

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO:

The City of Newport Beach
3300 Newport Blvd.
Newport Beach, CA 92658
ATTN Kevin Murphy

City Clerk
Deed
No 1989

Recorded in the County of Orange, California
Gary L. Granville, Clerk/Recorder

16.00

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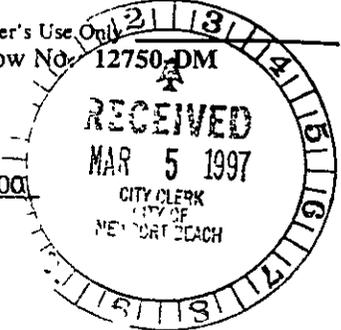
RECORDING REQUESTED BY
FIDELITY NATIONAL TITLE INS. CO.

A P N 423-101-21

Order No 96-02718GA

Space Above This Line for Recorder's Use Only
Escrow No: 12750-DM

GRANT DEED



THE UNDERSIGNED GRANTOR(S) DECLARE(S) THAT DOCUMENTARY TRANSFER TAX IS COUNTY \$330.00
[X] computed on full value of property conveyed, or
[] computed on full value less value of liens or encumbrances remaining at time of sale,
[] unincorporated area, [X] City of Newport Beach, and

FOR A VALUABLE CONSIDERATION, Receipt of which is hereby acknowledged,
Virginia A. Irgang and Frank Irgang, Husband and Wife as Joint Tenants as to an undivided 1/3 interest; and
Raymond H. Daniger and La Rue H. Daniger, Husband and Wife as Joint Tenants as to an undivided 1/3 interest;
and Barbara E. Schinnerer, as to an undivided 1/3 interest

hereby GRANT(S) to The City of Newport Beach, A Municipal Corporation
the following described property in the City of Newport Beach, County of Orange State of California,

LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF FURTHER DESCRIBED AS EXHIBIT
"A".

96-02718 GA

Barbara E. Schinnerer
Barbara E Schinnerer

Raymond H. Daniger
Raymond H Daniger

Virginia A. Irgang
Virginia A Irgang

La Rue H. Daniger
La Rue H Daniger

Frank Irgang
Frank Irgang

Document Date October 8, 1996

STATE OF CALIFORNIA)
COUNTY OF Calaveras)

On 10-14-96 before me, Caprice M Butzler, Notary Public
personally appeared Raymond H Daniger, and La Rue H Daniger / La Rue O. Daniger
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 Caprice M Butzler



This area for official notarial seal

EXHIBIT "ONE"

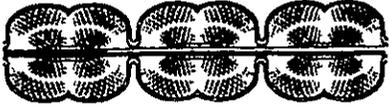
That portion of the Northeast quarter of the Southwest quarter of fractional Section 28, Township 6 South, Range 10 West, S.B.M. according to an Official Plat filed in the District Land Office, August 4, 1890, also being in the City of Newport Beach, County of Orange, State of California, described as follows:

Beginning at a point in that certain curve having a radius of 2914.83 feet in the Westerly line of the 100.00 foot strip of land described in the deed, to the Southern Pacific Railroad Company, recorded October 14, 1921, in Book 405, Page 250 of Deeds, records of Orange County, State of California, said point being the Northwesterly corner of the parcel of land described in that certain deed recorded July 30, 1941, in Book 1099, Page 583 of Official Records as shown on map recorded in Book 97, Page 17 of Records of Survey of said County; thence Northerly along said curve concave Easterly through a central angle of $3^{\circ}13'10''$, an arc distance of 163.78 feet, to the TRUE POINT OF BEGINNING; thence Easterly on a non-radial line South $77^{\circ}52'17''$ East 64.83 feet to a point in that certain curve having a radius of 2415.05 feet in the Westerly line of the land described in Parcel 1 of deed recorded November 20, 1935, in Book 792, Page 25 of said Official Records, thence Northerly along said curve concave Westerly through a central angle of $4^{\circ}04'21''$, an arc distance of 171.66 feet to a point in the Southerly line of that certain strip of land 15.00 feet wide as described in the deed recorded January 19, 1944, in Book 1235, Page 115 of said Official Records, thence North $73^{\circ}11'47''$ West, 38.45 feet, to a point on said Westerly line of the 100.00 foot strip of land; thence Southerly along said Westerly line through a central angle of $3^{\circ}25'02''$, an arc distance of 173.85 feet to the TRUE POINT OF BEGINNING.

