

Recorded at the request of:
Contra Costa County

Return to:
Contra Costa County
Public Works Department
Real Property Division
255 Glacier Drive
Martinez, CA 94553
Attn: David Kramer

Assessor's Parcel No. 401-310-002, 401-310-003, 401-310-017 and 401-310-019

GRANT OF EASEMENT

THIS INDENTURE, made by and between THE CITY OF PINOLE, a municipal corporation, hereinafter called the GRANTOR, and CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a political subdivision of the State of California, hereinafter called the DISTRICT.

WITNESSETH:

That the GRANTOR, for value received, hereby grants to the DISTRICT, and its successors and assigns, a perpetual easement and right of way for ingress and egress purposes (not to be exclusive) over and across that certain real property in the County of Contra Costa, State of California, described as follows:

FOR DESCRIPTION AND PLAT MAP SEE EXHIBIT "A" AND "B" ATTACHED HERETO AND MADE A PART HEREOF.

The easement herein granted runs over the real property in the County of Contra Costa, State of California described on Exhibit "C" attached hereto and made a part hereof.

The easement herein granted shall include the right by said DISTRICT, its officers, agents and employees, and by persons under contract with it and their employees whenever and wherever necessary for ingress and egress purposes, to enter upon said land with personnel, vehicles and equipment.

It is understood that DISTRICT is not responsible for repairing or replacing any of GRANTOR's improvements within the easement area described in Exhibit "A" herein (including the C3/Bio-Swale facilities within the area described in Exhibit "A" herein and shown on Exhibit "B" herein), except that DISTRICT shall be responsible for repairing or replacing any of Grantor's existing paved driveway located within the easement area that may be damaged by DISTRICT'S use of this easement.

DISTRICT agrees to indemnify, defend and hold harmless GRANTOR for the DISTRICT'S share of liability, as determined by a court of law, for any damage, injury or death of or to any person or the property of any person, including attorneys and expert fees, arising out of the willful misconduct or the negligent acts, errors or omissions of the DISTRICT, its officers, employees, agents and volunteers, in its exercise of this easement or use of the property.

GRANTOR agrees to indemnify, defend and hold harmless DISTRICT for GRANTOR'S share of liability, as determined by a court of law, for any damage, injury or death of or to any person or the property of any person, including attorneys and expert fees, arising out of the willful misconduct or the negligent acts, errors or omissions of GRANTOR, its officers, employees, and agents, in the exercise of this easement or use of the property.

It is further understood that, should DISTRICT require additional use of that portion of real property described in Exhibit "C" that fronts Pinole Creek, DISTRICT will obtain a right of entry permit from GRANTOR. Said right of entry permit from GRANTOR shall not be unreasonably withheld.

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TO HAVE AND TO HOLD, all and singular, the rights above described unto the DISTRICT and the DISTRICT's successors and assigns forever.

IN WITNESS WHEREOF, the GRANTOR and DISTRICT have executed this indenture this _____ day of _____, 2012.

DISTRICT:

CONTRA COSTA COUNTY FLOOD
CONTROL AND WATER CONSERVATION
DISTRICT,
a political subdivision of the State of
California

GRANTOR:

CITY OF PINOLE,
a municipal corporation

By: _____
Name: _____
Its: Chair, Board of Supervisors

By: Belinda B. Espinosa
Belinda B. Espinosa
Its: City Manager

ATTEST:

By: Patricia Athenour
Patricia Athenour, MMC, City Clerk

REVIEWED AS TO FORM:

By: Benj. D. Byrd
City Attorney

STATE OF CALIFORNIA)
) ss.
COUNTY OF CONTRA COSTA)

On _____, before me, Clerk of the Board of Supervisors, Contra Costa County, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____
Deputy Clerk

DK:sm
G:\realprop\David\Pinole Redevelopment\EA.06 Grant of Easement County (Ingress-Egress).doc

STATE OF CALIFORNIA

COUNTY OF Contra Costa

)
) ss
)

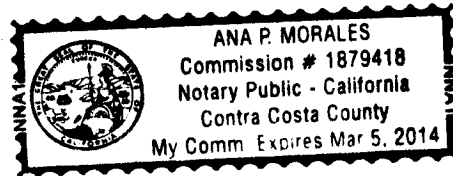
On 2/14/12, before me, Ana P. Morales, a Notary Public, personally appeared Belinda B. Espinoza, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Notary Public





