

# Attachment 3

RECORDING REQUESTED BY OLD  
REPUBLIC TITLE CO.

RECORD WITHOUT FEE UNDER  
SECTION 6103 GOVERNMENT CODE OF  
THE STATE OF CALIFORNIA

AFTER RECORDING RETURN TO:  
REAL ESTATE SERVICES UNIT  
SANTA CLARA VALLEY WATER DISTRICT  
5750 ALMADEN EXPRESSWAY  
SAN JOSE, CALIFORNIA 95118

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SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: 472-31-041

DOCUMENT NO.: 4021-406

## TEMPORARY CONSTRUCTION EASEMENT

Michele A. Dour, hereinafter referred to as "Grantor," grants to the Santa Clara Valley Water District, a Special District, created by the California Legislature, hereinafter referred to as "Grantee," a temporary construction easement over, upon and across a portion of that real property in the City of San Jose, County of Santa Clara, State of California, described in Exhibit A, attached hereto and made a part hereof.

This temporary construction easement is granted under the express conditions listed below:

1. Grantor represents and warrants that she/he is the owner of the property described in Exhibit A and that Grantor has the exclusive right to grant the easement.
2. This easement is necessary for the purpose of constructing the Coyote Creek Flood Management Measures Project and related activities incident to construction. This temporary construction easement shall not be revoked and shall continue in full force and effect until December 31, 2024, at which time the temporary construction easement shall terminate unless otherwise agreed by parties thereto.
3. Grantee agrees to use all reasonable efforts to keep the roadway covered by this easement open to traffic and to not interfere with residential occupants or construction activity of Grantor on site. Grantee will keep area covered by the easement clean and remove all debris related to its construction.
4. Grantee agrees to indemnify and hold harmless Grantor from and against any all claims, damages, liabilities, costs or any expenses whatsoever, arising from or caused, directly or indirectly by the entry onto the property by Grantee or its agent's, employees, invitees, contractors and subcontractors.

Dated this 12<sup>th</sup> day of March 2024

Michele A. Dour  
Michele A. Dour

**ALL-PURPOSE ACKNOWLEDGMENT**

STATE OF CALIFORNIA }  
COUNTY OF SANTA CLARA } SS

On this 12<sup>th</sup> day of March, in the year 2024, before me Jeremy Lee Cunningham

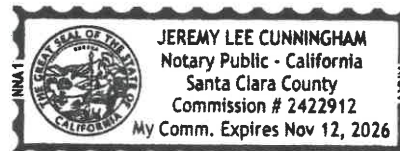
Notary Public, personally appeared Michele A. Dour  
Name(s) of Signer(s)

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.

Jeremy Lee Cunningham  
Notary Public in and for said County and State



**CAPACITY CLAIMED BY SIGNER**

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

Individual

- Corporate Officer(s): \_\_\_\_\_
- Partner(s)     Limited     General
- Attorney-In-Fact \_\_\_\_\_

- Trustee (s)
- Guardian/Conservator
- Other: \_\_\_\_\_

Signer is Representing (Name of Person[s] or Entity[ies])  
\_\_\_\_\_

**CALIFORNIA ACKNOWLEDGMENT**

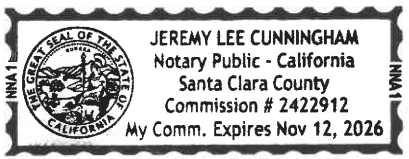
**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }  
County of Santa Clara

On March 12, 2024 before me, Jeremy Lee Cunningham, Notary Public,  
Date Here Insert Name and Title of the Officer  
personally appeared Michele A. Douv  
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.

