

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Public Works *MM*

BOARD AGENDA # *C-1

Urgent Routine

AGENDA DATE June 18, 2013

CEO Concur with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of Purchase Agreement to Acquire Road Right-of-Way for the Claribel Road Widening Project, Parcel Owner: K. Darpinian & Sons, Inc., a California Corporation; APN: 074-015-007 (Portion), 074-015-010 (Portion), and 074-015-015 (Portion and Access Easement)

STAFF RECOMMENDATIONS:

1. Approve the purchase agreement for the acquisition of a portion of parcels identified as: assessor's parcel number (APN): 074-015-007, 074-015-010, and 074-015-015 (portion and access easement).
2. Authorize the Chairman of the Board to execute the agreement.
3. Direct the Director of Public Works to sign and cause to record the Grant Deed on behalf of Stanislaus County as authorized by Board Resolution No. 2011-141 executed on March 8, 2011.

FISCAL IMPACT:

The total estimated cost for this project is \$15,400,000. The \$235,695 for the purchase of this Right of Way (ROW) is funded 100% from the Public Facilities Fee-Regional Transportation Impact Fee program and consists of \$232,495 for the purchase of a portion of real property on three parcels, compensation for an access easement to be granted to the adjacent property owner, and \$3,200 for estimated title insurance and escrow fees.

BOARD ACTION AS FOLLOWS:

No. 2013-304

On motion of Supervisor Monteith _____, Seconded by Supervisor Withrow _____
and approved by the following vote,

Ayes: Supervisors: O'Brien, Withrow, Monteith, De Martini and Chairman Chiesa _____

Noes: Supervisors: _____ None _____

Excused or Absent: Supervisors: _____ None _____

Abstaining: Supervisor: _____ None _____

1) Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro
CHRISTINE FERRARO TALLMAN, Clerk

ATTEST:

File No.

Approval of Purchase Agreement to Acquire Road Right-of-Way for the Claribel Road Widening Project, Parcel Owner: K. Darpinian & Sons, Inc., a California Corporation; APN: 074-015-007 (Portion), 074-015-010 (Portion), and 074-015-015 (Portion and Access Easement)

DISCUSSION:

The Claribel Road Widening project proposes to widen Claribel Road from two lanes to four lanes, construct a Class I Bikeway, replace the Modesto Irrigation District Lateral No. 6 bridge with concrete pipe culverts, and signalize the intersection of Coffee Road at Claribel Road.

On May 22, 2012, the Board of Supervisors adopted the Initial Study and Mitigated Negative Declaration for the project.

County Public Works staff is currently in the process of acquiring the ROW necessary to complete the project. The County needs to acquire ROW from K. Darpinian & Sons, Inc., a California Corporation, to accomplish this project. An access easement will be granted to 'K-B Farm Fab and Welding' from 'K. Darpinian & Sons, Inc.' to replace truck access to the adjacent property, which will be eliminated by the project. The properties are located on the north side of Claribel Road between McHenry Road and Coffee Road. The property owners have agreed to accept the following as outlined in the Agreement for Acquisition of Property in Attachment 1:

- Property Owner(s): K. Darpinian & Sons, Inc., a California Corporation
- Amount of Compensation: \$232,495
- APN: 074-015-007 (portion) and 074-015-010 (portion), ROW area: 4.88 Acres
- APN: 074-015-015 (portion), ROW area: 1.03 Acres
- APN: 074-015-007; access easement area: 0.24 Acres

The amount of compensation has been determined to be within the range of just compensation by an independent appraiser hired by the county. In order to construct the project, ROW acquisition is required from 17 parcels. ROW acquisition is still being negotiated with the owners of the 12 remaining parcels.

POLICY ISSUES:

The recommended actions are consistent with the Board's priorities of providing a Safe Community, a Healthy Community, and a Well-Planned Infrastructure System by improving traffic safety and flow in this area of Stanislaus County.

