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FRESNO County Recorder
Robert C. Werner
DOC- 2010-0155451
Friday, NOV 19, 2010 10:15:40
Ttl Pd \$0.00
Nbr-0003331393
APR/R1/1-10

Recording Requested by:
Fresno Metropolitan Flood
Control District

And when Recorded, Mail to:

Fresno Metropolitan Flood
Control District
5469 East Olive Avenue
Fresno, CA 93727

APN 313-801-12T (portion)

PW-2010-15102

**EASEMENT AGREEMENT
AND
GRANT OF NON-EXCLUSIVE EASEMENT AND RIGHT-OF-WAY**

THIS INDENTURE, made and entered into this 18th day of November, 2010,
by and between the City of Fresno, a municipal corporation in the County of Fresno, State of
California, as Grantor, and Fresno Metropolitan Flood Control District, a public corporation in the
County of Fresno, State of California, as Grantee;

WITNESSETH

1. Grant of Easement and Right of Way. Grantor, for good and valuable
consideration does hereby grant to Grantee a non-exclusive easement (the "Easement") and perpetual
right to construct, install, operate, maintain, repair, and reconstruct two (2) pipelines, and to flow and
conduct water through said pipelines (the "Easement") across, over, through, and under that real
property owned by Grantor in the City and County of Fresno, State of California, described and
shown in Exhibit "A" attached hereto and by this reference incorporated herein (the "Area of
Easement"), together with all rights necessary, convenient or incidental thereto including the right of
ingress to and egress from said right-of-way and easement over and across adjoining real property
now owned by Grantor as described in Exhibit "B" attached hereto and by this reference incorporated
herein.

2. Improvements in the Area of Easement. In the Area of Easement and for
pedestrian trail purposes, Grantor may construct improvements consisting of a concrete sidewalk,
landscaping, trees and irrigation improvements as shown on Exhibit "C" attached hereto and by this
reference incorporated herein (the "Initial Improvements"). Grantor shall not construct or place in
the Area of Easement any additional improvements, including, but not limited to, structures, block or
concrete walls, underground utilities, or trees that may mature to a height of more than fifteen (15)



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indemnification to be provided. This indemnification obligation shall survive termination or expiration of this Easement Agreement.

IN WITNESS WHEREOF, the parties have executed this Easement Agreement and Grant the day and year first above written.

"GRANTOR"

City of Fresno

BY: Scott L. Mozier
Scott L. Mozier, PE
City Engineer / Assistant Director

Date: 11/18/10

APPROVED AS TO FORM:
City Attorney

By: Stacie L. Melikian
Stacie L. Melikian
Deputy City Attorney

Date: 11/18/10

Resolution 2000-180
T-5232, PWF-10971
2010-109

"GRANTEE"

Fresno Metropolitan Flood Control District

By: Bob Van Wyk
Bob Van Wyk
General Manager

Date: 11-18-10

APPROVED AS TO FORM:
Baker, Manock & Jensen

By: Suzanne Jensen
Attorneys for Fresno Metropolitan Flood Control District

DMS: Fancher Creek Trail Easement(bo-20) grant of easement(city of fresno)



CLERK'S CERTIFICATION

State of California)
County of Fresno)

On November 18, 2010 before me, Sherrie L. Badertscher, Deputy City Clerk, personally appeared, Scott L. Mozier, City Engineer, Assistant Public Works Director, 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

REBECCA E. KLISCH, CMC
City Clerk, City of Fresno

By Sherrie L. Badertscher
Deputy



EXHIBIT "A"
LEGAL DESCRIPTION OF EASEMENT

That portion of Outlot F of Tract 5232, according to the Map thereof, recorded in Volume 79 of Plats at Pages 45 through 60, inclusive, Fresno County Records, described as follows:

BEGINNING at a point on the Northwesternly boundary of said Outlot F, said point being North $64^{\circ}48'22''$ East, a distance of 139.58 feet from the most Westerly Northwest corner of said Outlot F; thence North $64^{\circ}48'22''$ East, along said Northwesternly boundary, a distance of 88.98 feet; thence North $53^{\circ}01'06''$ East, along said Northwesternly boundary, a distance of 106.12 feet; thence, leaving said Northwesternly boundary, North $58^{\circ}23'33''$ East, a distance of 29.80 feet; thence North $27^{\circ}21'19''$ East, a distance of 6.44 feet to the intersection with said Northwesternly boundary; thence North $53^{\circ}01'06''$ East, along said Northwesternly boundary, a distance of 5.12 feet; thence North $28^{\circ}16'45''$ East, along said Northwesternly boundary, a distance of 164.50 feet; thence North $32^{\circ}44'00''$ East, along said Northwesternly boundary, a distance of 62.85 feet; thence North $39^{\circ}08'25''$ East, along said Northwesternly boundary, a distance of 65.32 feet; thence North $52^{\circ}54'52''$ East, along said Northwesternly boundary, a distance of 13.67 feet; thence, leaving said Northwesternly boundary South $27^{\circ}21'19''$ West, a distance of 87.08 feet to a point of intersection with the Northwesternly right-of-way line of East Iowa Avenue, also being the Southeasterly boundary of said Outlot F, said point being a point on the arc of a non-tangent curve concave Southeasterly and having a radius of 425.00 feet, whose radius points bears South $54^{\circ}46'26''$ East; thence Southwesterly along said non-tangent curve, and along said Southeasterly boundary, through a central angle of $07^{\circ}52'15''$, an arc distance of 58.38 feet; thence South $27^{\circ}21'19''$ West, along said Southeasterly boundary, a distance of 173.27 feet; thence along said Southeasterly boundary and along a tangent curve, concave to the Southeast, having a radius of 40.00 feet, through a central angle of $13^{\circ}07'33''$, an arc distance of 9.16 feet; thence South $58^{\circ}23'33''$ West, non-tangent to last said curve, a distance of 311.13 feet to a point of intersection with the Northerly right-of-way line of East Tulare Avenue, also being the Southerly boundary of said Outlot F, said point being a point on the arc of a non-tangent curve concave to the South and having a radius of 742.00 feet, who radius point bears South $01^{\circ}57'41''$ West; thence Westerly along last said non-tangent curve, and along said Southerly boundary, through a central angle of $02^{\circ}11'28''$, an arc distance of 28.38 feet; thence South $89^{\circ}46'13''$ West, along said Southerly boundary, also along last said right-of-way line, a distance of 28.36 feet; thence North $58^{\circ}23'33''$ East, a distance of 132.81 feet to the Point of Beginning.

Contains an area of 15,285 square feet, more or less.

