

EXEMPT
C9RECORDED IN OFFICIAL RECORDS
OF ORANGE COUNTY, CALIFORNIA

9:05 A.M. JUL 30 1979

LEE A. BRANCH, County Recorder

Recording Requested By:
City Clerk Eileen P. Phinney
Post Office Box 1200
Costa Mesa, Calif. 92626

AGREEMENT AND WAIVER

THIS AGREEMENT, entered into this 28th day of June,
1979, by and between THE CITY OF COSTA MESA, CALIFORNIA
(hereinafter called "CITY"), and C. J. SEGERSTROM & SONS, a part-
nership; SEGERSTROM INDUSTRIAL DISTRICT, a corporation; HAROLD
T. SEGERSTROM, JR., Trustee (Marital and Residuary Trusts); and
NELLIE RUTH SEGERSTROM (hereinafter called "PROPERTY OWNERS").

WHEREAS, the City Council of CITY has initiated proceed-
ings under the provisions of the "Municipal Improvement Act of
1913," being Division 12 of the Streets and Highways Code of the
State of California, for the construction of certain street and
utility improvements in a special assessment district in said
CITY, said special assessment district known and designated as
ASSESSMENT DISTRICT NO. 79-01 [SOUTH COAST DRIVE] (hereinafter
referred to as the "ASSESSMENT DISTRICT"); and

WHEREAS, at this time CITY and PROPERTY OWNERS are desir-
ous that the proceedings go forward as contemplated, and it is
acknowledged by PROPERTY OWNERS and CITY that the improvements
which are being proposed within the ASSESSMENT DISTRICT are also
a condition of development relating to the parcels of property
as shown within said ASSESSMENT DISTRICT; and

WHEREAS, PROPERTY OWNERS are the interested parties in the
property as described and set forth in the referenced and at-
tached Exhibit "A," and there are no outstanding mortgages or
deeds of trust against the properties as described herein; and

WHEREAS, CITY and PROPERTY OWNERS are also aware of a
lawsuit entitled COUNTY OF FRESNO v. JAMES B. MALMSTROM, FRESNO

COUNTY TAX COLLECTOR, as filed on March 12, 1979, in the Supreme Court and then referred to the Court of Appeal, 5th Appellate District, State of California, for hearing [File No. 4719], wherein said action will adjudicate and determine whether or not special assessments pursuant to the above-referenced assessment statute are in any way impacted or unlawfully levied by reason of Section 1[A] of Article 13 A of the California Constitution or of Section 4 of said Article 13 A, commonly known as the "Jarvis Amendment"; and

WHEREAS, PROPERTY OWNERS are willing at this time to waive any rights to object or protest to the proceedings or to subsequently challenge any special assessment by reason of any impact or effect under said Constitutional Amendment 13 A and all parties are desirous that the assessment proceedings go forward to completion at this time.

NOW, THEREFORE, the parties do hereby agree as follows:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That CITY shall proceed with the ASSESSMENT DISTRICT pursuant to the provisions of the "Municipal Improvement Act of 1913," and shall award the contract at the appropriate time under the laws and requirements of Division 12 of the Streets and Highways Code of the State of California.

SECTION 3. That PROPERTY OWNERS hereby waive any right to protest or object to the proceedings and the confirmation of the assessment and the imposition of the lien, and further agree that said parcels as described in the attached Exhibit "A" shall be assessed and that said assessment will represent, by this contract, a valid lien against the respective parcels in the amount as confirmed by the City Council of CITY for the improve-

ments within the boundaries of the ASSESSMENT DISTRICT.

SECTION 4. That regardless of the outcome of the above-referenced case, to-wit: COUNTY OF FRESNO v. MALMSTROM or any other case, all parties herein agree that the assessments do represent valid liens against the respective properties and that in cases of default or delinquency, said parcels shall be subject to foreclosure in the manner and form as required and authorized by the provisions of the "Improvement Act of 1911," being Division 7 of the Streets and Highways Code. This Agreement shall be binding on all successors in interest and on the property herein described until all assessments within said ASSESSMENT DISTRICT have been paid and retired.

