

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 26, 2008 by Francis X. Chapman and Ebba M. De La Rosa, husband and wife, as community property with right to survivorship, 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.**

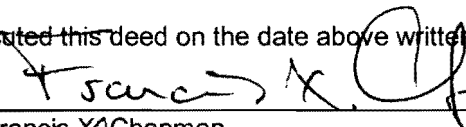
The easement granted herein includes incidental rights of maintenance, repair and replacement of said sewerlines and appurtenances together with free right of ingress and egress over and across the remaining portion of the Grantor's property, insofar as such right of ingress and egress is necessary to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

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

  
Francis X. Chapman

by

  
Ebba M. De La Rosa

"ATTACH NOTARY STATEMENT HERE"

APN 066-2749-038  
844 Washington Ave.  
Chapman/De La Rosa

EXHIBIT A  
LEGAL DESCRIPTION  
SANITARY SEWER EASEMENT

Portion of that certain parcel of land situated in the City of Albany, State of California described in the Grant Deed from Dilza Ferreira, a married woman, as her sole and separate property, to Francis X. Chapman and Ebba M. De La Rosa, husband and wife, as community property with right of survivorship, recorded August 15, 2006 as document number 2006-312451 in Official Records, Alameda County Recorder more particularly described as follows:

Parcel 4

Portion of Lot 23 and 24, Block 3, "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, 10 feet in width the centerline of which is described as follows:


Commencing at a point on the western line of Polk Street, distant thereon North  $14^{\circ}11'$  West, 28.50 feet from the northeastern corner of Lot 30, Block 3 as said Lot 30 and Block 3 are shown on said Map (24 M 70); thence, from said point of commencement, along the northern line of a parcel of land granted to Joseph Spencer and Jean Gooding Spencer, husband and wife, as Joint Tenants, recorded April 30, 1997 as document number 97109625 in Official Records, Alameda County Recorder, South  $75^{\circ}45'$  West, 55.39, thence leaving the northern line of said Spencer parcel (97109025), South  $36^{\circ}23'58''$  West, 38.17 feet to the eastern line of said Lot 25; thence, South  $36^{\circ}23'58''$  West, 3.69 feet; thence, South  $53^{\circ}25'55''$  West, 23.96 feet, to a Point hereafter referred to as Point C for the purpose of this description, being the True Point of Beginning said point being the eastern end of said 10 foot strip of land; thence, South  $53^{\circ}25'55''$  West, 37.26 feet to the end of the herein above described strip of land.

The easterly terminus of said strip is the eastern line of said Lot 24.

APN 066-2749-038  
844 Washington Ave.  
Chapman/De La Rosa

Excepting therefrom the area occupied by the existing residence on said Chapman/De La Rosa parcel (2006-312451), described as follows: Commencing at Point C, as said point is described above; thence North 14°11'00" West 5.41 feet; thence, South 53°25'55" West , 22.06 feet to the true point of beginning for the description of this exception; thence South 14°08'22" East, 4.25 feet; thence South 75°51'37" West, 10.30 feet; thence North 52°50'19" East, 11.14' feet to the true point of beginning for this exception.

Said Parcel 4 is shown on the attached plat map entitled "Plat Map (To Accompany Legal Description) Sanitary Sewer Easements, City of Albany 2008 Sewer Improvement Project, East Side of Albany Hill, Polk St. & Washington Ave".

 A circular professional seal for Randolph W. Lepp, a Registered Professional Engineer in the State of California. The seal contains the text: "REGISTERED PROFESSIONAL ENGINEER", "RANDOLPH W. LEPP", "No. 29392", "Exp. 3/31/09", "CIVIL", and "STATE OF CALIFORNIA". A signature is written across the seal. To the right of the seal, the word "Date" is printed, followed by a horizontal line and the handwritten date "2/15/08".

