEED RECORDED JANUARY 27, 1983 AS INSTRUMENT NO. 83-121625 OF OFFICIAL RECORDS, AS CORRECTED BY AN INSTRUMENT RECORDED APRIL 12, 1983 AS INSTRUMENT NO. 83-151675 OF OFFICIAL RECORDS.

    NOTE: BY THE ABOVE MENTIONED QUITCLAIM DEED, EXECUTED BY ARMSTRONG PETROLEUM COMPANY, IN FAVOR OF THE CITY OF NEWPORT BEACH, THE EFFECT OF SAID UNRECORDED CONTRACT, AS AMENDED, WAS PURPORTEDLY LIMITED TO PORTIONS OF THE LAND AS MORE PARTICULARLY DESCRIBED THEREIN, UPON ADDITIONAL COVENANTS AND CONDITIONS THEREIN CONTAINED.
32. AN "ASSIGNMENT OF INTEREST IN HYDROCARBON PRODUCTION PROCEEDS", BY MOBIL OIL CORPORATION AND ARMSTRONG PETROLEUM CORPORATION, RECORDED OCTOBER 27, 1983 AS INSTRUMENT NO. 83-474337 OF OFFICIAL RECORDS.

    NOTE: SAID AGREEMENT BEGAN ON OCTOBER 27, 1983 AT 7:00 AM AND TERMINATED AT 7:00 AM ON NOVEMBER 15, 1994.
33. A DECLARATION OF TAKING FOR SANTA ANA RIVER FLOOD CONTROL PROJECT ON PORTIONS OF THE HEREIN DESCRIBED LAND, ENTERED NOVEMBER 7, 1983 IN ACTION IN THE UNITED STATES DISTRICT COURT, FOR THE CENTRAL DISTRICT OF CALIFORNIA, ENTITLED "UNITED STATES OF AMERICA VS. 238.08 ACRES OF LAND, MORE OR LESS, SITUATED IN ORANGE COUNTY, STATE OF CALIFORNIA, AND DEECO, LTD., AND OTHERS, DEFENDANTS", CASE NO. CIVIL 83-7199, A CERTIFIED COPY OF WHICH DECLARATION WAS RECORDED DECEMBER 20, 1983 AS DOCUMENT NO. 83-576465 OF OFFICIAL RECORDS, ORANGE COUNTY; FOR A TEMPORARY EASEMENT AND RIGHT OF WAY FOR ANIMAL TRAPS AND TIDAL RANGE INSTRUMENTATION, AS MORE PARTICULARLY SET FORTH IN SAID DECLARATION, FOR A PERIOD OF 12 MONTHS, BEGINNING WITH THE DATE OF POSSESSION BY THE UNITED STATES.

    NOTE: DATE OF POSSESSION UNDER SAID DECLARATION IS NOT DISCLOSED BY OFFICIAL RECORDS.
34. THE EFFECT OF AN INSTRUMENT ENTITLED "MOBIL OIL CORPORATION, NOTICE OF INTENT TO PRESERVE MINERAL RIGHTS" RECORDED AUGUST 1, 1985 AS INSTRUMENT NO. 85-283554 OF OFFICIAL RECORDS; REFERENCE BEING MADE TO THE RECORD THEREOF FOR FULL PARTICULARS.
35. AN EASEMENT FOR SUBSURFACE OIL DRILLING, PASS-THROUGH AND PRODUCTION PURPOSES, IN FAVOR OF THE CITY OF NEWPORT BEACH, AS SET FORTH IN THE "SECOND AMENDED FINAL ORDER OF CONDEMNATION UPON JUDGMENT BY COURT FOLLOWING DEFAULT", UNDER CASE NO. 34-66-91 IN SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF ORANGE, RECORDED SEPTEMBER 4, 1986 AS INSTRUMENT NO. 86-403435 OF OFFICIAL RECORDS.

