

ORDINANCE NUMBER O- 19137 (NEW SERIES)

ADOPTED ON JAN 07 2003

AN ORDINANCE SETTING ASIDE AND DEDICATING CITY-OWNED LAND, KNOWN AS "SERRA MESA (RUFFIN CANYON)," IN THE CITY OF SAN DIEGO, CALIFORNIA, FOR A PUBLIC PARK.

WHEREAS, San Diego Charter section 55 provides that all real property owned in fee by the City that is dedicated by ordinance for park and recreation purposes shall not be used for any but park and recreation purposes without a changed use or purpose being authorized by a two-thirds vote of the people; and

WHEREAS, in accordance with Charter section 55 and Council Policy 700-17, the Park and Recreation Board has reviewed the City's inventory of park lands to determine which parks have met the requirements for dedication by ordinance; and

WHEREAS, the Park and Recreation Board has identified the open space park, known as "Serra Mesa (Ruffin Canyon)," as meeting the Charter and Policy requirements, and recommends that those parks be dedicated by ordinance; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That various parcels of City-owned land known as "Serra Mesa (Ruffin Canyon)," which is more particularly described in Exhibit A, attached hereto and incorporated herein by this reference, is set aside and dedicated in perpetuity for park and recreational purposes.

Section 2. That the City Council of the City of San Diego hereby specifically reserves

the right to establish underground public service easements through and across the dedicated property so long as the construction and maintenance of the subject easements do not substantially negatively impact the availability of the property for use for park and recreational purposes.

Section 3. That the City Clerk is authorized and directed to file for record in the office of the San Diego County Recorder a certified copy of this ordinance.

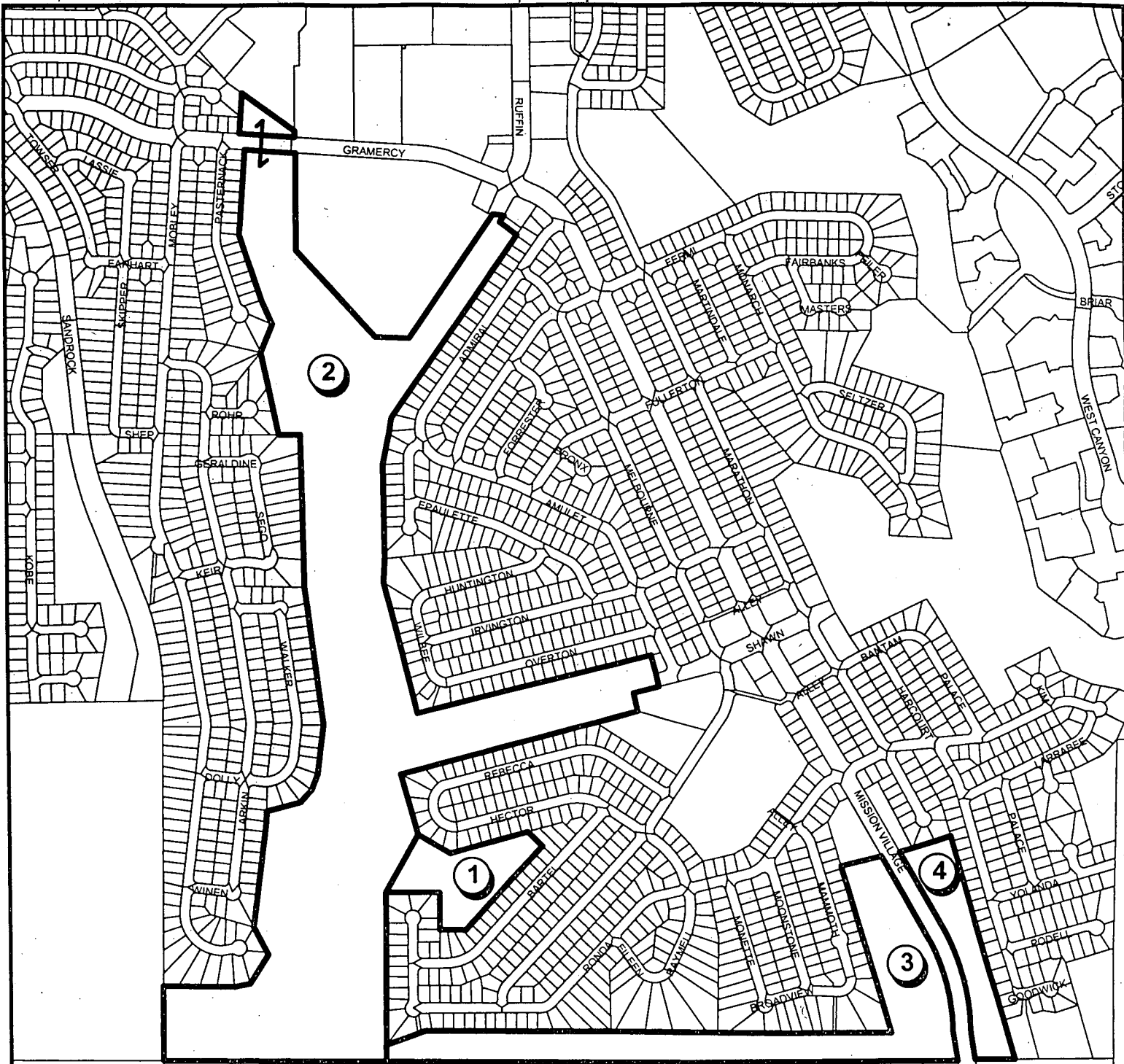
Section 4. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

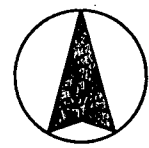
By 
Deborah Engel-Brodie
Deputy City Attorney

DEB:cdk
11/13/02
Or.Dept:Pk.&Rec.
O-2003-86
Form=sappo.fm



**Serra Mesa Open Space
Proposed for Dedication
by Assessor's Parcel Number**

1.	429-011-09	6.94 ac
2.	429-011-10	84.32 ac
3.	429-040-31	18.99 ac
4.	429-040-35	6.04 ac



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EXHIBIT A

ORDER NO.

EXHIBIT "A"
LEGAL DESCRIPTION
(Assessor's Parcel Number 429-011-09)

That portion of Lot 41 of the Rancho Mission of San Diego in the City of San Diego, County of San Diego, State of California, according to Partition Map made in Case No. 348, Superior Court of San Diego County, entitled "Juan M. Luco, et al, vs. Commercial Bank of San Diego, et al," on file in the office of the County Clerk of San Diego, described as follows:

Beginning at the most Westerly corner of Lot 1178 of Mission Village Unit No. 12, according to Map thereof No. 4011, filed in the office of the County Recorder of San Diego County; thence along the boundary of said Unit No. 12, as follows: South 14° 35' 47" East 362.00 feet; South 59° 35' 47" East, 212.13 feet; and North 75° 24' 13" East, 458.05 feet to the most Westerly corner of Lot 1245 of Mission Village Unit No. 13, according to Map thereof No. 4042, filed in the office of the County Recorder of San Diego County; thence along the boundary of said Unit No. 13, as follows:

South 47° 34' 30" East, 120.19 feet; South 42° 25' 30" West, 643.06 feet; North 88° 28' 39" West, 151.79 feet; North 0° 00' 20" West, 207.00 feet; and South 89° 59' 40" West 306.00 feet to the Northwest corner of Lot 1266, according to said Map No. 4042; thence North 7° 28' 28" East 656.58 feet to the point of beginning.