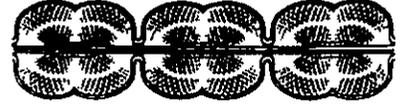
Said land is also known as Parcel 1, as shown on Exhibit "B" of that certain "Lot Line Adjustment N.B.L.L.A. 80-1" recorded April 10, 1981, in Book 14016, Page 73 of Official Records of Orange County, California

Assessors Parcel No 423-101-21

CALIFORNIA



ALL-PURPOSE



ACKNOWLEDGEMENT

STATE OF CALIFORNIA)

COUNTY OF Calaveras)

On 10-14-96 before me Caprice M. Butzler, Notary Public
DATE NAME TITLE OF OFFICER (E.G. JANE DOE, NOTARY PUBLIC)

personally appeared Raymond H. Daniger and Larue H. Daniger / Larue O. Daniger
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

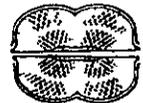
WITNESS my hand and official seal



Caprice M. Butzler (SEAL)
NOTARY PUBLIC SIGNATURE



OPTIONAL INFORMATION



TITLE OR TYPE OF DOCUMENT Grant Deed

DATE OF DOCUMENT 10/14/96 NUMBER OF PAGES 1

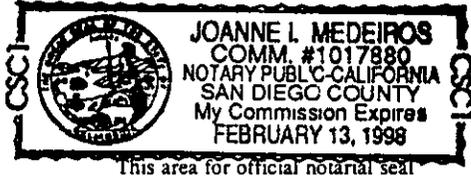
SIGNERS OTHER THAN NAMED ABOVE None

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

STATE OF CALIFORNIA)
COUNTY OF San Diego)

On Nov. 23 1996 before me, Joanne I Medeiros
personally appeared Virginia A. Irgang & FRANK Irgang
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 Joanne I Medeiros



OPTIONAL SECTION
CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document

- INDIVIDUAL
- CORPORATE OFFICER(S) _____ TITLE(S)
- PARTNER(S) - LIMITED GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER _____

SIGNER IS REPRESENTING:

Name of Person or Entity

Name of Person or Entity

OPTIONAL SECTION

Though the date requested here is not required by law, it could prevent fraudulent reattachment of this form

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED BELOW

TITLE OR TYPE OF DOCUMENT: Joint Deed

NUMBER OF PAGES _____ DATE OF DOCUMENT 10-8-96

SIGNER(S) OTHER THAN NAMED ABOVE _____

C-3124 (62)

Agenda Item 21

**CITY OF NEWPORT BEACH
OFFICE OF THE CITY MANAGER**

BY THE CITY COUNCIL
CITY OF NEWPORT BEACH
NOV 12

DATE: November 12, 1996
TO: Honorable Mayor and Members of the City Council
FROM: Peggy Ducey, Assistant to City Manager *pd*
SUBJECT: Park Donation Site - 3531 Newport Boulevard

BACKGROUND

On June 10th and September 9th, the City Council authorized participation in the purchase and acceptance of the proposed entryway park at 3531 Newport Boulevard under the following conditions:

- Receipt of all necessary County and State clearance documents verifying the property is free of soil and groundwater contamination.
- Execution of an agreement with the Chevron Company to remediate any soil and groundwater problems that might arise in the next twenty years.
- Matching privately donated funds, up to \$150,000 (Park In-Lieu Reserves), effective until December 5, 1996. Landscaping costs will be budgeted in FY 96/97.
- A preliminary appraisal documenting the purchase price of \$300,000 as fair market value.

The property has been preliminarily appraised at \$300,000-\$325,000. Mr. Thompson has pledged for approximately \$160,000, and would like to begin collecting those funds, but wants to be assured that the City will go forward with the project, given some recent information regarding the property's contamination problems.

Since the last Council action, the County Health Care Agency says they cannot provide final toxic clearance to the site at this time, based on the most recent data provided by Chevron, and probably will not close the site for 1-3 years unless Chevron can provide more specific monitoring data regarding benzene levels at the site. The Health Care Agency has assured the City that the benzene contamination can be mitigated, and the Agency will continue to work with Chevron to close the site as quickly as possible.

Also since the last Council action, the Public Works Department has been working with the Orange County Sanitation District to relocate an existing pump station now located directly across the street from the proposed park site. The Sanitation District is interested in relocating the station to the proposed park site, where most of the equipment would be underground. This would allow the entryway park to be built, while still accommodating the pump station. If the pump station is built on the site, the Sanitation District would help defray the cost to develop the park.

