

CIV-130

<small>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):</small> William D. Coffee, Esq. SBN: 143653 Songstad Randall Coffee & Humphrey LLP 3200 Park Center Drive, Suite 950 Costa Mesa, CA 92626 TELEPHONE NO.: (949) 757-1600 FAX NO. (Optional): (949) 757-1613 E-MAIL ADDRESS (Optional): bcoffee@sr-firm.com ATTORNEY FOR (Name): Plaintiffs	<small>FOR COURT USE ONLY</small>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 Civic Center Drive West MAILING ADDRESS: 700 Civic Center Drive West CITY AND ZIP CODE: Santa Ana, 92701 BRANCH NAME: Central Justice Center	
PLAINTIFF/PETITIONER: Yorba Linda Estates, LLC, et al. DEFENDANT/RESPONDENT: City of Yorba Linda, et al.	
NOTICE OF ENTRY OF JUDGMENT OR ORDER (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeded \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded was \$25,000 or less)	CASE NUMBER: 30-2021-01206096-CU-OR-CJC

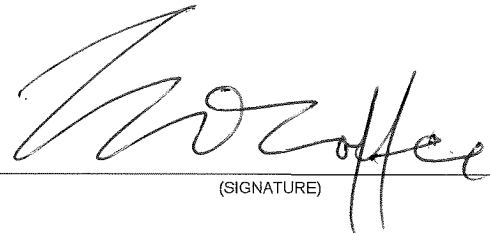
TO ALL PARTIES :

1. A judgment, decree, or order was entered in this action on (date): March 10, 2022
2. A copy of the judgment, decree, or order is attached to this notice.

Date: March 16, 2022

William D. Coffee, Esq.

(TYPE OR PRINT NAME OF ☒ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)


(SIGNATURE)

PLAINTIFF/PETITIONER: Yorba Linda Estates, LLC, et al.

CASE NUMBER:

30-2021-01206096-CU-OR-CJC

DEFENDANT/RESPONDENT: City of Yorba Linda, et al.

PROOF OF SERVICE BY FIRST-CLASS MAIL**NOTICE OF ENTRY OF JUDGMENT OR ORDER**

(NOTE: You cannot serve the Notice of Entry of Judgment or Order if you are a party in the action. The person who served the notice must complete this proof of service.)

1. I am at least 18 years old and **not a party to this action**. I am a resident of or employed in the county where the mailing took place, and my residence or business address is *(specify)*: 3200 Park Center Drive, Suite 950, Costa Mesa, CA 92626

2. I served a copy of the *Notice of Entry of Judgment or Order* by enclosing it in a sealed envelope with postage fully prepaid and *(check one)*:

- a. ☐ deposited the sealed envelope with the United States Postal Service.
- b. ☐ placed the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

3. The *Notice of Entry of Judgment or Order* was mailed:

- a. on *(date)*:
- b. from *(city and state)*:

4. The envelope was addressed and mailed as follows:

a. Name of person served:

Street address:

City:

State and zip code:

c. Name of person served:

Street address:

City:

State and zip code:

b. Name of person served:

Street address:

City:

State and zip code:

d. Name of person served:

Street address:

City:

State and zip code:

☐ Names and addresses of additional persons served are attached. *(You may use form POS-030(P).)*

5. Number of pages attached _____.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME OF DECLARANT)

(SIGNATURE OF DECLARANT)

1 WILLIAM D. COFFEE, ESQ. (Bar No. 143653)
bcoffee@sr-firm.com
2 SONGSTAD RANDALL COFFEE & HUMPHREY LLP
3200 Park Center Drive, Suite 950
3 Costa Mesa, California 92626
Telephone: (949) 757-1600
4 Facsimile: (949) 757-1613

5 Attorneys for Plaintiffs
YORBA LINDA ESTATES, LLC; OC 33, LLC, and
6 YORBA LINDA ESTATES NORTH, LLC

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
NORTH JUSTICE CENTER

MAR 10 2022

DAVID H. YAMASAKI, Clerk of the Court

BY: D. VELASQUEZ, DEPUTY

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF ORANGE, NORTH JUSTICE CENTER**

11 YORBA LINDA ESTATES, LLC, an Arizona
limited liability company; OC 33, LLC, an
12 Arizona limited liability company; YORBA
LINDA ESTATES NORTH, LLC, an Arizona
13 limited liability company,

14 Plaintiffs,

15 v.

