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*Exempt From Filing Fee
Pursuant to Gov. Code § 6103*

5 Attorneys for Proposed Intervenor, MOUNTAINS RECREATION
AND CONSERVATION AUTHORITY

FILED

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

FEB 23 2012

John A. Clarke, Executive Officer/Clerk
BY *[Signature]* Deputy

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

11 FRIENDS OF THE HASTAIN TRAIL, an
unincorporated association; ELLEN
12 SCOTT, an individual,

13 Plaintiffs

14 vs.

15 COLDWATER DEVELOPMENT LLC, a
California limited liability company;
16 LYDDA LUD, LLC, a California limited
liability company; and DOES 1 through
17 25, inclusive,

18 Defendants.

CASE NO.: BC469573

**PROPOSED INTERVENOR
MOUNTAINS RECREATION AND
CONSERVATION AUTHORITY'S
NOTICE OF MOTION AND MOTION
FOR LEAVE TO FILE COMPLAINT
IN INTERVENTION;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT
THEREOF**

[Declaration of Laurie Collins filed
concurrently herewith]

Date: April 19, 2012
Time: 8:45 a.m.
Dept.: 28

22 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

23 PLEASE TAKE NOTICE that on April 19, 2012, at 8:45 a.m., in Dept. 28 of the
24 above-entitled court, located at 111 N. Hill Street, Los Angeles, California, proposed
25 Intervenor Mountains Recreation and Conservation Authority ("MRCA") will appear and,
26 pursuant to Code of Civil Procedure Section 387, move this Court for an Order granting
27 MRCA leave to intervene and file a Complaint in Intervention in this action.
28


1 This motion for leave to intervene is made on the grounds that the MRCA has
2 direct and immediate interests in this action that are not adequately represented by the
3 parties to the action, including the contractual and legal obligation to maintain the hiking
4 trail as part of Franklin Canyon Park pursuant to a joint use agreement with the National
5 Park Service. These obligations cannot be protected by the existing parties to this action.

6 This Motion will be based upon this Notice of Motion, the Memorandum of Points
7 and Authorities and the Declaration of Laurie Collins; upon the papers, pleadings and
8 documents in this Court's file; and upon such other oral and documentary evidence as may
9 be presented at the hearing of this matter.

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DATED: February 23, 2012

FINESTONE & RICHTER

By: 
ERIC F. EDMUNDS, JR.
Attorneys for Intervenor, Mountains Recreation
and Conservation Authority

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. INTRODUCTION.

3 The Mountains Recreation and Conservation Authority ("MRCA") should be
4 allowed to intervene in this action because it is the governmental agency with a legal and
5 contractual obligation to maintain the hiking trail which is the subject of this action,
6 located in Franklin Canyon Park. The MRCA manages park operations in Franklin
7 Canyon Park through a joint use agreement with the National Park Service and the Santa
8 Monica Mountains Conservancy, which defines the responsibilities and obligations of the
9 parties to that agreement. Among its obligations, the MRCA is required to maintain the
10 park's trail network.

11 The present lawsuit is the result of Defendants Coldwater Development LLC, and
12 Lydda Lud, LLC (collectively, "Defendants") erecting fences that threaten to close off a
13 portion of the Hastain Trail in Franklin Canyon Park. Before Defendants' actions, the
14 Hastain Trail had been used as a hiking trail since at least the 1960's. As a result, some
15 concerned citizens, Plaintiffs Ellen Scott and the Friends of the Hastain Trail (collectively,
16 "Plaintiffs") brought suit against Defendants seeking declaratory and injunctive relief to
17 resolve whether the section of the Hastain Trail that crosses over Defendants' property
18 must be maintained for public use as a hiking trail.

19 The MRCA, the governmental agency that improves and maintains the hiking trail,
20 has a vested right to the continued use by the public of that section of the Hastain Trail
21 that crosses Defendants' adjacent property. Allowing the MRCA to intervene will not
22 enlarge the issues because the MRCA's causes of action will be decided by the same facts
23 and raise the same issues related to the doctrine of implied dedication. In addition, the
24 MRCA's intervention will not result in a delay of the trial or change the position of the
25 parties. Plaintiffs filed their Complaint seven months ago, and a Case Management
26 Conference was just held. As this is written, trial date has not been set.

27 Lastly, Plaintiffs cannot adequately represent the interests of the MRCA, which
28 outweigh those of Plaintiffs. Plaintiffs are various citizens who use the hiking trail, but

1 beyond that do not have the same vested interest in maintaining the hiking trail. Nor do
2 Plaintiffs have the same legal obligations as the MRCA to maintain the hiking trail
3 network within Franklin Canyon Park. Furthermore, there is the possibility that Plaintiffs
4 could dismiss their lawsuit in exchange for monetary compensation or resolve the case in a
5 manner that compromises the MRCA's ability to carry out its obligations under the joint
6 use agreement. Therefore, the MRCA should be granted leave to intervene.¹

7 **II. STATEMENT OF FACTS.**

8 The MRCA is a public entity established in 1985 pursuant to the Joint Powers Act
9 (Government Code Section 6500 *et seq.*). (Declaration of Laurie Collins ["Collins
10 Decl."], ¶ 23); Exhibit A to Collins Decl.) The MRCA is a joint powers authority between
11 the Santa Monica Mountains Conservancy, which is a state agency established by the
12 Legislature, the Conejo Recreation and Park District and the Rancho Simi Recreation and
13 Park District, of which the latter two are local park agencies established by the vote of the
14 people in those communities. (*Id.* at ¶ 2.) Among other things, the MRCA is committed
15 to the preservation and management of local open space and parkland, including hiking
16 trails and wildlife habitat. (*Id.* at ¶ 3.) The MRCA manages and provides ranger services
17 for almost 60,000 acres of public lands and parks owned by the MRCA and other
18 government agencies and entities. (*Id.* at ¶ 3.)

19 One of the parks under the MRCA's management is Franklin Canyon Park, located
20 between the San Fernando Valley and Beverly Hills. (Collins Decl., ¶ 4.) It is owned by
21 the National Park Service and is part of the Santa Monica Mountains National Recreation
22 Area. (*Id.* at ¶ 4.) In May 2008, National Park Service, the Santa Monica Mountains
23 Conservancy (which also owns part of Franklin Canyon Park), and the MRCA entered into
24 a joint use agreement. (*Id.* at ¶ 5; Exhibit B to Collins Decl.) Under that agreement, the
25 MRCA is charged with management of daily park operations in Franklin Canyon Park,
26 including maintaining the trail network in Franklin Canyon Park. (*Id.* at ¶ 6.)

27
28 ¹ Attached to this motion as Exhibit "A" is MRCA's proposed Complaint in Intervention.

1 The Hastain Trail is a popular 2.3 mile loop trail that follows a historic fire road in
2 the southern part of Franklin Canyon Park near the Doheny Ranch area. (Collins Decl., ¶
3 7.) The majority of the trail is within park boundaries, except for a section which extends
4 onto adjacent property. (*Id.* at ¶ 7.) The Hastain Trail and fire road have been continually
5 used as a hiking trail since at least the 1960's. However, the current owners of the
6 adjacent property, Defendants, have recently erected fences in an effort to prevent the
7 public and users of Franklin Canyon Park from accessing this portion of the trail that
8 extends onto the adjacent property. (*Id.* at ¶ 8.)

9 As a result of the actions of Defendants, on September 15, 2011, a local hiker,
10 Ellen Scott, and an unincorporated association, Friends of the Hastain Trail, brought suit
11 against Defendants seeking declaratory and injunctive relief to clarify the rights of the
12 parties with respect to ownership and use of that portion of the Hastain Trail that loops on
13 the property of Defendants.

14 **III. LEGAL ARGUMENT.**

15 Intervention is governed by Code of Civil Procedure section 387. The purpose of
16 intervention is "to promote fairness by involving all parties potentially affected by a
17 judgment." *Simpson Redwood Co. v. State of California*, 196 Cal.App.3d 1192, 1199
18 (1987). Allowing intervention also serves judicial economy by "obviat[ing] delay and
19 multiplicity of actions." *People ex rel. Rominger v. County of Trinity*, 147 Cal.App.3d
20 655, 660 (1983). Accordingly, "[s]ection 387 should be liberally construed in favor of
21 intervention." *Lindelli v. Town of San Anselmo*, 139 Cal.App.4th 1499, 1505 (2006).