Place Notary Seal and/or Stamp Above

Signature [Handwritten Signature]  
Signature of Notary Public

**OPTIONAL**

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended 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: \_\_\_\_\_ Signer's Name: \_\_\_\_\_  
 Corporate Officer – Title(s): \_\_\_\_\_  Corporate Officer – Title(s): \_\_\_\_\_  
 Partner –  Limited  General  Partner –  Limited  General  
 Individual  Attorney in Fact  Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  Other: \_\_\_\_\_  
Signer is Representing: \_\_\_\_\_ Signer is Representing: \_\_\_\_\_

**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 26<sup>th</sup> day of March 1968, recorded March 27, 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: \_\_\_\_\_, 20\_\_

Santa Clara Valley Water District

By: \_\_\_\_\_  
Rick L. Callender, Esq., Chief Executive Officer

# EXHIBIT A

**Santa Clara Valley Water District**  
San Jose, California

PROJECT: COYOTE CREEK FLOOD  
MANAGEMENT MEASURE  
PROJECTS

RESU File No.: 4021-406  
By: B. Bains

An easement over that certain real property situate in the City of San Jose, County of Santa Clara, State of California, as described in that certain Deed, recorded as Document Number 21715455, filed on June 20, 2012, in the Office of the Recorder, County of Santa Clara, State of California, more particularly described as follows:

### **Temporary Construction Easement (T.C.E.)**

**BEGINNING** at the most westerly corner of the lands as described in that certain Deed, recorded as Document Number 21715455, filed on June 20, 2012, in the Office of the Recorder, County of Santa Clara, State of California;

Thence along the northerly line of said land, N83° 19' 14", 124.10 feet;

Thence leaving said northerly line, the following two (2) courses:

- 1) S01° 16' 07"W, 62.20;
- 2) S03° 22' 40"E, 17.48 feet, to a point on the southerly line of said lands;

Thence along said southerly line, S83° 19' 14"W, 12.14 feet;

Thence leaving said southerly line, the following six (6) courses:

- 1) N03° 16' 11"W, 74.22 feet;
- 2) S83° 19' 24"W, 20.21 feet;
- 3) N06° 50' 03"W, 2.07 feet;
- 4) S83° 00' 39"W, 49.82 feet;
- 5) S06° 59' 21"E, 1.80 feet;
- 6) S83° 19' 11"W, 34.95 feet to a point on the southwesterly line of the lands described in said Deed, said point also being the beginning of a non-tangent curve concave northeasterly and having a radius of 538.41 feet, a radial line to said point bears N63° 40' 25"E;

Thence along said southwesterly line, northwesterly along said curve thru a central angle of 00° 33' 41" an arc distance of 5.27 feet, to the **POINT OF BEGINNING**.


Containing 1,538 square feet of land, more or less.

**BASIS OF BEARINGS:**

The bearing of N83° 19' 14"E, described as S82° 25'W along the northerly line of the lands as described in that certain Deed, recorded as Document Number 21715455, filed on June 20, 2012, in the Office of the Recorder, County of Santa Clara, State of California, was used as Basis of Bearings shown hereon.

**SURVEYOR'S STATEMENT:**

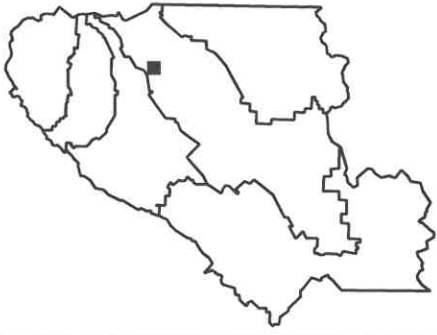
The description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.

