

DEPARTMENT OF TRANSPORTATION**SOUTHERN RIGHT OF WAY REGION**21073 PATHFINDER ROAD, SUITE 100
DIAMOND BAR, CA 91765

PHONE (909) 468-1500

FAX (909) 468-1501

TDD (800) 735-2929



December 5, 2006

RECEIVED
South Coast Region

DEC 16 2011

CALIFORNIA
COASTAL COMMISSIONDave Kiff
City of Newport Managers Office
3300 Newport Blvd.
Newport Beach, CA 92663-3816

Dear Mr. Kiff:

Attached are the signed Purchase and Sale Agreement -Real Property for DD 040766-01-01 and a copy of the recorded Director's Deed. When the original Director's Deed is mailed back to me, I will send it to you.

If you have any questions please don't hesitate to call me at (909)444-0119 or e-mail me at Vince_Lundblad@dot.ca.gov.

VINCENT LUNDBLAD
Associate Right of Way Agent
Southern Right of Way Region
(909)444-0119

District 07 R/W Field Office
801 South Grand Ave., 17th Floor
Los Angeles, CA 90017
Phone: (213) 897-1773
Fax: (213) 897-5603

District 08 R/W Field Office
464 W. 4th Street, 12th Floor
San Bernardino, CA 92401
Phone: (909) 383-6211
Fax: (909) 383-6877

District 12 R/W Field Office
3337 Michelson Drive, Suite 380
Irvine, CA 92612-1692
Phone: (949) 724-2308
Fax: (949) 724-2411

PURCHASE AND SALE AGREEMENT – REAL PROPERTY DD040766-01-01

In this Agreement dated September 26, 2006 by and between CITY OF NEWPORT BEACH hereinafter known as "BUYER" and STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION, hereinafter known as "SELLER", the parties agree as follows:

For the sum of Five Million Dollars (\$5,000,000) and no cents, Buyer hereby agrees to purchase and Seller hereby agrees to sell the vacant and unimproved real property located in the City of Newport Beach, Orange County, California, and legally described in Director's Deed # 040766-01-01 (hereinafter referred to as the "property").

Subject to the following conditions:

I

Buyer agrees to pay for the said real property to State the principal sum of Five Million Dollars (\$5,000,000). A series of three payments shall be made to the State of California, Department of Transportation, and delivered to the State of California, Department of Transportation, Southern Right of Way Region, Excess Land Sales, 21073 Pathfinder Road, Suite 100, Diamond Bar, CA 91765. Interest will begin on January 1, 2007. Principal and interest to be due and payable in annual installments as follows:

1. Principal payment of \$2.0 million by December 31, 2006;
2. Principal payment of \$1.5 million plus interest of \$142,500 by December 31, 2007; and
3. Principal payment of \$1.5 million plus interest of \$71,250 by December 31, 2008.

(a) Each annual installment shall be credited first on interest then due and the remainder on principal so credited.

(b) Buyer may make additional payments on the principal at any time before final installment, and interest shall thereupon cease upon said principal so credited.

(c) If Buyer should default in the payment of any annual installment, or any part thereof, when due as herein provided, and such default should continue for thirty (30) days after notice thereof in writing to Buyer, the whole of said purchase price shall at the option of the State become forthwith due and payable.

(d) If the Buyer shall default on any of the payments, title, at the option of the State, will revert back to the State.

(e) It is understood and agreed that the term of this agreement shall end on December 31, 2008 and the buyer shall make payment in full including principal and interest by that date.

(f) The Deed shall record after receiving CTC approval and the 1st payment of \$2.0 million, no later than December 31, 2006.

II

All sales made subject to the approval of the California Transportation Commission. In the event that the California Transportation Commission fails to approve this sale, all monies heretofore paid by the Buyer will be refunded without interest. The CTC meeting is October 12th, 2006.

III

The Seller is willing to process this sale at no charge to the Buyer, except for the items set forth in paragraph IV below. Buyer, at his option, may open an escrow at its own expense. The Seller will pay no escrow fees.

PURCHASE AND SALE AGREEMENT – REAL PROPERTY DD040766-01-01

IV

The Buyer agrees to pay any and all recording fees, documentary transfer tax and monumentation fees chargeable by the County Recorder. At a later date, the Seller will request the fees forwarded, and buyer shall submit to the seller upon demand.

V

The Buyer expressly understands that the right, title and interest in the property to be conveyed shall not exceed that vested in the State of California and that the Seller will furnish no policy of title insurance. If a policy of title insurance is desired, the Seller will obtain one, upon request, at the Buyer's expense.

VI

The property is being sold "as is" and is being conveyed subject to any special assessments, restrictions, reservations or easements of record and subject to any reservations or restrictions contained in the Director's Deed. Buyer has read and understands other information the Seller has relative to these matters.

VII

In the event suit is brought by either party to enforce the terms and provisions of this Agreement or to secure the performance hereof, each party shall bear its own attorney's fees. The Buyer agrees that the title of the property being conveyed shall not pass until the Director's Deed has been recorded. The Buyer shall not take possession of the property until the director's Deed is recorded

VIII

Buyer shall defend, indemnify, and hold seller and seller's elected and appointed officers agents and employees free and harmless from and against any and all liabilities, damages, claims, costs and expenses (including without limitation, attorney's fees, legal expenses and consultant's fees, and investigation and remediation costs) arising in whole or in part from the existence of hazardous substance, or hazardous substance conditions. This indemnity is intended to address that liability for which seller may be responsible arising solely out of its mere ownership of said real property. This provision shall survive transfer of title of the said real property and any rescission of the said transfer.

"Hazardous Substance" shall mean any substance whose nature and / or quantity of existence, use, manufacture, disposal of effect, render it subject to federal, state or local regulation, investigation, remediation or removal as potentially injurious to public health or welfare, including the comprehensive Environmental Response Compensation and Liability Act or Resource Conservation and Recovery Acts as now in effect.

