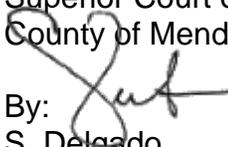


1 Glenn L. Block (SB#208017)
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By: 
S. Delgado
Deputy Clerk

6 Attorneys for Plaintiff MENDOCINO RAILWAY

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF MENDOCINO**
9

10 MENDOCINO RAILWAY,

11 Plaintiff,

12 v.

13 GEORGIA-PACIFIC LLC; NORTH
14 AMERICAN TIMBER CORP.; HAWTHORNE
15 TIMBER COMPANY, LLC; MENDOCINO
16 COUNTY TREASURER-TAX COLLECTOR;
17 All other persons unknown claiming an
18 interest in the property; and DOES 1
19 through 100, inclusive,

20 Defendants.

Case No. 21CV00595

[APN 018-430-21; 018-430-22; 018-040-61; 018-120-50; 008-151-26; 008-020-17 (aka 008-020-19); 008-171-07; 008-161-08; 008-070-31; 020-550-02; 020-550-08; 020-550-10; and 020-550-11]

COMPLAINT IN EMINENT DOMAIN

21 Plaintiff MENDOCINO RAILWAY alleges that:

22 1. Plaintiff MENDOCINO RAILWAY is now, and at all relevant times
23 hereinafter stated was, a California railroad corporation organized and existing
24 under the laws of the State of California and is authorized by law to exercise the
25 power of eminent domain to acquire private property for public use pursuant to
26 California Constitution, Article I, § 19; California Public Utilities Code §§ 229, 230,
27 611 and 7526, et seq.; and California Code of Civil Procedure §§ Section
28 1230.010, et seq.

1 2. The project for which Plaintiff seeks to acquire the below described
2 property consists of construction and maintenance of rail facilities related to
3 Plaintiff's ongoing and future freight and passenger rail operations and all uses
4 necessary and convenient thereto ("Project").

5 3. The property sought to be condemned herein for the Project consists
6 of the fee simple interest in and to the real property, which has been assigned
7 Assessor's Parcel Numbers 018-430-21; 018-430-22; 018-040-61; 018-120-50; 008-151-
8 26; 008-020-17 (aka 008-020-19); 008-171-07; 008-161-08; 008-070-31; 020-550-02;
9 020-550-08; 020-550-10; and 020-550-11 ("Subject Property").

10 4. The Subject Property consists of property located in two areas
11 adjacent to Plaintiff's railroad in Fort Bragg, Mendocino County, California: (i) the
12 parcels and tracts in and around the former mill site ("Mill Site Parcels"); and, (ii)
13 the parcels and tracts in and around Pudding Creek ("Pudding Creek Parcels").

14 5. The Mill Site Parcels consist of APNs: 018-430-21, 018-430-22, 018-040-
15 61, 018-120-50, 008-151-26, and 008-020-17 (aka 008-020-19). The parcels and
16 tracts making up the Mill Site Parcels portion of the Subject Property are more
17 particularly described, together with a map, in **Exhibit "A"** attached hereto and
18 incorporated by this reference.

19 6. The Pudding Creek Parcels consist of APNs: 008-070-31; 020-550-02;
20 020-550-08; 020-550-10; and 020-550-11. The parcels and tracts making up the
21 Pudding Creek Parcels portion of the Subject Property are more particularly
22 described, together with a map, in **Exhibit "B"** attached hereto and incorporated
23 by this reference.

24 7. Maps showing the location of the Subject Property in relation to
25 Plaintiff's railroad and the Project are attached hereto and incorporated by this
26 reference as **Exhibit "C."**

27 8. The public interest and necessity require the Subject Property. Plaintiff
28 is a rail corporation and a public utility providing common carrier passenger and

1 freight rail service in California. The Project is required in furtherance of Plaintiff's
2 current ongoing and future rail operations and services, and all uses necessary
3 and convenient thereto. This includes, without limitation, continued and
4 enhanced passenger rail service between Willits and Fort Bragg, as well as
5 continuation and expansion of freight rail services.

6 9. After considering and evaluating potential alternatives for the
7 Project, Plaintiff determined the Project is planned or located in the manner that
8 will be most compatible with the greatest public good and the least private
9 injury. The Subject Property is the only property identified by Plaintiff of sufficient
10 size, shape, topography and appropriate geography located adjacent to
11 Plaintiff's railroad suitable for the Project. Both the Mill Site Parcels and Pudding
12 Creek Parcels are located adjacent to Plaintiff's railroad and property owned by
13 Plaintiff. Plaintiff's acquisition and use of the Subject Property will not displace
14 any residential or commercial occupants as the Subject Property is largely
15 undeveloped land.

