

RESOLUTION No. 2021-2231

**A RESOLUTION AUTHORIZING EXECUTION OF A
CERTIFICATE OF ACCEPTANCE OF EASEMENT
APN 179-064-01, SAN RAFAEL**

LAS GALLINAS VALLEY SANITARY DISTRICT

WHEREAS, Oakmont of San Rafael LLC has dedicated a sewer easement being a portion of that parcel of land described in the grant deed to Oakmont of San Rafael LLC, recorded as document number 2018-0004743, Official Records of Marin County, being more particularly described and set forth in Exhibits "A" through "B" which are attached hereto and incorporated by reference herein, in favor of the District for the upsizing of the existing sewer crossing said property;

WHEREAS, the sewer includes an easement for maintenance of the new sanitary sewer; and

WHEREAS, the District Engineer has reviewed the easement and found the metes and bounds to be satisfactory,

NOW, THEREFORE, the Board of Directors of the Las Gallinas Valley Sanitary District, herein, accepts the easement and approves recordation of the Certificate of Acceptance of Grant of Interest in Real Property with the Marin County Recorder, which is attached hereto and incorporated by reference herein.

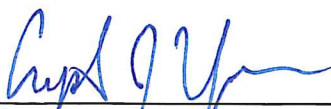
I hereby certify that the forgoing is a full, true, and correct copy of a resolution duly and regularly passed and adopted by the Sanitary Board of the Las Gallinas Valley Sanitary District, Marin County, California, at a meeting thereof held on November 18, 2021, by the following vote of the members thereof:

AYES, and in favor thereof, Members: *Clark, Elias, Murray, Schriebsman, Yezman*
NOES, Members: *None.*
ABSENT, Members: *None.*
ABSTAIN, Members: *None.*

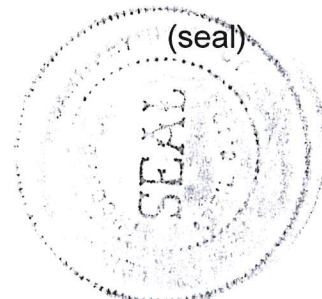


Teresa L. Lerch, District Secretary
Las Gallinas Valley Sanitary District

APPROVED:



Crystal J. Yezman, Board President
Las Gallinas Valley Sanitary District




WHEN RECORDED RETURN TO:
Las Gallinas Valley Sanitary District
101 Lucas Valley Road, Suite 300
San Rafael, CA 94903

AREA: Redwood Highway, San Rafael
APN: 179-064-01

**CERTIFICATE OF ACCEPTANCE OF GRANT
OF INTEREST IN REAL PROPERTY**

THIS IS TO CERTIFY that the easement over real property conveyed by the attached **EASEMENT DEED** dated November 18, 2021 from **OAKMONT OF SAN RAFAEL LLC.**, to **LAS GALLINAS VALLEY SANITARY DISTRICT**, a California special district created pursuant to Health & Safety Code Sec. 6400 et seq., is hereby accepted by order of Las Gallinas Valley Sanitary District's Board of Directors and the grantee consents to the recordation thereof by its duly authorized officer.

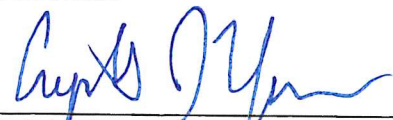
DATED: November 19, 2021



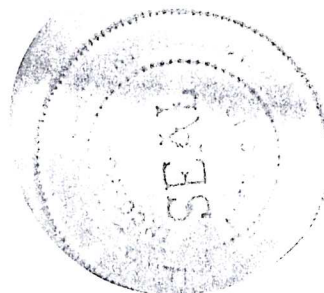
Teresa L. Lerch, District Secretary
Las Gallinas Valley Sanitary District

APPROVED:

(seal)



Crystal J. Yezman, Board President
Las Gallinas Valley Sanitary District



Recording Requested by:
Las Gallinas Valley Sanitary District

WHEN RECORDED MAIL TO:
Las Gallinas Valley Sanitary District
Attention: General Manager
101 Lucas Valley Road, Suite 300
San Rafael, CA 94903

APN: 179-064-01

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT OF EASEMENT FOR UNDERGROUND UTILITIES

OAKMONT OF SAN RAFAEL LLC., a California limited liability corporation (“Grantor”) hereby grants to LAS GALLINAS VALLEY SANITARY DISTRICT, a California special district created pursuant to Health & Safety Code Sec. 6400 et seq. (“Grantee”) the following easements situate in the County of Marin, State of California, more particularly described in Exhibit “A” and “B” hereto attached and by reference incorporated herein.

To have and to hold said easement for the purpose of acquiring, constructing, completing, reconstructing, repairing, maintaining and operating underground sanitary sewers and appurtenances for said District, together with the right of ingress and egress therefor.

Grantor hereby shall not place or construct, nor allow a third party to place or construct, any building or other permanent structures, or construct any other obstruction within said easement area, or diminish or substantially add to the ground level within said easement area, or construct any fences that will interfere with the maintenance and operation of said facilities, without the Grantee’s prior written approval; provided, however, paving, driveways, curbs, gutters and related improvements may be constructed over the easement areas without Grantee’s prior written consent.

Grantor shall maintain the easement areas, including but not limited to the maintenance and repair of the retaining wall, vehicle gate, access road, and fencing at all times in good condition, subject to reasonable wear and tear and events of casualty, condemnation, and force majeure. Both Grantor and Grantee shall have reasonable access to the easement area from time to time, as is necessary to carry out their duties and obligations under this agreement.

