

**RESOLUTION NO. 09-56**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF ALBANY  
ACCEPTING GRANT OF EASEMENT  
FOR SANITARY SEWER**

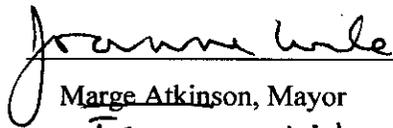
**WHEREAS**, attached hereto and incorporated herein by reference is a Grant of Easement from Allan E. Riffer and Caryl O'Keefe (Grantee) to the City of Albany (City) for a sanitary sewer; and

**WHEREAS**, the City Engineer and Community Development Director have informed this Council that it is necessary and in the best interest of the City to accept the attached Grant of Easement.

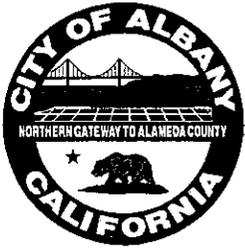
**NOW THEREFORE THE CITY COUNCIL DOES HEREBY RESOLVE:**

1. The attached Grant of Easement is hereby accepted.
2. The City Clerk is authorized and directed to record the original of the attached Grant of Easement together with a certified copy of this Resolution in the office of the Alameda County Recorder.

Council Vote

  
\_\_\_\_\_  
Marge Atkinson, Mayor  
Joanne Wile

Clerk Certification Seal



# City of Albany

1000 SAN PABLO AVENUE • ALBANY, CALIFORNIA 94706-2295

**CITY ADMINISTRATOR**  
PH. (510) 528-5710  
FAX (510) 528-5797

**CITY ATTORNEY**  
PH. (510) 524-9205  
FAX (510) 526-9190

**CITY CLERK**  
PH. (510) 528-5720  
FAX (510) 528-5797

**CITY COUNCIL**  
PH. (510) 528-5720  
FAX (510) 528-5797

**COMMUNITY DEVELOPMENT &  
ENVIRONMENTAL RESOURCES**

- Building
- Engineering
- Environmental Resources
- Maintenance
- Planning

PH. (510) 528-5760  
FAX (510) 524-9359

**FINANCE & ADMINISTRATIVE  
SERVICES**

**CITY TREASURER**  
PH. (510) 528-5730  
FAX (510) 528-2743

**FIRE & EMERGENCY MEDICAL  
SERVICES**

PH. (510) 528-5771  
FAX (510) 528-5774

**PERSONNEL**

PH. (510) 528-5714  
FAX (510) 528-5797

**POLICE**

PH. (510) 525-7300  
FAX (510) 525-1360

**RECREATION & COMMUNITY  
SERVICES**

1249 Marin Avenue  
PH. (510) 524-9283  
FAX (510) 528-8914

- Friendship Club/  
Childcare Program  
PH. (510) 524-0135
- Senior Center  
PH. (510) 524-9122  
FAX (510) 524-8940
- Teen Center  
PH. (510) 525-0576

**RESOLUTION NO.** 09-56

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

this 7<sup>th</sup> day of December, 2009, by the following votes:

AYES: Council Members Atkinson, Javandel, Lieber, Thomsen & Mayor Wile

NOES: None

ABSENT: None

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 8<sup>th</sup>

day of December, 2009.

JACQUELINE L. BUCHOLZ, CMC  
CITY CLERK

*The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of the community,  
and providing a safe, healthy environment now and in the future.*



PRINTED ON RECYCLED PAPER

RECORDED AT THE REQUEST OF AND  
WHEN RECORDED, RETURN TO  
CITY OF ALBANY CITY CLERK  
1000 SAN PABLO AVENUE  
Albany, California 94706-2295

## GRANT OF EASEMENT

Grant made April 1, 2000 by Alan E. Riffer and Caryl O'Keefe, husband and wife as joint tenants, Grantor,  
to The City of Albany, a public entity within the State of California, Grantee.