ORDER NO.

EXHIBIT "A"
LEGAL DESCRIPTION
(Assessor's Parcel Number 429-040-31)

PARCEL 1:

THAT PORTION OF LOT 41 OF THE RANCHO MISSION OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTITION MAP MADE IN CASE NO. 348, SUPERIOR COURT OF SAN DIEGO COUNTY, ENTITLED "JUAN M. LUCO, ET AL, VS. COMMERCIAL BANK OF SAN DIEGO, ET AL." ON FILE IN THE OFFICE OF THE COUNTY CLERK OF SAN DIEGO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1061 OF MISSION VILLAGE UNIT NO. 11, ACCORDING TO THE MAP THEREOF NO. 3977 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY; THENCE ALONG THE SOUTHERLY LINE OF SAID UNIT NO. 11 AND THE PROLONGATION THEREOF, SOUTH $73^{\circ} 55' 30''$ WEST 306.07 FEET TO THE EASTERLY LINE OF MISSION VILLAGE DRIVE AS DESCRIBED IN PARTIAL RECONVEYANCE RECORDED JUNE 10, 1959 AS FILE/PAGE NO. 117165 OF OFFICIAL RECORDS; THENCE ALONG SAID EASTERLY LINE AS FOLLOWS:

SOUTH $20^{\circ} 05' 19''$ EAST 465.03 FEET TO THE BEGINNING OF A 1,251.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE SOUTHEASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $22^{\circ} 23' 19''$ A DISTANCE OF 488.83 FEET; THENCE SOUTH $7^{\circ} 42' 00''$ EAST 312.58 FEET TO THE BEGINNING OF A 1,927.45 FOOT RADIUS CURVE CONCAVE EASTERLY; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $1^{\circ} 11' 26''$ A DISTANCE OF 40.05 FEET TO THE SOUTH LINE OF SAID LOT 41; THENCE ALONG SAID SOUTH LINE NORTH $89^{\circ} 59' 40''$ EAST 229.38 FEET TO THE SOUTHWEST CORNER OF MISSION VILLAGE ANNEX UNIT NO. 5, ACCORDING TO THE MAP THEREOF NO. 5245, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY; THENCE ALONG THE WESTERLY LINE THEREOF AND THE WESTERLY LINE OF MISSION VILLAGE UNIT NO. 17, ACCORDING TO THE MAP THEREOF NO. 4164, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NORTH $16^{\circ} 04' 30''$ WEST 1,348.75 FEET TO THE POINT OF BEGINNING.

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PARCEL 2:

THAT PORTION OF LOT 41 OF THE RANCHO MISSION OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTITION MAP MADE IN CASE NO. 348, SUPERIOR COURT OF SAN DIEGO COUNTY, ENTITLED "JUAN M. LUCO, ET AL, VS. COMMERCIAL BANK OF SAN DIEGO, ET AL." ON FILE IN THE OFFICE OF THE COUNTY CLERK OF SAN DIEGO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1050, MISSION VILLAGE UNIT NO. 11, MAP NO. 3977, THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 1050, SOUTH 62° 10' 30" WEST, 59.00 FEET; THENCE SOUTH 27° 33' 57" WEST 131.22 FEET; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF LOTS 1042-1045, MISSION VILLAGE UNIT NO. 11, AND THE EASTERLY LINE OF LOTS 1462 AND 1463, MISSION VILLAGE UNIT NO. 13, MAP NO. 4128, SOUTH 16° 49' 30" EAST, 372.06 FEET TO THE TRUE POINT OF THE BEGINNING; THENCE ALONG SAID EASTERLY LINE AND THE EASTERLY LINE OF MISSION VILLAGE ANNEX NO. 2, ACCORDING TO THE MAP THEREOF NO. 4508, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SOUTH 16° 49' 30" EAST 869.42 FEET TO THE MOST EASTERLY CORNER OF SAID MISSION VILLAGE ANNEX NO 2; THENCE ALONG THE SOUTHERLY LINE THEREOF TO AND ALONG THE SOUTHERLY LINES OF MISSION VILLAGE UNIT NO. 15, ACCORDING TO THE MAP THEREOF NO. 4128, MISSION VILLAGE UNIT NO. 14, ACCORDING TO THE MAP THEREOF NO.4084 AND MISSION VILLAGE UNIT NO. 13, ACCORDING TO THE MAP THEREOF NO. 4042, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SOUTH 89° 59' 40" WEST 2667.70 FEET AND SOUTH 70° 33' 44" WEST, 229.31 FEET TO THE MOST SOUTHERLY CORNER OF LOT 1311 OF SAID UNIT NO. 13; THENCE ALONG THE PROLONGATION OF THE WEST LINE OF SAID MISSION VILLAGE UNIT NO. 13, SOUTH 0° 00' 20" EAST TO THE SOUTHERLY LINE OF LOT 41; THENCE ALONG SAID SOUTHERLY LINE, NORTH 89° 59' 40" EAST TO A POINT, WHICH IS DISTANT SOUTH 89° 59' 40" WEST, 894.40 FEET FROM THE SOUTHEAST CORNER OF SAID LOT 41; BEING A POINT ON THE WESTERLY LINE OF LAND DESCRIBED IN PARCEL 1 OF PARTIAL RECONVEYANCE RECORDED JUNE 10, 1959 AS FILE/PAGE NO. 117165 OF OFFICIAL RECORDS, AND BEING A POINT IN THE ARC OF A 2,029.45 FOOT RADIUS CURVE CONCAVE EASTERLY; THENCE NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 0° 44' 26" A DISTANCE OF 26.23 FEET; THENCE NORTH 7° 42' 00" WEST, 312.58 FEET TO THE BEGINNING OF A 1,149.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE NORTHERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 22° 23' 19" A DISTANCE OF 448.98 FEET; THENCE NORTH 30° 05' 19" WEST, 440.41 FEET TO A LINE WHICH BEARS NORTH 59° 34' 41" EAST FROM THE TRUE POINT OF BEGINNING; THENCE SOUTH 59° 34' 41" WEST 252.78 FEET TO THE TRUE POINT OF BEGINNING.

ORDER NO.

