

File No.:

1-34~~4~~

Name (Previous Owner):

GHAD/Bay-O-Vista Storm Drain Easement
Alfonso M. & Araceli Hernandez

Assessor's Parcel No.:

077A-0660-022

Address of Property:

997 Martin Blvd.

Year:

2001

20011821
OFFICIAL RECORD
ALAMEDA COUNTY
PATRICK O'CONNELL

05/30/2001 11:55 AM
RECORDING FEE: 0.00



11 PGS

✓

RECORDING REQUESTED BY

Escrow No. _____

✗ WHEN RECORDED RETURN TO:

CITY OF SAN LEANDRO
835 East 14th Street
San Leandro, CA 94577

Attn: City Clerk

DT
30
A15
11

THIS SPACE FOR RECORDER'S USE ONLY

CITY CLERK'S OFFICE

JUL 13 2001

CITY OF SAN LEANDRO

AGREEMENT FOR SANITARY SEWER EASEMENT

TITLE OF DOCUMENT

Record as an agreement

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(Govt. Code 27361.6)

AGREEMENT FOR SANITARY SEWER EASEMENT

This Agreement for Sanitary Sewer Easement (hereinafter, "Agreement") is made this 13th day of April, 2001 between Alfonso M. Hernandez and Araceli Hernandez (singularly and collectively referred to hereinafter as "Grantors" and the City of San Leandro (hereinafter, "City").

Grantors are the fee owners of that real property located at 997 Martin Boulevard, San Leandro, CA, which real property is more particularly described in Exhibit "A", attached hereto and incorporated herein by this reference. City wishes to acquire from Grantors, and Grantors wish to grant to City, permanent easement rights over a portion of said real property, said portion being described in Exhibit "B", attached hereto and incorporated herein by this reference (hereinafter "the easement").

WHEREAS, City desires to locate a portion of a sanitary sewer line in, upon, under along, and across that real property of the Grantor described in Exhibit "A"; and

WHEREAS, the undersigned have determined that it is in their mutual and respective interests for the Grantors to grant, and for City to accept, an easement for purposes of City constructing and maintaining a sanitary sewer.

NOW THEREFORE, in consideration of the foregoing receipt of which is hereby acknowledged, the parties hereto mutually agree as follows:

1. Grantors grant and convey an easement to City, via an Easement Deed which is executed concurrently herewith and is incorporated herein as Exhibit "C" hereto, for purposes of allowing City to construct, maintain, repair and operate a sanitary sewer, said easement being more particularly described in the Easement Deed.
2. City agrees that the use granted in the Easement Deed shall be limited exclusively to sanitary sewer purposes and those uses incidental to constructing, maintaining, repairing, and operating said sanitary sewer.
3. City agrees that Grantors shall have the nonexclusive right to use the easement and grant nonexclusive easements over, along, or upon the easement, provided however, no structures may be constructed or maintained in the City's easement, and provided further that any such easements granted by Grantor shall be subject, and subordinate, to City's sanitary sewer easement and provided further that City shall have first consented in writing to the terms, nature, and location of any such other non-exclusive easements as not interfering with the rights granted to City under this Agreement and the Easement Deed.
4. Grantors reserve the right to use the easement in any manner that will not prevent or interfere with the exercise by City of the rights granted under this Agreement and the Easement Deed.

5. All rights, title and privileges being granted to City by this Agreement and the Easement Deed, including all benefits and burdens relating thereto, shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, successors, assigns, and legal representatives.

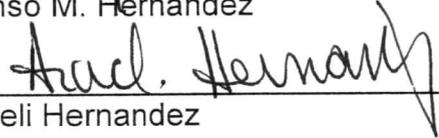
6. Any damage to buildings, structures and landscaping caused by City, its employees, contractors or subcontractors during the course of using the easement shall be repaired or compensated by the City its employees, contractors or subcontractors. "Damage" as used in this paragraph shall not include damage from dust and dirt that is normally associated with construction activities.