ROBERT A. KARN & ASSOCIATES, INC.
707 Beck Avenue, Folsom, California 94533 Phone: (707) 435-9898 Fax: (707) 435-9888

Project No. A06053
September 15, 2010
Revised 10/20/11
Rev. 10/26/11
Rev. 01/11/12
Rev. 01/25/12
Page 1 of 2

EXHIBIT A

LEGAL DESCRIPTION

**AN ACCESS EASEMENT OVER PORTIONS OF PARCEL 1 AND PARCEL 2 PER
THAT CERTIFICATE OF COMPLIANCE RECORDED APRIL 9, 2010 AS
DOCUMENT NO. 2010-70986, CONTRA COSTA COUNTY RECORDS, LOCATED IN
THE CITY OF PINOLE, CONTRA COSTA COUNTY, STATE OF CALIFORNIA,
MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

PARCEL 5127

Beginning at a point on the Easterly line of said Parcel 1, said point being North 05°21'40" West, 15.16 feet from the Southeast corner thereof; thence leaving said Easterly line the following courses: South 84°53'51" West, 166.96 feet; thence South 46°11'23" West, 15.51 feet to a point on the Easterly line of that land granted to the Contra Costa County Flood Control and Water Conservation District, a political subdivision in that Deed dated December 20, 1957, recorded in the office of the Contra Costa County Recorder February 24, 1958 in Liber 3125 Page 330, thence northwesterly along said Easterly line North 43°48'37" West, 17.42 feet; thence leaving said line North 22°33'11" East, 8.34 feet; thence North 41°43'26" West, 149.78 feet; thence South 48°16'34" West, 8.94 feet to a point on the above mentioned Easterly line; thence northwesterly along said Easterly line North 40°58'47" West, 12.00 feet; thence leaving said line North 48°16'34" East, 8.78 feet; thence North 41°43'26" West, 47.53 feet; thence North 27°49'03" West, 12.76 feet; thence South 62°10'57" West, 9.94 feet to a point on said Easterly line; thence northwesterly along said Easterly line North 31°04'09" West, 12.02 feet; thence leaving said line North 62°10'57" East, 10.62 feet; thence North 27°49'03" West, 70.06 feet; thence North 14°13'40" West 249.83 feet to a point on the Northerly line of said Parcel 1, said point being North 52°53'08" East, 21.87 feet from the Northwest corner of those Parcels granted to the Contra Costa County Flood Control and Water Conservation District, a political subdivision in that Grant of Easement recorded in the office of the Contra Costa County Recorder July 27, 1960 in Liber 3669 Page 260; thence northeasterly along said Northerly line North 52°53'08" East, 43.03 feet; thence leaving said line South 40°38'15" East, 42.33 feet; thence North 55°26'25" East, 38.47 feet; thence North 23°19'36" East, 36.46 feet; thence North 45°44'46" East, 94.78 feet; thence North 56°52'02" East, 200.48 feet to a point on the Westerly line of said Parcel 2, said point being South 7°13'20" West, 29.76 feet from the Northwest corner thereof; thence leaving said Westerly line and continuing North 56°52'02" East, 129.47 feet to the point of a non-tangent curve concave to the southwest, the radius point of which bears South 69°13'43" West, 191.00 feet; thence southerly along said curve through a central angle of



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06°13'42", an arc length of 20.76; thence South 56°52'02" West, 138.15 feet to a point on the Southwesterly line of said Parcel 2, said point being North 27°29'11" West, 123.64 feet from the Southwest corner thereof; thence leaving said Southwesterly line and continuing South 56°52'02" West, 184.32 feet; thence South 45°44'46" West, 88.87 feet; thence South 23°19'36" West, 38.26 feet; thence South 55°26'25" West, 92.65 feet; thence South 14°13'40" East, 190.69 feet; thence South 27°49'03" East, 90.00 feet; thence South 41°43'26" East, 210.87 feet; thence North 84°53'51" East, 167.55 feet to a point on the Easterly line of said Parcel 1; thence southeasterly along said Easterly line South 05°21'40" East, 20.00 feet to the POINT OF BEGINNING, containing 27,223 square feet or 0.62 acres, more or less.

A plat (Exhibit B) showing the above described easement is attached hereto and made a part hereof.



RAK
CIVIL ENGINEERS

ROBERT A. KARN
& ASSOCIATES, INC.

