

STAFF REPORT



ITEM NO. **11**
CITY OF OCEANSIDE

DATE: April 12, 2006
TO: Honorable Mayor and City Councilmembers
FROM: Public Works Department
SUBJECT: **APPROVE A COVENANT AND AGREEMENT AND ESTABLISHMENT OF AN EASEMENT FOR WATER LINE PURPOSES TO PROVIDE SERVICE TO THE DEUTSCH COMPANY**

SYNOPSIS

Staff recommends that the City Council approve a Covenant and Agreement and establishment of an easement for water line purposes to serve the Deutsch Company and authorize the Mayor to execute the Covenant and Agreement.

BACKGROUND

The Deutsch Company has agreed to construct off-site water and sewer line improvements required to support their building expansion. The existing water and sewer service to the Deutsch Company is provided from Airport Road. The lines go due north under the industrial buildings on the north side of Airport Road then transect the airport runway and clear zones before entering the Deutsch property. The business disruption and cost to upgrade the existing lines make that option extremely expensive. The most cost-effective option is to abandon the existing lines and install new lines that will connect at Benet Road. The lines would then go east through Deutsch property and along Jones Road and the northern portion of the Oceanside Municipal Airport.

ANALYSIS

The proposed Covenant and Agreement requires that the City reserve an easement on the City property in which the water and sewer lines are located if that property is ever sold or otherwise removed from City ownership. The Covenant and Agreement will not adversely affect the current use, or potential future development of the airport property.

The Deutsch Company has granted an easement to the City for that portion of the lines located on their property.

FISCAL IMPACT

Approval of the proposed Covenant and Agreement will not have an adverse fiscal impact on the City or the value of the affected City property.

COMMISSION OR COMMITTEE REPORT

Does not apply.

CITY ATTORNEY'S ANALYSIS

The referenced documents have been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

Staff recommends that the City Council approve the Covenant and Agreement and the establishment of an easement for water line purposes to serve the Deutsch Company and authorize the Mayor to execute the Covenant and Agreement.

PREPARED BY:



Gary Gurley
Senior Property Agent

SUBMITTED BY:



Steven R. Jepsen
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Assistant to the City Manager

Peter A. Weiss, Public Works Director

Barry Martin, Water Utilities Director

Douglas E. Eddow, Real Property Manager









Recording Requested by and after
Recording return to:

City Clerk
City of Oceanside
300 North Coast Highway
Oceanside, California 92054

(This space for Recorder's use only)

APN 145-021-06
145-021-25
145-021-32
145-030-06

Covenant and Agreement and Establishment of Easements For Water Line Purposes

This Covenant for Easement (this "Covenant"), dated MARCH 6, 2006, is made by The Deutsch Compnay, A California Corporation, ("Deutsch") and the City of Oceanside, a municipal corporation, (the "City") with reference to the following recitals:

RECITALS

- A. Deutsch is the owner of certain real property situated in the City of Oceanside, County of San Diego, State of California, as more particularly described in Exhibit "A" attached hereto and incorporated herein by reference ("Deutsch Property").
- B. City is the owner of certain real property adjacent to Deutsch Property situated in the City of Oceanside, County of San Diego, State of California, as more particularly described in Exhibit "B" attached hereto and incorporated herein by reference ("City Property").
- C. Deutsch has agreed to construct off-site water and sewer lines required to support their building expansion, which new lines will connect at Benet road.
- D. The new lines will go east from Benet Road through the Deutsch property along Eddie Jones Road and then through the northern portion of the City Property.
- E. In the event that City conveys the City property to a bona fide third party, in the future, then Deutsch and the City desire that (i) an easement appurtenant to the Deutsch Property shall be reserved in favor of the City, for water and sewer line purposes as set forth below.