22 Intervention is either "permissive" or "mandatory." The requirements for
23 permissive intervention are set forth in Code of Civil Procedure § 387(a), which provides,
24 in pertinent part,

25 at any time before trial, any person, who has an interest in the
26 matter in litigation, or in the success of either of the parties, or
27 an interest against both, may intervene in the action or
28 proceeding. An intervention takes place when a third person is
permitted to become a party to an action or proceeding
between other persons, either by joining the plaintiff in
claiming what is sought by the complaint ... or by demanding

1 anything adversely to both the plaintiff and defendant,
2 See *People v. Superior Court (Good)*, 17 Cal.3d 732, 736 (1976). Thus, a third party may
3 intervene (1) where the proposed intervenor has a direct interest, (2) intervention will not
4 enlarge the issues in the litigation, and (3) the reasons for the intervention outweigh any
5 opposition by the present parties. *Lindelli*, 139 Cal.App.4th at 1504; *People ex rel.*
6 *Rominger*, 147 Cal.App.3d at 660-61.

7 The requirements for mandatory intervention are set forth in Code of Civil
8 Procedure §387(b), which provides that when a party has an interest related to the property
9 or transaction which is the subject of the action and is so situated that the disposition of
10 the action may as a practical matter impair or impede that party's ability to protect that
11 interest, then the court shall permit intervention unless the party's interest is adequately
12 represented by existing parties. Code of Civil Procedure §387(b). The MRCA amply
13 satisfies all of the criteria for both permissive and mandatory intervention.

14 **A. THE MRCA MEETS THE REQUIREMENTS FOR INTERVENTION.**

15 **1. The MRCA Has Direct and Immediate Interests at Stake.**

16 The MRCA should be permitted to intervene if their interest is direct rather than
17 consequential and determinable in the action. *Good*, 17 Cal.3d at 736. "The 'interest'
18 mentioned in section 387 which entitles a person to intervene in a suit between other
19 persons must be 'in the matter in litigation and of such a direct and immediate character
20 that the intervenor will either gain or lose by the direct legal operation and effect of the
21 judgment.'" *Allen v. California Water & Tel. Co.* 31 Cal.2d 104, 109 (1947) quoting
22 *Elliott v. Superior Court*, 168 Cal. 727, 734 (1914).

23 "[I]t is established that the intervenor need neither claim a pecuniary interest nor a
24 specific legal or equitable interest in the subject matter of the litigation." *Simpson*
25 *Redwood Co.*, 196 Cal.App.3d at 1200. For example, intervention has been held
26 appropriate when the proposed intervenor had a vital interest in the validity and
27 interpretation of a statutory right. See *San Bernardino Co. v. Harsh Cal. Corp.*, 52 Cal.2d
28 341, 346 (1959). In *Harsh Cal. Corp.*, the California Supreme Court determined that the

1 United States' interest in having the validity of a federal statute adjudicated was sufficient
2 to support intervention regardless of whether the judgment would directly and immediately
3 affect its pecuniary interests. *Id.* at 345. Likewise, in *Simpson Redwood Co., supra*, the
4 appellate court found that the reputation of the intervenor was a "direct interest" to allow it
5 to intervene in a case that also involved issues related to implied dedication. *Simpson*
6 *Redwood Co.*, 196 Cal.App.3 at 1200-1201.

7 The same analysis of the MRCA's interests yields the same conclusion. The crux of
8 Plaintiffs' claim is that the public has the right to use the portion of the Hastain Trail that
9 crosses onto Defendants' property for recreational purposes. The MRCA is the only party
10 with a legal obligation to maintain the Hastain Trail as part of the trail network in and
11 around Franklin Canyon Park.

12 The outcome of this case will directly affect the MRCA's interests because it has a
13 contractual obligation to maintain the trail networks in the parks and other areas under its
14 management, as well as its commitment to the public to maintain parkland and hiking
15 trails for their use and benefit. The necessity of having those interests analyzed when this
16 Court considers whether Defendants have the right to block access to a public hiking trail
17 that has been in use for 50 years or more is more than sufficient to support the MRCA's
18 participation.

19 **2. The MRCA's Participation Will Not Enlarge the Issues.**

20 The MRCA's participation as a party will clarify, but not enlarge, the issues at stake
21 in this action. The attached proposed complaint in intervention shows that the MRCA
22 does not seek to raise any issues not already implicated. *See Simpson Redwood Co.,*
23 *supra*, 196 Cal. App. 3d at 1202 (intervenor's additional causes of action turned on
24 essentially same facts as existing causes of action and would not cause undue delay,
25 confusion, or enlargement of the scope of the litigation). Thus, MRCA's intervention will
26 not delay the litigation, change the position of the parties or require additional evidence to
27 be introduced. *See, Simpson Redwood Co.*, 196 Cal.App.3d at 1202.

28 Furthermore, if the MRCA is denied leave to intervene, it will be forced to file a

1 separate action. As a result, denial of intervention here “would subvert the salutary
2 purposes of section 387, subdivision (b), to obviate delays and prevent a multiplicity of
3 suits arising out of the same facts.” *Simpson Redwood Co.*, 196 Cal.App.3d at 1203.
4 The MRCA seeks to protect its vested and contractual rights related to its obligations in
5 managing Franklin Canyon Park and its trail network.

6 **3. Existing Parties’ Interests in Conducting the Litigation Do Not**
7 **Outweigh the Necessity of Protecting the MRCA’s Interests.**

8 Intervention may be denied if the objectives of protecting those affected by the
9 judgment and obviating multiplicity and delay are outweighed by the existing parties’ right
10 to conduct their lawsuit on their own terms. *Harsh Cal. Corp.*, 52 Cal.2d at 341. In *Harsh*
11 *Cal. Corp.*, the Court found that the United States’ interest in sustaining its fiscal policy by
12 securing an adjudication of a federal statute was not outweighed by the county and
13 housing corporation’s right to litigate the county’s claim regarding personal property tax
14 liability. The court found that the United States was entitled to be heard to protect its
15 fiscal policy, and its full participation as a party would assist in securing a judgment that
16 should become definitive for similar situations. *Id.* The United States was joining with the
17 existing defendant in challenging the county’s practice and its participation would not
18 prejudice the parties. *Id.*

19 In *Rominger, supra*, the Court of Appeal held that the proposed intervenor amply
20 satisfied the third prong of the intervention test:

21 [W]e conclude that the original parties’ interest in litigating
22 this case on their own terms does not outweigh the interests of
23 the Sierra Club in intervening. Although the County is
24 concerned with the protection of its residents, its interest in
25 this case is primarily that of defending its jurisdiction to enact
26 such pesticide control ordinances. The interest of the members
27 of the Sierra Club, however, as direct beneficiaries of the
28 County pesticide ordinances, stems from their concern for their
own health and well-being. This interest is compelling enough
that they should be permitted to intervene.

27 *Rominger*, 147 Cal.App.3d at 665 (emphasis added).

28 The interests of Plaintiffs in this action are not the same as the MRCA’s interests.

1 Plaintiffs could decide to give up their claims in exchange for a monetary settlement. "But
2 [MRCA's] interest in the litigation - to preserve the property in its natural condition - is
3 singular and indeed unique, and powerfully militates in favor of intervention." *Simpson*
4 *Redwood Co.*, 196 Cal.App.3d at 1204.

5 In this case, MRCA's full participation as a party will ensure that all of the parties
6 whose legal rights will be affected by a judgment in this action are involved and will be
7 heard. In addition, the MRCA will be able to meet its legal and contractual obligations of
8 protecting Franklin Canyon Park and its hiking trail network. The MRCA has a vested
9 interest to maintain the hiking trails in the Santa Monica Mountains for public use and
10 benefit. As was true with the Sierra Club in *Rominger*, these interests are sufficiently
11 compelling to permit the MRCA to intervene.

