

**FILED**  
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ALEX CALVO, CLERK  
BY JUSTINE KHOURY  
DEPUTY, SANTA CRUZ COUNTY

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA CRUZ

NO. 18CV03315

Plaintiffs, Christopher Wesoloh, et. al.,

vs.

Final Statement of Decision

Defendants, County of Santa Cruz, et. al.,

\_\_\_\_\_ /

This matter came on regularly for Court Trial, on March 29, 2022, in Department Five of the above-entitled court, the Honorable Timothy R. Volkmann, presiding. Plaintiffs were represented by Patrick J. Richard and John P. Erskine. Defendant County of Santa Cruz (also referred to as "County") was represented by Basil S. Shiber and Angela J. Yu. Testimony was taken from numerous witnesses, with additional testimony submitted in video and transcript form. Hundreds of exhibits were admitted containing thousands of pages of documents, closing arguments were presented, and the trial concluded on April 7, 2022. The Court subsequently advised all counsel of its' presiding over a series of trials in April-May. A Statement of Decision was submitted on June 20, 2022.

Counsel provided various pleadings in response to the Statement of Decision. In the County of Santa Cruz' Request for Statement of Decision, the Plaintiffs' Response to the County's Request, the County's Counter Proposals, and Plaintiffs' Objections to County's Counter Proposals, various suggestions were made. A hearing took place on September 16, 2022,

1 where each side presented oral argument. The Court advised that this Final Statement of  
2 Decision would be solely founded upon the trial evidence and the applicable law pertaining  
3 to that evidence and the various claims and defenses. This Court has re-reviewed all post-  
4 trial pleadings and respectfully submits that no alteration to the previous Statement of  
5 Decision will occur.  
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8 This Court wishes to thank all counsel for their professionalism. This case was efficiently  
9 and thoroughly presented with the large amount of documentary evidence submitted in a  
10 clear and concise manner. All parties should be pleased with the efforts of their counsel.  
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13 HISTORICAL BACKGROUND:  
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15 On August 22, 1928, Peninsula Properties Co. recorded a subdivision map, subdividing an  
16 area described as Beach Drive, Beach Trail, Shore Trail, and 37 Foot Walk. (Exhibits One  
17 and Two). That subdivision map included an offer of dedication that the "37' walk" was  
18 intended and was hereby offered for dedication as streets and highways for public use.  
19

20 In August of 1928, the County of Santa Cruz accepted the map for filing, but declined the  
21 offered dedication stating, "The Board of Supervisors of the County of Santa Cruz approves  
22 this map but does not accept any of the streets shown thereon as public highways." (See  
23 Exhibits One and Two.)  
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25 On March 30, 1929, the offer of dedication was renewed. (Exhibit Three). That offer stated  
26 that Peninsula Properties "now renews our offer and hereby offer to dedicate to the public for  
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1 public use and to Santa Cruz County as an agency for the public, those portions of the streets  
2 and highways . . . more particularly described as follows: 37 Foot Walk.”

3 On May 7, 1929, the County Board of Supervisors accepted the offer of dedication, passing a  
4 resolution accepting the 37’ Walkway for dedication. (Exhibit Three.) That resolution  
5 included the following: “Resolved, that a certified copy of this resolution be attached to the  
6 offer of dedication and both be placed on file as a public record in the office of the county  
7 recorder of Santa Cruz County.” (Exhibit Three.) Recordation occurred on May 13, 1929  
8 (Exhibit Four). Plaintiffs contend that no certified copy of the resolution was ever attached  
9 to the offer of dedication, nor placed on file as a public record in the office of the county  
10 recorder of Santa Cruz County and, as a result, there was never a legally sustainable  
11 acceptance of the offer of dedication. (Exhibit 108, discovery responses by the County.)  
12 Trial evidence verified that no acceptance was ever found and that the “renewed” offer was  
13 not verified. No updated map was ever prepared.

14 It should further be noted that, on May 7, 1929, the County of Santa Cruz ordered the  
15 improvement of the right of way described on the subdivision map, which expressly included  
16 the Walkway. (Exhibits Three and Six.) No evidence was submitted verifying that the  
17 County has ever spent any monies on any such “improvement.” What the evidence did  
18 confirm is that this area had not been used as a road, street, or highway, that the area  
19 described as the “37’ Walk” has been bought and sold throughout the past thirty years, or  
20 more, as part of the residences located along this Walk, and that the Walk has been used as  
21 private property from 1929 to 2018, when the County exercised self-help, as described,  
22 below.  
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1 The Plaintiffs are owners of properties along the Walkway in the subdivision created by the  
2 1928 Map. Homes were constructed beginning in 1935. The individual Plaintiffs' property  
3 interests date from, at least, 1985, to the present.

