

Utility Distribution Easement (02/2020)

RECORDING REQUESTED BY AND RETURN TO:

***Pacific Bell Telephone Company
870 North McCarthy Blvd.
Milpitas, California 95035
Attn: Kirk Guerrero***

Location: City of Sunnyvale _____

Recording Fee \$ _____

Document Transfer Tax \$ _____

☐ This is a conveyance where the consideration and Value is less than \$100.00 (R&T 11911).

☐ Computed on Full Value of Property Conveyed, or

☐ Computed on Full Value Less Liens

& Encumbrances Remaining at Time of Sale

☐ Exempt from the fee per GC 27388.1 (a) (2); This document is subject to Documentary Transfer Tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

Signature of declarant or agent determining tax

LD#

EASEMENT DEED

City of Sunnyvale,

hereinafter (*collectively*) called Grantor, hereby grants to Pacific Bell Telephone Company Group, a California Corporation, hereinafter (*collectively*) called Grantee, the right from time to time to excavate for, construct, reconstruct, replace (of initial or any other size), remove, maintain, inspect, and use facilities and associated equipment for public utility purposes, including, but not limited to electric, gas, and communication facilities, together with a right of way therefor, on, over, and under the easement area as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands of Grantor situated in the incorporated area of the City of Sunnyvale, County of Santa Clara, State of California, described as follows:

(APN 165-02-003)

Lot 4 as shown upon the map entitled "Map of James T. Murphy Subdivision 1", filed for record on November 19, 1894, in Book H of Maps, Page 95, Santa Clara County Records.

The easement area is described as follows:

The strip(s) of land described in Exhibit "A" and shown on Exhibit "B" attached hereto and made a part hereof.

Grantor further grants to Grantee the right, from time to time, to trim or to cut down, without Grantee paying compensation, any and all trees and brush now or hereafter within said easement area, and shall have the further right, from time to time, to trim and cut down trees and brush along each side of said easement area which now or hereafter in the opinion of Grantee may interfere with or be a hazard to the facilities installed hereunder, or as Grantee deems necessary to comply with applicable state or federal regulations.

Grantor also grants to Grantee the right to use such portion of said lands contiguous to said easement area as may be reasonably necessary in connection with the excavation, construction, reconstruction, replacement, removal, maintenance and inspection of said facilities.

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Grantor hereby covenants and agrees not to place or construct, nor allow a third party to place or construct, any building or other structure, or store flammable substances, or drill or operate any well, or construct any reservoir or 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.

Grantor further grants to Grantee the right to apportion to another public utility (as defined in Section 216 of the California Public Utilities Code) the right to excavate for, construct, reconstruct, replace, remove, maintain, inspect, and use the communications facilities within said easement area including ingress thereto and egress therefrom.

Grantor acknowledges that they have read the “Grant of Easement Disclosure Statement”, Exhibit “C”, attached hereto and made a part hereof.

This document may be executed in multiple counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

Dated: _____, _____.

Name of Grantor

Name of Grantor

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A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____)

On _____, before me, _____ Notary Public,
Insert name
personally appeared _____

_____,
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.

Signature of Notary Public

(Seal)

CAPACITY CLAIMED BY SIGNER

- ☐ Individual(s) signing for oneself/themselves
- ☐ Corporate Officer(s) of the above named corporation(s)
- ☐ Trustee(s) of the above named Trust(s)
- ☐ Partner(s) of the above named Partnership(s)
- ☐ Attorney(s)-in-Fact of the above named Principal(s)
- ☐ Other _____

EXHIBIT "A"
LEGAL DESCRIPTION
FOR PUBLIC UTILITY EASEMENT

All that real property situated in the City of Sunnyvale, County of Santa Clara, State of California, and being a portion of LOT 4 on that certain map entitled "MAP OF JAMES T. MURPHY SUBDIVISION 1", filed for record on November 19, 1894, in Book H of Maps, Page 95, Santa Clara County Records, more particularly described as follows:

COMMENCING at a found 3/4 inch iron pipe, shown as being located at the intersection of the centerlines of West Olive Avenue and Pastoria Avenue on Record of Survey filed for record on January 25, 1984 in Book 524 of Maps at page 21, Santa Clara County Records, thence South 11°45'24" East, 88.71 feet to the southerly corner of that certain parcel of land described in the Easement Deed, recorded August 2, 1983 in Book H772 at Page 485, Santa Clara County Official Records and the **TRUE POINT OF BEGINNING** of this description; thence along the following eight (8) courses and distances: (1) South 15°46'00" West, 120.32 feet, (2) South 33°18'21" East, 10.68 feet, (3) South 15°44'35" West, 22.00 feet, (4) South 64°50'38" West, 10.69 feet, (5) South 15°46'00" West, 71.05 feet, (6) South 9°23'31" West, 11.61 feet to the beginning of a tangent curve to the left, having a radius of 37.00 feet, (7) along said curve to the left, through a central angle of 66°31'10", an arc distance of 42.96 feet, (8) South 57°07'38" East, 16.88 feet to a point on the northerly right-of-way line of West El Camino Real; thence westerly along northerly right-of-way line, North 71°10'08" West, 15.48 feet to the beginning of a tangent curve to the right, having a radius of 40.00 feet; thence along said curve to the right, through a central angle of 86°56'22", an arc distance of 60.70 feet; thence along the easterly right-of-way of line of Pastoria Avenue as shown on said on Record of Survey, North 15°46'14" East, 234.35 feet, thence along the southerly line of said Easement Deed, South 74°13'46" East, 10.00 feet more or less to the **TRUE POINT OF BEGINNING**.

Containing 3,069 square feet, more or less.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors' Act.

