

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. 430-461-025

## **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" 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, to remove all trees and vegetation thereon that interfere with the purpose for which the easement herein is granted, with prior written consent from GRANTOR. Said written consent from GRANTOR shall not be unreasonably withheld.

It is understood that DISTRICT is responsible for repairing or replacing any of GRANTOR'S improvements within the easement area described in Exhibit "A" herein (including but not limited to damage, lights, pavement or underground conduit) 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.

**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: Benji D. Boyd  
City Attorney

**ABOVE SIGNATURES MUST BE NOTARIZED**

DK:fp

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**EXHIBIT A**

**Legal Description of Easement Area**

PARCEL B, SUBDIVISION 5030, PORTION OF DIVISION 5, MAP OF THE ESTATE OF  
RAFEALE M. & SAMUEL J. TENNENT IN THE RANCHO EL PINOLE, PINOLE, CONTRA COSTA  
COUNTY, CALIFORNIA

APN: 430-461-025

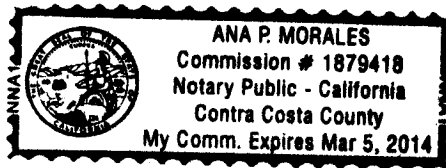
STATE OF CALIFORNIA

COUNTY OF Contra Costa )  
 ) ss  
 )

On 2/13/12, before me, Ana P. Morales, a Notary Public, personally appeared Belinda Aguirre, 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.



Ana P. Morales  
Notary Public

STATE OF CALIFORNIA

)

COUNTY OF CONTRA COSTA

) ss.

)

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

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