EXHIBIT "A"
LEGAL DESCRIPTION
(Assessor's Parcel Number 429-011-10 and 429-040-35)

PARCEL 1:

That portion of Lot 41 of the RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partition Map of said Rancho made in the action entitled "Juan M. Luce, et al. vs the Commercial Bank of San Diego, et al", Superior Court Case No. 348, filed in the Office of the County Clerk of said County, described as follows:

Commencing at the Southwesterly corner of Lot 360 of MISSION VILLAGE UNIT NO. 4, according to Map thereof No. 3676, filed in the Office of the County Recorder of San Diego County July 19, 1957; thence along the Westerly boundary of said Unit No. 4, North 1° 40' 30" West 110.54 feet to the Northeasterly corner of that parcel of land described in deed to Mills Development Co., recorded April 28, 1959 as Document No. 84174 in Book 7630, page 131 of Official Records; thence continuing along said Westerly boundary North 1° 40' 30" West 125.48 feet to the True Point of Beginning; thence along said Westerly boundary North 1° 40' 30" West 140.89 feet; thence South 89° 46' 10" West 465.55 feet to the Westerly line of said Lot 41 of RANCHO MISSION; thence along said Westerly line South 0° 48' 10" East 140.85 feet to a line which bears South 89° 46' 30" West from the True Point of Beginning; then North 89° 46' 30" East 467.69 feet to the True Point of Beginning.

EXCEPTING from the above described property all oil, gas, mineral and hydrocarbon rights and substances in and under the land, but beneath a plane 500 feet below the surface of the land, but without any right of surface entry.

PARCEL 2:

That portion of Lot 41 of the RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partition map of said Rancho made in the action entitled "Juan M. Luco, et al, vs the Commercial Bank of San Diego, et al", Superior Court Case No. 348, filed in the Office of the County Clerk of said County, described as follows:

Commencing at the Southwest corner of Lot 41, RANCHO MISSION OF SAN DIEGO, S. C. 348 as shown on Record of Survey No. 4013 on file in the Recorder's Office of San Diego County, California; thence North 0° 13' 50" East along the West line of said Lot 41 a distance of 426.77 feet to the Southwest corner of MISSION VILLAGE ANNEX NO. 3, Map no. 4436; thence along the boundary of MISSION VILLAGE ANNEX NO. 3, the following courses and distances: South 89° 46' 10" East 403.78 feet; North 79° 29' 12" East 89.58 feet ; North 31° 57' 06" East 82.95 feet along said boundary to the True Point of Beginning; thence continuing along said boundary North 31° 57' 06" East a distance of 114.01 feet; thence North 27° 03' 56" West a distance of 176.38 feet to the most Southerly corner of MISSION VILLAGE ANNEX NO. 4,

Map No. 4486; thence North 6° 44' 00" East along the Easterly boundary line of said MISSION VILLAGE ANNEX NO. 4, a distance of 202.08 feet; thence leaving said Easterly boundary line South 89° 46' 10" East a distance of 462.78 Feet; thence South 0° 13' 50" West a distance of 43.50 feet; thence North 89° 46' 10" West a distance of 350.15 feet; thence South 0° 13' 50" West a distance of 411.00 feet; thence North 89° 46' 10" West a distance of 114.57 feet to a point in the boundary of said MISSION VILLAGE ANNEX NO. 3, said point being the True Point of Beginning.

EXCEPTING from the above described property all oil, gas, mineral and hydrocarbon rights and substances in and under the land, but beneath a plane 500 feet below the surface of the land, but without any right of surface entry.

PARCEL 3:

That portion of Lot 41 of the RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partition Map of said Rancho made in the action entitled "Juan M. Luco, et al, vs the Commercial Bank of San Diego, et al", Superior Court Case No. 348, filed in the Office of the County Clerk of said County, described as follows:

Commencing at the Southwest corner of Lot 41, RANCHO MISSION OF SAN DIEGO, S.C. 348 as shown on Record of Survey No. 4013 on file in the Recorder's Office of San Diego County, California; thence North 0° 13' 50" East along the West line of said Lot 41 a distance of 325.00 feet to the True Point of Beginning; thence continuing North 0° 13' 50" East a distance of 101.77 feet to the Southwest corner of MISSION VILLAGE ANNEX NO. 3, Map No. 4436; thence along the boundary of said MISSION VILLAGE ANNEX NO. 3, South 89° 46' 10" East a distance of 403.78 feet; thence continuing South 89° 46' 10" East a distance of 99.82 feet; thence South 0° 13' 50" West a distance of 101.77 feet; thence North 89° 46' 10" West a distance of 503.60 feet to the True Point of Beginning.

EXCEPTING from the above described property all oil, gas, mineral and hydrocarbon rights and substances in and under the land, but beneath a plane 500 feet below the surface of the land, but without any right of surface entry.

PARCEL 4:

That portion of Lot 41 of the RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partition Map of said Rancho made in the action entitled "Juan M. Luco, et al, vs the Commercial Bank of San Diego, et al", Superior Court Case No. 348, filed in the Office of the County Clerk of said County, described as follows:

Beginning at the Southeasterly corner of Lot 325 of MISSION VILLAGE UNIT NO. 4, according to Map thereof No. 3676, filed in the Office of the County Recorder of said County July 19, 1957; thence along the boundary of said Unit No. 4, South 34° 30' 30" West 803.78 feet to the Northeast corner of the land described in deed to York Associates, recorded March 15, 1960 as File No. 53453 of Official Records; thence along the North line thereof South 89° 46' 10"

West 202.38 feet to the Southeasterly line of the land described in Quitclaim deed to San Diego Unified School District, recorded October 9, 1957 in Book 6784, page 502 of Official Records; thence along said Southeasterly line North 34° 30' 30" East 851.29 feet to a tangent 806.23 foot radius curve concave Northwesterly; thence Northeasterly along said curve to the boundary of said MISSION VILLAGE UNIT NO. 4; thence along said boundary South 81° 25' 41" East to an angle point and South 55° 29' 30" East 125 feet to the Point of Beginning.

EXCEPTING therefrom that portion being described as follows:

Beginning at the most Westerly corner of Lot 325 of MISSION VILLAGE UNIT NO. 4, according to Map thereof No. 3676, filed in the Office of the County Recorder of San Diego County, July 19, 1957; thence along the boundary of said Map No. 3676 as follows: South 55° 29' 30" East, 125.00 feet to an angle point therein; and South 34° 30' 30" West, 47.61 feet to the most Westerly corner of Lot 328 of said Map No. 3676; thence parallel with the Southwesterly line of said Lot 325, North 55° 29' 30" West, 125.00 feet to a line which bears South 34° 30' 30" West from the point beginning; thence North 34° 30' 30" East, 47.61 feet to the Point of Beginning.

EXCEPTING from the above described property all oil, gas, mineral and hydrocarbon rights and substances in and under the land, but beneath a plane 500 feet below the surface of the land, but without any right of surface entry.

