

RECORDING REQUESTED BY

East Bay Municipal Utility District

AND WHEN RECORDED MAIL TO

East Bay Municipal Utility District

Post Office Box 24055 - MS #903

Oakland, CA 94623

Attn: Real Estate Services (RL)

R/W 5522 EA16-012

Tract 8336, Alameda Point, Phase 1, Alameda

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: 074-1368-002-03; APN: 074-1368-018

APN: 074-1375-005 (PORTION); APN: 074-1377-005

APN: 074-1378-001-38; APN: 074-1378-004

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

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

Certificate of Acceptance Attached

GRANT OF EASEMENT

THIS INDENTURE, made by and between **CITY OF ALAMEDA**, a municipal corporation, 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 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____.

CITY OF ALAMEDA, a municipal corporation

By: _____
Jill Keimach, City Manager

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 Officer*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.

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: _____



EXHIBIT "A"

EASEMENT DESCRIPTION

All that certain real property situate in the City of Alameda, County of Alameda, State of California, and described as follows:

WATER LINE EASEMENT 1:

BEING a portion of Remainder 1 as shown on that certain map entitled "Tract Map 8336" as filed March 29, 2017, in Book 347 of Maps at Pages 1 through 7, inclusive (347 M 1), in the Office of the Recorder of Alameda County, being also a portion of Parcel ALA-37-EDC as described in the Quitclaim Deed recorded June 6, 2013, as Document Number 2013199810, Official Records of Alameda County, said portion being more particularly described as follows:

COMMENCING at the northwesterly corner of Lot 6 (Block 10) as said lot and block are shown on said map (347 M 1) on the northerly line thereof; **THENCE** along said northerly line South 85°08'27" East 13.00 feet to the **POINT OF BEGINNING**; **THENCE** leaving the last said line North 04°51'33" East 43.00 feet; **THENCE** South 85°08'27" East 376.38 feet; **THENCE** South 04°51'33" West 74.00 feet to the northerly right of way line of Ardent Way (60 foot wide right of way) as said way is shown on said map (347 M 1); **THENCE** along said northerly right of way line North 85°08'27" West 25.00 feet; **THENCE** leaving the last said line North 04°51'33" East 54.00 feet; **THENCE** North 85°08'27" West 331.38 feet; **THENCE** South 04°51'33" West 23.00 feet to the aforementioned northerly line of Lot 6 (Block 10) (347 M 1); **THENCE** along the last said line North 85°08'27" West 20.00 feet to the **POINT OF BEGINNING**.

Containing an area of 9,338 square feet, more or less.

WATER LINE EASEMENT 2:

BEING a portion of the Remainder as shown on that certain map entitled "Tract Map 8336" as filed March 29, 2017, in Book 347 of Maps at Pages 1 through 7, inclusive (347 M 1), in the Office of the Recorder of Alameda County, being also a portion of Parcel ALA-71-EDC as described in the Quitclaim Deed recorded April 15, 2016, as Document Number 2016096062, Official Records of Alameda County, said portion being more particularly described as follows:

COMMENCING at the easterly terminus of that certain course delineated as "North 81°59'32" West 190.15 feet" on the southerly right of way line of West Atlantic Avenue (right of way varies) as said avenue is shown on said map (347 M 1); **THENCE** westerly along said southerly right of way line North 81°59'32" West 82.91 feet to the **POINT OF BEGINNING**; **THENCE** leaving the last said line South 04°51'33" West 89.22 feet to the southerly line of said Remainder (347 M 1); **THENCE** along said southerly line North

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85°44'18" West 20.00 feet; THENCE leaving the last said line North 04°51'33" East 90.53 feet to the aforementioned southerly right of way line of West Atlantic Avenue; THENCE easterly along said southerly right of way line South 81°59'32" East 20.03 feet to the **POINT OF BEGINNING**.

Containing an area of 1,798 square feet, more or less.