Grantor, (for valuable consideration), grants to Grantee a non-exclusive subsurface easement and non-exclusive surface easement for the right to construct, alter, operate, maintain and repair such sewerline or lines and appurtenances thereto in such sizes and configurations as the Grantee deems necessary over all that real property situate in the City of Albany, County of Alameda, State of California, described as follows:

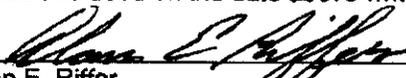
**See Exhibits A (Legal Description) and Exhibit B (Plat Map) Attached and made a Part Hereof.**

The easement granted herein includes incidental rights of maintenance, repair and replacement of said sewerlines and appurtenances together with free right of ingress and egress over and across the remaining portion of the Grantor's property, insofar as such right of ingress and egress is necessary to the proper use of rights granted herein.

The Grantor reserves the right to landscape or make such other use of the lands included within the surface easement which is consistent with Grantee's use, however, such use by the Grantor shall not include ~~the planting of trees or construction of permanent structures, including but not limited to houses, garages, outbuildings, swimming pools, tennis courts, retaining walls, decks, patios and other architectural concrete structures within the easement.~~

*ADDITIONAL*  
The instrument shall bind and inure to the benefit of the successors and assigns of the parties hereto.

In witness whereof, Grantors executed this deed on the date above written.

by   
Alan E. Riffer

by   
Caryl O'Keefe

"ATTACH NOTARY STATEMENT HERE"

APN 066-2757-024  
631 Jackson Street  
Riffer/O'Keefe

EXHIBIT A  
LEGAL DESCRIPTION  
SANITARY SEWER EASEMENT

Portions of that certain parcel of land situated in the City of Albany, State of California described in the Grant Deed from Ellis Smith Jr. and Peggie Joyce Smith, husband and wife, to Alan E. Riffer and Caryl O'Keefe, husband and wife, as Joint Tenants, recorded December 31, 1984 as document number 1984-257346 in Official Records, Alameda County Recorder more particularly described as follows:

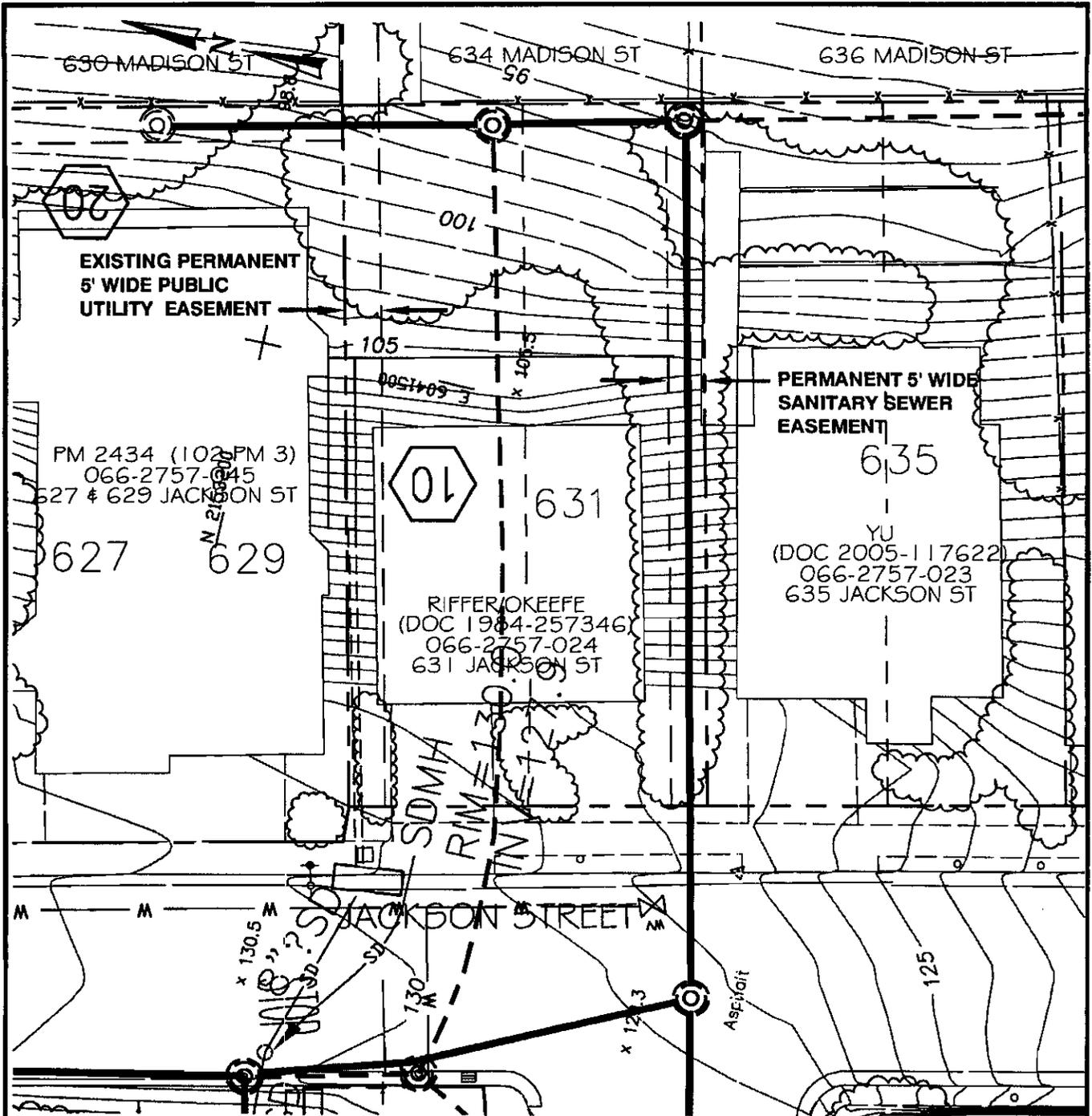
Portion of Lot 10 of Block 11, "Plat of Cerrito Hill", filed May 13, 1909 in Map Book 24 at Page 70, Alameda County Records more particularly described as follows:

A strip of land, 5 feet in width, the southern line of which is described as follows:

Beginning at a point on the eastern line of Jackson Street, at the southwesterly corner of said Lot 10; thence, from said point of beginning, along the southern line of said Riffer/O'Keefe parcel (1984-257346), North 75°49'00" East, 100.00' feet, to a Point being the southeasterly corner of said Lot 10, being the end of said strip of land.



Date 2/15/08



EXISTING PERMANENT  
5' WIDE PUBLIC  
UTILITY EASEMENT

PERMANENT 5' WIDE  
SANITARY SEWER  
EASEMENT

PM 2434 (102 PM 3)  
066-2757-045  
627 & 629 JACKSON ST

RIFFER/O'KEEFE  
(DOC 1984-257346)  
066-2757-024  
631 JACKSON ST

YU  
(DOC 2005-117622)  
066-2757-023  
635 JACKSON ST

**LEGEND**

-  REPLACEMENT SEWER
-  EXISTING MANHOLE
-  NEW MANHOLE
-  PROPERTY LINE
-  EASEMENT LINE
-  EXIST FENCE

**CITY OF ALBANY**  
Alameda County, California

**EXHIBIT "A"**

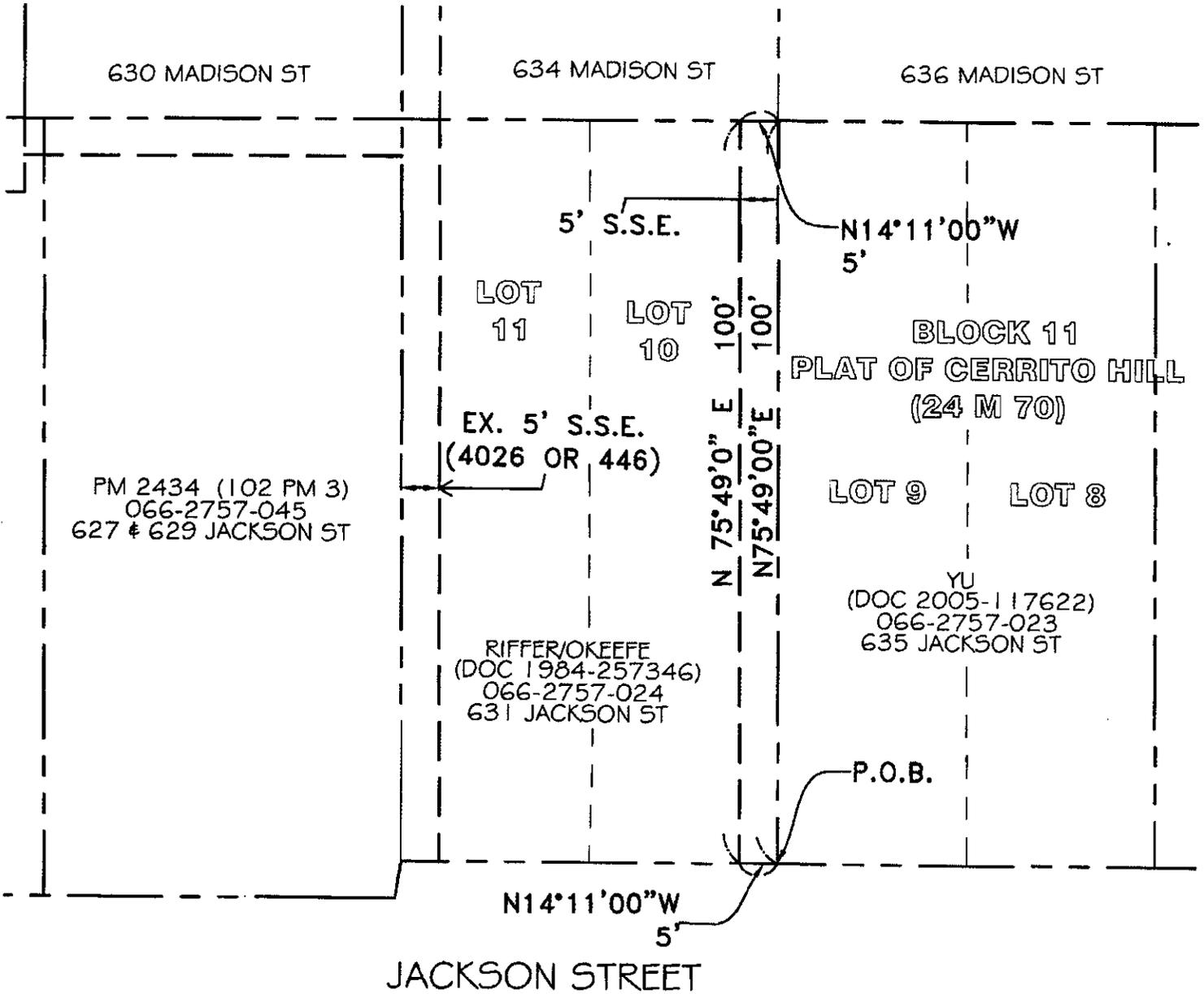
**NUTE ENGINEERING**  
SAN RAFAEL, CALIFORNIA

SCALE: 1" = 20'



Scale: 1" = 20'

EXHIBIT B  
PLAT MAP (TO ACCOMPANY LEGAL DESCRIPTION)  
SANITARY SEWER EASEMENTS  
CITY OF ALBANY  
2008 SEWER IMPROVEMENT PROJECT  
EAST SIDE OF ALBANY HILL  
631 JACKSON ST.



 **Leptien, Cronin, Cooper, Morris & Poore, Inc.**  
dba LCC, Inc.  
Civil Engineering - Land Surveying  
930 Estudillo Street  
Martinez, California 94553-1620  
(925) 228-4218 Fax (925) 228-4638  
February 15, 2008  
LCC JOB No. 2006.033.66



DATE \_\_\_\_\_

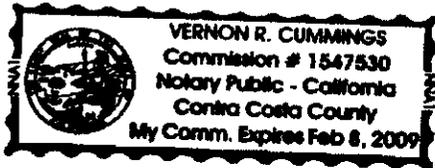
**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Alameda

On April 4, 2009 before me, Vernon R. Cummings, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared ALAN F. RIFFER AND CARYL O'KEEFE  
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/hers/their authorized capacity(ies), and that by his/hers/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 [Handwritten Signature]  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

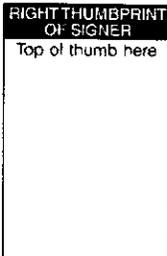
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

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

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

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



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

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

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



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