

FILED

DEC 15 1970

W. T. PAASCH, County Clerk
CONTRA COSTA COUNTY
BY *W. T. Paasch* Deputy

1 THOMAS C. LYNCH, Attorney General
of the State of California
2 WILLARD A. SHANK,
Assistant Attorney General
3 JOHN M. MORRISON,
Deputy Attorney General
4 Room 500, Wells Fargo Bank Building
Fifth Street and Capitol Mall
5 Sacramento, California 95814
Telephone: 445-4988

6 Attorneys for Plaintiff

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF CONTRA COSTA

10
11 PEOPLE OF THE STATE OF CALIFORNIA,
acting by and through the Department
12 of Water Resources,
13 Plaintiff,

14 v.

15 ROY MASSONI, ELMER L. DANIELSON and
CLAIRE L. DANIELSON, his wife;
16 SHELDON G. MOORE and NANCY MOORE, his
wife, et al.,
17 Defendants.

NO. 105016

JUDGMENT IN CONDEM-
NATION PURSUANT TO
STIPULATION and
STIPULATION

(Parcel No. D-SL-159
only)

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19
20 IT APPEARING TO THE COURT that plaintiff, State of
21 California, acting by and through its Department of Water
22 Resources, through its attorney, Thomas C. Lynch, Attorney
23 General of the State of California, by John M. Morrison, Deputy
24 Attorney General, and defendants Elmer L. Danielson and Claire L.
25 Danielson, his wife, Sheldon G. Moore and Nancy Moore, his wife,
26 through their attorneys, Downey, Brand, Seymour & Rohwer, by
27 Robert R. Harlan, have stipulated that judgment in condemnation
28 may be entered herein by the said parties with respect to the
29 real property described as Parcel No. D-SL-159 in the legal
30 description attached hereto, marked Exhibit "A", and incorporated
31 herein, and have waived findings of fact, conclusions of law,

1 and notice of entry of judgment;

2 IT FURTHER APPEARING that the defendants Sacramento
3 and San Joaquin Drainage District, Byron-Bethany Irrigation
4 District, Reclamation District No. 802, and Grace Ritchie have
5 filed disclaimers in this proceeding disclaiming any interest
6 in or to said parcel of real property; and

7 IT FURTHER APPEARING that defendant County of Contra
8 Costa has an interest in said parcel only to the extent of any
9 unpaid taxes, penalties or assessments, if any; and

10 IT FURTHER APPEARING that pursuant to an order of this
11 court made on August 24, 1967, plaintiff was authorized to take
12 possession of said Parcel No. D-SL-159 three days after service
13 of said order for immediate possession upon the record owners
14 of said real property and upon the occupants thereof; and

15 IT FURTHER APPEARING that the order for possession
16 herein was mailed to the owners and occupants of said parcel
17 on the 25th day of August 1967; and

18 IT FURTHER APPEARING that pursuant to an order of
19 court dated November 19, 1968, authorizing withdrawal of a
20 portion of the amount deposited for taking immediate possession,
21 there was paid to the defendants Elmer L. Danielson and Claire L.
22 Danielson on December 3, 1968, the sum of \$100,000.00, and
23 pursuant to a further order of court authorizing withdrawal
24 dated August 26, 1970, there was paid to the defendants Elmer L.
25 Danielson and Claire L. Danielson on August 29, 1970, the sum
26 of \$100,000.00.

27 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND
28 DECREED that the total compensation to be paid herein for the
29 acquisition of Parcel No. D-SL-159 is the sum of \$853,842.13,
30 less the amount of \$200,000.00 heretofore withdrawn pursuant
31 to orders of this court, together with interest at the rate of

1 seven percent per annum on \$853,842.13 from August 30, 1967 to
2 and including December 3, 1968; on the amount of \$753,842.13
3 from December 4, 1968 to and including August 29, 1970; and on
4 the amount of \$653,842.13 from August 30, 1970 to date of
5 payment into court, and together with a grant of title in fee
6 simple absolute to all that certain real property described
in Exhibit "B" attached hereto.

8 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
9 defendants Sacramento and San Joaquin Drainage District, Byron-
10 Bethany Irrigation District, Reclamation District No. 802,
11 and Grace Ritchie having disclaimed any right, title or interest
12 in said Parcel No. D-SL-159, said defendants are not entitled
13 to any compensation herein.

