

RESOLUTION No. 2021-2209

A RESOLUTION AUTHORIZING EXECUTION OF A
CERTIFICATE OF ACCEPTANCE OF EASEMENT
APN 165-220-12 & 165-220-13, SAN RAFAEL

LAS GALLINAS VALLEY SANITARY DISTRICT

WHEREAS, Kaiser Foundation Health Plan, Inc. has dedicated a sewer easement being a portion of that parcel of land described in the grant deed to Kaiser Foundation Health Plan, Inc., recorded in Book 25 at Page 63, Marin County Records, being more particularly described and set forth in Exhibits "A" through "D" which are attached hereto and incorporated by reference herein, in favor of the District for the rerouting of the existing sewer crossing said property;

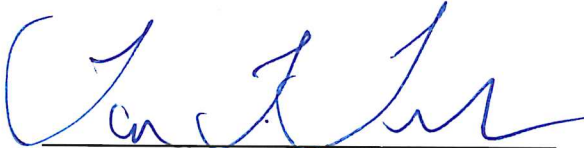
WHEREAS, the sewer includes an easement for paved access road for maintenance of the new sanitary sewer; and

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.

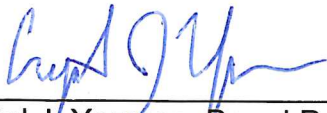
I hereby certify that the forgoing is a full, true, and correct copy of a resolution duly and regularly passed and adopted by the Sanitary Board of the Las Gallinas Valley Sanitary District, Marin County, California, at a meeting thereof held on April 15, 2021, by the following vote of the members thereof:

AYES, and in favor thereof, Members: *Clark, Elias, Murray, Schwideman, 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



(seal)

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

Kaiser Foundation Health Plan, Inc.
Real Estate Department
1800 Harrison Street, 19th Floor
Oakland, CA 94612
Attention: Director of Real Estate

APN: 165-220-12 & 165-220-13

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT OF EASEMENT FOR UNDERGROUND UTILITIES

KAISER FOUNDATION HEALTH PLAN, INC., a California nonprofit public benefit 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:

KAISER FOUNDATION
HEALTH PLAN, INC.

By: _____
Terry J. Wood
Vice President, Real Estate

GRANTEE:

LAS GALLINAS VALLEY
SANITARY DISTRICT

By: _____
Crystal J. Yezman, Board President

EXHIBIT 'A'

**Sanitary Sewer Access Easement
In Favor of Las Galinas Valley Sanitation District
Over the Lands of Kaiser Foundation Health Plan, Inc.**

All that real property situated in the City of San Rafael, lying within the County of Marin, State of California and being a portion of the lands of Kaiser Foundation Health Plan, Inc. , a California nonprofit public benefit corporation and being more particularly described as follows:

Commencing at a point on the northeasterly right of way of Los Gamos Drive, said point being at the northerly terminus of the course that is designated as "N 42°08'16"W 18.55' " on Parcel Map S88-12, filed for record February 28, 1994, in Book25 of Parcel Maps at Page 63, Marin County Records, thence from said Point of Commencement, along said right of way of Los Gamos Drive, on a curve to the left, having a radius of 352.08 feet, through a central angle of 01°42'00", for a distance of 10.45 feet to the Point of Beginning of the parcel to be herein described; thence, from said **POINT OF BEGINNING**, leaving said right of way line, North 48°21'31" West, for a distance of 4.81 feet; thence, North 67°22'21" West, for a distance of 161.73 feet; thence, along a tangent curve to the right, with a radius of 38.00 feet, through a central angle of 90°00'00", for a distance of 59.69 feet; thence, North 22°37'39" East, for a distance of 38.00 feet; thence, North 67°22'21" West, for a distance of 21.00 feet; thence, South 22°37'39" West, for a distance of 67.06 feet; thence, South 20°23'04" West, for a distance of 99.82 feet; thence, South 36°15'59" West, for a distance of 16.98 feet; thence, South 53°44'01" East, for a distance of 1.00 feet; thence, South 36°15'22" West, for a distance of 264.85 feet; thence, South 52°30'00" West, for a distance of 6.12 feet to the sideline of an existing easement (Parcel One) to the Las Galinas Valley Sanitation District as described in that Deed of Easements filed for record in Book 2050 of Official Records, at Page 314, Marin County Records; thence, along said existing easement line, South 89°30'00" East, for a distance of 14.43 feet; thence, leaving said existing easement line, North 36°15'22" East, for a distance of 272.34 feet; thence, South 67°22'21" East, for a distance of 8.04 feet; thence, North 22°37'39" East, for a distance of 48.13 feet; thence, along a tangent curve to the right, with a radius of 38.00 feet, through a central angle of 90°00'00", for a distance of 59.69 feet; thence, South 67°22'21" East, for a distance of 66.00 feet; thence, North 22°37'39" East, for a distance of 4.00 feet; thence, South 67°22'21" East, for a distance of 94.05 feet; thence, South 48°21'31" East, for a distance of 3.48 feet; thence, along a non tangent curve to the right, from a tangent that bears, North 38°48'33" East, with a radius of 352.08 feet, through a central angle of 01°37'42", for a distance of 10.01 feet to the Point of Beginning of the hereinabove described parcel of land.

