RESOLUTION NO. 09-56

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 Allan E. Riffer and Caryl O'Keefe (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

Clerk Certification Seal
RESOLUTION NO. 09-56

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 Mile

NOES: None

ABSENT: None

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 8th day of December, 2009.

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.
GRANT OF EASEMENT

Grant made .......... 20.......... by Alan E. Riffer and Caryl O'Keefe, husband and wife as joint tenants, 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, docks, 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 Alan E. Riffer

by Caryl O'Keefe

“ATTACH NOTARY STATEMENT HERE”
EXHIBIT A
LEGAL DESCRIPTION
SANITARY SEWER EASEMENT

Portions of that certain parcel of land situated in the City of Albany, State of California described in the Grant Deed from Ellis Smith Jr. and Peggie Joyce Smith, husband and wife, to Alan E. Riffer and Caryl O’Keefe, husband and wife, as Joint Tenants, recorded December 31, 1984 as document number 1984-257346 in Official Records, Alameda County Recorder more particularly described as follows:

Portion of Lot 10 of Block 11, “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, 5 feet in width, the southern line of which is described as follows:

Beginning at a point on the eastern line of Jackson Street, at the southwesterly corner of said Lot 10; thence, from said point of beginning, along the southern line of said Riffer/O’Keefe parcel (1984-257346), North 75°49’00” East, 100.00’ feet, to a Point being the southeasterly corner of said Lot 10, being the end of said strip of land.

Date 2/15/08

2/15/2008
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Alameda

On April 1, 2008 before me, Vernon R. Cummings, Notary Public
personally appeared Alan E. Rich and Cary L. Kratz

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) 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.

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: ________________________________

RIGHT THUMPRINT OF SIGNER
Top of Thumb Here

Signer's Name: ________________________________

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

Signer Is Representing: ________________________________

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