16 CITY OF YORBA LINDA, a California
municipality; ALL OTHER PERSONS OR
17 ENTITIES UNKNOWN, CLAIMING ANY
LEGAL OR EQUITABLE RIGHT, TITLE,
18 ESTATE, LIEN, OR INTEREST IN THE
REAL PROPERTY DESCRIBED IN THE
19 COMPLAINT ADVERSE TO PLAINTIFFS'
INTEREST OR ANY CLOUD ON
20 PLAINTIFFS' TITLE THERETO; and DOES
1 through 50,

21 Defendants.

Case No.: 30-2021-01206096-CU-OR-CJC

Original Complaint Filed: June 16, 2021

Assigned for all Purposes to:

Judge: Hon. Glenn Salter
Dept.: N06

~~[PROPOSED]~~ JUDGMENT

24 **WHEREAS**, this action was tried before the court without a jury on December 13 and 20,
25 2021;

26 **WHEREAS**, William D. Coffee, Esq. appeared on behalf of plaintiffs YORBA LINDA
27 ESTATES, LLC ("YLE"); OC 33, LLC ("OC 33"); and YORBA LINDA ESTATES NORTH, LLC
28 ("YLEN") (collectively "Plaintiffs");

1 WHEREAS, Todd O. Litfin, Esq. appeared on behalf of defendant CITY OF YORBA
2 LINDA (the "City");

3 WHEREAS, pursuant to the Court's Statement of Decision filed March 7, 2022, a copy of
4 which is attached hereto as **Exhibit A**, the court hereby enters Judgment as follows:

5 **THEREFORE, IT IS HEREBY ADJUDGED AND DECREED** as follows:

6 1. Judgment is entered quieting title in favor of Plaintiffs against the City over the real
7 property located in the County of Orange, State of California described as Lots A of Tract 12850 and
8 Tract 12877 as Plaintiffs have the legal and equitable right to construct the access road for the
9 Esperanza Hills Project over Lots A of Tract 12850 and Tract 12877 for the use and benefit of the
10 Project Property described in **Exhibit B** attached hereto in the location and dimensions as approved
11 by the County of Orange in Vesting Tentative Tract Map 17522 over the objections raised by the
12 City in this action;

13 2. Plaintiffs are prevailing parties and shall recover their costs of suit against the City
14 pursuant to a Memorandum of Costs.

15 IT IS SO ORDERED

16
17 Dated: 10 March 2022


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19 JUDGE OF THE SUPERIOR COURT
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EXHIBIT A

EXHIBIT A

1 WILLIAM D. COFFEE, ESQ. (Bar No. 143633)
2 booffee@sr-firm.com
3 SONGSTAD RANDALL COFFEE & HUMPHREY LLP
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7 Facsimile: (949) 757-1613

8 Attorneys for Plaintiffs
9 YORBA LINDA ESTATES, LLC; OC 33, LLC, and
10 YORBA LINDA ESTATES NORTH, LLC

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
NORTH JUSTICE CENTER

MAR - 7 2022

DAVID H. YAMASAKI, Clerk of the Court

BY: D. VELASQUEZ, DEPUTY

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF ORANGE, NORTH JUSTICE CENTER

13 YORBA LINDA ESTATES, LLC, an Arizona
14 limited liability company; OC 33, LLC, an
15 Arizona limited liability company; YORBA
16 LINDA ESTATES NORTH, LLC, an Arizona
17 limited liability company,

18 Plaintiffs,

19 v.