12 **B. THE MRCA'S INTERESTS ARE NOT ADEQUATELY**
13 **REPRESENTED BY EXISTING PARTIES.**

14 Under Code of Civil Procedure §387(b), the MRCA should be permitted to
15 intervene because its interests in maintaining the Hastain Trail will be impaired and those
16 interests are not adequately represented by existing parties. "The standard under Code of
17 Civil Procedure section 387, subdivision (b) is not whether, absent intervention,
18 disposition of the action will destroy the putative intervenor's interest in the property or
19 transaction which is the subject of the underlying lawsuit. Rather, the standard is whether
20 disposition of the action will as a practical matter impair or impede the intervenor's ability
21 to protect that interest." *Hodge v. Kirkpatrick Development, Inc.*, 130 Cal.App.4th 540, 554
22 (2005). Furthermore, "the standard in deciding intervention is whether existing parties
23 adequately represent the intervenor's interest in the filed lawsuit, not whether the
24 intervenor has a remedy outside of intervention if the existing parties fail to adequately
25 represent the intervenor's rights." *Id.* at 555.

26 If the Court decides that Defendants have the right to block access to the Hastain
27 Trail, then the MRCA's contractual obligation to maintain the hiking trail network will be
28 compromised. Plaintiffs' do not have the same vested interests as the MRCA. They have

1 no legal obligation to bring the present action nor do they have any obligation to continue
2 to prosecute the action.


3 Because the MRCA's interests are not represented by any party to the action, the
4 MRCA's motion should be granted and the MRCA permitted to fully participate.

5 **IV. CONCLUSION.**

6 Based on the foregoing, the Mountains Recreation and Conservation Authority
7 should be granted leave to intervene in this action and allowed to file its Complaint in
8 Intervention.

9
10 DATED: February 23, 2012

FINESTONE & RICHTER

11 By: 
12 ERIC F. EDMUNDS, JR.
13 Attorneys for Proposed Intervenor, Mountains
14 Recreation and Conservation Authority
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EXA

1 FINESTONE & RICHTER, APC
Eric F. Edmunds, Jr. (SB# 081766)
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1875 Century Park East, Suite 1500
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5 Attorneys for Intervenor, MOUNTAINS RECREATION
AND CONSERVATION AUTHORITY
6

7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES - CENTRAL DISTRICT**
10

11 FRIENDS OF THE HASTAIN TRAIL, an
unincorporated association; ELLEN
12 SCOTT, an individual,

13 Plaintiffs

14 vs.

15 COLDWATER DEVELOPMENT LLC, a
California limited liability company;
16 LYDDA LUD, LLC, a California limited
liability company; and DOES 1 through
17 25, inclusive,

18 Defendants.

19 MOUNTAINS RECREATION AND
20 CONSERVATION AUTHORITY, a
public entity,

21 Intervenor.
22

CASE NO.: BC469573

**INTERVENOR MOUNTAINS
RECREATION AND
CONSERVATION AUTHORITY'S
COMPLAINT IN INTERVENTION**

23
24
25 Intervenor, MOUNTAINS RECREATION AND CONSERVATION
26 AUTHORITY ("MRCA"), alleges as follows:

27 ///

28 ///

1 COMMON ALLEGATIONS

2 1. Intervenor MRCA is a local public governmental entity established in 1985
3 pursuant to the Joint Powers Act (Government Code § 6500 *et seq.*). MRCA was formed
4 by a partnership between the Santa Monica Mountains Conservancy, which is a state
5 agency established by the Legislature, and the Conejo Recreation and Park District and the
6 Rancho Simi Recreation and Park District, all of whom entered into a Joint Exercise of
7 Powers Agreement to form MRCA.

8 2. MRCA is informed and believes, and on that basis alleges, that Plaintiff
9 FRIENDS OF THE HASTAIN TRAIL is an unincorporated association of persons who
10 have hiked the Hastain Trail in Franklin Canyon, Los Angeles, California and who desire
11 that it remain a public hiking trail.

12 3. MRCA is informed and believes, and on that basis alleges, that Plaintiff
13 ELLEN SCOTT is, and at all times relevant hereto has been, a resident of the County of
14 Los Angeles, California. MRCA is also informed and believes, and on that basis alleges,
15 that she has regularly hiked the Hastain Trail for twenty years and desires that it remain a
16 public hiking trail.

17 4. MRCA is informed and believes, and on that basis alleges, that Defendant
18 COLDWATER DEVELOPMENT LLC is a California limited liability company with its
19 principal place of business in the County of Los Angeles, California. MRCA is also
20 informed and believes, and on that basis alleges, that Defendant COLDWATER
21 DEVELOPMENT LLC is the owner of two certain parcels of real property in the Santa
22 Monica Mountains, County of Los Angeles, known as Assessor's Parcel Numbers
23 4387-021-018 and 4387-021-019.

24 5. MRCA is informed and believes, and on that basis alleges, that Defendant
25 LYDDA LUD, LLC is a California limited liability company with its principal place of
26 business in the County of Los Angeles, California. MRCA is also informed and believes,
27 and on that basis alleges, that Defendant LYDDA LUD, LLC is the owner of three certain
28 parcels real property in the Santa Monica Mountains, County of Los Angeles, known as

1 Assessor's Parcel Numbers 4387-020-001, 4387-022-001, and 4387-022-002.

2 6. The identities and capacities of defendants named herein as DOES 1 through
3 25, inclusive, are unknown to MRCA who therefore sue said defendants as DOES 1
4 through 25, inclusive. MRCA will seek leave to amend this Complaint when the identities
5 and capacities of such defendants become known to them.

6 7. MRCA is committed to, among other things, the preservation and
7 management of local open space and parkland, including hiking trails and wildlife habitat.
8 MRCA manages and provides ranger services for almost 60,000 acres of public lands and
9 parks owned by MRCA and other government agencies and entities.

10 8. Franklin Canyon Park, located between the San Fernando Valley and
11 Beverly Hills is owned by the National Park Service and is part of the Santa Monica
12 Mountains National Recreation Area.

13 9. In May 2008, the National Park Service, the Santa Monica Mountains
14 Conservancy (which also owns part of Franklin Canyon Park), and MRCA entered into a
15 Cooperative Use Agreement. Under that agreement, MRCA is charged with management
16 of daily park operations for a number of parks, including Franklin Canyon Park. Among
17 MRCA's responsibilities with respect to Franklin Canyon Park is maintaining the existing
18 trail network.

19 10. The Hastain Trail is a popular 2.3 mile loop trail that follows a historic fire
20 road in the southern part of Franklin Canyon Park near the Doheny Ranch area. The
21 majority of the trail is within park boundaries, except for a section which extends onto
22 adjacent property owned by Defendants COLDWATER DEVELOPMENT LLC and
23 LYDDA LUD, LLC (collectively, "Defendants") known as Assessors Parcel Numbers
24 4387-021-018, 4387- 021-019, 4387-020-001, 4387-022-001, and 4387-022-002. A
25 general description of the Hastain Trail which is on Defendants' properties is shown on
26 the map attached hereto as Exhibit A and incorporated herein by this reference.

27 11. MRCA is informed and believes, and on that basis alleges, that the Hastain
28 Trail and fire road have been continually used as a hiking trail since at least January 1,

1 1967, and for many years before said date. Public use of the area dates back more than 80
2 years with numerous movies being produced in the area.

3 12. The location and legal description of that portion of the Hastain Trail on the
4 property of Defendant LYDDA LUD, LLC, which is identified as Assessor's Parcel
5 Number 4387-020-001, is shown on Exhibit B and incorporated herein by this reference.

6 13. The location and legal description of that portion of the Hastain Trail on the
7 properties of Defendant LYDDA LUD, LLC, which are identified as Assessor's Parcel
8 Numbers 4387-022-001 and 4387-022-002, is shown on Exhibit C and incorporated herein
9 by this reference.

10 14. The location and legal description of that portion of the Hastain Trail on the
11 property of Defendant COLDWATER DEVELOPMENT LLC, which is identified as
12 Assessor's Parcel Number 4387-021-018 and 4387-021-019, is shown on Exhibit D and
13 incorporated herein by this reference.

