

ATTACHMENT A

RESOLUTION NO. 2020- 73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, NOTIFYING THE ORANGE COUNTY AIRPORT LAND USE COMMISSION AND THE STATE DIVISION OF AERONAUTICS OF THE CITY'S INTENTION TO FIND THAT THE NEWPORT AIRPORT VILLAGE PLANNED COMMUNITY DEVELOPMENT PLAN IS CONSISTENT WITH THE PURPOSES OF THE STATE AERONAUTICS ACT AND TO OVERRULE THE ORANGE COUNTY AIRPORT LAND USE COMMISSION'S DETERMINATION THAT THE NEWPORT AIRPORT VILLAGE PLANNED COMMUNITY DEVELOPMENT PLAN IS INCONSISTENT WITH THE AIRPORT ENVIRONS LAND USE PLAN FOR JOHN WAYNE AIRPORT (PA2014-225)

WHEREAS, an application was filed by Saunders Property Company ("Applicant") with respect to property located at 4341, 4361, and 4501 Birch Street; 4320, 4340, 4360, 4400, 4500, 4520, 4540, 4570, 4600 and 4630 Campus Drive; and 4525, 4533, and 4647 MacArthur Boulevard within the northerly portion of the Campus Tract, generally bounded by Birch Street, Campus Drive, MacArthur Boulevard and the extension of Corinthian Way, legally described on Exhibit A, which is attached hereto and incorporated herein by reference ("Property");

WHEREAS, the Property is designated AO (Airport Office and Supporting Uses) by the City of Newport Beach General Plan ("General Plan") Land Use Element and is located within the OA (Office-Airport) Zoning District;

WHEREAS, the Applicant proposes a Planned Community Development Plan that would allow redevelopment of the 16.46-acre Property with up to 329 residential dwelling units, exclusive of any density bonus as allowed pursuant to California Government Code Section 65915 and up to 297,572 square feet of office, retail, and commercial use ("Project") which require the following approvals from the City of Newport Beach ("City"):

- General Plan Amendment (GP2014-004) ("GPA") – A request to amend the General Plan Land Use Designation of the Property from AO (Airport Office and Supporting Uses) to MU-H2 (Mixed-Use Horizontal 2) and to amend Table LU2 (Anomaly Locations) to add Anomaly No. 86 to allow for the development of 329 dwelling units, exclusive of any permitted density bonus, and 297,572 square feet of commercial uses;

- Zoning Code Amendment (CA2014-009) – A request to change the zoning district of the Property from OA (Office-Airport) to PC-60 (Newport Airport Village Planned Community);
- Planned Community Development Plan (PC2020-002) – A request to adopt the Newport Airport Village Planned Community Development Plan (“PCDP”). The PCDP sets the development design and use standards for the Property;
- Development Agreement (DA2014-003) (“DA”) – A request for a Development Agreement between the Applicant and the City, which would provide vested rights to develop the Property, while also providing negotiated public benefits; and
- Addendum to the 2006 General Plan Update and the 2014 General Plan Land Use Element Amendment Environmental Impact Reports (ER2020-002) – Pursuant to the California Environmental Quality Act (“CEQA”), the Addendum to the Environmental Impact Reports will address reasonably foreseeable environmental impacts resulting from the Project;

WHEREAS, a public hearing was held by the Planning Commission on June 4, 2020, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with California Government Code Section 54950 *et seq.* (“Ralph M. Brown Act”) and Chapter 20.62 of the NBMC. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing;

WHEREAS, at the hearing, the Planning Commission adopted Resolution No. PC2020-020 by a majority vote (6 ayes, 0 nays) recommending the City Council approve the Project;

WHEREAS, due to the proposed amendments to the General Plan and the Property’s zoning regulations, California Public Utilities Code Section 21676(b) requires the City to refer the Project to the Orange County Airport Land Use Commission (“ALUC”) for a determination of the Project’s consistency with the Airport Environs Land Use Plan (“AELUP”) for John Wayne Airport;

WHEREAS, on July 16, 2020, the ALUC voted (6 ayes, 0 nays) finding the Project inconsistent with the AELUP;

WHEREAS, pursuant to California Public Utilities Code Sections 21670 and 21676, the City Council may, after a public hearing, propose to overrule ALUC by a two-thirds vote of the City Council, if it makes specific findings that the Project is consistent with California Public Utilities Code Section 21670 purpose of protecting the public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses; and

WHEREAS, a public hearing was held by the City Council on July 28, 2020, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with Public Utilities Code Section 21676(b), the Ralph M. Brown Act, and Chapter 20.62 of the NBMC. Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council finds the Project is consistent with the legislative purpose set forth in California Public Utilities Code Section 21670(a)(2) of protecting the public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

Facts in Support

1. *The Project is consistent with the noise standards of the AELUP.*

The AELUP guides development proposals to provide for the orderly development of John Wayne Airport and the surrounding area through implementation of the standards in AELUP Section 2 (Planning Guidelines) and Section 3 (Land Use Policies). Implementation of these standards are intended to protect the public from the adverse effects of aircraft noise, ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and ensure that no structures or activities adversely affect navigable airspace.

The AELUP makes use of the Community Noise Equivalent Level (“CNEL”) system for measuring noise impacts. The John Wayne Airport 65 dB CNEL noise contour transects the Property, running from north to south with approximately half of the project area located within the 65 dBA CNEL noise contour and the other half located within the 60 dBA CNEL noise contour. Section 3.2.3 (Noise Impact Zone “1” - High Noise Impact (65 dB CNEL and above)) of the AELUP notes commercial, industrial, and recreational uses are acceptable uses, however, residential development is not supported within the 65 dB CNEL noise contour. Conversely, Section 3.2.4 (Noise Impact Zone “2” - Moderate Noise Impact (60 dB CNEL or greater, less than 65 dB CNEL)) of the AELUP, where the other half of the Project lies, allows residential development, provided that the units have sufficient sound attenuation. In accordance with these policies, the PCDP prohibits residential developments within Noise Impact Zone “1” but allows residential developments within Noise Impact Zone “2”. The PCDP requires all dwelling units provide an interior ambient noise level that does not exceed 45 dBA between 7:00 a.m. and 10:00 p.m. and 40 dBA between 10:00 p.m. and 7:00 a.m. Additionally, in the event a neighborhood park is developed, notification to future residents and the public will be required by way of posting signs in outdoor open areas and recreation areas.