"Hazardous Substance Condition" shall mean the existence on or under, said property of a hazardous substance that requires remediation and / or removal and / or to be otherwise mitigated pursuant to applicable law.

PURCHASE AND SALE AGREEMENT - REAL PROPERTY DD040766-01-01

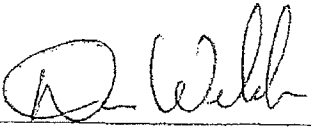
IX

This New Purchase Agreement supercedes and replaces any and all previous agreements of any kind.

The terms and conditions of the above agreement are hereby accepted, subject to the approval of the California Transportation Commission.

Please indicate exactly how the title should be vested:

City of Newport Beach, California

Buyer: 
MAYOR (Signature)

Date: 11/16/06

DON WEBB
(Print Name)

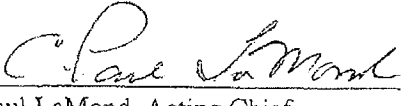
Buyer: _____
(Signature)

Date: _____

(Print Name)

STATE OF CALIFORNIA

DEPARTMENT OF TRANSPORTATION

By: 
C. Paul LaMond, Acting Chief
Excess Land, Southern Right of Way Region

Date: 11/30/06

CONFORMED COPY
Not Compared with Original

RECORDING REQUESTED BY AND WHEN
RECORDED MAIL TO:

State of California
DEPARTMENT OF TRANSPORTATION
Caltrans - District 12
Office of Right of Way
3337 Michelson Drive Suite CN380
Irvine, CA 92612-1699

Attn: R/W Excess Lands

Recorded in Official Records, Orange County
Tom Daly, Clerk-Recorder

NO FEE

2006000813583 10:16am 12/05/06

106 33 D10 8

0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00

Map No.: E120010-15
RWPE: C. SMYTHE (01/04/01)
Written:CS Check:DO

Space above this line for Recorder's Use

DIRECTOR'S DEED

District	County	Route	Post	Number
12	Orange	1	19.7	DD 040766-01-01

OCT - 2006 - 01

The STATE OF CALIFORNIA, acting by and through its Director of Transportation, does hereby grant to the

City of _____ of _____ Newport Beach

all that real property in the _____ City of Newport Beach _____ County of _____ Orange _____, State of California, described as:

Parcel No. DD 040766-01-01

That portion of Lot 1 of Tract No. 463 in the City of Newport Beach, County of Orange, State of California as shown per a map filed in Book 32, Pages 2 and 3 of Miscellaneous Maps in the office of the County Recorder of said county; that portion of Lot 1 of Tract No. 2250 as shown per a map filed in Book 104, Pages 6 and 7 of said Miscellaneous Maps; that portion of Melrose Mesa (Tract No. 15) as shown on a map filed in Book 9, Page 19 of said Miscellaneous Maps; that portion of Lot D of the Banning Tract, as shown on a map of said tract filed in the case of Hancock Banning, et al. vs. Mary H. Banning for partition, and being Case No. 6385 upon the Register of Actions of Superior Court of Los Angeles County, California, bounded as follows:

Bounded northeasterly by the northeasterly line of the lands described as Parcel 1 of State Parcel No. 40767 in a Grant Deed recorded February 14, 1966 in Book 7839, Page 739 of Official Records in the office of the County Recorder of Orange County, California;

MAIL TAX

STATEMENTS TO:

City of Newport Beach
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, CA 92658-8915

This office is exempt from
filing fees under Government
Code Section 6103

Bounded westerly by the westerly line of said Grant Deed, said westerly line also being described as a portion of the northerly prolongation of the westerly line of Annexation No. 55 to the City of Newport Beach dated September 19, 1963;

Bounded southwesterly by the northeasterly line of "new" Pacific Coast Highway as described in a Director's Deed (State Parcel No. DD 040767-03-01) from the State of California to the City of Newport Beach, a municipal corporation, recorded May 6, 1993 as Instrument No. 93-0304178 of said Official Records;

and bounded southerly and southeasterly by the center line of "new" Superior Avenue as described in a Director's Easement Deed (State Parcel No. DE 040766-1) from the State of California to the City of Newport Beach, a municipal corporation and charter city, recorded May 6, 1993 as Instrument No. 93-0304175 of said Official Records.

EXCEPTING THEREFROM those rights and interests previously excepted from that parcel of land described in the deed from A.E.S. Chaffey, et al., to the State of California (State Parcel No. 40766), recorded January 7, 1966 in Book 7801, Page 108 of said Official Records.

ALSO EXCEPTING THEREFROM those rights and interests previously excepted from those parcels of land described in the deed from BEECO, LTD., to the State of California (State Parcel No. 40767), recorded February 14, 1966 in Book 7839, Page 739 of said Official Records.

SUBJECT TO an easement for storm drain purposes, 35.00 feet wide; and an easement for sanitary sewer purposes, 30.00 feet wide, both as described in a Director's Deed (State Parcel No. DE 040767-01-02) from the State of California to the Newport Crest Homeowners Association, a California Nonprofit Mutual Benefit Corporation, recorded September 11, 1990 as Instrument No. 90-479322 of said Official Records.

There shall be no abutter's rights of access appurtenant to the above-described real property in and to the adjacent state highway over and across those portions of the northeasterly line of "new" Pacific Coast Highway hereinabove described in said deed recorded as Instrument No. 93-0304178 of Official Records, said portions of the northeasterly line being further described as having a bearing and a distance of "North 54°21'52" West, 215.42 feet" and "North 53°13'07" West, 167.37 feet".