NOW, THEREFORE, in consideration of this agreement, and other good and valuable consideration, Deutsch and the City agree as follows:

1. Covenant.

- a. Deutsch hereby grants to the City, its successors or assigns, a perpetual easement and right-of-way for, and the right to construct, reconstruct, repair, replace, operate, maintain, and use for Water Line Purposes and appurtenances and appurtenant work in, on, under and across that certain real property described on Exhibit "C" and illustrated on Exhibit "E", attached hereto ("Easement").
- b. Concurrently upon recordation of any grant deed in the Office of the County Recorder for San Diego County, which grant deed conveys the City Property from the city to a bona fide third party, City shall record a reservation of easement in the form as described on Exhibit "D" and illustrated on Exhibit "E", attached hereto ("Easement").

2. Reservation of Easement. Each party acknowledges its intent that the Easement is for the sole purpose of water and sewer line purposes and the maintenance thereof by the City.
3. California Law. This Covenant shall be construed under the laws of the State of California.
4. Running with the Land. This covenant shall run with the land. The burdens and benefits hereunder shall be binding upon and inure to the benefit of all successor owners of the Deutsch Property and the City Property.
5. Attorneys Fees. The prevailing party in any action to enforce the terms of this Covenant shall be entitled to receive reasonable attorneys fees, including court costs and fees, from the losing party.
6. Counterparts. This Covenant may be executed in any number of counterparts, each of which shall be deemed an original, but all of which shall constitute one Amendment.
7. Enforceability. Deutsch shall have the right to enforce the terms and conditions of this Covenant.

IN WITNESS WHEREOF, this been executed as of the date first set forth above.

"Deutsch"

The Deutsch Company, A California Corporation

By: W.E. Holler
W.E. Holler, Vice President

Date: 3-6-06

"City"

City Of Oceanside, A Municipal Corporation

By: _____
Jim Wood, Mayor

Date: _____

Approved as to form,
Office of the City Attorney

By: Pauline Hamilton, ASSISTANT

STATE OF CALIFORNIA } SS.
COUNTY OF Los Angeles

On March 6, 2006 before me, Daniel F. Dart Notary Public
Personally appeared W.E. Holler

Personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

[Signature]
Signature of Notary

CAPACITY CLAIMED BY SIGNER

- INDIVIDUAL(S)
- CORPORATE Vice President _____
OFFICER(S) _____ Title(s) _____
- PARTNER(S)
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- SUBSCRIBING WITNESS
- GUARDIAN/CONSERVATOR
- OTHER: _____

SIGNER IS REPRESENTING:
Name of Person(s) or entity(ies)

The Deutsch Company

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to an unauthorized document.

THIS CERTIFICATE
MUST BE ATTACHED
TO THE DOCUMENT
DESCRIBED AT
RIGHT

Title or Type of Document Covenant and Agreement and Establishment of Easements For Water Line Purposes
 Number of Pages 9 Date of Document 3.6.06
 Signer(s) Other Than Named Above authorized representatives of the City of Oceanside

STATE OF CALIFORNIA } SS.
COUNTY OF San Diego }

On _____ before me, _____

Personally appeared Jim Wood

- Personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary

CAPACITY CLAIMED BY SIGNER

- INDIVIDUAL(S)
 CORPORATE Mayor
OFFICER(S) _____
Title(s)
 PARTNER(S)
 ATTORNEY-IN-FACT
 TRUSTEE(S)
 SUBSCRIBING WITNESS
 GUARDIAN/CONSERVATOR
 OTHER: _____

SIGNER IS REPRESENTING:
Name of Person(s) or entity(ies)
City of Oceanside

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to an unauthorized document.

THIS CERTIFICATE
MUST BE ATTACHED
TO THE DOCUMENT
DESCRIBED AT
RIGHT

Title or Type of Document Covenant and Agreement and Establishment of Easements For Water Line Purposes
Number of Pages 9 Date of Document 3-6-06
Signer(s) Other Than Named Above W.E. Holler for The Deutsch Company

Exhibit "A"

Parcel 4A

THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER AND THE NORTH HALF OF THE SOUTHEAST QUARTER TOGETHER WITH A PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER DESCRIBED IN A GRANT DEED RECORDED DECEMBER 7, 1999 AS DOCUMENT NO. 1999-0796390 OF OFFICIAL RECORDS, ALL WITHIN SECTION 13, TOWNSHIP 11 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, LYING WITHIN THE LAND DESCRIBED AS PARCEL 4A ON THAT CERTAIN CERTIFICATE OF COMPLIANCE NO. PLA-07-99 RECORDED DECEMBER 7, 1999 AS DOCUMENT NO. 1999-0796385 IN OFFICIAL RECORDS OF SAN DIEGO COUNTY.