STAFFING IMPACT:

There is no staffing impact associated with this item.

CONTACT PERSON:

Matt Machado, Public Works Director. Telephone: (209) 525-4130.

"ATTACHMENT 1"

Project: Claribel Road Widening
Grantor: K. Darpinian & Sons, Inc.,
a California corporation
APN: 074-015-007, 010 & 015 (portion)

AGREEMENT FOR ACQUISITION OF PROPERTY

This Agreement for Acquisition of Property is between the County of Stanislaus (County) and K. Darpinian & Sons, Inc., a California corporation (Grantor). This Agreement is expressly subject to approval by the County Board of Supervisors.

1. PROPERTY.

Grantor agrees to sell to County, and County agrees to purchase from Grantor, on the terms and conditions set forth in this Agreement, the fee simple portion of real property described in Exhibits A & A-1 and shown in Exhibits B & B-1, along with an easement on the real property described in Exhibit A-2 and shown in Exhibit B-2, each attached hereto which are incorporated collectively herein by this reference (the "Property"), and improvements.

2. DELIVERY OF DOCUMENTS/ESCROW.

All documents necessary for the transfer of the Property shall be executed and delivered by Grantor to the County's designated Acquisition Agent. Close of escrow shall occur AFTER July 1, 2013, but no later than July 8, 2013.

This transaction shall be handled through an escrow with First American Title Company, 1506 H Street, Modesto, CA 95354, at (209) 529-5000.

3. PURCHASE PRICE AND TITLE.

The consideration to be paid by the County for the Property and improvements (the "Purchase Price") is TWO HUNDRED THIRTY-TWO THOUSAND FOUR HUNDRED NINETY-FIVE AND NO/100 DOLLARS (\$232,495.00), and is payable and segregated as follows:

<u>\$170,800.00</u>	Fee Simple for APN 074-015-007 & 010: 4.88+/- Acres
<u>\$ 6,227.00</u>	Easement for APN 074-015-007: 0.2372+/- Acres (or 10,330+/- Sq. Ft.)
<u>\$ 12,500.00</u>	Cost to Cure (074-015-007 & 010): removal of 190 trees, agricultural lane
<u>\$ 36,218.00</u>	Fee Simple for APN 074-015-015: 45,077+/- Sq. Ft.
<u>\$ 6,750.00</u>	Cost to Cure (APN 074-015-015): removal of 95 trees, agricultural lane
<u>\$232,495.00</u>	Total

**Agreement for Purchase
K. Darpinian & Sons, Inc.
Page 2 of 4**

County shall deliver the Purchase Price no later than 45 days after Board of Supervisors approval and after delivery and execution of all necessary transfer documents. Grantor shall convey good, marketable and insurable title to the Property free and clear of all liens, encumbrances, taxes, assessments and leases recorded and/or unrecorded.

Good, marketable and insurable fee simple title to the Property shall be evidenced by a CLTA owner's policy of title insurance ("Title Policy"). The Title Policy shall be in the amount of \$213,245.00, showing title to the Property vested in County. It shall be a condition precedent to County's obligations under this Agreement that escrow holder is able to issue the Title Policy to County.

County shall pay all costs of any escrow, title insurance, and recording fees incurred in this transaction.

The Grantor agrees that if claims are submitted by lien-holders, the County is hereby authorized to honor such claims and deduct the amount of said claims from the amount to be paid to the property owner. The County will notify the Grantor of any such claims prior to payment.

The Grantor acknowledges that this transaction is a negotiated settlement in lieu of condemnation and agrees that the Purchase Price to be paid herein is in full settlement of any claims for compensation or damages that may have arisen, including, but not limited to, attorney fees, pre-condemnation damages, severance damages, business goodwill, or any other claim regarding the acquisition of the Property or construction of improvements thereon.

