

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**FILED**<sup>u</sup>  
LOS ANGELES SUPERIOR COURT

OCT 16 2012

JOHN A. CLARKE, CLERK  
*J. D. Rava*  
BY N. RAYA, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

FRIENDS OF HASTAIN TRAIL, et	)	Case No.: BC469573
al.,	)	
	)	
Plaintiffs,	)	[TENTATIVE]
	)	
vs.	)	
	)	DECISION/JUDGMENT;
COLDWATER DEVELOPMENT, LLC, et	)	ATTACHMENTS
al.,	)	
	)	
Defendants.	)	
	)	
	)	

Pursuant to CRC Rule 3.1590, the Court issues a tentative decision/Judgment as follows:

1. As to the Complaint and all causes of action, in favor of all Plaintiffs and against all Defendants, plus attorney fees and costs as provided by law.

1           2.    As to the Complaint in Intervention and all causes of  
2 action, in favor of Intervenor and against all Defendants, plus  
3 attorneys fees and costs as provided by law.

4           3.    The Court declares:

5               a.    Defendant Coldwater Development LLC, by and  
6 through itself and its predecessors, impliedly dedicated the  
7 Hastain Trail where it traverses Defendant Coldwater Development  
8 LLC's properties to public recreational use, as set forth in  
9 Exhibit A attached hereto.

10              b.    Defendant Lydda Lud, LLC, by and through itself and  
11 its predecessors, impliedly dedicated the Hastain Trail where it  
12 traverses Defendant Lydda Lud, LLC's properties to public  
13 recreational use, as set forth in Exhibit B attached hereto.

14           4.    The Court enjoins and restrains:

15               a.    Defendant Coldwater Development LLC from  
16 interfering with the public recreational use of the Hastain  
17 Trail where it traverses Defendant Coldwater Development LLC's  
18 properties as set forth in Exhibit A attached hereto.

19               b.    Defendant Lydda Lud, LLC, from interfering with  
20 the public recreational use of the Hastain Trail where it  
21 traverses Defendant Lydda Lud, LLC's, properties as set forth in  
22 Exhibit B attached hereto.

23           //

24           //

1           6.     The Court commands/orders:

2           a.     Defendant Coldwater Development LLC to remove all  
3 items belonging to it or controlled by it (such as fencing,  
4 equipment, and chattel) on the Hastain Trail where it traverses  
5 Defendant Coldwater Development LLC's properties as set forth in  
6 Exhibit A attached hereto.

7           b.     Defendant Lydda Lud, LLC to remove all items  
8 belonging to it or controlled by it (such as fencing, equipment,  
9 and chattel) on the Hastain Trail where it traverses Defendant  
10 Lydda Lud, LLC's properties as set forth in Exhibit B attached  
11 hereto.  
12

13           CLERK TO GIVE WRITTEN NOTICE.

14           DATED:     October 16, 2012

15   
16 JETTE M. PALAZUELOS  
17 JUDGE  
18  
19  
20  
21  
22  
23  
24  
25

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 4387-021-019  
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

