

E 548 PAGE 171 6395834

DO NOT WRITE ABOVE THIS LINE

FILED FOR RECORD
AT REQUEST OF

RECORD WITHOUT FEE UNDER SECTION 6103,
GOVERNMENT CODE OF THE STATE OF CALIFORNIA
AFTER RECORDING RETURN TO:
SANTA CLARA VALLEY WATER DISTRICT
5750 ALMADEN EXPRESSWAY
SAN JOSE, CALIFORNIA 95118

E 548 PAGE 171

SANTA CLARA VALLEY WATER DISTRICT

JUN 6 10 54 AM '78

OFFICIAL RECORDS
SANTA CLARA COUNTY
GEORGE J. WILLY
REGISTERAR RECORDER

JH.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

EASEMENT DEED
(CORPORATION)

DOCUMENT NO. 4018-6

MILPITAS MATERIALS COMPANY

a corporation organized and existing under and by virtue of the laws of the State of California
does hereby grant, convey and dedicate to the SANTA CLARA VALLEY WATER DISTRICT, a public corpora-
tion ("District"), an easement for flood control and/or storm water drainage purposes in, upon, over and across
that certain real property, in the City of Milpitas, County of Santa Clara, State of California,
described as:

ORIGINAL

FC 128-1 (03-31-77)

JUN 6 1978

E 548 PAGE 172

Document No. 4018-6

A portion of Lot 7, as shown upon that certain Map entitled, "Map of the Partition of the Thos. Russell Tract", which said Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California, on October 1, 1920 in Book "Q" of Maps, at page 26, more particularly described as follows:

Beginning at a point in the centerline of Oakland Highway, as shown on the Map hereinabove referred to, at the point of intersection thereof with the prolongation northeasterly of the southerly line of said Lot 7, as said lot is shown upon the Map hereinabove referred to; thence from said point along the southerly line of said Lot 7, S 85° 50'00W 33.16 feet to the westerly right of way line of the above-mentioned Oakland Highway, said point being the actual point of beginning; thence continuing along the southerly line of said Lot 7, S 85°50'00W 408.14 feet to a point on the easterly boundary line of the right of way of the Western Pacific Railroad Company, as said right of way was established by deed from Catherine A. Rasmussen, et con., to the Western Pacific Railroad Company, a Corporation, dated January 31, 1921, recorded February 1, 1921 in Book 526 of Deeds, page 414, Records of Santa Clara County, California; thence along the easterly right of way line, as referred to, N 22°22'00"W 37.50 feet; thence leaving said right of way line S 67°40'00"E 28.29 feet; thence N 85°50'00"E 367.75 feet; thence N 72°05'00"E 24.67 feet to the above-mentioned westerly right of way line of Oakland Highway; thence southerly along the last mentioned line S 09°45'00"E 29.00 feet to the point of beginning.

Containing 9,654 square feet or 0.222 acre, more or less.

Reserving to Grantor the air space and the right to construct future crossings and/or other structures on, over, and across said easement area, subject to District approval which shall not unreasonably be withheld and permit for any purposes not inconsistent with the full exercise of District rights granted hereby. Height of Districts air space easement shall not exceed fourteen (14) feet vertically from the flow line of the channel.

Grantor is aware and acknowledges that District intends the construction of a U-Frame Channel or other flood control structure or structures on the easement area and Grantor undertakes and promises to so conduct its operations on the easement area as to avoid damage of any kind to such structure or structures and promptly and to the satisfaction of District to repair or meet the cost of

JUN 1929

E 548 PAGE 173

repair of any such damage. Said operations by Grantor on the easement area include use of the Northerly U-Frame wall as one of the walls of Grantor's flushing pond, the placement of water lines on said wall, and the placement of supports for three (3) water stand pipes.

Grantor's retained rights shall inure to the benefit of Grantor's successors in interest.

JUN 6 1979

EXHIBIT "B"

Grantor's use of the northerly wall of the U-Frame Channel shall be limited to the following conditions:

1. All stations referred to below are shown on Exhibit "A".
2. Between eastern property line (Station 0+65+) and Station 0+90+: No lateral load shall be placed on the wall within six inches (6") vertically from the top of wall.
3. Between Station 0+90+ and Station 3+65+: No lateral load shall be placed on the wall within five feet (5') vertically from the top of wall.
4. Between Station 3+65+ and Station 3+95+: No lateral load caused by earth or vehicle shall be placed within seven feet (7') vertically from the top of the wall. No lateral load caused by water or sediment shall be placed within seven feet (7') vertically from the top of the wall.
5. Between Station 3+95+ and the western property line (Station 4+95+) no lateral load caused by earth or vehicle shall be placed within two feet (2') vertically from the top of wall. No lateral load caused by water shall be placed within two feet (2') vertically from top of wall.
6. Any building or structure built within fifteen feet (15') from the channel will require footings, meeting Grantee's specifications and have authorization from Grantee.