14 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
15 only interest of defendant County of Contra Costa in or to said
16 property or in or to said just compensation is to the extent
17 of any unpaid taxes, penalties or assessments, if any.

18 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon
19 payment of the said total sum into court for the benefit of
20 the defendants Elmer L. Danielson and Claire L. Danielson, his
21 wife, Sheldon G. Moore and Nancy Moore, his wife, and the
22 County of Contra Costa, as their interests are hereinafter
23 determined, and upon a grant to the defendants Elmer L. Danielson
24 and Claire L. Danielson, his wife, of the fee simple title to
25 that real property described in Exhibit "B" attached hereto and
26 incorporated herein, said Parcel No. D-SL-159 shall be condemned
27 to plaintiff and as against defendants Elmer L. Danielson and
28 Claire L. Danielson, his wife, Sheldon G. Moore and Nancy Moore,
29 his wife, and the County of Contra Costa, for State water
30 purposes, in fee simple absolute, and all interests of said
31 defendants in and to said parcel shall be terminated.

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that
2 payment into court of said total sum of money as hereinabove
3 specified, including interest thereon as hereinabove specified,
4 together with such sums as were heretofore withdrawn, and together
5 with a conveyance of title in fee simple absolute to all that
6 certain real property described in Exhibit "B" attached hereto,
7 shall be in full payment for the taking of said Parcel No.
8 D-SL-159 and for any and all damages to the remaining property,
9 claims, demands, expenses, and compensation, suffered by reason
10 of the taking of said parcel and the construction of the improve-
11 ment in the manner proposed by plaintiff, including the value of
12 the use and occupancy of the plaintiff under any of the orders
13 of immediate possession made herein and including but not limited
14 to any expenses which may be incurred by any of said defendants
15 in restoring the utility of the remaining property, and further
16 including but not limited to any and all damages to the remaining
17 property resulting, or to result, from seepage of water from the
18 said public improvement.

19 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said
20 total compensation shall be distributed as follows:

21 1. To defendant County of Contra Costa, a political
22 subdivision of the State of California, such sum, if
23 any, which is necessary to satisfy all taxes, penalties
24 and costs which are a lien on said Parcel No. D-SL-159,
25 if any;

26 2. To defendants Sheldon G. Moore and Nancy Moore,
27 his wife, the sum of \$150,000.00; and

28 3. To defendants Elmer L. Danielson and Claire L.
29 Danielson, his wife, the balance of said total sum and
30 all of the right, title and interest to the real property
31

1 described in Exhibit "B" attached hereto, to be conveyed
2 by plaintiff pursuant to the provisions of this judgment
3 and the stipulation thereto.

4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that
5 the purpose for which said parcel is sought to be condemned
6 is a public use authorized by law and that the taking of said
7 parcel is necessary for such public use.

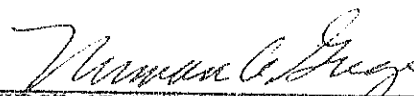
8 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that
9 possession having been taken by plaintiff on August 30, 1967, all
10 taxes, penalties and costs which are a lien on said parcel and
11 which are apportioned to that portion of the fiscal year after
12 said date are hereby cancelled pursuant to section 4986 of the
13 Revenue and Taxation Code.

14 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
15 following named defendants shall have and recover from plaintiff
16 their costs of suit incurred herein, if any:

- 17 1. Defendants Elmer L. Danielson and Claire L.
18 Danielson, his wife; Sheldon G. Moore and Nancy Moore,
19 his wife, in the sum of \$____.00.

20 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that
21 upon payment by plaintiff of the sum hereinabove specified,
22 together with legal interest thereon as hereinabove specified,
23 the Treasurer of the State of California is hereby directed
24 to return to plaintiff the sum of \$511,824.98, being the sum
25 remaining on deposit by virtue of the sum previously deposited
26 as security for the order of immediate possession heretofore
27 made.