707 BECK AVENUE 94533
FAIRFIELD, CALIFORNIA
Phone: (707) 435-9999 Fax: (707) 435-9988
e-mail: rak@rakengineers.com

MATCH LINE
SEE SHEET 2

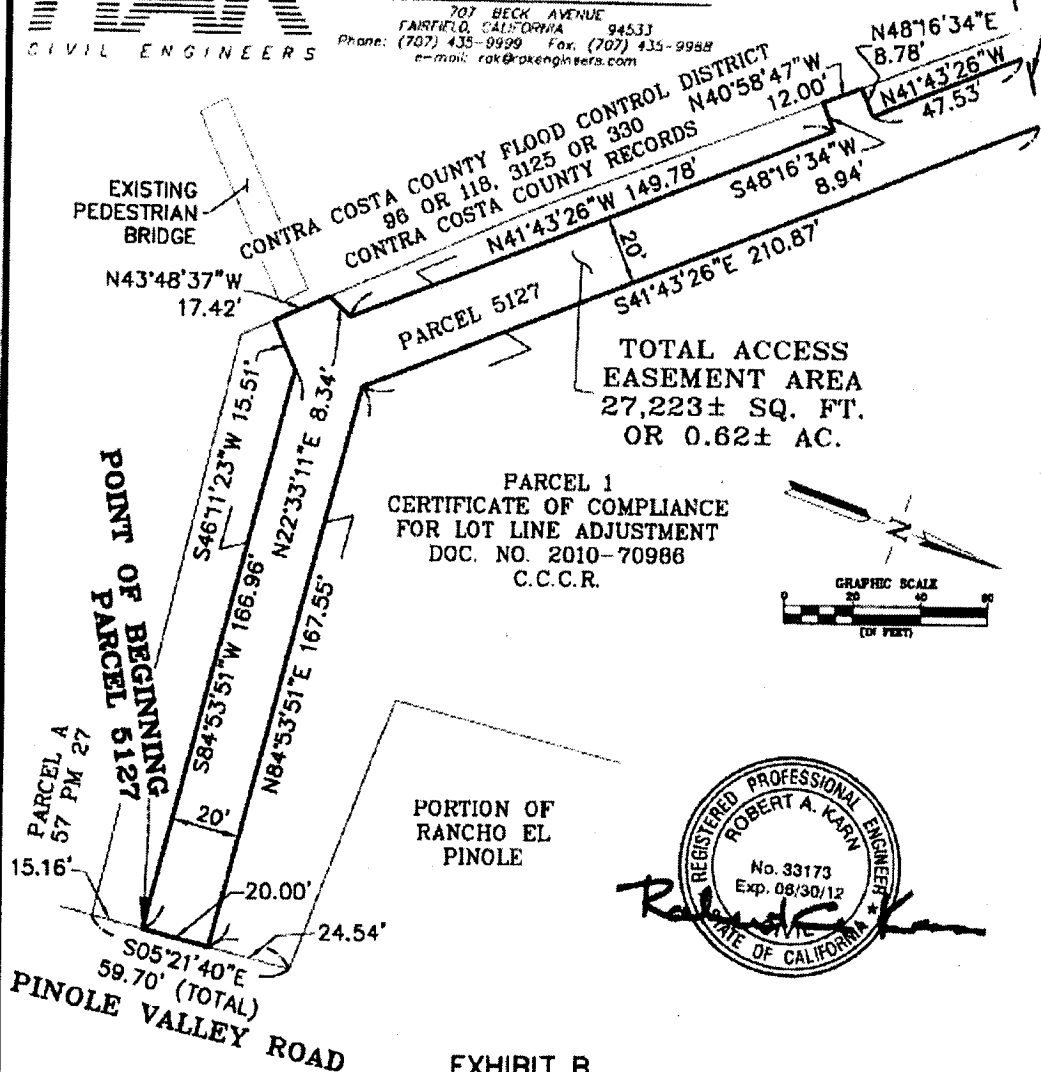


EXHIBIT B

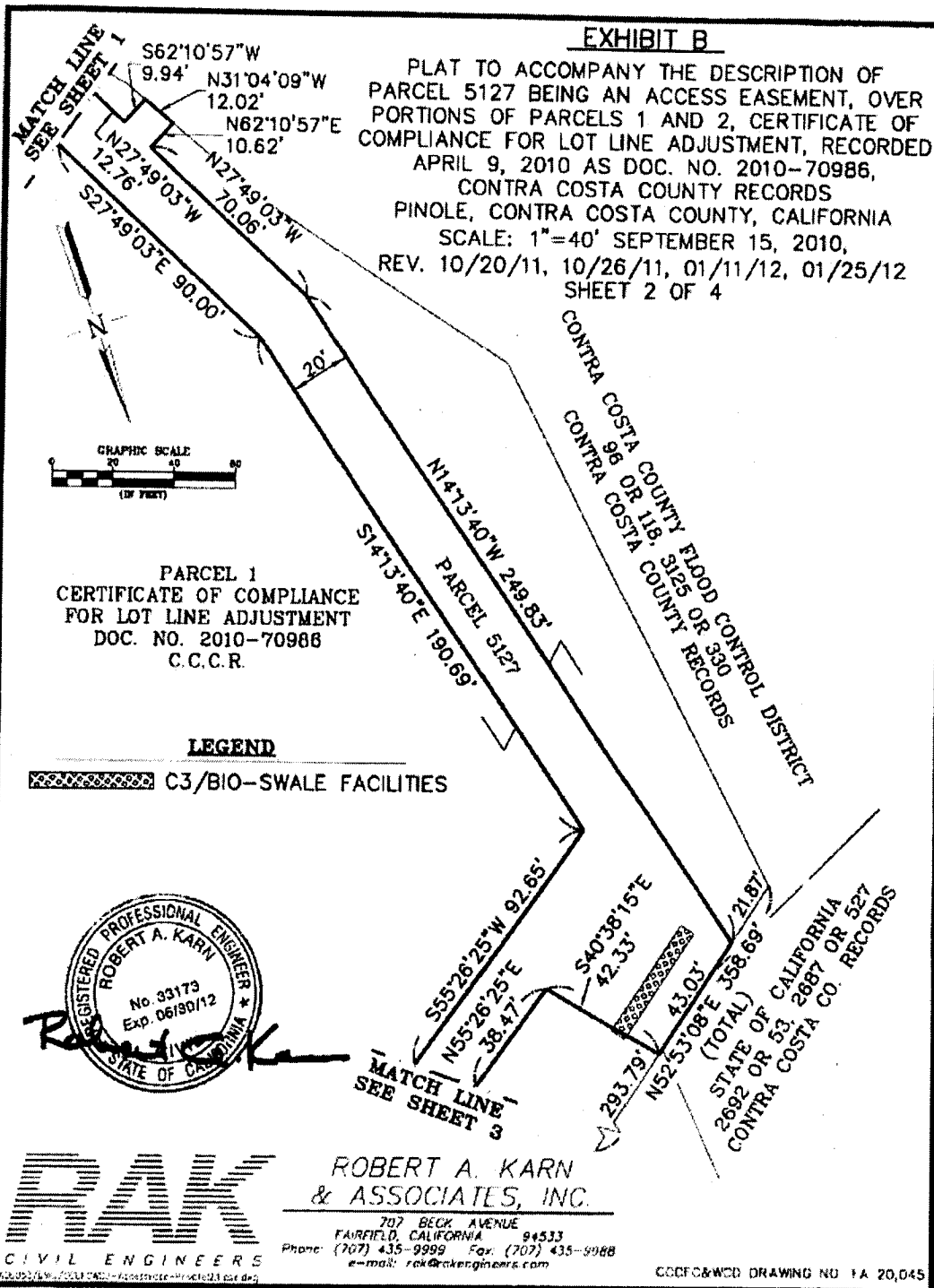
PLAT TO ACCOMPANY THE DESCRIPTION OF PARCEL 5127 BEING
AN ACCESS EASEMENT, OVER PORTIONS OF PARCELS 1 AND 2,
CERTIFICATE OF COMPLIANCE FOR LOT LINE ADJUSTMENT,
RECORDED APRIL 9, 2010 AS DOC. NO. 2010-70986,
CONTRA COSTA COUNTY RECORDS
PINOLE, CONTRA COSTA COUNTY, CALIFORNIA

SCALE: 1"=40' SEPTEMBER 15, 2010,

REV. 10/20/11, 10/26/11, 01/11/12, 01/25/12

SHEET 1 OF 4

CCCF&WCD DRAWING NO. 1A 20,045



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707 BECK AVENUE 94533
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e-mail: rak@rakengineers.com