The Newport Beach General Plan Noise Element, which the ALUC found to be consistent with the AELUP in 2006, requires residential development in the Airport Business Area to be located outside of the 65 dBA CNEL noise contour and requires residential developers to notify purchasers or tenants of aircraft overflight and noise. As previously noted, the PCDP prohibits residential development within the 65 dBA contour line and requires notice to prospective purchasers and tenants about potential noise generated from John Wayne Airport.

2. *The Project is consistent with the Safety Standards of the AELUP.*

Safety compatibility zones are set forth in Section 2.1.2 (Safety Compatibility Zones) of the AELUP. Safety and compatibility zones depict which land uses are acceptable in various portions of John Wayne Airport environs. Portions of the Project are located with Safety Compatibility Zone 3, with the remainder located in Safety Compatibility Zone 6 for Runway 2R and 20L (formerly 1R and 19L). The Project is located within Safety Compatibility Zone 6 for Runway 2L and 20R (formerly 1L and 19R). Zone 3 precludes high density residential, however, commercial development is allowed. Safety Compatibility Zone 6, which is less restrictive than Safety Compatibility Zone 3, allows all residential uses and commercial development (excepting high intensities uses, such as outdoor stadiums). To protect the public health, safety and welfare, the PCDP prohibits residential developments within Safety Compatibility Zone 3. Furthermore, the

PCDP incorporates nonresidential development within Safety Compatibility Zone 3 that is consistent with the nonresidential uses listed in the AELUP.

3. *The project is consistent with the height standards of the AELUP.*

Section 2.1.3 (Building Height Restrictions) of the AELUP sets forth building height restrictions. This Section provides that ALUC consider only one standard as provided in 14 Code of Federal Regulations ("C.F.R.") Part 77 (also referred to as the Federal Aviation Regulations). Section 2.1.3 provides that the Federal Aviation Regulations are the only definitive standard available and the standard most generally used. Section 2.1.3 identifies the Federal Aviation Administration ("FAA") as the single "Authority" for analyzing project impact on airport or aeronautical operations, or navigational-aid siting, including interference with navigational-aids or published flight paths and procedures along with reporting results of such studies and project analyses.

The FAA conducted an aeronautical study for the Project consistent with the Federal Aviation Regulations. The FAA issued a Determination of No Hazard to Air Navigation on April 28, 2020, thereby finding the structure does not exceed obstruction standards and would not be a hazard to air navigation. The FAA reviewed the following heights: 44 feet site elevation ("SE"), 80 feet above ground level ("AGL"), and 124 feet above mean sea level ("AMSL"). The FAA further found that marking and lighting of the Project are not necessary for aviation safety. Therefore, any buildings constructed to a height of 80 feet within the PCDP area would be consistent with the FAA's findings. While the PCDP currently permits a maximum height of 85 feet AGL and 129 feet AMSL, any increase in height of the structure above the 80-foot height limit would require a revised Determination of No Hazard to Air Navigation from the FAA.

On August 19, 2010, ALUC found the revisions to Title 20 (Planning and Zoning) of the Newport Beach Municipal Code ("2010 Zoning Code Update") to be consistent with the AELUP. The 2010 Zoning Code Update included Section 20.30.060(C)(2)(e) (High Rise Height Area) of the NBMC and Map H-1 (High Rise and Shoreline Height Limit Areas) which authorizes a 300 foot height limit in the High Rise Height Area. The Project is located in the 300 foot High Rise Height Area, however, as indicated above, the maximum allowed building height under the PCDP within the permitted building envelope is 85 feet.

Section 2: The City Council finds the ALUC's determination that the Project is inconsistent with the AELUP is not based on substantial evidence that was introduced, commented on, or identified in support of the inconsistency finding.

Facts in Support

1. The ALUC staff report noted the proposed PCDP is inconsistent with the AELUP regarding noise, height, and safety zones. The staff report was presented to the ALUC on July 16, 2020, however, no additional information was presented beyond what was contained in the staff report.
2. The ALUC staff report states the Project is not consistent with Section 2.1.1 (Aircraft Noise) in that the aircraft noise emanating from airports may be incompatible with general welfare of the inhabitants within the vicinity of an airport.

As noted in Section 1 of this Resolution, the John Wayne Airport 65-dB CNEL noise contour transects the site, running from north to south and approximately half of the project area is located within the 65-dBA CNEL contour. Section 3.2.3 (Noise Impact Zone "1" - High Noise Impact (65 dB CNEL and above)) of the AELUP notes commercial, industrial, and recreational uses are acceptable uses, however, this section does not support residential development is not supported within the 65 dB CNEL noise contour. Conversely, Section 3.2.4 (Noise Impact Zone "2" - Moderate Noise Impact (60 dB CNEL or greater, less than 65 dB CNEL)) of the AELUP allows residential development, provided the units have sufficient sound attenuation. In accordance with these policies, the PCDP prohibits residential developments within Noise Impact Zone "1". For residential developments within Noise Impact Zone "2", the PCDP required that all dwelling units provide an interior ambient noise level that does not exceed 45 dBA between 7:00 a.m. and 10:00 p.m. and 40 dBA between 10:00 p.m. and 7:00 a.m. Additionally, in the event a neighborhood park be developed, notification to future residents and the public by way of posting signs in outdoor open areas and recreation area will be required. No information was included in the staff report or presented during the ALUC hearing that demonstrates otherwise.

3. The ALUC staff report further states the Project is not consistent with Section 2.1.2 (Safety Compatibility Zones). The purpose of these zones is to support the continued use and operation of an airport by establishing compatibility and safety standards to promote air navigational safety and to reduce potential safety hazards for persons living, working or recreating near JWA.