In Witness whereof, the parties hereto have executed this Agreement and have or will execute the Easement Deed as of the date first written herein, by persons who are duly authorized to execute the same.

GRANTOR(S)

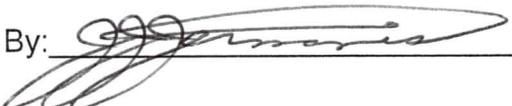


Alfonso M. Hernandez



Araceli Hernandez

CITY OF SAN LEANDRO

By: 

John J. Jermonis
(Print name and title) City Manager

Notary Acknowledgement

State of California
County of Alameda

On April 13, 2001, before me, Tara Peterson, a Notary Public, appeared Alfonso M. Hernandez and Araceli Hernandez, personally known to me (or 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 entity upon behalf of which the person(s) acted, executed the instrument(s).

WITNESS my hand and official seal.



Notary Public

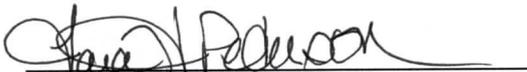


Notary Acknowledgement

State of California
County of Alameda

On May 14, before me, Tara Peterson, a Notary Public, appeared John J. Jermanis, personally known to me (or 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 entity upon behalf of which the person(s) acted, executed the instrument(s).

WITNESS my hand and official seal.



Notary Public

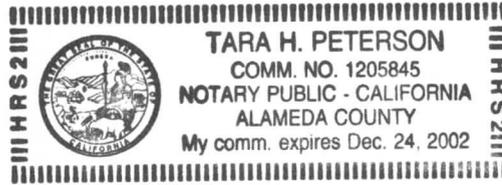


Exhibit A

Legal Description

The land described herein is situated in the State of California, County of Alameda, City of San Leandro, and is described as follows:

Lot 22, Tract 590, filed July 10, 1942, in Map Book 18, Page 100, Alameda County Records.

APN: 077A-0660-022

6/30/2000

EXHIBIT "A-1"
LEGAL DESCRIPTION
OF
EASEMENT NO. 2
A SANITARY SEWER EASEMENT
FOR THE CITY OF SAN LEANDRO

A 5.00 foot wide easement over real property in the City of San Leandro, County of Alameda, State of California, being over a portion of Lot 10 of Tract 1229, filed April 8, 1953, in Map Book 33, Page 60, Alameda County Records and more particularly described as follows:

Beginning at the most northern corner of said Lot 10; thence along the northeastern line of said lot, South 40° 14' 58" East 104.19 feet (the bearing of said line being taken as South 40° 14' 58" East for the purpose of this description) to the southeastern corner of said lot, said corner being on the northwestern line of Leonard Drive as said drive is shown on said tract, said corner also being on a curve concave to the southeast having a radius of 50.00 feet (the center of the curve bears South 40° 23' 53" East from said corner); thence southwesterly along said line of Leonard Drive along the arc of said curve through a central angle of 5° 44' 25", an arc distance of 5.01 feet to a line drawn parallel with and distant southwesterly 5.00 feet, measured at right angles, from said northeastern line of said lot; thence along said parallel line North 40° 14' 58" West 103.26 feet to the northwestern line of said lot; thence along said line North 36° 18' 17" East 5.14 feet to the point of beginning.

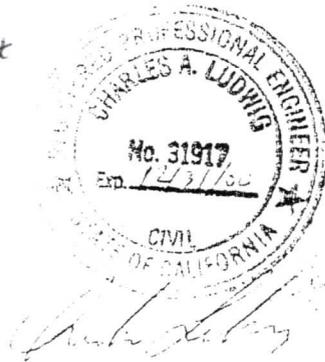
Contains 518 square feet, more or less.

Note:

Distances used in the above description are grid distances of the California State Plane Coordinate System, Zone 3 NAVD 1988, in units of U.S. feet. Multiply grid distances by 1.00007236 to obtain ground distances. Multiply grid area shown by 1.00014473 to obtain ground area.