16 10. The Subject Property is necessary for the Project. The Subject
17 Property is the only property identified by Plaintiff of sufficient size, shape,
18 topography and appropriate geography located adjacent to Plaintiff's railroad
19 suitable for the Project. Both the Mill Site Parcels and Pudding Creek Parcels are
20 located adjacent to Plaintiff's railroad and property owned by Plaintiff. The
21 Subject Property is needed for Plaintiff's ongoing and future passenger and
22 freight rail service and uses necessary and convenient thereto.

23 11. Defendants are all persons and entities known and unknown to
24 Plaintiff who Plaintiff is informed and believes claim an interest in the real property
25 sought to be condemned in this complaint, and over whom Plaintiff is informed
26 and believes this court has jurisdiction.

27 12. The names of owners and claimants known or believed by Plaintiff to
28 have an interest in the Subject Property to be condemned and a statement of

1 the claimed interest of each are set forth below solely for the convenience of the
2 Court and parties, and not as allegations to which plaintiff intends to be bound.

<u>NAME</u>	<u>INTEREST</u>
GEORGIA-PACIFIC LLC	Record Owner
NORTH AMERICAN TIMBER CORP.	Record Owner
HAWTHORNE TIMBER COMPANY, LLC	Record Owner
MENDOCINO COUNTY TREASURER- TAX COLLECTOR	Possible Lienholder

10 13. Defendants All Other Persons Unknown Claiming an Interest in the
11 Property and defendants named as DOES 1 to 100, inclusive, have, or claim to
12 have, an interest in the Subject Property, the exact nature of which is unknown to
13 Plaintiff. The true names or capacities, whether individual, corporate, associate,
14 or otherwise, of defendants named as DOES 1 to 100, are unknown to Plaintiff,
15 who therefore sues these defendants by such fictitious names. Plaintiff will ask
16 leave to amend this Complaint to show the true names and capacities and state
17 of incorporation of DOES 1 to 100 when the DOES are ascertained.

18 14. To the extent portions of the Subject Property may already be
19 devoted to a public use, Plaintiff alleges in the alternative that: (a) the use for
20 which Plaintiff is acquiring the Subject Property is a compatible use under
21 California Code of Civil Procedure Section 1240.510; and/or (b) if the existing
22 public use is determined to conflict with the Project, Plaintiff's use of the Property
23 is a more necessary public use under California Code of Civil Procedure Section
24 1240.610.

25 WHEREFORE, Plaintiff prays for judgment as follows:

26 1. That Defendants, and each of them, be required to set forth in
27 answer to this complaint the nature and extent of the interests claimed by each
28 of them in the Subject Property sought to be condemned in this action;

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Exhibit A

EXHIBIT "A"

All that certain real property situated in the County of Mendocino, State of California, more particularly described as follows:

Tract One:

A parcel of land located in the City of Fort Bragg, County of Mendocino, State of California and being a portion of the West half of the Northwest quarter of the Northwest quarter of Section 18, Township 18 North, Range 17 West, Mount Diablo Base and Meridian, lying Westerly of California State Highway One, more particularly described as follows:

Beginning at the Northwest corner of said Section 18; thence South 88° 17' 08" East, 283.93 feet along the Northerly line of said Section 18 to a point on the Westerly boundary of said Highway One; said point is on a 5,949.72 foot (Record 5,950 foot) radius curve to the right, a tangent at said point bears South 06° 06' 14" West, proceeding along the arc of said curve for a distance of 295.88 feet through an angle of 2° 50' 58" along said Highway boundary to a 6" x 6" concrete right-of-way monument, a tangent at this point bears South 8° 57' 12" West; thence South 54° 55' 00" West, 55.87 feet (Record South 53° 32' 50" West, 55.85 feet) to a 6" x 6" concrete right-of-way monument; thence North 56° 24' 33" West, 18.69 feet to 3/4" rebar with a plastic cap stamped L.S. 5940 at the Westerly end of cyclone fence to 3/4" rebar with a plastic cap stamped L.S. 5940 on the Westerly boundary of said Section 18; thence North 1° 18' 05" East, 194.66 feet along said Westerly boundary of Section 18 to the point of beginning.

