

7/8/24  
1933

# BENNETT PARK DEED

WHEREAS Marcus P. Bennett and Mary C. Bennett have, in the name and in memory of their deceased son, Marcus Percival Bennett, Jr., offered as a gift to the county of El Dorado, for the purposes of a common center for the people of said county for recreation, sports, social open air gatherings, entertainments, games and amusements, the real property commonly known as the "Race Track" or as "Recreation Park" and certain rights of way, all as particularly described in the written conveyance of said property this day tendered to this Board;

Now, therefore, recognizing the great value of such a common center and play-ground to the people of this county and appreciating the generous spirit which has prompted the gift, it is hereby resolved, by the Board of Supervisors of the County of El Dorado, that said gift be accepted on behalf of the county of El Dorado and said conveyance placed of record.

Passed and adopted as a resolution of the Board of Supervisors of the county of El Dorado, this 8th. day of July, A. D. 1924.

1 THIS INDENTURE, made this 8th day of July, 1924, by and  
2 between MARCUS P. BENNETT and MARY C. BENNETT, husband and wife, of  
3 the City of Placerville, State of California, grantors, and  
4 COUNTY OF EL DORADO, a body corporate and politic and one of the  
5 counties of the State of California, grantee, WITNESSETH:

6 WHEREAS, the said grantors <sup>Mary C. Bennett is</sup> ~~are~~ now the owners of the real prop-  
7 erty hereinafter described; and

8 WHEREAS, MARCUS PERCIVAL BENNETT, Jr., the dearly beloved son  
9 of said grantors, was born on the 24th day of September, 1900, and  
10 died on the 26th day of January, 1904; and

11 WHEREAS, the coming, life and passing of this child quickened  
12 the sympathies and interest of said grantors in the sports and  
13 pastimes of children and of youth generally, and enlarged their  
14 interest in all mankind; and

15 WHEREAS, the premises hereinafter described are uniquely situat-  
16 ed and are the most available and suitable for a common center for  
17 the people of El Dorado County for recreation, sports, social open  
18 air gatherings, entertainments, games and amusements; and

19 WHEREAS, the grantors desire, in the name and in memory of their  
20 said son, to make said property perpetually available for use by the  
21 people of said County of El Dorado for the purposes aforesaid;

22 NOW, THEREFORE, the said grantors, in consideration of the  
23 premises herein set forth, and as a memorial to their said son herein  
24 named, do by these presents give and grant unto the said COUNTY OF  
25 EL DORADO all of that certain real property situated and being in the  
26 County of El Dorado, State of California, and described as follows,  
27 to wit: That certain piece or parcel of land commonly known as  
28 the "Race Track" and sometimes as "Recreation Park", situated in  
29 and being a portion of Lots two (2) and three (3) of section seven

1 to wit: commencing at a fence post scribed "No. 9", from which the  
2 northwest corner of the City of Placerville, in said county, bears  
3 N. 44° 34' E. 980.83 feet, (said northwest corner of said City being  
4 identical with the northwest corner of the southeast quarter of north  
5 west quarter of said section seven (7))-, and running thence from  
6 said place of beginning as follows: S. 72° 23' W. 53.90 feet to a  
7 fence post at the southwest corner of the lane leading from Coloma  
8 Street, in said City, to the land here described and hereby granted;  
9 thence N. 25° 26' W. 48.40 feet to fence post at northwest corner of  
10 said lane; thence N. 33° 18' W. 48.60 feet; thence N. 43° 39' W.  
11 48.60 feet; thence N. 69° 11' W. 85.60 feet; thence N. 70° 36' W.  
12 58.65 feet; thence S. 76° 19' W. 64.72 feet; thence S. 63° 54' W.  
13 64.80 feet; thence S. 45° 44' W. 49 feet; thence S. 30° 54' W. 51.30  
14 feet; thence S. 14° 56' W. 65.50 feet; thence S. 6° 06' E. 83 feet;  
15 thence S. 26° 51' E. 129.85 feet; thence S. 17° 21' E. 495.30 feet;  
16 thence S. 19° 06' E. 159.70 feet; thence S. 27° 21' E. 16 feet;  
17 thence S. 48° 26' E. 100 feet; thence S. 73° 06' E. 22.40 feet to a  
18 cedar post scribed "No. 1" standing at the northwest corner of the  
19 south entrance or lane leading from the Middletown road to the land  
20 here described; thence from said last-mentioned post, S. 82° 51' E.  
21 173 feet; thence N. 81° 21' E. 51.10 feet; thence N. 63° 54' E. 66.70  
22 feet; thence N. 54° 54' E. 84.80 feet; thence N. 48° 21' E. 113.90  
23 feet to southeast corner of tract here described; thence N. 17° 36'  
24 W. 674.50 feet; thence N. 45° 06' W. 161.30 feet; and thence N. 27°  
25 06' W. 49.60 feet to place of beginning, and containing 12.56 acres,  
26 more or less. And also that certain right of way leading from the  
27 above-described land to the highway known as the Middletown Road, the  
28 said right of way being appurtenant to said land and constituting the  
29 southerly entrance to the same, and being located on, over and across