J4585

* Registered Professional Engineer. State of California. Charles A. Ludwig

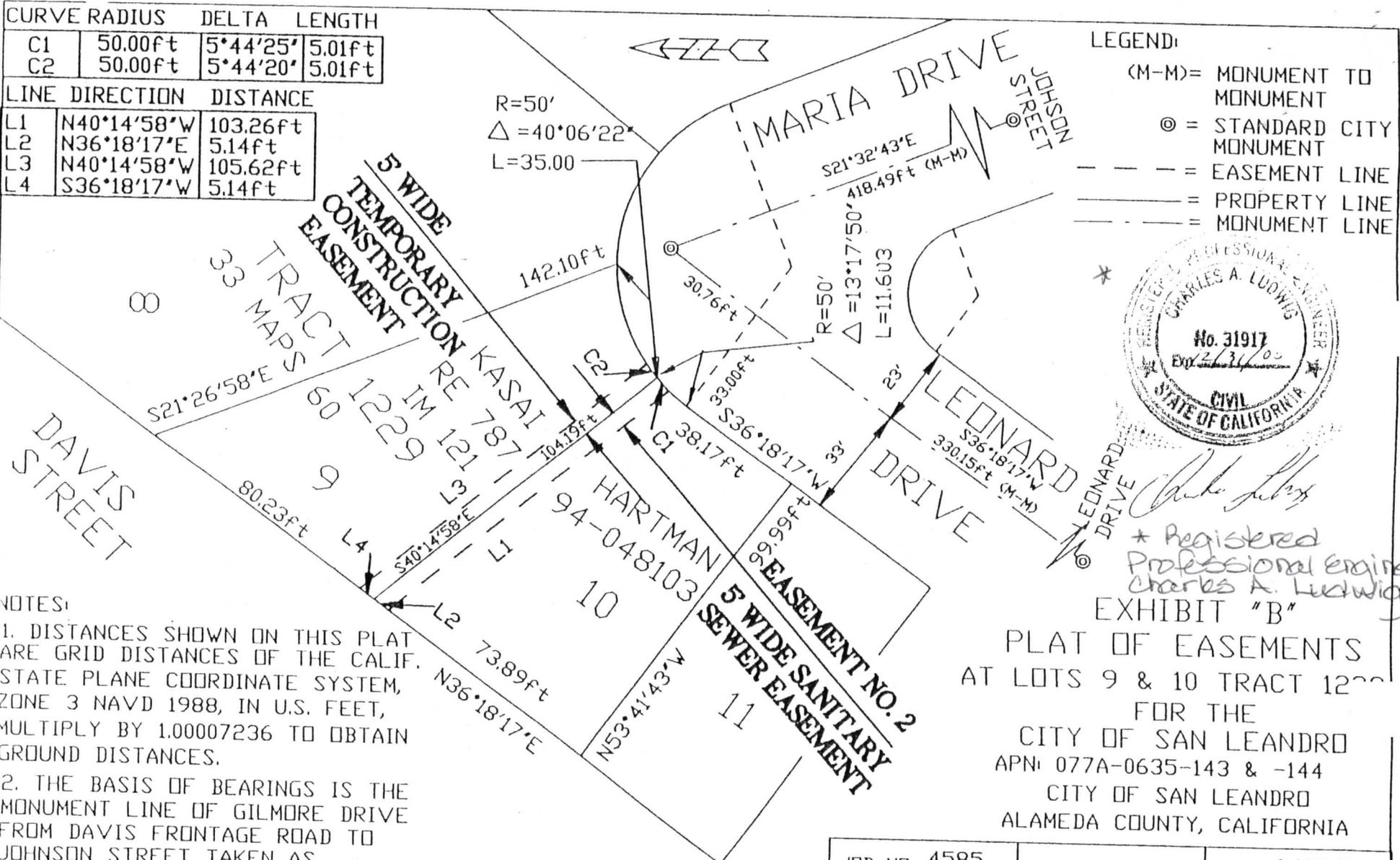


CURVE RADIUS DELTA LENGTH

C1	50.00ft	5°44'25"	5.01ft
C2	50.00ft	5°44'20"	5.01ft

LINE DIRECTION DISTANCE

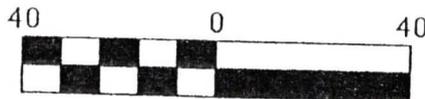
L1	N40°14'58"W	103.26ft
L2	N36°18'17"E	5.14ft
L3	N40°14'58"W	105.62ft
L4	S36°18'17"W	5.14ft



NOTES:

1. DISTANCES SHOWN ON THIS PLAT ARE GRID DISTANCES OF THE CALIF. STATE PLANE COORDINATE SYSTEM, ZONE 3 NAVD 1988, IN U.S. FEET, MULTIPLY BY 1.00007236 TO OBTAIN GROUND DISTANCES.

2. THE BASIS OF BEARINGS IS THE MONUMENT LINE OF GILMORE DRIVE FROM DAVIS FRONTAGE ROAD TO JOHNSON STREET TAKEN AS N21°32'45"W PER RECORD OF SURVEY NO. 1197, FILED 6/22/1995, BOOK 19 OF RECORDS OF SURVEY, PAGE 72, WHICH IS BASED ON THE STATE COORDINATE SYSTEM, ZONE 3 NAD 1927.



Scale 1" = 40 ft

EXHIBIT "B"
 PLAT OF EASEMENTS
 AT LOTS 9 & 10 TRACT 1229
 FOR THE
 CITY OF SAN LEANDRO
 APN: 077A-0635-143 & -144
 CITY OF SAN LEANDRO
 ALAMEDA COUNTY, CALIFORNIA

JOB NO. 4585	DRAWN BY: CAL	DATE 6/30/00
F.B. 172 PAGE 39	CHECKED BY:	SCALE 1"=40'
FREMONT ENGINEERS, INC. 4551 EGGERS DRIVE FREMONT, CA 94536 510-792-1817		
PLAT .DWG	Sheet 1 of 1	

Attachment B

Description of Sanitary Sewer Easement Work

The work consists of installing a sanitary sewer line and manhole access on the property described below. The total project will consist of furnishing and installing by a combination of microtunneling and open cut trenching methods, 1,855 lineal feet of new 42-inch diameter sewer across Interstate 880 at the Davis Street overpass, 898 lineal feet of new 12-inch diameter sewer, 525 lineal feet of new 10-inch diameter sewer, and 727 lineal feet of new 8-inch diameter sewer; and doing all appurtenant work, including but not limited to, sewer abandonment in place and ready for use.

