

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. 401-310-018

## **GRANT OF EASEMENT**

**THIS INDENTURE**, made by and between TKG PINOLE VALLEY THREE, LLC, 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, 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.

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

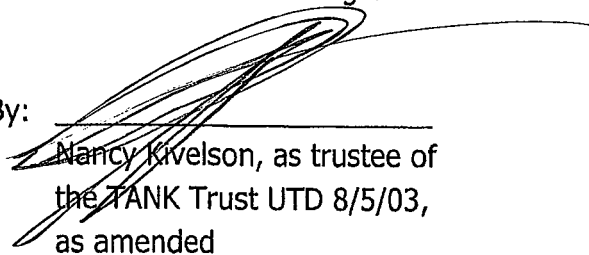
**IN WITNESS WHEREOF**, the GRANTOR and DISTRICT have executed this indenture this 14th day of February, 2012.

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

By: \_\_\_\_\_  
Chair, Board of Supervisors

**TKG PINOLE VALLEY THREE, LLC,**  
a California limited liability company

By: TKG Pinole Valley, LLC,  
a California limited liability company  
Its Sole Member and Manager

By:   
Nancy Kivelson, as trustee of  
the TANK Trust UTD 8/5/03,  
as amended  
Its: Manager

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

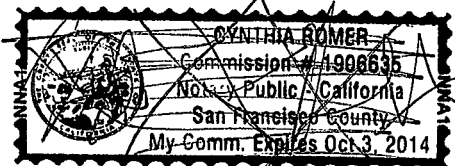
STATE OF CALIFORNIA )  
COUNTY OF CONTRA COSTA )

On February 14, 2012 - before me, Cynthia Romer - a Notary Public, personally appeared Nancy L. Hvelson, 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: Cynthia Romer  
Notary Public



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



**ROBERT A. KARN & ASSOCIATES, INC.**  
707 Beck Avenue, Fairfield, California 94533 Phone: (707) 435-9999 Fax: (707) 435-5988

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

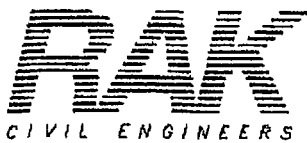


Project No. A06053  
September 15, 2010  
Revised 10/20/11  
Rev. 10/26/11  
Rev. 01/11/12  
Rev. 01/25/12  
Page 2 of 2

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.





ROBERT A. KARN  
& ASSOCIATES, INC.