14 15. MRCA is informed and believes, and on that basis alleges that, except for
15 the northern portion of the Hastain Trail as shown on Exhibit D, the trail is, more or less,
16 15 feet wide. The northern portion of the Hastain Trail as shown on Exhibit D is, more or
17 less, 5 feet wide.

18 16. MRCA is informed and believes, and on that basis alleges, that the general
19 public has hiked and otherwise used the Hastain Trail for hiking and recreational purposes
20 continuously for in excess of 60 years without objection or interference until recently.

21 17. Within the past nine months, Defendants have erected fences and gates
22 blocking and interfering with the continued use by the public of those portions of the
23 Hastain Trail which are on the Defendants' properties. Although some of these
24 obstructions to the public use of the Hastain Trail have been opened temporarily,
25 Defendants assert their right to block the Hastain Trail and prohibit public use thereof.

26 18. Said public recreational use prior to 1972 of the Hastain Trail on the
27 Defendants' properties was open, continuous, and for a period of more than five years
28 with full knowledge of the owners, without the public asking or receiving permission to do

1 so and without objection being made by anyone. The Hastain Trail on the Defendants'
2 properties was used as a public hiking trail and for other recreational uses, by all who had
3 occasion to use it.

4 19. On September 15, 2011, Plaintiffs FRIENDS OF THE HASTAIN TRAIL
5 and ELLEN SCOTT (collectively, "Plaintiffs") filed this action seeking declaratory and
6 injunctive relief against Defendants. MRCA brings this Complaint in Intervention
7 pursuant to Code of Civil Procedure § 387 (a) and (b) on the grounds that MRCA, as the
8 governmental entity charged with responsibility for maintaining the Franklin Canyon Park
9 trail network under the Cooperative Use Agreement has a direct interest in this action, that
10 this Complaint in Intervention will not enlarge the issues raised in the original action filed
11 by Plaintiffs and the reasons for MRCA's intervention outweigh any opposition by other
12 parties. MRCA has a vested right to maintain all portions of the Hastain Trail, including
13 those on Defendants' property, and absent intervention MRCA's interest in that portion of
14 the Hastain Trail on Defendants' property might be destroyed.

15 **FIRST CAUSE OF ACTION**

16 (Quiet Title as to implied dedication for public recreational use against Defendant
17 COLDWATER DEVELOPMENT LLC, and DOES 1-5)

18 20. MRCA incorporates by this reference each and every one of the allegations
19 of Paragraphs 1 through 19, inclusive, of this Complaint as though fully set forth herein.

20 21. Prior to 1972, the general public openly used the Hastain Trail for hiking and
21 recreation where it traverses the property known as Assessor's Parcel Numbers
22 4387021-018 and 4387-021-019, as shown in Exhibit D of Defendant COLDWATER
23 DEVELOPMENT LLC continuously in excess of five (5) years for recreational purposes.
24 This use has been known to Defendants and/or their predecessors and has been, until
25 recently, without objection. Therefore, there has been an implied dedication to public use
26 for recreational purposes of the Hastain Trail where it traverses Defendant's properties.

27 22. A dispute has arisen between MRCA, on the one hand, and Defendant
28 COLDWATER DEVELOPMENT LLC and DOES 1 through 5, inclusive, and each of

1 them on the other hand, as to the public rights to use the Hastain Trail on the Defendant's
2 properties for recreational purposes. The parties desire a judicial determination of this
3 dispute.

4 **SECOND CAUSE OF ACTION**

5 (Quiet Title as to implied dedication for public recreational use
6 against Defendant LYDDA LUD, LLC, and DOES 6-10)

7 23. MRCA incorporates by this reference each and every one of the allegations
8 of Paragraphs 1 through 19, inclusive, of this Complaint as though fully set forth herein.

9 24. Prior to 1972, the general public openly used the Hastain Trail for hiking and
10 recreation where it traverses the property known as Assessor's Parcel Numbers
11 4387-020-001, 4387-022-001, and 4387-022-002, as shown in Exhibits B and C, of
12 Defendant LYDDA LUD, LLC continuously in excess of five (5) years for recreational
13 purposes. This use has been known to Defendants and/or their predecessors and has been,
14 until recently, without objection. Therefore, there has been an implied dedication to public
15 use for recreational purposes of the Hastain Trail where it traverses Defendant's
16 properties.

17 25. A dispute has arisen between MRCA, on the one hand, and Defendant
18 LYDDA LUD, LLC and DOES 6 through 10, inclusive, and each of them on the other
19 hand, as to the public rights to use the Hastain Trail on said Defendant's properties for
20 recreational purposes. The parties desire a judicial determination of this dispute.

21 **THIRD CAUSE OF ACTION**

22 (Injunctive Relief against Defendant
23 COLDWATER DEVELOPMENT LLC, and DOES 1-5)

24 26. MRCA incorporates by this reference each and every one of the allegations
25 of Paragraphs 1 through 19 inclusive, and Paragraphs 21 and 22, inclusive, of this
26 Complaint as though fully set forth herein.

27 27. Within the past eight months, Defendant COLDWATER DEVELOPMENT
28 LLC has erected, or has caused to be erected, fences and gates on its properties blocking

1 the Hastain Trail where it traverses said Defendant's properties as shown in Exhibit D.
2 Although some of the gates have been temporarily opened or removed, Defendant
3 COLDWATER DEVELOPMENT LLC asserts that it has a right to prevent public access
4 to the Hastain Trail. Said fences and gates were and are public and private nuisances and
5 any further blockage of public recreational use of the Hastain Trail would be public and
6 private nuisances. MRCA is entitled to an injunction restraining and preventing Defendant
7 COLDWATER DEVELOPMENT LLC from further interfering with the public
8 recreational use of the Hastain Trail where it traverses said Defendant's property.

9
10 **FOURTH CAUSE OF ACTION**

(Injunctive Relief against Defendant LYDDA LUD, LLC, and DOES 6-10)

11 28. MRCA incorporates, by this reference each and every one of the allegations,
12 of Paragraphs 1 through 19 inclusive, and Paragraphs 24 and 25, inclusive, of this
13 Complaint as though fully set forth herein.

14 29. Within the past eight months, Defendant LYDDA LUD, LLC has erected, or
15 has caused to be erected, fences and gates on its properties blocking the Hastain Trail
16 where it traverses said Defendant's properties. Although some of the gates have been
17 temporarily opened or removed, Defendant LYDDA LUD, LLC asserts that it has a right
18 to prevent public access to the Hastain Trail. Said fences and gates were and are public
19 and private nuisances and any further blockage of public recreational use of the Hastain
20 Trail would be public and private nuisances. MRCA is entitled to an injunction restraining
21 and preventing Defendant LYDDA LUC, LLC from further interfering with public
22 recreational use of the Hastain Trail where it traverses said Defendant's property.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, MRCA, prays for judgment in its favor as follows:

25 **First Cause of Action**

26 1. For a determination that Defendant COLDWATER DEVELOPMENT LLC
27 by and through themselves and their predecessors has impliedly dedicated the Hastain
28 Trail where it traverses its properties to public recreational use, as well as a determination

1 of the location and dimensions of the public easement, as set forth in Exhibit D hereof;

2 Second Cause of Action

3 2. For a determination that Defendant LYDDA LUD, LLC by and through
4 themselves and their predecessors has impliedly dedicated the Hastain Trail where it
5 traverses its properties to public recreational use, as well as a determination of the location
6 and dimensions of the public easement, as set forth in Exhibits B and C;

7 Third Cause of Action

8 3. For a permanent injunction restraining and preventing Defendant
9 COLDWATER DEVELOPMENT LLC from interfering with the public recreational use
10 of the Hastain Trail on its properties as shown in Exhibit D hereof;

11 Fourth Cause of Action

12 4. For a permanent injunction restraining and preventing Defendant LYDDA
13 LUD, LLC from interfering with the public recreational use of the Hastain Trail on its
14 properties as shown in Exhibits B and C;

15 All Causes of Action

16 5. For reasonable costs and fees, including attorney's fees, incurred in
17 connection with this litigation;

18 6. For such other and further relief as the Court may deem just and proper.

