

MEMORANDUM

DEPARTMENT OF PUBLIC WORKS
County of Placer

TO: BOARD OF SUPERVISORS DATE: February 28, 2012
FROM: ^{XD} KEN GREHM / KEVIN ORDWAY
SUBJECT: AUBURN FOLSOM ROAD WIDENING PROJECT, NORTH PHASE –
GRANITE BAY - RESOLUTION OF INTENTION

ACTION REQUESTED / RECOMMENDATION

Adopt a Resolution of Intention to hold a Public Hearing during the regularly scheduled Board of Supervisors meeting on March 27, 2012 at 10 a.m. for the purpose of adopting a Resolution of Necessity to acquire real property by Eminent Domain.

BACKGROUND / SUMMARY

The Auburn Folsom Road Widening Project will widen Auburn Folsom Road in three phases from two lanes to four lanes from south of Douglas Boulevard to the Sacramento County Line. The main purpose of the project is to provide additional roadway capacity to accommodate increasing traffic levels. The south and middle phase of the project are complete, with the north phase - from Eureka Road to Douglas Blvd. – scheduled for construction in 2012.

Right-of-Way for the project has been acquired with the exception of Highway Easements on two parcels owned by Anthony and Mary Sue Cardoso (APN 047-150-045 & 050-190-001), on two parcels owned by Alison and Paul Lanman (APN 050-060-002, 006), and one parcel owned by Alison Lanman (APN 050-060-007). Although negotiations with these property owners has continued since 2006, an impasse exists which threatens north phase construction. Although it is hoped an agreeable settlement can be reached, Eminent Domain proceedings may be necessary on each of these ownerships.

ENVIRONMENTAL CLEARANCE

The Board of Supervisors certified and approved the Final Environmental Impact Report for this project. A Notice of Determination was filed on June 22, 2004.

FISCAL IMPACT

The Auburn Folsom Road Widening Project is being funded with Traffic Mitigation Fees and ARRA (American Recovery and Reinvestment Act Fund).

Attachments: Resolution

Legal Description – Cardoso

Legal Description - Paul and Alison Lanman

Legal Description – Alison Lanman

**Before the Board of Supervisors
County of Placer, State of California**

In the matter of: A RESOLUTION OF INTENTION TO HOLD A PUBLIC HEARING TO CONSIDER APPROVAL OF A RESOLUTION OF NECESSITY TO ACQUIRE REAL PROPERTY FOR PUBLIC USE – AUBURN FOLSOM ROAD PROJECT – NORTH PHASE – GRANITE BAY.

Resol. No:.....

Ord. No:.....

First Reading:.....

The following RESOLUTION was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____,

by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Attest:
Clerk of said Board

Chair, Board of Supervisors

WHEREAS, property rights to be acquired pursuant to authority granted in Section 25350.5 of the Government Code requires approval of a Resolution of Necessity to acquire real property rights for public use; and

WHEREAS, the Code further requires public noticing and scheduling of a hearing to consider such approval;

NOW, THEREFORE, BE IT RESOLVED that a public hearing is hereby scheduled for Tuesday, March 27, 2012, at the hour of 10:00 a.m. at 175 Fulweiler Avenue, Auburn, California, to consider adoption of a Resolution of Necessity to acquire real property for public use from the property described on the attached Exhibit "A", Exhibit "B" and Exhibit "C".

EXHIBIT "A"

Anthony and Mary Sue Cardoso

**Two Highway Easements
Two Temporary Construction Easements**

Project Name

Auburn Folsom Road

APN 047-150-045

When recorded return to
Placer County Department
of Public Works

Space above for Recorder

COUNTY OF PLACER

Department of Public Works

HIGHWAY EASEMENT

For the receipt of one dollar (\$1.00) or other good and valuable consideration,

**ANTHONY LEWIS CARDOSO AND MARY SUE CARDOSO, CO-TRUSTEES OR THEIR SUCCESSORS IN
TRUST UNDER THE CAPITAL INVESTMENT TRUST DATED SEPTEMBER 3, 1991**

the undersigned GRANTOR(S), HEREBY GRANTS TO THE COUNTY OF PLACER, a political subdivision of the State of California, an easement for road purposes and incidentals thereto, including utility rights, over, on, under and across all that real property situated in the County of Placer, State of California, bounded and described as follows:

(Any and all interest in the property conveyed by grantor to the County of Placer pursuant to this instrument runs with the land and is binding on the heirs, assigns and successors of the grantor.)

