JAN – 5 1962

1322

LIBER 4029 PAGE 300

RECORDED AT REQUEST OF
PLAINTIFF
JAN – 5 1962
AT 11:15 O'CLOCK P M.
CONTRA COSTA COUNTY RECORDS
W. T. PAASCH
COUNTY RECORDER
FEE $ Off.

FILED

JAN 5 1962

W. T. PAASCH, County Clerk
CONTRA COSTA COUNTY
By J. V. TODESCO Deputy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF CONTRA COSTA

CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a political subdivision,

Plaintiff,

vs.

FRANCES E. ARMSTRONG, WILLIAM FORD and ANNIE N. FORD, et al.,

Defendants.

No. 63470

(Pine Creek Parcel #1)

FINAL ORDER OF CONDEMNATION

It appearing to the Court and the Court now finds that heretofore, to wit, on the 15th day of April 1960, this Court made and gave its Interlocutory Judgment in Condemnation in the above entitled proceeding as to Pine Creek Parcel #1, as to defendants, William Ford and Annie N. Ford, which said judgment was duly entered on the 18th day of April, 1960 in Book 106 of Judgments at page 340, and which said Interlocutory Judgment in Condemnation is hereby referred to; and

It further appearing that the plaintiff appealed from such Interlocutory Judgment and that on such appeal, the judgment was affirmed, and that a remittitur has been received by the Clerk of the above entitled Court from the District Court of Appeal and the plaintiff having filed with the Clerk of this Court a Receipt dated August 1, 1961 acknowledging full payment and satisfaction of the aforesaid Interlocutory Judgment in Condemnation by the said defendants and their attorneys.

It further appearing to the Court that said plaintiff has made all payments that are required by law or by order of this Court, and that this is not a case where any bond for the building of fences or otherwise need by given and all and singular, the law and the premises being by the Court understood and fully considered;

NOW, THEREFORE, on motion of the plaintiff, IT IS ORDERED, ADJUDGED AND DECREED,

1. That the parcels of land hereinafter described are hereby taken and condemned for the uses and purposes described and set forth in plaintiff's complaint and amendment to complaint to and for the use of plaintiff as hereinafter described and for the purposes hereinafter described.

2. That said uses and purposes are public uses and uses authorized by law.

3. That a certified copy of this Final Order of Condemnation be filed in the office of the Recorder of the County of Contra Costa, State of California, and thereupon, title to the property and interests in real property hereinafter described shall vest in plaintiff.

4. The following is a description of the said five parcels of property which collectively constitute Pine Creek Parcel No. I so ordered to be taken and condemned:

Parcel I is an area of 3.632 acres taken in fee for the purpose of the construction of a dam, reserving therefrom to the landowners a roadway fifteen (15) feet in width, as hereinafter set forth. Parcel I is described as follows:

> Beginning at the above mentioned "Point C"; thence from said point of beginning South 66° 41' East, 142.00 feet; thence South 87° 35' East, 178.28 feet; thence North 55° 25' East, 177.95 feet; thence North 38° 10' East, 210.00 feet; thence North 56° 30' West, 370.17 feet; thence South 81° West 393.35 feet; thence South 18° 02' East, 363.00 feet to the point of beginning.
>
> Reserving unto the Defendants, their heirs or assigns, an easement to be used for road purposes over a strip of land 15 feet in width, measured at right angles, the center

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line of which is described as follows:

Commencing at the above mentioned "Point C"; thence from said point of commencement South 66° 41' East, 142.00 feet; thence South 87° 35' East, 28.42 feet to the point of beginning of said center line, said point of beginning being a point on the south boundary of said Parcel I; thence from said point of beginning North 14° 16' West; 10.92 feet; thence 68.96 feet along the arc of a curve to the left having a radius of 131.37 feet, through an angle of 30° 39'; thence North 44° 55' West, 50.50 feet; thence 96.86 feet along the arc of a curve to the right having a radius of 125.23 feet, through an angle of 44° 19'; thence North 0° 36' West, 62.00 feet thence 49.01 feet along the arc of a curve to the left having a radius of 43.36 feet, through an angle of 64° 46'; thence North 65° 22' West, 45.50 feet; thence 56.55 feet along the arc of a curve to the right having a radius of 68.45 feet, through an angle of 47° 20'; thence North 18° 02' West, 57.00 feet to a point on the north boundary of said Parcel I.

The access reserved to the defendants over Parcel I is increased to permit defendants to use the portion westerly of the said access road for access purposes. The plans and specifications for any work done by defendants are subject to the prior approval of plaintiff, Contra Costa County Flood Control and Water Conservation District and the Department of Water Resources of the State of California.

Parcel II is an area of one acre being an easement and right of way for access purposes described as follows:

A strip of land 15 feet in width measured at right angles, the center line of which is described as follows:

Beginning at the hereinabove mentioned "Point A"; thence from said point of beginning along said center line to "Point B" as hereinabove described.