20 CITY OF YORBA LINDA, a California
21 municipality; ALL OTHER PERSONS OR
22 ENTITIES UNKNOWN, CLAIMING ANY
23 LEGAL OR EQUITABLE RIGHT, TITLE,
24 ESTATE, LIEN, OR INTEREST IN THE
25 REAL PROPERTY DESCRIBED IN THE
26 COMPLAINT ADVERSE TO PLAINTIFFS'
27 INTEREST OR ANY CLOUD ON
28 PLAINTIFFS' TITLE THERETO; and DOES
1 through 50,

2 Defendants.

Case No.: 30-2021-01206096-CU-OR-CJC

Original Complaint Filed: June 16, 2021

Assigned for all Purposes to:
Judge: Hon. Glenn Salter
Dept.: N06

~~(Proposed)~~ STATEMENT OF DECISION

WHEREAS, this action came on regularly for a court trial on December 13 and 20, 2021 in Department N06 of the above entitled court, on plaintiffs' first cause of action to quiet title, the Honorable Glenn Salter, Judge presiding. Appearing on behalf of plaintiffs YORBA LINDA ESTATES, LLC ("YLE"), OC33, LLC ("OC33") and YORBA LINDA ESTATES NORTH, LLC ("YLEN") (collectively "Plaintiffs") was William D. Coffee of Songstad Randall Coffee &

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1 Humphrey LLP, Appearing on behalf of Defendant CITY OF YORBA LINDA (the "City") was
2 Todd O. Little of Rutan & Tucker, LLP.

3 WHEREAS, on December 20, 2021, at the conclusion of the trial the court took the matter
4 under submission;

5 WHEREAS, on January 4, 2022, the court issued its Tentative Decision in this matter and
6 directed that Plaintiffs were to prepare the Statement of Decision;

7 WHEREAS, having fully considered the arguments of all parties, both written and oral, as
8 well as the evidence presented;

9 THE COURT HEREBY ISSUES the following Statement of Decision:

10 I. SUMMARY OF EVIDENCE AND FACTUAL FINDINGS

11 Plaintiffs are the owners or optionors of property described in Exhibit A attached hereto and
12 incorporated herein by reference (the "Project Property"). (Joint Stipulation of Facts ("SF"),
13 SF Nos. 1-3) The Project Property was originally entitled by the County of Orange (the "County")
14 in June 2015 for a 340-unit subdivision called Esperanza Hills (the "Project"). The Project
15 entitlements were challenged through California Environmental Quality Act ("CEQA") litigation
16 filed in October 2015 (the "CEQA Litigation"). (SF No. 20) The Project entitlements were finally
17 approved by the County on September 25, 2018. (SF No. 24)

18 The County approved Vesting Tentative Tract Map ("VTTM") 17522 for the Project on
19 September 25, 2018. VTTM 17522 approved a main entrance road from the southern border of the
20 Project Property to Stonehaven Drive across Lots A of Tracts 12850 and 12877 ("Lots A") which
21 are located within the City. (SF No. 27; Trial Exhibit ("TE") 59) A second CEQA suit and
22 Subdivision Map Act claim challenging the County's approval of VTTM 17522 (the "CEQA/SMA
23 Challenge") was filed contending that the main access road configuration through Lots A conflicted
24 with open space rights received by the City when Tracts 12850 and 12877 were approved in 1987.
25 (SF Nos. 28, 32) The CEQA/SMA Challenge was found meritless by the trial court and the
26 judgment in favor of Plaintiffs and the County was affirmed by the Court of Appeal in January
27 2021 in Opinion G058339. (TE Nos. 58, 59)

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1 The City was a named defendant in the CEQA Litigation, but never contested any of the
2 Project's entitlements at any stage of the CEQA Litigation. (SF 21) The City did not file a lawsuit
3 that challenged the 2018 Project entitlements or the September 25, 2018 approval of VTTM 17522,
4 and the City was not a party to the CEQA/SMA Challenge. (SF Nos. 28, 29)

