

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

AFTER RECORDING RETURN TO:  
City of San Jose  
Real Estate Services  
200 E. Santa Clara Street, T-4  
San Jose, CA 95113

Space above this line for Recorder's Use

The Undersigned Grantee Declares: DOCUMENTARY TRANSFER TAX \$0; CITY TRANSFER TAX \$0; Recorded for the benefit of the City of San Jose and is exempt from fee per Government Code Sections 27383 and 6103.  
APN: 472-11-072/073

\_\_\_\_\_  
Signature of Declarant

### GRANT OF EASEMENT

LOANIE LAM, a married woman as her sole and separate property, and LISA LAM, an unmarried woman ("Grantor") do hereby GRANT to the CITY OF SAN JOSE, a municipal corporation of the State of California ("Grantee"), and Grantee does hereby accept, the following perpetual non-exclusive easements on, upon, under, over and across certain real property in the City of San Jose, County of Santa Clara, State of California, described on Exhibits A and B attached hereto and made part hereof (referred to herein as, respectively, "Easement Area A" and "Easement Area B"), without however any obligation of Grantee to maintain any area of ingress or egress:

- A. As to Easement Area A, an easement for ingress and egress for pedestrian and vehicle access to Easement Area B in order to exercise the rights granted in paragraph B, below; and
- B. As to Easement Area B, an easement to install, remove, maintain and access soil and groundwater monitoring devices.

Further, Grantor hereby covenants in perpetuity as a burden on Easement Area B and the successive owners thereof, for the benefit of Grantee's property, which property contains a closed landfill and is described on Exhibit C attached hereto ("Benefitted Property") and made a part hereof, and the successive owners thereof that they shall:

- A. Not construct or permit to be constructed on Easement Area B, any building or any other similar improvement (surface parking, curbs, sidewalks, and landscaping being permitted); and

- B. With respect to areas of Easement Area B filled with landfill waste, which areas are known to be located along the northerly boundary of Easement Area B and to extend southerly at least forty feet: i) not install or permit to be installed on any such areas irrigated landscaping, ii) not install or permit to be installed within twenty-five feet of any such areas any landscaping irrigation system or water piping, and iii) not store or use or permit to be stored or used within fifty feet of any such areas any hazardous substance requiring a permit therefore; and
- C. To the maximum extent permitted by law, protect, defend, indemnify, hold harmless and release, Grantee and such successive owners, their respective officers, employees, or agents, from and against all claims, response costs, losses, demands, debts, liens, liabilities, causes of action, suits, legal or administrative proceedings, interest, fines, charges, penalties and expenses (collectively, "claims") of any kind whatsoever paid, incurred, suffered or asserted, or related to, directly or indirectly arising from or attributable to conditions on or Grantor's (or its successor's) use of Easement Area B, whether or not such claims are known or suspected, including without limitation any repair, cleanup or detoxification, or preparation and implementation of any removal, remedial, response, closure or other plan concerning any hazardous substance on, under, or about or emanating from the Benefitted Property to Easement Area B.

Grantor and Grantee hereby agree that the No-Build Covenant Agreement recorded on August 14, 1998 as document number 14337513 is hereby superseded and of no further force or effect.

<p>APPROVED AS TO FORM:</p>  <p>_____</p> <p>KENNETH D. JOHNSON Senior Deputy City Attorney</p>	<p>"GRANTEE"</p> <p>CITY OF SAN JOSE, a municipal corporation</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>
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## EXHIBIT A to Grant of Easement

### Easement Area A (472-11-072)

11405455-004 -KAY

#### **Exhibit A** **Legal Description**

All that certain property situate in the City of San Jose, County of Santa Clara, State of California, described as follows:

#### **PARCEL ONE:**

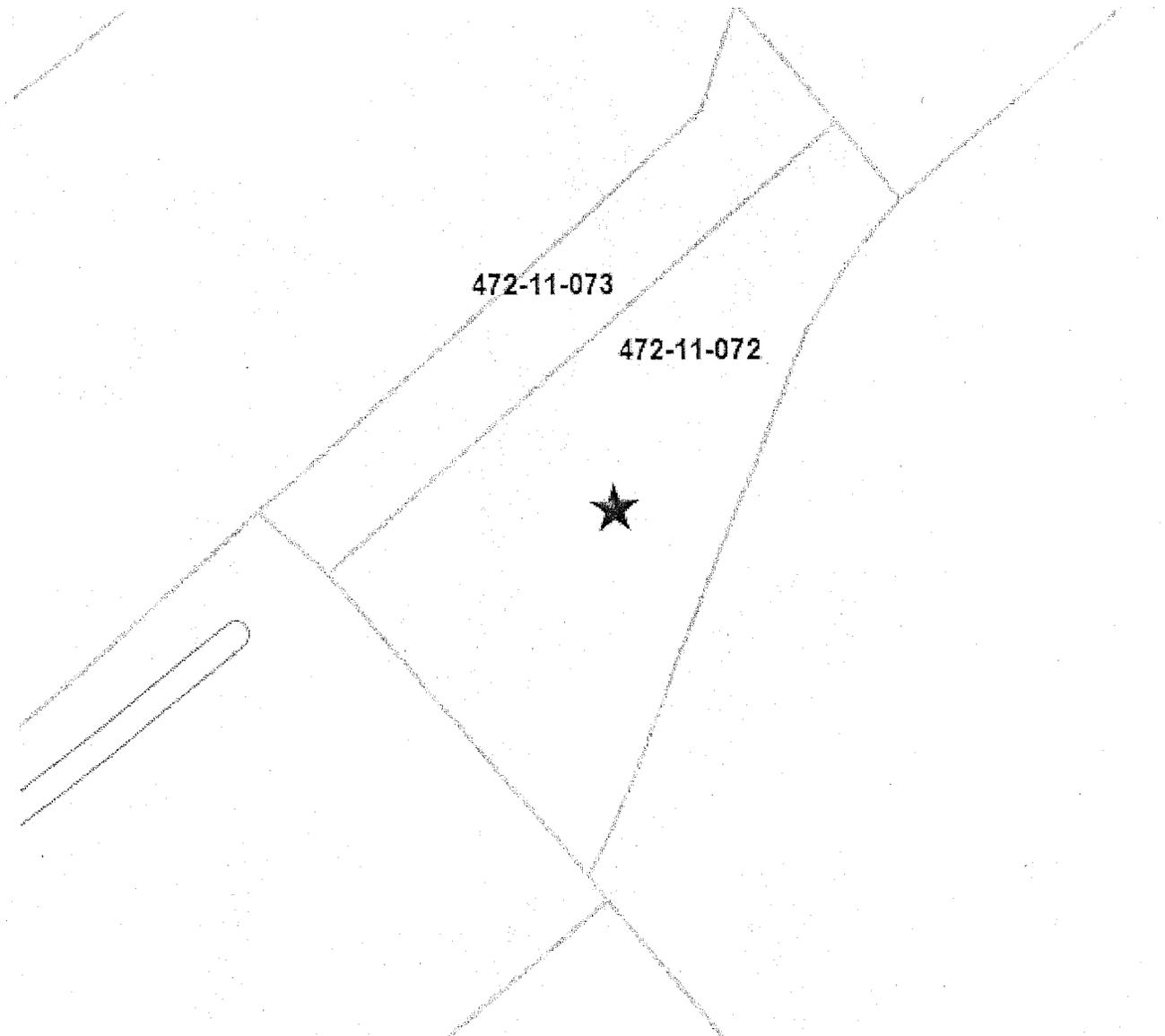
Parcel 2, as shown on that Parcel Map filed for record in the office of the Recorder of the County of Santa Clara, State of California on October 10, 1995, in Book 670 of Maps, page(s) 43 and 44.

#### **PARCEL TWO:**

Non-exclusive easement for ingress and egress, the installation and maintenance (including replacement, if necessary), of a private water line, sanitary sewer and storm drain line over and under that portion of Parcels 1 and 3, identified on the Parcel map filed for record on October 10, 1995 in Book 670 of Maps, at pages 43 and 44, as "26' Private Ingress-Egress Easement, P.S.D.E., P.S.S.E., P.W.L.E. & P.S.E." ("Easement Area A") and (b).

#### **PARCEL THREE:**

A Non-exclusive easement for installation and maintenance (including replacement, if necessary), of electric, gas and telephone services over and under that portion of Parcel 1, identified on the Parcel map filed for record October 10, 1995 in Book 670 of Maps, at pages 43 and 44, as "10' P.S.E. & Private Utility Easement" ("Easement Area B", together with Easement Area A herein called the "Parcel 2 Easement Area").