PARCEL 5:

That portion of Lot 41 of the RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partition Map of said Rancho made in the action entitled "Juan M. Luco, et al, vs the Commercial Bank of San Diego, et al", Superior Court Case No. 348, filed in the Office of the County Clerk of said County, described as follows:

Beginning at a point in the Easterly line of MISSION VILLAGE ANNEX UNIT NO. 4, according to Map there of No. 4486, filed in the Office of the County Recorder of said County, March 16, 1960, distant thereon North 8° 30' West 79.02 feet from the Southeasterly corner of Lot 162 of said Annex Unit No. 4; thence along said Easterly line North 8° 30' West 703.18 feet to the Northeasterly corner of said Annex Unit No. 4; thence along the Southerly line of the land described in deed to Tower Associates, recorded March 23, 1959 in Book 7563, page 120 of Official Records, North 89° 45' 50" East 214.44 feet to the Northerly prolongation of the Westerly line of the land described in deed to Martin L. Gleich recorded February 16, 1959 in Book 7500, page 118 of Official Records of said County; thence along the said Northerly prolongation South 0° 13' 50" West to a line which bears South 89° 45' 50" East from the point of beginning; thence North 89° 45' 50" West to the Point of Beginning.

EXCEPTING from the above described property all oil, gas, mineral and hydrocarbon rights and substances in and under the land, but beneath a plane 500 feet below the surface of the land, but without any right of surface entry.

PARCEL 6:

That portion of Lot 41 of the RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partition Map of said Rancho made in the action entitled "Juan M. Luco, et al, vs the Commercial Bank of San Diego, et al", Superior Court Case No. 348, filed in the Office of the County Clerk of said County, described as follows:

Beginning at the point in the Easterly line of MISSION VILLAGE ANNEX UNIT NO. 4, according to Map thereof No. 4486, filed in the Office of the County Recorder of said County, March 16, 1960, distant thereon North 6° 44' East 202.08 feet from the most Southerly corner of said Annex Unit No. 4; thence along said Easterly line as follows: North 6° 44' 00" East 406.86 feet; North 3° 36' 15" East 60.09 feet; North 74° 09' 11" East 197.31 feet; North 44° 26' 53" East 100.86 feet; North 18° 12' 49" East 98.78 feet; North 6° 44' 00" East 201.53 feet; North 6° 08' 45" East 78.56 feet; North 8° 30' 00" West 79.01 feet; hence leaving the Easterly line South 89° 45' 50" East to the Northerly prolongation of the Westerly line of the land described in deed to Martin L. Gleich, recorded February 16, 1959 in Book 7500, page 118 of Official Records of said County; thence along said Northerly prolongation of said Westerly line South 0° 13' 50" West to a line which bears South 89° 46' 10" East from the point of beginning; thence North 89° 46' 10" West to the Point of Beginning.

EXCEPTING from the above described property all oil, gas, mineral and hydrocarbon rights and substances in and under the land, but beneath a plane 500 feet below the surface of the land, but without any right of surface entry.

PARCEL 7:

That portion of Lot 41 of the RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partition Map of said Rancho made in the action entitled "Juan M. Luco, et al, vs the Commercial Bank of San Diego, et al", Superior Court Case No. 348, filed in the Office of the County Clerk of said County, described as follows:

Commencing at the Southwesterly corner of Lot 352 of MISSION VILLAGE UNIT NO. 4, according to Map thereof No. 3576, filed in the County Recorder of San Diego County, July 19, 1957; thence along the Westerly line of said Unit No. 4, North 10° 59' 52" East 98.74 feet to the True Point of Beginning; thence along said Westerly line, North 10° 59' 52" East 77.79 feet; thence South 89° 46' 10" West 499.17 feet to the Westerly line of said Lot 41 of Rancho Mission; thence along said Westerly line, South 0° 48' 10" East 76.30 feet to a line which bears South 89° 46' 10" West from the True Point of Beginning; thence North 89° 46' 10" East 483.26 feet to the True Point of Beginning.

PARCEL 8:

That portion of Lot 41 of the RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partition Map of said Rancho made in the action entitled "Juan M. Luco, et al, vs the Commercial Bank of San Diego, et al", Superior

Court Case No. 348, filed in the Office of the County Clerk of said County, described as follows:

Commencing at the Southwest corner of MISSION VILLAGE UNIT NO. 10, Map No. 3883, thence in a Northerly direction along the Southerly boundary of said MISSION VILLAGE UNIT NO. 10, North 75° 24' 13" East, 491.51 feet to the True Point of Beginning; thence South 14° 35' 47" East, 300.00 feet; thence South 75° 24' 13" East 117.61 feet; thence North 14° 35' 47" West, 300.00 feet; thence North 75° 24' 13" East 117.61 feet, to the True Point of Beginning.

PARCEL 9:

That portion of Lot 41 of the RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partition Map of said Rancho made in the action entitled "Juan M. Luco, et al, vs the Commercial Bank of San Diego, et al", Superior Court Case No. 348, filed in the Office of the County Clerk of said County, described as follows:

Commencing at the Northwesterly corner of Lot 1266 at MISSION VILLAGE UNIT NO. 13, according to Map thereof No. 4042, filed in the Office of the County Recorder of said County December 22, 1958; thence South 0° 00' 20" East along the Westerly boundary of said MISSION VILLAGE UNIT NO. 13, a distance of 804.05 feet to the True Point of Beginning; thence North 89° 46' 10" West 1264.19 feet to the Westerly line of said Lot 41 of RANCHO MISSION OF SAN DIEGO; thence South 0° 13' 50" West along said Westerly line of said Lot 41 a distance of 160.16 feet to the Southerly line of said Lot; thence North 89° 53' 40"; East along said Southerly lot line 1264.84 feet to a line which bears South 0° 00' 20" East from the True Point of Beginning; thence North 0° 00' 20" West to the True Point of Beginning.

EXCEPTING from the above described property all oil, gas, mineral and hydrocarbon rights and substances in and under the land, but beneath a plane 500 feet below the surface of the land, but without any right of surface entry.

PARCEL 10:

That portion of Lot 41 of the RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partition Map of said Rancho made in the action entitled "Juan M. Luco, et al, vs the Commercial Bank of San Diego, et al", Superior Court Case No. 348, filed in the Office of the County Clerk of said County, described as follows:

Commencing at the Southwesterly corner of MISSION VILLAGE UNIT NO. 10, according to Map thereof No. 3883, filed in the Office of the County Recorder of said County September 5, 1958; thence North 14° 35' 47" West along the Westerly line of said MISSION VILLAGE UNIT NO. 10, a distance of 181.58 feet to the True Point of Beginning; thence retracing South 14° 35' 47" East 63.36 feet; thence South 15° 24' 13" West 427.95 feet to the Northerly prolongation of the Westerly line of the land described in deed to Martin L. Gleich recorded February 16, 1959 in Book 7500, page 118 of Official Records of said County; thence along said Northerly prolongation North 0° 13' 50" East 65.9 feet to a line which bears South 75° 24' 13" West from the True Point of Beginning; thence North 75° 24' 13" East 411.19 feet to the True Point of

Beginning.

EXCEPTING from the above described property all oil, gas, mineral and hydrocarbon rights and substances in and under the land, but beneath a plane 500 feet below the surface of the land, but without any right of surface entry.