1 scribed "No. 1" hereinbefore mentioned and described, and running  
2 thence S. 12° 24' W. 275 feet to said Middletown Road; thence S. 51°  
3 36' E. along said road 34 feet; thence N. 14° E. 32.20 feet; thence  
4 N. 14° 14' E. 261.50 feet to said Race Track lot; and thence N. 82°  
5 51' W. 40 feet to place of beginning.

6 TO HAVE AND TO HOLD the said property for the free use thereof  
7 by the people of said County of El Dorado solely for the said pur-  
8 poses of recreation, sports, social open air gatherings, entertain-  
9 ments, games and amusements, subject only to the following condit-  
10 ions, to wit: Said property shall never be used for public camp  
11 grounds, or for any commercial purpose, and no school building,  
12 residence or dwelling-house, or any building for commercial purposes,  
13 shall ever be erected or maintained thereon, provided, however, that  
14 nothing herein contained shall be deemed to prohibit the erection or  
15 maintenance of a suitable residence for a keeper or caretaker of said  
16 property or a public club house for the use of the people of said  
17 county.

18 All use of said property shall be under and subject to the  
19 proper regulation and control of the Board of Supervisors of said  
20 County of El Dorado, and shall at all times be free to the people of  
21 said county, provided, however, that local clubs or organizations  
22 holding or conducting contested games or sports may be permitted to  
23 charge such small admission fees as may be necessary to reimburse  
24 them for their expenses in connection with such games or sports, the  
25 amount of such admission fees to be fixed by the said Board of Super-  
26 visors; and provided also, that circuses and other traveling shows  
27 may be permitted to use said property for exhibition or show purposes  
28 for such time and upon payment of such rental as the said Board of

1 be great necessity for so doing.

2 For the purposes and subject to the conditions aforesaid, said  
3 grantors do also give and grant to the said grantee, for use in con-  
4 nection with the above-described property, a right of way, to be used  
5 and exercised jointly with said grantors, their heirs or assigns, on,  
6 over and along the following described piece or parcel of land, to-  
7 wit: commencing at a fence post scribed "No.1-C", standing on the  
8 westerly boundary of Coloma Street, in the City of Placerville, in  
9 said County of El Dorado, from which post the northwest corner of  
10 said City bears N. 24° 45' W. 433.82 feet, and running thence from  
11 said place of beginning as follows: S. 70° 46' W. 96.30 feet; thence  
12 S. 72° 27' W. 248.91 feet; thence S. 76° 31' W. 178.10 feet; thence  
13 S. 72° 53' W. 257.80 feet; thence S. 74° 42' W. 201.46 feet to the  
14 "Race Track" lot; thence along the boundary of said last-named lot,  
15 S. 25° 26' E. 48.40 feet; thence, following said boundary, N. 72° 23'  
16 E. 53.90 feet; thence N. 72° 31' E. 327.11 feet, to the northwest  
17 corner of a lot belonging to said grantors; thence, along the north-  
18 erly boundary of said last-mentioned lot, N. 76° 29' E. 264.57 feet;  
19 thence N. 72° 02' E. 338.46 feet to said Coloma Street; and thence,  
20 along said street, N. 27° 47' W. 45.48 feet to place of beginning,  
21 and being a portion of the northwest quarter of section 7, in town-  
22 ship 10 north, of range 11 east, Mount Diablo base and meridian; the  
23 said right of way last herein granted to be subject to the right of  
24 the proper authorities to declare the piece or parcel of land last  
25 above described a public highway.

26 IN WITNESS WHEREOF, the said grantors have hereunto set their  
27 hands the day and year first above written. 21-0196 A Page 5 of 5