4  
5 In 1953, twenty-four years after the 1929 efforts, the County Road Commissioner  
6 recommended that "appropriate action be taken to abandon the road known as 37' Walk, . . ."  
7 (Exhibit Twelve.) That recommendation was unanimously approved by the Board of  
8 Supervisors of the County. (Exhibit Twelve.)

9  
10 In 1958, The County Board of Supervisors voted to "sell" the 37 foot strip to the  
11 "encroaching homeowners." (Exhibit 14.) From the Plaintiffs' perspective, this further  
12 verifies the complete lack of interest that the County had in exercising any level of control  
13 over the subject area.

14  
15 By December 8, 1958, the County received information from its' County Planning  
16 Commission confirming that "the county does not have title to the property . . ." (Exhibit  
17 15.) As a result, the offer of the walkway for sale was rescinded. (Exhibit 15.)

18 Pursuant to statutory and case law, the Plaintiffs contend that their rights vested, in 1960,  
19 after 25 years of County inaction and 25 years (1935 to 1960) of ownership by the  
20 homeowners. They claim the County should be estopped from asserting any alleged "rights"  
21 at this time. (California Code of Civil Procedure 748.5, subsequently renumbered as  
22 771.010.)  
23

24 Plaintiffs further contend that the successor to the original developer recorded a revocation of  
25 the Offer of Public Dedication, in 1963 (Exhibit Eighteen, which is described as "Revocation  
26 of Offer of Dedication"). There is a Resolution authorizing County Counsel to "Admit No  
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1 Ownership Interest in Real Property . . .” in a lawsuit involving property which was part of  
2 the 1928 Offer of Dedication described above. (Exhibit Twenty.)

3 Plaintiffs further assert that, in 1973, the County of Santa Cruz relinquished its’ interest  
4 to the State of California as part of Seacliff State Beach project: “The twelve-foot walkway  
5 included on the development plan shall be relocated so as to be on the seaward side of the  
6 existing 37 foot walkway adjacent to the island homes, at an elevation no higher than the  
7 existing patio areas.” (Exhibit 24.) A Deed of Conveyance specifically describes the 37’  
8 Walk. (Exhibit 25.) The State responded with a denial of this attempt to convey, as “any  
9 interest the County can convey appears to be heavily encumbered.” (Exhibit 30, a letter from  
10 the State to the County Public works representative, dated 2/7/74.)

11 The County wrote letters to the homeowners, in 1975, admitting the homeowners’  
12 “underlying fee interest in these areas dedicated to public use,” claiming an “easement right”  
13 over the walkway, and asking for the homeowners to sign Quitclaim deeds regarding the  
14 walk areas. (Exhibit 32.) It appears that no such deeds were signed and nothing else  
15 happened as to these issues for another five years.

16 After a major storm, in 1980, the Rio Del Mar HOA obtained a permit from the County of  
17 Santa Cruz and from the California Coastal Commission to construct a 17’ wide seawall  
18 within the disputed 37’ strip which left the Plaintiffs with a 20’ wide strip which they have  
19 used as patios. From the County of Santa Cruz’ perspective, the act of applying for a permit  
20 with the 37’ Walkway is an acknowledgement by the Plaintiffs of the public nature of that  
21 37’ Walk. From the Plaintiffs’ perspective, this process clearly confirms that the County  
22 knew it did not own the subject areas, as no documents refer to alleged public ownership.  
23 Specifically, on May 27, 1980, the County of Santa Cruz issued an encroachment permit to  
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1 construct a permanent seawall on the 37' Walkway with the condition that, "the 37 foot  
2 easement shall be retained for public use and the public shall have the right to use a walkway  
3 parallel to the Ocean and Beach Drive along the whole length of the 37 foot easement which  
4 shall be preserved." (Exhibit 36.) As the seawall was within the Coastal Zone, the Plaintiffs  
5 also applied to the Coastal Commission for a permit, which was issued on 3/31/80. Exhibit  
6 35 confirms that the Coastal Commission agreed that "Public access would not appear to be  
7 affected by this project." That Exhibit also confirmed, "The proposed seawall is located on  
8 an existing 37-foot wide public easement. Historically, however, this easement has been  
9 partially covered by a 20-foot concrete path (used by the residences as private decks), and it  
10 would appear that the remainder of the easement was covered by an ice-plant vegetated  
11 berm." (Exhibit 35.)