Parcel 4B

THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER AND THE NORTH HALF OF THE SOUTHEAST QUARTER DESCRIBED IN A GRANT DEED RECORDED DECEMBER 7, 1999 AS DOCUMENT NO. 1999-0796391 OF OFFICIAL RECORDS, WITHIN SECTION 13, TOWNSHIP 11 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, LYING WITHIN THE LAND DESCRIBED AS PARCEL 4B ON THAT CERTAIN CERTIFICATE OF COMPLIANCE NO. PLA-07-99 RECORDED DECEMBER 7, 1999 AS DOCUMENT NO. 1999-0796385 IN OFFICIAL RECORDS OF SAN DIEGO COUNTY.

Exhibit "B"

Parcel 1 (Source: Document No. 1999-0796387 recorded December 7, 1999)

THAT PORTION OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 11 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, LYING WITHIN THE LAND DESCRIBED AS PARCEL 2 ON THAT CERTAIN CERTIFICATE OF COMPLIANCE NO. PLA-07-99 RECORDED DECEMBER 7, 1999 AS DOCUMENT NO. 1999-0796385 IN OFFICIAL RECORDS OF SAN DIEGO COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF SAID SOUTHEAST QUARTER DISTANT SOUTH $0^{\circ}23'25''$ WEST 794.57 FEET FROM THE CENTER OF SAID SECTION 13 SHOWN ON RECORD OF SURVEY NO. 13494 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON OCTOBER 31, 1991; THENCE NORTH $80^{\circ}33'25''$ EAST 2384.40 FEET TO THE WESTERLY LINE OF PARCEL 1 DESCRIBED IN A FINAL ORDER OF CONDEMNATION ISSUED OUT OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF SAN DIEGO, NORTH COUNTY BRANCH, AS CASE NO. N 51717, A CERTIFIED COPY OF WHICH RECORDED OCTOBER 14, 1994 AS DOCUMENT NO. 1994-0604672 OF OFFICIAL RECORDS OF SAN DIEGO COUNTY; THENCE SOUTH $2^{\circ}37'51''$ WEST 53.18 FEET ALONG SAID WESTERLY LINE TO THE SOUTHERLY LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN A GRANT DEED RECORDED SEPTEMBER 1, 1966 AS FILE NO. 142881 OF OFFICIAL RECORDS; THENCE SOUTH $80^{\circ}33'25''$ WEST 2382.29 FEET ALONG SAID SOUTHERLY LINE AND THE WESTERLY PROLONGATION THEREOF AS DESCRIBED IN A DEED TO THE CITY OF OCEANSIDE RECORDED JUNE 4, 1962 AS FILE NO. 94349 OF OFFICIAL RECORDS TO SAID WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 13; THENCE NORTH $0^{\circ}23'25''$ EAST 52.78 FEET TO THE POINT OF BEGINNING

Parcel 2 (Source: File/Page 94349 recorded June 4, 1962)

ALL THAT PORTION OF SECTION 13, TOWNSHIP 11 SOUTH, RANGE 5 WEST, AND SECTION 18, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 13, AS DESCRIBED IN RECORD OF SURVEY MAP NO. 3211, RECORDS OF SAN DIEGO COUNTY; THENCE NORTH $0^{\circ}07'30''$ WEST 178.70 FEET TO A POINT IN THE NORTH AND SOUTH CENTER LINE OF SAID SECTION, SAID POINT BEING THE TRUE POINT OF BEGINNING;