**BAYON**

SHEET  
HASTAN

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



NOT TO SCALE

**TRABOT**

SEE

SHEET  
TRAB

POB. LOT 3  
APN 4387-021-018  
PARCEL 4 (20110245981)  
OWNER : COLDWATER DEV. LLC

EXIST. 15' WIDE TRAIL

SHEET  
HASTAN

APN 4387-021-017

**M.B. 13/22-23**

APN 4387-022-001  
OWNER : LYDDA LLD LLC

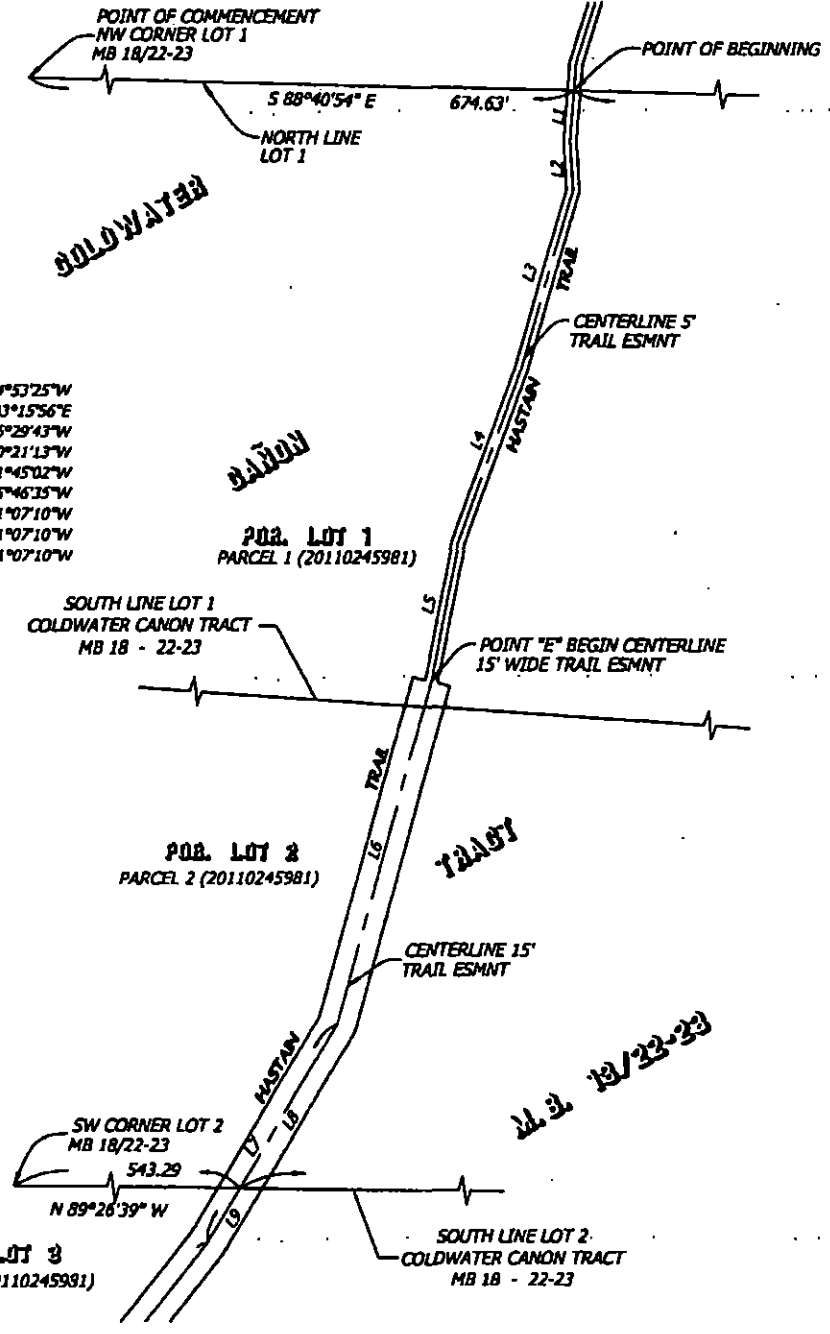
TT/ST/CS

A



**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



COLDWATER

CANON

TRAIL

MB 18/22-23

10/20/2011

11/21/08

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

COLDWATER  
CANYON

POB. LOT 3  
PARCEL 3 (20110245981)

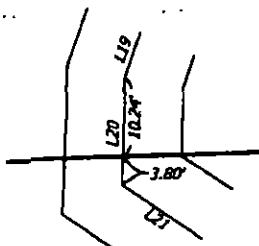
CANYON

HASTAN  
CITY

TRACT

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'

M.B. 18/22-23

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

POB. LOT 4  
PARCEL 3 (20110245981)

SEE SHEET 4

**COLDWATER**

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

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



**CANON**

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

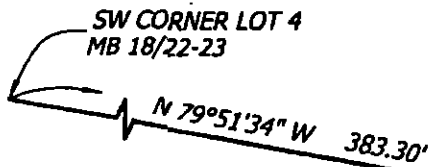
**LINE DATA:**

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**

**MB 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<sup>ST</sup> SOUTH 04°53'25" WEST, 30.54 FEET THENCE
- 2<sup>ND</sup> SOUTH 03°15'56" EAST, 19.22 FEET THENCE
- 3<sup>RD</sup> SOUTH 16°29'43" WEST, 71.72 FEET THENCE
- 4<sup>TH</sup> SOUTH 20°21'13" WEST, 71.72 FEET THENCE
- 5<sup>TH</sup> 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<sup>TH</sup> SOUTH 15°46'35" WEST, 138.25 FEET THENCE
- 7<sup>TH</sup> SOUTH 31°07'10" WEST, 99.68 FEET THENCE
- 8<sup>TH</sup> SOUTH 38°04'10" WEST, 98.16 FEET THENCE
- 9<sup>TH</sup> SOUTH 46°45'46" WEST, 92.28 FEET THENCE
- 10<sup>TH</sup> SOUTH 49°09'09" WEST, 15.98 FEET THENCE
- 11<sup>TH</sup> SOUTH 18°57'00" WEST, 15.45 FEET THENCE
- 12<sup>TH</sup> SOUTH 08°44'01" EAST, 59.10 FEET THENCE
- 13<sup>TH</sup> SOUTH 03°49'45" EAST, 95.96 FEET THENCE



