

RECORDING REQUESTED BYNAME: City of Sunnyvale**WHEN RECORDED MAIL TO:**NAME: City of Sunnyvale/Engineering DivisionADDRESS: P.O. Box 3707CITY/STATE/ZIP: Sunnyvale, CA 94088-3707

(DOCUMENT WILL ONLY BE RETURNED TO NAME & ADDRESS IDENTIFIED ABOVE)

(SPACE ABOVE FOR RECORDER'S USE)

RECORD WITHOUT FEE UNDER
GOVERNMENT CODE SECTION 6103**PUBLIC ACCESS EASEMENT DEED**
(East Weddell Drive)

This PUBLIC ACCESS EASEMENT DEED Agreement is made as of January 5th, 2015 (the "Effective Date"), by and between the CITY OF SUNNYVALE, a municipal corporation under the State of California (the "City"), and, 610 Weddell-Sunnyvale, LLC, a Delaware Limited Liability Company (the "Developer").

WITNESSETH:

WHEREAS, Developer owns a property as identified as Santa Clara County Assessor's parcel number 110-28-001 and 110-28-007 ("Developer's Property") as shown on Exhibit A; and

WHEREAS, Developer intends to construct a 205-unit residential apartment complex and parking garage (the "Project") on Developer's Property; and

WHEREAS, On April 28, 2014, the City Council approved the project with conditions (Planning Application #2013-7081) for an area known as 610-630 East Weddell Drive; and

WHEREAS, Section 18.12.080 of the Sunnyvale Municipal Code requires dedication and reservation of land for public purposes, for right-of-way and easements, consistent with those called for in the Project conditions; and

NOW, THEREFORE, in consideration of the mutual promises and agreements herein contained, the parties hereto agree as follows:

1. Developer hereby CONVEYS to the CITY, a perpetual non-exclusive EASEMENT for public purposes: public vehicles including emergency vehicle and public pedestrian ingress and egress purposes, on or over that certain area of land delineated herein and designated as "PAE" (PUBLIC ACCESS EASEMENT) and as shown on Exhibit B.

2. All improvements on Developer's Property, including the herein dedicated easement area, shall be deemed private facilities operated and maintained by the Developer in perpetuity in accordance with a separate maintenance agreement filed for record as Document No. _____ in the County of Santa Clara Recorder's Office, except those public facilities located within public utility easements and belonging to the City or private utility companies.
3. The Developer shall indemnify, defend and hold harmless the City from and against all claims, liabilities, damages, costs or expenses arising out the negligent use, operation and maintenance by the Developer on Developer's property including the PAE area.
4. This PAE is intended to and shall bind successors and assigns and is an encumbrance that runs with the land.
5. This PAE is hereby deemed accepted by the City upon satisfactory completion of improvements to East Weddell Drive as required and approved by the City, however, accepting the PAE shall not impose upon CITY any duty to maintain, repair or replace the facilities constructed therein.

Executed this 5th day of January, 2015.

DEVELOPER:

610 Weddell-Sunnyvale, LLC,
A Delaware limited liability company

By: SRGNC MF Weddell-Sunny, LLC,
a Delaware limited liability company
Its Manager

By: SRGNC MF, LLC,
a Delaware limited liability company
Its: Managing Member

By: 

Todd Regonini
Chief Development Officer

All signatures must be notarized.

CERTIFICATE OF ACCEPTANCE

Pursuant to California Government Code Section 27281

THIS IS TO CERTIFY that the interest in real property conveyed by Deed or Grant, dated _____, 201_ from 610 Weddell-Sunnyvale, LLC, a Delaware limited liability company, to the City of Sunnyvale, a municipal corporation, is hereby accepted contingent upon completion and acceptance of improvements by the City by order of the undersigned officer or agent on behalf of the City Council of the City of Sunnyvale pursuant to authority conferred by Resolution No. 146-89 of the City Council, adopted on June 27, 1989, and the Grantee consents to recordation thereof by its duly authorized officer.