SECTION 5. The City Clerk shall upon execution record a copy of this Agreement with the attached Exhibit "A" in the Office of the County Recorder, and said Agreement and liens to be imposed thereby shall be binding on all successors and heirs or parties in interest related to the above-described properties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement and Waiver as of the day and year first above written.

THE CITY OF COSTA MESA

BY: Edward M. Fairland
MAYOR

"CITY":

ATTEST:

Eileen P. Phinney
CITY CLERK

J. Mal...
APPROVED AS TO FORM
BOND CITY ATTORNEY

"PROPERTY OWNERS":

C. J. SEGERSTROM & SONS,
a partnership

BY: Henry T. Segerstrom Partner

BY: Harold T. Segerstrom, Jr. Partner

SEGERSTROM INDUSTRIAL DISTRICT,
a corporation

BY: Henry T. Segerstrom Secretary

BY: Harold T. Segerstrom, Jr. Treasurer

Harold T. Segerstrom, Jr. Trustee
HAROLD T. SEGERSTROM, JR.
Trustee, Marital and Residuary Trusts

Nellie Ruth Segerstrom
BY: Henry T. Segerstrom in Attorney-in-fact
NELLIE RUTH SEGERSTROM

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

On July 18, 1979, before me, the undersigned, a Notary Public in and for said State, personally appeared EDWARD McFARLAND, known to me to be the Mayor, and EILEEN P. PHINNEY, known to me to be the City Clerk, of THE CITY OF COSTA MESA, California, a municipal corporation, and known to me to be the persons who executed the foregoing instrument on behalf of said municipal corporation, and acknowledged to me that said municipal corporation executed the same pursuant to resolution of the City Council of said City.

WITNESS my hand and official seal.



(Seal)

Elenor M. Evans
Signature of Notary Public

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

On June 26, 1979, before me, the undersigned, a Notary Public in and for said State, personally appeared HENRY T. SEGERSTROM, and HAROLD T. SEGERSTROM, JR., known to me to be the general partners in C. J. SEGERSTROM & SONS, that executed the foregoing instrument, known to me to be the persons who executed the foregoing instrument on behalf of said partnership, and acknowledged to me that such partnership executed the foregoing instrument.

WITNESS my hand and official seal.



3315 Fairview Road, Costa Mesa, CA 92626

(Seal)

Harvey K. Lynn
Signature of Notary Public

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

On June 26, 1979, before me, the undersigned, a Notary Public in and for said State, personally appeared HENRY T. SEGERSTROM, known to me to be the Secretary, and HAROLD T. SEGERSTROM, JR., known to me to be the Treasurer, of SEGERSTROM INDUSTRIAL DISTRICT, the corporation that executed the foregoing instrument, and known to me to be the persons who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that the said corporation executed the same pursuant to its ByLaws or a resolution of its Board of Directors.

WITNESS my hand and official seal.



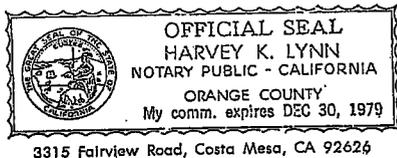
Harvey K. Lynn
Signature of Notary Public

(Seal)

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

On June 26, 1979, before me, the undersigned, a Notary Public in and for said State, personally appeared HAROLD T. SEGERSTROM, JR., and HENRY T. SEGERSTROM, Attorney in Fact for NELLIE RUTH SEGERSTROM, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

WITNESS my hand and official seal.



Harvey K. Lynn
Signature of Notary Public

(Seal)

EXHIBIT "A"

<u>Assessment Number</u>	<u>Owner</u>
Assessment No. 1	C. J. SEGERSTROM & SONS
Assessment No. 4	C. J. SEGERSTROM & SONS
Assessment No. 5	SEGERSTROM INDUSTRIAL DISTRICT, a corporation
Assessment No. 7	HAROLD T. SEGERSTROM, JR., Trustee NELLIE RUTH SEGERSTROM C. J. SEGERSTROM & SONS
Assessment No. 8	C. J. SEGERSTROM & SONS