PARCEL 040766-3

RESERVING UNTO THE GRANTOR AN EASEMENT FOR SCENIC VIEW AND OPEN SPACE PURPOSES OVER THE AFOREMENTIONED PROPERTY, LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF LOT 3 OF TRACT NO. 7817, PER MAP FILED IN BOOK 308, PAGES 33 AND 34 OF MISCELLANEOUS MAPS, IN SAID OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, WITH A LINE PARALLEL WITH AND DISTANT 100.00 FEET WESTERLY OF THE WESTERLY LINE OF SAID LOT 3; THENCE ALONG SAID PARALLEL LINE, S00°19'10"W 505.12 FEET TO THE TRUE POINT OF BEGINNING; THENCE N71°14'04"E 254.46 FEET TO A POINT ON A LINE PARALLEL WITH AND DISTANT 263.60 FEET SOUTHWESTERLY OF SAID SOUTHWESTERLY LINE OF SAID LOT 3; THENCE ALONG SAID PARALLEL LINE S62°13'53"E 838.20 FEET TO A POINT ON THE NORTHERLY LINE OF "NEW" SUPERIOR AVE AS DESCRIBED IN A DOCUMENT RECORDED MAY 6, 1993 AS INSTRUMENT NO. 93-0304175 OF SAID OFFICIAL RECORDS.

EXCEPTING THEREFROM THAT PORTION OF SUPERIOR AVENUE AS DESCRIBED IN SAID DOCUMENT RECORDED MAY 6, 1993 AS INSTRUMENT NO. 93-0304175 OF SAID OFFICIAL RECORDS.

GRANTEES USE OF SAID EASEMENT AREA SHALL BE LIMITED TO THOSE "PERMITTED" USES UNDER GRANTEE'S ZONING DESIGNATION OPEN SPACE - ACTIVE AS DEFINED UNDER TITLE 20 OF GRANTEES ZONING CODE AS IT EXISTED ON OCTOBER 12, 2006. ADDITIONALLY THE GRANTEE IS PROHIBITED FROM PLACING PERMANENT STRUCTURES OR PAVEMENT WITHIN THE EASEMENT AREA, AND NO PARKING OF MOTORIZED VEHICLES SHALL BE PERMITTED WITHIN THE EASEMENT AREA.

GRANTEE SHALL BE RESPONSIBLE FOR ALL MAINTENANCE WITHIN THE EASEMENT AREA.

Attached hereto and made a part hereof is a map entitled "Exhibit 'A'". This map is for informational purposes only and is subordinate in all respects to the above legal description.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Signature: _____

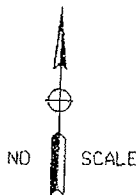
SCOTT E. ESTEP, PLS 7066

EXPIRATION: 12-31-2006

Date: _____

9-24-2006





SITE

PACIFIC COAST
STATE ROUTE 1

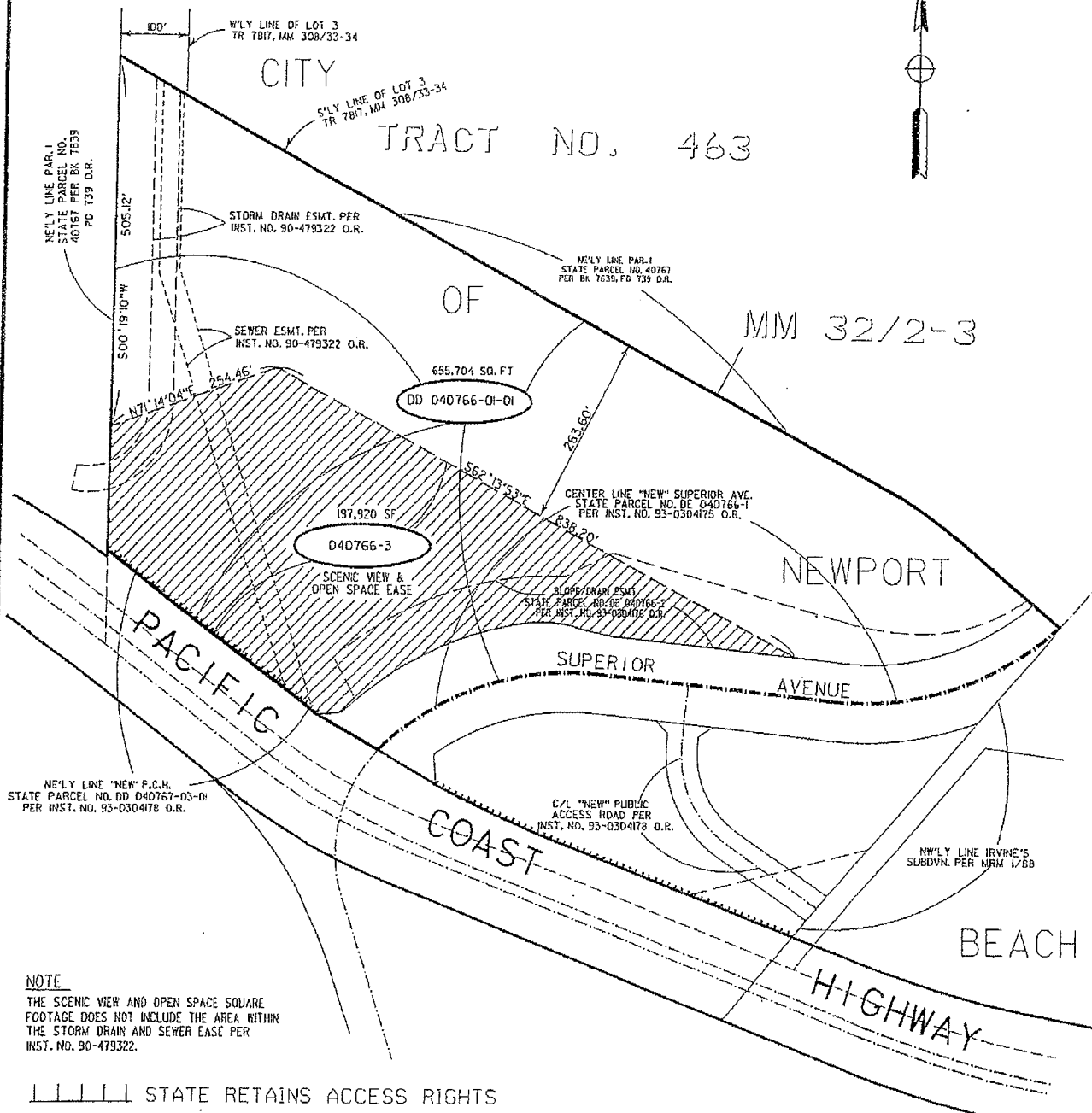
SUPERIOR
AVENUE

ROUTE 55
NEWPORT FREEWAY

SITE

DIST	COUNTY	RTE	P.M.
12	ORA	1	19.7

EXHIBIT "A"



STATE RETAINS ACCESS RIGHTS

STATE OF CALIFORNIA--DEPARTMENT OF TRANSPORTATION--DISTRICT 12

PLAT ACCOMPANYING

DIRECTOR'S DEED DD 040766-01-01

REF. MAP: E120010-15

SHEET 4 OF 5

SCALE: N.T.S.