  
\_\_\_\_\_  
Jessica DeMartini, PLS 9095

6/30/23  
Date

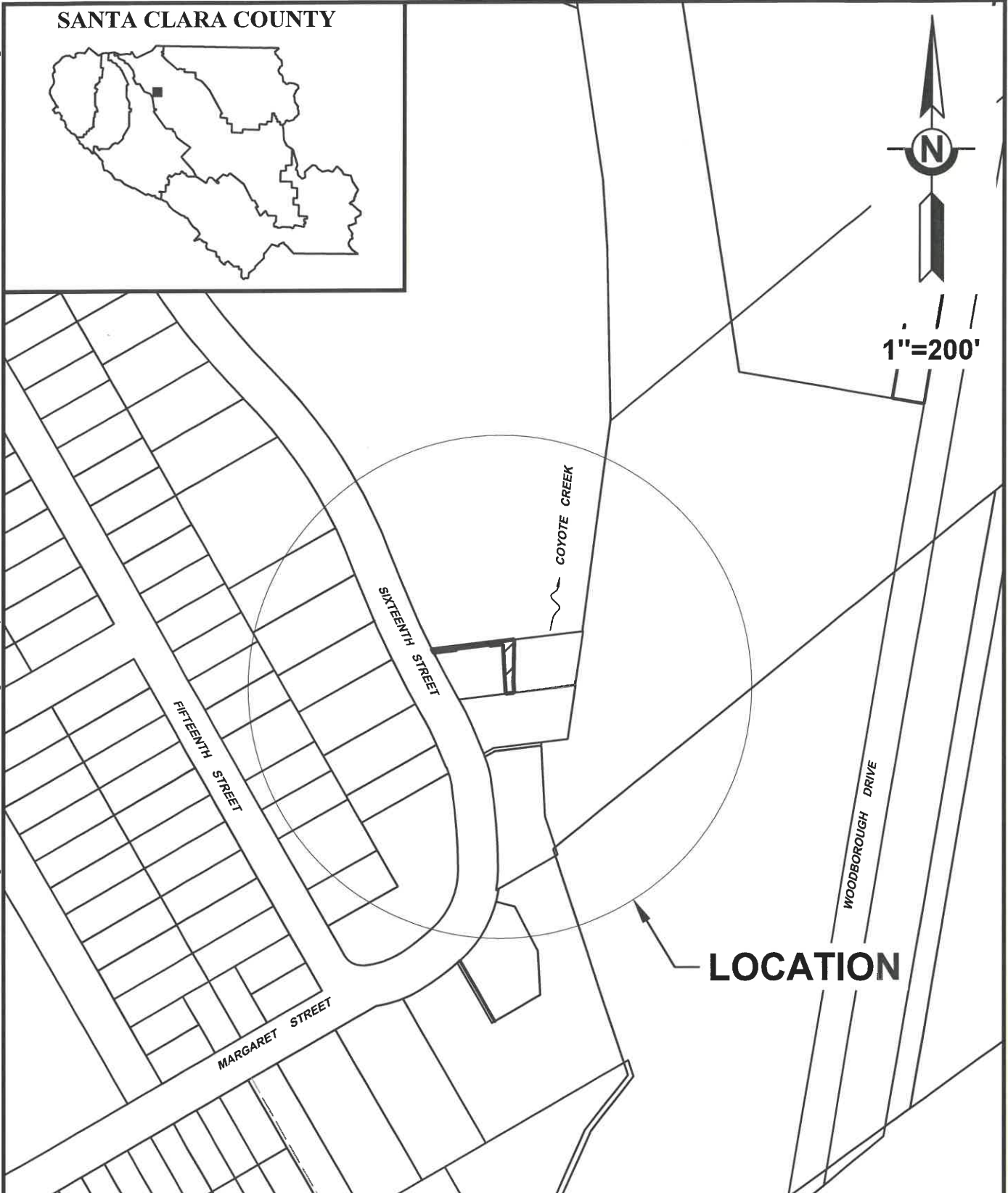


SANTA CLARA COUNTY



1"=200'

SCVWD S:\REQUESTS\COYOTE CREEK\2022\_1372 Working\Office\ROW\Plats and Legal Descriptions\Reach 7472-31-041 Dour\4021-406 TCE\2022-137\_4021-406 TCE Rev1.dwg