4. PRORATION OF TAXES.

- (a) Taxes shall be prorated in accordance with California Revenue and Taxation Code section 5081 et seq., as of the recordation of the Grant Deed conveying title to County, except that where County has taken possession of the Property, taxes shall be prorated as of the date of possession.
- (b) Grantor authorizes County to deduct from the purchase price any amount necessary to satisfy any delinquent taxes, together with penalties and interest thereon, and any delinquent or non-delinquent assessments or bonds, which are to be cleared from the title to the Property.

5. LEASE WARRANTY

Grantor represents and warrants to County that there are no oral or written leases on all or any portion of property exceeding a period of one month, and Grantor further agrees to hold County harmless and reimburse County for any an all of its losses and expenses

**Agreement for Purchase
K. Darpinian & Sons, Inc.
Page 3 of 4**

occasioned by reason of any lease of said property held by any tenant of Grantor for a period exceeding one month, except: NONE.

6. POSSESSION.

Grantor agrees that immediately upon approval of this Agreement by County, the County may enter upon and take possession of the Property.


7. HAZARDOUS WASTE MATERIAL

The Grantor hereby represents and warrants that during the period of Grantor's ownership of the Property, there have been no disposals or releases of hazardous substances on, from, or under the Property. Grantor further represents and warrants that Grantor has no knowledge of any disposal or release of hazardous substances, on, from, or under the Property which may have occurred prior to Grantor taking title to the Property.

The Purchase Price of the Property reflects the fair market value of the Property without the presence of contamination. If the Property is found to be contaminated by the presence of hazardous substances which requires mitigation under Federal or County law, the County reserves the right to recover its clean-up costs from those who caused or contributed to the contamination.

IN WITNESS WHEREOF, the parties have executed this Agreement on June 18, 2013 as follows:

COUNTY OF STANISLAUS



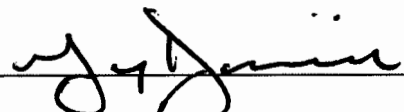
Vito Chiesa
Chairman of the Board of Supervisors

ATTEST:
Christine Ferraro Tallman
Clerk of the Board of Supervisors of the
County of Stanislaus, State of California

By: 

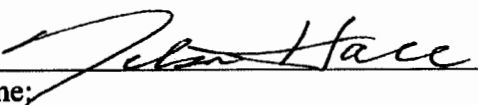
Deputy Clerk

GRANTOR
K. DARPINIAN & SONS, INC.,
a California corporation

By: 

Name:

Its: PRESIDENT

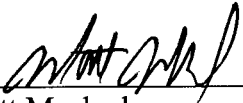
By: 

Name:

Its: SECRETARY

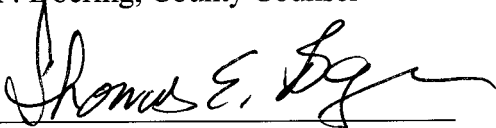
**Agreement for Purchase
K. Darpinian & Sons, Inc.
Page 4 of 4**

APPROVED AS TO CONTENT:
Department of Public Works

By: 

Matt Machado
Public Works Director

APPROVED AS TO FORM:
John P. Doering, County Counsel

By: 

Thomas E. Boze
Deputy County Counsel

NO FEE
RECORDING REQUESTED BY:
BOARD OF SUPERVISORS

RETURN TO:
STANISLAUS COUNTY
DEPARTMENT OF PUBLIC WORKS
1716 MORGAN ROAD
MODESTO, CA 95368

WE HEREBY CERTIFY THIS TO BE A TRUE
AND CORRECT COPY OF THE ORIGINAL

RECORDED ON 7-3-13
INSTRUMENT NO. 2013-0057247
FIRST AMERICAN TITLE INSURANCE CO.