The basic compatibility qualities for each of the safety zones are classified in Table 9B (Safety Compatibility Qualities) of Appendix D of the AELUP. Safety Compatibility Zone 3 limits residential development and nonresidential development that has moderate to high usage intensities. The PCDP is consistent with the requirement as Section II(B) explicitly prohibits residential dwelling units within Safety Compatibility Zone 3. Further, the permitted nonresidential uses include lower intensity retail and offices uses, as well as, uses that are currently allowed in the OA (Office-Airport) zone. The remainder of the site is within Safety Compatibility Zone 6, which according to the AELUP has generally low likelihood of accident occurrence. Basic compatibility qualities include residential uses and most nonresidential uses, excluding very high intensity uses, such as outdoor stadiums. In accordance with the AELUP, the PCDP permits residential uses within the zone, as well as a variety of low-intensity nonresidential uses.

The ALUC staff report does not provide evidence that the Project would be inconsistent with the allowed uses of each of the AELUP safety zones. Instead, the staff report notes that allowing residential uses would not be prudent due to overflight. Notwithstanding this, the FAA prepared an aeronautical study to consider the Project with a maximum height of 80 feet AGL and 124 feet AMSL, which resulted in the FAA issuing a Determination of No Hazard to Air Navigation.

4. The ALUC staff report further states the Project is not consistent with Section 2.1.3 (Building Height Restrictions) which states that the results of an aeronautical study conducted by the FAA will be utilized to help determine if a structure will have an adverse effect on the airport or aeronautical operations.

The FAA conducted an aeronautical study for the Project consistent with FAA Part 77 Regulations. The FAA issued a Determination of No Hazard to Air Navigation on April 28, 2020; thereby finding the structure does not exceed obstruction standards and would not be a hazard to air navigation. The FAA reviewed the following heights: 44 feet SE; 80 feet AGL; and 124 feet AMSL. The FAA further found that marking and lighting of the Project are not necessary for aviation safety since the building height does not exceed 80 feet. In the event an increase in height is proposed above the 80-foot height limit, a revised Determination of No Hazard to Air Navigation from the FAA is required.

Section 3: This Resolution is not subject to CEQA pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly.

Specifically, the resolution does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment because it is limited to the notification of the City's intent to overrule the ALUC determination and it does not authorize the development of the Property or commit the City to approve the Project. Potential project impacts will be analyzed when the City Council considered the Project.

Section 4: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 5: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 6: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 28th day of July, 2020.

Will O'Neill
Mayor

ATTEST:

Leilani I. Brown
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney

Attachment: Exhibit A – Legal Description

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

ADDRESS	APN	LEGAL DESCRIPTION
4361 Birch Street, Newport Beach CA	427-121-23	<p>THE LAND REFERRED TO HEREIN BELOW IS SITUATED NEWPORT BEACH IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:</p> <p>LOTS 7, 8, 9 AND 10 OF TRACT NO. 5169, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 190, PAGES 11, 12 AND 13 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.</p> <p>SAID LAND IS ALSO SHOWN AS PARCEL 1 ON LOT LINE ADJUSTMENT 93-5, RECORDED DECEMBER 8, 1993 AS INSTRUMENT NO. 93-0854901, OFFICIAL RECORDS.</p> <p>EXCEPTING THEREFROM ANY AND ALL OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS RIGHTS AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN, GEOTHERMAL STEAM, AND OTHER MATERIAL RESOURCES AND ALL PRODUCTS DERIVED FROM ANY OF THE FOREGOING, THAT MAY BE WITHIN OR UNDER THE LAND, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORING AND OPERATING THEREFOR AND STORING IN AND REMOVING THE SAME FROM THE LAND OR ANY OTHER LAND, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN THOSE CONVEYED HEREBY, OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE LAND, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES; WITHOUT, HOWEVER, THE RIGHT TO DRILL, MINE, STORE, EXPLORE AND OPERATE THROUGH THE SURFACE OR THE UPPER 500 FEET OF THE SUBSURFACE OF THE LAND, AS RESERVED IN THE GRANT DEED RECORDED APRIL 9, 1993 AS INSTRUMENT NO. 93-0237996 OF OFFICIAL RECORDS.</p> <p>ALSO EXCEPTING THEREFROM ANY AND ALL WATER, RIGHTS OR INTERESTS THEREIN, NO MATTER HOW ACQUIRED BY GRANTOR, AND OWNED OR USED BY GRANTOR IN CONNECTION WITH OR WITH RESPECT TO THE LAND, TOGETHER WITH THE RIGHT AND POWER TO EXPLORE, DRILL, REDRILL, REMOVE AND STORE THE SAME FROM THE LAND OR TO DIVERT OR OTHERWISE UTILIZE SUCH WATER, RIGHTS OR INTERESTS ON ANY OTHER PROPERTY OWNED OR LEASED BY GRANTOR, WHETHER SUCH WATER RIGHTS SHALL BE RIPARIAN, OVERLYING APPROPRIATIVE, LITTORAL, PERCOLATING, PRESCRIPTIVE, ADJUDICATED, STATUTORY OR CONTRACTUAL; BUT WITHOUT, HOWEVER, ANY</p>