DATED: _____

CITY OF SUNNYVALE

BY: _____
Craig Mobeck, PE
Assistant Director/City Engineer
Department of Public Works

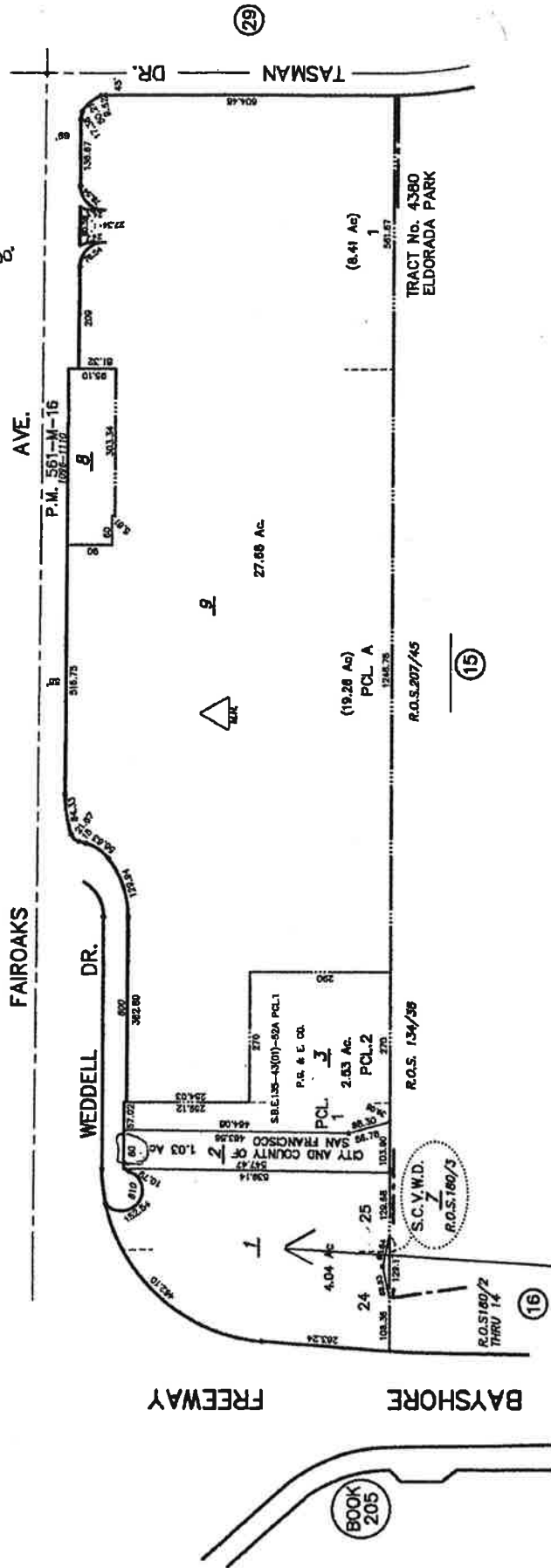
EXHIBIT A

OFFICE OF COUNTY ASSESSOR — SANTA CLARA COUNTY, CALIFORNIA

BOOK 110 PAGE 28

(14)

W. E. CROSSMAN'S SUBDIVISION No. 3



Lands of 610 Weddell-Sunnyvale LLC

LAWRENCE E. STONE - ASSESSOR
 Created map for assessment purposes only
 Compiled under R. & T. Code, Sec. 327.
 Effective Roll Year 2012-2013

EXHIBIT "B"
LEGAL DESCRIPTION
FOR: PUBLIC ACCESS EASEMENT

All that certain real property situate in the City of Sunnyvale, County of Santa Clara, State of California, being a portion of the land described in that certain Grant Deed recorded on May 9, 2000 as Document No. 15239897, Official Records of Santa Clara County, said land also shown on that certain Record of Survey filed for record on January 11, 1985 in Book 538 of Maps at page 23, Santa Clara County Records being more particularly described as follows:

Commencing at the northeasterly corner of said land;

Thence along the northerly line of said land North $73^{\circ}35'22''$ West, 554.47 feet to the Point of Beginning;

Thence continuing along said northerly line North $73^{\circ}35'22''$ West, 30.76 feet;

Thence leaving said northerly line South $15^{\circ}28'40''$ West, 14.70 feet;

Thence along a curve to the left having a radius of 420.00 feet, through a central angle of $5^{\circ}03'30''$, for an arc distance of 37.08 feet;

Thence along a curve to the left having a radius of 45.00 feet, through a central angle of $137^{\circ}08'20''$ for an arc distance of 107.71 feet;

Thence along a curve to the left having a radius of 40.00 feet, through a central angle of $126^{\circ}52'11''$ for an arc distance of 88.57 feet;


Thence North $73^{\circ}35'22''$ West, 7.83 feet;

Thence along a curve to the right having a radius of 13.00 feet, through a central angle of $76^{\circ}39'27''$ for an arc distance of 17.39 feet to the Point of Beginning.

As shown on EXHIBIT "B" SHEET 2 OF 2 attached hereto and by this reference made a part hereof.

Legal Description prepared by Kier & Wright, Civil Engineers & Surveyors, Inc.