BY [Signature]
Road Name: CLARIBEL ROAD & COFFEE ROAD

APN: 074-015-007 & 074-015-010

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

K. Darpinian & Sons, Inc., a California Corporation

does hereby grant to the COUNTY OF STANISLAUS, a political subdivision of the State of California all that real property in the County of Stanislaus, State of California described as:

SEE EXHIBIT "A" AND "B"

(sign) [Signature]
(print) GARY DARPINIAN, PRESIDENT
Dated: 6/20/13

[Signature]
NELSON HALL, SECRETARY
6/20/13

APPROVED as to description: L.S.F. Dated: 7/1/2013

CERTIFICATE OF ACCEPTANCE AND CONSENT TO RECORDATION

This is to certify that the interest in real property conveyed by the deed or grant dated _____
From K. Darpinian & Sons, Inc., a California Corporation to County of Stanislaus a political subdivision of the State of California, is hereby accepted by the undersigned officer or agent on behalf of the Board of Supervisors of the County of Stanislaus, pursuant to authority conferred by resolution of the Board of Supervisors of the County of Stanislaus adopted on March 8, 2011 in accordance with the provisions of Government Code Section 27281, and the grantee consents to recordation thereof by its duly authorized officer.

Matt Machado, Director of Public Works
of Stanislaus County, State of California

By [Signature] Dated: 7/1/13

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of STANISLAUS

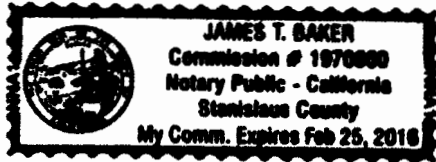
On 6/20/13 before me, JAMES T. BAKER, NOTARY PUBLIC

personally appeared GARY DARPIANIAN AND NELSON HALL

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: [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

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: GRANT DEED

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____

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

Signer Is Representing: _____

Signer Is Representing: _____



LINE TABLE		
LINE	BEARING	LENGTH
L1	N44°57'09"W	28.53'
L2	N00°25'59"W	70.01'
L3	N83°35'47"E	92.14'
L4	N63°35'20"E	43.82'
L5	N00°26'35"W	134.84'
L6	N06°20'03"E	196.11'
L7	N01°10'03"E	117.13'
L8	N89°33'25"E	8.56'

SECTION LINE

COFFEE ROAD

N00°26'35"W

1/4 SECTION LINE

APN: 074-015-008

APN: 074-015-010

3 - PM - 78

K. DARPINIAN & SONS, INC.

APN: 074-015-007

VOL. 1481, O.R. PG. 689, S.C.R.

CLARIBEL RD. & COFFEE RD.
WIDENING - 4.88 ACRES±

SECTION 33

APN: 074-015-006
PARCEL B

L2 589°27'42"E
1153.29'

587°30'48"W
454.75'

589°27'42"E
704.36'

L4 L5
55'

N04°27'42"W 2478.25'

L6 L7 L8
500'26'35"E
572.27'

589°27'42"E 2648.45'

CLARIBEL ROAD

SEC. COR. COMMON TO
SEC. 3, 4, 33 & 34
POC

S. 1/4 COR. OF
SEC. 33, 2/9

TOWNSHIP LINE

SECTION 4

SECTION 34

SECTION 3

DRAWN: DLS
DATE: 11/15/12
SCALE: 1"=400'
JOB #: 784-10
DWG: Id_plats

EXHIBIT "B"

APN: 074-015-007 &
APN: 074-015-010



**ASSOCIATED
ENGINEERING
GROUP**

4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

NO FEE
RECORDING REQUESTED BY:
BOARD OF SUPERVISORS

RETURN TO:
STANISLAUS COUNTY
DEPARTMENT OF PUBLIC WORKS
1716 MORGAN ROAD
MODESTO, CA 95358

WE HEREBY CERTIFY THIS TO BE A TRUE
AND CORRECT COPY OF THE ORIGINAL.