Description of Location of Work

**997 Martin Boulevard, San Leandro
APN 077A 0660 022**

All that real property situated in the City of San Leandro, County of Alameda, State of California, described as follows:

A 5 foot wide easement over real property in the City of San Leandro, County of Alameda, State of California, being over a portion of Lot 22 of Tract 590, filed July 10, 1942, in Map Book 18, Page 100, Alameda County Records and more particularly described as follows:

Beginning at the most western corner of said Lot 22; thence along the northwestern line of said lot, North $73^{\circ}12'22''$ East 108.31 feet (the bearing of said line being taken as North $73^{\circ}12'22''$ East for the purpose of this description) to the most northern corner of said lot, said corner being on the western line of Martin Boulevard (50 feet wide and formerly known as "West" Boulevard) as said boulevard is shown on said tract, said corner also being on a curve concave to the northeast having a radius of 249.98 feet (the center of the curve bears North $73^{\circ}12'22''$ East from said corner); thence southeasterly along said line of Martin Boulevard along the arc of said curve through a central angle of $1^{\circ}08'46''$, an arc distance of 5.00 feet to a line drawn parallel with and distant southeasterly 5.00 feet, measured at right angles, from said northwestern line of said lot; thence along said parallel line South $73^{\circ}12'22''$ West 108.91 feet to the southwestern line of said lot, thence along said line North $10^{\circ}34'28''$ West 5.03 feet to the Point of Beginning.