1. THENCE NORTH $80^{\circ}02'30''$ EAST 1355.11 FEET TO THE EASTERLY LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 13;
2. THENCE SOUTH $0^{\circ}16'00''$ EAST 87.57 FEET ALONG THE SAID EASTERLY LINE TO THE NORTHWEST CORNER OF THE NORTHERLY BOUNDARY OF OCEANSIDE INDUSTRIAL SUBDIVISION, ACCORDING TO MAP THEREOF NO. 3748, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY NOVEMBER 18, 1957;
3. THENCE SOUTH $64^{\circ}54'23''$ EAST ALONG SAID NORTHERLY BOUNDARY 627.40 FEET;
4. THENCE NORTH $0^{\circ}16'00''$ WEST 453.13 FEET TO A POINT IN A LINE THAT BEARS NORTH $80^{\circ}02'30''$ EAST FROM THE TRUE POINT OF BEGINNING;
5. THENCE NORTH $80^{\circ}02'30''$ EAST 1077.96 FEET;
6. THENCE NORTH $43^{\circ}57'35''$ EAST 1258.75 FEET;
7. THENCE NORTH $46^{\circ}02'26''$ WEST 50.00 FEET;
8. THENCE SOUTH $68^{\circ}27'36''$ WEST 2421.45 FEET;
9. THENCE SOUTH $80^{\circ}02'30''$ WEST 1572.65 FEET TO THE NORTH AND SOUTH CENTER LINE OF SAID SECTION 13;
10. THENCE SOUTHERLY ALONG SAID NORTH AND SOUTH CENTER LINE 300.00 FEET TO THE TRUE POINT OF BEGINNING.

Exhibit "C"

PARCEL 1

A STRIP OF LAND, 20 FEET WIDE, BEING A PORTION OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 11 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN ACCORDING TO THE OFFICIAL PLAT THEREOF, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND LYING WITHIN THE LAND DESCRIBED AS PARCEL 4A ON THAT CERTAIN CERTIFICATE OF COMPLIANCE NO. PLA-07-99 RECORDED DECEMBER 7, 1999 AS DOCUMENT NO. 1999-0796385 IN OFFICIAL RECORDS OF SAN DIEGO COUNTY, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF SAID PARCEL 4A DISTANT THEREON NORTH 80°33'25" EAST 58.43 FEET FROM THE INTERSECTION OF SAID SOUTHERLY LINE WITH THE EASTERLY RIGHT OF WAY OF BENET ROAD, 60.00 FEET WIDE, AS SHOWN ON RECORD OF SURVEY MAP NO. 16861 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON FEBRUARY 2, 2001 AS FILE NO. 2001-0063233 OF OFFICIAL RECORDS; THENCE, LEAVING SAID SOUTHERLY LINE, NORTH 42°00'58" WEST 25.60 FEET; THENCE SOUTH 82°01'57" WEST 43.95 FEET TO SAID EASTERLY RIGHT OF WAY OF BENET ROAD.

THE SIDELINES OF SAID 20 FOOT STRIP OF LAND ARE TO BE LENGTHENED OR SHORTENED TO TERMINATE IN THE SOUTHERLY LINE OF SAID PARCEL 4A AND THE EASTERLY RIGHT OF WAY OF SAID BENET ROAD.

CONTAINING AN AREA OF 1,391 SQUARE FEET, MORE OR LESS.

PARCEL 2

THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER AND THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 11 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, LYING WITHIN THE LAND DESCRIBED AS PARCEL 4B ON THAT CERTAIN CERTIFICATE OF COMPLIANCE NO. PLA-07-99 RECORDED DECEMBER 7, 1999 AS DOCUMENT NO. 1999-0796385 IN OFFICIAL RECORDS OF SAN DIEGO COUNTY, DESCRIBED AS A WHOLE AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF SAID PARCEL 4B DISTANT THEREON NORTH 80°33'25" EAST 759.04 FEET FROM THE INTERSECTION OF THE WESTERLY PROLONGATION OF SAID SOUTHERLY LINE WITH THE EASTERLY RIGHT OF WAY OF BENET ROAD, 60.00 FEET WIDE, AS SHOWN ON RECORD OF SURVEY MAP NO. 16861 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON FEBRUARY 2, 2001 AS FILE NO. 2001-0063233 OF OFFICIAL RECORDS; THENCE, LEAVING SAID SOUTHERLY LINE, NORTH 09°26'35" WEST 25.00 FEET; THENCE NORTH 80°33'25" EAST 46.00 FEET; THENCE SOUTH 09°26'35" EAST 25.00 FEET TO SAID SOUTHERLY LINE; THENCE, ALONG SAID SOUTHERLY LINE SOUTH 80°33'25" WEST TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 1,150 SQUARE FEET, MORE OR LESS.

