

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE AUTHORIZING THE CITY MANAGER
TO EXECUTE AN EASEMENT DEED AND TEMPORARY
CONSTRUCTION EASEMENT TO SANTA CLARA
VALLEY WATER DISTRICT WITHIN A CITY-OWNED
PARCEL GENERALLY LOCATED SOUTH OF KIFER
ROAD AND EAST OF WOLFE ROAD**

WHEREAS, in February 2015, the City of Sunnyvale ("City") entered into a Construction Cost Sharing Agreement ("Agreement") with the Santa Clara Valley Water District ("SCVWD") for the Wolfe Road Recycled Water Facilities Project; and

WHEREAS, as part of the Agreement, the City shall dedicate to SCVWD an easement on the San Lucar Tank and Pump Station property, for access, water pipelines and a building structure to be located on the northwesterly portion of the property; and

WHEREAS, the City desires to enter into any necessary documentation for such construction and installation of new building facilities, water pipelines, and related appurtenances, including a new Easement Deed and Temporary Construction Easement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

The City Manager, or her designee, is hereby authorized to execute the Easement Deed and Temporary Construction Easement and any other documents to implement the purposes of the grant of an easement to SCVWD for the construction and installation of new building facilities and water pipelines across a portion of City-owned property, located south of Kifer Road, and east of Wolfe Road, known as the San Lucar Pump Station Site (APN 205-49-001), as described in the Easement Deed and Temporary Construction Easement, attached hereto as Exhibit A and Exhibit B respectively.

Adopted by the City Council at a regular meeting held on _____, by the following
vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

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.: 9124-1

EASEMENT DEED

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 "District", an easement (Parcel 1) for, ingress and egress, water pipelines, and appurtenances and an easement (Parcel 2) for, ingress and egress, building facilities, and appurtenances, both in, upon, over, and across 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.

Grantor agrees for itself, its heirs and assigns, not to erect, place or maintain, nor to permit the erection, placement or maintenance of any building, fences, structures or trees within the easement area, unless prior written approval is obtained from District.

The easements shall include the right to ingress and egress, construct, reconstruct, inspect, maintain, operate, and repair building facilities, water pipelines, and appurtenances, together with the right to trim or remove such trees or brush within the easement area as may constitute a hazard to persons or property or may interfere with the use of the said area for the purposes granted. It also shall include the right to enter upon said land with vehicles, tools, implements, and other materials, take therefrom and use, earth, rock, sand, and gravel by said District, its officers, agents, and employees, and by persons under contract with it and their employees whenever and wherever necessary for purposes granted herein.

District shall also have the right to mark the location of said described area by suitable markers, but said markers shall be placed in fences or other locations which will not interfere with any reasonable use by Grantor.

District 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 District or its officers, agents, and employees, and by persons under contract with it and their employees whenever and wherever necessary for purposes granted herein.

Grantor reserves the right to use said real property in any manner, provided such use does not unreasonably interfere with District(s) rights hereunder.

Grantee agrees to use due care in any use of the easement herein granted and in the construction, installation, repair, replacements and maintenance of District(s) improvements in

the easement area as provided for herein so as not to unreasonably disturb Grantor's use of its property or any of its existing facilities.

(As used above, the term "grantor" shall include the plural as well as the singular number and the words "himself" and "his" shall include the feminine gender as the case may be.)

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 9th 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 PARCEL 3 AS SHOWN ON THAT CERTAIN MAP FILED IN BOOK 105 OF MAPS, PAGE 17, SANTA CLARA COUNTY OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1 – PIPELINE AND ACCESS EASEMENT

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, 140.99 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUING ALONG SAID NORTHERLY LINE OF PARCEL 3 NORTH 75°27'41" WEST, 36.35 FEET; THENCE LEAVING SAID NORTHERLY LINE SOUTH 09°57'04" WEST, 43.57 FEET; THENCE SOUTH 47°36'18" WEST, 14.33 FEET; THENCE NORTH 89°15'00" WEST 30.41 FEET TO A POINT ON THE WEST LINE OF SAID PARCEL 3, ALSO BEING THE EAST RIGHT-OF-WAY LINE OF NORTH WOLFE ROAD; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE SOUTH 00°45'00" WEST, 25.00 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE SOUTH 89°15'00" EAST, 44.68 FEET; THENCE NORTH 47°36'18" EAST, 46.19 FEET; THENCE NORTH 14°32'19" EAST, 7.60 FEET; THENCE NORTH 75°27'41" WEST, 4.34 FEET; THENCE NORTH 14°32'19" EAST, 30.00 FEET TO THE POINT OF BEGINNING

CONTAINING 3,239 SQUARE FEET, MORE OR LESS.

PARCEL 2 – BUILDING AND ACCESS EASEMENT

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, 95.99 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUING ALONG SAID NORTHERLY LINE OF PARCEL 3 NORTH 75°27'41" WEST, 81.35 FEET; THENCE LEAVING SAID NORTHERLY LINE SOUTH 09°57'04" WEST, 42.93 FEET; THENCE SOUTH 83°23'17" EAST, 78.67 FEET; THENCE NORTH 14°32'19" EAST, 31.94 FEET TO THE POINT OF BEGINNING

CONTAINING 2,985 SQUARE FEET, 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:

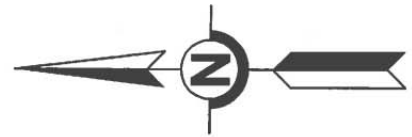
THE DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYOR'S ACT.