Basis of bearings are in terms of California State Grid Zone 2. All distances are horizontal ground distances.

Excepting therefrom that portion described in the deed to the City of Fort Bragg recorded January 5, 2010 as Instrument No. 2010-00114, Mendocino County Records.

APN: 018-120-50

Tract Two:

A parcel of land located in the City of Fort Bragg, County of Mendocino, State of California and being a portion of the West half of the Southwest quarter of Section 7, Township 18 North, Range 17 West, Mount Diablo Base and Meridian, lying Westerly of California State Highway One, more particularly described as follows:

Beginning at the Southwest corner of said Section 7; thence South 88° 17' 06" East, 283.93 feet along the Southerly line of said Section 7 to a point on the Westerly boundary of said Highway One; said point is on a 5,949.72 foot (Record 5,950 foot) radius curve to the left, a tangent at said point bears North 06° 06' 14" East, proceeding along the arc of said curve for a distance of 333.09 feet through an angle of 3° 12' 27" along said Highway boundary to a 6" x 6" concrete right-of-way monument; thence continuing along said Highway boundary North 2° 54' 12" East, 356.23 feet to a line that is an extension of the Southerly line of Cypress Street projected Westerly, thence along said projected line North 88° 41' 01" West, 312.49 feet to the West boundary of said Section 7; thence South 01° 18' 01" West, 686.66 feet along said West boundary of Section 7 to the point of beginning.

Basis of bearings of the hereinabove description are in terms of California State Grid, Zone 2. All distances are horizontal ground distances.

APN: 018-040-52

Tract Three:

Parcel One:

All that real property situate in Sections 12 and 13, Township 18 North, Range 18 West, Mount Diablo Base and Meridian, County of Mendocino, California, more particularly described as follows:

All of Lots 1, 2, 3, 4, and the East half of the East half of said Section 12, and that portion of Lot 1 of said Section 13 described as follows:

Beginning at the northeast corner of said Section 13, said corner marked by a 3/4" rebar with plastic cap stamped L.S. 5940; thence North 88° 51' 40" West, 342.41 feet along the section line common to said Sections 12 and 13 to a 3/4" rebar with plastic cap stamped L.S. 5940 in a cyclone fence; thence South 56° 18' 42" East 65.93 feet along said fence to a 3/4" rebar with plastic cap stamped L.S. 5940 at another fence corner; thence North 04° 05' 36" East, 23.80 feet along said fence to a 3/4" rebar with plastic cap stamped L.S. 5940 at another fence corner; thence South 55° 34' 22" East, 306.82 feet along said fence to a 3/4" rebar with plastic cap stamped L.S. 5940 on the East boundary of said Section 13; thence North 01° 18' 05" East, 194.66 feet along said East boundary of Section 13 to the point of beginning.

EXCEPTING from Lots 2 and 3 that part thereof conveyed to Charles Russell Johnson and Peter Lowe by Joint Tenancy Deed dated December 27, 1945, recorded November 15, 1946 in Volume 206 of Official Records, Page 51 et seq., Mendocino County Records.

ALSO EXCEPTING from Lot 2 that part thereof as described in the Deed executed by Boise Cascade Corporation to Fort Bragg Municipal Improvement District Number One, dated November 3, 1970, recorded December 18, 1970 in Book 834 Official Records, Page 517, Mendocino County Records.

ALSO EXCEPTING from the Northeast quarter of Section 12 that portion thereof deeded to Mendocino Coast Railways, Inc. recorded in Book 1656 Official Records, Page 378, Mendocino County Records.

ALSO EXCEPTING THEREFROM that portion described in the Deed to the City of Fort Bragg, recorded January 5, 2010 as Instrument No. 2010-00114, Mendocino County Records.

ALSO EXCEPTING those portions described in the Deeds to the City of Fort Bragg, recorded November 21, 2011 as Instrument No. 2011-16313 and recorded November 24, 2015 as Instrument No. 2015-15977, Official Records of Mendocino County.

ALSO EXCEPTING all that portion described as follows:

Commencing at the section corner common to Sections 6 and 7, Township 18 North, Range 17 West, and Sections 1 and 12, Township 18 North, Range 18 West, Mount Diablo Meridian; thence South 01°18'24" West along the range line, a distance of 460.05 feet to the POINT OF BEGINNING; thence continuing South 01°18'24" West along the range line, a distance of 237.38 feet; thence leaving said range line North 88°58'07" West, a distance of 29.03 feet; thence North 1° 18'24" East, a distance of 237.53 feet; thence South 88°41' 11" East, a distance of 29.03 feet to the POINT OF BEGINNING.