DESCRIPTION OF PROPERTY

All those parcels as described as Assessments Nos. 1, 4, 5, 7, and 8, as shown upon a Map entitled "Assessment Diagram," Assessment District No. 79-01 [South Coast Drive], City of Costa Mesa, California, as filed in the Office of the City Clerk, and upon the confirmation of the assessment to be filed in the Office of the County Recorder, County of Orange, California. Attached hereto are the respective legal descriptions for the above-listed Assessment Numbers. The assessments on said parcels shall not exceed the following estimate assessment amounts:

<u>Assessment Number</u>	<u>Estimated Amount</u>
1	\$156,762.39
4	37,692.43
5	587,286.51
7	895,553.24
8	487,126.85

Assessment Parcel No. 1

Parcel 2 in the City of Costa Mesa, County of Orange, State of California as per map filed in Book 127, Pages 13 and 14 of Parcel Maps, in the office of the County Recorder of said County.

Assessment Parcel No. 4

That portion of the land allotted to James McFadden in Decree of Partition of the Rancho Santiago de Santa Ana, recorded in Book "B" of Judgments of the 17th Judicial District Court of California, in the City of Costa Mesa, County of Orange, State of California, described as follows:

Beginning at a point East 1351.68 feet from the southeast corner of Section 33, Township 5 South, Range 10 West, as shown on said allotment; thence West 1378.08 feet; thence North 3168.00 feet to the northeast corner of the land formerly of William E. Layman; thence East 1378.08 feet to the northwest corner of the land formerly of I. M. Reed; thence South 3168.00 feet to the POINT OF BEGINNING.

EXCEPT that portion thereof lying southerly of the northerly line of the land described in the deed to the Orange County Flood Control District, recorder October 31, 1958 in Book 4468, Page 441 of Official Records, in the office of the County Recorder of said County.

ALSO EXCEPT that portion lying westerly of the east line of the land described in the deeds to Southern Pacific Company recorded October 24, 1976 in Book 8414, Page 130 of Official Records and to Southern Pacific Transportation Company recorded October 11, 1973 in Book 10940, Page 559 of Official Records, in the office of the County Recorder of said County.

ALSO EXCEPT that portion lying within South Coast Drive.

ALSO EXCEPT that portion lying within Sunflower Avenue.

Assessment Parcel No. 5

The north half of the west half of that portion of the land allotted to James McFadden in Decree of Partition of the Rancho Santiago de Santa Ana, recorded in Book "B" of Judgments of the 17th Judicial District Court, in the City of Costa Mesa, County of Orange, State of California, described as follows:

Beginning at the intersection of the south line of said McFadden allotment with the east line of the land described in the deed to C. B. Layman, recorded September 11, 1871 in Book 17, Page 625 of Deeds, records of Los Angeles County, California; thence North 3168.00 feet along the east line of said Layman land to the south line of the land of the heirs of Isaac Williams; thence East 2178.00 feet along said last mentioned south line to the west line of the land formerly of Brush; thence South 3168.00 feet along the boundary lines of the lands formerly of Brush,

A. T. Cole and J. N. Layman to said south line of said McFadden allotment; thence West 2178.00 feet to the POINT OF BEGINNING.

TOGETHER WITH that portion of the land allotted to James McFadden in Decree of Partition of the Rancho Santiago de Santa Ana, recorded in Book "B" of Judgments of the 17th Judicial District Court, in the City of Costa Mesa, County of Orange, State of California, described as follows:

Beginning at the northeast corner of the 160 acres parcel conveyed to J. J. Maxwell by deed recorded February 15, 1876 in Book 43, Page 2 of Deeds, in the office of the County Recorder of Los Angeles County, California; thence South 1584.00 feet along the east line of said Maxwell land to the northeast corner of the land conveyed to Horace Kent by deed recorded January 28, 1878 in Book 58, Page 417 of said Deeds; thence West 1099.96 feet to the northwest corner of said Kent land being also the southeast corner of the land conveyed to Charles H. Stanley by deed recorded July 27, 1897 in Book 32, Page 145 of Deeds, in the office of the County Recorder of said Orange County; thence North 1584.00 feet along the east line of said Stanley land to the north line of said Maxwell land; thence East 1089.00 feet to the POINT OF BEGINNING.