PARCEL 11:

That portion of Lot 41 of the RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partition Map of said Rancho made in the action entitled "Juan M. Luco, et al, vs the Commercial Bank of San Diego, et al", Superior Court Case No. 348, filed in the Office of the County Clerk of said County, described as follows:

Commencing at the Southwest corner of MISSION VILLAGE UNIT NO. 10, according to Map No. 3883; thence Northerly along the Westerly boundary of said MISSION VILLAGE UNIT NO. 10, North 14° 35' 47" West 181.58 feet to the True Point of Beginning; thence South 75° 24' 13" West 411.19 feet; thence North 0° 13' 50" East 43.88 feet; thence North 75° 24' 13" East 399.97 feet to the West boundary of MISSION VILLAGE UNIT NO. 10; thence Southerly along the West boundary of said Unit No. 10, South 14° 35' 47" East 42.42 feet to the True Point of Beginning.

EXCEPTING from the above described property all oil, gas, mineral and hydrocarbon rights and substances in and under the land, but beneath a plane 500 feet below the surface of the land, but without any right of surface entry.

PARCEL 12:

That portion of Lot 41 of the RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partition Map of said Rancho made in the action entitled "Juan M. Luco, et al, vs the Commercial Bank of San Diego, et al", Superior Court Case No. 348, filed in the Office of the County Clerk of said County, described as follows:

Commencing at the Southwest corner of MISSION VILLAGE UNIT NO. 10; according to Map No. 3883; thence Northerly along the West boundary of said MISSION VILLAGE UNIT NO. 10, North 14° 35' 47" West 224.00 feet to the True Point of Beginning; thence South 75° 24' 13" West 399.97 feet; thence North 0° 13' 50" East 45.15 feet; thence North 75° 24' 13" East 388.41 feet to the West boundary of MISSION VILLAGE UNIT NO. 10, South 14° 35' 47" East 43.65 feet to the True Point of Beginning.

EXCEPTING from the above described property all oil, gas, mineral and hydrocarbon rights and substances in and under the land, but beneath a plane 500 feet below the surface of the land, but without any right of surface entry.

PARCEL 13:

That portion of Lot 41 of the RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partition Map of said Rancho made in the action entitled "Juan M. Luco, et al, vs the Commercial Bank of San Diego, et al", Superior Court Case No: 348, filed in the Office of the County Clerk of said County, described as follows:

Commencing at the Southwesterly corner of Lot 360 of MISSION VILLAGE UNIT NO. 4, according to Map thereof No. 3676, filed in the Office of the County Recorder of said San Diego County, July 19, 1957; thence along the Westerly boundary of said Unit No. 4, North 1° 40' 30" West 100.54 feet to the Northeasterly corner of that parcel of land described in deed to Mills Development Co., recorded April 28, 1959 as Document No. 84174 in Book 7630, page 131 of Official Records, being the True Point of Beginning; thence along said Westerly boundary North 1° 40' 30" West 125.48 feet; thence South 89° 46' 30" West 467.69 feet to the West line of said Lot 41 of the Rancho Mission; thence along said West line South 0° 48' 10" East 125.45 feet to the Northwesterly corner of said Mills Development Co. land; thence along the Northerly line thereof North 89° 46' 10" East 469.60 feet to the True Point of Beginning.

EXCEPTING from the above described property all oil, gas, mineral and hydrocarbon rights and substances in and under the land, but beneath a plane 500 feet below the surface of the land, but without any right of surface entry.

PARCEL 14:

That portion of Lot 41 of the RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partition Map of said Rancho made in the action entitled "Juan M. Luco, et al, vs the Commercial Bank of San Diego, et al", Superior Court Case No. 348, filed in the Office of the County Clerk of said County, described as follows:

Commencing at the Southwesterly corner of Lot 360 of MISSION VILLAGE UNIT NO. 4, according to Map thereof No. 3676, filed in the Office of the County Recorder of said County, July 19, 1957; thence along the Westerly line of said Lot 360, North 1° 40' 30" West 18.20 feet to the True Point of Beginning; thence South 89° 45' 50" West 471.01 feet to the Westerly boundary of said Lot 4 of RANCHO MISSION OF SAN DIEGO; thence along said Westerly Boundary North 0° 48' 10" West 92.35 feet; thence North 89° 46' 10" East 469.60 feet to the Westerly line of said Unit No. 4; thence South 1° 40' 30" East 92.34 feet to the True Point of Beginning.

EXCEPTING from the above described property all oil, gas, mineral and hydrocarbon rights and substances in and under the land, but beneath a plane 500 feet below the surface of the land, but without any right of surface entry.

PARCEL 15:

That porfion of Lot 41 of the RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partition Map of said Rancho made in the action entitled "Juan M. Luco, et al, vs the Commercial Bank of San Diego, et al", Superior Court Case No. 348, filed in the Office of the County Clerk of said County, described as follows:

Commencing at the Southwest corner of Lot 41, RANCHO MISSION OF SAN DIEGO, S.C. 348 as shown on Record of Survey No. 4013 on file in the Recorder's Office of San Diego County, California; thence North 0° 13' 50" East along the West line of said Lot 41 a distance of 426.77 feet to the Southwest corner of MISSION VILLAGE ANNEX NO. 3, Map No. 4436; thence along the boundary of said MISSION VILLAGE ANNEX NO. 3, South 89° 46' 10" East a distance of 403.78 feet to the True Point of Beginning; thence continuing along said boundary line North 79° 29' 12" East a distance of 89.58 feet; thence North 31° 57' 06" East a distance of 82.95 feet; thence leaving said boundary line South 89° 46' 10" East a distance of 114.57 feet; thence South 0° 13' 50" West a distance of 87.23 feet; thence North 89° 46' 10" West a distance of 246.22 feet to a point in the boundary line of said MISSION VILLAGE ANNEX NO. 3, said point being the True Point of Beginning.

EXCEPTING from the above described property all oil, gas, mineral and hydrocarbon rights and substances in and under the land, but beneath a plane 500 feet below the surface of the land, but without any right of surface entry.

PARCEL 16:

That portion of Lot 41 of the RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partition Map of said Rancho made in the action entitled "Juan M. Luco, et al, vs the Commercial Bank of San Diego, et al", Superior Court Case No. 348, filed in the Office of the County Clerk of said County, described as follows:

Commencing at the Southwest corner of Lot 41, MISSION VILLAGE UNIT NO. 10, according to Map thereof No. 3883, filed in the Office of the County Recorder of said San Diego County; thence along the southerly line thereof North 75° 24' 13" East 709.31 feet to the True Point of Beginning; thence continuing North 75° 24' 13" East 217.80 feet; thence South 14° 35' 47" East 300 feet to the Northerly line of MISSION VILLAGE UNIT NO. 12, according to Map thereof No. 4011 filed in the Office of the Office of the County Recorder of said County; thence along said Northerly line South 75° 24' 13" West 217.80 feet to a line which bears South 14° 35' 47" East from the True Point of Beginning; thence North 14° 35' 47" West 300 feet to the True Point of Beginning.

EXCEPTING from the above described property all oil, gas, mineral and hydrocarbon rights and substances in and under the land, but beneath a plane 500 feet below the surface of the land, but without any right of surface entry.