707 BECK AVENUE 94533  
FAIRFIELD, CALIFORNIA  
Phone: (707) 435-9989 Fax: (707) 435-9988  
e-mail: rakes@earthlink.net

MATCH LINE  
SEE SHEET 2

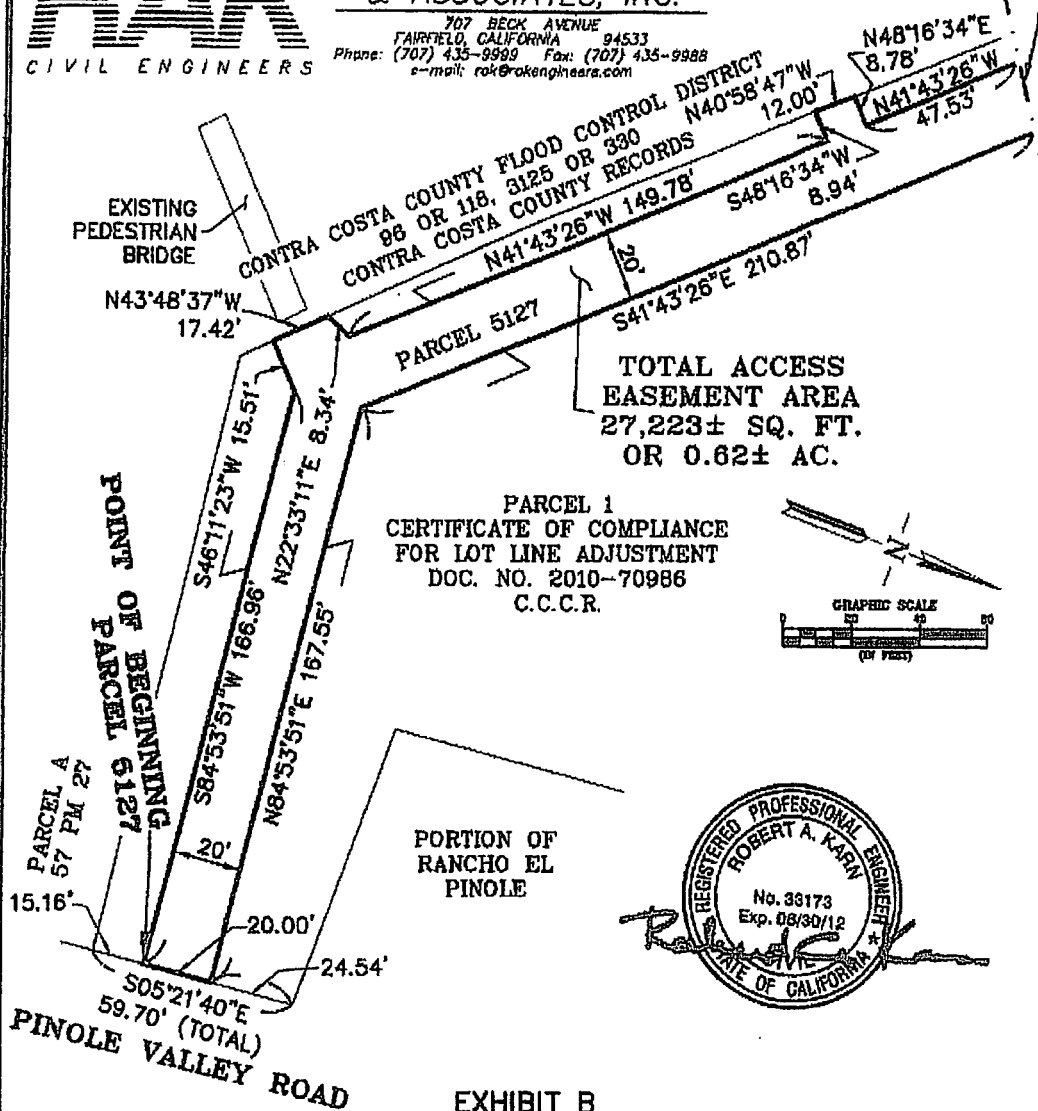


EXHIBIT B

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,