See Attached Exhibit "A" for Legal Description

See Attached Exhibit "B" for Exhibit Map

GRANTOR(S)

Dated this _____ Day of _____, 20_____

Anthony Lewis Cardoso, Trustee

Mary Sue Cardoso, Trustee

288

“EXHIBIT A”

A portion of Parcel Four of the lands of Capital Investment Trust as described by deed recorded as Document No. 2003-0132373, Official Records, Placer County, situated in the NW1/4 of Section 12. T. 10 N., R. 07 E., M.D.M., being also a portion of Parcel “B”, as shown on Parcel Map No. P-72552, recorded March 22, 1978 in Book 12 of Parcel Maps at Page 20, Placer County Records, State of California, more particularly described as follows:

COMMENCING at the Northwest corner of said Parcel “B”; thence South 01°06’16” East, along the West line of said Parcel “B”, a distance of 1334.35 feet to the Southwest corner of said Parcel “B”; thence North 89°44’51” East, along the South line of said Parcel “B”, a distance of 30.00 feet to the Easterly right-of-way line of Auburn-Folsom Road as shown on said Parcel Map and the TRUE POINT OF BEGINNING; thence from said Point of Beginning, North 01°06’16” West, along said Easterly right-of-way line, a distance of 1276.79 feet to a point on the south line of Parcel 3 in that certain OFFER OF DEDICATION to Placer County as described in Book 2439, Page 636 Official Records, Placer County; thence departing from said Easterly right of way line and running along the southerly line of said OFFER OF DEDICATION the following 2 (two) courses, (1) North 88°53’44” East, a distance of 23.50 feet to the beginning of a non-tangent curve, concave Southeasterly, having a radius of 25.00 feet and to which beginning a radial line bears South 89°03’35” West and (2) thence Northeasterly, along said curve, a distance of 38.57 feet, through a central angle of 88°24’20” to the Southerly right-of-way line of Fuller Drive; thence North 87°28’22” East, along said Southerly right-of-way line, a distance of 28.06 feet; thence South 43°49’19” West, leaving said right-of-way line, a distance of 63.96 feet; thence South 0°11’45” West, a distance of 129.44 feet to the beginning of a non-tangent curve, concave Westerly, having a radius of 15,045.00 feet and to which beginning a radial line bears North 86°39’06” East; thence Southerly along said curve, a distance of 1059.75 feet, through a central angle of 04°02’09”; thence South 03°43’11” East, a distance of 26.44 feet; thence South 47°15’34” East, a distance of 24.82 feet; thence South 00°03’10” East, a distance of 25.34 feet to the South line of said Parcel “B”; thence South 89°44’51” West, along said South line, a distance of 50.65 feet to the TRUE POINT OF BEGINNING.

Containing an area of 1.07 acres.



EXHIBIT B

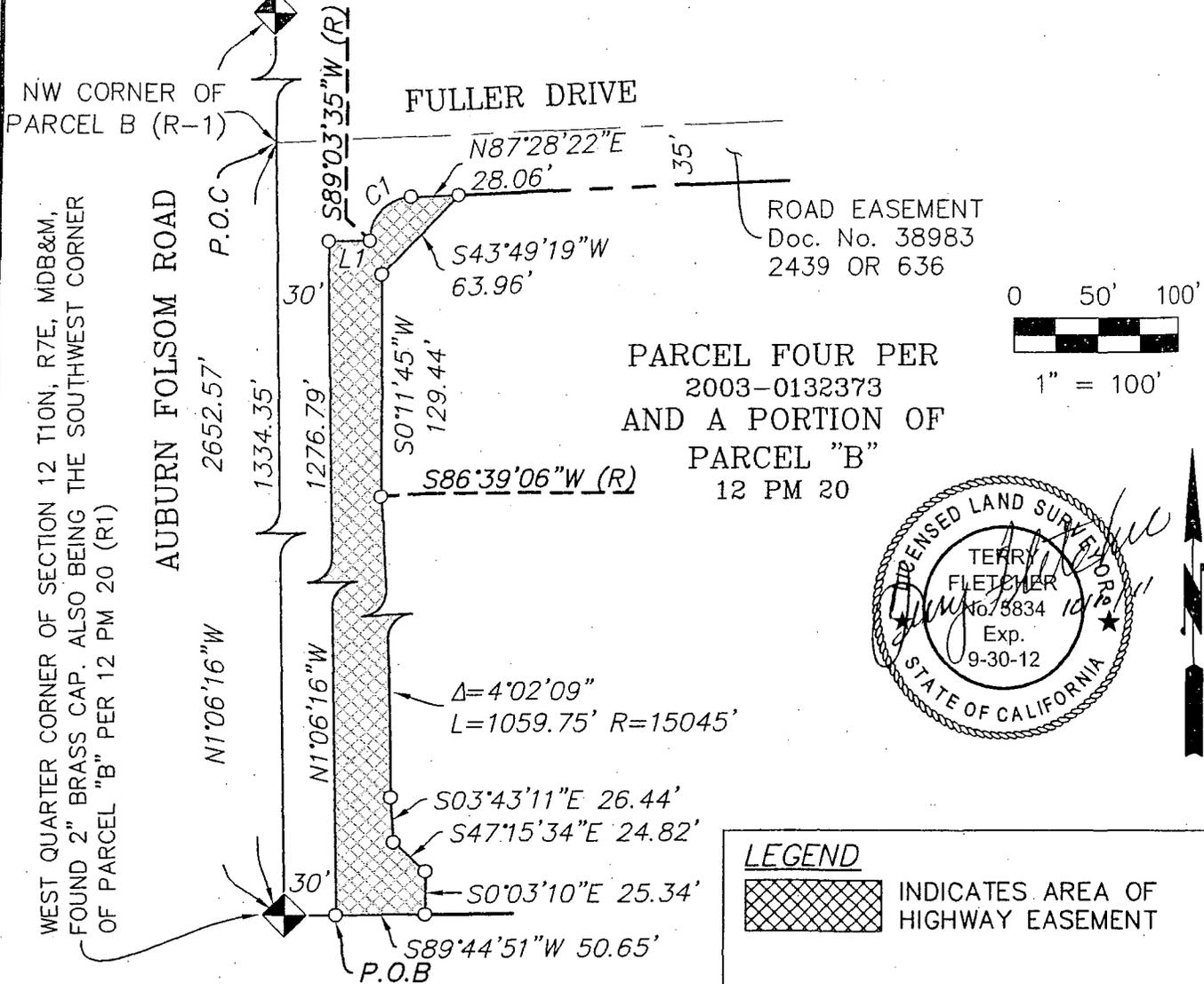
LINE	DIRECTION	LENGTH
L1	N88°53'44"E	23.50' (23.70') per Parcel 3 2439 OR 636