Thomas E. Dougherty, L8819

11/18/15

Date



FND. 3/4" I.P.
W/NAIL; NO TAG
DOWN 1'

P.O.C.

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

CITY OF SUNNYVALE
DOC. 1606862
PARCEL 3
105 MAPS 17
APN 205-49-001

P.O.B.

N75°27'41"W 4.34'

N14°32'19"E 7.60'

10.00' WIDE P.G.&E.
UTILITY EASEMENT
DOC. 6447846

N14°32'19"E 30.00'

PARCEL 1
AREA
3,239 SQ. FT.

N47°36'18"E 46.19'

43.57'
S09°57'04"W

S47°36'18"W 14.33'

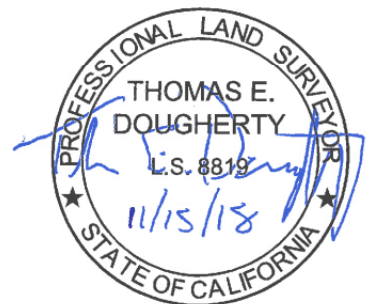
N89°15'00"W 30.41'

S89°15'00"E 44.68'

EAST RIGHT-OF-WAY LINE OF
NORTH WOLFE ROAD

S00°45'00"W 25.00'

N. WOLFE ROAD



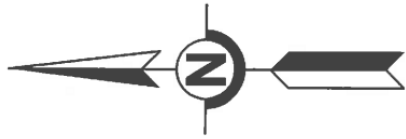
Santa Clara Valley Water District



SCALE: 1" = 20'

PROJ. NO.	2016_047
FILE NO.	9124-1
APN	205-49-001
TITLE REPORT NO.	0616012057-RR
DRAWN	CLM
DATE	11/16/2015

REV.	BY	DATE	DESCRIPTION
1			
2			



P.O.C.

FND. 3/4" I.P.
W/NAIL; NO TAG
DOWN 1'

95.99'

P.O.B.

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

N14°32'19"E
31.94'

CITY OF SUNNYVALE
DOC. 1606862
PARCEL 3
105 MAPS 17
APN 205-49-001

PARCEL 2
AREA
2,985 SQ. FT.

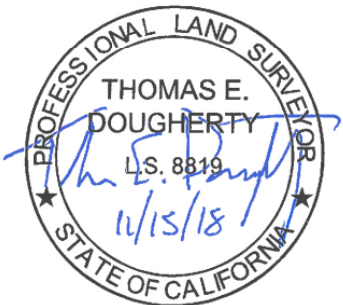
10.00' WIDE P.G.&E.
UTILITY EASEMENT
DOC. 6447846

N75°27'41"W 226.59'
81.35'

S83°23'17"E
78.67'

42.93'
S09°57'04"W

49.25'

N. WOLFE ROAD

Santa Clara Valley Water District



SCALE: 1" = 20'

PROJ. NO.

2016_047

FILE NO.

9124-1

APN

205-49-001

TITLE REPORT NO.

0616012057-RR

DRAWN

CLM

DATE

11/13/2015

REV.

BY

DATE

DESCRIPTION

1

2

EXHIBIT B

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 9th 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.

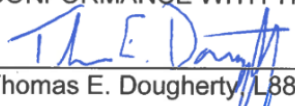
CONTAINING 0.47 ACRES, MORE OR LESS.

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.

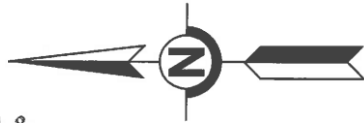


Thomas E. Dougherty L8819

11/18/15

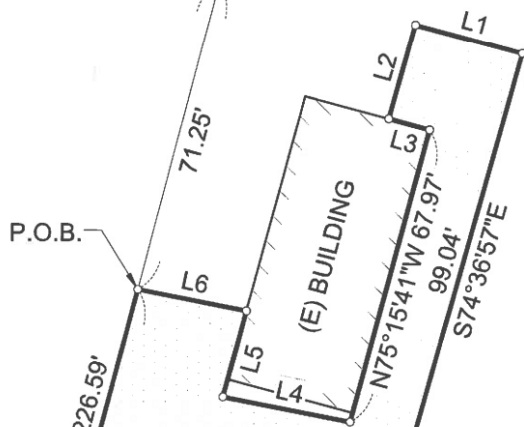
Date

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'

P.O.C. FND. 3/4" I.P.
W/NAIL; NO TAG
DOWN 1'



CITY OF SUNNYVALE
DOC. 1606862
PARCEL 3
105 MAPS 17
APN 205-49-001

10.00' WIDE P.G.&E.
UTILITY EASEMENT
DOC. 6447846

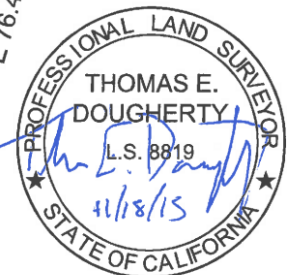
AREA:
0.47 ACRES

EAST RIGHT-OF-WAY LINE OF
NORTH WOLFE ROAD

N. WOLFE ROAD

S00°45'00"W 200.05'

S.B.E. 872-43-(02)17L PCL. 26
SOUTHERN PACIFIC
TRANSPORTATION CO.
PENINSULA CORRIDOR
JOINT POWERS BOARD



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			