JUN 1979

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Said easement area shall be kept clear of any type of building, fences, structure, pavement, or trees, unless prior written approval is obtained from District.

The easement shall include the right to construct, reconstruct, inspect, maintain and repair a channel, protection works and appurtenant structures, together with the right to trim or remove such trees or brush within the easement area as may constitute a hazard to persons or property or may interfere with the use of the said area for the purposes granted. It also shall include the right to enter upon said land with vehicles, tools, implements, and other materials, take therefrom and use, earth, rock, sand and gravel for the construction, maintenance and repair of said channel, protection works and appurtenant structures by said District, its officers, agents, and employees, and by persons under contract with it and their employees whenever and wherever necessary for flood control or storm drainage purposes.

In WITNESS WHEREOF, said corporation has caused its corporate name to be hereunto subscribed and its corporate seal to be affixed hereto this 31st day of May, 1979.

By [Signature] President
By [Signature] Secretary

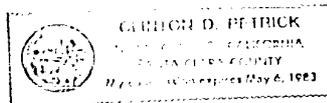
[CORPORATE SEAL]

STATE OF CALIFORNIA

County of Santa Clara ss

On this 31st day of May, 1979, before me, the undersigned, a Notary Public in and for the State of California, residing therein, duly commissioned and sworn, personally appeared [Signature] known to me to be the President, and [Signature] known to me to be the Secretary of the corporation described in and that executed the within instrument, and I also known to me to be the person who executed it on behalf of the corporation therein named, and [Signature] acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.



[Signature] (Seal)
Name (Typed or Printed) Notary Public in and for Said County and State

CERTIFICATE OF CONSENT AND ACCEPTANCE

This is to certify that the interest in real property conveyed by the attached Deed or Grant to Santa Clara Valley Water District is hereby accepted by the undersigned, duly authorized agent on behalf of the Board of Directors of said Santa Clara Valley Water District, pursuant to authority conferred by Resolution No. 68-25 of said Board of Directors adopted on the 26th day of March 1968, recorded March 27th, 1968 in Book 8069, Page 535, Official Records of Santa Clara County, California, and the Grantee consents to recordation thereof by its said duly authorized agent.

Dated June 6, 1979.

SANTA CLARA VALLEY WATER DISTRICT

By: [Signature]
General Manager of the Board of Directors
(Check one applicable box)
CLERK PRO TEM OF THE BOARD OF DIRECTORS