BASIS OF BEARINGS

WEST LINE OF THE NORTHWEST 1/4 OF SECTION 12, T10N, R7E, MDB&M AS N01°06'16"W PER 11 PM 2

CURVE	DELTA	LENGTH	RADIUS
C1	88°24'20"	38.57'	25.00'

NORTHWEST CORNER OF SECTION 12 T10N, R7E, MDB&M,
FOUND 2" BRASS CAP IN HANDWELL.



LEGEND

INDICATES AREA OF HIGHWAY EASEMENT

(R) INDICATES RECORD DATA PER 12 PM 20

PLAT MAP
COUNTY OF PLACER
HIGHWAY EASEMENT
AUBURN FOLSOM ROAD

APN:047-150-045
 OWNER:ANTHONY LEWIS CARDOSO & MARY SUE CARDOSO
 TITLE ORDER:102-34163

240

Project Name

Space above for Recorder

Auburn Folsom Road

APN 050-190-001

COUNTY OF PLACER

Department of Public Works

When recorded return to
Placer County Department
of Public Works

HIGHWAY EASEMENT

For the receipt of one dollar (\$1.00) or other good and valuable consideration,

**ANTHONY LEWIS CARDOSO AND MARY SUE CARDOSO, CO-TRUSTEES OR THEIR SUCCESSORS IN
TRUST UNDER THE CAPITAL INVESTMENT TRUST DATED SEPTEMBER 3, 1991**

the undersigned GRANTOR(S), HEREBY GRANTS TO THE COUNTY OF PLACER, a political subdivision of the State of California, an easement for road purposes and incidentals thereto, including utility rights, over, on, under and across all that real property situated in the County of Placer, State of California, bounded and described as follows:

(Any and all interest in the property conveyed by grantor to the County of Placer pursuant to this instrument runs with the land and is binding on the heirs, assigns and successors of the grantor.)

See Attached Exhibit "A" for Legal Description

See Attached Exhibit "B" for Exhibit Map

GRANTOR(S)

Dated this _____ Day of _____, 20_____

Anthony Lewis Cardoso, Trustee

Mary Sue Cardoso, Trustee

“EXHIBIT A”