14 "The County is exploring their interests in the easement and staff will report any new  
15 information at the Commission meeting." (Exhibit 35.) The County's level of interest in the  
16 alleged easement is belied by the fact that no follow-up report was issued and no efforts  
17 regarding this issue were initiated for at least another thirty-five years (1980 to 2015, as  
18 referenced, below). Thus, even after 52 years (1928 to 1980) the County remained unclear  
19 as to what their "interests" were and admitted that the issue needed "exploring."  
20

21 Despite the machinations outlined above, it should be noted that the Walkway, itself, running  
22 along the rear of the Plaintiffs' properties, and which is approximately 787 feet long, was  
23 blocked off for decades from public usage with the erection of a fence/wall on one end and a  
24 gate on the other. Though it was not clearly defined, there were structures closing off the  
25 Walkway to public use for at least fifty-sixty years, before the action taken by the County in  
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1 2018 which occurred within a month of the filing of the subject lawsuit. (Exhibits 16, 34 and  
2 to a limited extent, 48 and 58.)  
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5 RECENT DEVELOPMENTS:  
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7 For thirty-five years (the seawall permits of 1980 to the letters to homeowners in 2015, as  
8 described below), the Plaintiffs used the subject Walkway as private patios, with no  
9 restriction nor complaint. As mentioned above, there were closures (a wall/fence at one end  
10 and a gate at the other) on each end of the 787' long strip. Those closures were in place long  
11 before 1985, probably existing back to the 1950's. It appears that usage of the subject area  
12 had been restricted for several decades to only those who owned the homes, before it became  
13 an issue, again, in 2015.  
14

15 At that time, a representative of the Coastal Commission sent a letter to the homeowner of  
16 300 Beach Drive with a Notice to Remove Obstructions. Follow up correspondence was  
17 submitted, including a letter of 3/8/2018 (Exhibit 348). Similar letters were sent to several  
18 homeowners in 2017 and 2018. (Exhibit 358). These letters became more threatening with  
19 imposed penalties of \$1000, to \$6000, to \$15,000 per day. A quick calculation would lead to  
20 the conclusion that penalties would reach over one million dollars.  
21

22 An example of the letters was testified to by one of the Plaintiffs. (Exhibit 130.) That  
23 correspondence described an alleged violation by private encroachments onto a public right  
24 of way. The homeowner responded that the "encroachments" in question were stairs onto  
25 the promenade area of the property and those stairs had been previously approved, per a  
26 permit paid for by the homeowner and obtained from the County. (Exhibit 45.)  
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1 On October 9, 2018, the County of Santa Cruz advised the owner of 202 Beach Drive that  
2 there was a “fence encroaching an easement” and if the fence was not removed by October  
3 31, 2018, “enforcement actions may commence.” (Exhibit 359.) That homeowner  
4 responded on October 23, 2018, advising that a permit was issued for the fence, in the  
5 1980’s. (Exhibit 361.) A permit was found to be issued, in 1981. (Exhibit 41.) She further  
6 advised the County that photos had previously supplied to the County confirming the wall  
7 below the fence was in place as far back as the 1940’s. The homeowner concluded “I look  
8 forward to your response.” A response was provided by the Coastal Commission, on  
9 December 14, 2018 (Exhibit 74). Within that response, the homeowner was told to remove  
10 the alleged encroachment by January 31, 2019.

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13 In the interim, several homeowners retained counsel and the Plaintiffs filed a Complaint, on  
14 November 15, 2018, seeking Quiet Title to the Walkway, a Petition for a Writ of Mandate,  
15 damages for Due Process violations and Inverse Condemnation.