19

20 DATED: February 23, 2012

FINESTONE & RICHTER

21

By: 

22

ERIC F. EDMUNDS, JR.
Attorneys for Intervenor, Mountains Recreation
and Conservation Authority

23

24

25

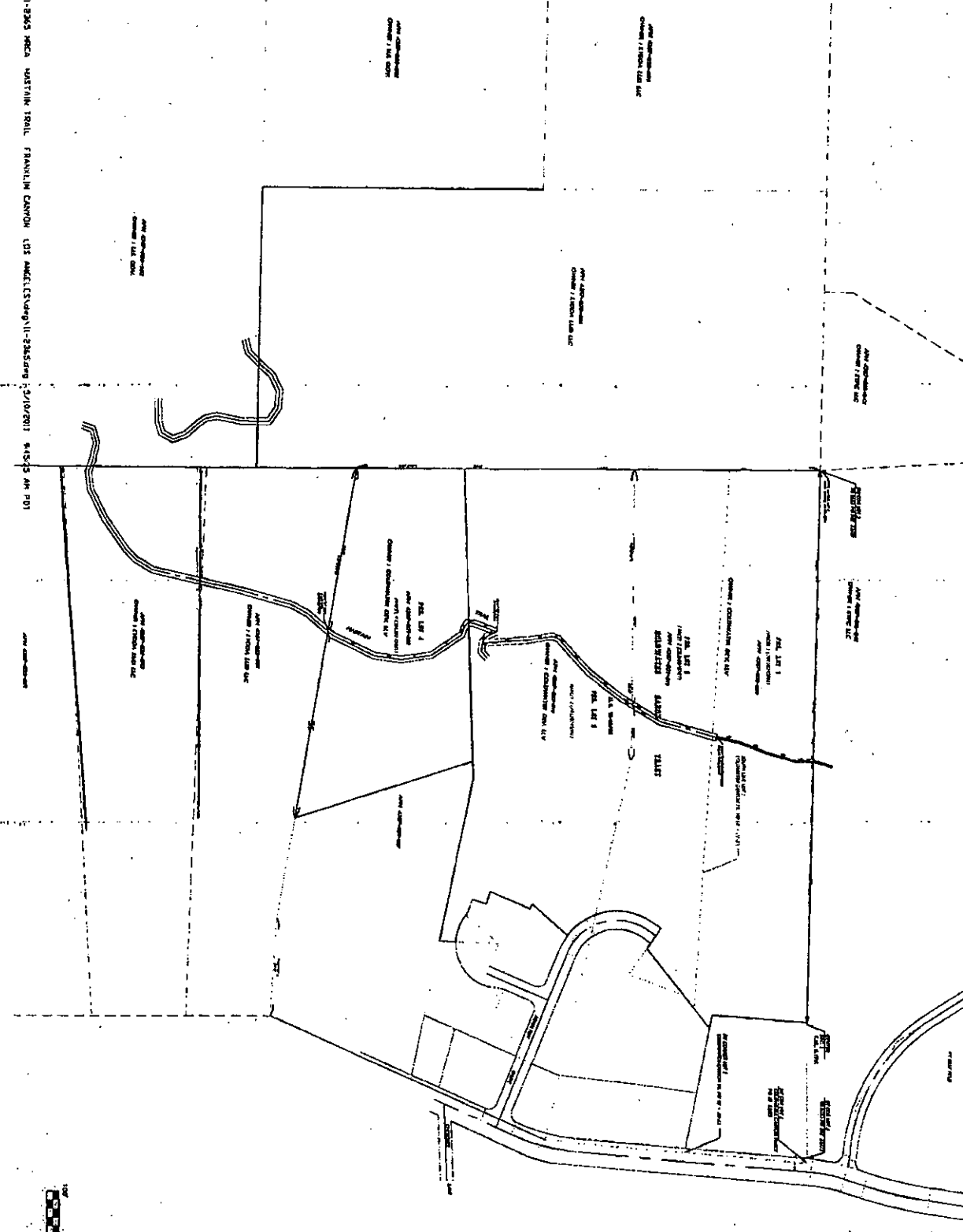
26

27

28

EA

DISTRICT OF COLUMBIA DEPARTMENT OF THE ENVIRONMENT
PLANNING DIVISION
1300 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004
DATE: 11/11/2011
PROJECT: 11-001



EX 1A

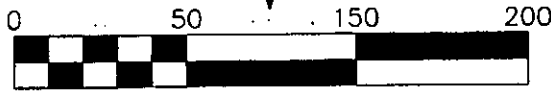
RB

EXHIBIT "B"



LEGEND:

- EASEMENT BOUNDARY
- 15' TRAIL EASEMENT
- C — CENTERLINE
- 15' TRAIL

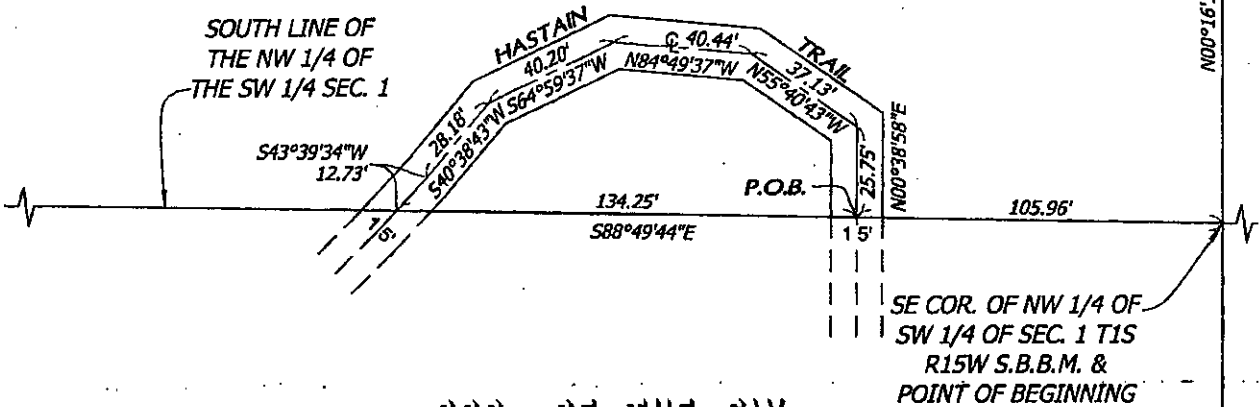


GRAPHIC SCALE

**E 1/2 OF THE NW
1/4 OF THE SW 1/4
SEC. 1 T1S R15W S.B.B.M.**

**APN 4387-020-001
OWNER : LYDDA LUD LLC**

EAST LINE OF THE NW 1/4
OF THE SW 1/4 SEC. 1



**POR. OF THE SW
1/4 OF THE SW 1/4
SEC. 1 T1S R15W S.B.B.M.**

**APN 4387-020-902
OWNER : US GOV'T**

ERB

EXHIBIT "A"
TRAIL EASEMENT

AN EASEMENT FOR HIKING, TRAIL AND ALL INCIDENTAL PURPOSES THERETO OVER THE HASTAIN TRAIL WITHIN THE FOLLOWING DESCRIBED PROPERTY:

THAT PORTION OF HASTAIN TRAIL BEING 15.00 FEET WIDE WITH THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 15 WEST, SAN BERNARDINO BASE AND MERIDIAN AS SHOWN ON THE OFFICIAL PLAT THEREOF, LYING 7.50 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION, THENCE ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION, NORTH 88°49'44" WEST, A DISTANCE OF 105.96 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE LEAVING LAST MENTIONED LINE, NORTH 00°38'58" EAST, A DISTANCE OF 25.75 FEET;

THENCE NORTH 55°40'43" WEST, A DISTANCE OF 37.13 FEET;

THENCE NORTH 84°49'37" WEST, A DISTANCE OF 40.44 FEET;

THENCE SOUTH 64°59'37" WEST, A DISTANCE OF 40.20 FEET;

THENCE SOUTH 40°38'43" WEST, A DISTANCE OF 28.18 FEET;

THENCE SOUTH 43°39'34" WEST, A DISTANCE OF 12.73 FEET TO A POINT IN THE SAID SOUTH LINE, SAID POINT BEING NORTH 88°49'44" WEST, A DISTANCE OF 240.21 FEET FROM THE POINT OF BEGINNING.