    NOTE: DOES NOT AFFECT SUBJECT PROPERTY
36. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "SETTLEMENT AND BOUNDARY LINE AGREEMENT", STATE AND CITY DEEDS AND CORPORATION DEED REGARDING CERTAIN LANDS IN THE COUNTY OF ORANGE, CALIFORNIA, B.A. NO. 260 EXECUTED BY AND BETWEEN THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE STATE LANDS COMMISSION AND THE CITY OF NEWPORT BEACH, AS TRUSTEE AND INDIVIDUALLY, AND MOBIL OIL CORPORATION, A CORPORATION ORGANIZED UNDER THE LAWS OF DELAWARE, AND RANCHO SANTIAGO PARTNERSHIP, A GENERAL PARTNERSHIP ORGANIZED UNDER THE LAWS OF CALIFORNIA RECORDED AUGUST 30, 1989 AS INSTRUMENT NO. 89-466419 OF OFFICIAL RECORDS.
37. EASEMENTS AND RIGHTS AS RESERVED BY THE STATE OF CALIFORNIA AND BY THE CITY OF NEWPORT BEACH IN THOSE CERTAIN DEEDS SET FORTH IN PARAGRAPHS 2(B) AND 2(C) IN AN INSTRUMENT RECORDED AUGUST 30, 1989 AS INSTRUMENT NO. 89-466419 OF OFFICIAL RECORDS, INCLUDING THE RESERVATION BY THE STATE OF CALIFORNIA OF ANY EASEMENT ARISING OUT OF CERTAIN COURT CASE DECISIONS (MORE PARTICULARLY IDENTIFIED IN SAID INSTRUMENT) WITH RESPECT TO THE BOHN-MACK SLOUGH, AS MORE PARTICULARLY DESCRIBED IN SAID INSTRUMENT.
38. AN EASEMENT FOR WATER PIPELINE AND INCIDENTAL PURPOSES, RECORDED AUGUST 7, 1990 AS INSTRUMENT NO. 90-417345 OF OFFICIAL RECORDS.

    IN FAVOR OF: CITY OF HUNTINGTON BEACH
    AFFECTS: A PORTION OF PARCEL 1

    NOTE: AN INSTRUMENT ENTITLED "AMENDMENT OF EASEMENT, LICENSE AGREEMENT AND QUITCLAIM PREAMBLE" RECORDED JUNE 6, 1995 AS INSTRUMENT NO. 95-0237651 OF OFFICIAL RECORDS; REFERENCE BEING MADE TO THE RECORD THEREOF FOR FULL PARTICULARS.
39. AN INSTRUMENT ENTITLED "DEPARTMENT OF THE ARMY RIGHT-OF-ENTRY FOR CONSTRUCTION AGREEMENT" DATED JULY 26, 1990, BY AND BETWEEN THE UNITED STATES OF AMERICA ARMY CORPS OF ENGINEERS, MOBIL OIL CORPORATION, AND RANCHO SANTIAGO PARTNERSHIP, PERTAINING TO WETLANDS RESTORATION AND PRESERVATION, ENVIRONMENTAL MITIGATION, AND CHANNEL WIDENING FOR FLOOD CONTROL PURPOSES, UPON THE SUMS, TERMS, PROVISIONS, COVENANTS, CONDITIONS AND EASEMENTS THEREIN CONTAINED, RECORDED FEBRUARY 5, 1991 AS INSTRUMENT NO. 91-054529 OF OFFICIAL RECORDS;

    REFERENCE HEREBY MADE TO SAID INSTRUMENT FOR FURTHER PARTICULARS.

