

RECORD WITHOUT FEE UNDER SECTION 6103  
GOVERNMENT CODE OF THE STATE OF CALIFORNIA

AFTER RECORDING RETURN TO:  
REAL ESTATE SERVICES UNIT  
SANTA CLARA VALLEY WATER DISTRICT  
5750 ALMADEN EXPRESSWAY  
SAN JOSE, CALIFORNIA 95118

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: 205-49-001 (portion)

DOCUMENT NO.: 9124-2

## TEMPORARY CONSTRUCTION EASEMENT

**CITY OF SUNNYVALE**, a municipal corporation, hereinafter referred to as "Grantor," do(es) hereby grant, convey and dedicate to the **SANTA CLARA VALLEY WATER DISTRICT**, a Special District, created by the California Legislature, hereinafter referred to as "Grantee," a temporary construction easement over, upon and across a portion of that real property in the City of Sunnyvale, County of Santa Clara, State of California, described as APN: 205-49-001; and more particularly described in **Exhibit "A"** attached hereto and made a part hereof.

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

1. Grantor represents and warrants that she/he is the owner of the property described in "Exhibit A" attached hereto and made a part hereof, and that Grantor has the exclusive right to grant the easement.
2. This easement is necessary for the purpose of constructing the Wolfe Road Recycled Water Facilities Project and related activities incident to construction. This easement is for a period of twenty-four (24) months, to commence upon one (1) month advance written notice from Grantee to Grantor, and shall terminate twenty-five (25) months thereafter. At no cost to the Grantee, Grantee shall also have the right to enter upon Grantor's retained property, where necessary, to reconstruct or perform any warranty or conformance works after the expiration of the temporary construction easement and any extension thereto.
3. Grantee agrees to use all reasonable efforts to keep the roadway covered by this easement open to traffic and to not interfere with Grantor's use of site. Grantee will keep area covered by the easement clean and remove all debris related to its construction.
4. Grantee agrees to indemnify and hold harmless Grantor from and against any and all claims, damages, liabilities, costs or any expenses whatsoever, arising from or caused, directly or indirectly by the entry onto the property by Grantee or its officers, agents, and employees, and by persons under contract with it and their employees whenever and wherever necessary for purposes granted herein.

5. In the event Grantee occupies the temporary easement area beyond the specified time period for reasonable construction purposes, Grantee shall request an extension from Grantor in writing, and Grantor shall reasonably grant such request in writing without receipt of any consideration.

Dated this       day of       , 2016

CITY OF SUNNYVALE, a municipal  
corporation

By: \_\_\_\_\_  
Deanna J. Santana, City Manager

ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE §1189

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 } SS

On this \_\_\_\_ day of \_\_\_\_\_, in the year 20\_\_\_\_, before me \_\_\_\_\_,

Notary Public, personally appeared \_\_\_\_\_  
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.

\_\_\_\_\_  
Notary Public in and for said County and State

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

- |   |   |
|---|---|
| <input type="checkbox"/> Individual   | <input type="checkbox"/> Trustee (s)          |
| <input type="checkbox"/> Corporate Officer(s): _____  | <input type="checkbox"/> Guardian/Conservator |
| <input type="checkbox"/> Partner(s) <input type="checkbox"/> Limited <input type="checkbox"/> General | <input type="checkbox"/> Other: _____         |
| <input type="checkbox"/> Attorney-In-Fact _____   |   |

Signer is Representing (Name of Person[s] or Entity[ies])

\_\_\_\_\_

**CERTIFICATE OF CONSENT AND ACCEPTANCE**

This is to certify that the interest in real property conveyed by the attached Deed or Grant to the Santa Clara Valley Water District, also referred to herein as the Grantee, is hereby accepted by the undersigned duly authorized agent on behalf of the Board of Directors of said Santa Clara Valley Water District, pursuant to authority conferred by Resolution No. 14-79 of said Board of Directors adopted on the 9<sup>th</sup> day of September 2014, and the Grantee consents to recordation thereof by its said duly authorized agent.