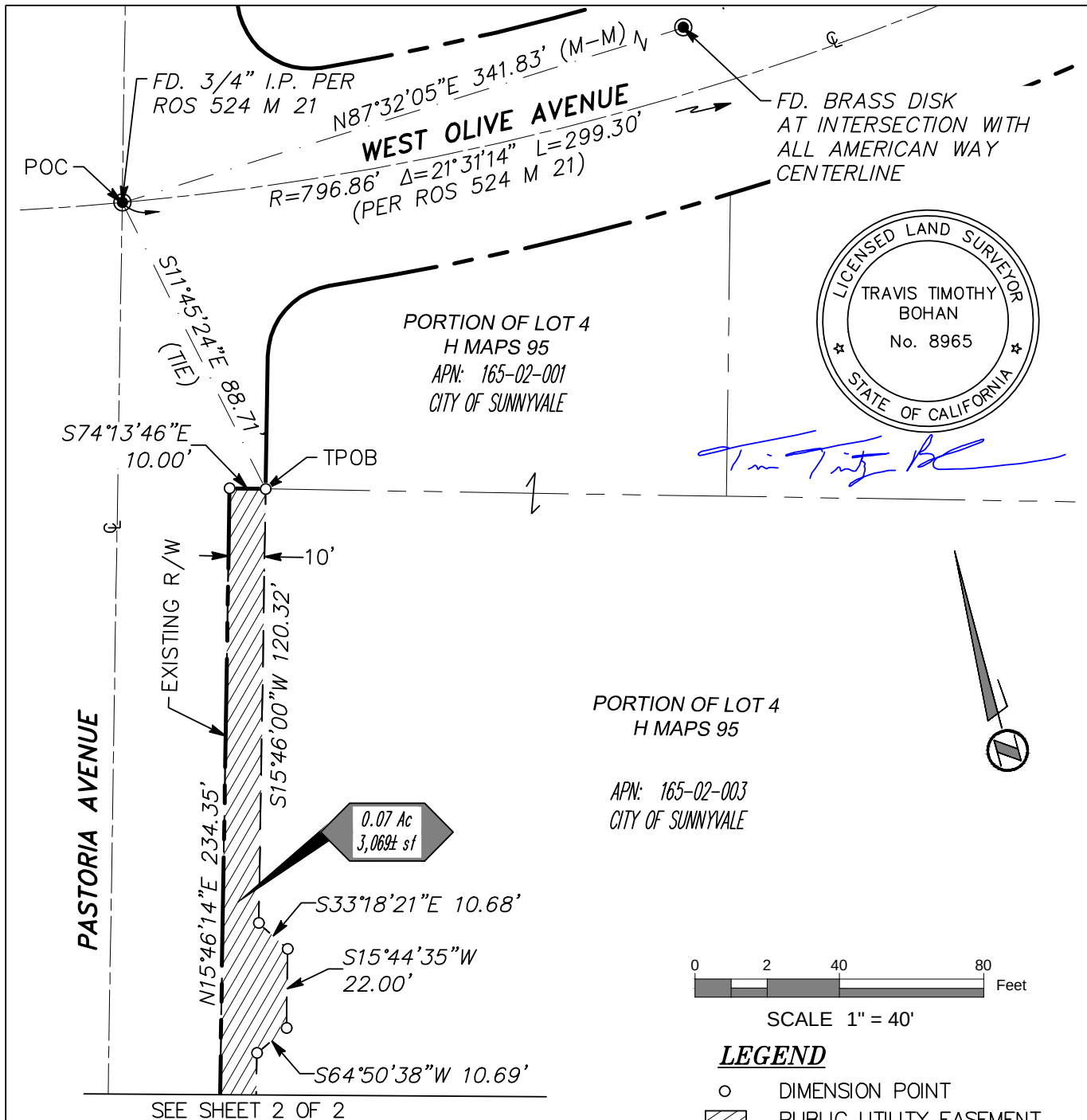


Travis Timothy Bohan, L.S. No. 8965

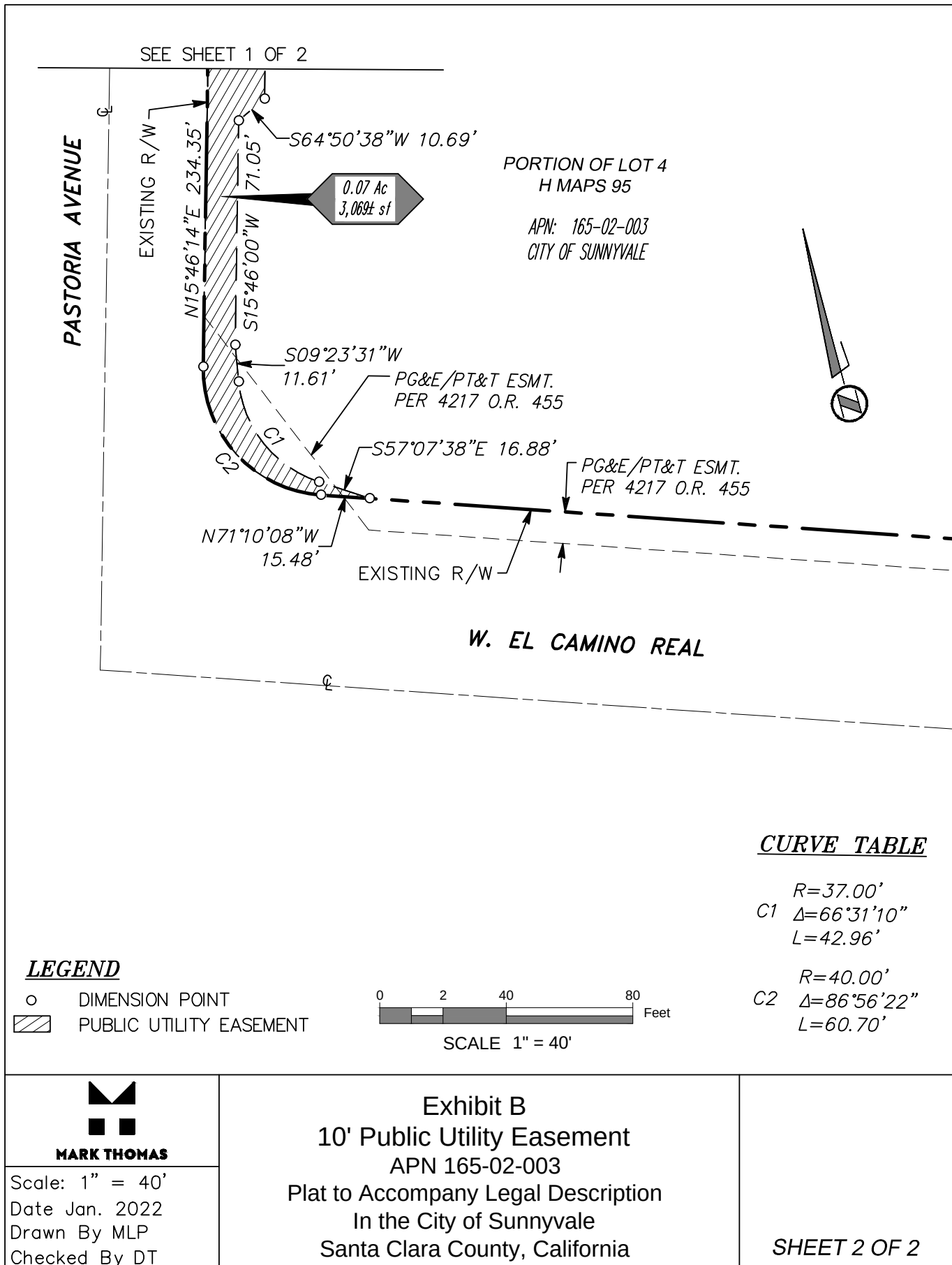


January 20, 2022

Date



 MARK THOMAS Scale: 1" = 40' Date Jan. 2022 Drawn By MLP Checked By DT	Exhibit B Public Utility Easement APN 165-02-003 Plat to Accompany Legal Description In the City of Sunnyvale Santa Clara County, California	SHEET 1 OF 2
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Parcel Map Check Report

Client:

Client

Client Company

Address 1

Date: 1/11/2022 7:25:20 PM

Prepared by:

Preparer

Your Company Name

123 Main Street

Parcel Name: Site 1 - PUE

Description:

Process segment order counterclockwise: False

Enable mapcheck across chord: False

North: 1,961,216.5921'

East: 6,114,035.9208'

Segment# 1: Line

Course: S15° 46' 00"W

Length: 120.32'

North: 1,961,100.7990'

East: 6,114,003.2274'

Segment# 2: Line

Course: S33° 18' 21"E

Length: 10.68'

North: 1,961,091.8732'

East: 6,114,009.0918'

Segment# 3: Line

Course: S15° 44' 35"W

Length: 22.00'

North: 1,961,070.6984'

East: 6,114,003.1227'