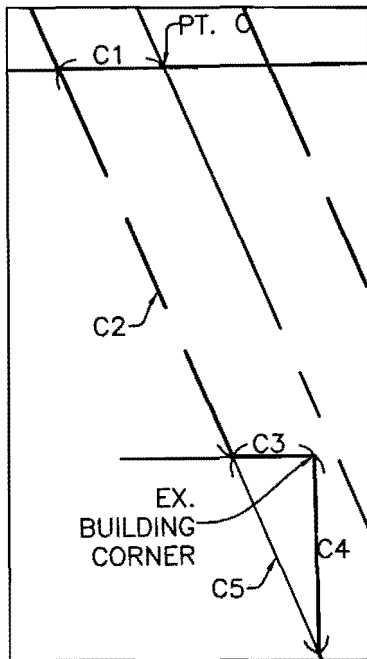
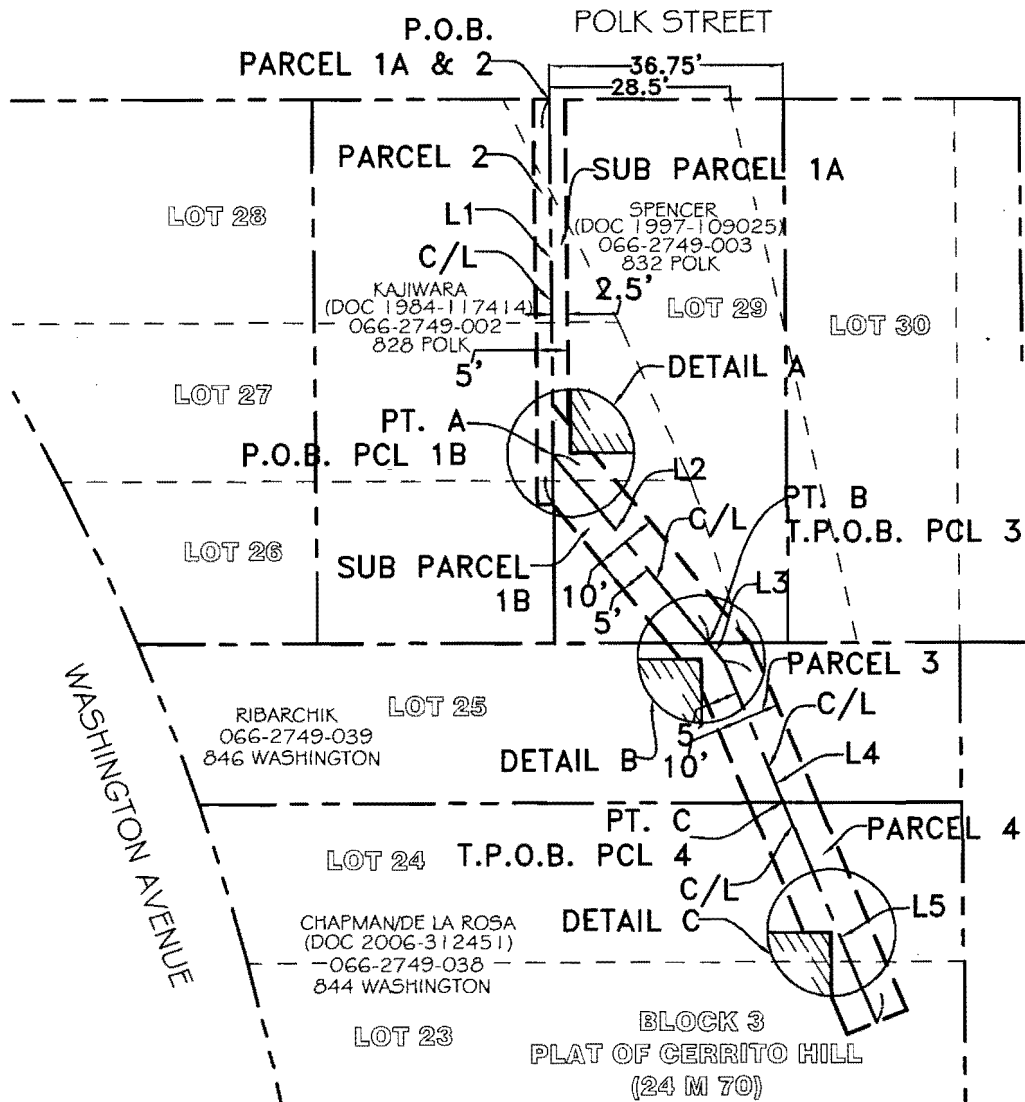
Date 2/15/08



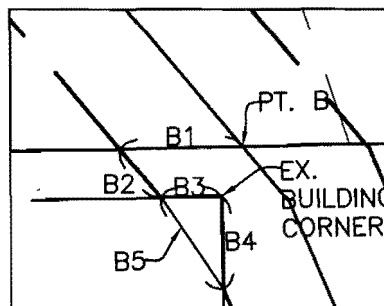
Scale: 1" = 30'

LINE	LENGTH	BEARING
L1	63.26'	S75°45'00"W
L2	38.17'	S36°23'58"W
L3	3.69'	S36°23'58"W
L4	23.96'	S53°25'55"W
L5	37.26'	S53°25'55"W
A1	7.89'	S75°45'00"W
A2	4.46'	S36°23'58"W
A3	4.23'	S75°45'39"W
A4	3.47'	S14°14'23"E
A5	5.47'	N36°23'58"E
B1	6.47'	N14°11'00"W
B2	3.31'	S36°23'58"W
B3	3.18'	S14°15'27"E
B4	4.86'	S75°44'37"W
B5	5.80'	N42°33'22"E
C1	5.41'	N14°11'00"W
C2	22.06'	S53°25'55"W
C3	4.25'	S14°08'22"E
C4	10.30'	S75°51'37"W
C5	11.14'	N53°25'55"E

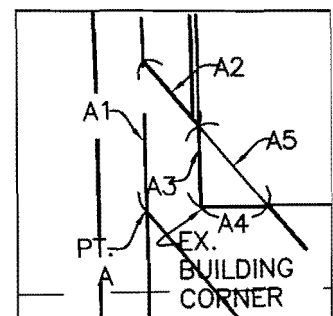
**EXHIBIT B**  
**PLAT MAP (TO ACCOMPANY LEGAL DESCRIPTION)**  
**SANITARY SEWER EASEMENTS**  
**CITY OF ALBANY**  
**2008 SEWER IMPROVEMENT PROJECT**  
**EAST SIDE OF ALBANY HILL**  
**POLK ST. & WASHINGTON AVE.**



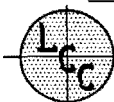
**DETAIL C**



**DETAIL B**



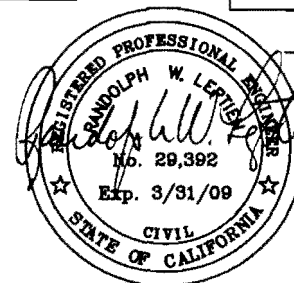
**DETAIL A**



NTS  
**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



2/15/08  
 DATE

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Alameda

On April 26, 2008 before me, Vernon R. Cummings Notary Public

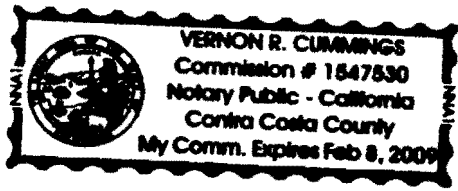
personally appeared Francis X. Chapman and Edda M.

De La Rosa

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.



Place Notary Seal Above

Signature [Handwritten Signature]  
Signature of Notary Public

**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: \_\_\_\_\_