ADDRESS	APN	LEGAL DESCRIPTION
		RIGHT TO ENTER UPON THE SURFACE OF THE LAND IN THE EXERCISE OF SUCH RIGHTS, AS RESERVED IN THE GRANT DEED RECORDED APRIL 9, 1993 AS INSTRUMENT NO. 93-0237996, OFFICIAL RECORDS.
4540 Campus Drive Newport Beach, CA	427-111-03	<p>THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF NEWPORT BEACH IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:</p> <p>PARCEL 1:</p> <p>LOT 18 OF TRACT NO. 5169, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 190, PAGES 11 THROUGH 13, INCLUSIVE OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.</p> <p>EXCEPT ANY AND ALL OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS RIGHTS, AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN, GEOTHERMAL STEAM, AND ALL PRODUCTS DERIVED FROM ANY OF THE FOREGOING, THAT MAY BE WITHIN OR UNDER THE LAND, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORING AND OPERATING THEREFOR AND STORING IN AND REMOVING THE SAME FROM THE LAND OR ANY OTHER LAND, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN THOSE CONVEYED HEREBY, OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE LAND, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES; WITHOUT, HOWEVER, THE RIGHT TO DRILL, MINE, STORE, EXPLORE AND OPERATE THROUGH THE SURFACE OR THE UPPER 500 FEET OF THE SUBSURFACE OF THE LAND, AS RESERVED IN THE DEED FROM THE IRVINE COMPANY, A MICHIGAN CORPORATION, RECORDED JUNE 30, 1992 AS INSTRUMENT NO. 92-440215 OF OFFICIAL RECORDS.</p> <p>ALSO EXCEPTING THEREFROM ANY AND ALL WATER, RIGHTS OR INTERESTS THEREIN, NO MATTER HOW ACQUIRED BY GRANTOR, AND OWNED OR USED BY GRANTOR IN CONNECTION WITH OR WITH RESPECT TO THE LAND, TOGETHER WITH THE RIGHT AND POWER TO EXPLORE, DRILL, REDRILL, REMOVE, AND STORE THE SAME FROM THE LAND OR TO DIVERT OR OTHERWISE UTILIZE SUCH WATER RIGHTS OR INTERESTS ON ANY OTHER PROPERTY OWNED OR LEASED BY GRANTOR, WHETHER SUCH WATER RIGHTS SHALL BE RIPARIAN, OVERLYING, APPROPRIATIVE, LITTORAL, PERCOLATING, PRESCRIPTIVE, ADJUDICATED, STATUTORY OR CONTRACTUAL; BUT WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF THE LAND IN THE EXERCISE OF SUCH RIGHTS, AS RESERVED IN THE DEED FROM THE IRVINE COMPANY, A MICHIGAN CORPORATION, RECORDED</p>

ADDRESS	APN	LEGAL DESCRIPTION
		<p>JUNE 30, 1992 AS INSTRUMENT NO. 92-440215 OF OFFICIAL RECORDS.</p> <p>PARCEL 2:</p> <p>AN EASEMENT FOR DRIVEWAY PURPOSES OVER THE WESTERLY 12 FEET OF THE NORTHERLY 60 FEET OF LOT 17 OF TRACT NO. 5169, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 190, PAGES 11 THROUGH 13, INCLUSIVE OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, AS SET FORTH IN THAT CERTAIN DECLARATION OF ACCESS EASEMENT, RECORDED JUNE 30, 1992 AS INSTRUMENT NO. 92-440213 OF OFFICIAL RECORDS, UPON THE TERMS AND CONDITIONS AS THEREIN PROVIDED</p>
4340 Campus Drive Newport Beach, CA	427-121-07	<p>THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF NEWPORT BEACH IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:</p> <p>LOT 29 OF TRACT NO. 3201, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 130, PAGES 25 TO 30 INCLUSIVE OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.</p> <p>EXCEPTING THEREFROM ANY AND ALL OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS RIGHTS, AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN, GEOTHERMAL STEAM, ANY OTHER MATERIAL RESOURCES AND ALL PRODUCTS DERIVED FROM ANY OF THE FOREGOING, THAT MAY BE WITHIN OR UNDER THE LAND, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORING AND OPERATING THEREFOR AND STORING IN AND REMOVING THE SAME FROM THE LAND OR ANY OTHER LAND, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN THOSE CONVEYED HEREBY, OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE LAND, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES; WITHOUT, HOWEVER, THE RIGHT TO DRILL, MINE, STORE, EXPLORE AND OPERATE THROUGH THE SURFACE OR THE UPPER 500 FEET OF THE SUBSURFACE OF THE LAND, AS RESERVED BY THE IRVINE COMPANY IN DEED RECORDED FEBRUARY 4, 1994 AS INSTRUMENT NO. 94-0085581 OF OFFICIAL RECORDS.</p> <p>ALSO EXCEPTING THEREFROM ANY AND ALL WATER, RIGHTS OR INTERESTS THEREIN, NO MATTER HOW ACQUIRED BY GRANTOR, AND OWNED OR USED BY GRANTOR IN CONNECTION WITH OR WITH RESPECT TO THE LAND, TOGETHER WITH THE RIGHT AND POWER TO EXPLORE, DRILL, REDRILL, REMOVE AND STORE THE</p>

ADDRESS	APN	LEGAL DESCRIPTION
		<p>SAME FROM THE LAND OR TO DIVERT OR OTHERWISE UTILIZE SUCH WATER, RIGHTS OR INTERESTS ON ANY OTHER PROPERTY OWNED OR LEASED BY GRANTOR, WHETHER SUCH WATER RIGHTS SHALL BE RIPARIAN, OVERLYING, APPROPRIATIVE, LITTORAL, PERCOLATING, PRESCRIPTIVE, ADJUDICATED, STATUTORY OR CONTRACTUAL; BUT WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF THE LAND IN THE EXERCISE OF SUCH RIGHTS AS RESERVED IN THE DEED RECORDED FEBRUARY 4, 1994 AS INSTRUMENT NO. 94-0085581 OF OFFICIAL RECORDS</p>
<p>4400 Campus Drive Newport Beach, CA</p>	<p>427-121-09</p>	<p>THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF NEWPORT BEACH IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:</p> <p>LOT 31 OF TRACT NO. 3201, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 130, PAGE(S) 25 THROUGH 30, INCLUSIVE OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.</p> <p>EXCEPTING THEREFROM ANY AND ALL OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS RIGHTS, AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN, GEOTHERMAL STEAM, ANY OTHER MATERIAL RESOURCES AND ALL PRODUCTS DERIVED FROM ANY OF THE FOREGOING, THAT MAY BE WITHIN OR UNDER THE LAND, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORING AND OPERATING THEREFOR AND STORING IN AND REMOVING THE SAME FROM THE LAND OR ANY OTHER LAND, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN THOSE CONVEYED HEREBY, OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE LAND, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES; WITHOUT, HOWEVER, THE RIGHT TO DRILL, MINE, STORE, EXPLORE AND OPERATE THROUGH THE SURFACE OR THE UPPER 500 FEET OF THE SUBSURFACE OF THE LAND, AS RESERVED BY THE IRVINE COMPANY IN DEED RECORDED DECEMBER 20, 1991 AS INSTRUMENT NO. 91-702340, OF OFFICIAL RECORDS.</p> <p>ALSO EXCEPTING THEREFROM ANY AND ALL WATER, RIGHTS OR INTERESTS THEREIN, NO MATTER HOW ACQUIRED BY GRANTOR, AND OWNED OR USED BY GRANTOR IN CONNECTION WITH OR WITH RESPECT TO THE LAND, TOGETHER WITH THE RIGHT AND POWER TO EXPLORE, DRILL, REDRILL, REMOVE AND STORE THE SAME FROM THE LAND OR TO DIVERT OR OTHERWISE UTILIZE SUCH WATER, RIGHTS OR INTERESTS ON ANY OTHER PROPERTY OWNED OR LEASED BY GRANTOR, WHETHER SUCH WATER RIGHTS SHALL BE RIPARIAN, OVERLYING, APPROPRIATIVE, LITTORAL, PERCOLATING, PRESCRIPTIVE, ADJUDICATED,</p>