RECORDED ON 7-3-13
INSTRUMENT NO. 2013-0057248
FIRST AMERICAN TITLE INSURANCE CO.
BY Jani Centuripe

Road Name: CLARIBEL ROAD

APN: 074-015-015

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

K. Darpinian & Sons, Inc., a California Corporation

does hereby grant to the COUNTY OF STANISLAUS, a political subdivision of the State of California all that real property in the County of Stanislaus, State of California described as:

SEE EXHIBIT "A" AND "B"

(sign) [Signature]
(print) GARY DARPINIAN, PRESIDENT
Dated: 6/20/13

[Signature]
NELSON HALL, SECRETARY
6/20/13

APPROVED as to description: L.S.F. Dated: 7/1/2013

CERTIFICATE OF ACCEPTANCE AND CONSENT TO RECORDATION

This is to certify that the interest in real property conveyed by the deed or grant dated _____ From K. Darpinian & Sons, Inc., a California Corporation to County of Stanislaus a political subdivision of the State of California, is hereby accepted by the undersigned officer or agent on behalf of the Board of Supervisors of the County of Stanislaus, pursuant to authority conferred by resolution of the Board of Supervisors of the County of Stanislaus adopted on March 8, 2011 in accordance with the provisions of Government Code Section 27281, and the grantee consents to recordation thereof by its duly authorized officer.

Matt Machado, Director of Public Works
of Stanislaus County, State of California

By [Signature] Dated: 7/1/13

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

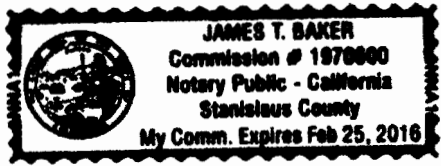
State of California

County of STANISLAUS

On 6/20/13 before me, JAMES T. BAKER, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared BARY DARDINIAN AND NELSON HALL
Name(s) of Signer(s)

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: [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

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: GRANT DEED

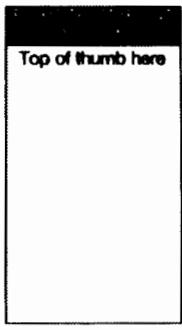
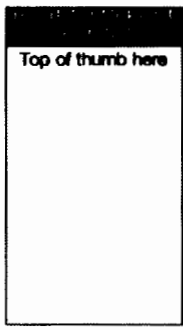
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____

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



Signer Is Representing: _____

Signer Is Representing: _____

EXHIBIT "A"
LEGAL DESCRIPTION
CLARIBEL ROAD RIGHT OF WAY WIDENING
A.P.N. 074-015-015

All that certain piece or parcel of land situate in the County of Stanislaus, State of California, lying within the Southwest quarter of Section 33, Township 2 South, Range 9 East, Mount Diablo Meridian, described as follows:

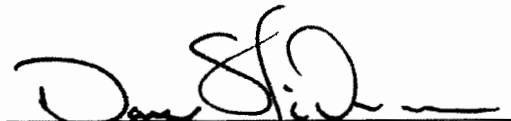
ALL that portion of that certain parcel of land conveyed to K. Darpinian & Sons, Inc. by Grant Deed filed in the Office of the Recorder of the County of Stanislaus on June 16, 1975 in Book 2710 of Official Records at Page 460 as Document No. 48737, being more particularly described as follows:

COMMENCING at the South quarter corner of said Section 33; thence North 00°25'59" West along the East line of said Southwest quarter of Section 33, a distance of 45.01 feet to a point on the North Right of way line of a County Road known as Claribel Road and being the TRUE POINT OF BEGINNING this description: thence North 89°28'00" West along last said line, said line being 45.00 feet North of and parallel with the South line of the Southeast quarter of the Southwest quarter of said Section 33, a distance of 647.24 feet to a point of intersection with that certain parcel of land conveyed to the State of California by Easement Deed filed in the Office of the Recorder of the County of Stanislaus on December 1, 2010 as Document Number 2010-0106564 of Official Records; thence North 86°01'22" West along the North line of said parcel of land conveyed to the State of California, a distance of 469.44 feet to a point on the East line of that certain parcel of land conveyed to the State of California by Grant Deed filed in the Office of the Recorder of the County of Stanislaus on November 4, 2009 as Document Number 2009-0106791 of Official Records; thence North 00°26'30" West along last said East line, a distance of 24.74 feet; thence South 88°15'10" East, a distance of 374.67 feet to a point which lies 90.00 feet North of , measured perpendicular to, said South line of the Southeast quarter of the Southwest quarter of said Section 33; thence South 89°28'00" East, 90.00 feet North of and parallel with last said line, a distance of 740.90 feet to a point on the East line of the Southwest quarter of said Section 33; thence South 00°25'59" East along last said line, a distance of 45.01 feet to the point of beginning of this description.