5 When it rejected the CEQA/SMA Challenge, the Court of Appeal determined that: "there
6 were two letters in the administrative record from the City which can be reasonably read to say the
7 City *has* given permission to put roads on land covered by the open space dedication." The Court
8 of Appeal also noted that: "The City has known of the Project for almost a decade now. It has
9 known of the ongoing litigation brought by Protect, including this most recent round in which the
10 VTTM for the Project has been attacked on the theory Developer could be blocked by the City."
11 The Court of Appeal concluded that: "If the City had wanted to veto the Project it could have
12 intervened in this action and expressly voiced its intention to use its open space dedication to
13 oppose the southerly access into the Project." (TE 59)

14 The evidence in this case supported the decision of the Court of Appeal.

15 The City detailed its extensive involvement in the Project entitlement process in a letter
16 dated May 22, 2015. (TE 41) Two letters sent by the City to the County during the Project
17 entitlement process expressly requested that the City approve a full-time access road through Lots
18 A to Stonehaven Drive. A January 8, 2016 letter stated: "To clarify, Option 2 Modified includes a
19 roadway connection to Aspen Way and a roadway connection to Stonehaven Drive and not just an
20 'emergency' access to Stonehaven." (TE 50) The City took the same position in a letter dated May
21 22, 2015, as it supported Option 2B, which the City had urged the County to adopt as one of its
22 access options when Project was originally entitled in June 2015 (TE 41) Option 2B also provided
23 for a full-time road through Lots A of Tracts 12850 and 12877 to Stonehaven in the same
24 configuration as the main access road set forth in VTTM 17522.

25 None of the letters or emails sent by the City to the County claimed that the City's open
26 space rights over Lots A conflicted with or were superior to the approval of the Project's main
27 access road through Lots A and each left the matter of the determination of Plaintiffs' access rights
28 to the County. (SF Nos. 62 - 68, TE's 50, 53, 55, 240, 241, 246, 249, 250, 251, 252)

1 The staff report prepared by the City for the November 17, 2015 City Council meeting to
2 consider approval of the pre-annexation agreement between the City and the Project noted that:
3 "the EIR for the Project went through a detailed examination and concluded the Project is
4 consistent with the various components of the City's General Plan (Land Use, Circulation,
5 Recreation and Resources, Noise, Public Safety, Growth Management, Housing) and found that the
6 General Plan anticipated that the future development of the area that is now the Project site would
7 take access from San Antonio Road and Stonehaven Drive." (TE 244, at pp. 2-3)

8 Lots A are zoned by the City as Planned Development, not open space. (SF No. 39) The
9 City did not satisfy the requirements to obtain an open space easement over Lots A as set forth in
10 Government Code Sections 51050 et seq. and 51070 et seq. (SF No. 31)

11 The uncontroverted evidence also established that both the City and County were informed
12 that Plaintiffs held easement rights for an access road through Lots A by virtue of an email from
13 Plaintiffs dated January 11, 2015, which included both the 1978 Easement recorded at Book 1283,
14 page 703 (TE No. 1) (the "1978 Easement") and ADI Easement recorded as Instrument No. 1988-
15 644036, which granted Plaintiffs a blanket easement through all of Tracts 12850 and 12877,
16 including Lots A (the "ADI Easement"). (TE 94) The City did not contest Plaintiffs' easement
17 rights across Lots A in any of the letters it sent to the County regarding the Project. The County
18 referred the matter to the County Surveyor, who concluded that Plaintiffs held easement rights for a
19 blanket easement across Lots A. (TE 54) The County incorporated the opinion of the County
20 Surveyor into the Resolution dated September 25, 2018, approving VTTM 17522 that expressly
21 found that Plaintiffs had the rights to construct the main entrance road. (TE 59)

22 It is uncontroverted that the City is barred by the applicable statutes of limitations from
23 asserting CEQA or Subdivision Map Act claims for any of the Project entitlements originally
24 granted in June 2015, or the final Project entitlements and VTTM 17522 approved by the County
25 on September 25, 2018.