Date 12-30-14

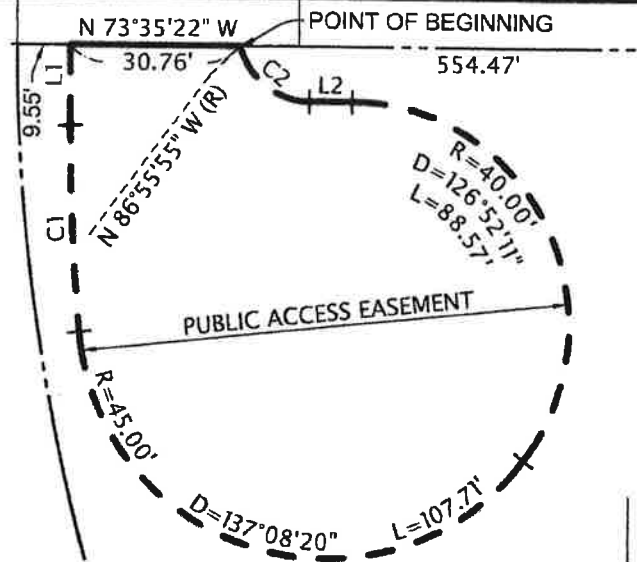

Ryan M. Amaya LS 8134



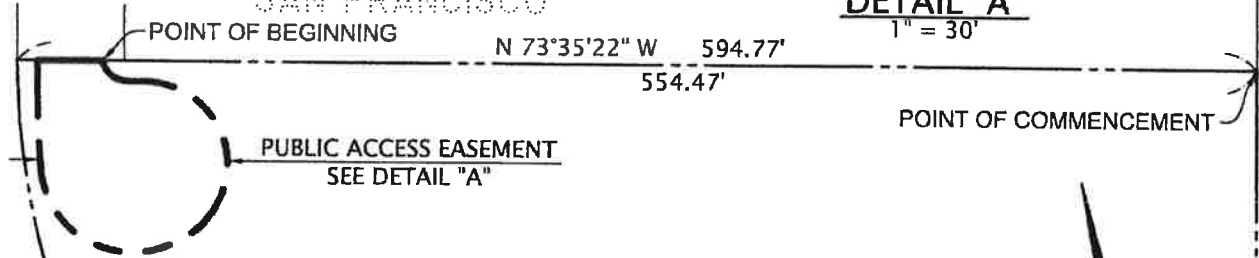
| LINE TABLE | | |
|------------|---------------|----------|
| LINE | BEARING | DISTANCE |
| L1 | S 15°28'40" W | 14.70' |
| L2 | N 73°35'22" W | 7.83' |

| CURVE TABLE | | | |
|-------------|---------|-----------|--------|
| CURVE | RADIUS | DELTA | LENGTH |
| C1 | 420.00' | 5°03'30" | 37.08' |
| C2 | 13.00' | 76°39'27" | 17.39' |

LANDS OF
CITY & COUNTY OF
SAN FRANCISCO



DETAIL "A"
1" = 30'



HIGHWAY 101
(OFF RAMP)

GRANT DEED
(DOC No. 15239897)
APN 110-28-001
RECORD OF SURVEY
(538 M 23)



LEGEND

- PROPOSED EASEMENT
- PROPERTY LINE
- ADJACENT PROPERTY LINE
- RADIAL (R)



HIGHWAY 101
(BAYSHORE FREEWAY)

| | | | |
|--|------------|-----------|------------|
| PLAT TO ACCOMPANY LEGAL DESCRIPTION | | DATE | DEC., 2014 |
| FOR: PUBLIC ACCESS EASEMENT | | SCALE | 1" = 80' |
| SUNNYVALE | CALIFORNIA | DR. BY | MJA |
| EXHIBIT "B" | | JOB | A08037-2 |
| | | SHEET NO. | 2 OF 2 |



KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
3350 Scott Boulevard, Building 22 (408) 727 6665
Santa Clara, California 95054 fax (408) 727 5641

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT
CIVIL CODE § 1189

State of California

County of San Mateo

On January 5, 2015 before me, Marlene Tyler, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Todd Regonini
Name(s) of Signer(s)

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.



Place Notary Seal Above

Signature: Marlene Tyler
Signature of Notary Public

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Public Access Easement deed (East Weedon Drive) Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Todd Regonini Signer's Name: _____

Corporate Officer — Title(s): Chief development officer Corporate Officer — Title(s): _____
 Partner — Limited General Partner — Limited General

Individual Attorney in Fact Individual Attorney in Fact

Trustee Guardian or Conservator Trustee Guardian or Conservator

Other: _____ Other: _____

Signer Is Representing: _____ Signer Is Representing: _____