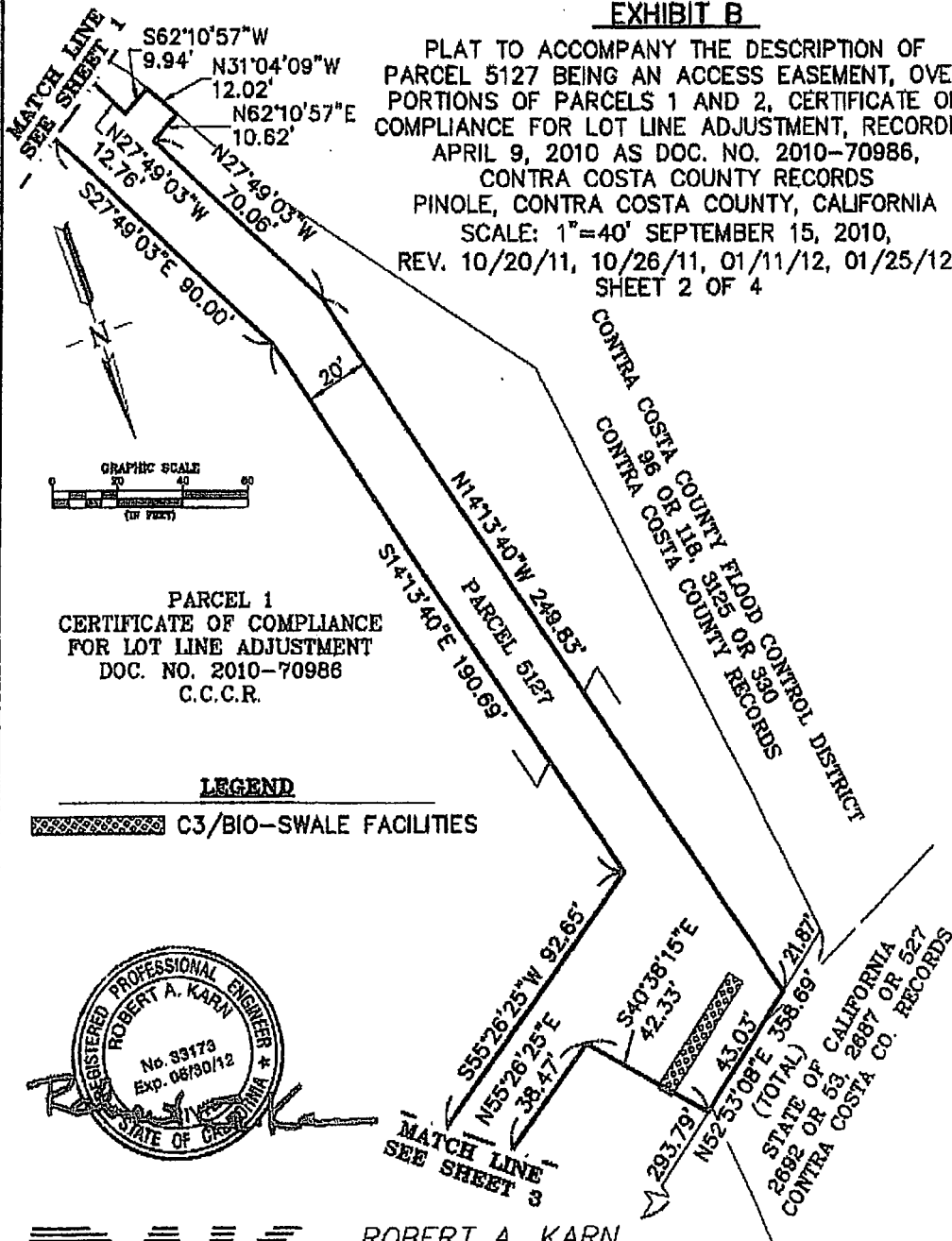
REV. 10/20/11, 10/26/11, 01/11/12, 01/25/12

SHEET 1 OF 4

CCCFC&WCD DRAWING NO. FA 20,045

## 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 2 OF 4



**RAK**  
CIVIL ENGINEERS

ROBERT A. KARN  
& ASSOCIATES, INC.