26 It is also uncontroverted that the Final Environmental Impact Report ("FEIR") for the
27 Project addressed all environmental impacts for the main access road through Lots A, including
28 compliance with the City's General Plan and Hillside Ordinance, and found that no mitigation

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1 measures were necessary for design and construction of the Project's main entrance road through
2 Lots A. (TE Nos. 80-87, 104) The City retained consultants to comment on the Project's Draft
3 EIR and the consultants found the analysis of the Project's compliance with the Hillside Ordinance
4 to be adequate. (TE 37; SF Nos. 34 - 36)

5 II. DETERMINATION OF PRINCIPAL CONTROVERTED ISSUES AT TRIAL

6 In this action, the City contended that it received an easement for open space purposes by
7 dedication of Lots A through the recordation of Tracts 12850 and 12877 in 1987, which conflicted
8 with and was superior in right to the approval of VTTM 17522. The City contended it could limit
9 the width of the main access road for the Project to alleged historical use prior to the creation and
10 development of Tracts 12850 and 12877. The City contended that City permits are required for
11 Plaintiffs to construct their main access road, which the City has discretion to deny as its open space
12 rights over Lots A are superior to and conflict with Plaintiffs' easement rights and any rights
13 acquired by the Plaintiffs through the Project entitlement process with the County.

14 Plaintiffs contended that they had easement rights over Lots A by virtue of the 1978
15 Basement and the ADI Easement. Plaintiffs also contended that even if the City had an open space
16 easement right over Lots A, it was not exclusive and therefore did not conflict with Plaintiffs'
17 easement rights. Plaintiffs also contended that they acquired rights through the CEQA and
18 entitlement process, which the City actively participated in, and through the approval of VTTM
19 17522, which the City did not contest. Further, Plaintiffs contended that no permit from the City
20 was necessary as all aspects of the Project's main entrance road were analyzed through the CEQA
21 process and complied with the City's General Plan and Hillside Ordinance, and the City had no
22 superior rights to Plaintiffs' easement rights in Lots A.

23 The Court finds that Plaintiffs have the legal and equitable right to construct the access road
24 for the Esperanza Hills Project over Lots A in Tracts 12850 and 12877 in the location and
25 dimensions as approved by the County of Orange in its approval of VTTM 17522, with no permits
26 required by the City.

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1 THEREFORE, BASED ON THE FOREGOING, THE COURT ORDERS as follows:

- 2 1. Judgment be entered quieting title in favor of Plaintiffs against the City over Lots A
3 of Tracts 12850 and 12877 as Plaintiffs have the legal and equitable right to
4 construct the access road for the Esperanza Hills Project over Lots A of Tracts 12850
5 and 12877 for the use and benefit of the Project Property in the location and
6 dimensions as approved by the County of Orange in VTTM 17522 over the
7 objections of the City raised in this action;
- 8 2. That Plaintiffs, as prevailing parties, shall be entitled to recover their costs of suit
9 against the City pursuant to a Memorandum of Costs.

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12 Dated: 7 March 2022

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JUDGE OF THE SUPERIOR COURT

Glenn R. Satter

EXHIBIT "A"
PROJECT PROPERTY

Parcel 1:

PARCEL 2, IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP FILED IN BOOK 121 PAGES 16 AND 17 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY,

EXCEPT THEREFROM, ALL OIL, OIL RIGHTS, NATURAL GAS RIGHTS, MINERAL RIGHTS AND OTHER HYDROCARBON SUBSTANCES BY WHATEVER NAME KNOWN, TOGETHER WITH APPURTENANT RIGHTS THERETO, WITHOUT, HOWEVER, ANY RIGHTS TO ENTER UPON THE SURFACE OF SAID LAND NOR ANY PORTION OF THE SUBSURFACE LYING ABOVE A DEPTH OF 500 FEET, AS EXCEPTED OR RESERVED IN INSTRUMENTS OF RECORD.