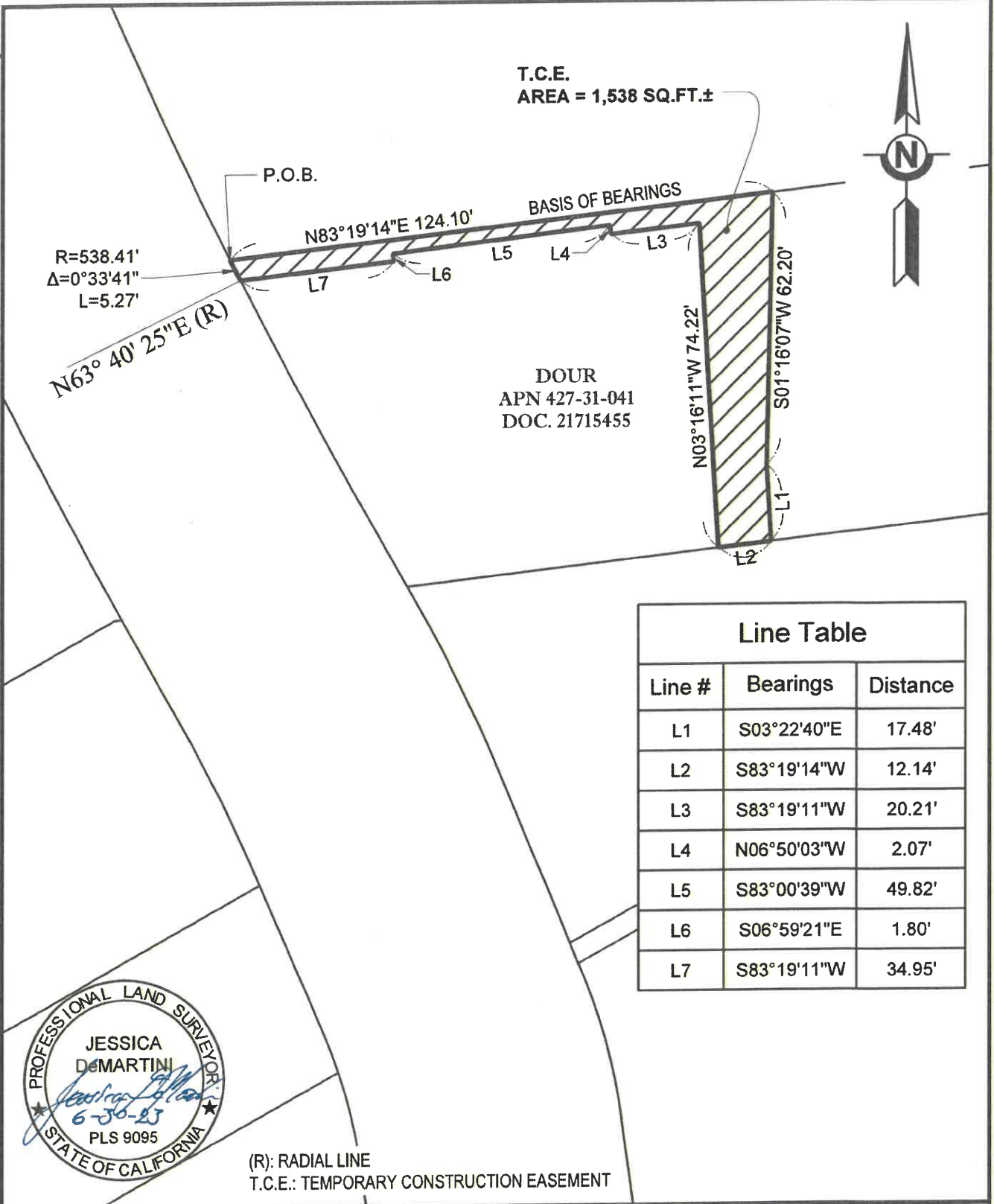
SANTA CLARA VALLEY WATER DISTRICT



COYOTE CREEK FLOOD MANAGEMENT MEASURE PROJECTS

RESU FILE NO.	4021-406
APN	472-31-041
TITLE REPORT NO.	616019592
DRAWN	B. BAINS

SCVWD S:\REQUESTS\COYOTE CREEK\2022\_13712 Working\Office\ROW\Plats and Legal Descriptions\Reach 7472-31-041 Dour\4021-406 TCE\2022-137\_4021-406 TCE Rev1.dwg



Line Table		
Line #	Bearings	Distance
L1	S03°22'40\"E	17.48'
L2	S83°19'14\"W	12.14'
L3	S83°19'11\"W	20.21'
L4	N06°50'03\"W	2.07'
L5	S83°00'39\"W	49.82'
L6	S06°59'21\"E	1.80'
L7	S83°19'11\"W	34.95'



(R): RADIAL LINE  
T.C.E.: TEMPORARY CONSTRUCTION EASEMENT

SANTA CLARA VALLEY WATER DISTRICT



SCALE: 1" = 30'

RESU FILE NO.	4021-406
APN	472-31-041
TITLE REPORT NO.	616019592
DRAWN	B. BAINS