CONTAINING 45,077 Square Feet more or less.

SUBJECT to all easements and/or rights of way of record.




Dave Skidmore, P.L.S. 7126
11/15/12



APN: 074-015-015

K. DARPINIAN & SONS, INC.
INST. NO 48737, JUNE 16, 1975

APN: 074-015-014
STATE OF CA.
DOC. NO. 2009-0106791

CLARIBEL ROAD WIDENING

45,077 S.F. ±

500°25'59"E
45.01'

N00°26'30"W
24.74'

588°15'10"E
374.67'

SECTION 33

90.00'

S89°28'00"E 740.90'

45.00'

90.00'

APN: 074-015-006

3 - PM - 78 APN: 074-015-007

PARCEL B

469.44'
N86°01'22"W

N89°28'00"W

647.24'

POB

CLARIBEL ROAD

N00°25'59"W
45.01'

ROAD DEED TO STATE OF CA.
DOC. NO. 2010-0106564

TOWNSHIP LINE

SECTION 4

S. 1/4 COR. OF
SEC. 33, 2/9
POC

DRAWN: DLS

DATE: 11/15/12

SCALE: 1"=200'

JOB #: 704-10

DWG: Id_plats

EXHIBIT "B"

APN: 074-015-015



**ASSOCIATED
ENGINEERING
GROUP**

4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

EXHIBIT "A"
LEGAL DESCRIPTION
PRIVATE INGRESS – EGRESS EASEMENT
A.P.N. 074-015-007

All that certain piece or parcel of land situate in the County of Stanislaus, State of California, lying within the Southeast quarter of Section 33, Township 2 South, Range 9 East, Mount Diablo Meridian, described as follows:


ALL that portion of that certain parcel of land conveyed to K. Darpinian & Sons, Inc., a California Corporation by Grant Deed filed in the Office of the Recorder of the County of Stanislaus on May, 6, 1958 in Volume 1481 at Page 689 of Official Records of Stanislaus County, being more particularly described as follows:

COMMENCING at the Southeast corner of Parcel B as shown on that map filed for record in the Office of the Recorder of the County of Stanislaus on May 23, 1967 in Book 3 of Parcel Maps at Page 78, said corner lies Northerly and Easterly the following (2) two courses: 1) North 00°25'59" West, a distance of 45.01 feet and 2) South 89°27'42" East, a distance of 145.20 feet from the South quarter corner of said Section 33; thence North 00°25'59" West along the East line of said Parcel B, a distance of 45.01 feet to the TRUE POINT OF BEGINNING of this easement description; thence continuing North 00°25'59" West along the East line of said Parcel B, a distance of 126.00 feet ; thence South 89°27'42" East, a distance of 82.00 feet; thence South 00°25'59" East, a distance of 126.00 feet to a point which lies 90.00 feet North of, measured perpendicular to, the South line of said Section 33; thence North 89°27'42" West, 90.00 feet northerly of and parallel with said South line of Section 33, a distance of 82.00 feet to the point of beginning of this easement description.

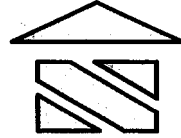
CONTAINING 10,330 Square Feet more or less.

SUBJECT to all easements and/or rights of way of record.