    AFFECTS PORTIONS OF THE LAND
40. AN UNRECORDED "SELL REAL PROPERTY CONTRACT", DATED MARCH 23, 1990, BY AND BETWEEN THE UNITED STATES OF AMERICA ARMY CORPS OF ENGINEERS, MOBIL OIL CORPORATION, AND RANCHO SANTIAGO PARTNERSHIP, RECORDED FEBRUARY 5, 1991 AS INSTRUMENT NO. 91-148567 OF OFFICIAL RECORDS.
41. NOTICE OF PENDENCY OF ACTION RECORDED APRIL 1, 1991 AS INSTRUMENT NO. 91-148567 OF OFFICIAL RECORDS.
42. UNRECORDED LEASE DATED MARCH 19, 1945, EXECUTED BY CITY OF SANTA ANA AS LESSOR AND D.W. ELITE AS LESSEE, AS DISCLOSED BY LIS PENDENS RECORDED APRIL 1, 1991 AS INSTRUMENT NO. 91-148567 OF OFFICIAL RECORDS.
43. A LOCATION MAP PREPARED BY WILLIAMSON & SCHMID, DATED NOVEMBER 15, 1985, APPROVED BY GERALD F. OLDENBURG, L.S. 3246.

    NOTE: SHOWS MISCELLANEOUS PHYSICAL CONSTRAINTS.
44. THE EFFET OF THE RECITALS ON A CONSTRAINT MAP PREPARED BY WILLIAMSON AND SCHMID, DATED NOVEMBER 1985, APPROVED BY GERALD F. OLDENBURG, L.S. 3246
45. AN EASEMENT FOR CONSTRUCTION OF EXCAVATION AND/OR EMBANKMENT SLOPES AND DRAINAGE AND INCIDENTAL PURPOSES, RECORDED JANUARY 14, 1994 AS INSTRUMENT NO. 94-0032788 OF OFFICIAL RECORDS.

    IN FAVOR OF: THE STATES OF CALIFORNIA
    AFFECTS: A PORTION OF PARCELS 2 TO 3.

    NOTE: A. THE CONSTRUCTION OF EXCAVATION AND/OR EMBANKMENT SLOPES
    B. DRAINAGE
46. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "OPEN SPACE DEED RESTRICTION", EXECUTED BY AND BETWEEN MOBIL OIL CORPORATION, A NEW YORK CORPORATION AND RANCHO SANTIAGO PARTNERSHIP, A CALIFORNIA GENERAL PARTNERSHIP RECORDED APRIL 3, 1995 AS INSTRUMENT NO. 95-0139172 OF OFFICIAL RECORDS.

    AFFECTS PARCELS 2 AND 3.
47. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "STORM DRAIN PIPELINE EASEMENT AND MAINTENANCE AGREEMENT", EXECUTED BY AND BETWEEN THE CITY OF NEWPORT BEACH, MOBIL OIL CORPORATION, A NEW YORK CORPORATION AND RANCHO SANTIAGO PARTNERSHIP, A CALIFORNIA GENERAL PARTNERSHIP RECORDED JUNE 6, 1995 AS INSTRUMENT NO. 95-0237649 OF OFFICIAL RECORDS.

    AFFECTS PARCEL 4.
48. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "SLOPE EASEMENT AND MAINTENANCE AGREEMENT", EXECUTED BY AND BETWEEN THE CITY OF NEWPORT BEACH, MOBIL OIL CORPORATION, A NEW YORK CORPORATION AND RANCHO SANTIAGO PARTNERSHIP, A CALIFORNIA GENERAL PARTNERSHIP RECORDED JUNE 6, 1995 AS INSTRUMENT NO. 95-0237650 OF OFFICIAL RECORDS.

    AFFECTS PARCEL 4.
49. THE RIGHT OF THE UNITED STATES GOVERNMENT TO ESTABLISH, OPERATED AND MAINTAIN THE SANTA ANA RIVER MARSH RESTORATION PROJECT, AS DISCLOSED BY A JUDGMENT FOR JUST COMPENSATION, THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA, CASE NO. CV 91-3081-HJ, A CERTIFIED COPY OF WHICH WAS RECORD JUNE 21, 1995 AS INSTRUMENT NO. 95-0262683 OF OFFICIAL RECORDS.
50. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "ASSIGNMENT OF OVERRIDING ROYALTY INTEREST", RECORDED DECEMBER 20, 2005 AS INSTRUMENT NO. 20050001016860 OF OFFICIAL RECORDS.