Containing 9,303 square feet (0.21 acres), more or less.

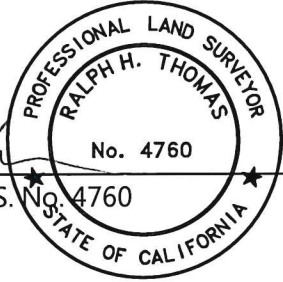
Basis of Bearings: Parcel Map S88-12, filed for record February 28, 1994, in Book25 of Parcel Maps at Page 63, Marin County Records

Exhibit A - Sanitary Sewer Access Easement
APN 165-220-12 & 165-220-13

Prepared by:

BKF ENGINEERS

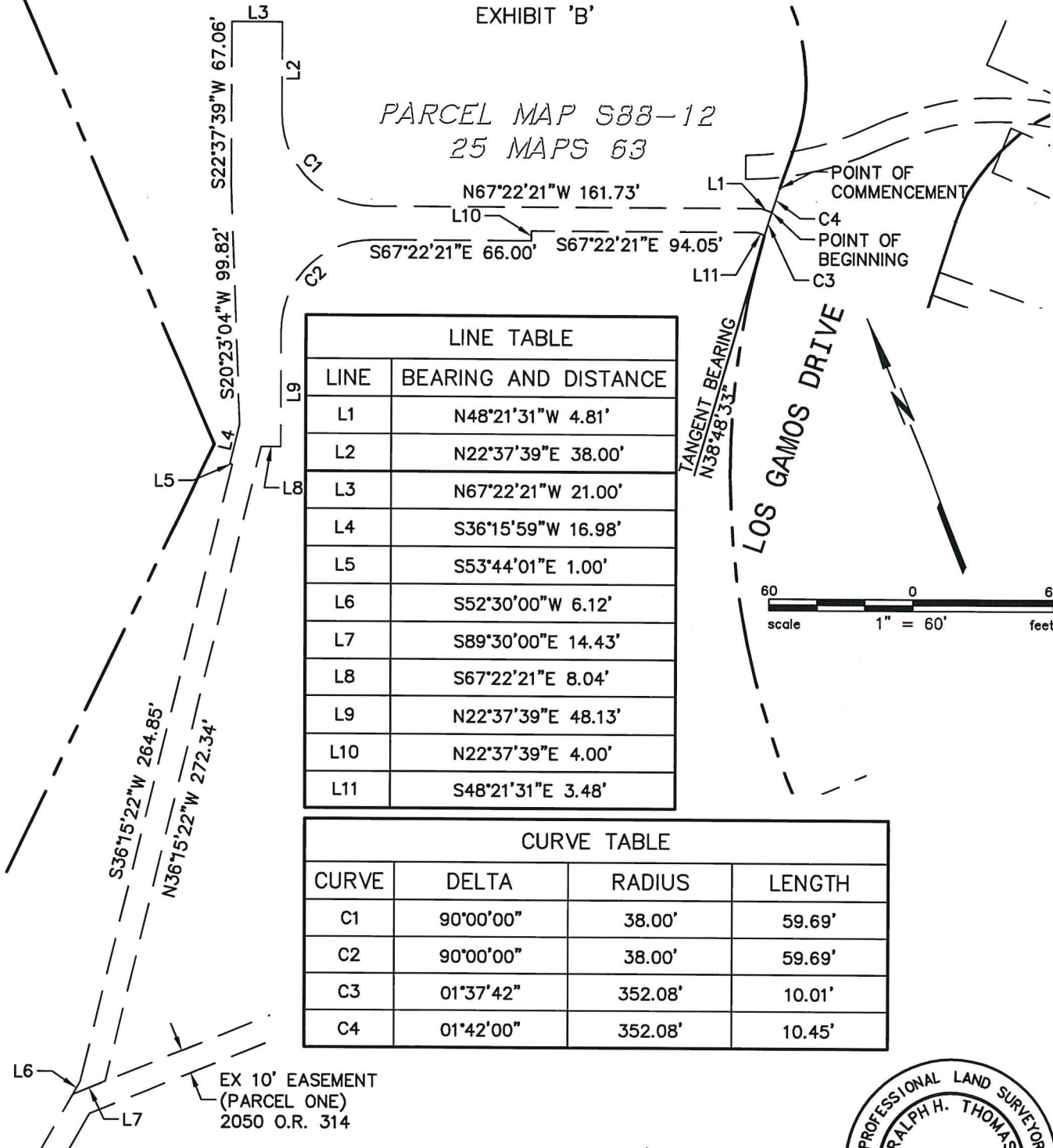
Ralph H. Thomas
Ralph H. Thomas, PLS. No. 4760