ADDRESS	APN	LEGAL DESCRIPTION
		<p>STATUTORY OR CONTRACTUAL; BUT WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF THE LAND IN THE EXERCISE OF SUCH RIGHTS AS RESERVED IN THE DEED RECORDED DECEMBER 20, 1991 AS INSTRUMENT NO. 91-702340, OF OFFICIAL RECORDS</p>
<p>4570 Campus Drive Newport Beach, CA</p>	<p>427-111-04</p>	<p>THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF NEWPORT BEACH IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:</p> <p>PARCEL 1:</p> <p>LOT 17 OF TRACT NO. 5169, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 190, PAGES 11 THROUGH 13, INCLUSIVE OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAND COUNTY.</p> <p>EXCEPTING THEREFROM ALL MINERALS, OIL, GAS, PETROLEUM, OTHER HYDROCARBON SUBSTANCES AND ALL UNDERGROUND WATER IN OR UNDER OR WHICH MAY BE PRODUCED FROM SAID LAND WHICH UNDERLIES A PLANE PARALLEL TO AND 500 FEET FROM THE PRESENT SURFACE OF SAID LAND FOR THE PURPOSE OF PROSPECTING FOR, THE EXPLORATION, DEVELOPMENT, PRODUCTION, EXTRACTION AND TAKING OF SAID MINERALS, OIL, GAS, PETROLEUM, OTHER HYDROCARBON SUBSTANCES AND WATER FROM SAID LAND BY MEANS OF MINES, WELLS, DERRICKS, OTHER EQUIPMENT FROM SURFACE LOCATIONS ON ADJOINING OR NEIGHBORING LAND OR LYING OUTSIDE OF THE ABOVE DESCRIBED LAND, IT BEING UNDERSTOOD THAT THE OWNER OF SUCH MINERALS, OIL GAS, PETROLEUM, OTHER HYDROCARBON SUBSTANCES AND WATER AS SET FORTH ABOVE, SHALL HAVE NO RIGHT TO ENTER UPON THE SAID LAND OR ANY PORTION THEREOF ABOVE SAID PLANE PARALLEL TO AND 500 FEET BELOW THE PRESENT SURFACE OF THE SAID LAND FOR ANY PURPOSE WHATSOEVER.</p> <p>AS RESERVED BY THE IRVINE COMPANY, A MICHIGAN CORPORATION IN THE DEED RECORDED FEBRUARY 19, 1993 AS INSTRUMENT NO. 93-107963 OF OFFICIAL RECORDS.</p> <p>PARCEL 2:</p> <p>NON-EXCLUSIVE EASEMENTS AS SET FORTH IN THAT CERTAIN INSTRUMENT ENTITLED "DECLARATION OF ACCESS EASEMENTS (MACARTHUR/CAMPUS)" DATED JANUARY 30, 1992 AND RECORDED FEBRUARY 20, 1992 AS INSTRUMENT NO. 92-101692 AS AMENDED AND RESTATED IN AN INSTRUMENT RECORDED APRIL 16, 1992 AS INSTRUMENT NO. 92-247260, BOTH OF OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA.</p> <p>PARCEL 3:</p> <p>NON-EXCLUSIVE EASEMENTS AS SET FORTH IN THAT CERTAIN</p>

ADDRESS	APN	LEGAL DESCRIPTION
		INSTRUMENT ENTITLED "DECLARATION OF ACCESS EASEMENT. DATED JUNE 17, 1992, AND RECORDED JUNE 30, 1992 AS INSTRUMENT NO. 92- 440213 OF OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA.
4341 Birch Street Newport Beach CA	427-121-14	<p>THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF NEWPORT BEACH IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:</p> <p>LOT 6 OF TRACT NO. 5169, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 190, PAGES 11, 12 AND 13 OF MISCELLANEOUS MAPS, RECORDS OF SAID ORANGE COUNTY.</p> <p>EXCEPT ANY AND ALL OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS RIGHTS AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN, GEOTHERMAL STEAM, AND ALL PRODUCTS DERIVED FROM ANY OF THE FOREGOING, THAT MAY BE WITHIN OR UNDER THE LAND, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORING AND OPERATING THEREFOR AND STORING IN AND REMOVING THE SAME FROM THE LAND OR ANY OTHER LAND, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN THOSE CONVEYED HEREBY, OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE LAND, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES; WITHOUT, HOWEVER, THE RIGHT TO DRILL, MINE, STORE, EXPLORE AND OPERATE THROUGH THE SURFACE OR THE UPPER 500 FEET OF THE SUBSURFACE OF THE LAND, AS RESERVED IN THE DEED FROM THE IRVINE COMPANY, A MICHIGAN CORPORATION, RECORDED DECEMBER 31, 1991 AS INSTRUMENT NO. 91-720058 OF OFFICIAL RECORDS.</p> <p>ALSO EXCEPT ANY AND ALL WATER, RIGHTS OR INTERESTS THEREIN, NO MATTER HOW ACQUIRED BY GRANTOR, AND OWNED OR USED BY GRANTOR IN CONNECTION WITH OR WITH RESPECT TO THE LAND, TOGETHER WITH THE RIGHT AND POWER TO EXPLORE, DRILL, REDRILL, REMOVE AND STORE THE SAME FROM THE LAND OR TO DIVERT OR OTHERWISE UTILIZE SUCH WATER, RIGHTS OR INTERESTS ON ANY OTHER PROPERTY OWNED OR LEASED BY GRANTOR, WHETHER SUCH WATER RIGHTS SHALL BE RIPARIAN, OVERLYING, APPROPRIATIVE, LITTORAL, PERCOLATING, PRESCRIPTIVE, ADJUDICATED, STATUTORY OR CONTRACTUAL; BUT WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF THE LAND IN THE EXERCISE OF SUCH RIGHTS, AS RESERVED IN THE DEED FROM THE IRVINE COMPANY, A MICHIGAN CORPORATION, RECORDED DECEMBER 31, 1991 AS INSTRUMENT NO. 91-720058 OF OFFICIAL RECORDS. APN: 427-121-14</p>