14<sup>TH</sup> SOUTH 05°59'11" WEST, 13.28 FEET THENCE  
15<sup>TH</sup> NORTH 49°04'03" WEST, 18.10 FEET THENCE  
16<sup>TH</sup> 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:

17<sup>th</sup> SOUTH 19°27'57" WEST, 59.87 FEET THENCE;  
18<sup>th</sup> 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:

19<sup>TH</sup> SOUTH 02°17'40" WEST, 3.80 FEET THENCE;  
20<sup>TH</sup> SOUTH 55°48'52" EAST, 13.81 FEET THENCE;  
21<sup>ST</sup> SOUTH 70°32'49" EAST, 17.09 FEET THENCE;  
22<sup>ND</sup> SOUTH 32°56'41" EAST, 85.78 FEET THENCE;  
23<sup>RD</sup> SOUTH 08°03'05" EAST, 72.61 FEET THENCE;  
24<sup>TH</sup> SOUTH 07°24'53" WEST, 65.59 FEET THENCE;  
25<sup>TH</sup> SOUTH 25°29'34" WEST, 108.21 FEET THENCE;  
26<sup>TH</sup> 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:

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

7<sup>TH</sup> 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:

8<sup>TH</sup> SOUTH 84°46'59" EAST, 47.27 FEET THENCE  
9<sup>TH</sup> NORTH 89°53'24" EAST, 48.86 FEET THENCE  
10<sup>TH</sup> SOUTH 32°25'10" EAST, 30.97 FEET THENCE;  
11<sup>TH</sup> SOUTH 30°08'39" EAST, 57.51 FEET THENCE;  
12<sup>TH</sup> SOUTH 17°32'26" EAST, 41.95 FEET THENCE;  
13<sup>TH</sup> 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 \_\_\_\_\_ Date  
PLS 6385, Exp. 12-31-2012