Segment# 4: Line

Course: S64° 50' 38"W

Length: 10.69'

North: 1,961,066.1542'

East: 6,113,993.4466'

Segment# 5: Line

Course: S15° 46' 00"W

Length: 71.05'

North: 1,960,997.7774'

East: 6,113,974.1409'

Segment# 6: Line

Course: S9° 23' 31"W

Length: 11.61'

North: 1,960,986.3230'

East: 6,113,972.2463'

Segment# 7: Curve

Length: 42.96'
Delta: 66°31'10"
Chord: 40.58'
Course In: S80° 36' 29"E
RP North: 1,960,980.2851'
End North: 1,960,949.2096'

Radius: 37.00'
Tangent: 24.27'
Course: S23° 52' 03"E
Course Out: S32° 52' 22"W
East: 6,114,008.7503'
East: 6,113,988.6676'

Segment# 8: Line
Course: S57° 07' 38"E
North: 1,960,940.0476'

Length: 16.88'
East: 6,114,002.8447'

Segment# 9: Line
Course: N71° 10' 08"W
North: 1,960,945.0442'

Length: 15.48'
East: 6,113,988.1933'

Segment# 10: Curve
Length: 60.70'
Delta: 86°56'22"
Chord: 55.04'
Course In: N18° 49' 52"E
RP North: 1,960,982.9032'
End North: 1,960,993.7746'

Radius: 40.00'
Tangent: 37.92'
Course: N27° 41' 57"W
Course Out: N74° 13' 46"W
East: 6,114,001.1045'
East: 6,113,962.6102'