Parcel 2:

ALL OF THAT CERTAIN REAL PROPERTY IN THE RANCHO CANON DE SANTA ANA, COUNTY OF ORANGE, STATE OF CALIFORNIA, BEING THAT PORTION OF THE CARRILLO RANCH PROPERTY, AS SHOWN ON THE MAP FILED IN BOOK 37, PAGE 33, OF RECORD OF SURVEYS, RECORDS OF SAID COUNTY, LYING NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE POINT ON THE EASTERLY LINE OF SAID CARRILLO RANCHO PROPERTY DISTANT NORTH 6° 40' 31.3" WEST, 6644.94 FEET FROM THE INTERSECTION OF SAID EASTERLY LINE WITH THE CENTERLINE OF THE CAJON CANAL OF THE ANAHEIM UNION WATER COMPANY, AS SHOWN ON SAID MAP;

THENCE NORTH 87° 54' 37" WEST, 619.76 FEET TO THE POINT ON THE WESTERLY LINE OF SAID CARRILLO RANCH PROPERTY DISTANT NORTH 2° 02' 20" WEST, 7410.13 FEET FROM THE NORTHERLY LINE OF THAT ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY'S 100.00 FOOT STRIP OF LAND AS SHOWN ON SAID MAP.

EXCEPTING THEREFROM AN UNDIVIDED 3/4 INTEREST IN AND TO ALL OIL AND OIL RIGHTS IN, ON AND APPURTENANT TO SAID LAND, AS RESERVED IN DOCUMENT RECORDED MAY 26, 1938 IN BOOK 4227, PAGE 23, OF OFFICIAL RECORDS.

Parcel 3:

THE NORTH HALF OF THE SOUTHWEST QUARTER AND GOVERNMENT LOTS 3 AND 4 OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 8 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT FILED IN THE DISTRICT LAND OFFICE, JULY 20, 1896.

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1 PROOF OF SERVICE
2 Yorba Linda Estates, LLC, et al. v. City of Yorba Linda, et al.
3 OCSC Case No. 30-2017-01206096-CU-OR-CJC

4 I am employed in the County of Orange, State of California, over the age of eighteen years,
5 and not a party to the within action. My business address is SONGSTAD RANDALL COFFEE &
6 HUMPHREY LLP, 3200 Park Center Drive, Suite 950, Costa Mesa, California 92626,

7 On the date set forth below, I served the foregoing copy of the document(s) described as
8 [PROPOSED] STATEMENT OF DECISION as follows:

9 ☐ By Mail: By placing the document(s) listed above in sealed envelope(s) with postage
10 thereon fully prepaid for collection and mailing in Costa Mesa, California, addressed as
11 set forth below, or as stated on the attached service list.

12 ☒ By Electronic Service - One Legal: By causing the document(s) listed above to be
13 served by electronic service by One Legal based on a court order and agreement of the
14 parties to accept service by electronic transmission to the person(s) at the address(es) set
15 forth below, or on the attached service list.

16 ☐ E-Mail: Based on a court order or an agreement of the parties to accept service by e-
17 mail or electronic transmission, I sent the document(s) to the person(s) at the e-mail
18 address(es) as set forth below, or as stated on the attached service list.

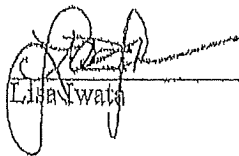
19 ☐ Personal Delivery: By causing personal service by First Legal Network of the
20 document(s) listed above to the person(s) at the address(es) set forth below, or on the
21 attached service list.

22 SEE ATTACHED SERVICE LIST

23 I am readily familiar with the firm's practice of collection and processing correspondence for
24 mailing. Under that practice it would be deposited with U.S. Postal Service on that same day with
25 postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the
26 party served, service is presumed invalid if postal cancellation date or postage meter date is more
27 than one day after date of deposit for mailing in affidavit.