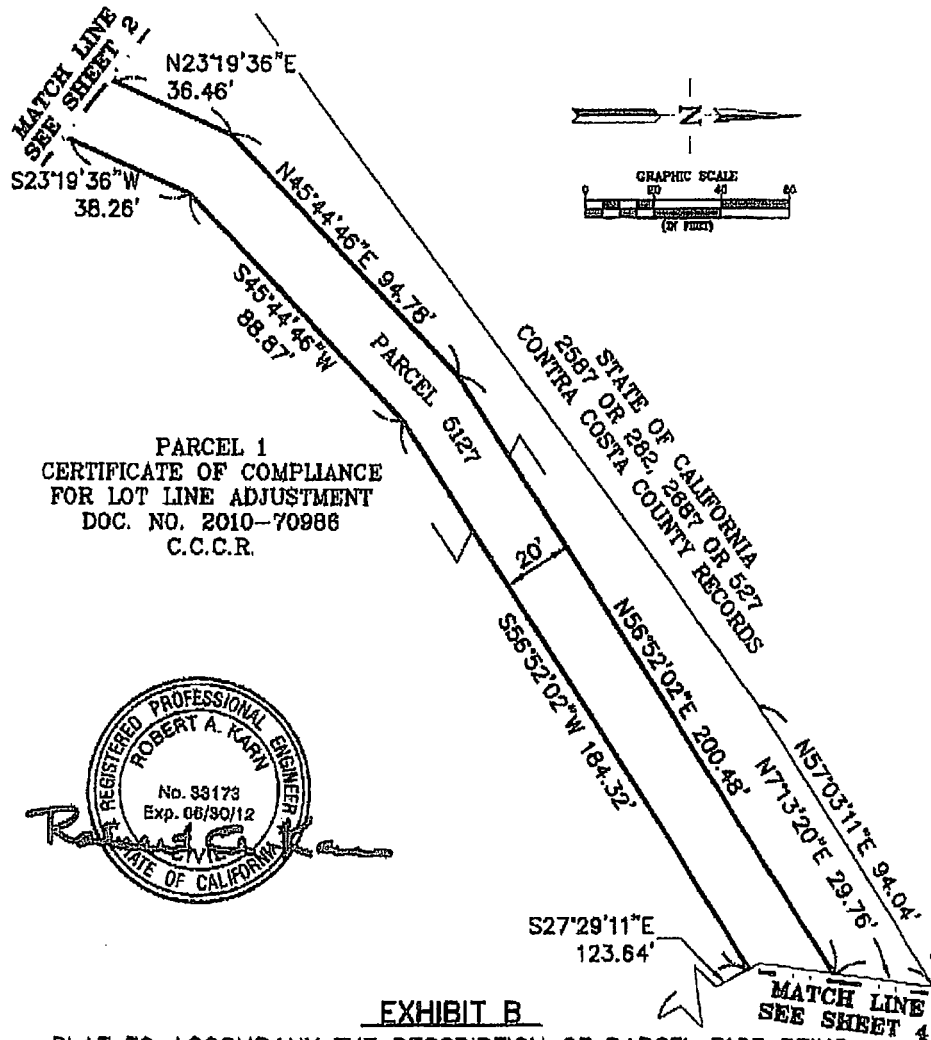
707 BECK AVENUE  
FAIRFIELD, CALIFORNIA 94533  
Phone: (707) 435-9999 Fax: (707) 435-9988  
e-mail: rak@rakengineers.com

CCCFC&WCD DRAWING NO. FA 20,045



ROBERT A. KARN  
& ASSOCIATES, INC.

707 BECK AVENUE  
FAIRFIELD, CALIFORNIA 94533  
Phone: (707) 435-9999 Fax: (707) 435-9888  
e-mail: rak@rakengineers.com



PARCEL 1  
CERTIFICATE OF COMPLIANCE  
FOR LOT LINE ADJUSTMENT  
DOC. NO. 2010-70986  
C.C.C.R.



