

RECORD WITHOUT FEE UNDER  
CALIFORNIA GOVERNMENT CODE  
SECTION 6103

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: 254-13-025 and 254-17-043 (portion of)

DOCUMENT NO.: 4021-304

## EASEMENT DEED

S & A INVESTMENTS HOLDINGS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, hereinafter "Grantor," do(es) hereby grant, convey and dedicate to the SANTA CLARA VALLEY WATER DISTRICT, a Special District, created by the California Legislature (Valley Water), an easement for water management and/or storm water drainage purposes in, upon, over, and across that certain real property in the City of San Jose, County of Santa Clara, State of California, described in Exhibits A and B attached hereto and made a part hereof by this reference.

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

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 said area for the purpose granted. It also shall include the right to enter upon said land with vehicles, tools, implements, and other materials, take there from and use earth, rock, sand, and gravel for construction, maintenance, and repair of said channel, protections work, and appurtenant structures by Valley Water, 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.

The easement shall also include the non-exclusive right of ingress from and egress to public streets to the easement area described in Exhibits A and B, over and across the property of the Grantor by such route or routes as shall occasion the least practicable damage to the property and inconvenience to Grantor for the purposes of routine inspection and maintenance of the improvements within the easement. Valley Water shall provide reasonable advance notification of its intent to enter Grantor's property.

(As used above, the term "grantor" shall include the plural as well as the singular number. The words "himself" and "his" shall include the feminine gender as the case may be.)

Dated this            day of            20

GRANTOR:

S & A INVESTMENTS HOLDINGS, LLC, A  
CALIFORNIA LIMITED LIABILITY  
COMPANY

BY: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

ALL-PURPOSE 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 } SS

On this \_\_\_\_ day of \_\_\_\_\_, in the year 20\_\_, before me \_\_\_\_\_,

Notary Public, personally appeared \_\_\_\_\_  
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.

\_\_\_\_\_  
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.

- |   |   |
|---|---|
| <input type="checkbox"/> Individual   | <input type="checkbox"/> Trustee(s)           |
| <input type="checkbox"/> Corporate Officer(s): _____  | <input type="checkbox"/> Guardian/Conservator |
| <input type="checkbox"/> Partner(s) <input type="checkbox"/> Limited <input type="checkbox"/> General | <input type="checkbox"/> Other: _____         |
| <input type="checkbox"/> Attorney-In-Fact _____   |   |

Signer is Representing (Name of Person(s) or Entity(ies))

\_\_\_\_\_

**CERTIFICATE OF CONSENT AND ACCEPTANCE**

This is to certify that the interest in real property conveyed by the attached Deed or Grant to the Santa Clara Valley Water District, also referred to herein as the Grantee, 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. 14-79 of said Board of Directors adopted on the 9<sup>th</sup> day of September 2014, and the Grantee consents to recordation thereof by its said duly authorized agent.

Dated: \_\_\_\_\_, 20\_\_

Santa Clara Valley Water District

By: \_\_\_\_\_  
Chief Executive Officer/Clerk of the Board of Directors  
(Strike out inapplicable one)



## EXHIBIT A

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

PROJECT: COYOTE CREEK FLOOD  
MANAGEMENT MEASURE  
PROJECTS

RESU File No.: 4021-304  
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 23769562, filed on October 5, 2017, in the Office of the Recorder, County of Santa Clara, State of California, more particularly described as follows:

#### **Permanent Easement (P.E.)**

**COMMENCING** at a  $\frac{3}{4}$ " iron pipe at the most southerly corner of the lands described as "PARCEL TWO" on that certain Deed recorded as Document Number 23769562 filed on October 5, 2022, in the Office of the Recorder, County of Santa Clara, State of California;

Thence along the southeasterly line, of said lands, N52° 13' 03"E, 137.48 feet to the **POINT OF BEGINNING**;

Thence leaving said southeasterly line, N60° 51' 54"W, 184.84 feet to the beginning of a curve concave northeasterly and having a radius of 203.00 feet;

Thence northwesterly along said curve thru a central angle of 7° 38' 10", an arc distance of 27.05 feet;

