

**RECORD WITHOUT FEE UNDER  
GOVERNMENT CODE SECTION 6103****RECORDING REQUESTED BY:**

City of Sunnyvale  
Public Works Department

**WHEN RECORDED MAIL TO:**

City of Sunnyvale  
Public Works Department  
PO Box 3707  
Sunnyvale, CA 94088-3707

Project: Fair Oaks Avenue Overhead  
Bridge Widening Project  
Owner: Monument 3: Realty Fund VIII, LTD., A California Limited Partnership  
APN: 209-02-003  
Federal Aid #: BHLS 5213 (039)

**TEMPORARY CONSTRUCTION EASEMENT**

For value received, receipt of which is hereby acknowledged, Monument 3: Realty Fund VII, LTD., A California Limited Partnership, hereinafter referred to as "Grantor", grants to the CITY OF SUNNYVALE, a municipal corporation, hereinafter referred to as "Grantee", a Temporary Construction Easement over, upon and across a portion of that real property of the City of Sunnyvale, County of Santa Clara, State of California, described as:

See **Exhibit "A"** attached hereto and made a part hereof (the "Easement Property").

This temporary construction easement is granted under the express conditions listed below:

1. The Grantor represents and warrants that it is the owner of the Easement Property and that the Grantor has the expressed right to grant the easement.
2. This easement is for the purpose of constructing public improvements as part of the City of Sunnyvale's Fair Oaks Avenue Overhead Bridge Widening Project and to tie in Grantor's property to the new public improvements, as necessary. Said temporary construction easement shall begin upon Grantee's issuance of a thirty (30) day written notice to Grantor and continue in full force and effect for a duration of 18 months or until such time the construction of public improvements has been completed as determined by the Grantee, whichever comes first; provided, however, that in no event will the term of the easement granted herein extend beyond March 31, 2019.
3. The Easement Property shall not be used to stage or deposit tools, implements, and other materials for work being done on property other than the Easement Property or Grantee-owned property that is immediately adjacent to the Easement Property.
4. By accepting this easement, and undertaking work within the Easement Property, the Grantee agrees: (a) to perform all work undertaken by Grantee in a good and workmanlike manner and to promptly complete its work within the Easement Property; (b) to restore any of Grantor's land disturbed by work undertaken by Grantee for purposes of construction, removal, demolition and/or maintenance to its condition that existed prior to the commencement of such work, including repairing Grantor's landscape irrigation sprinkler system, if necessary; (c) to not unreasonably interfere with the use of Grantor's property by Grantor or any of Grantor's tenants,



ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA  
COUNTY OF SANTA CLARA } S.S.

On October 21, 2016 before me, Jill M. Huffman Notary Public,  
personally appeared C. Gemma Hwang

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 on behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Jill M. Huffman  
Signature



(Seal)

## **CERTIFICATE OF ACCEPTANCE**

### **Pursuant to California Government Code Section 27281**

This is to certify that the interest in real property conveyed by the Temporary Construction Easement, dated October 21, 2016, from Monument 3: Realty Fund VII, LTD, a California Limited Partnership, to the City of Sunnyvale, a municipal corporation is hereby accepted by the undersigned authorized official or officer on behalf of the City of Sunnyvale pursuant to authority conferred by the City Council of the City of Sunnyvale as reflected in Section 2.08 of the Sunnyvale Municipal Code and City Council Resolution 102-01 dated January 9, 2001.

The City of Sunnyvale consents to the recordation of said document in the Office of the Recorder of Santa Clara County, State of California.

CITY OF SUNNYVALE

Date: \_\_\_\_\_

By: \_\_\_\_\_

Ryan Sandoval,  
City Property Administrator

**EXHIBIT "A"**  
**Legal Description**

**TEMPORARY CONSTRUCTION EASEMENT**

Real property situate in the City of Sunnyvale, County of Santa Clara, State of California, being a portion of Parcel 3 of the lands shown on that certain Parcel Map filed for record on June 27, 1985 in Book 545 of Maps at Pages 41-43 of Official Records of said county, more particularly described as follows:

**Beginning** at the northwesterly corner of said Parcel 3, being a point on the easterly line of Fair Oaks Ave. as shown on said Parcel Map (545 M 41-43);

Thence leaving said easterly line the following eight (8) courses:

- 1) South 67°33'09" East, 76.75 feet;
- 2) North 22°26'51" 24.00 feet;
- 3) South 67°33'09" East, 50.00 feet;
- 4) South 22°26'42" West, 36.00 feet;
- 5) North 67°33'18" West, 90.91 feet;
- 6) South 25°46'32" West, 20.83 feet;
- 7) South 14°52'00" West, 399.03 feet;
- 8) North 74°08'02" West, 28.56 feet to the easterly line of Fair Oaks Ave.;

Thence along said easterly line, North 00°39'55" East, 26.27 feet;

Thence North 14°52'00" East 376.91 feet;

Thence North 25°46'32" East, 26.42 feet;

Thence North 14°51'59" East, 7.79 feet to the **Point of Beginning**.

Containing an area of 17,408 square feet or 0.400 acres more or less.

