

RESOLUTION NO. 09-52

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

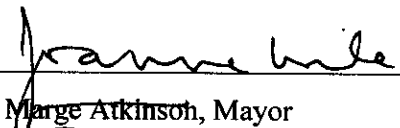
WHEREAS, attached hereto and incorporated herein by reference is a Grant of Easement from Francis X. Chapman and Ebba M. De La Rosa (Grantee) to the City of Albany (City) for a sanitary sewer; and

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:

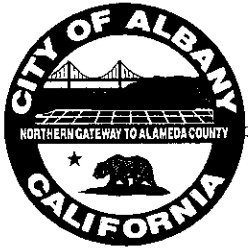
1. The attached Grant of Easement is hereby accepted.
2. The City Clerk is authorized and directed to record the original of the attached Grant of Easement together with a certified copy of this Resolution in the office of the Alameda County Recorder.

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. 09-52

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, 20 09.

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 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.

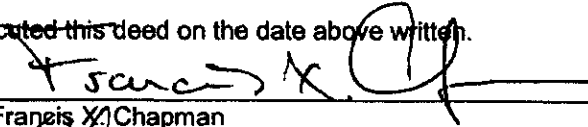
The easement granted herein includes incidental rights of maintenance, repair and replacement of said sewerlines and appurtenances together with free right of ingress and egress over and across the remaining portion of the Grantor's property, insofar as such right of ingress and egress is necessary to 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°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; thence, South 36°23'58" West, 3.69 feet; thence, South 53°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°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.

2/15/2008

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".

 Date 2/15/08

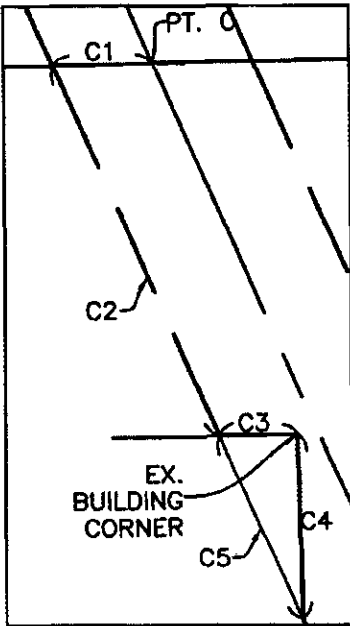
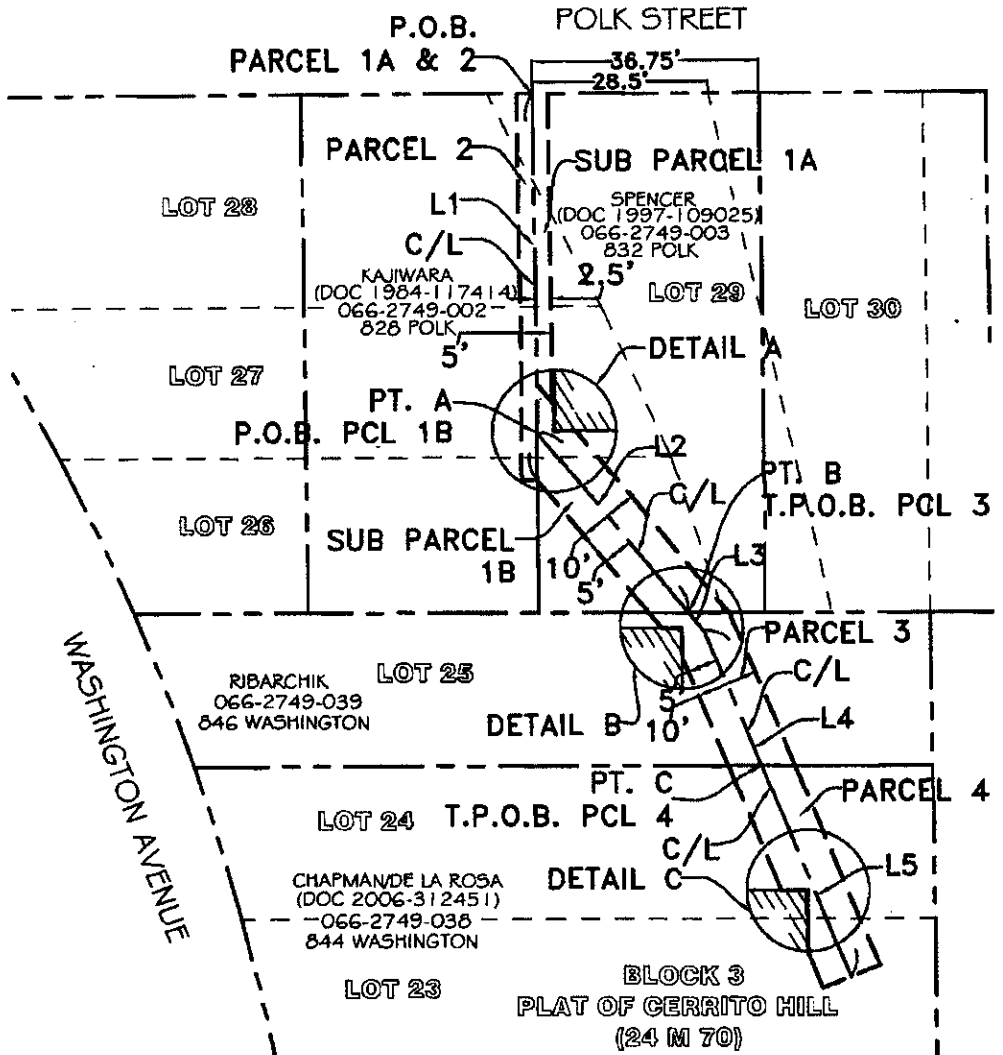
2/15/2008