Because development of the parcel will be complicated by the contamination problem, staff has had preliminary discussions with both Chevron and the seller's representative that would allow us to continue to move forward on purchasing the property, while safeguarding the City with regard to the toxic problem. Chevron and the City Attorney's office are now working on an indemnification agreement that relieves the City of all mitigation and liability problems for the future. Staff has also proposed to the seller's representative that of the \$300,000 purchase price, only \$200,000 be paid directly to the sellers and the remaining \$100,000 be put into an escrow account to be drawn down on for any necessary technical or consulting services required to develop the parcel, given its contamination problem. Any funds remaining from the \$100,000 would be paid to the seller once the parcel is completely developed.

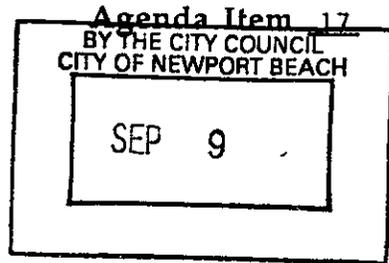
RECOMMENDATION

If the Council wishes to proceed with the purchase and landscaping of the entryway park, it is recommended that the Council authorize the following actions:

- That the City negotiate an indemnification agreement with Chevron that relieves the City of all future mitigation and liability costs associated with the toxic contamination of the property.
- That the City execute an escrow agreement with the sellers that stipulates \$100,000 of the total \$300,000 purchase price be placed into an escrow account to cover costs associated with development of the contaminated site.
- That the authorization of \$150,000 of Park In-Lieu Reserves be extended to March 1, 1997.

3-21-94 (62)

CITY OF NEWPORT BEACH
OFFICE OF THE CITY MANAGER



DATE: September 9, 1996
TO: Honorable Mayor and Members of the City Council
FROM: Peggy Ducey, Assistant to the City Manager
SUBJECT: Park Development at 3531 Newport Boulevard

BACKGROUND

On June 10th, the City Council conceptually approved the donation of a passive park located at 3531 Newport Boulevard, with the following contingencies:

- Receipt of a formal offer of donation of the fully developed park.
- Receipt of all necessary County and State clearance documents verifying the property is free of soil and groundwater contamination.
- Execution of an agreement with the Chevron Company to remediate any soil and groundwater problems that might arise in the next twenty years.

Mr Jim Thompson, a Newport Beach resident, is coordinating the fundraising effort for this entry-way park. Based on input from the Sister Cities Association and Lido Island businesses and residents, Mr. Thompson has included the small parcel on the northeast corner of Newport Blvd. and Via Lido (3600 Newport Boulevard) in his fundraising efforts as well. Caltrans currently owns the parcel and has established a sale price of \$14,000.

Upon Council approval on June 10th, Mr Thompson established a fundraising committee composed of members of BPPAC, the Sister Cities Association, and other interested Newport Beach residents. Both BPPAC and the Sister Cities Association had expressed interest in landscaping the parcels to beautify the Peninsula. Mr. Thompson also developed a brochure about the proposed park sites and a pledge agreement which he has used for mail solicitations as well as presentations to local community groups and organizations. To date, Mr. Thompson has raised approximately \$50,000 toward his goal. Contributors include both private individuals as well as corporate and business sponsors.

The escrow agreement to purchase 3531 Newport Boulevard stipulates that the funds must be raised by early September. Given the short time frame, Mr. Thompson does not feel the remaining funds can be secured by the escrow deadline. One option is that the City match the privately donated funds for up to half the total

purchase price of the properties. This would mean that the City contribute \$157,000 toward the total purchase price of \$314,000 for both properties. The City would then budget the funds in FY 97/98 to landscape the parcels as passive parks. Park In-Lieu funds could be used for the purchase. The current estimated amount in the Park In-Lieu Reserve is \$400,000. This is the projection for the remaining balance after all approved 1996/97 park expenditures are made, including the construction of Bob Henry Park, Castaways Passive Park, and the Hoag Linear Park.

Mr. Thompson is currently negotiating with the property owners to reduce the sale price of the larger parcel. Any participation by the City, either as a financial contributor or by accepting the park donation, would necessitate an appraisal to verify the properties' worth.