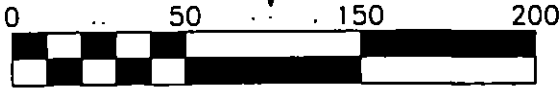


# EXHIBIT "B"



**LEGEND:**

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



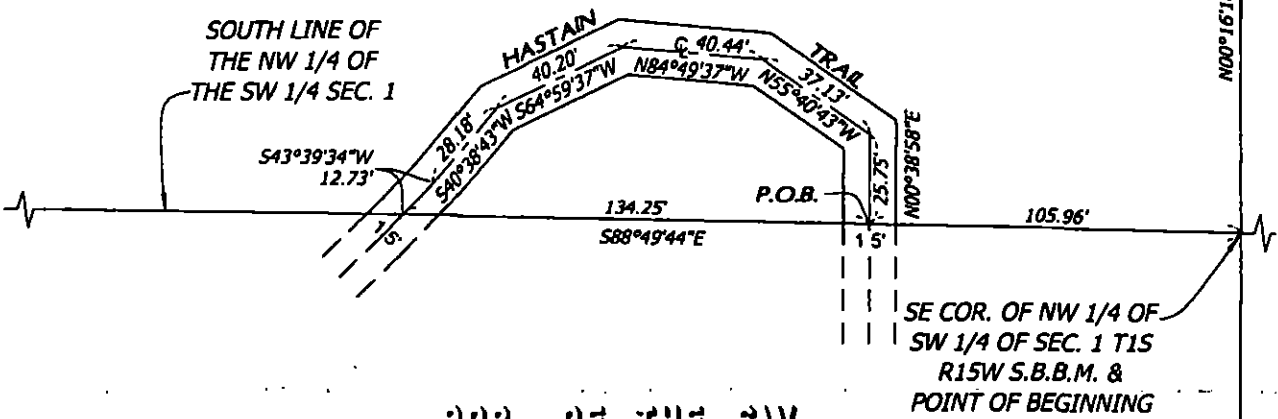
GRAPHIC SCALE

**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

SOUTH 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**

11/5/17/CS

B

## 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.

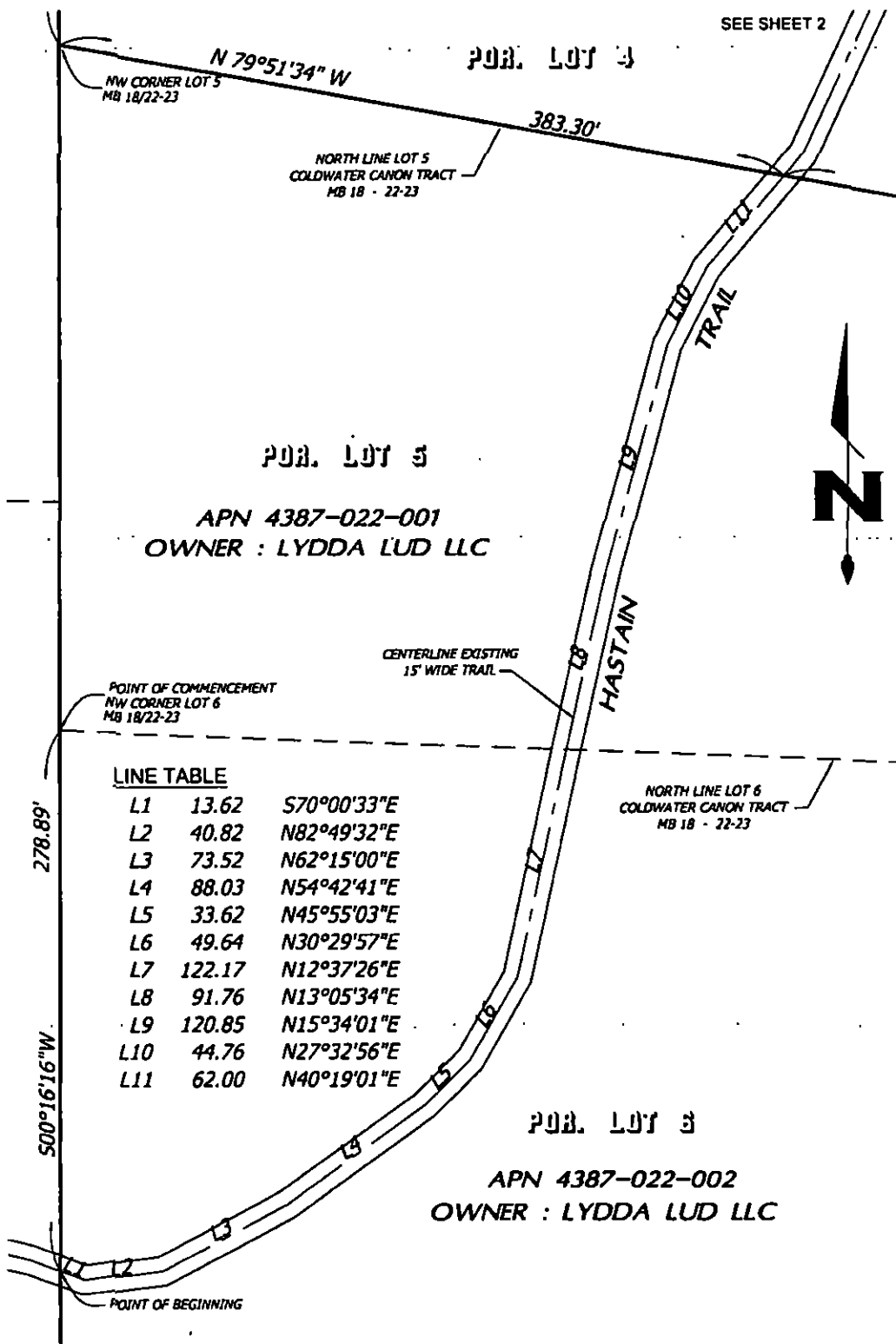
THIS EASEMENT HAS BEEN DESCRIBED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.

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

Date



**EXHIBIT "B"**



**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'

500°16'16"W

11/21/00

0105011001

## 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:

1<sup>ST</sup> SOUTH 70°00'33" EAST, 13.62 FEET THENCE;  
2<sup>ND</sup> NORTH 82°49'32" EAST, 40.82 FEET THENCE;  
3<sup>RD</sup> NORTH 62°15'00" EAST, 73.52 FEET THENCE;  
4<sup>TH</sup> NORTH 54°42'41" EAST, 88.03 FEET THENCE;  
5<sup>TH</sup> NORTH 45°55'03" EAST, 33.62 FEET THENCE;  
6<sup>TH</sup> NORTH 30°29'57" EAST, 49.64 FEET THENCE;  
7<sup>TH</sup> NORTH 12°37'26" EAST, 122.17 FEET THENCE;  
8<sup>TH</sup> NORTH 13°05'34" EAST, 91.76 FEET THENCE;  
9<sup>TH</sup> NORTH 15°34'01" EAST, 120.85 FEET THENCE;  
10<sup>TH</sup> NORTH 27°32'56" EAST, 44.76 FEET THENCE;  
11<sup>TH</sup> 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 \_\_\_\_\_ Date  
PLS 6385, Exp. 12-31-2012



0700021498

11/21/00