ADDRESS	APN	LEGAL DESCRIPTION
4500 and 4520 Campus Drive Newport Beach, CA	427-111-01, 427-111-02 and 427-121-10	<p>THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF NEWPORT BEACH IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:</p> <p>PARCEL 1 IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP FILED IN BOOK 60, PAGE 22 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.</p>
4600 Campus Drive Newport Beach, CA	427-111-05	<p>THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF NEWPORT BEACH IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:</p> <p>PARCEL 1:</p> <p>LOT 16 OF TRACT NO. 5169, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 190, PAGES 11 TO 13 INCLUSIVE OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.</p> <p>EXCEPTING THEREFROM, ANY AND ALL OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS RIGHTS AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN, GEOTHERMAL STEAM AND OTHER MATERIAL RESOURCES AND ALL PRODUCTS DERIVED FROM ANY OF THE FOREGOING, THAT MAY BE WITHIN OR UNDER THE LAND, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORING AND OPERATING THEREFOR AND STORING IN AND REMOVING THE SAME FROM THE LAND OR ANY OTHER LAND, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN THOSE CONVEYED HEREBY, OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE LAND, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES; WITHOUT, HOWEVER, THE RIGHT TO DRILL, MINE, STORE, EXPLORE AND OPERATE THROUGH THE SURFACE ON THE UPPER 500 FEET OF THE SUBSURFACE OF THE LAND, AS RESERVED IN THE DEED BY THE IRVINE COMPANY, RECORDED FEBRUARY 19, 1993 AS INSTRUMENT NO. 93-107971, OF OFFICIAL RECORDS.</p> <p>ALSO EXCEPTING THEREFROM ANY AND ALL WATER, RIGHTS OR INTERESTS THEREIN, NO MATTER HOW ACQUIRED BY GRANTOR AND OWNED OR USED BY GRANTOR IN CONNECTION WITH OR WITH RESPECT TO THE LAND TOGETHER WITH THE RIGHT AND POWER TO EXPLORE, DRILL, REDRILL, REMOVE AND STORE THE SAME FROM THE LAND OR TO DIVERT OR OTHERWISE UTILIZE SUCH WATER, RIGHTS OR INTERESTS ON ANY OTHER PROPERTY OWNED OR LEASED BY GRANTOR WHETHER SUCH WATER RIGHTS SHALL BE RIPARIAN, OVERLYING, APPROPRIATIVE, LITTORAL, PERCOLATING, PRESCRIPTIVE, ADJUDICATED,</p>

ADDRESS	APN	LEGAL DESCRIPTION
		<p>STATUTORY OR CONTRACTUAL; BUT WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF THE LAND IN THE EXERCISE OF SUCH RIGHTS, AS RESERVED IN THE DEED BY THE IRVINE COMPANY, RECORDED FEBRUARY 19, 1993 AS INSTRUMENT NO. 93-107971, OFFICIAL RECORDS.</p> <p>PARCEL 2:</p> <p>NONEXCLUSIVE EASEMENTS AS SET FORTH IN THAT CERTAIN INSTRUMENT ENTITLED "AMENDED AND RESTATED OR ACCESS EASEMENTS (MACARTHUR/CAMPUS)", DATED MARCH 25, 1992, RECORDED APRIL 16, 1992 AS INSTRUMENT NO. 92-247260, IN THE OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA.</p>
4360 Campus Drive Newport Beach, CA	427-121-08	<p>THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF NEWPORT BEACH IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:</p> <p>LOT 30 OF TRACT NO. 3201, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 130, PAGES 25, 26, 27, 28, 29 AND 30 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY CALIFORNIA.</p> <p>EXCEPT ANY AND ALL OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS RIGHTS, AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN, GEOTHERMAL STEAM, AND ALL PRODUCTS DERIVED FROM ANY OF THE FOREGOING, THAT MAY BE WITHIN OR UNDER THE LAND, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORING AND OPERATING THEREFOR AND STORING IN AND REMOVING THE SAME FROM THE LAND OR ANY OTHER LAND, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN THOSE CONVEYED HEREBY, OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE LAND, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES; WITHOUT, HOWEVER, THE RIGHT TO DRILL, MINE, STORE, EXPLORE AND OPERATE THROUGH THE SURFACE OR THE UPPER 500 FEET OF THE SUBSURFACE OF THE LAND, AS RESERVED IN THE DEED FROM THE IRVINE COMPANY, A MICHIGAN CORPORATION, RECORDED MARCH 15, 1994 AS INSTRUMENT NO. 94-0179376, OFFICIAL RECORDS.</p> <p>ALSO EXCEPT ANY AND ALL WATER, RIGHTS OR INTERESTS THEREIN, NO MATTER HOW ACQUIRED BY GRANTOR, AND OWNED OR USED BY GRANTOR IN CONNECTION WITH OR WITH RESPECT TO THE LAND, TOGETHER WITH THE RIGHT AND POWER TO EXPLORE, DRILL, REDRILL, REMOVE AND STORE THE SAME FROM THE LAND OR TO DIVERT OR OTHERWISE UTILIZE SUCH WATER, RIGHTS OR INTERESTS ON ANY OTHER PROPERTY</p>