Thence N53° 13' 44"W, 82.17 feet to the beginning of a curve concave southwesterly and having a radius of 197.00 feet;

Thence northwesterly along said curve thru a central angle of 3° 29' 00", an arc distance of 11.98 feet;

Thence the following two (2) courses:

- 1) N56° 42' 44"W, 58.14 feet;
- 2) S33° 24' 53"W, 11.47 feet; to a point on the southwesterly line of said lands described as "PARCEL TWO";

Thence along the southwesterly line of said lands described as "PARCEL TWO", N37° 33' 24"W, 89.80 feet;

Thence leaving said southwesterly line, S56° 42' 44"E, 142.99 feet to the beginning of a curve concave southwesterly and having a radius of 215.00 feet;

Thence southeasterly along said curve thru a central angle of  $3^{\circ} 29' 00''$ , an arc distance of 13.07 feet;

Thence  $S53^{\circ} 13' 44''E$ , 82.17 feet to the beginning of a curve concave northeasterly and having a radius of 185.00 feet;

Thence southeasterly along said curve thru a central angle of  $7^{\circ} 38' 10''$ , an arc distance of 24.66 feet;

Thence the following three (3) courses:

- 1)  $S60^{\circ} 51' 54''E$ , 120.88 feet:
- 2)  $S62^{\circ} 56' 28''E$ , 50.03 feet:
- 3)  $S60^{\circ} 51' 54''E$ , 22.40 feet to a point on said southeasterly line;

Thence along said southeasterly line,  $S52^{\circ} 13' 03''W$ , 21.54 feet to the **POINT OF BEGINNING**.

Containing 7,948 square feet of land, more or less.

#### **BASIS OF BEARINGS:**

The bearing of  $N52^{\circ} 13' 03''E$ , shown as  $N51^{\circ} 14' 50''E$  along the southeasterly line of the lands described as "PARCEL TWO" on the certain Deed recorded as Document Number 23769562 filed on October 5, 2022, in the Office of the Recorder, County of Santa Clara, State of California, was used as Basis of Bearings shown hereon.