28 Dated: December 15, 1970.

29
30
31 
JUDGE OF THE SUPERIOR COURT

1 connection with the construction of the proposed
2 improvement and related facilities be deemed to be
3 a claim for damages cognizable in this eminent domain
4 proceeding as a claim for damages arising out of the
5 taking of said Parcel No. D-SL-159 and the construction
6 of the improvement in the manner proposed by plaintiff.

7 2. That the undersigned defendants, and each of
8 them, hereby waive notice of trial and trial, findings
9 of facts and conclusions of law, notice of entry of
10 judgment and notice of entry of final order of condem-
11 nation.

12 3. That payment of the total compensation in
13 accordance with the terms of the foregoing judgment
14 in condemnation shall be full payment for the taking
15 of said Parcel No. D-SL-159 and for any and all damages
16 to the remaining property, claims, demands, expenses, and
17 compensation, suffered by reason of the taking of said
18 parcel and the construction of the improvement in the man-
19 ner proposed by plaintiff, including the value of the use
20 and occupancy of the plaintiff under any of the orders for
21 immediate possession made herein and including but not
22 limited to any expenses which may be incurred by any of
23 said defendants in restoring the utility of the remaining
24 property, and further including but not limited to any
25 and all damages to the remaining property resulting, or
26 to result, from seepage of water from the said public
27 improvement.

28 4. The undersigned defendants, and each of them,
29 and their counsel of record have read the provisions
30 of the foregoing judgment and agree to each and every
31 provision thereof.

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The foregoing judgment may be forthwith filed and entered in the above-entitled proceeding.

Dated: December 7, 1970.

THOMAS C. LYNCH, Attorney General
of the State of California
WILLARD A. SHANK,
Assistant Attorney General
JOHN M. MORRISON,
Deputy Attorney General

By *John M. Morrison*
JOHN M. MORRISON
Attorneys for Plaintiff

LAW OFFICES of DOWNEY, BRAND,
SEYMOUR & ROHWER

By *Robert R. Harlan*
ROBERT R. HARLAN
Attorneys for defendants Elmer L.
Danielson and Claire L. Danielson,
his wife, Sheldon G. Moore and
Nancy Moore, his wife.

Elmer L. Danielson
ELMER L. DANIELSON

Claire L. Danielson
CLAIRE L. DANIELSON

Sheldon G. Moore
SHELDON G. MOORE

Nancy Moore
NANCY MOORE

PARCEL D-SL 159

UNIT A

The North Half of the Northwest Quarter (N 1/2 of NW 1/4) and the Southeast Quarter of the Northwest Quarter (SE 1/4 of NW 1/4) of Section Thirty (30), Township One (1) South, Range four (4) East, Mount Diablo Base and Meridian.

EXCEPTING THEREFROM that portion thereof lying Southerly and Easterly of the line described as follows:

COMMENCING at a 2" x 2" stake and nail marker shown as the West Quarter Corner of said Section 30 on that certain map filed, in Book 9 of LSM at page 24, in the Office of the County Recorder of Contra Costa County from which the iron pipe shown as the Northeast Corner of the Southwest Quarter of said Section 30 on said map bears South 89° 13' 16" East 2,689.02 feet, said point of commencement having Coordinates X=481,218.54 and Y=1,686,435.55; thence from said point of commencement along the South line of the Northwest Quarter of said Section 30 South 89° 13' 16" East 1,344.47 feet to the TRUE POINT OF BEGINNING; THENCE from said true point of beginning leaving said South line North 00° 53' 12" East 1,321.66 feet to a 1 1/2-inch iron pipe with brass cap marked CC-4; thence North 43° 16' 01" East 2,635.96 feet to a 1 1/2-inch iron pipe with brass cap marked CC-1 being the end of the herein described line.

Containing an area of 60.4 acres, more or less.

Coordinates, bearings and distances in the above description are based on the California Coordinate System, Zone III.