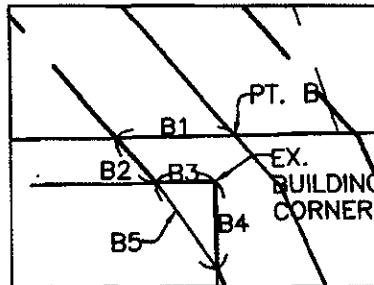
Scale: 1" = 30'

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

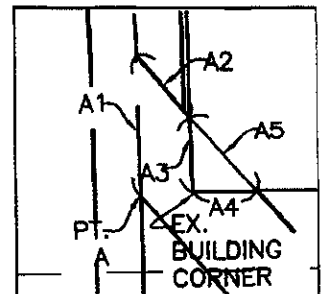
EXHIBIT B
PLAT MAP (TO ACCOMPANY LEGAL DESCRIPTION)
SANITARY SEWER EASEMENTS
CITY OF ALBANY
2008 SEWER IMPROVEMENT PROJECT
EAST SIDE OF ALBANY HILL
POLK ST. & WASHINGTON AVE.



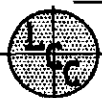
DETAIL C



DETAIL B



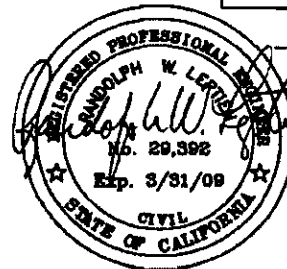
DETAIL A



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

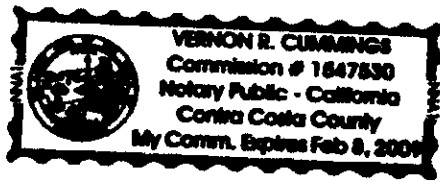
personally appeared Francis X. Chapman and Edda M.

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: _____

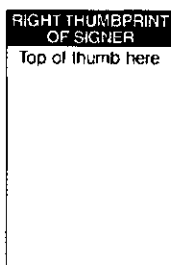
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

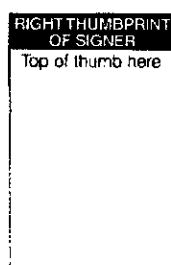
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



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: _____