**As shown on plat attached hereto and by this reference made part hereof as Exhibit B**

For: BKF Engineers

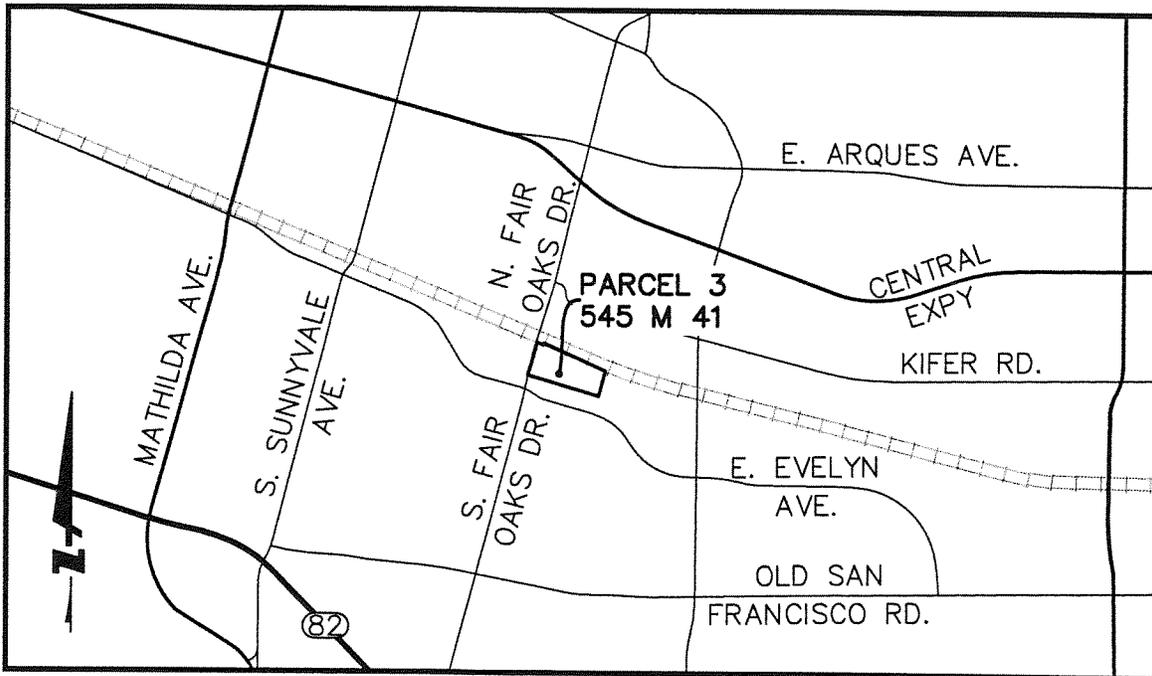
\_\_\_\_\_  
Davis Thresh, P.L.S. No. 6868

\_\_\_\_\_  
Dated



# TEMPORARY CONSTRUCTION EASEMENT

BEING A PORTION OF PARCEL 3 AS SHOWN ON A CERTAIN PARCEL MAP  
RECORDED IN BOOK 545 PAGES 41-43, SANTA CLARA COUNTY RECORDS



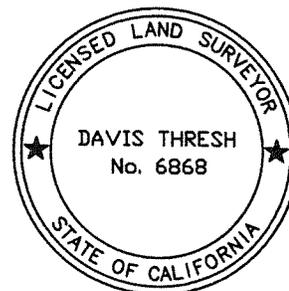
LINE TABLE		
	DIRECTION	LENGTH
L1	S67°33'09"E	76.75
L2	N22°26'51"E	24.00
L3	S22°26'42"W	36.00
L4	S25°46'32"W	20.83
L5	N75°08'02"W	28.56
L6	N00°39'55"E	26.27
L7	N25°46'32"E	26.42
L8	N14°51'59"E	7.79

## BASIS OF BEARINGS

THE BEARING N14°52'00"E BEING THE CENTERLINE OF FAIR OAKS AVE., AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD ON JUNE 27, 1985, IN BOOK 545 OF PARCEL MAPS AT PAGES 41-43

## LEGEND

(R) = RADIAL BEARING  
 POB = POINT OF BEGINNING  
 M = BOOK AND PAGE OF MAPS  
 T.C.E. = TEMPORARY CONSTRUCTION EASEMENT



4670 WILLOW RD  
 SUITE 250  
 PLEASANTON, CA 94588  
 925-396-7700  
 925-396-7799 (FAX)

Subject EXHIBIT B  
TEMPORARY CONSTRUCTION EASEMENT  
 Job No. 20107166  
 By MR Date 4/3/15 Chkd. WS  
 SHEET 2 OF 2

POB  
L8

N. FAIR OAKS AVE.  
BASIS OF BEARINGS  
N14°52'00"E

N14°52'00"E

N14°52'00"E 376.91'

N. FAIR OAKS AVE.

N14°52'00"E 376.91'

L6

L5

S14°52'00"W 399.03'

L1

L4

90.91'  
N67°33'18"W

L3

PARCEL 5  
215 M 22 50.00'

S67°33'09"E

CALTRAIN

T.C.E.  
17,408 SQ. FT.±  
0.400 ACRES±

PARCEL 3  
545 M 41

LANDS OF MONUMENT 3:  
REALTY FUND  
DOC. NO. 9084539



(SCALE IN FEET)

LANDS OF LJERKA  
NOVOSEL  
DOC. NO. 13381404

ELM COURT

LANDS OF CHAUNG  
DOC. NO. 18008965



4670 WILLOW RD  
SUITE 250  
PLEASANTON, CA 94588  
925-396-7700  
925-396-7799 (FAX)

Subject EXHIBIT B  
TEMPORARY CONSTRUCTION EASEMENT  
Job No. 20107166  
By MR Date 4/3/15 Chkd. WS  
SHEET 1 OF 2