RECOMMENDATION

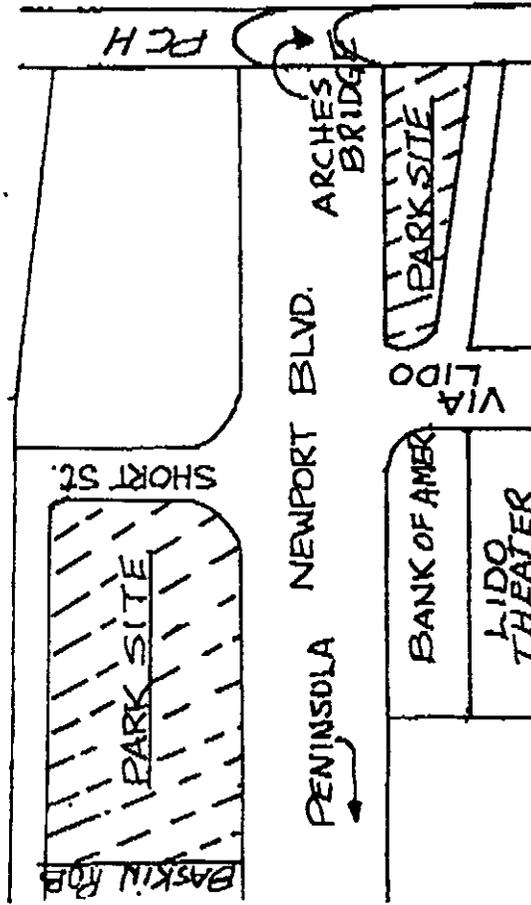
Approve the expenditure of \$157,000 from Park In-Lieu Reserves to be used as matching funds to purchase 3531 and 3600 Newport Boulevard for passive parks.

AREA RICH IN HISTORY

The Newport/Balboa Peninsula area is rich in history but is in need of positive upgrading.

Pictured on the front of this brochure is a conceptual rendering of a proposed passive park located at Newport's entry to the Balboa Peninsula. Additionally, a smaller parcel across Newport Blvd. is to be included in the overall "park entrance" concept.

These two parcels are considered "vital" to the enhancement of the peninsula and can be the catalyst to set a new tone that is supported by the entire Newport Beach community.



JOIN THE BEAUTIFICATION EFFORT

Please join the effort by the Citizens Committee to save these parcels from an unsightly commercial development by contributing to the park fund

The Gateway to Newport's Balboa Peninsula Citizens Committee appreciates your interest and your donation.

RECOGNITION TO BE RECEIVED BY DONORS

Donors will receive recognition of their contributions by their names being appropriately inscribed on a beautiful donor wall which will be a part of the park.

Gifts will be recognized as follows:

Mariner - Over \$10,000 Navigator - \$5,001 to \$10,000

Doryman - \$1,001 to \$5,000 Beachcomber - \$501 to \$1,000

Sand Dollar - \$100 to \$500

COMMITTEE ACCEPTING PLEDGES

With a minimum amount of time to complete the fund raising, the Committee is requesting pledges from individuals and businesses that are interested in the beautification effort. The amount needed to complete the "park entrance" project is \$300,000 for the parcels and \$100,000 for the park improvements.

Once the proper amount of funds are committed, the City will accept the transfer of the escrow and checks for the pledges can be written to the City. After the close of escrow, the City has agreed to build and maintain the parks.

Contributions are considered charitable donations for tax purposes, however, contributors should consult their tax consultants.

"A Park is Forever"

GATEWAY TO NEWPORT'S BALBOA PENINSULA CITIZENS COMMITTEE

c/o James E. Thompson, 3804 Sandune Lane
Corona del Mar, CA 92625 - (714) 759-1018

Pledge Agreement

I/we would like to contribute to the beautification of the entry to Balboa Peninsula. I/we hereby pledge \$ _____ to help purchase and develop the property at 3531 Newport Blvd and the small parcel on Newport Blvd. at Via Lido, in the City of Newport Beach, as landscaped park areas.

Signature

Date

Printed Name

Address

City

Zip Code

Phone

Fax

I understand the funds are due and payable to a neutral escrow within 10 days of notification that the requirements of the City of Newport Beach have been met.