Dated: 2-23-2021

EXHIBIT 'B'

PARCEL MAP 588-12
25 MAPS 63



LINE TABLE	
LINE	BEARING AND DISTANCE
L1	N48°21'31"W 4.81'
L2	N22°37'39"E 38.00'
L3	N67°22'21"W 21.00'
L4	S36°15'59"W 16.98'
L5	S53°44'01"E 1.00'
L6	S52°30'00"W 6.12'
L7	S89°30'00"E 14.43'
L8	S67°22'21"E 8.04'
L9	N22°37'39"E 48.13'
L10	N22°37'39"E 4.00'
L11	S48°21'31"E 3.48'

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	90°00'00"	38.00'	59.69'
C2	90°00'00"	38.00'	59.69'
C3	01°37'42"	352.08'	10.01'
C4	01°42'00"	352.08'	10.45'

Ralph H. Thomas
RALPH H. THOMAS PLS 4760



200 4TH ST, STE. 300
SANTA ROSA, CA 95401
PH: 707-583-8500
FAX: 707-583-8539

Subject GRANT OF SS EASEMENT OVER THE
LANDS OF KAISER FOUNDATION HEALTH PLAN
Job No. 20169071
By IT Date FEB 2021 Chkd. RHT
SHEET 1 OF 1

Plot Feb 23, 2021 at 11:07am

EXHIBIT 'C'

**Sanitary Sewer s Easement
In Favor of Las Galinas Valley Sanitation District
Over the Lands of Kaiser Foundation Health Plan, Inc.**

All that real property situated in the City of San Rafael, lying within the County of Marin, State of California and being a portion of the lands of Kaiser Foundation Health Plan, Inc., a California nonprofit public benefit corporation, as described in that Grant Deed, filed for record August 17, 2015 under Document No. 2015-039972, Official Records of the County of Marin, and being more particularly described as follows:

Being an easement of the uniform width of 10.00 feet, lying 5.00 feet on each side of the following described centerline:

Beginning at a point on the southerly right of way of Los Gamos Drive, from which point the westerly terminus of the course " S 42°08'16" W 33.15' ", as said course is designated and delineated within Parcel 1 on Parcel Map S88-12 – Lands of Kronos Property Holdings, filed for record February 28, 1994 in Book 25 pf Parcel Maps, at Page 63, bears South 42°08'16" West, a distance of 6.12 feet; thence from said **POINT OF BEGINNING**, South 48°21'31" East for a distance of 174.81 feet; thence South 82°28'36" East for a distance of 37.65 feet to the Point of Termination of the hereinabove described centerline.

The sidelines of said easement shall be lengthened, or shortened, as need, to intersect the southerly right of way of said Los Gamos Drive.