UNIT B

Those parcels of land described as Parcel One, Parcel Two, Parcel Three, and Parcel Four in the deed to Elmer R. Danielson et ux, recorded November 10, 1961 in Book 3992 at page 217 Official Records of Contra Costa County said parcels being more particularly described as follows:

(PARCEL ONE)

A portion of the Northeast 1/4 of Section 19, Township 1 South, Range 4 East, Mount Diablo Base and Meridian, containing 4.17 acres, more or less, described in the deed from Amelia G. Webber to William C. Ferguson and Alfred S. Ferguson, dated March 8, 1923, and recorded March 23, 1923, in Book 438 of Decds, page 118, as follows:

COMMENCING at an iron pipe in the North line of Section 19 of said Township and Range, bearing East 30 rods from the Northwest Corner of the Northeast 1/4 of said Section 19, and running thence West along the North line of said Section 19, 91.3 feet; thence South 1,990.4 feet; thence East 91.3 feet to a point in the dividing line between the properties of Ferguson and Webber, bearing North 650 feet from an iron pin in the South line of the Northeast 1/4 of said Section 19; thence North along the dividing line between the properties of Ferguson and Webber, 1,990.4 feet to the point of beginning.

(PARCEL TWO)

All that portion of the Northeast 1/4 of Section 19, Township 1 South, Range 4 East, Mount Diablo Base and Meridian, lying East of the 4.17 acre parcel of land as described in the deed from Amelia G. Webber to William C. Ferguson and Alfred S. Ferguson, dated March 8, 1923, and recorded March 23, 1923, in Book 438 of Deeds, page 118, and North of the Northerly boundary line of the 10.28 acre parcel of land as described in the deed from Alfred S. Ferguson and William C. Ferguson to Amelia G. Webber, dated February 19, 1923, and recorded March 23, 1923, in Book 435 of Deeds, page 170.

(PARCEL THREE)

A portion of the Southeast 1/4 of Section 19, Township 1 South, Range 4 East, Mount Diablo Base and Meridian, containing 6.11 acres more or less, as described in the deed from Amelia G. Webber to William C. Ferguson and Alfred S. Ferguson, dated March 8, 1923, and recorded March 23, 1923, in Book 438 of Deeds, page 118 as follows:

COMMENCING at an iron pipe at the Northeast Corner of the Southeast 1/4 of Section 19, of said Township and Range, and running thence along the North line of the Southeast 1/4 of said Section 19, West 353.7 feet to a point near the bank of an irrigation canal; thence meandering the bank of said irrigation canal as follows:
South 10° 14' East 158.7 feet; South 25° 27' East 131.8 feet;
South 54° 24' East 131.7 feet; South 80° 55' East 123.7 feet;
North 87° 12' East 130.1 feet; North 73° 03' East 311.7 feet;
South 88° 21' East 111.7 feet to a point in the East line of the Southeast 1/4 of said Section 19; thence along the East line of the Southeast 1/4 of said Section 19, North 277.4 feet to the point of beginning.

(PARCEL FOUR)

All that portion of Section 20, Township 1 South, Range 4 East, Mount Diablo Base and Meridian, lying West of the centerline of Western Canal.

EXCEPTING from the above described "PARCEL FOUR" that portion lying Southerly of the line described as follows:

COMMENCING at the 1 1/2-inch iron pipe with brass cap marked CC-1 described in Unit A above; thence South 88° 42' 34" East 2,156.96 feet to a 1 1/2-inch iron pipe with brass cap marked CC-2; thence North 00° 51' 11" East 325.01 feet to a 1 1/2-inch iron pipe with brass cap marked CC-3; thence South 88° 42' 34" East 50 feet to the East line of said Section 19 being the TRUE POINT OF BEGINNING of this line; THENCE from said true point beginning continuing South 88° 42' 34" East 2,596.44 feet to the Northwesterly line of "PARCEL TWO" as described in the deed to THE UNITED STATES OF AMERICA, recorded October 24, 1962, in Book 4229 at page 292, Official Records of Contra Costa County; thence along the said Northwesterly line of that certain 125 foot right of way described in said "PARCEL TWO" of last said deed the following two (2) courses: North 31° 43' 44" East 923.67 feet, North 77° 55' 44" East 1,064.78 feet; thence leaving said Northeasterly line South 27° 30' 00" East 181.80 feet; thence South 15° 22' 35" East 207.42 feet; thence North 74° 37' 25" East 500.00 feet to the point of Termination of this line.

Coordinates, bearings and distances used in the last exception described above are based on the California Coordinate System, Zone III.

Containing an area, after making said exception, of 510 acres, more or less, in the above described four (4) portions of land.