DRWN:SEE CHKD:GBG

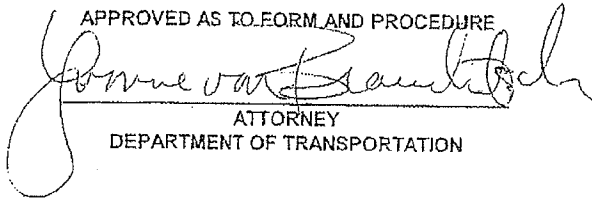
DATE: 11/18/04

Subject to special assessments if any, restrictions, reservations, and easements of record.

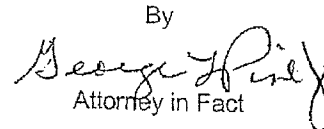
This conveyance is executed pursuant to the authority vested in the Director of Transportation by law and, in particular, by the Streets and Highways Code.

WITNESS my hand and the seal of the Department of Transportation of the State of California, this
30th day of OCTOBER 2006.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

APPROVED AS TO FORM AND PROCEDURE

ATTORNEY
DEPARTMENT OF TRANSPORTATION


Director of Transportation

By

Attorney in Fact

STATE OF CALIFORNIA } SS
County of Sacramento

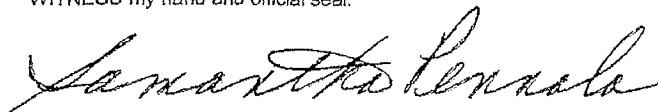
PERSONAL ACKNOWLEDGMENT

On this the 30th day of OCTOBER 2006, before me, SAMANTHA PENNALA, NOTARY PUBLIC
Name, Title of Officer-E.G., "Jane Doe, Notary Public"
personally appeared GEORGE L. PINK JR.
Name of Signer

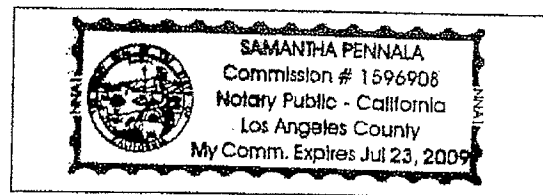
☒ personally known to me
☐ proved to me on the basis of satisfactory evidence

to be the person whose name is subscribed to the within instrument and acknowledged to me that _____ he/~~she~~ executed the same in _____
his/~~her~~ authorized capacity, and that by _____ his/~~her~~ signature on the instrument the person, or the entity upon behalf of which the person
acted, executed the instrument.

WITNESS my hand and official seal.



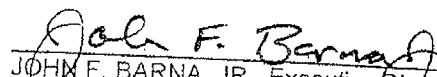
(Notary Public's signature in and for said County and State)



(for notary seal or stamp)

THIS IS TO CERTIFY that the California Transportation Commission has authorized the Director of Transportation to execute the foregoing deed at its meeting regularly called and held on the 12th day of October 2006, in the City of Santa Rosa.

Dated this 16th day of October 2006.


JOHN F. BARNA, JR., Executive Director
CALIFORNIA TRANSPORTATION COMMISSION

RESOLUTION 2006-89

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF NEWPORT BEACH
AUTHORIZING THE PURCHASE OF SUNSET RIDGE PARK
AND AGREEING TO TERMS AND CONDITIONS ASSOCIATED WITH A
PURCHASE AND SALE AGREEMENT FOR THE PARK PROPERTY

WHEREAS, the City of Newport Beach and its residents have long envisioned the 15 acres of land at the corner of Superior Avenue and West Coast Highway as a park, including both active and passive components; and

WHEREAS, extensive dealings with the owner of the property, California Department of Transportation ("Caltrans"), have occurred in the nearly thirty years since this property was declared surplus in 1976; and

WHEREAS, the City of Newport Beach was successful in sponsoring Senate Bill 124 (Johnson, 2001) which authorized the transfer of Sunset Ridge Park to the California Department of Parks and Recreation from Caltrans for a purchase price of \$1.3 million as long as the City entered into an Operating Agreement with State Parks to operate the land as a state park facility; and

WHEREAS, further discussions with Governor Schwarzenegger's administration, the State Department of General Services, members of the Legislature, and others, have led the City and Caltrans to propose a direct sale of the property to the City at a price of \$5,000,000; and

WHEREAS, the direct sale would be completed through a Purchase and Sale Agreement, a scenic easement, and deed restrictions that would provide that:

- The \$5 million be paid in three installments and at 4.75% interest;
- The property must be used as a park consistent with the current Open Space-Active (OS-A) zoning; and
- The City agrees to a 197,920 square foot Scenic Easement that would allow only uses of the property that are consistent with the OS-A zoning in place as of the date of this Resolution with the exception of permanent structures and pavement in the Scenic Easement Area.

WHEREAS, this Purchase and Sale Agreement requires the approval of the California Transportation Commission (CTC); now, therefore, be it:

RESOLVED by the City Council of the City of Newport Beach that it hereby:

1. Finds and declares that the Caltrans West Parcel (15.05 acres) shall be used by the City to develop Sunset Ridge Park and shall use the Parcel solely for park purposes, consistent with OS-A zoning; and

2. Authorizes the purchase of the Caltrans West Parcel from Caltrans at a price of \$5 million paid in three installments at 4.75% interest; and
3. Authorizes the placement of a Scenic Easement (or similarly-named easement) over 197,920 square feet of the parcel, within which all Open Space-Active (OS-A) uses that exist as of the date of this Resolution are permitted except for permanent structures and pavement (the latter two uses are not permitted); and
4. Authorizes the Mayor of the City of Newport Beach to execute a Purchase and Sale Agreement to this effect; and
5. Authorizes the City Manager to execute any related documents that might accompany the Purchase and Sale Agreement in order to accomplish the sale of the property.