Parcel Two:

That portion of the West half of the Northwest Quarter of Section 7, Township 18 North, Range 17 West, Mount Diablo Base and Meridian, described as follows:

Beginning at the corner to Sections 1 and 12, Township 18 North, Range 18 West, and Sections 6 and 7, Township 18 North, Range 17 West, Mount Diablo Base and Meridian; and running thence South along the Range line 2640 feet to a point in the City Limit on the South side of Fort Bragg, according to the "Map of the City of Fort Bragg, showing the Town Lots" tiled February 15, 1910 in Map Case 1, Drawer 3, Page 44, Mendocino County Records; thence East along said City Limit 380 feet to a point in the West line of Main Street; thence North along said West line 1260 feet to a point in the South line of Oak Avenue; thence West along said South line 200 feet; thence North 980 feet to a point in the North line of Redwood Avenue; thence East along the North line of Redwood Avenue 200 feet to the West line of Main Street; thence North along said West line 119.50 feet to the Northeast corner of a strip of land described in a Deed from Coast National Bank in Fort Bragg to Union Lumber Company, dated November 9, 1955, recorded in Book 413 of Official Records, Page 502, Mendocino County Records; thence West along said North line 121 feet to a point in the West line of a parcel of land described in a Deed from Union Lumber Company to Coast National Bank of Fort Bragg, dated November 3, 1955, recorded in Book 413 of

Official Records, Page 500, Mendocino County Records; thence North along the West line of said parcel 38.50 feet to the Northwest corner thereof; thence East 121 feet to a point on the West line of Main Street and being the Northeast corner of a parcel of land described in a Deed from Union Lumber Company to the Bank of Fort Bragg, dated June 3, 1904, recorded in Book 97 of Deeds, Page 354, Mendocino County Records; thence North along the West line of Main Street 161.5 feet to the Southeast corner of a parcel of land described in a Deed from Union Lumber Company to the City of Fort Bragg, dated October 31, 1912, recorded in Book 133 of Deeds, Page 421, Mendocino County Records; thence West along the South line of said last mentioned Parcel 56 feet to its Southwest corner; thence North along its West line 42.5 feet to a point in the South line of a parcel of land described in a Deed from Union Lumber Company to Fort Bragg Commercial Bank, dated May 11, 1912, recorded in Book 131 of Deeds, Page 33, Mendocino County Records; thence West along the South line of said last mentioned Parcel 44 feet to its Southwest corner; thence North along its West line 35 feet to its Northwest corner; thence West 280 feet to the point of beginning.

EXCEPTING THEREFROM the following:

1. That portion described in the Deed to City of Fort Bragg, recorded January 9, 1985, in Book 1489, Page 317, Mendocino County Records.
2. That portion described in the Deed to California Western Railroad recorded November 19, 1987, in Book 1656 Official Records, Page 374, Mendocino County Records.
3. That portion described in the Deed to Mendocino Coast Railway recorded November 19, 1987, in Book 1656 Official Records, Page 378, Mendocino County Records.
4. Those portions described in the Deeds to Joe H. Mayfield, et ux, recorded October 31, 1984 in Book 1480 Official Records, Page 252 and recorded June 27, 1986 in Book 1566 Official Records, Page 363, Mendocino County Records.
5. Parcel 1 as shown on that certain Parcel Map of Division No. 3-84 filed October 23, 1984 in Map Case 2, Drawer 42, Page 23, Mendocino County Records.
6. Parcels 1, 2 and 3 as numbered and designated on the certain Parcel Map of Division 4-01 filed September 23, 2005 in Drawer 72 of Maps, Page 79, Mendocino County Records.
7. Those portions described in the Deeds to the State of California recorded February 19, 1999 as Serial #1999-03294 and Serial #1999-03295, Mendocino County Records.
8. All that portion as described as follows:

That certain real property situated in the City of Fort Bragg, County of Mendocino, State of California, and being a portion of the West one-half of the Northwest one-quarter of Section 7, Township 18 North, Range 17 West, Mount Diablo Meridian, more particularly described as follows:

The bearings used in this description are in terms of the California State Grid, Zone 2.