Dave Skidmore, P.L.S. 7126
8/17/12



K. DARPINIAN & SONS, INC.
VOL. 1481, O.R. P6. 689, S.C.R.

APN: 074-015-007

AREA OF PRIVATE
INGRESS-EGRESS EASEMENT
10,330 SQUARE FEET ±

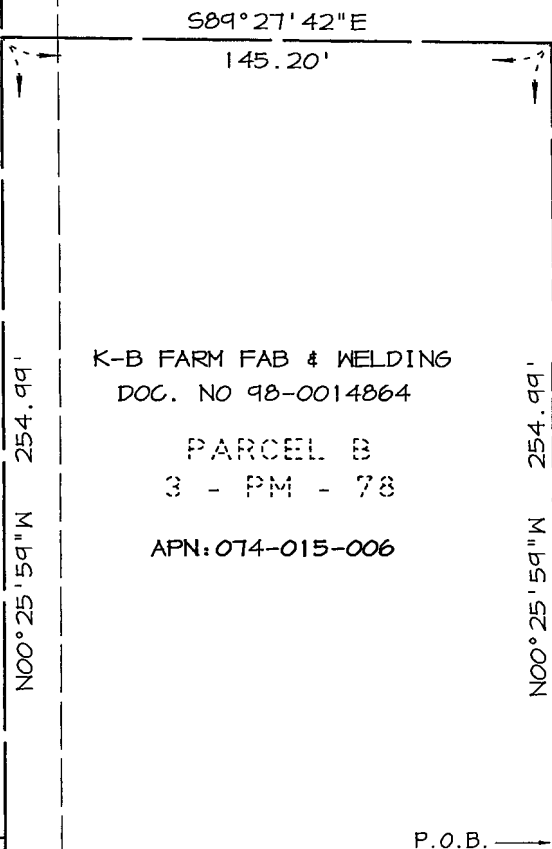
K-B FARM FAB & WELDING
DOC. NO 98-0014864

PARCEL B
3 - PM - 78

APN: 074-015-006

1/4 SECTION LINE

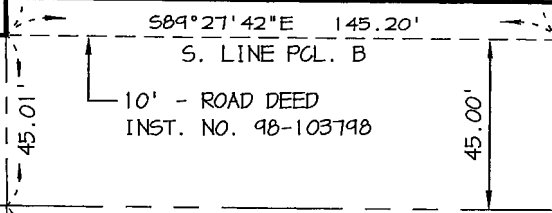
RIGHT OF WAY FOR ROAD PURPOSES
VOL. 380 DEEDS, P6. 28



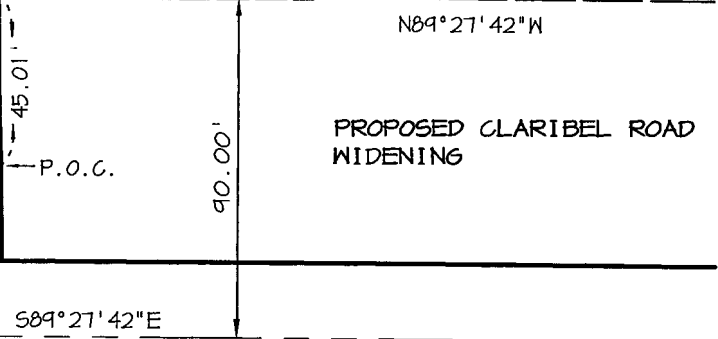
P.O.B.