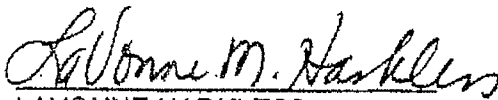
ADOPTED this 26th Day of September, 2006.



DON WEBB

Mayor of Newport Beach

ATTEST:



LAVONNE HARKLESS

City Clerk



STATE OF CALIFORNIA }
COUNTY OF ORANGE }
CITY OF NEWPORT BEACH } ss.

I, LaVonne M. Harkless, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing resolution, being Resolution No. 2006-89 was duly and regularly introduced before and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 26th day of September 2006, and that the same was so passed and adopted by the following vote, to wit:

Ayes: Curry, Selich, Rosansky, Ridgeway, Daigle, Nichols, Mayor Webb
Noes: None
Absent: None
Abstain: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 27th day of September 2006.

LaVonne M. Harkless
City Clerk
Newport Beach, California



(Seal)



CITY OF NEWPORT BEACH

OFFICE OF THE MAYOR

Mayor

Don Webb

Mayor Pro Tem

Steven Rosansky

Council Members

Keith D. Curry

Leslie J. Daigle

Richard A. Nichols

Tod W. Ridgeway

Edward D. Selich

November 16, 2006

California Department of Transportation
21073 Pathfinder Road, Suite 100
Diamond Bar, CA 91765
Attn: Vincent Lundblad

LETTER OF ACCEPTANCE - DD #040766-01-01

Dear Mr. Lundblad:

The City of Newport Beach hereby accepts the property described in Director's Deed #040766-01-01 and agrees to the terms of the Purchase and Sale Agreement (attached to this letter).

I have also enclosed a check for \$2,000,000.00. This is the initial payment as prescribed by the Purchase and Sale Agreement.

The City appreciates Caltrans' assistance and support of this important purchase. If you have any questions about these documents, please do not hesitate to contact us at 949-644-3000.

Sincerely,

DON WEBB

Mayor of Newport Beach

Attachments

cc: Members of the Newport Beach City Council
City Manager Homer Bludau
Assistant City Manager Dave Kiff
Caltrans Director Will Kempton
Ms. Bimla Rhinehart, Caltrans

RECORDING REQUESTED BY:

State of California
DEPARTMENT OF TRANSPORTATION
District 12
2501 Pullman Street
Santa Ana, CA 92705

OR 93-0304178

* When Recorded Please Return to the
above to the Attention of:
Gary L. Naccarato
Right of Way Excess Lands

City Clerk
Deed
No. 1932

Recorded in Official Records
of Orange County, California
Lee A. Branch, County Recorder
Page 1 of 9 Fees \$ 0.00
Tax \$ 0.00

Map No. F 1710-2

RWPE: R.W. Smith (4-22-92)

Written: RWS Checked: DT

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Int. P.C.H. & Superior Ave.

DISTRICT	COUNTY	ROUTE	POST MILE	NUMBER
12	Ora	1	19.7	DD 040767-03-01

DIRECTOR'S DEED

DEC 1992 /3

The STATE OF CALIFORNIA, acting by and through its Director of Transportation, does hereby grant to

City of Newport Beach, a Municipal Corporation

all that real property in the City of Newport Beach

County of Orange, State of California, described as:

(Caltrans West - South parcel)

That portion of Lot 1 of Tract No. 2250, as shown on a map filed in Book 104, pages 6 and 7 of Miscellaneous Maps, in the office of the County Recorder of said county; that portion of Melrose Mesa (Tract No. 15) as shown on a map filed in Book 9, page 19 of said Miscellaneous Maps; and that portion of Lot D of the Banning Tract, as shown on a map of said tract filed in the case of Hancock Banning, et al. vs. Mary H. Banning for partition, and being Case No. 6385 upon the Register of Actions of the Superior Court of Los Angeles County, California, bounded as follows:

Bounded in general northwesterly by the Center line of "new" Superior Avenue, described as follows:

Center line of "new" Superior Avenue.

Commencing at the intersection of the center line of Superior Avenue, herein described as "old" Superior Avenue, (formerly Newport Avenue), 60 feet wide, as shown on said map of Tract No.

Page 1 of 7

MAIL TAX
STATEMENTS TO: CITY OF NEWPORT BEACH
PUBLIC WORKS DEPARTMENT
3300 NEWPORT BLVD.
P O BOX 1768

FORM RW 02-19 (REV. 1987) NEWPORT BEACH CA 92659-1768

ATTN: DONALD L WEBB

Free recording Requested
Essential to disposal of
Excess property by Dept.
Of Transportation
See Sec. 6103 Gov. Code
Sr. R/W Agent

Barbara Branch

This office is exempt from filing
fees under Government Code § 6103,
No Tax Due Per Code 11922

This office is exempt from filing
fees under Government Code § 6103,
NO TAX DUE FOR CODE 11922

2250, with the northeasterly line of that parcel of land described in the deed from A.E.S. Chaffey, et al., to the State of California (State Parcel No. 40766), recorded January 7, 1966 in Book 7801, page 108 of Official Records in said office; thence along said center line of "old" Superior Avenue, North 40°38'03" East (North 39°45' East, record per Tract No. 2250), 42.34 feet to the cusplate point of a tangent curve, concave northerly, having a radius of 400.00 feet, and the POINT OF BEGINNING of this line description; thence

(1.) southwesterly and westerly, along said tangent curve, the nominal center line of "new" Superior Avenue (width varies), through a central angle of 55°13'33", an arc length of 385.55 feet; thence

(2.) along the true center line of "new" Superior Avenue (108.00 feet wide), North 84°08'24" West, 330.28 feet to a curve, concave southerly, having a radius of 400.00 feet; thence

(3.) westerly and southwesterly, along said curve, and said nominal center line, through a central angle of 46°07'57", an arc length of 322.07 feet to a compound curve, concave southeasterly, having a radius of 200.00 feet; thence

(4.) southwesterly, along said curve, and said nominal center line, through a central angle of 5°28'56" an arc length of 19.13 feet to the intersection with that certain course number (3.), having a bearing of North 60°24'22" West, in the herein described Northeasterly line of "new" Pacific Coast Highway, and the terminal point of this line description.