28 ☒ (State) I declare under penalty of perjury under the laws of the State of California that
the above is true and correct.

Executed on February 3, 2022, at Costa Mesa, California.


Lisa Nwata

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SERVICE LIST
Yorba Linda Estates, LLC, et al. v. City of Yorba Linda, et al.
OCSC Case No. 30-2017-01206096-CU-OR-CJC

Todd O. Litfin
Joseph D. Larsen
RUTAN & TUCKER, LLP
18575 Jamboree Road, 9th Floor
Irvine, CA 92612

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Emails: tlitfin@rutan.com
jlarsen@rutan.com

Attorneys for Defendant
CITY OF YORBA LINDA

EXHIBIT B

EXHIBIT B

EXHIBIT "A"

PROJECT PROPERTY

Parcel 1:

PARCEL 2, IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP FILED IN BOOK 121 PAGES 16 AND 17 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY,

EXCEPT THEREFROM, ALL OIL, OIL RIGHTS, NATURAL GAS RIGHTS, MINERAL RIGHTS AND OTHER HYDROCARBON SUBSTANCES BY WHATEVER NAME KNOWN, TOGETHER WITH APPURTENANT RIGHTS THERETO, WITHOUT, HOWEVER, ANY RIGHTS TO ENTER UPON THE SURFACE OF SAID LAND NOR ANY PORTION OF THE SUBSURFACE LYING ABOVE A DEPTH OF 300 FEET, AS EXCEPTED OR RESERVED IN INSTRUMENTS OF RECORD,

Parcel 2:

ALL OF THAT CERTAIN REAL PROPERTY IN THE RANCHO CANON DE SANTA ANA, COUNTY OF ORANGE, STATE OF CALIFORNIA, BEING THAT PORTION OF THE CARRILLO RANCH PROPERTY, AS SHOWN ON THE MAP FILED IN BOOK 37, PAGE 33, OF RECORD OF SURVEYS, RECORDS OF SAID COUNTY, LYING NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE POINT ON THE EASTERLY LINE OF SAID CARRILLO RANCH PROPERTY DISTANT NORTH $6^{\circ} 40' 31.3''$ WEST, 6644.94 FEET FROM THE INTERSECTION OF SAID EASTERLY LINE WITH THE CENTERLINE OF THE GAYON CANAL OF THE ANAHEIM UNION WATER COMPANY, AS SHOWN ON SAID MAP;

THENCE NORTH $87^{\circ} 54' 37''$ WEST, 619.76 FEET TO THE POINT ON THE WESTERLY LINE OF SAID CARRILLO RANCH PROPERTY DISTANT NORTH $2^{\circ} 02' 20''$ WEST, 7410.13 FEET FROM THE NORTHERLY LINE OF THAT ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY'S 100.00 FOOT STRIP OF LAND AS SHOWN ON SAID MAP,

EXCEPTING THEREFROM AN UNDIVIDED $\frac{3}{4}$ INTEREST IN AND TO ALL OIL AND OIL RIGHTS IN, ON AND APPURTENANT TO SAID LAND, AS RESERVED IN DOCUMENT RECORDED MAY 26, 1938 IN BOOK 4227, PAGE 23, OF OFFICIAL RECORDS,

Parcel 3:

THE NORTH HALF OF THE SOUTHWEST QUARTER AND GOVERNMENT LOTS 3 AND 4 OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 8 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT FILED IN THE DISTRICT LAND OFFICE, JULY 20, 1896,

SONGSTAD RANDALL COFFEE & HUMPHREY LLP
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PROOF OF SERVICE

Yorba Linda Estates, LLC, et al. v. City of Yorba Linda, et al.
OCSC Case No. 30-2017-01206096-CU-OR-CJC

I am employed in the County of Orange, State of California, over the age of eighteen years, and not a party to the within action. My business address is SONGSTAD RANDALL COFFEE & HUMPHREY LLP, 3200 Park Center Drive, Suite 950, Costa Mesa, California 92626.