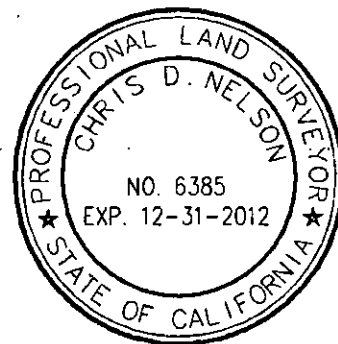
CONTAINS 2766.5 SQUARE FEET.

THE ABOVE DESCRIBED EASEMENT IS DELINEATED ON THE ATTACHED EXHIBIT "B" AND BY REFERENCE MADE A PART HEREOF.

THIS EASEMENT HAS BEEN DESCRIBED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.

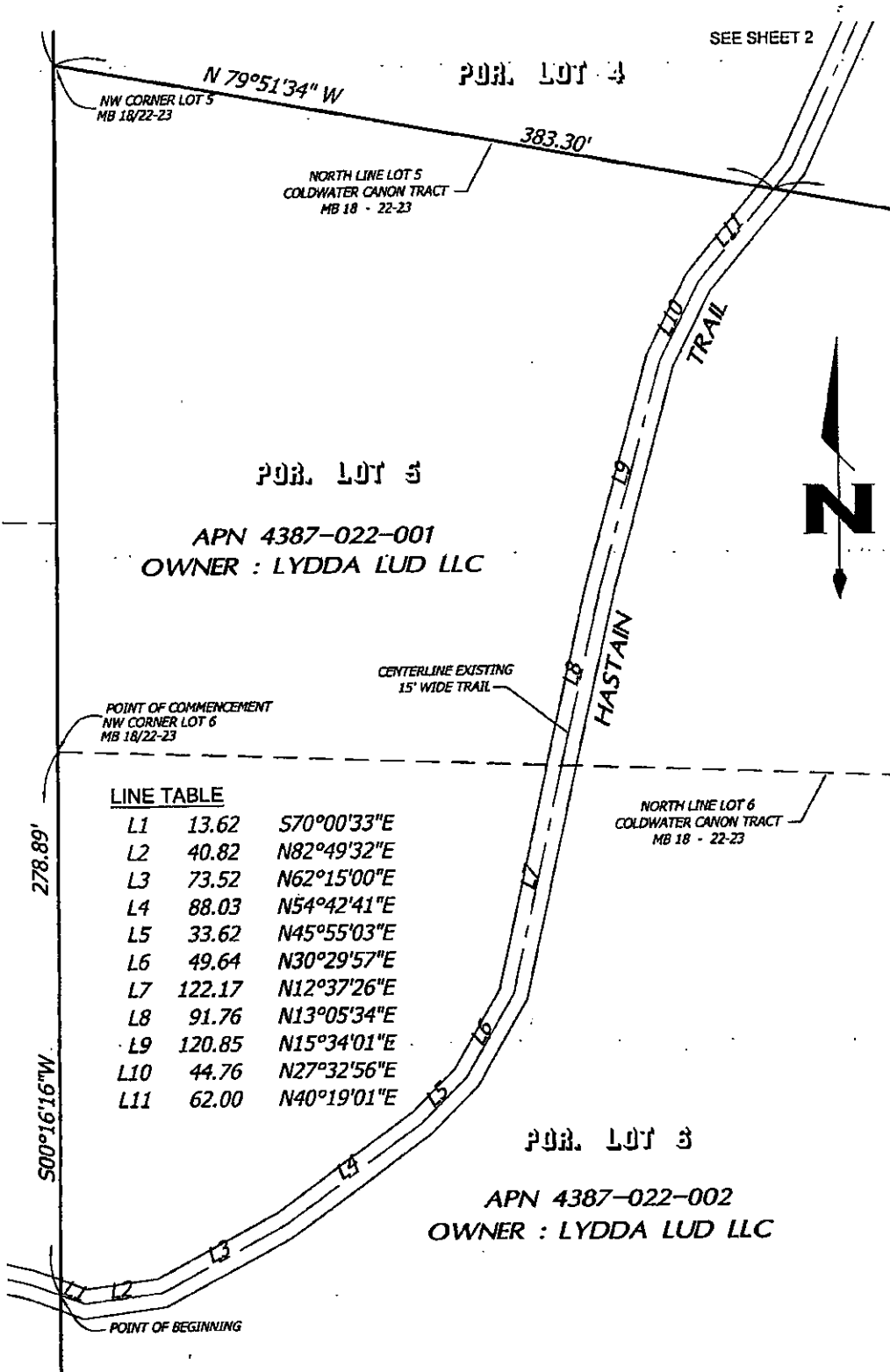
Chris D. Nelson
PLS 6385, Exp. 12-31-2012

Date



BAC

EXHIBIT "B"



NW CORNER LOT 5
MB 18/22-23

POR. LOT 4

SEE SHEET 2

NORTH LINE LOT 5
COLDWATER CANYON TRACT
MB 18 - 22-23

383.30'

POR. LOT 5

APN 4387-022-001
OWNER : LYDDA LUD LLC



CENTERLINE EXISTING
15' WIDE TRAIL

HASTAIN
TRAIL

POINT OF COMMENCEMENT
NW CORNER LOT 6
MB 18/22-23

NORTH LINE LOT 6
COLDWATER CANYON TRACT
MB 18 - 22-23

LINE TABLE

L1	13.62	S70°00'33"E
L2	40.82	N82°49'32"E
L3	73.52	N62°15'00"E
L4	88.03	N54°42'41"E
L5	33.62	N45°55'03"E
L6	49.64	N30°29'57"E
L7	122.17	N12°37'26"E
L8	91.76	N13°05'34"E
L9	120.85	N15°34'01"E
L10	44.76	N27°32'56"E
L11	62.00	N40°19'01"E

278.89'

S00°16'16"W

POR. LOT 3

APN 4387-022-002
OWNER : LYDDA LUD LLC

POINT OF BEGINNING

ERC

EXHIBIT "A"
TRAIL EASEMENT

A 15.00 FOOT WIDE EASEMENT FOR HIKING, TRAIL AND ALL INCIDENTAL PURPOSES THERETO OVER THE HASTAIN TRAIL WITHIN THE FOLLOWING DESCRIBED PROPERTY:

PORTIONS OF LOTS 5 AND 6 OF COLDWATER CAÑON TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 18, PAGES 22 AND 23 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, THE CENTERLINE OF SAID EASEMENT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 6, THENCE SOUTH 00°16'16" WEST, A DISTANCE OF 278.89 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE THE ALONG SAID HASTAIN TRAIL BEING 15.00 FEET WIDE AND LYING 7.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE THE FOLLOWING COURSES:

1ST SOUTH 70°00'33" EAST, 13.62 FEET THENCE;
2ND NORTH 82°49'32" EAST, 40.82 FEET THENCE;
3RD NORTH 62°15'00" EAST, 73.52 FEET THENCE;
4TH NORTH 54°42'41" EAST, 88.03 FEET THENCE;
5TH NORTH 45°55'03" EAST, 33.62 FEET THENCE;
6TH NORTH 30°29'57" EAST, 49.64 FEET THENCE;
7TH NORTH 12°37'26" EAST, 122.17 FEET THENCE;
8TH NORTH 13°05'34" EAST, 91.76 FEET THENCE;
9TH NORTH 15°34'01" EAST, 120.85 FEET THENCE;
10TH NORTH 27°32'56" EAST, 44.76 FEET THENCE;
11TH NORTH 40°19'01" EAST, 62.00 FEET TO A POINT THAT IS DISTANT SOUTH 79°51'34" EAST, 383.30 FEET FROM THE NORTHWEST CORNER OF SAID LOT 5.

THE SIDELINES OF THE ABOVE DESCRIBED HIKING TRAIL ARE TO BE LENGTHENED OR SHORTENED AS TO **TERMINATE** ON THE WESTERLY LINE OF SAID LOT 6 AND THE NORTHERLY LINE OF SAID LOT 5.