Dated: \_\_\_\_\_, 20\_\_

Santa Clara Valley Water District

By: \_\_\_\_\_  
Chief Executive Officer/Clerk of the Board of Directors  
(Strike out inapplicable one)

# EXHIBIT A

## SANTA CLARA VALLEY WATER DISTRICT

5750 Almaden Expressway  
San Jose, CA 95118

Original By: CLM  
Date: 11/18/2015

Revised By:  
Revision Date:

PROJECT: WOLFE ROAD RECYCLED WATER  
PROPERTY: CITY OF SUNNYVALE

APN: 205-49-001  
RESU File No.: 9124-1

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SUNNYVALE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF THAT CERTAIN PARCEL 3 AS SHOWN IN BOOK 105 OF MAPS, PAGE 17, RECORDED AS DOCUMENT NUMBER 1606862, SANTA CLARA COUNTY OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT A POINT THAT IS THE NORTHEASTERLY CORNER OF SAID PARCEL 3, THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 3 NORTH 75°27'41" WEST, 71.25 FEET TO THE **POINT OF BEGINNING**;  
THENCE CONTINUING ALONG SAID NORTHERLY LINE OF PARCEL 3 NORTH 75°27'41" WEST, 155.34 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 3;  
THENCE ALONG THE WEST LINE OF PARCEL 3, ALSO BEING THE EAST RIGHT-OF-WAY LINE OF NORTH WOLFE ROAD, SOUTH 00°45'00" WEST, 200.05 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 3;  
THENCE ALONG THE SOUTH LINE OF SAID PARCEL 3 SOUTH 75°27'39" EAST, 76.47 FEET TO THE EAST LINE OF THAT CERTAIN 10 FOOT WIDE EASEMENT RECORDED AS DOCUMENT NUMBER 6447846, SANTA CLARA COUNTY OFFICIAL RECORDS;  
THENCE ALONG SAID EAST LINE NORTH 00°20'44" EAST, 120.40 FEET;  
THENCE LEAVING SAID EAST LINE SOUTH 89°55'47" EAST, 35.94 FEET;  
THENCE SOUTH 74°36'57" EAST, 99.04 FEET;  
THENCE NORTH 14°52'13" EAST, 25.00 FEET;  
THENCE NORTH 74°36'57" WEST, 22.00 FEET;  
THENCE SOUTH 14°52'13" WEST, 9.53 FEET;  
THENCE NORTH 75°15'41" WEST, 67.97 FEET;  
THENCE NORTH 11°07'19" EAST, 29.09 FEET;  
THENCE SOUTH 75°15'41" EAST, 19.99 FEET;  
THENCE NORTH 11°08'03" EAST, 25.08 FEET TO THE POINT OF BEGINNING.

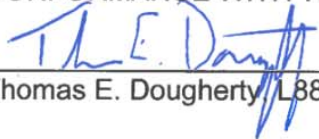
CONTAINING 0.47 ACRES, MORE OR LESS.

### **BASIS OF BEARING:**

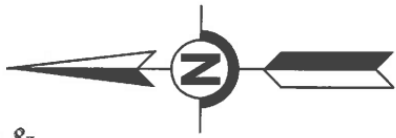
BEARINGS AND DISTANCES HEREIN ARE BASED ON FOUND MONUMENTS ALONG THE CENTERLINE OF SAN LUCAR COURT AS SHOWN ON THAT CERTAIN MAP FILED IN BOOK 513 OF MAPS AT PAGE 40, SANTA CLARA COUNTY OFFICIAL RECORDS.

**SURVEYOR'S STATEMENT:**

THE DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN  
CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYOR'S ACT.