Bounded in general northeasterly by the Center line of the "new" public access road, described as follows:

Center line of the "new" public access road.

Commencing at the intersection of the center line of Superior Avenue, herein described as "old" Superior Avenue, (formerly Newport Avenue), 60 feet wide, as shown on said map of Tract No. 2250, with the northeasterly line of that parcel of land described in the deed from A.E.S. Chaffey, et al., to the State of California (State Parcel No. 40766), recorded January 7, 1966 in Book 7801, page 108 of Official Records in said office; thence along said center line of "old" Superior Avenue, North 40°38'03" East (North 39°45' East, record per Tract No. 2250), 42.34 feet to the cusplate point of a tangent curve, concave northerly, having a radius of 400.00 feet; thence southwesterly and westerly, along said tangent curve, the nominal center line of "new" Superior Avenue (width varies), through a central angle of 55°13'33", an arc length of 385.55 feet; thence along the true center line of "new" Superior Avenue (108.00 feet wide), North 84°08'24" West, 201.96 feet to the POINT OF BEGINNING of this line description; thence

(1.) at right angles to last said course, South 5°51'36" West, 54.00 feet to a point, hereinafter Point "D", on a line parallel with and 54.00 feet southerly, measured at right angles,

from said true center line, said parallel line being a line segment of the Southerly line of "new" Superior Avenue; thence

(2.) continuing South $5^{\circ}51'36''$ West, 26.00 feet to a curve, concave northeasterly, having a radius of 150.00 feet; thence

(3.) southerly and southeasterly, along said curve, through a central angle of $61^{\circ}51'12''$, an arc length of 161.93 feet; thence

(4.) South $55^{\circ}59'36''$ East, 152.62 feet to the center line of said "old" Superior Avenue, and the terminal point of this line description.

Bounded in general southeasterly by said center line of "old" Superior Avenue;

and

Bounded in general southwesterly by the Northeasterly line of "new" Pacific Coast Highway, described as follows:

Northeasterly line of "new" Pacific Coast Highway.

That line beginning at the intersection of the center line of Superior Avenue, herein described as "old" Superior Avenue, (formerly Newport Avenue), 60 feet wide, as shown on a map of Tract No. 2250, filed in Book 104, pages 6 and 7 of Miscellaneous Maps, in the office of the County Recorder of said county, with a line parallel with and 90.00 feet northerly, measured at right angles, from the center line of the 100 foot wide right of way of the California State Highway, known as Pacific Coast Highway, herein described as "old" Pacific Coast Highway, as described in the deed from Townsend Land Company to the State of California (State Parcel No. 30, ORA-60-A), recorded April 20, 1936, in Book 822, page 48 of Official Records in said office; thence along the northeasterly line of "new" Pacific Coast Highway, the following courses:

(1.) North $69^{\circ}10'41''$ West (North $70^{\circ}05'30''$ West, record per Townsend deed), along said parallel line, 347.45 feet to a tangent curve, concave northeasterly, having a radius of 1984.00 feet; thence

(2.) northwesterly, along said tangent curve, through a central angle of $5^{\circ}48'15''$, an arc length of 200.98 feet to a point on a non-tangent line, hereinafter Point "A"; thence

(3.) North $60^{\circ}24'22''$ West 191.07 feet to an angle point, hereinafter Point "B"; thence

(4.) North $54^{\circ}21'52''$ West, 215.42 feet to a point on a line parallel with and 105.00 feet northeasterly, measured at right angles, from said center line of "old" Pacific Coast Highway, said point being distant 167.37 feet southeasterly, on last said parallel line, from the westerly line of that parcel of land described as Parcel 1 in the deed from BEECO, LTD., to the State of California (State Parcel No. 40767), recorded February 14, 1966, in Book 7839, page 739 of Official Records, in said office; thence

(5.) along last said parallel line, North $53^{\circ}13'07''$ West (North $54^{\circ}08'30''$ West, record per Townsend deed), 167.37 feet to

last said westerly line, and the terminal point of this line description.

There shall be no abutter's rights of access appurtenant to the hereinabove described real property in and to the adjacent State highway.

EXCEPTING THEREFROM those rights and interests previously excepted from those parcels of land described in the deed from BEECO, LTD., to the State of California (State Parcel No. 40767), recorded February 14, 1966, in Book 7839, page 739, of Official Records, in said office.

RESERVING THEREFROM an easement for street and road purposes (a part of State Easement No. DE 040766-1) over that portion of the hereinabove described parcel of land, bounded as follows:

Bounded in general northeasterly by the herein described Center line of the "new" public access road.

Bounded in general northwesterly by the herein described Center line of "new" Superior Avenue;

Bounded in general southwesterly by the herein described Northeasterly line of "new" Pacific Coast Highway; and

Bounded in general southeasterly by the Southerly line of "new" Superior Avenue, based on the Center line of "new" Superior Avenue, herein described, said Southerly line described as follows:

Southerly line of "new" Superior Avenue.

