

**RECORDING REQUESTED BY**

East Bay Municipal Utility District

**AND WHEN RECORDED MAIL TO**

East Bay Municipal Utility District

Post Office Box 24055

Oakland, CA 94623

Attn: Real Estate Services (KK)

**R/W 5726**

**EA 21-013**

Clement Ave, Alameda, CA 94501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: 71-291-11

Pursuant to Government Code Section 27383, Grantee is exempt from paying recording fees.

R&T 11911 - Consideration is less than \$100

**GRANT OF EASEMENT**

THIS INDENTURE, made by and between CITY OF ALAMEDA, hereinafter called the Grantor, and EAST BAY MUNICIPAL UTILITY DISTRICT, a public corporation organized and existing under the laws of the State of California, hereinafter called the Grantee,

**WITNESSETH:**

THAT the Grantor, for a good and valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, hereby grants to the Grantee and to its successors and assigns a perpetual, non-exclusive easement and right-of-way for the purpose of laying down, constructing, reconstructing, removing, replacing, repairing, maintaining, operating and using, as the Grantee may see fit, any facilities necessary for the transmission of utilities, including all necessary braces, connections, fastenings and other appliances and fixtures, in, under, along and across that certain real property described in Exhibit "A" and shown on Exhibit "B", attached hereto and made a part hereof.

TOGETHER with the right of ingress to and egress from said right-of-way and the right at all times to enter in, over and upon said right-of-way and every part thereof and also to use said right-of-way for all purposes connected with the laying down, constructing, reconstructing, replacing, removing, repairing, maintaining, operating and using said utilities.

The Grantor and the Grantor's heirs, successors, or assigns shall not place or permit to be placed on said right-of-way any building or structure, including but not limited to houses, garages, outbuildings, swimming pools, tennis courts, retaining walls, decks, and patios nor allow to be done anything which may interfere with the full enjoyment by the Grantee of the rights herein granted.

The above paragraph notwithstanding Grantor reserves the right to landscape the easement area in a manner consistent with the Grantee's use; however, such use by Grantor shall not include the planting of trees nor a change in the existing surface elevation (grade) of the easement area by more than one (1) foot without first having prior written consent of the Grantee.

The Grantee agrees that said utilities shall be constructed and maintained at a depth of at least eighteen (18) inches below the present surface of the ground.

The Grantee agrees upon the completion of any of its works hereunder to restore as near as possible the surface of the ground to the condition in which it was prior to the commencement of said work.

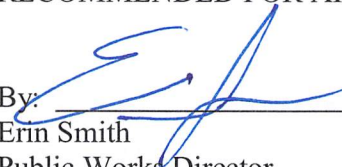
TO HAVE AND TO HOLD, all and singular, the rights above described unto the Grantee and the Grantee's successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this indenture this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

As owner:  
CITY OF ALAMEDA  
a municipal corporation

By: \_\_\_\_\_  
Gerry Beaudin  
Interim City Manager

RECOMMENDED FOR APPROVAL:

By:  \_\_\_\_\_  
Erin Smith  
Public Works Director

APPROVED AS TO FORM  
City Attorney

By:  \_\_\_\_\_  
Elizabeth A. Mackenzie  
Chief Assistant City Attorney

**CALIFORNIA 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 \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_,  
Date Here Insert Name and Title of the Officerpersonally 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.

Signature \_\_\_\_\_  
Signature of Notary Public

Place Notary Seal Above

**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: \_\_\_\_\_ Document Date: \_\_\_\_\_

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

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

☐ Corporate Officer — Title(s): \_\_\_\_\_☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

☐ Corporate Officer — Title(s): \_\_\_\_\_☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

# LEGEND

POB POINT OF BEGINNING  
SF SQUARE FEET

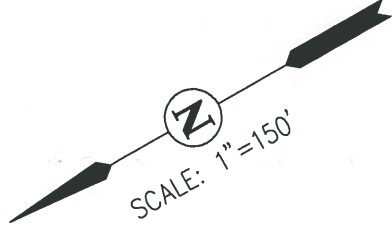
CITY OF ALAMEDA  
PER CHAPTER 348,  
STATUTES OF 1913

EASEMENT  
2,836 SF±

TRACT 8500  
PARCEL B  
363 M 90

TRACT 8500  
LOT 5  
363 M 90

TRACT 8500  
PARCEL C  
363 M 90



| LINE TABLE |             |        |
|------------|-------------|--------|
| NO         | BEARING     | LENGTH |
| L1         | N82°32'00"W | 24.08' |
| L2         | N29°47'47"E | 75.50' |
| L3         | S60°12'13"E | 44.00' |
| L4         | S29°47'47"W | 49.32' |
| L5         | S81°43'00"W | 27.60' |

EXHIBIT B

SHEET 1 OF 1

## PLAT TO ACCOMPANY LEGAL DESCRIPTION

EASEMENT  
CITY OF ALAMEDA PROPERTY  
ALAMEDA, CALIFORNIA

FEBRUARY 2, 2022

**cbg**

SAN RAMON (925) 866-0322  
ROSEVILLE (916) 788-4456  
WWW.CBANDG.COM

CIVIL ENGINEERS • SURVEYORS • PLANNERS

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

REAL PROPERTY, SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF ALAMEDA, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF THE LANDS OF THE CITY OF ALAMEDA, GRANTED TO SAID CITY BY THE STATE OF CALIFORNIA PER CHAPTER 348, STATUTES OF 1913, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE BOUNDARY LINE OF SAID LANDS OF THE CITY OF ALAMEDA, SAID POINT BEING AN ANGLE POINT ON THE NORTHERLY LINE OF LOT 5, AS SAID LOT 5 IS SHOWN AND SO DESIGNATED ON THE FINAL MAP FOR TRACT 8500 ENTITLED, "ALAMEDA MARINA," FILED DECEMBER 9, 2020, IN BOOK 363 OF MAPS, AT PAGE 90, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, SAID POINT BEING THE EASTERN TERMINUS OF THAT CERTAIN COURSE SHOWN AND SO DESIGNATED AS "NORTH 82°32'00" WEST 163.73 FEET" ON SHEET 5 OF 6 OF SAID FINAL MAP;

THENCE, FROM SAID POINT OF BEGINNING, ALONG SAID BOUNDARY LINE, NORTH 82°32'00" WEST 24.08 FEET;

THENCE, LEAVING SAID BOUNDARY LINE, NORTH 29°47'47" EAST 75.50 FEET;

THENCE, SOUTH 60°12'13" EAST 44.00 FEET;

THENCE, SOUTH 29°47'47" WEST 49.32 FEET TO A POINT ON SAID BOUNDARY LINE;

THENCE, ALONG SAID BOUNDARY LINE, SOUTH 81°43'00" WEST 27.60 FEET TO SAID POINT OF BEGINNING.

CONTAINING 2,836 SQUARE FEET, MORE OR LESS.

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS REFERENCE MADE A PART HEREOF.

END OF DESCRIPTION



  
\_\_\_\_\_  
SABRINA KYLE PACK, P.L.S.  
L.S. NO. 8164