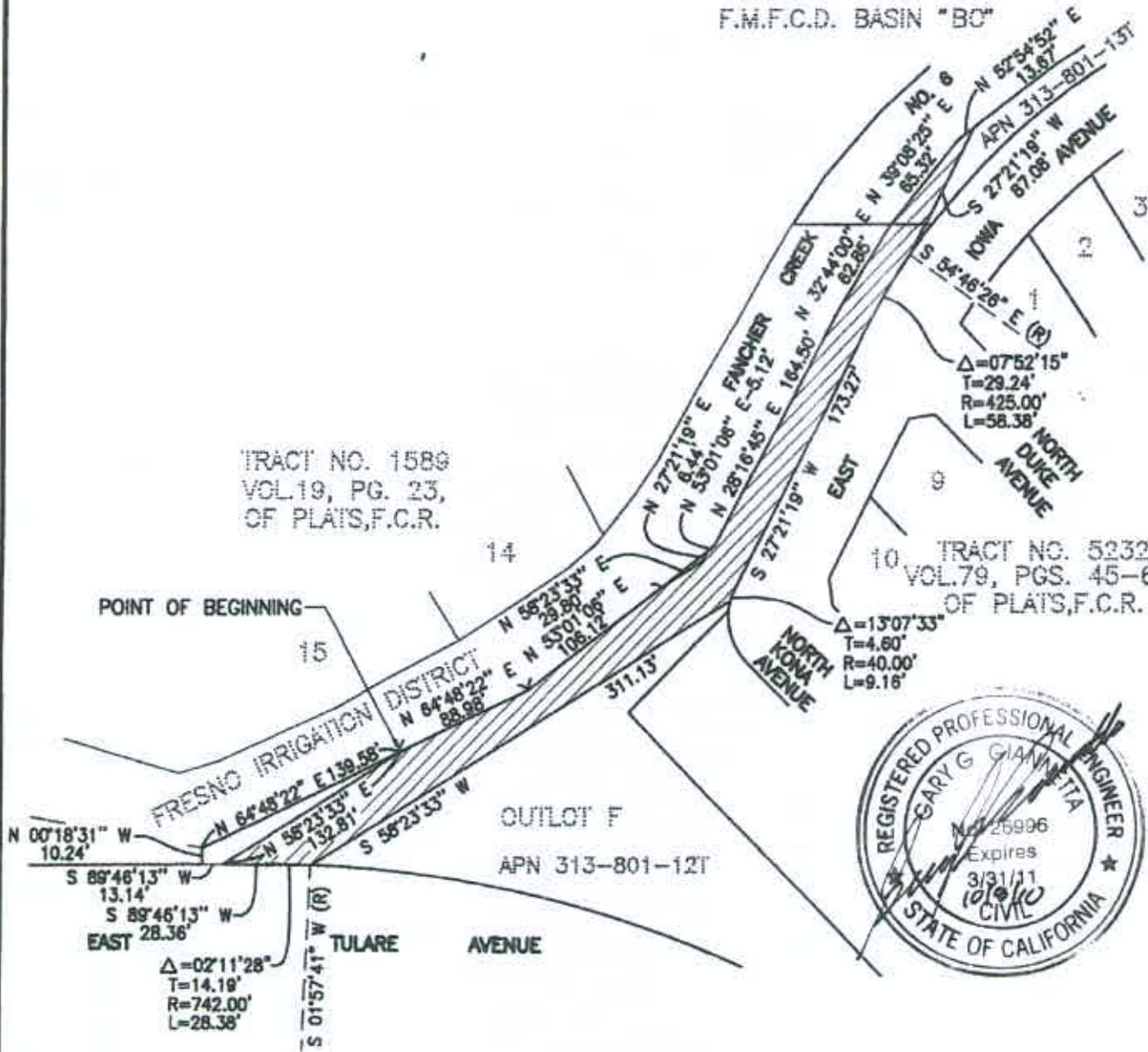


F.M.F.C.D. BASIN "BC"

TRACT NO. 1589
VOL.19, PG. 23,
OF PLATS,F.C.R.

TRACT NO. 5232
VOL.79, PGS. 45-60,
OF PLATS,F.C.R.

POINT OF BEGINNING



 INDICATES EASEMENT TO BE DEDICATED TO FMFCD FOR STORM DRAIN PURPOSES
CONTAINS AN AREA OF 15,285 ± SQ. FT.



SCALE: 1"=100'

EXHIBIT "A"

PLAT-2667
T-5232/2010-109

SHEET 2 OF 2

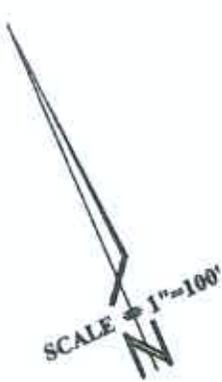
SKETCH OF EASEMENT

EXHIBIT "B"
LEGAL DESCRIPTION OF PARCEL

Outlot F of Tract 5232, according to the Map thereof recorded in Volume 79 of Plats, pages 45 through 60, Fresno County Records.

T-5232
2010-109





"Initial Improvements"

-  STRAWBERRY TREE
-  LONDON PLANE TREE
-  VALLEY OAK TREE
-  OKLAHOMA REDBUD TREE
-  10' WIDE CONCRETE TRAIL

NOTE:

All Trees shall be planted a minimum of 10' away from the centerline of the 54" storm drain

 Area of Storm Drain Easement within Outlot "F"