Commencing at the intersection of the center line of Superior Avenue, herein described as "old" Superior Avenue, (formerly Newport Avenue), 60 feet wide, as shown on said map of Tract No. 2250, with the northeasterly line of that parcel of land described in the deed from A.E.S. Chaffey, et al., to the State of California (State Parcel No. 40766), recorded January 7, 1966 in Book 7801, page 108 of Official Records in said office, and the POINT OF BEGINNING of this line description; thence

(1.) along said center line of "old" Superior Avenue, South $40^{\circ}38'03''$ West (South $39^{\circ}45'$ West, record per Tract No. 2250), 172.41 feet to the intersection with a non-tangent curve, concave northerly, having a radius of 454.00 feet, concentric with and 54.00 feet southerly, measured radially, from that certain Center line curve described herein as being concave northerly, having a radius of 400.00 feet; thence

(2.) westerly, along said curve, through a central angle of

26°59'46", an arc length of 213.91 feet to a tangent line, parallel with and 54.00 southerly, measured at right angles, from that certain Center line course number (2.), described herein as having a bearing of North 84°08'24" West; thence

(3.) North 84°08'24" West, 330.28 feet to a tangent curve, concave southerly, having a radius of 346.00 feet, and being concentric with and 54.00 feet southerly, measured radially, from that certain Center line curve, described herein as concave southerly, having a radius of 400.00 feet; thence

(4.) westerly, along said curve, through a central angle of 39°56', an arc length of 241.15 feet; thence

(5.) South 5°07'13" East, 41.42 feet to Point "A" on the herein described Northeasterly line of "new" Pacific Coast Highway, and the terminal point of this description.

ALSO RESERVING THEREFROM an easement for public road purposes (a part of State Parcel No. DE 040767-6) over that portion of the hereinabove described parcel of land, bounded as follows:

Bounded in general northwesterly by the herein described Southerly line of "new" Superior Avenue;

Bounded in general northeasterly by the herein described Center line of the "new" public access road;

Bounded in general southeasterly by said center line of "old" Superior Avenue; and

Bounded in general southwesterly by the Southwesterly line of the "new" public access road, described as follows:

Southwesterly line of the "new" public access road.

That line beginning at the intersection, hereinbefore Point "D", of the Southerly line of "new" Superior Avenue, herein described, with the Center line of the "new" public access road, herein described; thence

(1.) along said Southerly line of "new" Superior Avenue, North 84°08'24" West, 41.00 feet; thence

(2.) South 45°50'30" East, 24.21 feet, to a line parallel with and 22.00 feet westerly, measured at right angles, from said Center line course number (2.), described herein as having a bearing of South 5°51'36" West; thence

(3.) along said parallel line, South 5°51'36" West, 11.00 feet to a curve, concave northeasterly, having a radius of 172.00 feet, concentric with, and 22.00 feet southwesterly, measured radially, from said Center line curve having a radius of 150.00 feet; thence

(4.) southerly and southeasterly, along said curve, through a central angle of 61°51'12", an arc length of 185.68 feet to a line, parallel with and 22.00 feet southwesterly, measured at right angles, from said Center line course number (4.); thence

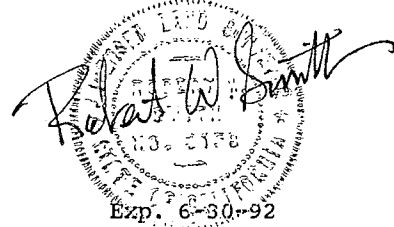
(5.) along said parallel line South 55°59'36" East, 150.07 feet, to the center line of said "old" Superior Avenue, and the terminal point of this line description.

It is expressly made a condition herein that the conveyed property be used exclusively for public parking, a public purpose; that if said property ceases to be used exclusively for public parking purposes, all title and interest to said property shall revert to the State of California, Department of Transportation, and that the interest held by the grantee, named herein, or its assigns, shall cease and terminate at such time. It is understood and agreed by the grantee, herein named, and its assigns, that the foregoing provision constitutes a divestiture and will cause all interest to revert to the State of California, Department of Transportation, if the conveyed property ceases to be used for public parking purposes.

This real property description has been prepared by me, or under my direction.

Robert W. Smith
Licensed Land Surveyor No. 3158

Date: April 22, 1992



Subject to special assessments if any, restrictions, reservations, and easements of record.

This conveyance is executed pursuant to the authority vested in the Director of Transportation by law and, in particular, by the Streets and Highways Code.

WITNESS my hand and the seal of the Department of Transportation of the State of California, this
24th day of December, 1992

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

APPROVED AS TO FORM AND PROCEDURE

Thomas C. Felleny
ATTORNEY
DEPARTMENT OF TRANSPORTATION

JAMES W. VAN LOBEN SELS
Director of Transportation

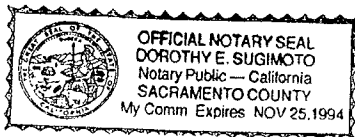
By

Eugene C. Burleson
EUGENE C. BURLESON
Attorney in Fact

STATE OF CALIFORNIA }
COUNTY OF SACRAMENTO } ss.

On this 24th day of December, in the year 1992 before me DOROTHY E. SUGIMOTO
a Notary Public in and for the State of California, residing therein, duly commissioned and sworn,
personally appeared EUGENE C. BURLESON personally known
to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed
to this instrument as the Attorney in Fact of JAMES W. VAN LOBEN SELS
Director of Transportation of the State of California, and that he (she) subscribed the name of
JAMES W. VAN LOBEN SELS as Director of Transportation, and his (her)
own name as Attorney in Fact, and that the State of California executed the same.

WITNESS my hand and official seal.



Dorothy E. Sugimoto
Notary Public

THIS IS TO CERTIFY that the California Transportation Commission has authorized the Director of Transportation to execute the foregoing deed at its meeting regularly called and held on the 10th day of December 1992, in the City of Long Beach.

Dated this 21st day of December 1992.