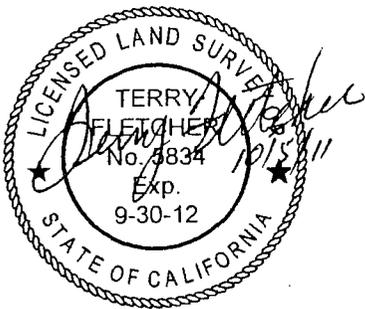
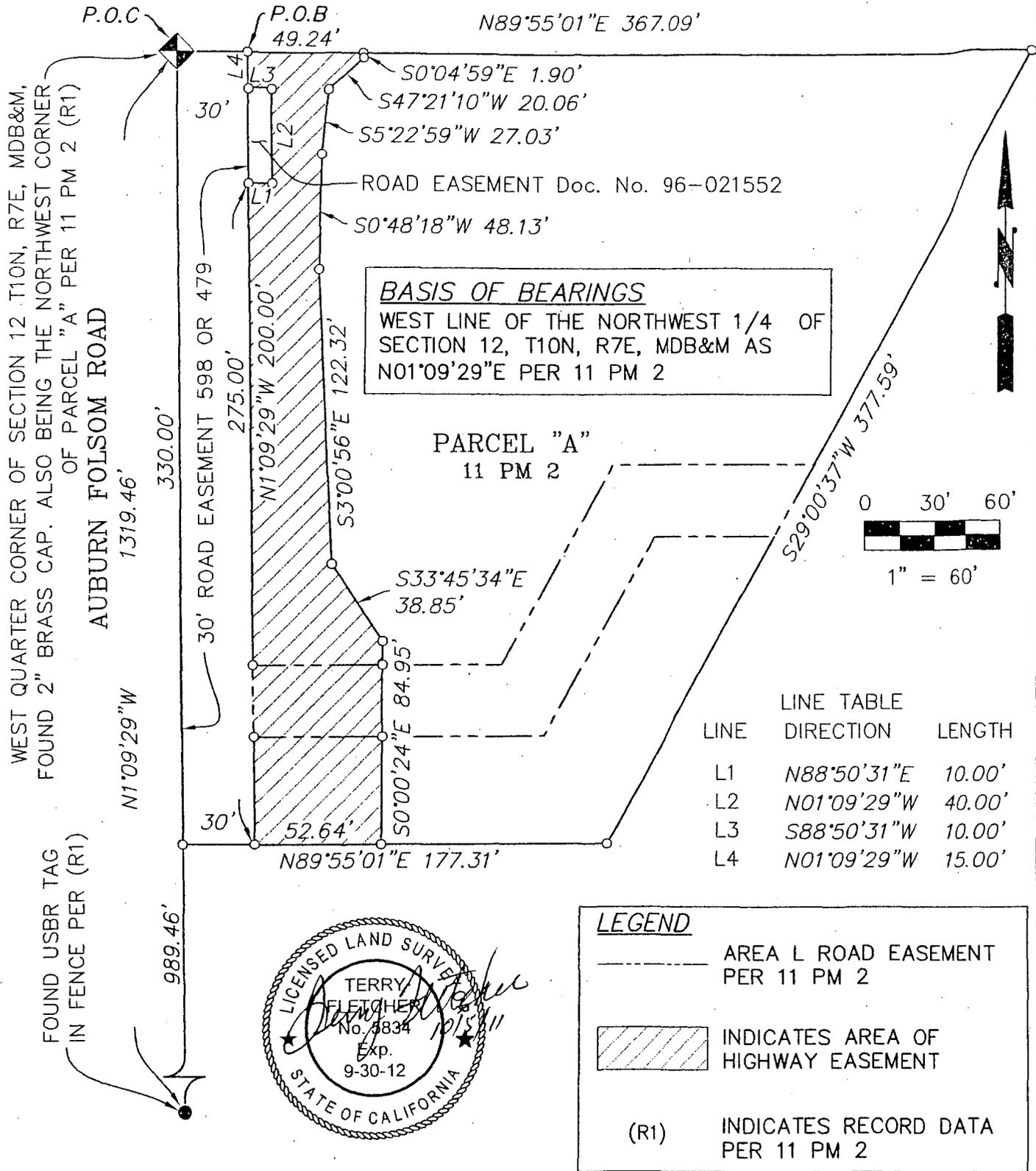
All that portion of Parcel “A”, as shown on Parcel Map No. 71524 recorded September 9, 1977 in Book 11 of Parcel Maps at Page 2, Placer County Records, situated in the SW1/4 of Section 12, T. 10 N., R. 07 E., M.D.M., State of California, more particularly described as follows:

COMMENCING at the Northwest corner of said Parcel “A”; thence North $89^{\circ}55'01''$ East, along the North line of said Parcel “A”, a distance of 30.00 feet to the Easterly right of way line of Auburn-Folsom Road as shown on said Parcel Map, and the TRUE POINT OF BEGINNING; thence leaving said Easterly right of way line North $89^{\circ}55'01''$ East, continuing on said North line, a distance of 49.24 feet; thence leaving said North line, South $0^{\circ}04'59''$ East, a distance of 1.90 feet; thence South $47^{\circ}21'10''$ West, a distance of 20.06 feet; thence South $5^{\circ}22'59''$ West, a distance of 27.03 feet; thence South $0^{\circ}48'18''$ West, a distance of 48.13 feet; thence South $3^{\circ}00'56''$ East, a distance of 122.32 feet; thence South $33^{\circ}45'34''$ East, a distance of 38.85 feet; thence South $0^{\circ}00'24''$ East, a distance of 84.95 feet to the South line of said Parcel “A”; thence South $89^{\circ}55'01''$ West, along said South line, a distance of 52.64 feet to said Easterly right-of-way line of Auburn-Folsom Road; thence North $1^{\circ}09'29''$ West, along said Easterly right-of-way line, a distance of 275.00 feet to the South line of Highway Easement recorded in Document 96-021552; thence along said Highway Easement the following (3) courses, North $88^{\circ}50'31''$ East, a distance of 10.00 feet; thence North $1^{\circ}09'29''$ West, a distance of 40.00 feet; thence South $88^{\circ}50'31''$ West, a distance of 10.00 feet to said Easterly right-of-way line of Auburn-Folsom Road; thence North $1^{\circ}09'29''$ West, a distance of 15.00 feet to the TRUE POINT OF BEGINNING.

Containing an area of 0.28 acres.