16  
17 Approximately one month later, on December 18, 2018 (only four days after the 12/14 letter  
18 from the Coastal Commission), the County of Santa Cruz sent a demolition crew to the  
19 Walkway and demolished/removed the gate at one end and the wall/fence at the other end.  
20 No advance notice of these actions was submitted to any homeowner, nor to their counsel.  
21 However, notice was provided to media who recorded the event. Litigation proceeded with  
22 depositions, the exchange of documents, and standard written discovery. Trial commenced,  
23 in March of 2022.  
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26 TRIAL EVIDENCE:  
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1 Trial evidence reconfirmed the history of the subject property as follows. In 1953, the county  
2 road commissioner stated the walkway should be abandoned. This was supported by a  
3 unanimous vote of the Board of Supervisors. (Exhibit 12.) In 1958, County representatives  
4 admitted that they did not possess title to the Walkway. Public minutes for 1958 confirmed  
5 this position. (Exhibit 15.) Specifically, as of 1958, there were discussions to sell the subject  
6 property. However, it was determined that the County did not possess title and could not  
7 sell. Exhibit 21 confirms that the property owners have used the subject area for private  
8 purposes, at least since 1968, which would confirm such usage for forty-seven years before  
9 the initial 2015 letter was sent.  
10

11  
12 The County of Santa Cruz has not spent one dollar on the improvement or maintenance of the  
13 Walkway, since 1928. Photographs appear to verify a fence as far back as before 1963.  
14 (Exhibit 16.) A fence and wall are verified in Exhibit 118 (photo) confirming more than fifty  
15 years of restriction on the use of the Walkway and/or the sole private use of those areas.  
16 This supports the position that the County has spent no monies on the subject Walkway, for  
17 fifty years, until the demolition of 2018. On the other hand, the Plaintiffs have maintained  
18 the property, pursued, obtained and paid for permits to improve the patio areas and, perhaps  
19 most importantly, solely paid for the 1980 repairs designed to spare their residences.  
20

21 Exhibit 24 confirms that, in 1973, there was twenty feet of patio area and seventeen feet of  
22 ice plant, making up the 37' Walkway. A proposed new twelve-foot walkway, on the  
23 seaward side, was defined by the County of Santa Cruz as "existing patio areas," not as part  
24 of any alleged "easement," nor as any public right of way.  
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1 In 1975, the County sent a letter to homeowners attempting to get them to sign quitclaim  
2 deeds in favor of the County, again acknowledging that the homeowners have “an underlying  
3 fee interest.” (Exhibit 32.) Trial evidence confirmed that no such deeds were ever executed.  
4  
5 Testimony was provided by several homeowners. They described the adverse impact of the  
6 County’s demolition action. At present, individuals walk, run, skateboard and ride bicycles  
7 down the Walkway. Some peer into the windows of the residences, at any time of the day, or  
8 night. The patio areas are rendered useless, as one cannot safely stand, nor sit in that area,  
9 with the presence of cyclists moving through. The Plaintiffs voiced concerns over safety,  
10 due to the ability of individuals to be able to walk right up to the doors of their units. Crime  
11 has risen in the area. The enjoyment of the residences has been severely compromised by the  
12 demolition in 2018.

14 Another homeowner testified that the patio areas have been completely enclosed, since the  
15 1950’s-1960’s. (Exhibits 7, 9, and 16.) The Beach Street side of the homes has remained,  
16 throughout, as a public walkway.

18 Exhibit 42 is a 2004 letter from the County Assessor where he presumes that the  
19 patio/walkway area are already owned by the homeowners. “I believe that over the years  
20 (since 1928) there has been an implied ownership of the walk by the homeowners along  
21 Beach Drive.” (County Assessor letter of 3/26/2004 regarding no reappraisal if the property  
22 lines were redrawn to incorporate the 37’ walk area into the existing parcels.) A homeowner  
23 Plaintiff testified he has never received an indication from the County that this was a  
24 mistake.

26 Additional building permits were applied for regarding Plaintiffs’ properties, and granted by  
27 the County, in 1981 and 2017. (Exhibits 41 and 51.) No reference is made in the permits to  
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1 any alleged ownership interest by the County. No subsequent contacts came from the County  
2 alleging that these permits were improperly obtained, nor were no longer valid (until right  
3 before the demolition, as noted below). No indication came from the County that the  
4 homeowners were "encroaching" upon any County right.  
5

6 A review was made of the appraisals regarding the subject properties. Some appraisals took  
7 the patio area into account, others did not. Admittedly, these documents are somewhat  
8 difficult to decipher and there are descriptions of "concrete" that are crossed out for  
9 unknown reasons. Exhibits 87-90 appear to show the patios taken into account for appraisal  
10 purposes. Exhibits 92-96 do not appear to describe those areas. Other appraisal worksheets  
11 describe a patio, or concrete, but those references are, then, crossed out. (Exhibit 91.)  
12