Prepared by: Dennis A. Brown
Dennis A. Brown, P.L.S. 4789
Expires 9-30-06

Date: March 3, 2006

**BUCCOLA
ENGINEERING, inc.**

3142 Vista Way, Suite 301 760/721-2000
Oceanside, CA 92056 FAX 760/721-2046



EXHIBIT "D"

PARCEL 1

A STRIP OF LAND, 20 FEET WIDE, BEING A PORTION OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 11 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN ACCORDING TO THE OFFICIAL PLAT THEREOF, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, LYING WITHIN THE LAND DESCRIBED AS PARCEL 2 ON THAT CERTAIN CERTIFICATE OF COMPLIANCE NO. PLA-07-99 RECORDED DECEMBER 7, 1999 AS DOCUMENT NO. 1999-0796385 IN OFFICIAL RECORDS OF SAN DIEGO COUNTY, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID PARCEL 2 DISTANT THEREON NORTH 80°33'25" EAST 58.43 FEET FROM THE INTERSECTION OF SAID NORTHERLY LINE WITH THE EASTERLY RIGHT OF WAY OF BENET ROAD, 60.00 FEET WIDE, AS SHOWN ON RECORD OF SURVEY MAP NO. 16861 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON FEBRUARY 2, 2001 AS FILE NO. 2001-0063233 OF OFFICIAL RECORDS; THENCE, LEAVING SAID NORTHERLY LINE, SOUTH 42°00'58" EAST 49.33 FEET; THENCE NORTH 80°33'25" EAST 674.05 FEET TO POINT "A" TO BE USED FOR DESCRIPTION PURPOSES.

THE SIDELINES OF SAID 20 FOOT STRIP OF LAND ARE TO BE LENGTHENED OR SHORTENED TO TERMINATE IN THE NORTHERLY LINE OF SAID PARCEL 2 OF CERTIFICATE OF COMPLIANCE NO. PLA-07-99.

CONTAINING AN AREA OF 14,468 SQUARE FEET, MORE OR LESS.

PARCEL 2

THAT PORTION OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 11 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN ACCORDING TO THE OFFICIAL PLAT THEREOF, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, LYING PARTIALLY WITHIN THE LAND DESCRIBED AS PARCEL 2 ON THAT CERTAIN CERTIFICATE OF COMPLIANCE NO. PLA-07-99 RECORDED DECEMBER 7, 1999 AS DOCUMENT NO. 1999-0796385 AND LYING PARTIALLY WITHIN THE LAND DESCRIBED IN FILE/PAGE 94349 RECORDED JUNE 4, 1962 IN OFFICIAL RECORDS OF SAN DIEGO COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE AFOREMENTIONED POINT "A" THENCE NORTH 09°26'35" WEST 41.57 FEET TO THE NORTHERLY LINE OF SAID PARCEL 2 OF CERTIFICATE OF COMPLIANCE NO. PLA-07-99; THENCE, ALONG SAID NORTHERLY LINE, NORTH 80°33'25" EAST 92.79 FEET; THENCE, LEAVING SAID NORTHERLY LINE, SOUTH 09°26'35" EAST 63.51 FEET; THENCE SOUTH 80°33'25" WEST 24.41 FEET; THENCE NORTH 09°26'35" WEST 26.82 FEET; THENCE SOUTH 80°33'25" WEST 21.26 FEET; THENCE SOUTH 35°33'25" WEST 21.03 FEET; THENCE SOUTH 80°33'25" WEST 32.25 FEET; THENCE NORTH 09°26'35" WEST 10.00 FEET TO POINT "A" AND THE POINT OF BEGINNING.