EXHIBIT B



PLAT MAP
COUNTY OF PLACER
HIGHWAY EASEMENT
AUBURN FOLSOM ROAD

APN:050-190-001
 OWNER: ANTHONY LEWIS CARDOSO &
 MARY SUE CARDOSO
 TITLE ORDER: 102-34163

293

RECORDING REQUESTED BY:

Department of Public Works
County of Placer
3901 County Center Drive
Auburn, CA. 95603

**COUNTY OF PLACER
TEMPORARY CONSTRUCTION
EASEMENT AGREEMENT**

County	Project	Name	AP Number
Placer	Auburn Folsom Road	Cardoso	047-150-045 050-190-001

ANTHONY LEWIS CARDOSO AND MARY SUE CARDOSO, TRUSTEES, hereinafter referred to as "Grantor" hereby grant to the **COUNTY OF PLACER, of the State of California** hereinafter referred to as "County", a Temporary Construction Easement for construction of roadway and utility improvements upon, over and across, that certain real property in the **COUNTY OF PLACER**, State of California, described as follows:

WHEREAS, GRANTOR hereby grants to COUNTY a Temporary Construction Easement for the purpose of constructing the Auburn Folsom Road Improvement Project, as described in two Exhibits A and shown on two Exhibits B, attached hereto and made a part hereof.

Then, in consideration of said conveyance, and the other considerations hereinafter set forth, it is mutually agreed as follows:

1. COUNTY:

- a. Pay to GRANTOR the sum of \$13,176 representing the appraised value of just compensation, based on the rental rate of ten percent (10%) annually for a period of two (2) years.
- b. Replace, or cause to be replaced, the temporary easement area to approximately the condition existing on the date of this agreement except for alteration or removals as follows:
- c. Erect, or cause to be erected, temporary fencing to restrain small children or animals from access to the easement area.
- d. Not record the Temporary Construction Easement.

2. GRANTOR:

- a. Represents and warrants that the Grantor is the owner of the Property as described and has the exclusive right and power to grant this Easement
- b. Allow COUNTY the use of the herein described property including all improvements thereon.
- c. If necessary, allow the COUNTY to right to enter the Property to make any repairs of correct defects in the work for the 1st year period following the completion of the Project.

This Temporary Construction Easement is for 24 months, beginning at the time construction starts on the property, and upon a two week written notice to the GRANTOR.

This Temporary Construction Easement shall expire upon the date that the specified improvements constructed by COUNTY are accepted for maintenance.

This Agreement, which is valid only when executed by COUNTY, constitutes the complete understanding and agreement of the parties hereto and no oral representation shall in any manner vary the terms hereof, or be binding.

The performance of this Agreement constitutes the entire consideration for the conveyance from GRANTOR and shall relieve COUNTY of all further obligations or claim on this account, or on the account of the location, grade, or construction of the proposed public improvement and related facilities and/or structures.

COUNTY or its authorized agents, agree to hold harmless and indemnify OWNER from any liability arising out of the COUNTY'S operations under this AGREEMENT. Furthermore, COUNTY agrees to assume responsibility for any damages caused by reason of the COUNTY'S operations under this Agreement and will, at COUNTY'S option, either repair or pay for such damage.

Except as provided herein, this Agreement is intended to release and waive any claims and-or damages the parties may have as to one another relating to the acquisition of the Property, including but necessarily limited to claims for greater compensation, severance damages, interest, attorneys fees, relation payments, and such release applies to both claims known and presently unknown including a waiver on any and all rights under civil Code section 1542 which provides:

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

Dated this _____ day of _____, 2011.

GRANTOR

Anthony Lewis Cardoso, Trustee

Mary Sue Cardoso, Trustee

ACCEPTANCE BY COUNTY

This is to certify that the interest in real property conveyed by the TEMPORARY CONSTRUCTION EASEMENT AGREEMENT dated _____, 2010, from **ANTHONY LEWIS CARDOSO AND MARY SUE CARDOSO, TRUSTEES,** to the County of Placer, a governmental agency, is hereby accepted by the undersigned agent on behalf of the Board of Supervisors of the County of Placer pursuant to authority conferred by Ordinance 5152-B, adopted on January 15, 2002, and the Grantee consents to the recordation thereof by its duly authorized agent.

Dated: _____ By: _____

“EXHIBIT A”

A portion of Parcel Four of the lands of Capital Investment Trust as described by deed recorded as Document No. 2003-0132373, Official Records, Placer County, situated in the NW1/4 of Section 12. T. 10 N., R. 07 E., M.D.M., being also a portion of Parcel “B”, as shown on Parcel Map No. P-72552; recorded March 22, 1978 in Book 12 of Parcel Maps at Page 20, Placer County Records, State of California, more particularly described as follows:

COMMENCING at the Northwest corner of said Parcel “B”; thence South $01^{\circ}06'16''$ East, along the West line of said Parcel “B”, a distance of 1334.35 feet to the Southwest corner of said Parcel “B”; thence North $89^{\circ}44'51''$ East, along the South line of said Parcel “B”, a distance of 80.65 feet to the TRUE POINT OF BEGINNING; thence leaving said South line, North $00^{\circ}03'10''$ West a distance of 25.34 feet; thence North $47^{\circ}15'34''$ West, a distance of 24.82' feet; thence North $03^{\circ}43'11''$ West a distance of 26.44 feet to the beginning of a non-tangent curve, concave Westerly, having a radius of 15,045.00 feet and to which beginning a radial line bears South $89^{\circ}18'45''$ East; thence Northwesterly, along said curve, a distance of 1,059.75 feet, through a central angle of $04^{\circ}02'09''$; thence North $00^{\circ}11'45''$ East a distance of 129.44 feet; thence North $43^{\circ}49'19''$ East a distance of 63.96 feet to the Southerly right-of-way line of Fuller Drive; thence North $87^{\circ}28'22''$ East, along said Southerly right-of-way line, a distance of 10.43 feet; thence South $43^{\circ}49'19''$ West, leaving said right-of-way line, a distance of 64.57 feet; thence South $0^{\circ}11'45''$ West, a distance of 129.19 feet to the beginning of a non-tangent curve, concave Westerly, having a radius of 15,055.00 feet and to which beginning a radial line bears North $86^{\circ}39'10''$ East; thence Southerly along said curve, a distance of 1059.80 feet, through a central angle of $04^{\circ}02'00''$; thence South $03^{\circ}43'11''$ East, a distance of 22.03 feet; thence South $47^{\circ}12'25''$ East, a distance of 44.75 feet; thence South $00^{\circ}52'32''$ West, a distance of 7.44 feet; thence South $47^{\circ}14'25''$ West 13.17 feet to the South line of said Parcel “B”; thence South $89^{\circ}44'51''$ West, along said South line, a distance of 14.52 feet to the TRUE POINT OF BEGINNING.

Containing an area of 0.31 acres.

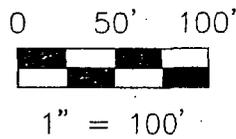
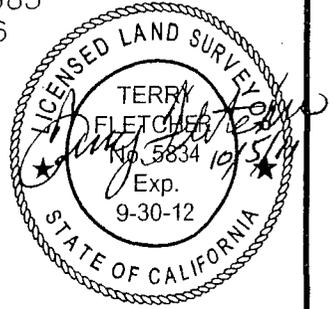
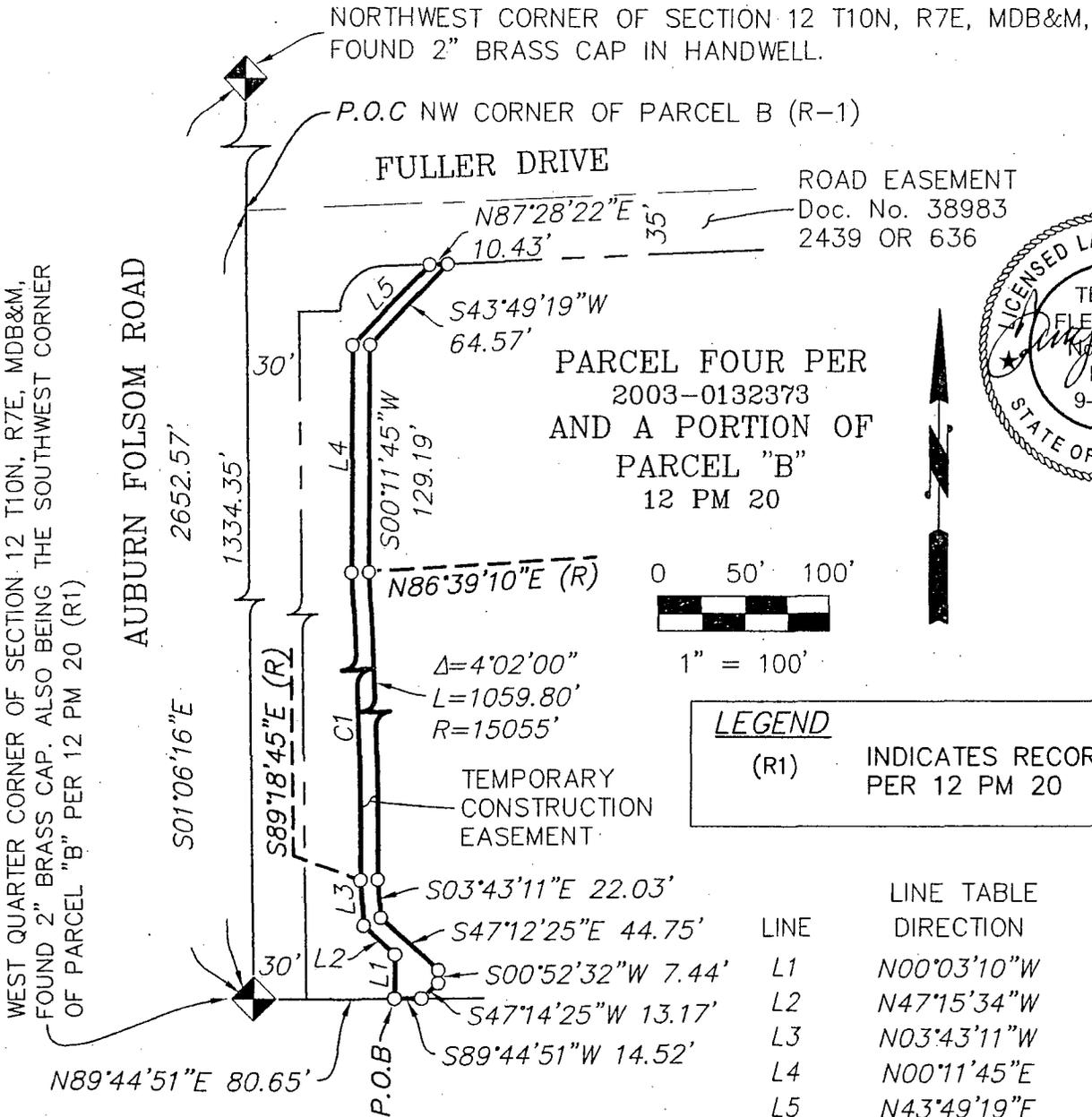