THE ABOVE DESCRIBED EASEMENT IS DELINEATED ON THE ATTACHED EXHIBIT "B" AND BY REFERENCE MADE A PART HEREOF.

THIS EASEMENT HAS BEEN DESCRIBED BY ME OR UNDER MY
DIRECTION IN CONFORMANCE WITH THE PROFESSIONAL LAND
SURVEYOR'S ACT.

Chris D. Nelson
PLS 6385, Exp. 12-31-2012

Date





EXD

EXHIBIT "B"

INDEX SHEET

NW COR. LOT 1,
M.B. 18/22-23

APN 4387-016-041
OWNER : ETPC LLC

COLDWATER

POB. LOT 1
PARCEL 1 (20110245981)
APN 4387-021-079
OWNER : COLDWATER DEV. LLC

SEE

P.O.B. CENTERLINE
5' WIDE TRAIL ESMNT

EXIST. 5' WIDE TRAIL

SHEET
POINT "E"

POB. LOT 2
PARCEL 2 (20110245981)
APN 4387-021-019
OWNER : COLDWATER DEV. LLC

EXIST. 15' WIDE TRAIL

SEE
CANYON

SHEET
HASTAN

POB. LOT 3
PARCEL 3 (20110245981)
APN 4387-021-019
OWNER : COLDWATER DEV. LLC



NOT TO SCALE

TRAIL
SHEET
HASTAN

POB. LOT 4
APN 4387-021-018
PARCEL 4 (20110245981)
OWNER : COLDWATER DEV. LLC

EXIST. 15' WIDE TRAIL

SEE

SHEET
HASTAN

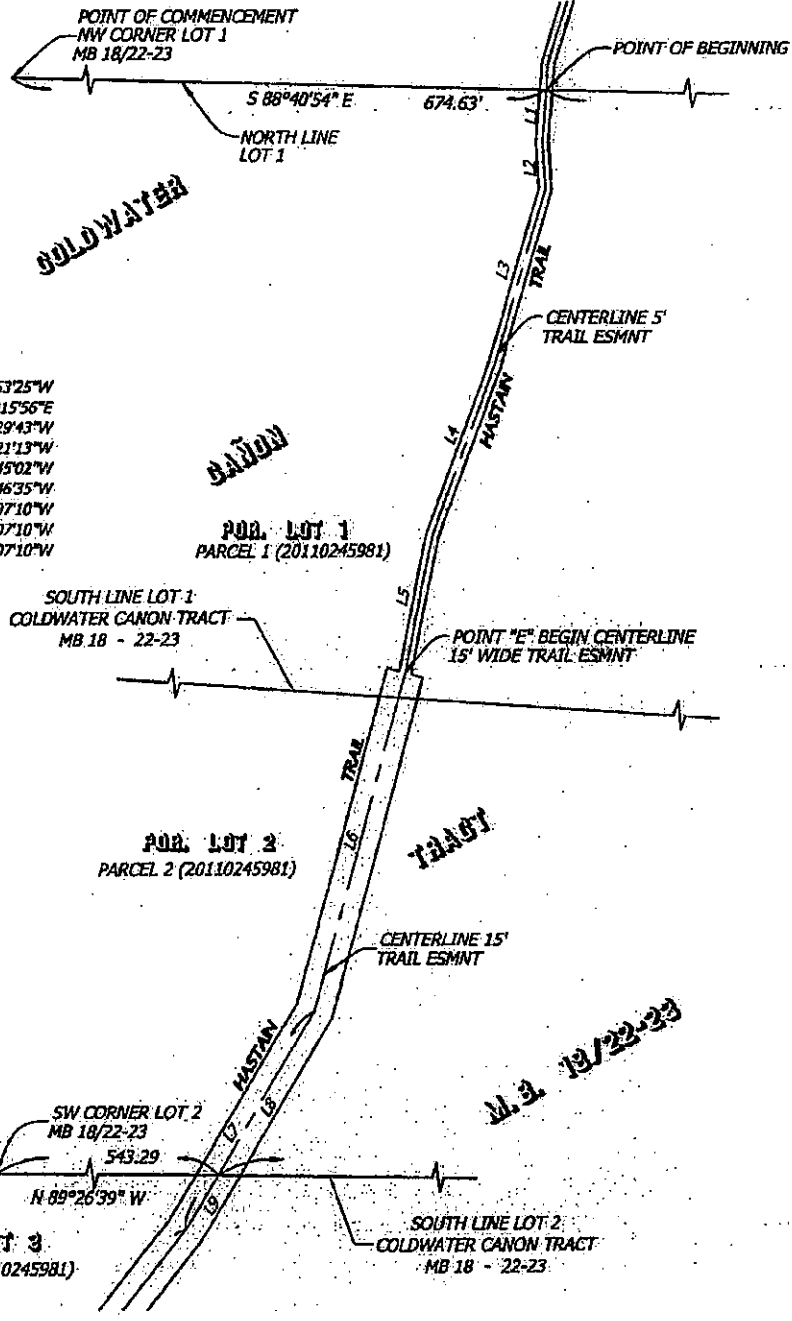
APN 4387-021-017

M.B. 18/22-23

APN 4387-022-001
OWNER : LYDDA LLC LLC

LR9

EXHIBIT "B"



LINE TABLE

L1	19.71'	S04°53'25"W
L2	19.22'	S03°15'56"E
L3	71.72'	S16°29'43"W
L4	71.72'	S20°21'13"W
L5	54.82'	S11°45'02"W
L6	138.25'	S15°46'35"W
L7	99.68'	S31°07'10"W
L8	74.69'	S31°07'10"W
L9	24.99'	S31°07'10"W

COLD WATER

CANON

TRACT

M. 3. 18/22-23

SEE SHEET 2

EXHIBIT "B" (CONT.)



SEE SHEET 2

POB. LOT 2
PARCEL 2 (20110245981)

NW CORNER LOT 3
MB 18/22-23

543.29
N 89°26'39" W

NORTH LINE LOT 3
COLDWATER CANON TRACT
MB 18 - 22-23

GOLDWATER
CANYON

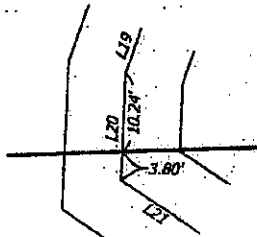
POB. LOT 3
PARCEL 3 (20110245981)

CANYON

HASTAN
TRAIL

LINE TABLE

L9	24.99	S31°07'10"W
L10	98.16	S38°04'01"W
L11	92.28	S46°45'46"W
L12	15.98	S49°09'09"W
L13	15.45	S18°57'00"W
L14	59.10	S08°44'01"E
L15	95.96	S03°49'45"E
L16	13.28	S05°59'11"W
L17	18.10	N49°04'03"W
L18	25.26	N25°03'24"W
L19	59.87	S19°27'57"W
L20	14.04	S02°17'40"W
L21	13.81	S55°48'52"E
L22	17.09	S70°32'49"E
L34	53.34	S69°06'18"W
L35	47.27	N84°46'59"W
L36	48.86	S89°53'24"W
L37	30.97	N32°25'10"W
L38	57.51	N30°08'39"W
L39	41.95	N17°32'26"W
L40	20.59	N12°20'32"W



DETAIL
NTS

SEE DETAIL
ABOVE

SW CORNER LOT 3
MB 18/22-23

356.83'

POB. LOT 4
PARCEL 3 (20110245981)

NORTH LINE LOT 4
COLDWATER CANON TRACT
MB 18 - 22-23

SEE SHEET 4

M. B. 18/22-23

EXHIBIT "B" (CONT.)