Beginning at a point where the West line of Main Street intersects the South line of Oak Avenue extended Westerly in the City of Fort Bragg, said point of beginning being 1380 feet South and 380 feet East of the section corner common to Sections 6 and 7, Township 18 North, Range 17 West, and Section 1 and 12, Township 18 North, Range 18 West, Mount Diablo Meridian; thence from said point of beginning and along the exterior boundary lines of the parcel of land to be described as follows:

South 01° 37' 54" West (Record= South) along the West line of said Main Street, 145.88 feet; thence leaving said street side line, North 85° 10' 18" West, 100.15; thence North 01° 37' 54" East (Record= North) and Parallel with the West line of said Main Street, 139.83 feet to a point in the South line of said Oak Avenue extended Westerly; thence South 88° 38' 00" East (Record =East) along said Oak Avenue side line, 100.00 feet to the point of beginning.

9. All that portion described as follows:

Commencing at the section corner common to Sections 6 and 7, Township 18 North, Range 17 West, and Sections 1 and 12, Township 18 North, Range 18 West, Mount Diablo Meridian; thence South 01°18'24" West along the range line, a distance of 460.05 feet to the POINT OF BEGINNING; thence leaving said range line, South 88°41'11" East, a distance of 179.92 feet; thence South 01 °21'03" West, a distance of 229.27 feet; thence North 87°51 '29" West, a distance of 12.77 feet; thence South 00°17'51" West, a distance of 21.09 feet; thence North 89°10'25" West, a distance of 74.38 feet; thence North 00°41'57" East, a distance of 9.95 feet; thence North 88°17'22" West, a distance of 10.04 feet; thence North 60°27'42" West, a distance of 7.99 feet; thence North 88°58'07" West, a distance of 75.78 feet to the range line; thence North 01 °18'24" East along the range line, a distance of 237.38 feet to the POINT OF BEGINNING.

Basis of Bearings: that certain Record of Survey filed in Drawer 72 of Maps at Pages 58-64, Mendocino County Records.

EXCEPTING FROM PARCELS ONE AND TWO ALL THAT LAND LYING NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SECTION CORNER COMMON TO SECTIONS 6 AND 7, TOWNSHIP 18 NORTH, RANGE 17 WEST, AND SECTIONS 1 AND 12, TOWNSHIP 18 NORTH, RANGE 18 WEST, MOUNT DIABLO MERIDIAN; THENCE SOUTH 13°42'42" EAST, A DISTANCE OF 414.22 FEET TO THE SOUTHWEST CORNER OF PARCEL ONE AS SHOWN ON "PARCEL MAP OF DIVISION NO. 5-84" FILED IN MAP CASE 2, DRAWER 42, PAGE 59 MENDOCINO COUNTY RECORDS AND BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 88°41'11" WEST, A DISTANCE OF 1,809.58 FEET MORE OR LESS TO A POINT ON THE WEST BOUNDARY OF THE LANDS OF GEORGIA-PACIFIC CORPORATION.

Basis of Bearings: That certain Record of Survey filed in Drawer 72 of Maps at Pages 58-64, Mendocino County Records.