WATER LINE EASEMENT 3:

BEING a portion of Parcel 2 of the State of California Patent and Trust Termination (Phase 1 Trust Termination Lands and Phase 1 Agreed Non-Trust Lands) recorded June 30, 2014, as Document Number 2014154597, Official Records of Alameda County, said Parcel 2 being also a portion of the Designated Remainder as shown on that certain map entitled "Tract 8315, West Tower Avenue", filed August 23, 2016, in Book 341 of Maps at Pages 82 through 86, inclusive (341 M 82), in the Office of the Recorder of Alameda County, and a portion of Parcel 9 of the State of California Patent (Phase 1 Trust Addition Lands and Phase 1 Agreed Trust Lands) recorded June 30, 2014, as Document Number 2014154596, Official Record of Alameda County, said Parcel 9 being also a portion of Parcel ALA-32-EDC as described in the Quitclaim Deed recorded June 6, 2013, as Document Number 2013199807, Official Records of Alameda County, and a portion of the lands described in the State of California Patent (Phase 2.5 Agreed Trust Lands) recorded May 24, 2017, as Document Number 2017113843, Official Records of Alameda County, and a portion of Remainder 4 as shown on that certain map entitled "Tract Map 8336", filed March 29, 2017, in Book 347 of Maps at Pages 1 through 7, inclusive (347 M 1), in the Office of the Recorder of Alameda County, said Remainder 4 being also a portion of Parcel ALA-37-EDC as said parcel is described in the Quitclaim Deed filed recorded June 6, 2013, as Document Number 2013199810, in the Office of the Recorder of Alameda County, being more particularly described as follows:

COMMENCING at the northwesterly corner of Lot 7 (Block 11) as said lot and block are shown on said Tract Map (347 M 1) on the northerly line of Parcel Two as said parcel is described in the Grant Deed to AP Block 11 Apartments, L.L.C., recorded March 15, 2018, as Document Number 2018053384, Official Records of Alameda County; THENCE westerly along said northerly line North 85°08'27" West 136.46 feet to the westerly line of said Parcel Two (2018053384) and the **POINT OF BEGINNING**; THENCE along said westerly line South 04°51'33" West 20.00 feet; THENCE leaving the last said line North 85°08'27" West 25.50 feet; THENCE South 04°51'33" West 379.89 feet; THENCE South 40°08'27" East 33.54 feet; THENCE South 85°08'27" East 253.03 feet to the westerly right of way line of West Atlantic Avenue (right of way varies) as said avenue is shown on said Tract Map 8336 (347 M 1); THENCE along said westerly right of way line South 04°51'33" West 20.00 feet; THENCE leaving the last said line North 85°08'27" West 261.32 feet; THENCE North 40°08'27" West 50.10 feet; THENCE North 04°51'33" East 408.17 feet; THENCE South 85°08'27" East 45.50 feet to the **POINT OF BEGINNING**.

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Containing an area of 14,570 square feet, more or less.

A plat showing the above described easements is attached hereto and made a part hereof as Exhibit "B".

This description was prepared from record information for BKF Engineers.