#### **SURVEYOR'S STATEMENT:**

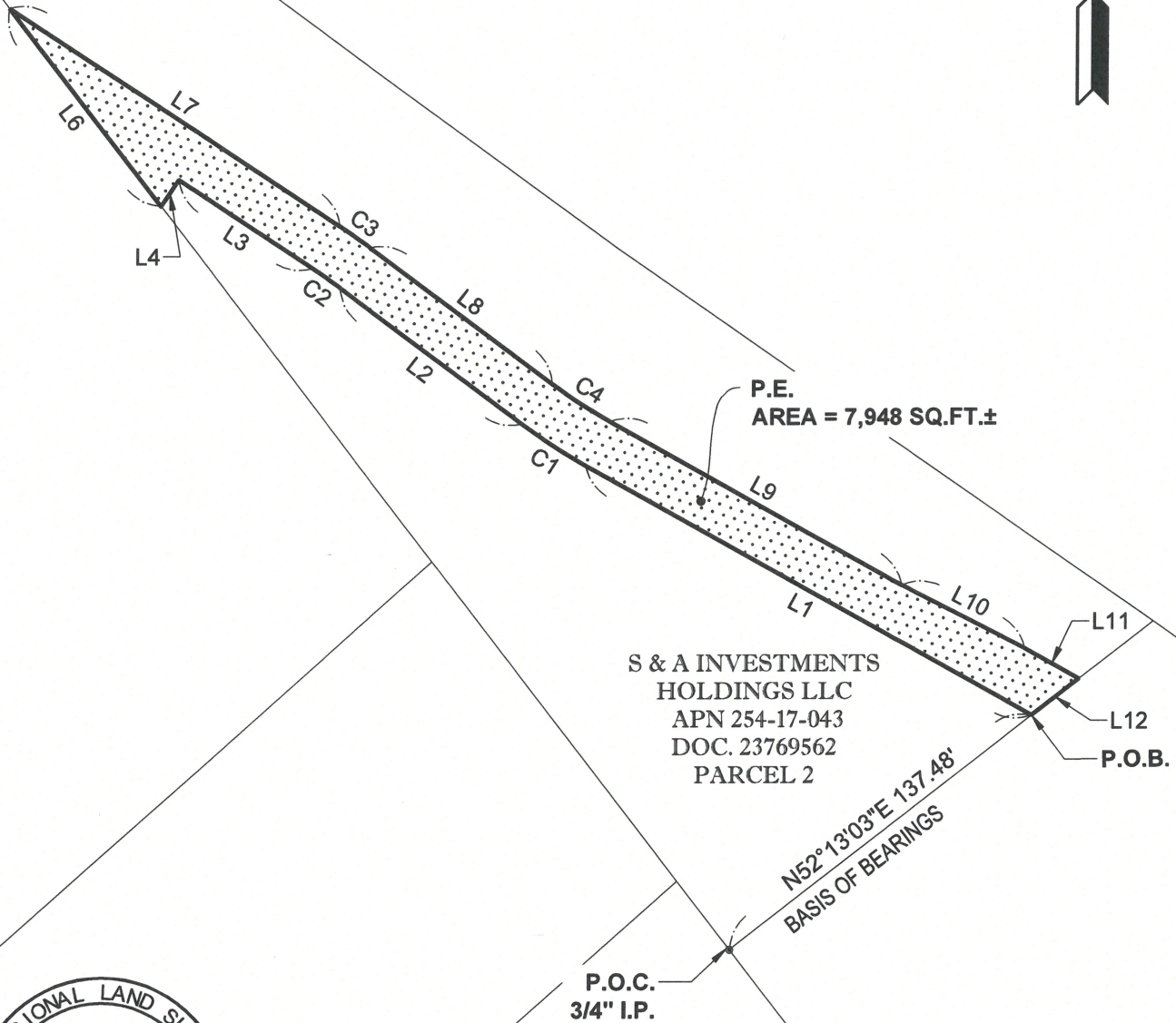
The description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.

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

5/24/22  
Date



SCVWD S:\REQUESTS\COYOTE CREEK\2022\_13712 Working\Office\ROW\Plats and Legal Descriptions\Reach 51254-17-043 S&amp;A Investment Holdings LLC @\4021-304 PE\2022-137\_4021-304\_PE.dwg



P.E. : PERMANENT EASEMENT

SANTA CLARA VALLEY WATER DISTRICT



SCALE: 1" = 60'

RESU FILE NO.	4021-304
APN	254-17-043
TITLE REPORT NO.	616019594
DRAWN	B. BAINS

SHEET 1 OF 2





Line Table		
Line #	Bearings	Distance
L1	N60°51'54"W	184.84'
L2	N53°13'44"W	82.17'
L3	N56°42'44"W	58.14'
L4	S33°24'53"W	11.47'
L6	N37°33'24"W	89.80'
L7	S56°42'44"E	142.99'
L8	S53°13'44"E	82.17'
L9	S60°51'54"E	120.88'
L10	S62°56'28"E	50.03'
L11	S60°51'54"E	22.40'
L12	S52°13'03"W	21.54'

Curve Table			
Curve #	Radius	Delta	Length
C1	203.00'	007°38'10"	27.05'
C2	197.00'	003°29'00"	11.98'
C3	215.00'	003°29'00"	13.07'
C4	185.00'	007°38'10"	24.66'



SANTA CLARA VALLEY WATER DISTRICT



SCALE:

RESU FILE NO.	4021-304
APN	254-17-043
TITLE REPORT NO.	616019594
DRAWN	B. BAINS

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

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APN: 254-13-025 and 254-17-043 (portion of)

DOCUMENT NO.: 4021-385

## TEMPORARY CONSTRUCTION EASEMENT

**S & A INVESTMENT HOLDINGS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY,** hereinafter referred to as "Grantor," grants to the Santa Clara Valley Water District, a Special District, created by the California Legislature (Valley Water) 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 as:

See Exhibits "A" and "B" 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 "Exhibits A" and "B" attached hereto and made a part hereof, 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 the parties hereto.
3. Grantee agrees to use all reasonable efforts to keep any 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       day of       , 20