PARCEL 17:

That portion of Lot 41 of the RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partition Map of said Rancho made in the action entitled "Juan M. Luco, et al, vs the Commercial Bank of San Diego, et al", Superior Court Case No. 348, filed in the Office of the County Clerk of said County, described as follows:

Commencing at the Southwesterly corner of MISSION VILLAGE UNIT NO. 10, according to

Map thereof No. 3883, filed in the Office of the County Recorder of said County September 5, 1958; thence North 14°35' 47" West along the Westerly line of said MISSION VILLAGE UNIT NO. 10 a distance of 267.65 feet to the True Point of Beginning; thence continuing along said Westerly line North 14°35' 47" West 516.74 feet to an angle point therein and North 4° 49' 48" East 182.32 feet to the Southwesterly corner of Lot 360 of MISSION VILLAGE UNIT NO. 4, according to Map thereof No. 3676, filed in the Office of the County Recorder of said County July 19, 1957; thence along the Westerly line of said Lot 360, North 1° 40' 30" West 18.20 feet; thence South 89°45' 50" West 471.01 feet to the Westerly boundary of said Lot 41 of RANCHO MISSION OF SAN DIEGO; thence South 0° 48' 10" East along said Westerly boundary of said Lot 41 a distance of 183.77 feet to corner No. 7 of said RANCHO MISSION OF SAN DIEGO; thence North 89°45' 50" East 214.44 feet to the Northerly prolongation of the Westerly line of the land described in deed Martin L. Gleich, recorded February 15, 1959 in Book 7500, page 118 of Official Records of said County; thence along said Northerly prolongation South 0°13' 50" West 563.18 feet to a line which bears South 75° 24' 13" West from the True Point of Beginning; thence North 75° 24' 13" East 388.41 feet to the True Point of Beginning.

EXCEPTING from the above described property all oil, gas, mineral and hydrocarbon rights and substances in and under the land, but beneath a plane 500 feet below the surface of the land, but without any right of surface entry.

PARCEL 18:

That portion of Lot 41 of the RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partition Map of said Rancho made in the action entitled "Juan M. Luco, et al, vs the Commercial Bank of San Diego, et al", Superior Court Case No. 348, filed in the Office of the County Clerk of said County, described as follows:

Commencing at the Southwest corner of MISSION VILLAGE UNIT NO. 10, Map No. 3883; thence in an Easterly direction along the Southerly boundary of said Mission Unit No. 10, North 75° 24' 13" East 927.11 feet to a point, said point being the True Point of Beginning; thence North 75° 24' 13" East 450.43 feet; thence South 14° 35' 47" West 190.00 feet; thence South 75° 24' 13" West 159.25 feet; thence South 14°35' 47" East 110.00 feet; hence South 75° 24' 13" West 291.18 feet; thence North 14° 35' 47" West 300.00 feet to the True Point of Beginning.

EXCEPTING from the above described property all oil, gas, mineral and hydrocarbon rights and substances in and under the land, but beneath a plane 500 feet below the surface of the land, but without any right of surface entry.

PARCEL 19:

That porfion of Lot 41 of the RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partition Map of said Rancho made in the action entitled "Juan M. Luco, et al, vs the Commercial Bank of San Diego, et al", Superior Court Case No. 348, filed in the Office of the County Clerk of said County, described as follows:

Commencing at the Southwest corner of MISSION VILLAGE UNIT NO. 10, Map No. 3883; thence in an Easterly direction along the Southerly boundary of said MISSION VILLAGE UNIT NO. 10, North 75° 24' 13" East 709.31 feet to the True Point of Beginning; thence South 14°35' 47" East 300.00 feet; thence South 75° 24' 13" West 217.80 feet; thence North 14°35' 47" West 300.00 feet; thence North 75° 24' 13" East 217.80 feet to the True Point of Beginning.

EXCEPTING from the above described property all oil, gas, mineral and hydrocarbon rights and substances in and under the land, but beneath a plane 500 feet below the surface of the land, but without any right of surface entry.

PARCEL 20:

That portion of Lot 41 of the RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partifion Map of said Rancho made in the action entitled "Juan M. Luco, et al, vs the Commercial Bank of San Diego, et al", Superior Court Case No. 348, filed in the Office of the County Clerk of said County, described as follows:

Commencing at the Southwesterly corner of Lot 352 of MISSION VILLAGE UNIT NO. 4, according to Map thereof No. 3676, filed in the Office of the County Recorder of San Diego County July 19, 1957; thence along the Westerly line of said Unit No. 4, North 10° 59' 52" East 233.03 feet to the True Point of Beginning; thence South 89° 46' 10" West 247.42 feet; thence North 0°13' 50" West 234.43 feet to an angle point in the Southerly and Westerly boundary of Lot 323 of said MISSION VILLAGE UNIT NO. 4; thence along the Southerly line of said Lot 323, South 89° 47' 30" East 190.37 feet to an angle point; thence along the Southeasterly line of said Lot 323, North 34° 30' 30" East 265.75 feet; thence North 89° 46' 10" East 202.38 feet to the Westerly boundary of said MISSION VILLAGE UNIT NO. 4; thence along said Westerly boundary South 34° 30' 30" West 507.85 feet to an angle point, and South 10° 59' 52" West 34.74 feet to the True Point of Beginning.

EXCEPTING from the above described property all oil, gas, mineral and hydrocarbon rights and substances in and under the land, but beneath a plane 500 feet below the surface of the land, but without any right of surface entry.

PARCEL 21:

That portion of Lot 41 of the RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partition Map of said Rancho made in the action entitled "Juan M. Luco, et al, vs the Commercial Bank of San Diego, et al", Superior Court Case No. 348, filed in the Office of the County Clerk of said County, described as follows:

Commencing at the Northwesterly corner of Lot 1266 of MISSION VILLAGE UNIT NO. 13, according to Map thereof No. 4042, filed in the Office of the County Recorder of said County December 22, 1958; thence South 0° 00' 20" East along the Westerly boundary of said MISSION VILLAGE UNIT NO. 13, a distance of 492.35 feet to the True Point of Beginning; thence North 89° 46' 10" West 612.90 feet; thence South 0°13' 50" West 146.86 feet; thence North 89° 46' 10"

West 650.00 feet to the Westerly line of said Lot 41 of said RANCHO MISSION OF SAN DIEGO; thence South 0° 13' 50" West along said Westerly line of said Lot 41 a distance of 164.84 feet to a line which bears South 89° 46' 10" East from a point which is South 0° 00' 20" East 311.70 feet from the True Point of Beginning; thence South 89° 46' 10" East 1264.19 feet to said point, which bears South 0° 00' 20" East from the True Point of Beginning; thence North 0° 00' 20" West 311.70 feet to the True Point of Beginning

EXCEPTING from the above described property all oil, gas, mineral and hydrocarbon rights and substances in and under the land, but beneath a plane 500 feet below the surface of the land, but without any right of surface entry.