On the date set forth below, I served the foregoing copy of the document(s) described as **[PROPOSED] JUDGMENT** as follows:

☐ **By Mail:** By placing the document(s) listed above in sealed envelope(s) with postage thereon fully prepaid for collection and mailing in Costa Mesa, California, addressed as set forth below, or as stated on the attached service list.

☒ **By Electronic Service – One Legal:** By causing the document(s) listed above to be served by electronic service by One Legal based on a court order and agreement of the parties to accept service by electronic transmission to the person(s) at the address(es) set forth below, or on the attached service list.

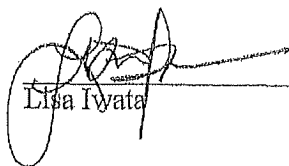
☐ **E-Mail:** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I sent the document(s) to the person(s) at the e-mail address(es) as set forth below, or as stated on the attached service list.

SEE ATTACHED SERVICE LIST

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on **March 7, 2022**, at Costa Mesa, California.



Lisa Iwata

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SERVICE LIST
Yorba Linda Estates, LLC, et al, v. City of Yorba Linda, et al.
OCSC Case No. 30-2017-01206096-CU-OR-CJC

Todd O. Litfin
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Attorneys for Defendant
CITY OF YORBA LINDA

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

North Justice Center
1275 N. Berkeley Ave
Fullerton , CA 92838

SHORT TITLE: Yorba Linda Estates, LLC vs. City of Yorba Linda

**CLERK'S CERTIFICATE OF MAILING/ELECTRONIC
SERVICE**


CASE NUMBER:
30-2021-01206096-CU-OR-NJC

I certify that I am not a party to this cause. I certify that the following document(s), Judgment dated 03/10/22, have been transmitted electronically by Orange County Superior Court at Santa Ana, CA. The transmission originated from Orange County Superior Court email address on March 14, 2022, at 3:16:59 PM PDT. The electronically transmitted document(s) is in accordance with rule 2.251 of the California Rules of Court, addressed as shown above. The list of electronically served recipients are listed below:

SONGSTAD RANDALL COFFEE & HUMPHREY
LLP
BCOFFEE@SR-FIRM.COM

SONGSTAD RANDALL COFFEE & HUMPHREY
LLP
LIWATA@SR-FIRM.COM

Clerk of the Court, by:



_____, Deputy

CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE

PROOF OF SERVICE
Yorba Linda Estates, LLC, et al. v. City of Yorba Linda, et al.
OCSC Case No. 30-2017-01206096-CU-OR-CJC

I am employed in the County of Orange, State of California, over the age of eighteen years, and not a party to the within action. My business address is SONGSTAD RANDALL COFFEE & HUMPHREY LLP, 3200 Park Center Drive, Suite 950, Costa Mesa, California 92626.

On the date set forth below, I served the foregoing copy of the document(s) described as **NOTICE OF ENTRY OF JUDGMENT OR ORDER** as follows:

☐ **By Mail:** By placing the document(s) listed above in sealed envelope(s) with postage thereon fully prepaid for collection and mailing in Costa Mesa, California, addressed as set forth below, or as stated on the attached service list.

☒ **By Electronic Service – One Legal:** By causing the document(s) listed above to be served by electronic service by One Legal based on a court order and agreement of the parties to accept service by electronic transmission to the person(s) at the address(es) set forth below, or on the attached service list.

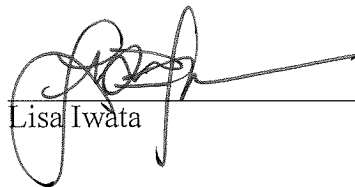
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☒ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on **March 16, 2022**, at Costa Mesa, California.



Lisa Iwata

SERVICE LIST
Yorba Linda Estates, LLC, et al. v. City of Yorba Linda, et al.
OCSC Case No. 30-2017-01206096-CU-OR-CJC

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