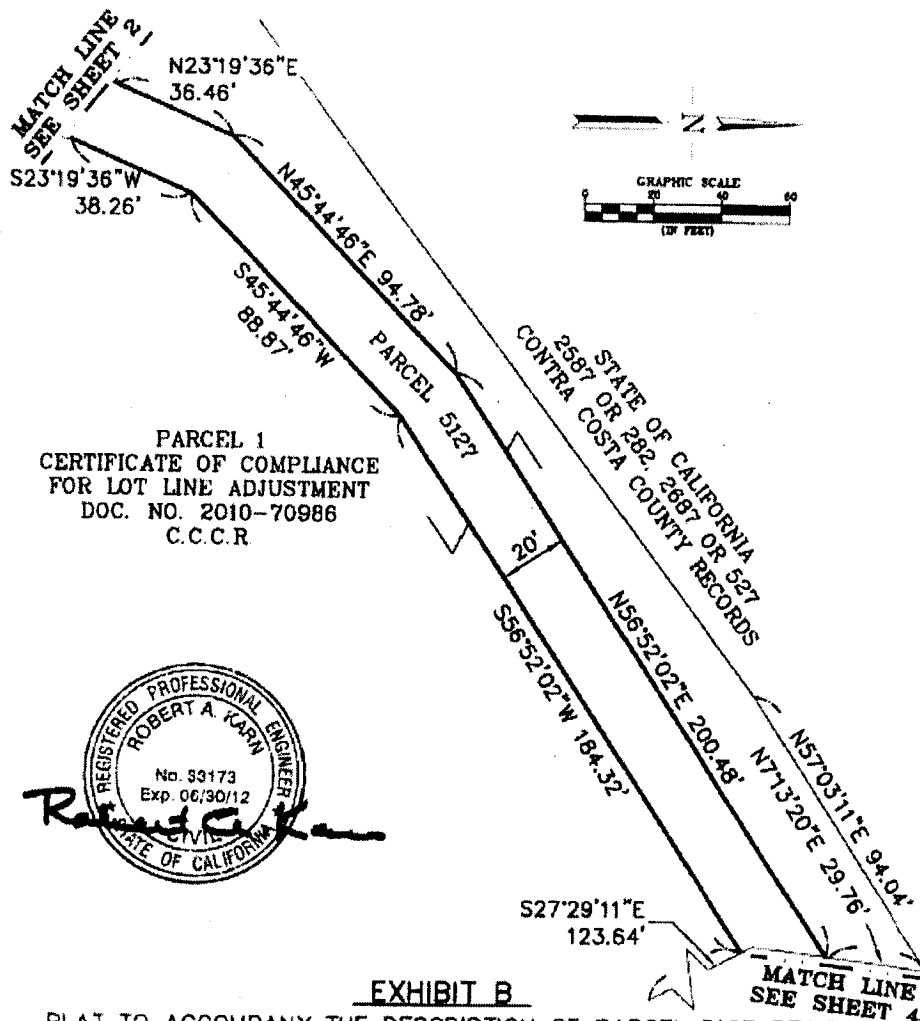


EXHIBIT B

PLAT TO ACCOMPANY THE DESCRIPTION OF PARCEL 5127 BEING
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PINOLE, CONTRA COSTA COUNTY, CALIFORNIA

SCALE: 1"=40' SEPTEMBER 15, 2010,

REV. 10/20/11, 10/26/11, 01/11/12, 01/25/12

SHEET 3 OF 4

CCCFC&WCD DRAWING NO. FA 20.045

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e-mail: rak@rakengineers.com

