

**RESOLUTION NO. 09-55**

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

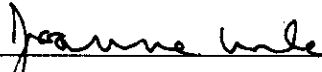
**WHEREAS**, attached hereto and incorporated herein by reference is a Grant of Easement from Theresa Rivarchik (Grantee) to the City of Albany (City) for a sanitary sewer; and

**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:**

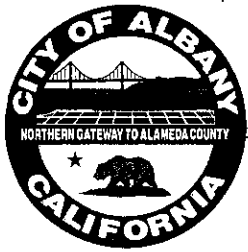
1. The attached Grant of Easement is hereby accepted.
2. The City Clerk is authorized and directed to record the original of the attached Grant of Easement together with a certified copy of this Resolution in the office of the Alameda County Recorder.

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.** 09-55

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

this 7th 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 8th

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 March 27, 2008 by Theresa Rivarchik, Trustee of the Theresa Ribarchik Revocable Trust  
Executed September 12, 2007 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 Theresa Ribarchik T.R.  
Theresa Ribarchik, Trustee

**"ATTACH NOTARY STATEMENT HERE"**

APN 066-2749-039  
846 Washington Ave.  
Ribarchik

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 Anderson Co., a partnership, to John Ribarchik and Theresa Ribarchik, husband and wife, as joint tenants, recorded June 10, 1964 as document number AW92721, Reel 1227, Image 108 in Official Records, Alameda County Recorder more particularly described as follows:

Parcel 3

Portion of Lot 25, 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°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°45' West, 55.39, thence leaving the northern line of said Spencer parcel (97109025), South 36°23'58" West, 38.17 feet to the eastern line of said Lot 25, to a Point hereafter referred to as Point B 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 36°23'58" West, 3.69 feet; thence, South 53°25'55" West, 23.96 feet to the end of said strip of land.

The easterly terminus of said strip is the eastern line of said Lot 25 and the western terminus of said strip is the western line of said Lot 25.

2/15/2008

APN 066-2749-039  
846 Washington Ave.  
Ribarchik

Excepting therefrom the area occupied by the existing residence on said Ribarchik parcel (AW92721, Reel 1227, Image 108), described as follows: Commencing at Point B, as said point is described above; thence North 14°11'00" West 6.47 feet; thence, South 36°23'58" West, 3.31 feet to the true point of beginning for the description of this exception; thence South 14°15'27" East, 3.18 feet; thence South 75°44'37" West, 4.86 feet; thence North 42°33'22" East, 5.80 feet to the true point of beginning.

Said Parcel 3 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".