By: 
Barry T. Williams, P.L.S No. 6711

Dated: 5-15-18



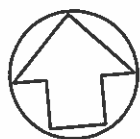
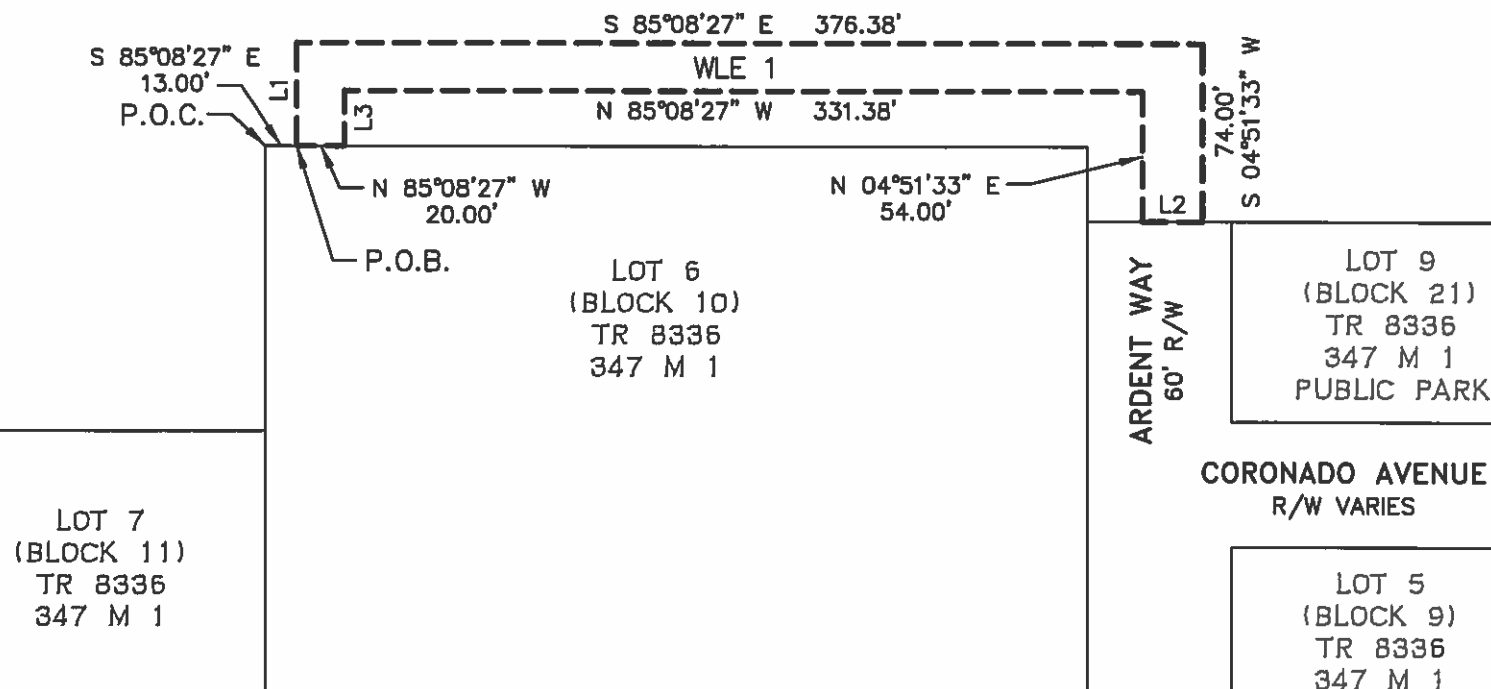
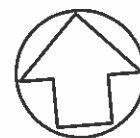
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May 15, 2018
BKF Job. No. 20145170-10

GRAPHIC SCALE



REMAINDER 1
TR 8336 - 347 M 1
ALA-37-EDC (PORTION)
2013-199810 O.R.
APN: 074-1368-018



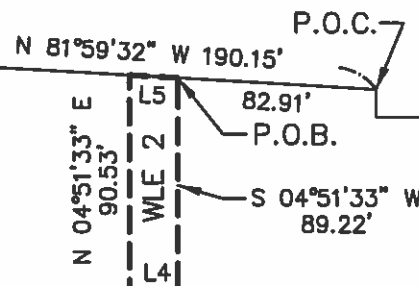
GRAPHIC SCALE



WEST ATLANTIC AVENUE
R/W VARIES

REMAINDER
TR 8336 - 347 M 1
ALA-70-EDC (PORTION)
2016-096061 O.R.