Contains 543 square feet, more or less.

Note: Distances used in the above description are grid distances of the California State Plan Coordinate System, Zone 3 NAVD 1988, in units of U.S. feet. Multiply grid distances by 1.00007236 to obtain ground distances. Multiply grid area shown by 1.00014473 to obtain ground area.

2001182

05/30/2001 11:55 AM

OFFICIAL RECORDS OF RECORDING FEE: 0.00
ALAMEDA COUNTY
PATRICK O'CONNELL

RECORDING REQUESTED BY

WHEN RECORDED RETURN TO:

City of San Leandro
835 E. 14th Street
San Leandro, CA 94577
ATTN: City Clerk

BOB
SB
4



4 PGS

CITY CLERK'S OFFICE

EASEMENT DEED

JUL 13 2001

CITY OF SAN LEANDRO

FOR VALUE RECEIVED, receipt of which is acknowledged, Alfonso M. Hernandez and Araceli Hernandez, owners of 997 Martin Boulevard, San Leandro, California hereby grant to the City of San Leandro, a permanent real property easement and right of way for construction, installation and maintenance of a sanitary sewer line, said easement and right of way being more particularly described as follows:

A 5 foot wide easement over real property in the City of San Leandro, County of Alameda, State of California, being over a portion of Lot 22 of Tract 590, filed July 10, 1942, in Map Book 18, Page 100, Alameda County Records and more particularly described as follows:

Beginning at the most western corner of said Lot 22; thence along the northwestern line of said lot, North 73°12'22" East 108.31 feet (the bearing of said line being taken as North 73°12'22" East for the purpose of this description) to the most northern corner of said lot, said corner being on the western line of Martin Boulevard (50 feet wide and formerly known as "West" Boulevard) as said boulevard is shown on said tract, said corner also being on a curve concave to the northeast having a radius of 249.98 feet (the center of the curve bears North 73°12'22" East from said corner); thence southeasterly along said line of Martin Boulevard along the arc of said curve through a central angle of 1°08'46", an arc distance of 5.00 feet to a line drawn parallel with and distant southeasterly 5.00 feet, measured at right angles, from said northwestern line of said lot; thence along said parallel line South 73°12'22" West 108.91 feet to the southwestern line of said lot, thence along said line North 10°34'28" West 5.03 feet to the point of beginning.

Contains 543 square feet, more or less.

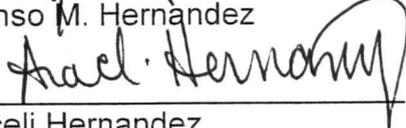
Note: Distances used in the above description are grid distances of the California State Plan Coordinate System, Zone 3 NAVD 1988, in units of U.S. feet. Multiply grid distances by 1.00007236 to obtain ground distances. Multiply grid area shown by 1.00014473 to obtain ground area.

Reserving therefrom the right to utilize and enjoy the above-described property providing that such use and enjoyment shall not interfere with the construction, installation and maintenance of a sanitary sewer line.

Being a portion of APN 077A 0660 022

By: 
Alfonso M. Hernandez

Date: 4-13-01

By: 
Araceli Hernandez

Date: 4-13-01

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by Deed or Grant, dated April 13, 2001, from Alfonso M. Hernandez and Araceli Hernandez to the City of San Leandro, a municipal corporation, is hereby accepted on behalf of the City Council of the City of San Leandro, pursuant to authority conferred by Resolution No. 97-50, adopted by the City Council of the City of San Leandro on May 5, 1997, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: 4/13/01



Gayle Petersen
Gayle Petersen
City Clerk of the City of San Leandro