CONTAINING AN AREA OF 4,650 SQUARE FEET, MORE OR LESS.

Prepared by: Dennis A. Brown
Dennis A. Brown, P.L.S. 4789
Expires 9-30-06

Date: March 3, 2006

**BUCCOLA
ENGINEERING, inc.**

3142 Vista Way, Suite 301 760/721-2000
Oceanside, CA 92056 FAX 760/721-2046



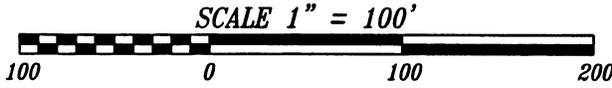
EXHIBIT "E"

PLAT TO ACCOMPANY LEGAL DESCRIPTION

SHEET 1 OF 1 SHEET

WATER EASEMENT DESCRIBED
AS PCL. 2 IN EXHIBIT "D".
AREA=4,650 S.F. ±

WATER EASEMENT DESCRIBED
AS PCL. 2 IN EXHIBIT "C".
AREA=1,150 S.F. ±



SOUTHERLY LINE PARCEL 4B
DOC. Nos. 1999-0796385 &
1999-0796391

PARCEL 4B
CERTIFICATE OF COMPLIANCE No. PLA-07-99
DOC. Nos. 1999-0796385 & 1999-0796391
ROS 16861

LINE DATA		
	BEARING	DISTANCE
L1	S82°01'57"W	43.95
L2	N09°26'35"W	51.57
L3	N80°33'25"E	92.79
L4	S80°33'25"W	24.41
L5	N09°26'35"W	26.82
L6	S80°33'25"W	21.26
L7	S35°33'25"W	21.03
L8	S80°33'25"W	32.25