REMAINDER
TR 8336 - 347 M 1
ALA-71-EDC (PORTION)
2016-096062 O.R.
APN: 074-1377-005



LINE TABLE

NO.	BEARING	DISTANCE
L1	N 04°51'33" E	43.00'
L2	N 85°08'27" W	25.00'
L3	S 04°51'33" W	23.00'
L4	N 85°44'18" W	20.00'
L5	S 81°59'32" E	20.03'

LEGEND:

APN ASSESSOR'S PARCEL NUMBER
M MAP
O.R. OFFICIAL RECORDS
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
RS RECORD OF SURVEY
R/W RIGHT OF WAY
TR TRACT MAP
WLE WATER LINE EASEMENT

PARCEL 1 (PORTION)
PS 1816
28 RS 14

EXHIBIT "B"



BKF 100+
YEARS

ENGINEERS . SURVEYORS . PLANNERS

1646 N. CALIFORNIA BLVD
SUITE 400
WALNUT CREEK, CA 94596
925-940-2200
925-940-2299 (FAX)

Subject PLAT TO ACCOMPANY
EASEMENT DESCRIPTION
Job No. 20145170-10
By MLH Date 05/15/18 Chkd. BTW
SHEET 1 OF 2

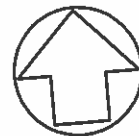
PARCEL 1 (PORTION)
RS 1816
28 RS 14

PHASE 1 - TRUST
TERMINATION LANDS
PARCEL 2
2014-154597 O.R.
44 RS 10

PHASE 2.5 - TRUST
TERMINATION LANDS
2017-113844 O.R.
44 RS 10

REMAINDER 1
TR 8336
347 M 1
ALA-37-EDC
(PORTION)
2013-199810 O.R.

WLE 1 - SEE SHEET 1



LINE TABLE

NO.	BEARING	DISTANCE
L6	S 04°51'33" W	20.00'
L7	S 40°08'27" E	33.54'
L8	S 04°51'33" W	20.00'
L9	N 40°08'27" W	50.10'
L10	S 85°08'27" E	45.50'

LOT 6
(BLOCK 10)
TR 8336
347 M 1

GRAPHIC SCALE



DESIGNATED
REMAINDER 2
PM 10600
338 PM 9

APN:
074-1375-005
(PORTION)

N 04°51'33" E 408.17'
WLE 3
S 04°51'33" W 379.89'

AP BLOCK 11
APARTMENTS LLC
PARCEL TWO
2018-053384 O.R.

LOT 7
(BLOCK 11)
TR 8336
347 M 1

AP BLOCK 11
APARTMENTS LLC
PARCEL ONE
2018-053384 O.R.

APN:
074-1368-002-03
ALA-32-EDC
(PORTION)
2013-199807 O.R.

PHASE 1 - AGREED
TRUST LANDS
PARCEL 9
2014-154596 O.R.
39 RS 88

S 85°08'27" E 253.03'
WLE 3
N 85°08'27" W 261.32'

PHASE 2.5
AGREED
TRUST LANDS
2017-113843 O.R.
44 RS 10

APN:
074-1378-004

FERRY
POINT WAY
R/W VARIES

WEST ATLANTIC AVENUE
R/W VARIES

REMAINDER
TR 8336 - 347 M 1
ALA-71-EDC (PORTION)
2016-096062 O.R.

REMAINDER 3
TR 8336 - 347 M 1
ALA-37-EDC (PORTION)
2013-199810 O.R.

PARCEL 1 (PORTION)
RS 1816
28 RS 14

LEGEND:

APN ASSESSOR'S
M PARCEL NUMBER
O.R. MAP
PM OFFICIAL RECORDS
P.O.B. PARCEL MAP
P.O.C. POINT OF BEGINNING
R/W POINT OF COMMENCEMENT
TR RIGHT OF WAY
WLE TRACT MAP
WATER LINE EASEMENT

APN:
074-1378-001-38

REMAINDER 4
TR 8336 - 347 M 1
ALA-37-EDC (PORTION)
2013-199810 O.R.

EXHIBIT "B"