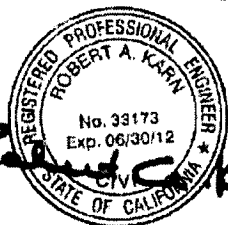
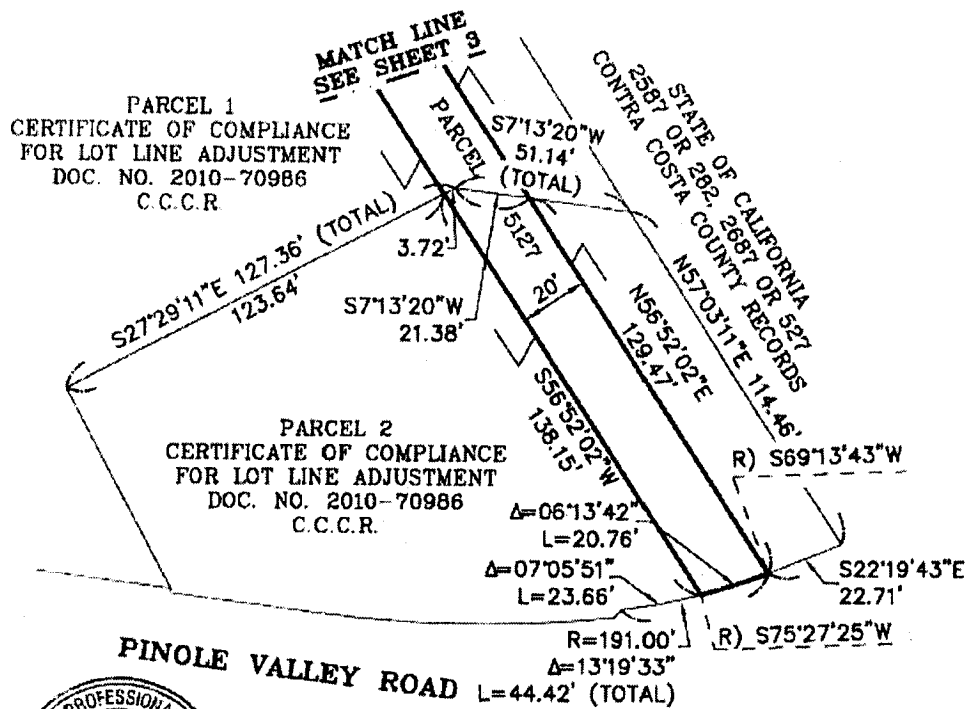
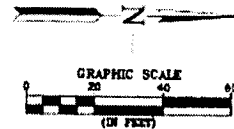


EXHIBIT B

PLAT TO ACCOMPANY THE DESCRIPTION OF PARCEL 5127 BEING
AN ACCESS EASEMENT, OVER PORTIONS OF PARCELS 1 AND 2,
CERTIFICATE OF COMPLIANCE FOR LOT LINE ADJUSTMENT,
RECORDED APRIL 9, 2010 AS DOC. NO. 2010-70986,
CONTRA COSTA COUNTY RECORDS
PINOLE, CONTRA COSTA COUNTY, CALIFORNIA
SCALE: 1"=40' SEPTEMBER 15, 2010,
REV. 10/20/11, 10/26/11, 01/11/12, 01/25/12
SHEET 4 OF 4

CCCFC&WCO DRAWING NO. FA 20.045

EXHIBIT C

Legal Description of Burdened Property

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF PINOLE IN THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Parcel One:

Being a portion of the Rancho El Pinole, described as follows:

Commencing at a city monument on Pinole Valley Road, said monument bears North 7° 13' 20" East, 10.00 feet from the intersection of the center line of Estates Avenue and the monumented line of Pinole Valley Road as shown on the map of Tract 2296, filed in Map Book 72, Pages 5-6, on January 30, 1959, in the office of the Contra Costa County Recorder; thence from said point of commencement, North 7° 13' 20" East 72.04 feet and North 82° 46' 40" West 36.50 feet to a point on the Westerly line of the parcel of land described in the deed to the City of Pinole, recorded February 25, 1974, in Book 7163, Page 564 of Official Records; thence North 82° 46' 40" West, 3.50 feet to a point on the East line of the parcel of land described in Document Number 2001-184323, Official Records, recorded in the Office of the Contra Costa County Recorder, June 28, 2001, said point being the Point of Beginning; thence South 7° 13' 20" West, 284.25 feet to a point of a non-tangent curve to the left, of which the radius point lies South 82° 46' 34" East, 840.00 feet; thence Southerly along the arc, through a central angle of 8° 24' 20", an arc length of 123.23 feet; thence North 89° 03' 40" West, 84.78 feet; thence South 5° 03' 40" East, 150.00 feet; thence South 89° 03' 40" East, 83.32 feet; thence South 5° 21' 40" East, 59.70 feet; thence South 83° 54' 35" West, 172.40 feet; thence North 43° 48' 37" West, 97.34 feet; thence North 40° 58' 47" West, 150.71 feet; thence North 31° 04' 09" West, 57.70 feet; thence North 37° 15' 52" West, 95.89 feet; thence 7° 30' 15" West, 188.99 feet; thence North 52° 53' 08" East, 358.69 feet; thence North 57° 03' 11" East, 94.04 feet; thence South 7° 13' 20" West, 51.14 feet; thence South 27° 29' 11" East, 127.36 feet; thence North 61° 42' 50" East, 65.57 feet to the Point of Beginning.

Said parcel is further described as Parcel 1 in that certain Certificate of Compliance for Lot Line Adjustment, recorded April 9, 2010, Instrument No. 2010-70986, Official Records.

APN: 401-310-002, 401-310-003, 401-310-017 & 401-310-019