Parcel III is an area of 1.871 acres which is an easement upstream of the property described as Parcel I for the collection of sediment and debris which will come down Pine Creek at times of high water. It is reserved to the owner of the land sought to be condemned the use of Parcel III for the purpose of watering his stock. Parcel III is described as"

Commencing at the hereinabove mentioned "Point C"; thence from said point of commencement South 66° 41' East, 142.00 feet; thence South 87° 35' East, 107.88 feet to a point, said point to be hereinafter referred

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to as "Point D", said "Point D" also being the point of beginning of Parcel III; thence from said point of beginning South 2° 10' West, 60.00 feet; thence South 26° 40' East, 166.00 feet; thence South 72° 52' East, 54.00 feet; thence South 3° East, 189.00 feet; thence South 25° 50' East, 89.00 feet; thence South 40° 18' East, 140.00 feet; thence South, 117.00 feet; thence South 41° 09' 25" East, 158.57 feet; thence North 16° East, 43.00 feet; thence North 42° 41' West 132.00 feet; thence North 20° 44' East 93.00 feet; thence North 20° 33' West 140.00 feet; thence North 34° West 85.00 feet; thence North 28° East 155.00 feet; thence North 17° 30' West 146.00 feet; thence North 48° 40' West 157.00 feet; thence North 21° East 105.00 feet; thence South 55° 25' West 125.95 feet; thence North 87° 35' West 71.00 feet to "Point D", the point of beginning.

Parcel IV is an area of 2.9 acres. There is hereby condemned an easement for maintenance and operation of the dam downstream from Parcel I which connects with the access road described as Parcel II. The easement is for the maintenance of the downstream face of the dam, outlet structures, culverts and maintenance roads. It is reserved to the owner of the property sought to be condemned the right to use Parcel IV for corrals, round-up pens and the grazing of cattle to the extent that such use is not inconsistent with the purposes of the plaintiff, Flood Control District. Parcel IV is described as:

Beginning at the hereinabove mentioned "Point B"; thence from said point of beginning South 70° 49' West, 125.56 feet; thence South 19° 11' East, 320.00 feet; thence South 39° 27' 37" West, 328.83 feet; thence South 18° 02' East, 20.00 feet; thence North 81° East, 393.35 feet; thence South 56° 30' East, 370.17 feet; thence North 38° 10' East, 47.10 feet; thence North 19° 11' West, 739.64 feet; thence South 70° 49' West, 50.00 feet; thence North 19° 11' West, 110.00 feet; thence South 70° 49' West, 194.44 feet to "Point B", the point of beginning.

Parcel V is an area of 6.3 acres. There is sought to be condemned an easement upstream from the dam located on Parcel I and surrounding Parcel III. The easement is for the purpose of collecting water for temporary periods as may be made necessary by rainfall. The land described as Parcel V will be subject to flooding for periods of several days. Parcel V is described as:

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District Attorney's Office

Beginning at the hereinabove mentioned "Point D" (Parcel III above); thence from said point of beginning North 87° 35' West, 107.28 feet; thence South 19° 41' East 204 feet; thence South 45° West, 95 feet; thence South 20° 30' East, 65 feet; thence South 72° 24' East 112 feet; thence South 8° East, 65 feet; thence South 26° 45' West, 120 feet; thence South 69° 07' East, 150 feet; thence South 24° 25' East, 120 feet; thence South 3° 45' West, 75 feet; thence South 37° East, 400 feet; thence South 12° 22' East, 240 feet; South 23° 45' West, 250 feet; thence South 81° 30' East, 100 feet; thence South 39° 15' East, 230 feet; thence South 54° 15' East, 95 feet; thence North 88° 30' East, 238 feet; thence South 13° 25' West, 220 feet; thence South 25° 35' East, 110 feet; thence North 78° 45' East, 495 feet; thence South 49° 38' 49" East, 593.74 feet to a point, said point being distant North 70° 17' West, 481 feet from a point on the southeast boundary of that parcel of land deeded to William Ford, et ux, recorded February 17, 1948 in Book 1176 of Official Records at page 161, said last mentioned point being distant along said southeast boundary North 27° 53' 15" east, 3775 feet from the corner intersecting courses 1 & 2 of the Rancho San Miguel; thence North 35° 50' West, 450 feet; thence North 68° West, 500 feet; thence North 34° 35' West, 225 feet; thence North 64° 35' West, 300 feet; thence North 12° 35' West, 485 feet; thence North 20° 20' West, 370 feet; thence North 26° 05' West, 320 feet; thence North 52° 25' East, 180 feet; thence North 84° 25' East, 340 feet; thence North 54° 35' West, 180 feet; thence North 86° 35' West, 370 feet; thence North 21° 50' West, 258 feet; thence South 55° 25' West, 177.95 feet; thence North 87° 35' West, 71.00 feet to "Point D", the point of beginning.

Excepting therefrom the hereinabove described Parcel III.

Dated the 5 day of January, 1962.

WAKEFIELD TAYLOR

Judge of the Superior Court

The foregoing instrument is a correct copy of the original on file in this office.

ATTEST: JAN - 5 1962

W. T. PAASCH

County Clerk and ex-officio Clerk of the Superior Court of the State of California in and for the County of Contra Costa.

By _____ Deputy Clerk

J. V. Todesco

CLH:dq