    NOTE: BLANKET IN NATURE
51. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED QUITCLAIM RECORDED DECEMBER 20, 2005 AS INSTRUMENT NO. 20050001016861 OF OFFICIAL RECORDS.

    NOTE: BLANKET IN NATURE
52. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "SURFACE USE QUITCLAM DEED (NBR LANDS)" RECORDED DECEMBER 20, 2005 AS INSTRUMENT NO. 20050001016863 OF OFFICIAL RECORDS.

    NOTE: BLANKET IN NATURE
53. THE TERMS, PROVISIONS AND EASEMENT(S) CONTAINED IN THE DOCUMENT ENTITLED SURFACE USE EASEMENT AGREEMENT RECORDED DECEMBER 20, 2005 AS INSTRUMENT NO. 20050001016864 OF OFFICIAL RECORDS.

    NOTE: A. DRILL SITE
    B. DRAINAGE CORRIDOR
54. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED MEMORANDUM OF SURFACE USE LICENSE (SURFACE OWNER LANDS) RECORDED DECEMBER 20, 2005 AS INSTRUMENT NO. 20050001016865 OF OFFICIAL RECORDS.
55. THE TERMS, PROVISIONS AND EASEMENT(S) CONTAINED IN THE DOCUMENT ENTITLED "EASEMENT AND RIGHT-OF-WAY AGREEMENT", RECORDED DECEMBER 20, 2005 AS INSTRUMENT NO. 20050001016866 OF OFFICIAL RECORDS.
56. THE TERMS, PROVISIONS AND EASEMENT(S) CONTAINED IN THE DOCUMENT ENTITLED JOINT USE EASEMENT AGREEMENT RECORDED DECEMBER 20, 2005 AS INSTRUMENT NO. 20050001016867 OF OFFICIAL RECORDS.

    NOTE: A. JOINT USE AREA
    B. BLUFF ROAD
57. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "MEMORANDUM OF PURCHASE OPTION", RECORDED DECEMBER 20, 2005 AS INSTRUMENT NO. 20050001016868 OF OFFICIAL RECORDS.
58. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "MEMORANDUM OF AGREEMENT", EXECUTED BY AND BETWEEN CHEROKEE NEWPORT BEACH LLC, A DELAWARE LIMITED LIABILITY COMPANY AND AERA ENERGY LLC, A CALIFORNIA LIMITED LIABILITY COMPANY AND HORIZONTAL DEVELOPMENT LLC, A CALIFORNIA LIMITED LIABILITY COMPANY RECORDED DECEMBER 21, 2005 INSTRUMENT NO. 20050001016176 OF OFFICIAL RECORDS.
59. AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED JULY 23, 2008 AS INSTRUMENT NO. 20080000351478 OF OFFICIAL RECORDS.

    IN FAVOR OF: SOUTHERN CALIFORNIA EDISON COMPANY, A CORPORATION, ITS SUCCESSORS AND ASSIGNS
    AFFECTS: THE LAND
60. WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT SHOWN BY THE PUBLIC RECORD
61. RIGHTS OF PARTIES IN POSSESSION.

EASEMENT PLAT

NO.	DATE	REVISION

CONSTRAINTS MAP

of: NEWPORT/BANNING RANCH
NEWPORT BEACH, COUNTY OF ORANGE
STATE OF CALIFORNIA

for: AREA ENERGY, LLC
3030 SATURN STREET, SUITE 101
BREA, CALIFORNIA 92821

FUSCOE ENGINEERING
16795 Von Karman, Suite 100
Irvine, California 92606
tel 949.474.1960 • fax 949.474.5315
www.fuscoe.com

DATE: JAN. 7, 2010
SCALE: 1" = 300'
FN: 82101cnst.dwg
JN: 821.01.02
DRAWN BY: R.J.L.
CHECKED BY: J.L.U.
SHEET 2 OF 2