Segment# 11: Line
Course: N15° 46' 14"E
North: 1,961,219.3032'

Length: 234.35'
East: 6,114,026.3032'

Segment# 12: Line
Course: S74° 13' 46"E
North: 1,961,216.5853'

Length: 10.00'
East: 6,114,035.9268'

Perimeter: 626.71'
Error Closure: 0.0091
Error North : -0.00679

Area: 3,069Sq.Ft.
Course: S41° 31' 04"E
East: 0.00601

Precision 1: 68,870.33

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Pacific Bell Telephone Company

EXHIBIT C

GRANT OF EASEMENT DISCLOSURE STATEMENT

This Disclosure Statement will assist you in evaluating the request for granting an easement to Pacific Bell Telephone Company to accommodate a utility service extension to Pacific Bell Telephone Company's applicant. **Please read this disclosure carefully before signing the Grant of Easement.**

- You are under no obligation or threat of condemnation by Pacific Bell Telephone Company to grant this easement.
- The granting of this easement is an accommodation to Pacific Bell Telephone Company's applicant requesting the extension of Pacific Bell Telephone Company utility facilities to the applicant's property or project. Because this easement is an accommodation for a service extension to a single customer or group of customers, Pacific Bell Telephone Company is not authorized to purchase any such easement.
- By granting this easement to Pacific Bell Telephone Company, the easement area may be used to serve additional customers in the area and **may be used to install additional utility facilities**. Installation of any proposed facilities outside of this easement area will require an additional easement.
- Removal and/or pruning of trees or other vegetation on your property may be necessary for the installation of Pacific Bell Telephone Company facilities. You have the option of having Pacific Bell Telephone Company's contractors perform this work on your property, if available, or granting permission to Pacific Bell Telephone Company's applicant or the applicant's contractor to perform this work. Additionally, in order to comply with California fire laws and safety orders, Pacific Bell Telephone Company or its contractors will periodically perform vegetation maintenance activities on your property as provided for in this grant of easement in order to maintain proper clearances from energized electric lines or other facilities.
- The description of the easement location where Pacific Bell Telephone Company utility facilities are to be installed across your property must be satisfactory to you.
- The California Public Utilities Commission has authorized Pacific Bell Telephone Company's applicant to perform the installation of certain utility facilities for utility service. In addition to granting this easement to Pacific Bell Telephone Company, your consent may be requested by the applicant, or applicant's contractor, to work on your property. Upon completion of the applicant's installation, the utility facilities will be inspected by Pacific Bell Telephone Company. When the facility installation is determined to be acceptable the facilities will be conveyed to Pacific Bell Telephone Company by its applicant.

By signing the Grant of Easement, you are acknowledging that you have read this disclosure and understand that you are voluntarily granting the easement to Pacific Bell Telephone Company. Please return the signed and notarized Grant of Easement with this Disclosure Statement attached to Pacific Bell Telephone Company. The duplicate copy of the Grant of Easement and this Disclosure Statement is for your records.



June 9th, 2022

Stephen Ping
Senior Engineer
City of Sunnyvale
456 West Olive
Sunnyvale, CA 94086

RE: Request for Utility Approval for a non-exclusive utility easement along Pastoria Ave
Site Address: Pastoria Avenue, Sunnyvale, CA
APN: 165-02-003 & 165-02-001

Dear Mr. Ping,
AT&T has reviewed the attached request to approve a non-exclusive utility easement along Pastoria Avenue and has the following response:

- ☒ No objection to attached request to approve a non-exclusive utility easement along Pastoria Avenue
- ☐ No objection to the attached request to approve a non-exclusive utility easement along Pastoria Avenue, but with the following reservation: _____
- ☐ Objects to the attached request to approve a non-exclusive utility easement along Pastoria Avenue. reason: _____

Kirk Guerrero
Kirk Guerrero

Right of Way Manager
AT&T
870 North McCarthy Boulevard
Milpitas, CA 95035
kg2513@att.com

cc: Cathy Teves, JMH Weiss, cteves@jmhweiss.com