ADDRESS	APN	LEGAL DESCRIPTION
		OWNED OR LEASED BY GRANTOR, WHETHER SUCH WATER RIGHTS SHALL BE RIPARIAN, OVERLYING, APPROPRIATIVE, LITTORAL, PERCOLATING, PRESCRIPTIVE, ADJUDICATED, STATUTORY OR CONTRACTUAL; BUT WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF THE LAND IN THE EXERCISE OF SUCH RIGHTS, AS RESERVED IN THE DEED FROM THE IRVINE COMPANY, A MICHIGAN CORPORATION, RECORDED MARCH 15, 1994 AS INSTRUMENT NO. 94-0179376, OFFICIAL RECORDS.
4501 Birch Street Newport Beach, CA	427-111-10	<p>THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF NEWPORT BEACH IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:</p> <p>PARCEL 1:</p> <p>LOT 12 OF TRACT NO. 5169, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 190. PAGES 11 TO 13 INCLUSIVE OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.</p> <p>EXCEPT ANY AND ALL OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS RIGHTS, AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN, GEOTHERMAL STEAM, AND ALL PRODUCTS DERIVED FROM ANY OF THE FOREGOING, THAT MAY BE WITHIN OR UNDER THE LAND, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORING AND OPERATING THEREFOR AND STORING IN AND REMOVING THE SAME FROM THE LAND OR ANY OTHER LAND, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN THOSE CONVEYED HEREBY, OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE LAND, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES; WITHOUT, HOWEVER, THE RIGHT TO DRILL, MINE, STORE, EXPLORE AND OPERATE THROUGH THE SURFACE OR THE UPPER 500 FEET OF THE SUBSURFACE OF THE LAND, AS RESERVED IN THE DEED FROM THE IRVINE COMPANY, A MICHIGAN CORPORATION, RECORDED JANUARY 10, 1992 AS INSTRUMENT NO. 92-015047, OFFICIAL RECORDS.</p> <p>ALSO EXCEPT ANY AND ALL WATER, RIGHTS OR INTERESTS THEREIN, NO MATTER HOW ACQUIRED BY GRANTOR, AND OWNED OR USED BY GRANTOR IN CONNECTION WITH OR WITH RESPECT TO THE LAND, TOGETHER WITH THE RIGHT AND POWER TO EXPLORE, DRILL, REDRILL, REMOVE AND STORE THE SAME FROM THE LAND OR TO DIVERT OR OTHERWISE UTILIZE SUCH WATER, RIGHTS OR INTERESTS ON ANY OTHER PROPERTY OWNED OR LEASED BY GRANTOR, WHETHER SUCH WATER RIGHTS SHALL BE RIPARIAN, OVERLYING, APPROPRIATIVE,</p>

ADDRESS	APN	LEGAL DESCRIPTION
		<p>LITTORAL, PERCOLATING, PRESCRIPTIVE, ADJUDICATED, STATUTORY OR CONTRACTUAL; BUT WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF THE LAND IN THE EXERCISE OF SUCH RIGHTS, AS RESERVED IN THE DEED FROM THE IRVINE COMPANY, A MICHIGAN CORPORATION, RECORDED JANUARY 10, 1992 AS INSTRUMENT NO. 92-015047, OFFICIAL RECORDS.</p> <p>PARCEL 2:</p> <p>A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THAT PORTION OF LOT 13 OF TRACT NO. 5169, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 190, PAGES 11 TO 13 INCLUSIVE OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:</p> <p>BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID LOT; THENCE NORTH 29° 52' 01" WEST 327.33 FEET TO THE MOST WESTERLY CORNER OF SAID LOT; THENCE NORTH 52° 01' 58" EAST 24.24 FEET ALONG THE NORTHWESTERLY LINE OF SAID LOT TO THE NORTHWESTERLY PROLONGATION OF A LINE PARALLEL WITH AND NORTHEASTERLY 24.00 FEET FROM THE SOUTHWESTERLY LINE OF SAID LOT; THENCE SOUTH 29° 52' 10" EAST 331.81 FEET ALONG SAID PROLONGATION, SAID PARALLEL LINE AND THE SOUTHERLY PROLONGATION THEREOF TO A POINT ON A CURVE IN THE SOUTHERLY LINE OF SAID LOT, SAID CURVE BEING CONCAVE SOUTHERLY, HAVING A RADIUS OF 272.00 FEET, A RADIAL TO SAID POINT BEARS NORTH 24° 48' 17" WEST; THENCE WESTERLY 24.03 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 5° 03' 44" OF THE POINT OF BEGINNING.</p>
4630 Campus Drive Newport Beach, CA	427-111-06	<p>THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF NEWPORT BEACH IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:</p> <p>PARCEL 1:</p> <p>LOT 15 OF TRACT NO. 5169, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 190, PAGES 11 TO 13 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.</p> <p>EXCEPTING THEREFROM, ANY AND ALL OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS RIGHTS AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN GEOTHERMAL STEAM, ANY OTHER MATERIAL RESOURCES AND ALL PRODUCTS DERIVED FROM ANY OF THE FOREGOING, THAT MAY BE WITHIN OR UNDER THE LAND, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORING AND OPERATING THEREFOR AND STORING IN AND REMOVING THE SAME FROM THE LAND OR ANY OTHER LAND INCLUDING THE</p>