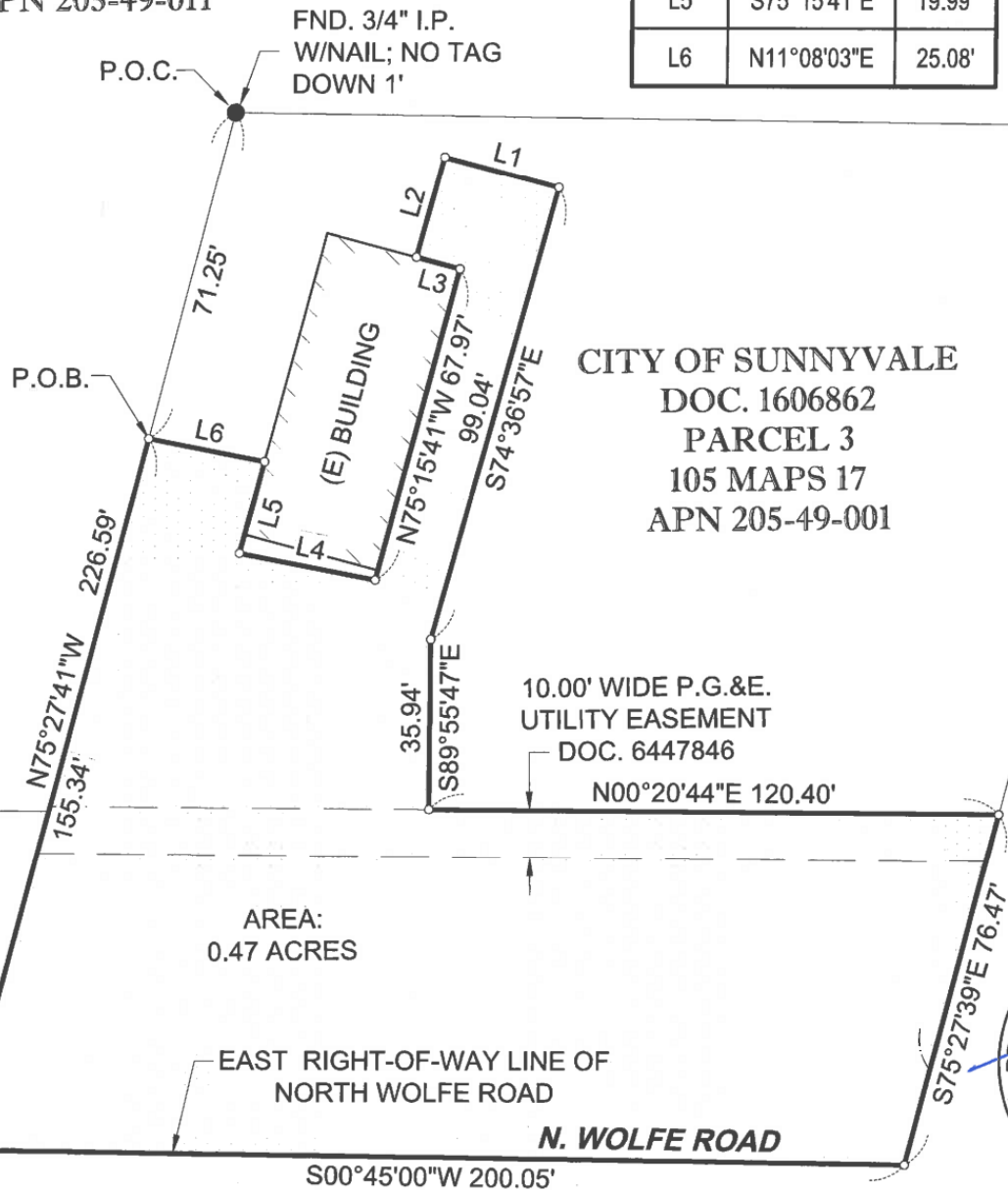
  
\_\_\_\_\_  
Thomas E. Dougherty L8819

11/18/15  
\_\_\_\_\_  
Date



STEPHENS &  
STEPHENS KIFER  
RD., LLC.  
DOC. 19099761  
PARCEL B  
513 MAPS 40  
APN 205-49-011

Line Table		
Line #	Direction	Length
L1	N14°52'13"E	25.00'
L2	N74°36'57"W	22.00'
L3	S14°52'13"W	9.53'
L4	N11°07'19"E	29.09'
L5	S75°15'41"E	19.99'
L6	N11°08'03"E	25.08'



Santa Clara Valley Water District

SCALE: 1" = 40'

PROJ. NO.	2016_048
FILE NO.	9124-1
APN	205-49-001
TITLE REPORT NO.	0616012057-RR
DRAWN	CLM
DATE	11/17/2015

REV.	BY	DATE	DESCRIPTION
1			
2			