EXCEPTING from the above described Parcel No. D-SL-159, all oil, oil rights, natural gas and natural gas rights provided that Owner, his successors or assigns shall not drill, mine, explore or otherwise operate upon, in or through the surface or upper 500 feet of the subsurface of the lands herein described, in the exercise of any of the herein excepted rights; and provided, further, that owner, his successors or assigns shall not be relieved of any legal obligations he may otherwise have, to maintain lateral and subjacent support to said surface or upper 500 feet of the subsurface of the lands herein described, in the exercise of any of the herein excepted rights.

D-SL-156A

That portion of the South Half (S 1/2) of Section Nineteen (19), Township One (1) South, Range Four (4) East, M.D.M., lying Southerly and Southeasterly of the following described line:

COMMENCING at a 2" x 2" stake and nail marker shown as the West Quarter Corner of said Section 30 on that certain map filed, in Book 9 of LSM at page 24, in the Office of the County Recorder of Contra Costa County from which the iron pipe shown as the Northeast Corner of the Southwest Quarter of Section 30 on said map bears South 89° 13' 16" East 2,689.02 feet, said point of commencement having Coordinates X=481,218.54 and Y=1,686,435.55;

thence from said point of commencement along the South line of the Northwest Quarter of said Section 30 South 89° 13' 16" East 1,344.47 feet;

thence leaving said South line North 00° 53' 12" East 1,321.22 feet to a 1-1/2-inch iron pipe with brass cap marked CC-4, said pipe being the TRUE POINT OF BEGINNING;

THENCE from said true point of beginning North 43° 16' 01" East 2,635.96 feet to a 1-1/2-inch iron pipe with brass cap marked CC-1;

thence South 88° 42' 34" East 2,156.96 feet to a 1-1/2-inch iron pipe with brass cap marked CC-2;

thence North 00° 51' 11" East 325.01 feet to a 1-1/2-inch iron pipe with brass cap marked CC-3;

thence South 88° 42' 34" East 2,539.96 feet to a 1-1/2-inch iron pipe with brass cap marked CC-4A, said pipe being the end of the herein described line.

Containing an area of 32.1 acres, more or less.

Coordinates, bearings and distances in the above description are based on the California Coordinate System, Zone III.

EXCEPTING therefrom all oil, oil rights, natural gas, natural gas rights as excepted in the Final Order of Condemnation recorded June 12, 1959 as Instrument No. 41445 in Book 5897, at page 474 of Official Records of Contra Costa County.

It is mutually agreed between the parties herein that the above described real property is land locked and without any direct access to any public or private road. The State of California is without obligation or liability to provide access to the said real property.

Approved by
Ray C. Irving, L.S. 3273
APR 20 1970

EXHIBIT "B"

COUNTY OF CONTRA COSTA
COUNTY CLERK
 MARTINEZ, CALIFORNIA

THIS COPY IS
 NOT A RECEIPT

No. 57327

Date _____ 19____

Received
 From _____ \$ _____

In Re _____

Action or Proceeding No. _____

FOR FILING

- Complaint (\$33.00)
- Complaint (\$35.00)
 (Divorce, Annul., Sep. Maint.)
- Petition (\$33.00)
- Papers on Appeal
- Transfer (\$4.00)
- Reporter Fee (\$11.00)
- Demurrer
- Answer
- Appearance
- Notice in re Trial (\$3.00)
- Complaint in Intervention

Certified Copy of

11-81 REV. 12-59 70,000 GRAPHIC ARTS

- GENERAL FUND REVENUE
- Marriage Licenses
- Clerk's Fees
- Jury Fees
- Recording Fees
- Vehicle Fines
- General Fines
- TRUST FUND DEPOSITS
- Law Library Fees (Fund)
- CLERK'S SPECIAL FUND
- Jury Deposits
- Clerk's Clearing
- JUDICIAL SPECIAL FUND
- Condemnations
- Superior Court
- State Treasurer
- SPECIAL DEPOSIT FUND

Cash	Check	Money Order
Internal	Coding	
1003		\$
8161	9965	\$
8110	9965	\$ 23,541.25
8304	9965	\$
Fund	Rev. Acct.	Amount

W. J. PAASCH, County Clerk
R. J. Paasch
 DEPUTY