GRANTOR:

**S & A INVESTMENT HOLDINGS, LLC, A  
CALIFORNIA LIMITED LIABILITY  
COMPANY**

BY: \_\_\_\_\_

Its: \_\_\_\_\_

**ALL-PURPOSE 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 } SS

On this \_\_\_\_ day of \_\_\_\_\_, in the year 20\_\_, before me \_\_\_\_\_,

**Notary Public, personally appeared**

\_\_\_\_\_  
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.**

\_\_\_\_\_  
Notary Public in and for said County and State

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

- |   |   |
|---|---|
| <input type="checkbox"/> Individual   | <input type="checkbox"/> Trustee(s)           |
| <input type="checkbox"/> Corporate Officer(s): _____  | <input type="checkbox"/> Guardian/Conservator |
| <input type="checkbox"/> Partner(s) <input type="checkbox"/> Limited <input type="checkbox"/> General | <input type="checkbox"/> Other: _____         |
| <input type="checkbox"/> Attorney-In-Fact _____   |   |

**Signer is Representing (Name of Person(s) or Entity(ies))**

\_\_\_\_\_

**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: \_\_\_\_\_  
Chief Executive Officer/Clerk of the Board of Directors  
(Strike out inapplicable one)



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

PROJECT: COYOTE CREEK FLOOD  
MANAGEMENT MEASURE  
PROJECTS

RESU File No.: 4021-385  
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 23769562, filed on October 5, 2017, in the Office of the Recorder, County of Santa Clara, State of California, more particularly described as follows:

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

**COMMENCING** at a ¾" iron pipe at the most southerly corner of the lands described as "PARCEL TWO" on that certain Deed recorded as Document Number 23769562 filed on October 5, 2022, in the Office of the Recorder, County of Santa Clara, State of California;

Thence along the southeasterly line of said lands, N52° 13' 03"E, 124.43 feet to the **POINT OF BEGINNING**;

Thence leaving said southeasterly line, N60° 51' 54"W, 179.72 feet to the beginning of a curve concave northeasterly and having a radius of 215.00 feet;

Thence northwesterly along said curve thru a central angle of 7° 38' 10", an arc distance of 28.65 feet;

Thence N53° 13' 44"W, 82.17 feet to the beginning of a curve concave southwesterly and having a radius of 185.00 feet;

Thence northwesterly along said curve thru a central angle of 3° 29' 00", an arc distance of 11.25 feet;

Thence N56° 42' 44"W, 56.49 feet to a point on the southwesterly line of said lands described as "PARCEL TWO";

Thence along the southwesterly line, N37° 35' 06"W, 1.74 feet;

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

- 1) N33° 17' 16"E, 11.43 feet;
- 2) S56° 42' 44"E, 58.14 feet to the beginning of a curve concave southwesterly and having a radius of 197.00 feet;

Thence southeasterly along said curve thru a central angle of 3° 29' 00", an arc distance of 11.98

feet;

Thence S53° 13' 44"E, 82.17 feet to the beginning of a curve concave northeasterly and having a radius of 203.00 feet;

Thence southeasterly along said curve thru a central angle of 7° 38' 10", an arc distance of 27.05 feet;

Thence S60° 51' 54"E, 184.84 feet to a point on said southeasterly line;

Thence along said southeasterly line, S52° 13' 03"W, 13.04 feet to the **POINT OF BEGINNING**.

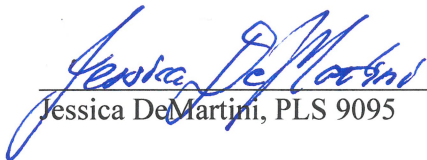
Containing 4,344 square feet of land, more or less.

**BASIS OF BEARINGS:**

The bearing of N52° 13' 03"E, shown as N51° 14' 50"E along the southeasterly line of the lands described as "PARCEL TWO" in that certain Deed recorded as Document Number 23769562 filed on October 5, 2022, in the Office of the Recorder, County of Santa Clara, State of California, was used as Basis of Bearings shown hereon.