TOGETHER WITH that portion of the land allotted to James McFadden in Decree of Partition of the Rancho Santiago de Santa Ana, recorded in Book "B" of Judgments of the 17th Judicial District Court, in the City of Costa Mesa, County of Orange, State of California, described as follows:

Beginning at the northeast corner of the 160 acres parcel conveyed to J. J. Maxwell by deed recorded February 15, 1876 in Book 43, Page 2 of Deeds, in the office of the County Recorder of Los Angeles County, California; thence South 1584.00 feet along the east line of said Maxwell land to the northeast corner of the land conveyed to Horace Kent by deed recorded January 28, 1878 in Book 58, Page 417 of said Deeds; thence West 1099.96 feet to the northwest corner of said Kent land being also the southeast corner of the land conveyed to Charles H. Stanley by deed recorded July 27, 1897 in Book 32, Page 145 of Deeds, in the office of the County Recorder of said Orange County; thence North 1584.00 feet along the east line of said Stanley land to the north line of said Maxwell land; thence East 1089.00 feet to the POINT OF BEGINNING.

EXCEPT that portion thereof lying southerly of the northerly line of the land described in the deed to the Orange County Flood Control District, recorder October 31, 1958 in Book 4468, Page 441 of Official Records, in the office of the County Recorder of said County.

EXCEPT that portion thereof lying southeasterly and easterly of the northwesterly and westerly line of the land described in the deed to the Orange County Flood Control District, recorded October 31, 1958 in Book 4468, Page 441 of Official Records, in the office of the County Recorder of said Orange County.

ALSO EXCEPT that portion lying within South Coast Drive.

ALSO EXCEPT that portion lying within Sunflower Avenue.

Assessment Parcel No. 7

The south half of that portion of the land allotted to James McFadden in Decree of Partition of the Rancho Santiago de Santa Ana, recorded in Book "B" of Judgments of the 17th Judicial District Court of California, in the City of Costa Mesa, County of Orange, State of California, described as follows:

Beginning at the southeast corner of the land described in the deed to C. B. Layman, recorded September 11, 1871 in Book 17, Page 625 of Deeds, records of Los Angeles County, California, said corner being on the south line of said land allotted to James McFadden; thence North 3168.00 feet along the east line of the land described in said deed to the south line of the land formerly owned by the heirs of Issac Williams, deceased; thence East 2178.00 feet along said south line to the northeast corner of the land described in the deed to J. J. Maxwell, recorded February 15, 1876 in Book 43, Page 2 of Deeds, records of Los Angeles County; thence South 3168.00 feet to the south line of said land allotted to James McFadden; thence West 2178.00 feet to the POINT OF BEGINNING.

EXCEPT that portion lying southerly of the northerly line of the land set forth in a deed to the State of California recorded June 2, 1965 in Book 7540, Page 952 of Official Records, in the office of the County Recorder of said Orange County.

ALSO EXCEPT therefrom that portion included within Parcel 7 as shown on a map recorded on March 6, 1968 in State Highway Map Book No. 6, Pages 1 to 4, inclusive, as described in Relinquishment No. 641 recorded January 24, 1969 in Book 8864, Page 963 of Official Records, in the office of the County Recorder of said Orange County.

ALSO EXCEPT that portion lying within South Coast Drive.

Assessment Parcel No. 8

That portion of the land allotted to James McFadden in Decree of Partition of the Rancho Santiago de Santa Ana, recorded in Book "B" of Judgments of the 17th Judicial District Court of California, in the City of Costa Mesa, County of Orange, State of California, described as follows:

Beginning at a point East 1351.68 feet from the southeast corner of Section 33, Township 5 South, Range 10 West, as shown on said allotment; thence West 1378.08 feet; thence North 3168.00 feet to the northeast corner of the land formerly of William E. Layman; thence East 1378.08 feet to the northwest corner of the land formerly of I. M. Reed; thence South 3168.00 feet to the POINT OF BEGINNING.

EXCEPT that portion thereof lying north of the south line of the land described in the deed to the Orange County Flood Control District recorded October 31, 1959, in Book 4468, Page 441 of Official Records, in the office of the County Recorder of said Orange County.