PARCEL 22:

That portion of Lot 41 of the RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partition Map of said Rancho made in the action entitled "Juan M. Luco, et al, vs the Commercial Bank of San Diego, et al", Superior Court Case No. 348, filed in the Office of the County Clerk of said County, described as follows:

Commencing at the Southwesterly corner of Lot 360 of MISSION VILLAGE UNIT NO. 4, according to Map thereof No. 3676, filed in the Office of the County Recorder of San Diego County July 19, 1957; thence along the Westerly boundary of said Unit No. 4, North 1° 40' 30" West 110.54 feet to the Northeasterly corner of that parcel of land described in deed to Mills Development Co., recorded April 28, 1959 as document No. 84174 in Book 7630, page 131 of Official Records; thence continuing along said Westerly boundary North 1° 40' 30" West 266.37 feet to the True Point of Beginning; thence along said Westerly boundary North 1° 40' 30" West 163.09 feet to the Southwesterly corner of Lot 352 of said Unit No. 4; thence along said Westerly boundary North 10° 59' 52" East 98.74 feet; thence South 89° 46' 10" West 483.26 feet to the West line of said Lot 41 of Rancho Mission; thence along said West line South 0° 48' 10" East 259.90 feet to a line which bears South 89° 46' 10" West from the True Point of Beginning; thence North 89° 46' 10" East 465.55 feet to the True Point of Beginning.

EXCEPTING from the above described property all oil, gas, mineral and hydrocarbon rights and substances in and under the land, but beneath a plane 500 feet below the surface of the land, but without any right of surface entry.

PARCEL 23:

That portion of Lot 41 of the RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partition Map of said Rancho made in the action entitled "Juan M. Luco, et al, vs the Commercial Bank of San Diego, et al", Superior Court Case No. 348, filed in the Office of the County Clerk of said County, described as follows:

Beginning at the Southwest corner of MISSION VILLAGE UNIT NO. 10, Map No. 3883, said point also being the True Point of Beginning; thence in a Northerly direction along the Southerly boundary of said MISSION VILLAGE UNIT NO. 10, North 75° 24' 13" East 373.90 feet; thence

South 14° 25' 47" East 300.00 feet; thence South 75° 24' 13" East 912.56 feet; thence North 0° 13' 50" East 432.66 feet; thence North 75° 24' 13" East 427.95 feet; thence South 14° 25' 47" East 118.25 feet to the True Point of Beginning.

EXCEPTING from the above described property all oil, gas, mineral and hydrocarbon rights and substances in and under the land, but beneath a plane 500 feet below the surface of the land, but without any right of surface entry.

PARCEL 24:

That portion of Lot 41 of the RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partition Map of said Rancho made in the action entitled "Juan M. Luco, et al, vs the Commercial Bank of San Diego, et al", Superior Court Case No. 348, filed in the Office of the County Clerk of said County, described as follows:

Beginning at the Northwesterly corner of Lot 1128 of MISSION VILLAGE UNIT NO. 12, according to Map thereof No. 4011, filed in the Office of the County Recorder of said County; thence South 7° 28' 28" West 656.58 feet to the Northwesterly corner of Lot 1266 of MISSION VILLAGE UNIT NO. 13, according to Map thereof No. 4062, filed in the Office of the County Recorder of said County; thence along the Westerly line of said Lot, South 0° 00' 20" East 11.84 feet; thence North 89° 46' 10" West 260.77 feet; thence North 0° 13' 50" East 572.25 feet; thence North 75° 24' 15" East 355.35 feet to the Point of Beginning.

EXCEPTING from the above described property all oil, gas, mineral and hydrocarbon rights and substances in and under the land, but beneath a plane 500 feet below the surface of the land, but without any right of surface entry.

PARCEL 25:

That portion of Lot 41 of the RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partition Map of said Rancho made in the action entitled "Juan M. Luco, et al, vs the Commercial Bank of San Diego, et al", Superior Court Case No. 348, filed in the Office of the County Clerk of said County, described as follows:

Commencing at the Northwesterly corner of Lot 1266 of MISSION VILLAGE UNIT NO. 13, according to Map thereof No. 4042, filed in the Office of the County Recorder of said County December 22, 1958; thence South 0° 00' 20" East along the Westerly boundary of said MISSION VILLAGE UNIT NO. 13, a distance of 11.94 feet to the True Point of Beginning; thence continuing South 0° 00' 20" East along said Westerly boundary 480.51 feet; thence North 89° 46' 10" West 612.90 feet; thence North 0° 13' 50" East 453.14 feet; thence South 89° 46' 10" East 350.15 feet; thence North 0° 13' 50" East 453.14 feet; thence South 89° 46' 10" East 350.15 feet; thence North 0° 13' 50" East 453.14 feet; thence South 89° 46' 10" East 350.15 feet thence North 0° 13' 50" 27.37 feet to the Southwesterly corner of the land described in deed to Martin L. Gleich, recorded February 16, 1959 in book 7500, page 118 of Official Records of said County; thence along the Southerly line of said Gleich land South 89° 46' 10" East 260.77 feet to the True

Point of Beginning.

EXCEPTING from the above described property all oil, gas, mineral and hydrocarbon rights and substances in and under the land, but beneath a plane 500 feet below the surface of the land, but without any right of surface entry.

PARCEL 26:

That portion of Lot 41 of the RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partition Map of said Rancho made in the action entitled "Juan M. Luco, et al, vs the Commercial Bank of San Diego, et al", Superior Court Case No. 348, filed in the Office of the County Clerk of said County, described as follows:

Commencing at the Southwest corner of Lot 41, RANCHO MISSION OF SAN DIEGO, S.C. 348, as shown on Record of Survey No. 4013 on file in the Recorder's Office of San Diego County, California; thence North 0° 13' 50" East along the West line of said Lot 41 a distance of 426.77 feet to the Southwest corner of MISSION VILLAGE ANNEX NO. 3, Map No. 4438; thence along the boundary of said MISSION VILLAGE ANNEX NO. 3, South 89° 46' 10" East a distance of 403.78 feet; thence continuing South 89° 46' 10" East a distance of 99.82 feet to the True Point of Beginning; thence continuing South 89° 46' 10" East a distance of 146.40 feet; thence South 0° 13' 50" West a distance of 101.77 feet; thence North 89° 46' 10" West a distance of 146.40 feet; thence North 0° 13' 50" East a distance of 101.77 feet to the True Point of Beginning.

EXCEPTING from the above described property all oil, gas, mineral and hydrocarbon rights and substances in and under the land, but beneath a plane 500 feet below the surface of the land, but without any right of surface entry.

PARCEL 27:

That portion of Lot 41 of the RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partition Map of said Rancho made in the action entitled "Juan M. Luco, et al, vs the Commercial Bank of San Diego, et al", Superior Court Case No. 348, filed in the Office of the County Clerk of said County, described as follows:

Commencing at the Southwesterly corner of Lot 352 of MISSION VILLAGE UNIT NO. 4, according to Map thereof No. 3676, filed in the Office of the County Recorder of San Diego County, July 19, 1957; thence along the Westerly line of said Unit No. 4, North 10° 59' 52" East 176.53 feet to the True Point of Beginning; thence along said Westerly line North 10° 59' 52" East 56.50 feet; thence South 89° 46' 10" West 247.42 feet; thence North 0° 13' 50" West 234.32 feet to an angle point in the Southerly and Westerly boundary of Lot 323 of said MISSION VILLAGE UNIT NO. 4; thence along said Westerly line of said Lot 323, North 20° 07' 02" West 823.11 feet to the Westerly line of said Lot 41 of Rancho Mission; thence along said Westerly line South 0° 48' 10" East 1045.01 feet to a line which bears South 89° 46' 10" West from the True Point of Beginning; thence North 89° 46' 10" East 499.17 feet to the True Point of

Beginning.