Please return by mail or fax to:

Gateway To Newport's Balboa Peninsula Citizen Committee
3804 Sandune Lane
Corona del Mar, CA 92625
Phone 714-759-1018
Fax 714-724-0804

GATEWAY TO NEWPORT'S BALBOA PENINSULA



CITIZEN'S COMMITTEE

James E. Thompson
Chairman

Tim Collins

John L. Curci

Fritz Duda

Wendell Fish

Russ Flueter

Bill Hamilton

Stephanie Houghton

Helen Japenga

George Mc Gaffigan

Don Merritt

Murt Munson

Jerry Richards

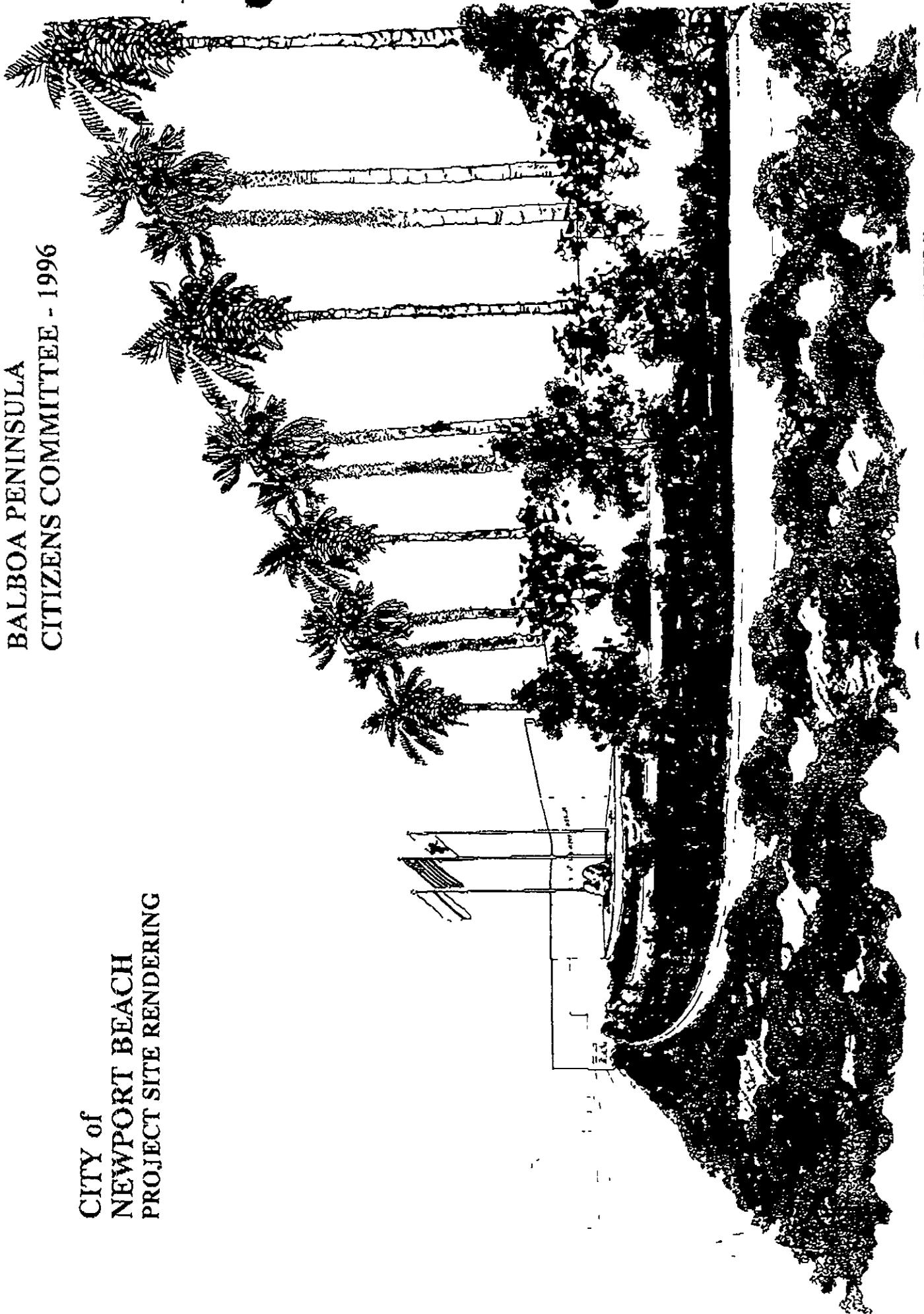
Tony Shaw

Committee Contact
James E. Thompson
3804 Sundune Lane
Corona del Mar, CA
92625
(714) 759-1018
Fax (714) 724-0804

"A PARK IS FOREVER"

GATEWAY TO NEWPORT'S
BALBOA PENINSULA
CITIZENS COMMITTEE - 1996

CITY of
NEWPORT BEACH
PROJECT SITE RENDERING



"A PARK IS FOREVER"