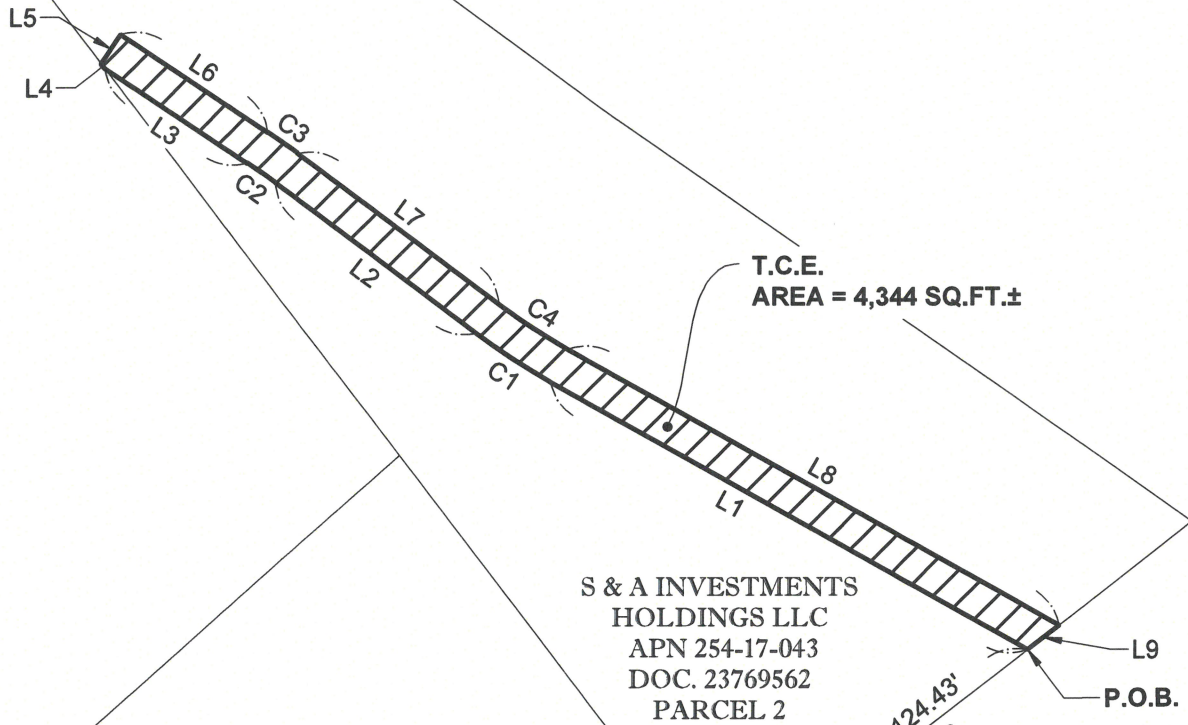
**SURVEYOR'S STATEMENT:**

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

5/24/22  
Date





T.C.E. : TEMPORY CONSTRUCTION EASEMENT

SANTA CLARA VALLEY WATER DISTRICT



SCALE: 1" = 60'

RESU FILE NO.	4021-385
APN	254-17-043
TITLE REPORT NO.	616019594
DRAWN	B. BAINS



Line Table		
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L2	N53°13'44"W	82.17'
L3	N56°42'44"W	56.49'
L4	N37°35'06"W	1.74'
L5	N33°17'16"E	11.43'
L6	S56°42'44"E	58.14'
L7	S53°13'44"E	82.17'
L8	S60°51'54"E	184.84'
L9	S52°13'03"W	13.04'

Curve Table			
Curve #	Radius	Delta	Length
C1	215.00'	007°38'10"	28.65'
C2	185.00'	003°29'00"	11.25'
C3	197.00'	003°29'00"	11.98'
C4	203.00'	007°38'10"	27.05'



SANTA CLARA VALLEY WATER DISTRICT



SCALE:

RESU FILE NO.	4021-385
APN	254-17-043
TITLE REPORT NO.	616019594
DRAWN	B. BAINS

SHEET 2 OF 2

Attachment 1

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