PARCEL 4A
CERTIFICATE OF COMPLIANCE No. PLA-07-99
DOC. Nos. 1999-0796385 & 1999-0796390
ROS 16861



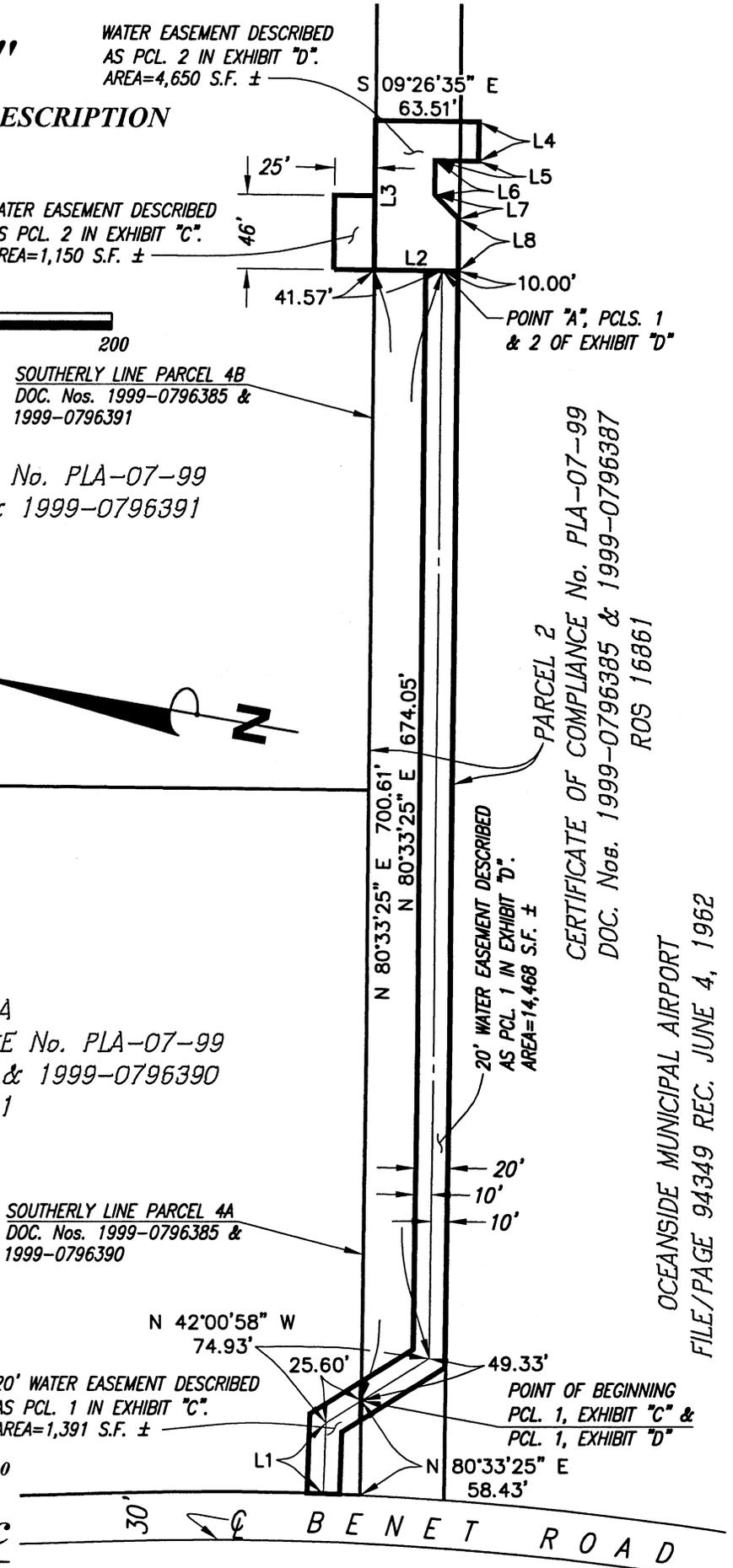
Dennis A. Brown

PREPARED IN THE OFFICE OF:

BUCCOLA ENGINEERING, inc

760/721-2000

3142 Vista Way, Suite 301, Oceanside, CA 92056



Signature Authority

WRITTEN CONSENT
OF THE
BOARD OF DIRECTORS
OF
THE DEUTSCH COMPANY
TO ACTION TAKEN WITHOUT A MEETING

The undersigned being all of the duly qualified and acting members of the Board of Directors of The Deutsch Company, a California corporation (the "Corporation"), pursuant to Section 307(b) of the General Corporation Law of California, hereby consent in writing to the adoption of the following resolutions, without a meeting as authorized by the Bylaws of said corporation, as signified by all of their signatures below:

WHEREAS, the directors desire to authorize and ratify actions of the officers for the current year;

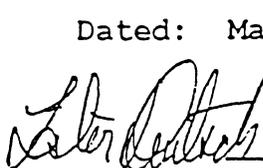
WHEREAS, the directors desire to elect persons to serve as officers of the corporation for the remainder of the ensuing year.

RESOLVED, all actions taken by the officers of the Corporation for the prior year are deemed authorized, ratified, and adopted as acts of the Corporation, in the same manner as if each and every act was done pursuant to the specified authorization of the corporation;

RESOLVED, the following persons are hereby appointed as officers of the corporation for the ensuing year:

Carl Deutsch - President/CEO
W. E. Holler - Vice President/
Secretary/Treasurer

Dated: March 17, 2004



Lester Deutsch


atty in fact



Carl Deutsch



W. E. Holler

ACTION WITHOUT A MEETING BY THE
BOARD OF DIRECTORS

THE DEUTSCH COMPANY

Pursuant to the authority granted by the By Laws of this Corporation, the following resolution is duly adopted by this action without a meeting by the Board of Directors of The Deutsch Company.

RESOLVED, that Carl Deutsch, an Officer and Director and W. E. Holler, an Officer of the Corporation, are authorized to execute any and all documents on behalf of the Corporation.

IN WITNESS WHEREOF, the undersigned Secretary of The Deutsch Company has executed this instrument as of the 6th day of March, 2006.


W. E. Holler, Secretary

(Seal)