13 One may reasonably conclude that the 2004 accessor's opinion as to "implied ownership"  
14 with no need for a reappraisal, confirmed that the homeowners were charged with property  
15 taxes for the patios throughout this entire time. Even if one does not reach such a  
16 conclusion, it can certainly be reasonably presumed that the "private" nature of the  
17 patio/deck areas was a significant selling point when these properties were on the market.  
18 Each time an increase in value occurred, any reappraisal would result in increased property  
19 taxes, inuring to the benefit of the County.  
20

21 A determination that the wall/fence and the gate were "nuisances" was the basis upon which  
22 the County decided to proceed with the non-noticed, surprise demolition. County witnesses  
23 testified as to their views that the fence/gate/wall on each end of the walkway served as  
24 public nuisances. (Exhibits 58 and 59). The County felt those structures should come down.  
25 However, they admitted that the structures served no threat to public safety, nor to public  
26 health. They admitted that they had no idea as to when those structures were constructed.  
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1 They did not know how, nor in what fashion, any member of the public had used the  
2 walkway over the past several decades. They did not know if the County ever maintained  
3 any portion of the Walkway. No persuasive reason was offered for why these structures were  
4 considered “nuisances.” No testimony was proffered as to why these structures were not  
5 considered “nuisances” in the 50-60 years before the 2018 determination. Exhibit 69  
6 describes the “nuisance wall and fence.” According to County prepared documents, a fence  
7 was constructed “at some point in the past,” adjacent to 300 Beach Drive and a wall was  
8 constructed, “at some point in the past,” adjacent to 202 Beach Drive. A photo of the  
9 wall/fence adjacent to 202 Beach Drive was provided as Exhibit 48.  
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11  
12 The County acknowledges that a permit was issued for a fence previously authorized for the  
13 top of the wall, near 202 Beach Drive, but, apparently, shortly before demolition, concluded  
14 that the permit was retroactively “invalid because it represented the 37’ Walk to be part of  
15 the property at 202, rather than County property.” There appears to be no written  
16 confirmation of such a determination ever provided to the homeowner, nor is it clear as to  
17 when this alleged “determination” was made (and by whom). There was no persuasive  
18 testimony offered by any County witness as to how they determined that this area was  
19 “County property.” In fact, each County witness confirmed that they had performed almost  
20 no historical research, before reaching any such opinion. During trial, there were references  
21 to an “easement,” or that the County “held the property, in trust, for the public.” For trial  
22 purposes, both sides appeared to agree that the County did not “own” any fee title to the  
23 subject property.  
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26 Additional historical information was submitted. In 1968, The County’s Director of Public  
27 Works advised that the property owners adjacent to the 37’ Walkway had been using the area  
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1 for their “private use” “for some time.” He noted numerous improvements to the area  
2 involving furnishings, fencings, and walls, and that this utilization had gone on for “many,  
3 many years with any protest or complaint from the County. . .” He discussed the potential  
4 need for legal action regarding these issues. (Exhibit 21.) There is no evidence of any steps  
5 taken by the County, until five years later, in 1973, when the County voted to relinquish the  
6 37’ strip to the State of California, as referred to in Exhibits 24 and 25, again verifying its’  
7 disinterest in the subject walkway.  
8

9 Even the 1980 storm damage related permit confirmed the presence of “concrete decks” and  
10 that those decks would remain. The Coastal Commission permit refers to “replace 8 feet of  
11 concrete patio at the rear of each home” and that the seawall “would abut each residence’s  
12 concrete deck.” (Exhibit 35.) The County conceded that there was no transfer of interest in  
13 the subject property resulting from any 1980 Encroachment Permit.  
14

15 To be certain, there is a lack of consistency and clarity as to how this property was  
16 considered. The County submitted letters from prior attorneys for various homeowners who  
17 appear to acknowledge the presence of an easement, or county right. (For example, Exhibit  
18 267.) The County argues that these are adverse “admissions” as they relate to the position of  
19 the homeowners. However, there was no additional evidence offered as to how these  
20 “admissions” were reached, and none of those individuals testified at trial.  
21

22 County records were produced including deeds (described in the County’s Request for  
23 Judicial Notice). It was argued that the deeds and preliminary title reports focus upon the  
24 footprints of the structures and do not include the patios. While this is, indeed, probative  
25 evidence, it is inconsistent with the eighty-eight years of history (1930-2018) confirming  
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1 how everyone, including the homeowners, the public, the County, and the Coastal  
2 Commission, was considering this property.