EXCEPTING from the above described property all oil, gas, mineral and hydrocarbon rights and substances in and under the land, but beneath a plane 500 feet below the surface of the land, but without any right of surface entry.

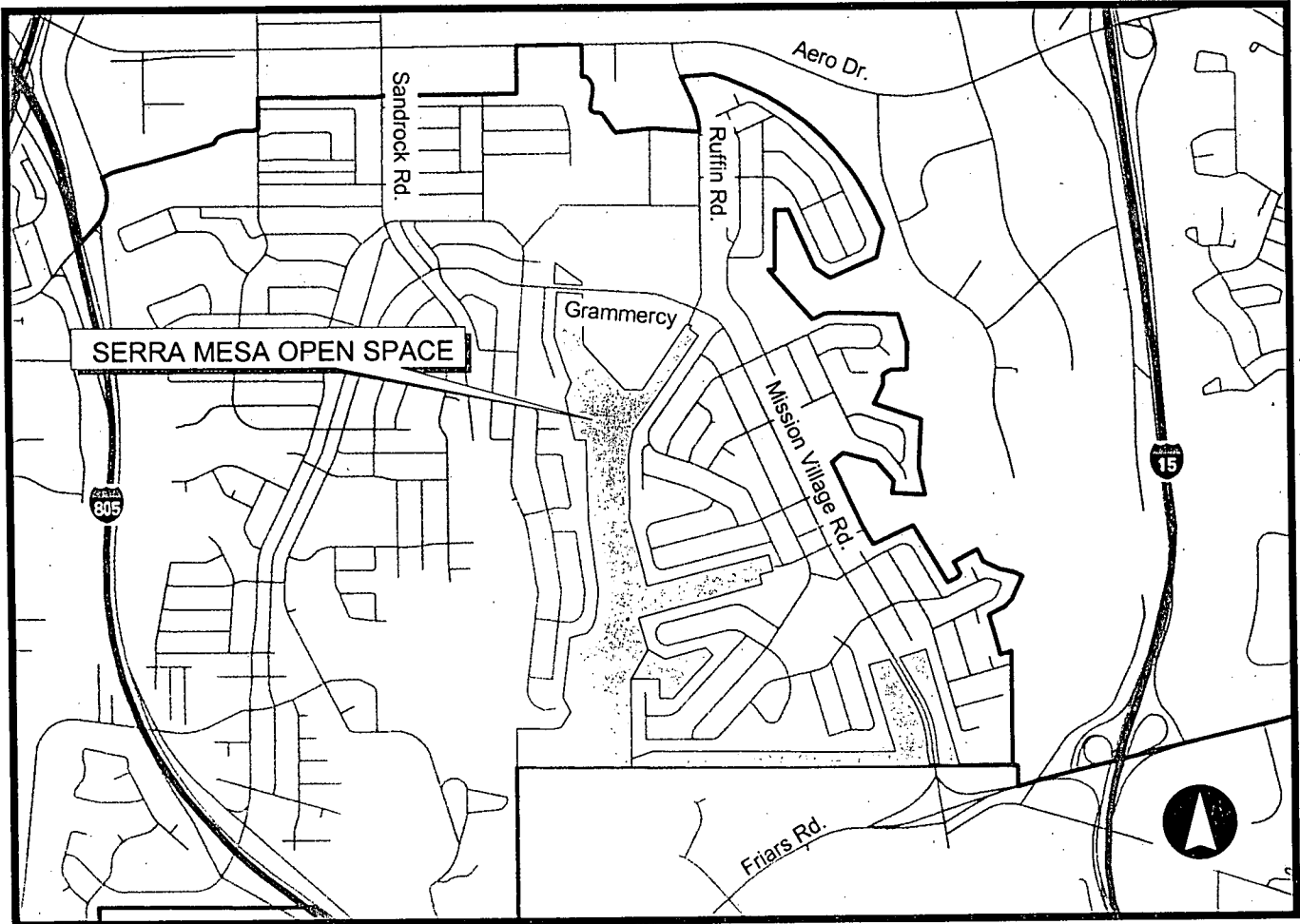
PARCEL 28:

That portion of Lot 41 of the RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partition Map of said Rancho made in the action entitled "Juan M. Luco, et al, vs the Commercial Bank of San Diego, et al", Superior Court Case No. 348, filed in the Office of the County Clerk of said County, described as follows:

Beginning at the Southeast corner of MISSION VILLAGE UNIT NO. 3, according to Map thereof No. 3607, filed in the Office of the County Recorder of said County; thence along the Easterly line thereof North 11° 28' 35" West 503.60 feet to an angle point in the boundary of MISSION VILLAGE UNIT NO. 2, according to Map thereof No. 3581, filed in the Office of the County Recorder of said County; thence along said boundary North 21° 02' 13" East 173.83 feet; North 27° 04' 26" West 144.68 feet; North 18° 33' 45" West 339.01 feet; North 12° 54' 22" West 52.70 feet; North 3° 26' 15" East 485.55 feet; North 15° 08' 15" West 94.95 feet, and North 3° 26' 15" East along said boundary and the prolongation thereof 238.76 feet to the Southwesterly line of MISSION VISTA, according to Map thereof No. 3722, filed in the Office of the County Recorder of said County; thence along said Southwesterly line South 54° 47' 55" East 370 feet to the East line of said Lot 40; thence along said East line South 0° 47' 55" East 1759.43 feet to the Easterly prolongation of the South line of said Map No. 3607; thence along said prolongation North 89° 44' 30" West 122.20 feet to the Point of Beginning.

EXCEPTING from the above described property all oil, gas, mineral and hydrocarbon rights and substances in and under the land, but beneath a plane 500 feet below the surface of the land, but without any right of surface entry.

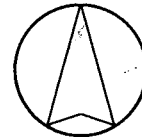
RESERVING unto the Grantor herein the right that should the City of San Diego ever declare that the aforementioned property no longer be designated as open space or park and recreation land, then the Grantor, his heirs and devisees, shall have the right of first refusal to purchase said property for the same amount, \$844,000, as the City acquired the property from the Grantor, this right shall not extend past the year 2050.



Vicinity Map for Serra Mesa Open Space

**Serra Mesa Open Space
Proposed for Dedication
by Assessor's Parcel Number**

- | | | |
|----|------------|----------|
| 1. | 429-011-09 | 6.94 ac |
| 2. | 429-011-10 | 84.32 ac |
| 3. | 429-040-31 | 18.99 ac |
| 4. | 429-040-35 | 6.04 ac |



1:9600

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