**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 3 OF 4

AREC\3\DWG\CD\DWG-A\2010\Case-Private\3\arec.dwg

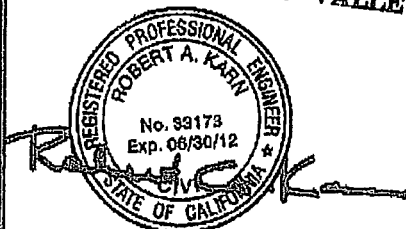
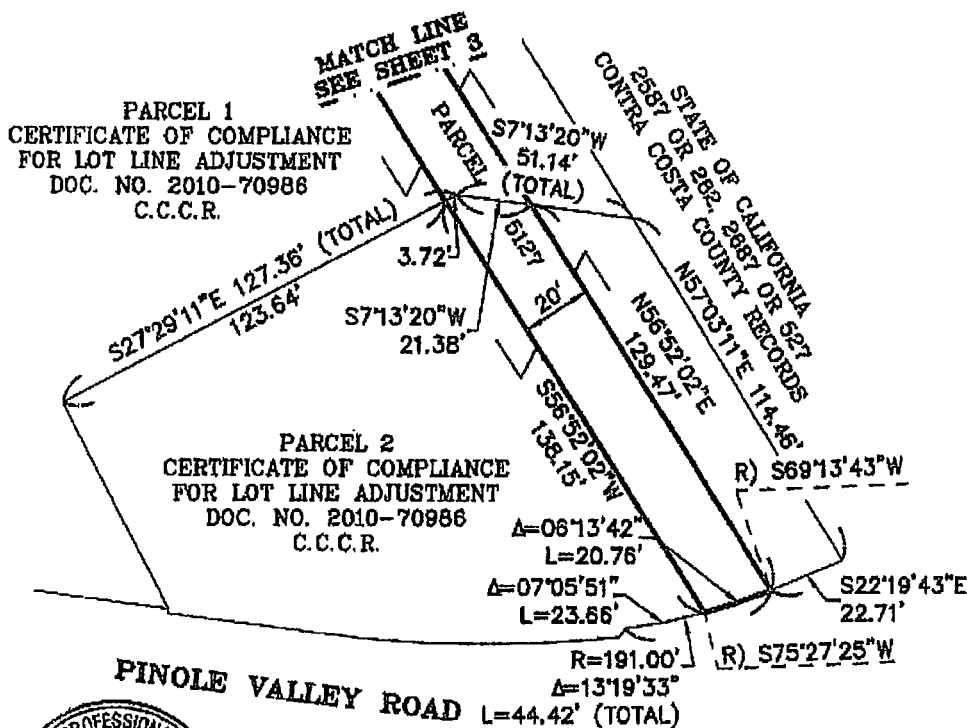
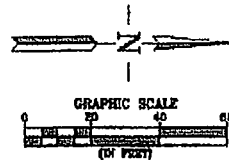
CCOFC&WCO DRAWING NO. FA 20,045





ROBERT A. KARN  
& ASSOCIATES, INC.

707 BECK AVENUE  
FAIRFIELD, CALIFORNIA 94533  
Phone: (707) 435-9999 Fax: (707) 435-9988  
e-mail: rok@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

AC6813/2011/CCCFC&WCD - Approved - Pinole Valley Road

CCCFC&WCD DRAWING NO. FA 20,045

## **EXHIBIT C**

### **Legal Description of Burdened Property**

The land referred to herein is situated in the City of Pinole, County of Contra Costa, State of California and is described as follows:

Commencing at city monument on Pinole Valley Road, said monument bears 7°13' 20" East, 10.00 feet from the intersection of the centerline of Estates Avenue and the monumented line of Pinole Valley Road as shown on the Map entitled Tract 2296, filed for Record in the Official Records of the County Recorder on January 30, 1959, in Book 72, pages 5 and 6; 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 in Deed to City of Pinole, recorded February 25, 1974 in the Office of the Contra Costa County Recorder, Book 7163, at page 564 of Official Records, said point being the Point of Beginning; thence North 82° 46' 40" West, 3.50 feet to a point on the Easterly line of the parcel of land described in Document No. 2001-184323, recorded in the Office of the Contra Costa County Recorder, June 28, 2001; thence leaving said Easterly line South 61° 42' 50" West, 65.57 feet; thence North 27° 29' 11" West, 127.36 feet; thence North 7°13' 20" East, 51.14 feet; thence North 57° 03' 11" East, 119.01 feet to the point of a non-tangent curve to the right, of which the radius point lies South 63° 01' 44" West, 195.00 feet; thence Southerly along the arc, through a central angle of 20°49' 36", an arc length of 70.88 feet to a point of compound curve to the right having a radius of 370.00 feet, through a central angle of 13° 12' 00"; thence Southerly, an arc length of 85.24 feet; thence South 7° 13' 20" West, 45.55 feet to the point of beginning.

Excepting therefrom all gas, oil, and other minerals, together with the right to explore for, develop and produce the same, and the right to lease for such purposes as referred to in the Corporate Grant Deed, recorded July 13, 1998, Instrument No. 98-160747, Official Records.

Said parcel is further described as Parcel 2 in that certain Certificate of Compliance for Lot Line Adjustment, recorded April 9, 2010, Instrument No. 2010-70986, Official Records.

APN: 401-310-018