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5 CONCLUSION:

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7 Thus, the evidence verifies a questionable “acceptance” of the 1929 Offer of Dedication, a  
8 span of over fifty years with the subject area being closed off by a fence and/or gate on each  
9 end, with a resultant private usage of those areas, an absence of any expenditures by the  
10 County for maintenance and/or improvement of the Walkway for the past ninety-three years  
11 (since 1929) (Exhibit 207), an acknowledgement by a County representative in 1953 that the  
12 walkway should be abandoned, an admission, in 1958, by the County that they did not possess  
13 title to the Walkway, a 2004 letter from the County Assessor confirming his understanding  
14 that the patio/walkway area is owned by the homeowners, inclusions in various appraisals that  
15 the patio areas should be included for valuing the property, acceptance of permit fees for the  
16 repairs performed due to the 1980 storms, an acceptance of permit fees and approvals of  
17 permits for construction within the patio areas, and an absence of persuasive evidence to  
18 verify that County possesses any type of interest in this Walkway.

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21 Writing “encroachment” in a 1980 permit does not override fifty years of disinterest, let alone  
22 the overt attempts to relinquish any alleged rights. Stating in a permit that an “easement” is  
23 “preserved” does not create, nor confirm such an easement. The facts that the seawall permit  
24 process was under such intense public government review and neither the County, nor the  
25 Coastal Commission, even voiced a concern over the presence of the gate and/or wall at each  
26 end of the Walkway that were there in 1980 and probably for several decades, before, and  
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1 failing to demand removal of those structures, support a finding in favor of the Plaintiffs. The  
2 testimony of various homeowners as to the adverse impacts to their property with the removal  
3 of the wall and gate (bicyclists, including electric bikes moving through at high speeds, the  
4 removal of any privacy in their units, the increase in crime, the presence of people, at all  
5 times, directly outside their backdoors) satisfy the requirements of a direct, substantial and  
6 peculiar burden to the subject property. (Oliver v. AT and T Wireless Services (1999) 76 Cal.  
7 App. 4<sup>th</sup> 521, 530).

8  
9 No evidence was provided as to why the County felt the need to exercise self-help and  
10 remove the structures, on December 18, 2018, without a formal Notice of Abatement, an  
11 Abatement Order, and a formal Hearing. No evidence was provided as to any adverse impact  
12 to the public as to the usage of the beach and the ocean over the past several decades while the  
13 Walk was privately used. While somewhat vague, it appears the concern over the 787 feet  
14 originated not in a public need to use this area, but in its' relationship to a possible drainage  
15 project that has since been scuttled. The suggestion by the County that the public possesses  
16 some type of interest in the property is contradicted by the evidence confirming that for  
17 seventy-nine years (1929 to 2018), the area was maintained and utilized by private  
18 homeowners.  
19  
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21 The County offered a series of arguments. The County contended that the 37' Walk should be  
22 opened per the 1928 Dedication and the 1980 documentation. It referenced an Accessor's  
23 Map, from 1951 showing the 37' Walk as a public area (Exhibit 209) and a 1999 Accessor's  
24 Parcel map (Exhibit 259). Of course, these are contradicted by the 2004 views of the  
25 Accessor.  
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1 It was further argued that the County “holds an interest on behalf of the public.” However,  
2 the preponderance of the evidence actually presented at trial made it clear that the County had  
3 no desire to maintain this property and took active steps to distance itself from any  
4 responsibility for the 37’ Walk, over the span of almost 90 years. At some point, the actual  
5 chronology of events that led to this trial must take priority.  
6

7 As to Cause of Action Six, the Court finds in favor of the Plaintiffs. As to the County’s  
8 Causes of Action for Declaratory Relief and Quiet Title, such relief is denied. This Court will  
9 retain jurisdiction as to any further matters, including a trial on the remaining issues, if  
10 necessary. This Final Statement of Decision is submitted pursuant to California Rule of Court  
11 3.1590. The Court thanks all counsel and their clients for their continued professionalism.  
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13  
14 DATED: September 30, 2022



TIMOTHY R. VOLKMANN  
Judge of the Superior Court

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