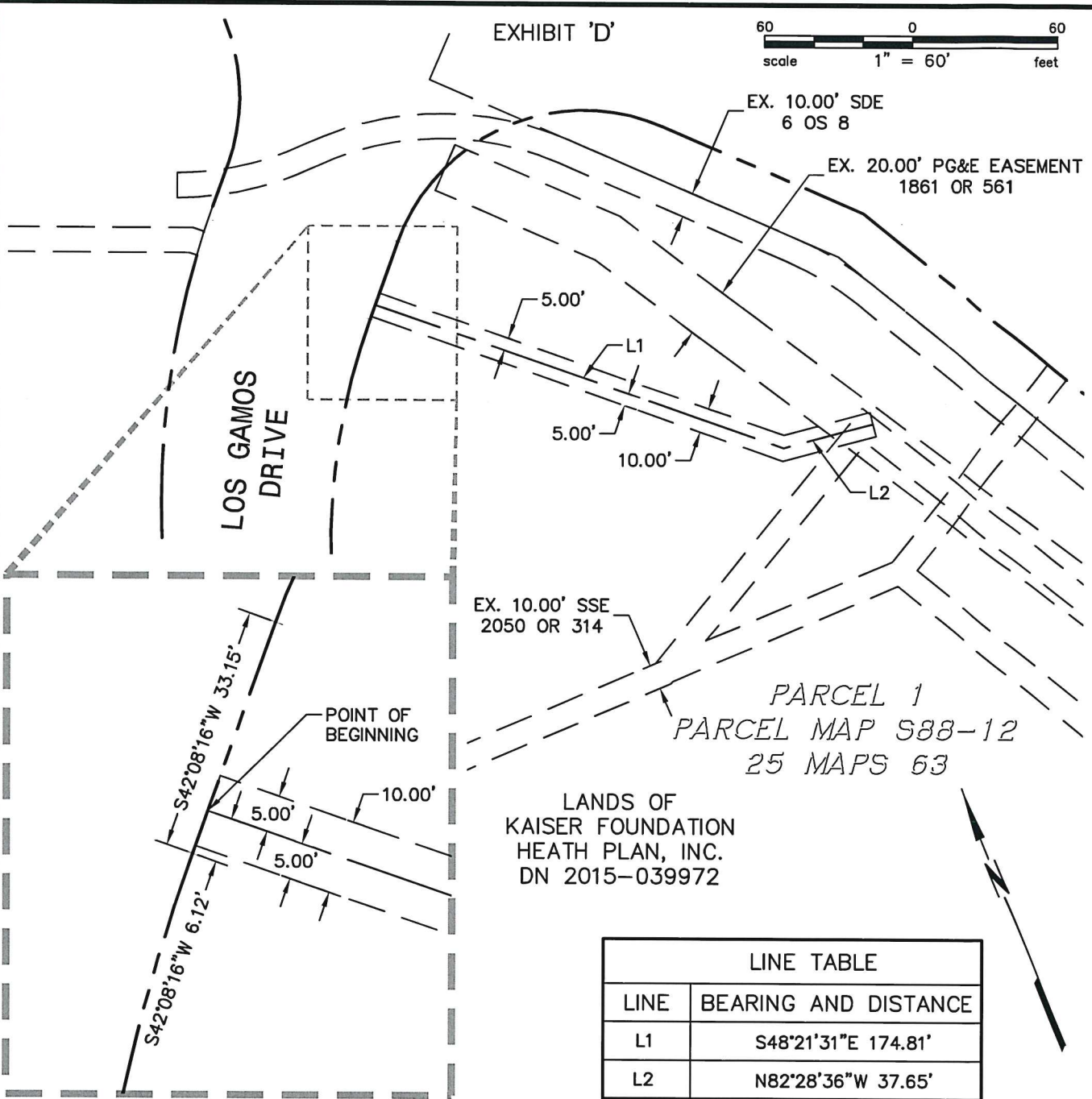
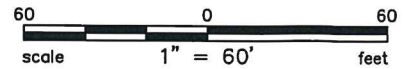
Basis of Bearings: Parcel Map S88-12, filed for record February 28, 1994, in Book25 of Parcel Maps at Page 63, Marin County Records

Prepared by:

BKF ENGINEERS


Ralph H. Thomas Dated: 2/11/2021
Ralph H. Thomas, PLS No. 4760
STATE OF CALIFORNIA

EXHIBIT 'D'



PARCEL 1
 PARCEL MAP 588-12
 25 MAPS 63

LANDS OF
 KAISER FOUNDATION
 HEATH PLAN, INC.
 DN 2015-039972

LINE TABLE	
LINE	BEARING AND DISTANCE
L1	S48°21'31"E 174.81'
L2	N82°28'36"W 37.65'

Ralph H. Thomas 2/11/2021
RALPH H. THOMAS PLS 4760



200 4TH ST, STE. 300
 SANTA ROSA, CA 95401
 PH: 707-583-8500
 FAX: 707-583-8539

Subject GRANT OF SS EASEMENT OVER THE
 LANDS OF KAISER FOUNDATION HEALTH PLAN
 Job No. 20169071
 By BTL Date FEB 2021 Chkd. RHT
 SHEET 1 OF 1

Plot Feb 11, 2021 at 1:49pm