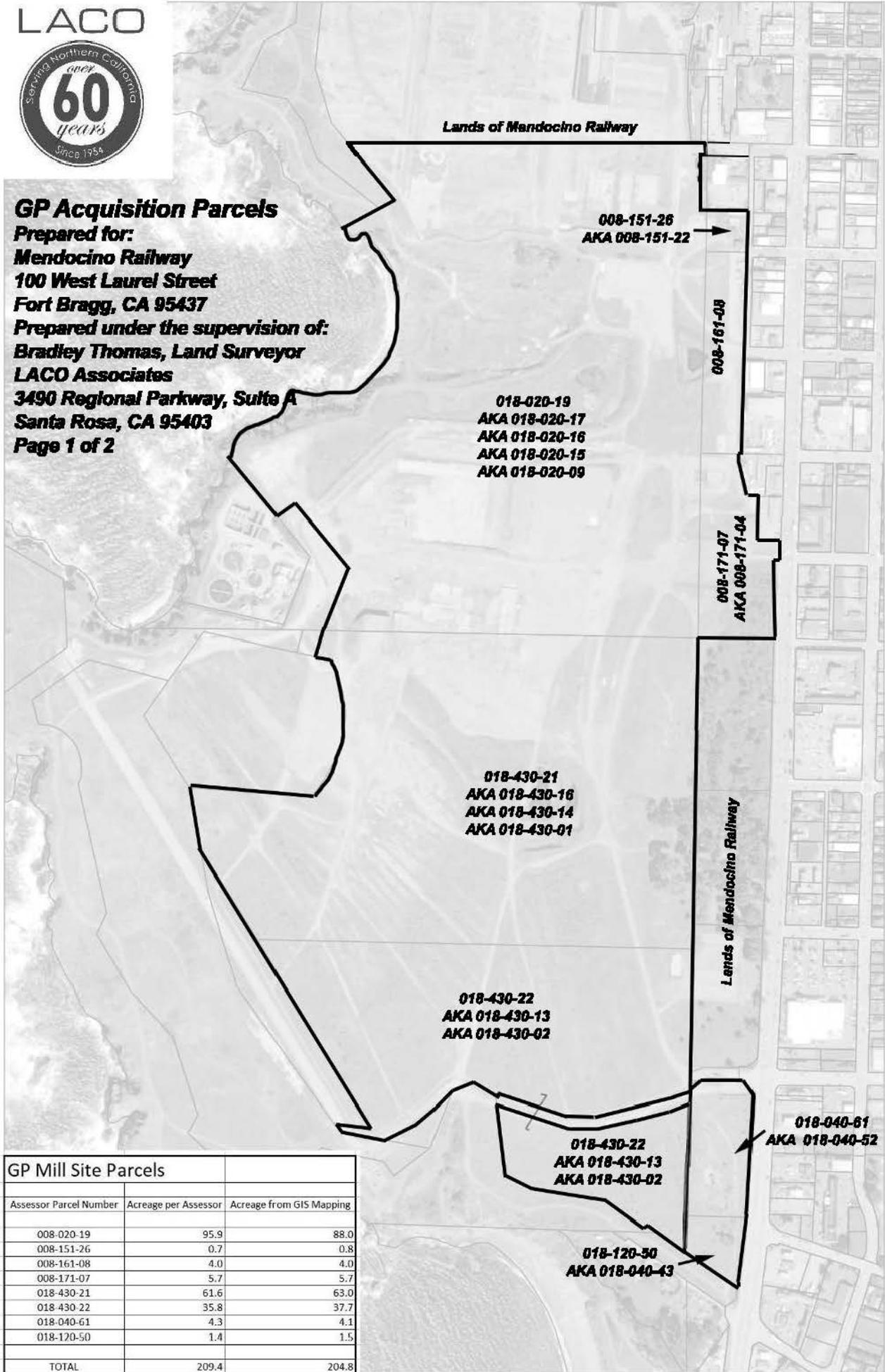
APN(s): 008-151-26, 008-161-08 and 008-171-07, 008-020-19, 008-430-21 and 008-430-22



GP Acquisition Parcels

Prepared for:
Mendocino Railway
100 West Laurel Street
Fort Bragg, CA 95437

Prepared under the supervision of:
Bradley Thomas, Land Surveyor
LACO Associates
3490 Regional Parkway, Suite A
Santa Rosa, CA 95403
Page 1 of 2



GP Mill Site Parcels		
Assessor Parcel Number	Acreage per Assessor	Acreage from GIS Mapping
008-020-19	95.9	88.0
008-151-26	0.7	0.8
008-161-08	4.0	4.0
008-171-07	5.7	5.7
018-430-21	61.6	63.0
018-430-22	35.8	37.7
018-040-61	4.3	4.1
018-120-50	1.4	1.5
TOTAL	209.4	204.8



The Parcel Areas were derived from Mendocino County Assessor Records and GIS mapping calculations. These Parcel Areas are to be considered approximate. A boundary line survey would be required for accurate Parcel Area determinations.

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Exhibit B

EXHIBIT "B"

All that certain real property situated in the County of Mendocino, State of California, more particularly described as follows:

Tract One:

All that certain real property more particularly described in Exhibit B of the Grant Deed executed by Boise Cascade Corporation to Georgia-Pacific Corporation, under the heading of "Fort Bragg Properties, Township 18 North, Range 17 West, M.D.M., Section 6" in Parcel One, Parcel Two, Parcel Three and Parcel Eight, which deed recorded March 25, 1974 in Book 957 of Official Records, Page 108, Mendocino County Records, excepting therefrom that portion described in the Grant Deed executed by Georgia-Pacific Corporation to Michael S. Bennett, et al recorded November 29, 1989 in Book 1792 of Official Records, Page 432, Mendocino County Records.