**EXHIBIT B to Grant of Easement**

**Easement Area B**  
**(472-11-073)**

P.035 PAGE 1974

LEGAL DESCRIPTION:

"SCHEDULE C"

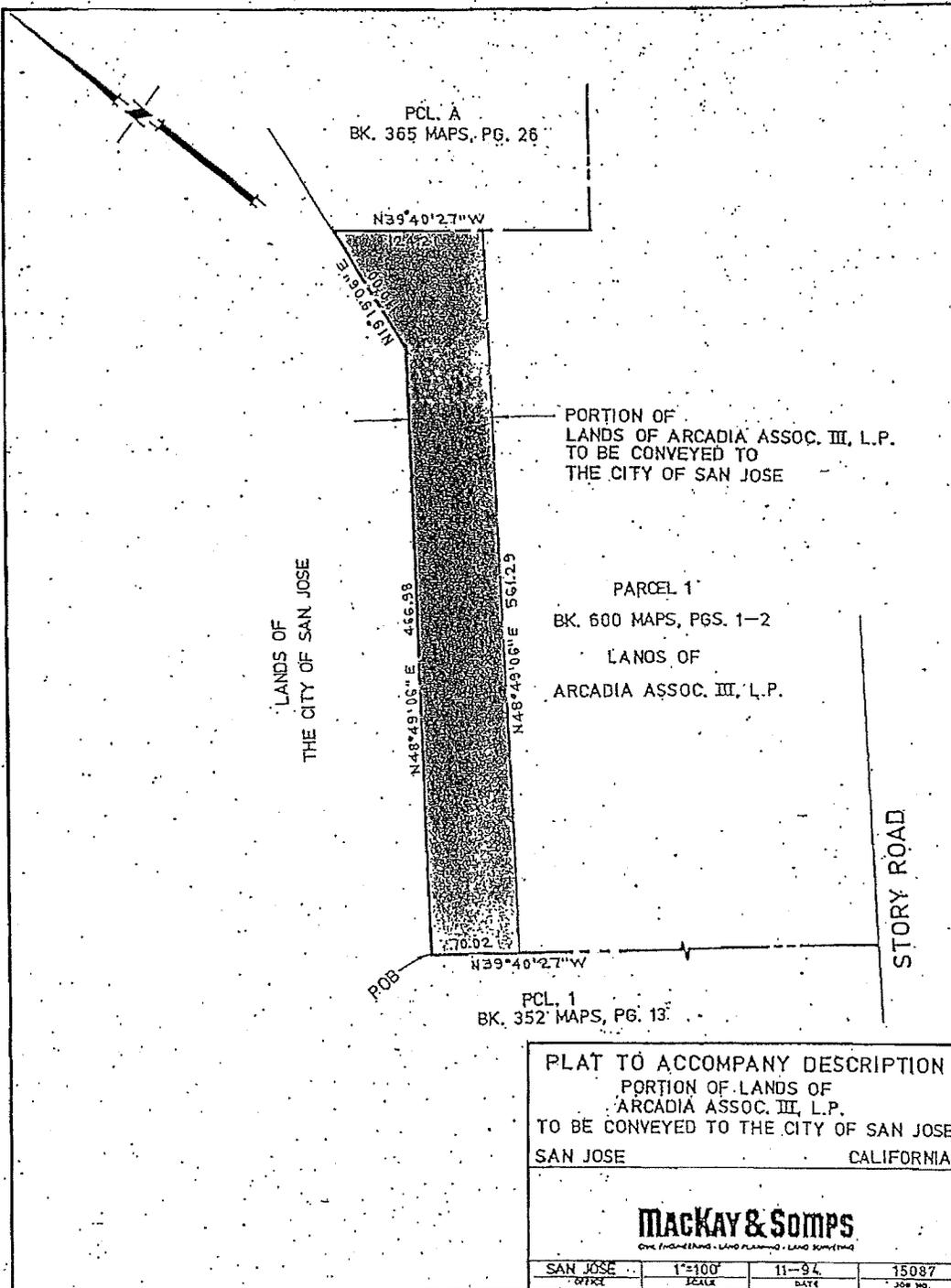
SP 110226  
Amendment 8

All that real property situate in the City of San Jose, County of Santa Clara, State of California, described as follows:

Being a portion of Parcel 1, as shown on that certain Parcel Map filed for record in Book 600 of Maps, at pages 1 and 2, Santa Clara County Records, described as follows:

Beginning at the most Westerly corner of above said Parcel 1; thence from said point of beginning along the Southwesterly line of said Parcel 1, S. 39° 40' 27" E. 70.02 feet; thence leaving said Southwesterly line along a line parallel with and distant 70.00 feet Southeasterly from the most Northwesterly line of said Parcel 1, N. 48° 49' 06" E. 561.29 feet to a point in a Northeasterly line of said Parcel 1; thence leaving said parallel line along a Northeasterly line of said Parcel 1, N. 39° 40' 27" W. 124.21 feet to a Northerly corner of said Parcel 1; thence leaving said Northeasterly line along the most Northwesterly line of said Parcel 1, the following courses: S. 19° 19' 06" W. 110.00 feet; and S. 48° 49' 06" W. 466.98 feet to the point of beginning.

ARB No. 472-11-x14 and x14.02.01





## LEGAL DESCRIPTION

The land referred to in this Report is described as follows:

All that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described as follows:

Beginning at the point of intersection of the Southwesterly line of Lucretia Avenue, a 60 foot wide right-of-way as shown on that certain Map entitled, "Map of the Ashworth Subdivision," dated March 26, 1879, and recorded October 16, 1911 in Book F2 of Maps, Page 47, in the Office of the County Recorder of Santa Clara County, with the Northwesterly line of that certain 173.86 acre tract conveyed by James Asworth to Romillard Brick Company (a corporation) by Deed dated October 31, 1891, and recorded in Volume 140 of Deeds, Page 324 in the Office of said Recorder; thence along the Northwesterly line of said 173.86 acre tract S. 50° 37' W. 200.02 feet to a point, said point being the true point of beginning of the parcel of land to be described; thence along said Northwesterly line of said 173.86 acre tract S. 50° 37' W. 906.04 feet to the intersection thereof with the Easterly line of lands or right-of-way of the Western Pacific Company; thence leaving said line of said 173.86 acre tract and running Southerly along said Easterly line of said lands or right-of-way of said Western Pacific Railroad Company S. 9° 22' 22" W. 1099.85 feet to the most Northerly corner of that certain parcel of land designated as "Parcel Number 1" and described in the Deed from Romillard Brick Company to the City of San Jose dated August 3, 1959 and recorded September 14, 1959 in Book 4543 Official Records, Page 306, Santa Clara County Records; thence along Northerly line of said Parcel #1 the following three (3) courses and distances: S. 9° 50' E. 416.85 feet; S. 37° 03' E. 259.19 feet; and N. 67° 52' E. 238.68 feet to a point; thence leaving said Northerly line of said "Parcel #1" and proceeding along a line N. 28° 01' 09" W. 40.28 feet to a point; thence N. 17° 20' W. 663.00 feet to a point; thence N. 48° 50' E. 1207.00 feet to a point; thence N. 19° 20' E. 250.00 feet to a point; thence on a line parallel with the Southwesterly line of said Lucretia Avenue N. 40° 15' W. 550.01 feet to the true point of beginning and being a portion of 500 acre Lot No. 11, San Jose City Lands.

Excepting therefrom that portion of land as granted to the State of California by Deed filed for record in the Office of the Recorder of the County of Santa Clara on July 11, 1966 in Book 7437, at Page 421, Official Records, and being more particularly described as follows:

Commencing at the most Northerly corner of the parcel of land described in the Final Order of Condemnation recorded July 1, 1964 in Book 6564, at Page 418, Official Records of Santa Clara County; thence along the Northeasterly line of said parcel S. 39° 47' 18" E. 336.21 feet; thence S. 53° 19' 36" W. 882.74 feet; thence S. 47° 27' 14" W. 402.83 feet to the Westerly line of said parcel; thence along said Westerly line and along the Northwesterly line of said parcel N. 9° 50' 40" E. 496.02 feet and N. 51° 04' 42" E. 906.04 feet to the point of commencement.

APN: 472-11-054  
ARB: 472-11-7