Grantor shall not park or permit standing vehicles of any kind within the easement area described in Exhibit “A”, except on a temporary basis in connection with maintenance and repair.

Grantee shall have no responsibility or liability of any kind whatsoever in conjunction with the use or maintenance of the utility easement or right-of-way, provided Grantee shall use the easement area in accordance with a commercially reasonable standard of care and applicable

laws and any work performed by Grantee shall be performed lien-free. Grantor agrees to indemnify, defend and hold Grantee harmless from any and all liabilities including, but not limited to, costs, losses, orders, liens, penalties, claims, demands, damages, expenses, litigation costs and attorney's fees which it may incur as a consequence of this Grant of Easement for Underground Utilities to the extent arising from any and all claims and losses to anyone who may be injured or damaged by reason of Grantor's, their agents, employees, contractors, successors or assigns, willful misconduct, negligence or wrongful acts or omissions in the use of the easement areas.

This agreement, and the easement granted herein, shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors, transferees and assigns of Grantor (as the owner of the easement area) and the Grantee, and the easements shall be considered a covenants running with the land.

This agreement shall be governed by and construed in accordance with the laws of the State of California. To Grantor's knowledge, there is no litigation pending with respect to the property as of the date Grantor signed the Agreement that would interfere with the rights granted herein.

It is further understood and agreed that this instrument constitutes the entire agreement between the Grantor and the Grantee, there being no oral agreements or representation of any kind made between the Grantor and Grantee.

This agreement may be amended or modified only by written agreement of all parties. This agreement supersedes all prior discussions, negotiations, agreements and memoranda whether oral or written.

IN WITNESS WHEREOF, Grantor and Grantee hereby execute this Grant of Easement for Underground Utilities.

GRANTOR:

OAKMONT OF SAN RAFAEL LLC

By: _____
Keith Fitzsimons
Manager

GRANTEE:

LAS GALLINAS VALLEY
SANITARY DISTRICT

By: _____
Crystal J. Yezman, Board President

EXHIBIT A
PUBLIC SANITARY
SEWER EASEMENT

ALL THAT REAL PROPERTY SITUATED IN THE COUNTY OF MARIN, STATE OF CALIFORNIA, AND BEING A PORTION OF LOTS 4, 7, 8, 9 AND 10 ALL IN BLOCK 27, AS SHOWN UPON THAT CERTAIN MAP ENTITLED "MAP OF SUBDIVISION A OF GOLF LINKS TRACT, NEAR SAN RAFAEL, MARIN COUNTY, CALIFORNIA", FILED ON JANUARY 14, 1908 IN VOLUME 2 OF MAPS AT PAGE 107, MARIN COUNTY RECORDS, DESCRIBED AS FOLLOWS:

THE WESTERLY 10 FEET OF THE LANDS OF OAKMONT OF SAN RAFAEL LLC, AS DESCRIBED BY DEED RECORDED AS DOCUMENT NUMBER 2018-0004743, OFFICIAL RECORDS OF MARIN COUNTY.

CONTAINING AN AREA OF 3500 SQUARE FEET MORE OR LESS.

APN: 179-064-01

DATE: October 22, 2021

PREPARED BY: BRELJE & RACE, CONSULTING ENGINEERS

JOB NO.: 4362.00



LAS GALLINAS AVE

FDEHR FAMILY LP
APN 179-064-07

LOT 4

LOT 5

LOT 6

10'

PUBLIC SANITARY
SEWER EASEMENT

LOT 7

OAKMONT OF SAN RAFAEL
APN 179-064-01
DOC NO 2018-0004743

LOT 8

LOT 9

LOT 10

DOUGAN HERBERT
APN 179-064-02

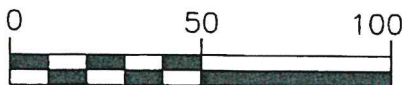
REDWOOD HIGHWAY

US 101

- CIVIC CENTER ARMS
- APN 179-340-01
- APN 179-340-02
- APN 179-340-03
- APN 179-340-04
- APN 179-340-05
- APN 179-340-06
- APN 179-340-07
- APN 179-340-08
- APN 179-340-09
- APN 179-350-01
- APN 179-350-02
- APN 179-350-03
- APN 179-350-04
- APN 179-350-05
- APN 179-350-06
- APN 179-350-07
- APN 179-350-08
- APN 179-350-09
- APN 179-350-10
- APN 179-360-01
- APN 179-360-02
- APN 179-360-03
- APN 179-360-04
- APN 179-360-05
- APN 179-360-06
- APN 179-360-07
- APN 179-360-08
- APN 179-360-09
- APN 179-360-10

TAB: EXHIBIT B

THIS EXHIBIT IS FOR GRAPHIC PURPOSES ONLY. ANY ERRORS OR OMISSIONS ON THIS EXHIBIT SHALL NOT AFFECT THE DEED DESCRIPTION.



SCALE IN FEET
1" = 50 Ft.



JOHN SIDNEY LOCEY RCE 31909

EXHIBIT B

PUBLIC SANITARY
SEWER EASEMENT

OWNER: OAKMONT OF SAN RAFAEL
9240 OLD REDWOOD HIGHWAY, SUITE 200.
WINDSOR, CA 95492

DOC NO. 2018-0004743 | APN 179-064-01

PREPARED BY

Brelje & Race
CONSULTING ENGINEERS
477 Aviation Blvd., Suite 1201 - Santa Rosa, CA 95403 - 707 676-1322
www.brj.com

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