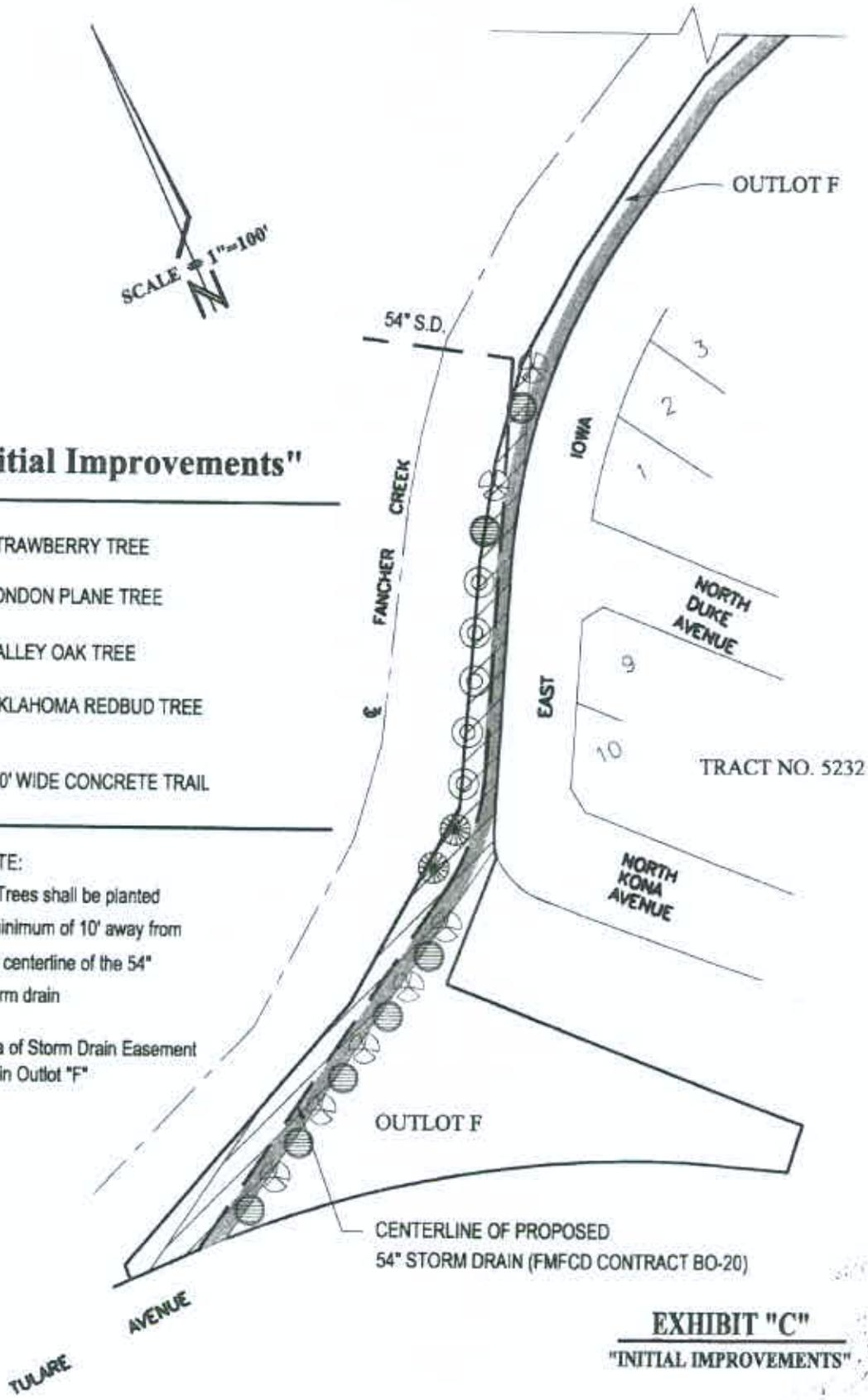


EXHIBIT "C"
"INITIAL IMPROVEMENTS"



CERTIFICATE OF ACCEPTANCE

In accordance with the provisions of 27281 of the Government Code of the State of California, this is to certify that the interest in real property conveyed by the attached instrument dated **November 18, 2010**, from **CITY OF FRESNO**, to the Fresno Metropolitan Flood Control District, a California public corporation, is hereby accepted by the undersigned General Manager-Secretary on behalf of the Board of Directors of the Fresno Metropolitan Flood Control District, pursuant to authority conferred by Resolution No. 2004-455 of said Board of Directors adopted December 15, 2004, and said District hereby consents to recordation thereof by and through its duly authorized officer.

Fresno Metropolitan Flood Control District,
a California public corporation

Dated: 11-18-10

By: Bob Van Wyk
Bob Van Wyk
General Manager-Secretary