Robert I. Remen
ROBERT I. REMEN
Executive Director
CALIFORNIA TRANSPORTATION COMMISSION

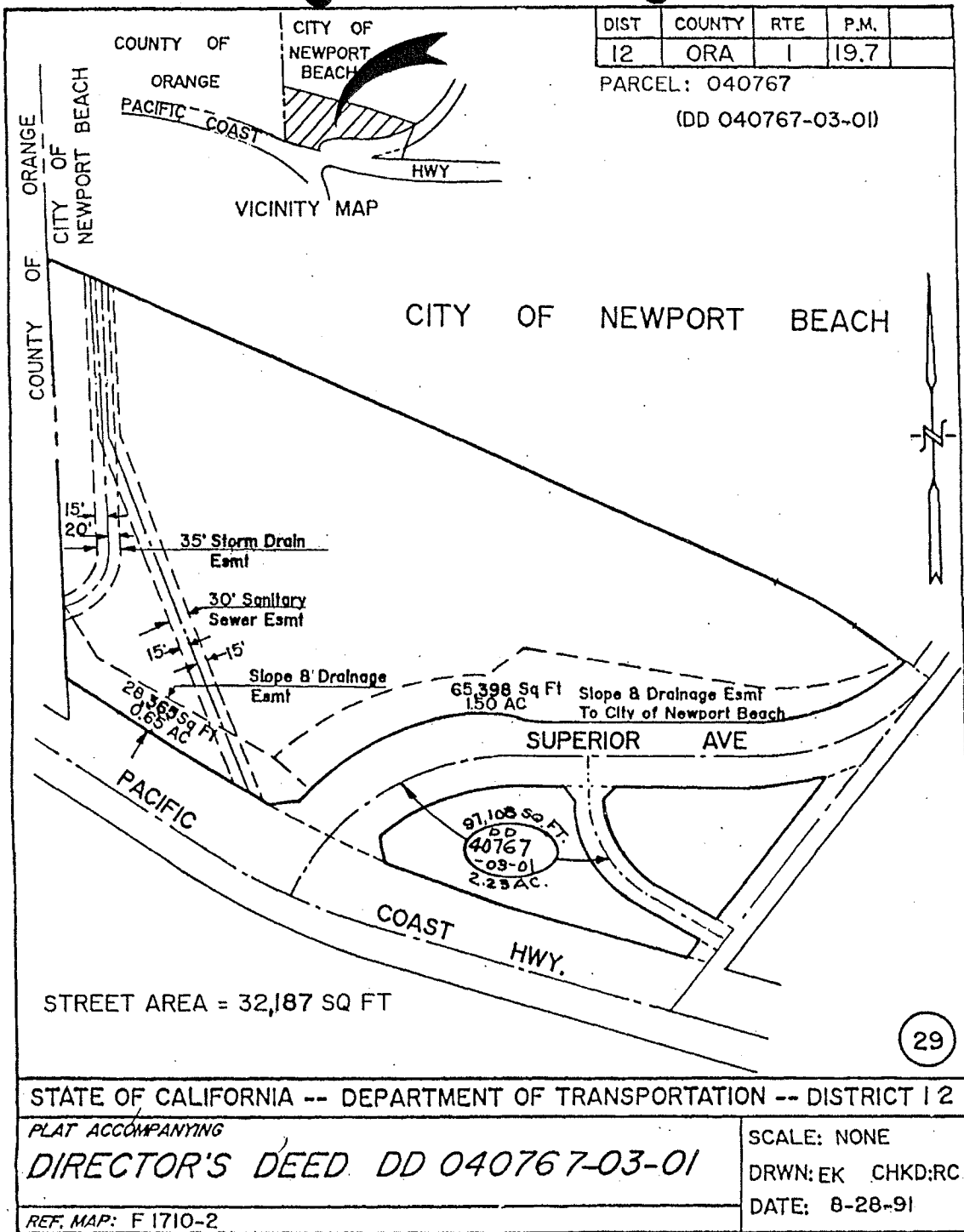
This is to certify that the interest in real property conveyed by
the deed or grant dated December 24, 1992, from
State of California (Superior Parking Lot)
to the City of Newport Beach, a municipal corporation, is hereby
accepted by the City Manager on the _____ day of _____
1992, and the grantee consents to its being recorded by the duly
authorized officer.

KEVIN J. MURPHY, City Manager

Dated: 1/21/93

Kevin J. Murphy

Authorized by Council Resolution No. 92-82





CITY OF NEWPORT BEACH

PUBLIC WORKS DEPARTMENT
P.O. BOX 1768, NEWPORT BEACH, CA 92659-1768
(714) 644-3311

January 25, 1993

Mr. Gary L. Naccarato
Caltrans, District 12
Right-of-Way Agent
Department of Transportation
2501 Pullman Street
Santa Ana, CA 92705

Dear Mr. Naccarato,

Enclosed is the acceptance form for the Superior Avenue parking lot that has been signed by the City Manager.

Very truly yours,

A handwritten signature in cursive script, reading "Donald C. Simpson".

Donald C. Simpson
Special Projects Engineer

DCS/mms

3300 Newport Boulevard, Newport Beach

DEPARTMENT OF TRANSPORTATION

DISTRICT 12
2501 PULLMAN STREET
SANTA ANA, CA 92705

June 28, 1993

12-Ora-1-P.M. 19.7
Parcel No. DD 040767-03-01
Re: (FEE FOR PARKING LOT)Mr. Kevin J. Murphy, City Manager
City of Newport Beach
3300 Newport Boulevard
Post Office Box 1768
Newport Beach, California 92659-1768

Attention: Donald Simpson

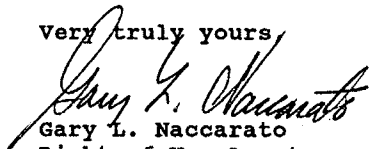
Re: Notification of Recordation of Deed

Dear Mr. Simpson:

Enclosed herewith is the Director's Deed for the Parking Lot adjacent to Superior Avenue. This conveyance is in compliance with Agreement Number 3660, dated March 31, 1983, and Agreement Number 12-001, dated November 14, 1988, between the City of Newport Beach and the State of California.

Should you have any further questions, please do not hesitate to call me at (714) 724-2297.

Very truly yours,


Gary L. Naccarato
Right of Way Agent
Excess LandsGLN/rm
Attachments

copy: Right of Way Engineering

See deed file for map