COLDWATER

**PUR. LOT 3
PARCEL 4 (20110245981)**

**NORTH LINE LOT 4
COLDWATER CANON TRACT
MB 18 - 22-23**

SEE SHEETS 2 & 3



CANON

**PUR. LOT 4
PARCEL 4 (20110245981)**

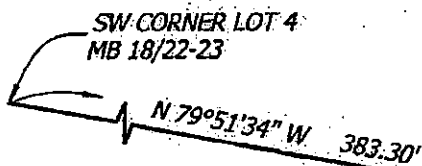
LINE DATA:

LINE	BEARING	DISTANCE
L21	S 55°48'52" E	13.81'
L22	S 70°32'49" E	17.09'
L23	S 32°56'41" E	85.78'
L24	S 08°03'05" E	72.61'
L25	S 07°24'53" W	65.59'
L26	S 25°29'34" W	108.21'
L27	S 40°19'01" W	15.03'

TRACT

M.B. 18/22-23

EXIST. 15' WIDE TRAIL



**SOUTH LINE LOT 4
COLDWATER CANON TRACT
MB 18 - 22-23**

EXHIBIT "A"
VARIABLE WIDTH EASEMENT

A VARIABLE WIDTH EASEMENT FOR HIKING, TRAIL AND ALL INCIDENTAL PURPOSES THERETO OVER THE HASTAIN TRAIL WITHIN THE FOLLOWING DESCRIBED PROPERTY:

PORTIONS OF LOTS 1, 2, 3 AND 4 OF COLDWATER CAÑON TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 18, PAGES 22 AND 23 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED IN THE GRANT DEED TO COLDWATER DEVELOPMENT LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, RECORDED 02/15/2011 AS INSTRUMENT NO 20010245981 RECORDS OF SAID COUNTY, THE CENTERLINE OF SAID VARIABLE WIDTH EASEMENT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1, THENCE ALONG THE NORTHERLY LINE OF LOT 1, SOUTH 88°40'54 EAST, 674.63 FEET TO THE **POINT OF BEGINNING**, SAID POINT BEING THE CENTERLINE OF A 5.00 FOOT WIDE TRAIL, KNOWN AS THE HASTAIN TRAIL, THENCE ALONG THE HASTAIN TRAIL BEING 5.00 FEET WIDE AND LYING 2.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE THE FOLLOWING COURSES;

1 ST	SOUTH 04°53'25" WEST, 30.54 FEET THENCE
2 ND	SOUTH 03°15'56" EAST, 19.22 FEET THENCE
3 RD	SOUTH 16°29'43" WEST, 71.72 FEET THENCE
4 TH	SOUTH 20°21'13" WEST, 71.72 FEET THENCE
5 TH	SOUTH 11°45'02" WEST, 54.82 FEET TO A POINT, SAID POINT HEREINAFTER REFERRED TO AS POINT "E" , SAID POINT BEING THE TERMINATION OF THE 5.00 FOOT WIDE TRAIL AND THE BEGINNING OF THE 15.00 FOOT WIDE TRAIL;

THENCE, **CONTINUING** ALONG HASTAIN TRAIL BEING 15.00 FEET WIDE AND LYING 7.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE THE FOLLOWING COURSES:

6 TH	SOUTH 15°46'35" WEST, 138.25 FEET THENCE
7 TH	SOUTH 31°07'10" WEST, 99.68 FEET THENCE
8 TH	SOUTH 38°04'10" WEST, 98.16 FEET THENCE
9 TH	SOUTH 46°45'46" WEST, 92.28 FEET THENCE
10 TH	SOUTH 49°09'09" WEST, 15.98 FEET THENCE
11 TH	SOUTH 18°57'00" WEST, 15.45 FEET THENCE
12 TH	SOUTH 08°44'01" EAST, 59.10 FEET THENCE
13 TH	SOUTH 03°49'45" EAST, 95.96 FEET THENCE

14TH SOUTH 05°59'11" WEST, 13.28 FEET THENCE
15TH NORTH 49°04'03" WEST, 18.10 FEET THENCE
16TH NORTH 25°03'24" WEST, 25.26 FEET TO A POINT, SAID POINT
HEREINAFTER REFERRED TO AS POINT "C";

THENCE, CONTINUING ALONG HASTAIN TRAIL BEING 15.00 FEET WIDE
AND LYING 7.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED
CENTERLINE THE FOLLOWING COURSES:

17th SOUTH 19°27'57" WEST, 59.87 FEET THENCE;
18th SOUTH 02°17'40" WEST, 10.24 FEET TO ITS INTERSECTION
WITH THE NORTH LINE OF SAID LOT 4, SAID POINT BEING
356.83 FEET EASTERLY, ALONG SAID NORTH LINE FROM THE
NORTHWEST CORNER OF SAID LOT 4;

THENCE, CONTINUING ALONG THE CENTERLINE OF HASTAIN TRAIL
BEING 15.00 FEET WIDE, LYING 7.50 FEET ON EITHER SIDE OF THE
FOLLOWING DESCRIBED CENTERLINE, THE FOLLOWING COURSES:

19TH SOUTH 02°17'40" WEST, 3.80 FEET THENCE;
20TH SOUTH 55°48'52" EAST, 13.81 FEET THENCE;
21ST SOUTH 70°32'49" EAST, 17.09 FEET THENCE;
22ND SOUTH 32°56'41" EAST, 85.78 FEET THENCE;
23RD SOUTH 08°03'05" EAST, 72.61 FEET THENCE;
24TH SOUTH 07°24'53" WEST, 65.59 FEET THENCE;
25TH SOUTH 25°29'34" WEST, 108.21 FEET THENCE;
26TH SOUTH 40°19'01" WEST, 15.03 FEET TO ITS INTERSECTION
WITH THE SOUTH LINE OF SAID LOT 4;

TOGETHER WITH THE FOLLOWING DESCRIBED EASEMENT:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1, THENCE
ALONG THE NORTHERLY LINE OF LOT 1, SOUTH 00°16'16" WEST, 696.05
FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE CENTERLINE
OF A 5.00 FOOT WIDE TRAIL, KNOWN AS THE HASTAIN TRAIL, THENCE
ALONG THE HASTAIN TRAIL BEING 5.00 FEET WIDE AND LYING 2.50 FEET
ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE THE
FOLLOWING COURSES:

1ST NORTH 66°24'05" EAST, 56.69 FEET THENCE
2ND NORTH 80°21'24" EAST, 35.25 FEET THENCE
3RD NORTH 81°35'17" EAST, 14.30 FEET THENCE
4TH NORTH 71°18'52" EAST, 10.16 FEET THENCE
5TH NORTH 72°44'38" EAST, 29.90 FEET THENCE
6TH NORTH 64°35'41" EAST, 32.13 FEET

7TH NORTH 69°06'18" EAST, 53.34 FEET THENCE TO A POINT, SAID POINT HEREINAFTER REFERRED TO AS POINT "F", SAID POINT BEING THE TERMINATION OF THE 5.00 FOOT WIDE TRAIL AND THE BEGINNING OF THE 15.00 FOOT WIDE TRAIL;

THENCE, CONTINUING ALONG HASTAIN TRAIL BEING 15.00 FEET WIDE AND LYING 7.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE THE FOLLOWING COURSES:

8TH SOUTH 84°46'59" EAST, 47.27 FEET THENCE
9TH NORTH 89°53'24" EAST, 48.86 FEET THENCE
10TH SOUTH 32°25'10" EAST, 30.97 FEET THENCE;
11TH SOUTH 30°08'39" EAST, 57.51 FEET THENCE;
12TH SOUTH 17°32'26" EAST, 41.95 FEET THENCE;
13TH SOUTH 12°20'32" EAST, 20.59 FEET TO SAID POINT "C";

TOGETHER WITH THAT PORTION OF HASTAIN TRAIL DESCRIBED AS FOLLOWS:

THE SIDELINES OF THE ABOVE DESCRIBED HIKING TRAIL ARE TO BE LENGTHENED OR SHORTENED AS TO TERMINATE ON THE NORTHERLY, SOUTHERLY AND WESTERLY BOUNDARIES OF THE AFOREMENTIONED LANDS DESCRIBED WITHIN INSTRUMENT NO. 20010245981.

THE ABOVE DESCRIBED EASEMENT IS DELINEATED ON THE ATTACHED EXHIBIT "B" AND BY REFERENCE MADE A PART HEREOF.

THIS EASEMENT HAS BEEN DESCRIBED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.

Chris D. Nelson
PLS 6385, Exp. 12-31-2012

Date