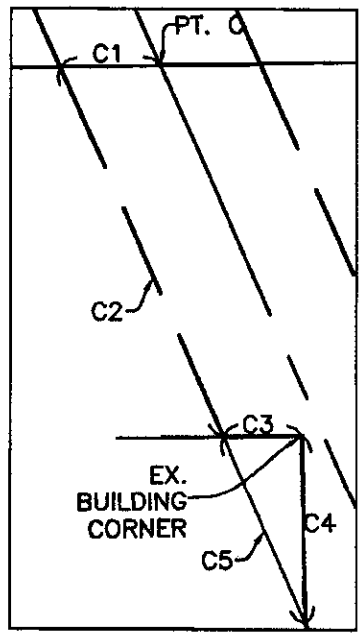
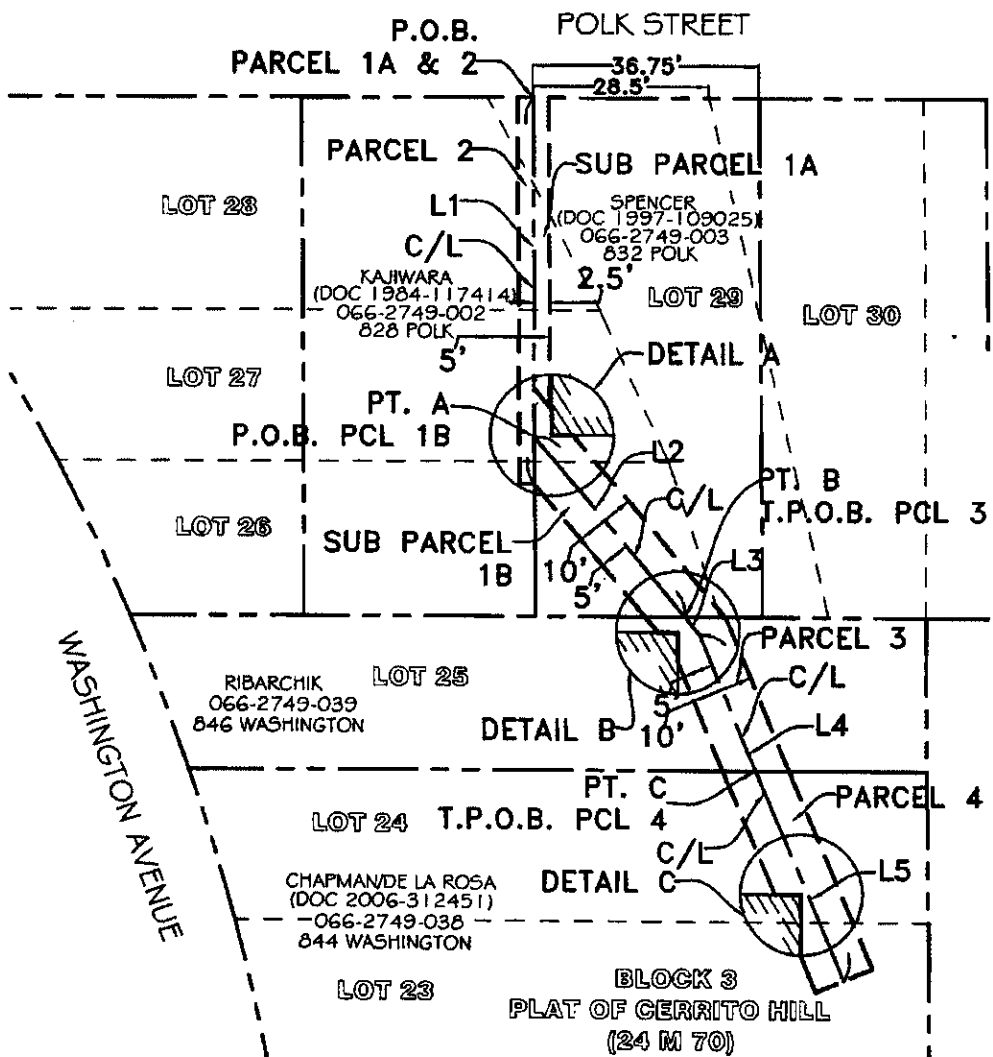
Date 2/15/08



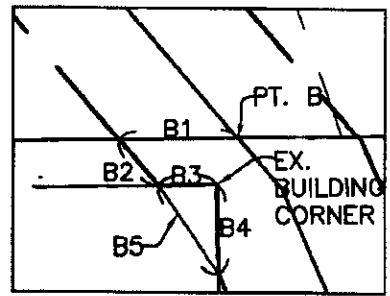
Scale: 1" = 30'

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

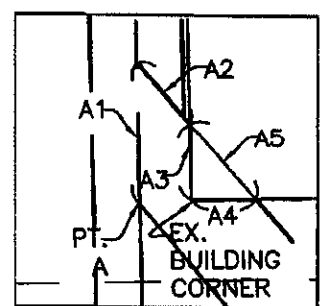
**EXHIBIT B**  
**PLAT MAP (TO ACCOMPANY LEGAL DESCRIPTION)**  
**SANITARY SEWER EASEMENTS**  
**CITY OF ALBANY**  
**2008 SEWER IMPROVEMENT PROJECT**  
**EAST SIDE OF ALBANY HILL**  
**POLK ST. & WASHINGTON AVE.**



**DETAIL C**



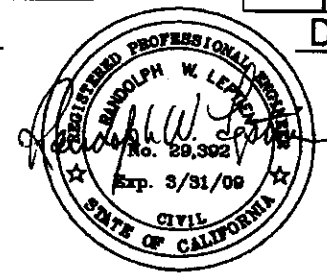
**DETAIL B**



**DETAIL A**



NTS  
**Lepien, 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**

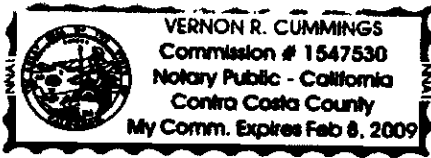
State of California

County of SAN FRANCISCO }

On MARCH 27, 2009 before me, VERNON R. CUMMINGS Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared THERESA RIVARSHIK  
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 [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: \_\_\_\_\_