ADDRESS	APN	LEGAL DESCRIPTION
		<p>RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN THOSE CONVEYED HEREBY, OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO THROUGH OR ACROSS THE SUBSURFACE OF THE LAND, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES; WITHOUT HOWEVER, THE RIGHT TO DRILL MINE, STORE, EXPLORE AND OPERATE THROUGH THE SURFACE OF THE UPPER 500 FEET OF THE SUBSURFACE OF THE LAND, AS RESERVED IN THE DEED BY THE IRVINE COMPANY RECORDED FEBRUARY 19, 1993 AS INSTRUMENT NO. 93-107967, OFFICIAL RECORDS.</p> <p>PARCEL 2:</p> <p>NONEXCLUSIVE EASEMENTS AS SET FORTH IN THAT CERTAIN INSTRUMENT ENTITLED "AM ENDED AND RESTATED DECLARATION OF ACCESS EASEMENTS (MACARTHUR/CAMPUS) DATED MARCH 25, 1992 RECORDED APRIL 16, 1992 AS INSTRUMENT NO. 92-247260, IN THE OFFICE RECORDS OF ORANGE COUNTY, CALIFORNIA.</p> <p>PARCEL 3:</p> <p>NONEXCLUSIVE EASEMENTS AS SET FORTH IN THAT CERTAIN INSTRUMENT ENTITLED " RECIPROCAL EASEMENT AGREEMENT AND CONSENT" DATED OCTOBER 14, 1999 RECORDED NOVEMBER 19, 1999 AS INSTRUMENT NO. 19990805278, AND AMENDED BY THE CERTAIN DOCUMENT ENTITLED "WAIVER AND AMENDMENT TO RECIPROCAL EASEMENT AGREEMENT" DATED AUGUST 24, 2015 RECORDED AUGUST 28, 2015 AS INSTRUMENT NO. 2015000446662 IN THE OFFICE RECORDS OF ORANGE COUNTY, CALIFORNIA.</p>
4525, 4533 and 4647 MacArthur Boulevard Newport Beach, CA	427-111-09	<p>THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF NEWPORT BEACH IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:</p> <p>PARCEL 1:</p> <p>LOT 13 OF TRACT NO. 5169, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 190, PAGE(S) 11 TO 13 INCLUSIVE, OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.</p> <p>EXCEPTING ANY AND ALL OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS RIGHTS, AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN, GEOTHERMAL STEAM, AND ALL PRODUCTS DERIVED FROM ANY OF THE FOREGOING, THAT MAY BE WITHIN OR UNDER THE LAND, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORING AND OPERATING THEREFORE AND STORING IN AND REMOVING THE SAME FROM THE LAND OR ANY OTHER LAND, INCLUDING THE</p>

ADDRESS	APN	LEGAL DESCRIPTION
		<p>RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN THOSE CONVEYED HEREBY, OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE LAND, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES WITHOUT, HOWEVER, THE RIGHT TO DRILL, MINE, STORE, EXPLORE AND OPERATE THROUGH THE SURFACE OR THE UPPER 500 FEET OF THE SUBSURFACE OF THE LAND, AS RESERVED IN THE DEED FROM THE IRVINE COMPANY, A MICHIGAN CORPORATION RECORDED APRIL 16, 1992.</p> <p>ALSO EXCEPTING THEREFROM ANY AND ALL WATER, RIGHTS OR INTERESTS THEREIN, NO MATTER HOW ACQUIRED BY GRANTOR, AND OWNED OR USED BY GRANTOR IN CONNECTION WITH OR WITH RESPECT TO THE LAND, TOGETHER WITH THE RIGHT AND POWER TO EXPLORE, DRILL, REDRILL, REMOVE AND STORE THE SAME FROM THE LAND OR TO DIVERT OR OTHERWISE UTILIZE SUCH WATER RIGHTS OR INTERESTS ON ANY OTHER PROPERTY OWNED OR LEASED BY GRANTOR, WHETHER SUCH WATER RIGHTS SHALL BE RIPARIAN, OVERLYING, APPROPRIATIVE, LITTORAL, PERCOLATING, PRESCRIPTIVE, ADJUDICATED, STATUTORY OR CONTRACTUAL, BUT WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF THE LAND IN THE EXERCISE OF SUCH RIGHTS, AS RESERVED IN DEED FROM THE IRVINE COMPANY, A MICHIGAN CORPORATION RECORDED APRIL 16, 1992.</p> <p>PARCEL 2:</p> <p>NON-EXCLUSIVE EASEMENTS AS SET FORTH IN THAT CERTAIN INSTRUMENT ENTITLED "DECLARATION OF ACCESS EASEMENTS (MACARTHUR/CAMPUS)" DATED JANUARY 30, 1992 AND RECORDED FEBRUARY 20, 1992 AS INSTRUMENT NO. 92-101692, OFFICIAL RECORDS AND AMENDED BY DOCUMENT RECORDED APRIL 16, 1992 AS INSTRUMENT NO. 92-247260, OFFICIAL RECORDS, IN THE OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA.</p> <p>PARCEL 3:</p> <p>NON-EXCLUSIVE EASEMENTS AS SET FORTH IN THAT CERTAIN INSTRUMENT ENTITLED "DECLARATION OF ACCESS EASEMENTS (BIRCH/MACARTHUR)" DATED JANUARY 30, 1992 AND RECORDED FEBRUARY 20, 1992 AS INSTRUMENT NO. 92-101691 OFFICIAL RECORDS AND AMENDED BY DOCUMENT RECORDED APRIL 16, 1992 AS INSTRUMENT NO. 92-247259 OFFICIAL RECORDS IN THE OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA.</p>
4320 Campus Drive Newport Beach, CA	427-121-06	THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF NEWPORT BEACH IN THE COUNTY OF ORANGE, STATE

ADDRESS	APN	LEGAL DESCRIPTION
		<p>OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:</p> <p>LOT 28 OF TRACT NO. 3201, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 130, PAGES 25 THROUGH 30, INCLUSIVE OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.</p> <p>EXCEPTING THEREFROM ANY AND ALL OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS RIGHTS, AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN, GEOTHERMAL STEAM, ANY OTHER MATERIAL RESOURCES AND ALL PRODUCTS DERIVED FROM ANY OF THE FOREGOING, THAT MAY BE WITHIN OR UNDER THE LAND, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORING AND OPERATING THEREFOR AND STORING IN AND REMOVING THE SAME FROM THE LAND OR ANY OTHER LAND, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN THOSE CONVEYED HEREBY, OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE LAND, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES; WITHOUT, HOWEVER, THE RIGHT TO DRILL, MINE, STORE, EXPLORE AND OPERATE THROUGH THE SURFACE OR THE UPPER 500 FEET OF THE SUBSURFACE OF THE LAND, AS RESERVED BY THE IRVINE COMPANY, A MICHIGAN CORPORATION, BY DEED RECORDED MAY 6, 1994 AS INSTRUMENT NO. 94-317183 OF OFFICIAL RECORDS.</p>