APN: 020-550-02, 020-550-10, 020-550-11 and 020-550-x08

Tract Two:

All that certain real property more particularly described in Exhibit B of the Grant Deed executed by Boise Cascade Corporation to Georgia-Pacific Corporation, under the heading of "Fort Bragg Properties, Township 18 North, Range 17 West, M.D.M., Section 6" in Parcel Four and Parcel Six, which deed recorded March 25, 1974 in Book 957 of Official Records, Page 108, Mendocino County Records.

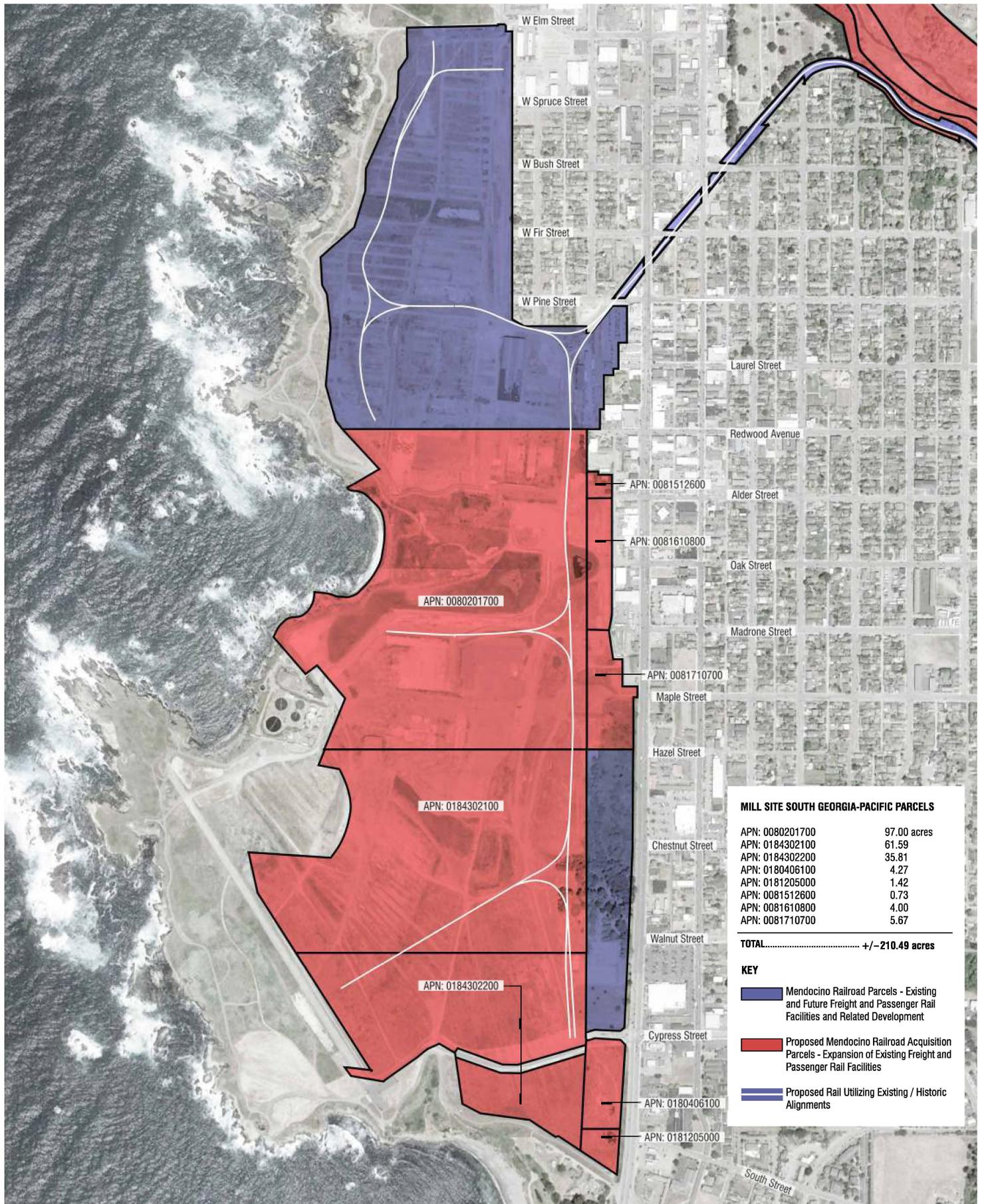
APN: 020-550-x08

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Exhibit C