PROPOSED CLARIBEL ROAD
WIDENING

PROPOSED CLARIBEL ROAD
WIDENING



S. LINE PCL. B
10' - ROAD DEED
INST. NO. 98-103798



CLARIBEL ROAD

TOWNSHIP LINE

S. 1/4 COR. OF
SEC. 33, 2/9

DRAWN:	DLS
DATE:	8/17/12
SCALE:	1"=50'
JOB #:	784-10
DWG:	darp_eas

EXHIBIT "B"-2

APN: 074-015-007

PRIVATE INGRESS-EGRESS EASEMENT
STANISLAUS COUNTY, CALIFORNIA



**ASSOCIATED
ENGINEERING
GROUP**

4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

RECORDING REQUESTED BY:
K. Darpinian and Sons, Inc.
5619 Coffee Road
Modesto, California 95356

WE HEREBY CERTIFY THIS TO BE A TRUE
AND CORRECT COPY OF THE ORIGINAL.
RECORDED ON 7-3-13
INSTRUMENT NO. 2013-0057249
FIRST AMERICAN TITLE INSURANCE CO.
BY [Signature]

RETURN TO:
K-B Farm Fab and Welding
707 Claribel Road
Modesto, California 95356

-No Documentary Transfer Tax Due-

APN: 074-015-007

Space Above This Line for Recorder's Use

GRANT OF EASEMENT

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **K. Darpinian and Sons, Inc., a California corporation**

hereby grants to **K-B Farm Fab and Welding, a General Partnership**

A non-exclusive easement for ingress-egress purposes, consisting of all that real property in the County of Stanislaus, State of California described as follows:

See attached EXHIBIT "A" for complete legal description and as shown on EXHIBIT "B".

The rights granted by this instrument are subject to the following:

- a) Grantor reserves every incident of ownership not inconsistent with the easement and enjoyment of the same. Said reservation includes rights of ingress-egress for the benefit of the grantor.
- b) Conveyance of said ingress-egress easement does not include the right to use the easement for any other purpose.
- c) Grantee shall use said easement in such a way as to impose as slight a burden as possible on grantor's property.
- d) Said easement is appurtenant and interest shall run with the land.
- e) Maintenance of the property encumbered by said ingress-egress easement shall be the mutual responsibility of the dominant and servient property owners.

K. DARPINIAN & SONS, INC., a California corporation

By: [Signature]
Name: _____
Its: PRESIDENT

By: [Signature]
Name: _____
Its: SECRETARY

EXHIBIT "A"
LEGAL DESCRIPTION
PRIVATE INGRESS – EGRESS EASEMENT
A.P.N. 074-015-007

All that certain piece or parcel of land situate in the County of Stanislaus, State of California, lying within the Southeast quarter of Section 33, Township 2 South, Range 9 East, Mount Diablo Meridian, described as follows:


ALL that portion of that certain parcel of land conveyed to K. Darpinian & Sons, Inc., a California Corporation by Grant Deed filed in the Office of the Recorder of the County of Stanislaus on May, 6, 1958 in Volume 1481 at Page 689 of Official Records of Stanislaus County, being more particularly described as follows:

COMMENCING at the Southeast corner of Parcel B as shown on that map filed for record in the Office of the Recorder of the County of Stanislaus on May 23, 1967 in Book 3 of Parcel Maps at Page 78, said corner lies Northerly and Easterly the following (2) two courses: 1) North 00°25'59" West, a distance of 45.01 feet and 2) South 89°27'42" East, a distance of 145.20 feet from the South quarter corner of said Section 33; thence North 00°25'59" West along the East line of said Parcel B, a distance of 45.01 feet to the TRUE POINT OF BEGINNING of this easement description; thence continuing North 00°25'59" West along the East line of said Parcel B, a distance of 126.00 feet ; thence South 89°27'42" East, a distance of 82.00 feet; thence South 00°25'59" East, a distance of 126.00 feet to a point which lies 90.00 feet North of, measured perpendicular to, the South line of said Section 33; thence North 89°27'42" West, 90.00 feet northerly of and parallel with said South line of Section 33, a distance of 82.00 feet to the point of beginning of this easement description.

CONTAINING 10,330 Square Feet more or less.

SUBJECT to all easements and/or rights of way of record.




Dave Skidmore, P.L.S. 7126
8/17/12