JUN 10 1979

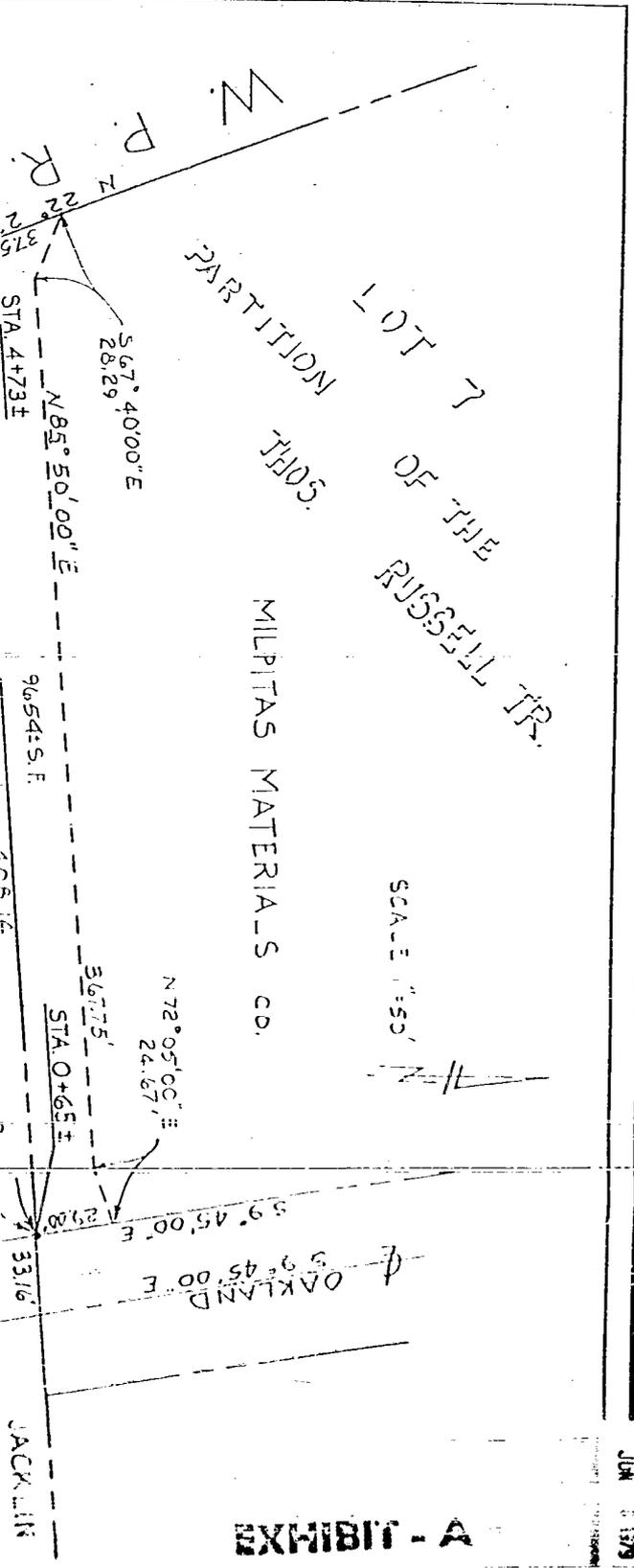
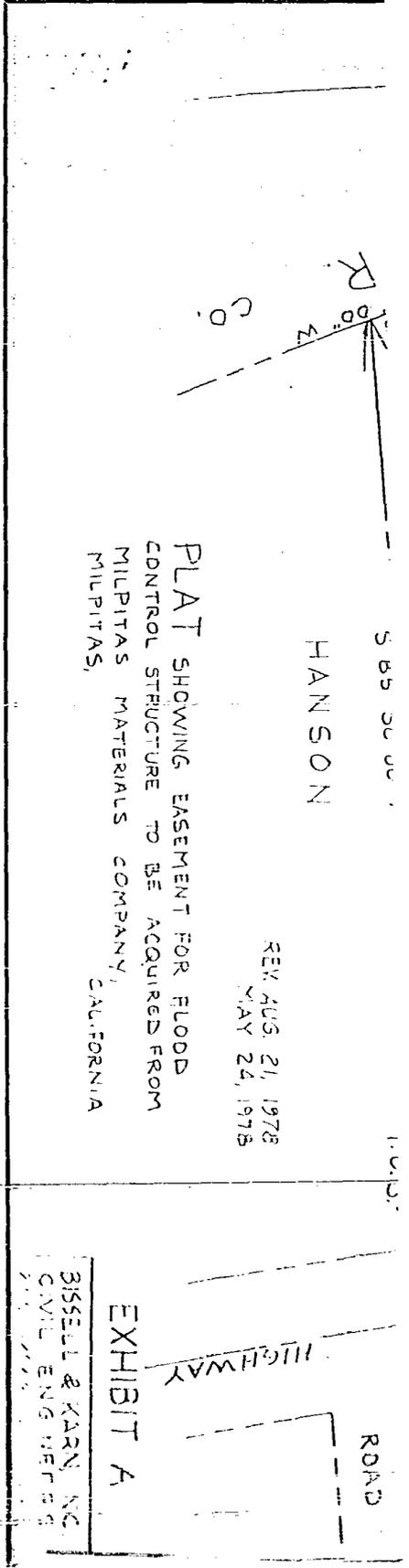


EXHIBIT - A

JUN 3 1979



PLAT SHOWING EASEMENT FOR FLOOD
CONTROL STRUCTURE TO BE ACQUIRED FROM
MILPITAS MATERIALS COMPANY,
MILPITAS, CALIFORNIA

REV. AUG. 21, 1978
MAY 24, 1978

HANSON

ROAD

HIGHWAY

BISSELL & KARN, INC.
CIVIL ENGINEERS

EXHIBIT A

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