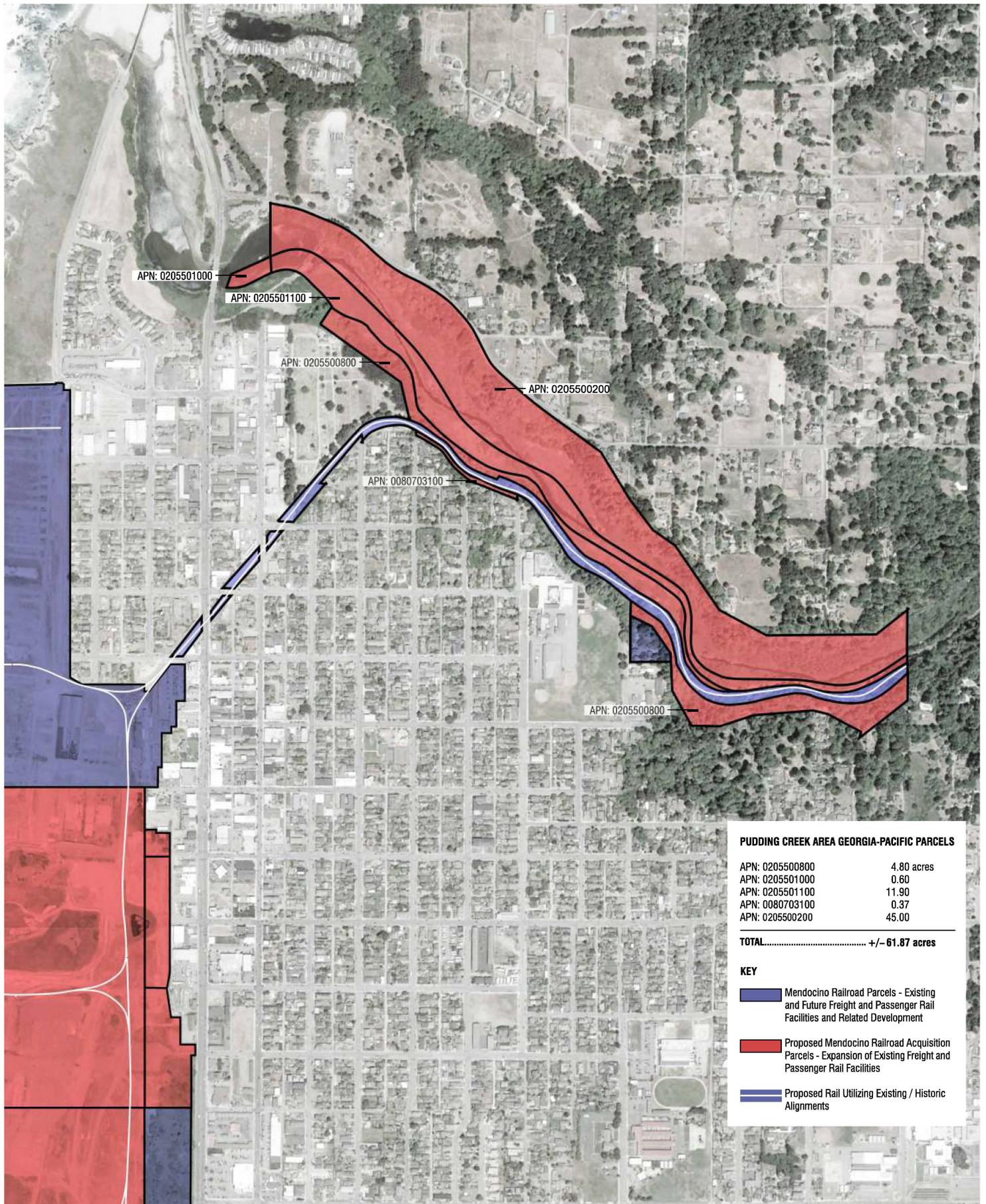
Mill Site South

GEORGIA-PACIFIC PARCEL MAP



Pudding Creek Area

GEORGIA-PACIFIC PARCEL MAP



PUDDING CREEK AREA GEORGIA-PACIFIC PARCELS	
APN: 0205500800	4.80 acres
APN: 0205501000	0.60
APN: 0205501100	11.90
APN: 0080703100	0.37
APN: 0205500200	45.00
TOTAL	+/- 61.87 acres
KEY	
	Mendocino Railroad Parcels - Existing and Future Freight and Passenger Rail Facilities and Related Development
	Proposed Mendocino Railroad Acquisition Parcels - Expansion of Existing Freight and Passenger Rail Facilities
	Proposed Rail Utilizing Existing / Historic Alignments