EXHIBIT B

CURVE	DELTA	LENGTH	RADIUS
C1	04°02'09"	1059.75'	15045'

BASIS OF BEARINGS

WEST LINE OF THE NORTHWEST 1/4 OF SECTION 12, T10N, R7E, MDB&M AS N01°06'16"W PER 11 PM 2



LEGEND	
(R1)	INDICATES RECORD DATA PER 12 PM 20

LINE	DIRECTION	LENGTH
L1	N00°03'10"W	25.34'
L2	N47°15'34"W	24.82'
L3	N03°43'11"W	26.44'
L4	N00°11'45"E	129.44'
L5	N43°49'19"E	63.96'

PLAT MAP

COUNTY OF PLACER

TEMPORARY CONSTRUCTION EASEMENT
AUBURN FOLSOM ROAD

APN:047-150-045
OWNER: ANTHONY LEWIS CARDOSO & MARY SUE CARDOSO
TITLE ORDER: 102-34163

298

“EXHIBIT A”

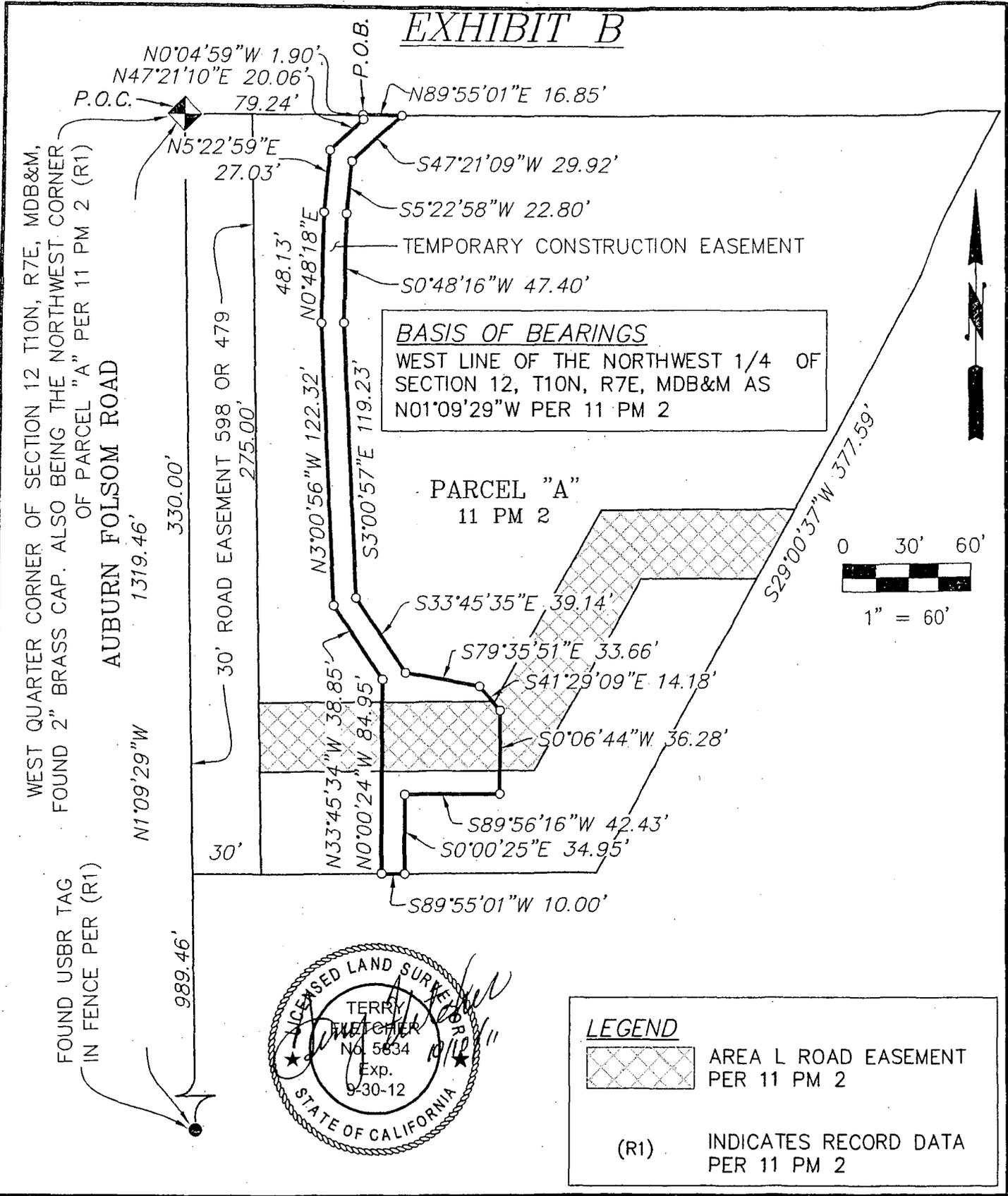
All that portion of Parcel “A”, as shown on Parcel Map No. 71524 recorded September 9, 1977 in Book 11 of Parcel Maps at Page 2, Placer County Records, situated in the SW1/4 of Section 12, T. 10 N., R. 07 E., M.D.M., State of California, more particularly described as follows:

COMMENCING at the Northwest corner of said Parcel “A”; thence North $89^{\circ}55'01''$ East, along the North line of said Parcel “A”, a distance of 79.24 feet to the TRUE POINT OF BEGINNING; thence North $89^{\circ}55'01''$ East, continuing on said North line, a distance of 16.85 feet; thence leaving said North line, South $47^{\circ}21'09''$ West, a distance of 29.92 feet; thence South $05^{\circ}22'58''$ West, a distance of 22.80 feet; thence South $00^{\circ}48'16''$ West, a distance of 47.40 feet; thence South $03^{\circ}00'57''$ East, a distance of 119.23 feet; thence South $33^{\circ}45'35''$ East, a distance of 39.14 feet; thence South $79^{\circ}35'51''$ East, a distance of 33.66 feet; thence South $41^{\circ}29'09''$ East, a distance of 14.18; thence South $00^{\circ}06'44''$ West, a distance of 36.28 feet; thence South $89^{\circ}56'16''$ West, a distance of 42.43 feet; thence South $00^{\circ}00'25''$ East, a distance of 34.95 feet to the South line of said Parcel “A”; thence South $89^{\circ}55'01''$ West, along said South line, a distance of 10.00 feet; thence North $00^{\circ}00'24''$ West, a distance of 84.95 feet; thence North $33^{\circ}45'34''$ West, a distance of 38.85 feet; thence North $03^{\circ}00'56''$ West, a distance of 122.32 feet; thence North $00^{\circ}48'18''$ East, a distance of 48.13 feet; thence North $05^{\circ}22'59''$ East, a distance of 27.03 feet; thence North $47^{\circ}21'10''$ East, a distance of 20.06 feet; thence North $00^{\circ}04'59''$ West, a distance of 1.90 feet to the TRUE POINT OF BEGINNING.

Containing an area of 0.13 acres.



EXHIBIT B



PLAT MAP
 COUNTY OF PLACER
 TEMPORARY CONSTRUCTION EASEMENT
 AUBURN FOLSOM ROAD

APN:050-190-001
 OWNER:ANTHONY LEWIS CARDOSO & MARY SUE CARDOSO
 TITLE ORDER:102-34163

308

EXHIBIT "B"

Alison and Paul Lanman

**Two Highway Easements
Two Temporary Construction Easements**

Project Name

**Auburn Folsom Road
APN 050-060-002**

When recorded return to
Placer County Department
of Public Works

Space above for Recorder

COUNTY OF PLACER

Department of Public Works

HIGHWAY EASEMENT

For the receipt of one dollar (\$1.00) or other good and valuable consideration, **PAUL LANMAN AND**

ALISON LANMAN, HUSBAND AND WIFE, AS JOINT TENANTS

the undersigned GRANTOR(S), HEREBY GRANTS TO THE COUNTY OF PLACER, a political subdivision of the State of California, an easement for road purposes and incidentals thereto, including utility rights, over, on, under and across all that real property situated in the County of Placer, State of California, bounded and described as follows:

(Any and all interest in the property conveyed by grantor to the County of Placer pursuant to this instrument runs with the land and is binding on the heirs, assigns and successors of the grantor.)

See Attached Exhibit "A" for Legal Description

See Attached Exhibit "B" for Exhibit Map

GRANTOR(S)

Dated this _____ Day of _____, 20_____

Alison Lanman

Trustee / Beneficiary _____

Paul Lanman

Recording Reference _____

See reverse side for acknowledgment

EXHIBIT A

A portion of the Lands of Lanman as described by deed recorded as Document Number 2007-40134, Official Records, Office of the Recorder, Placer County, California in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 12, Township 10 North, Range 7 East, M. D. B. & M., Placer County, California and more particularly described as follows.

Commencing at the West Quarter Corner of said Section 12; thence South 01°09'29" East along the west line of said Section 12, 658.35 feet to the Northwest Corner of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of said Section 12; thence South 89°56'37" East along the north line of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of said Section 12, 30.00 feet to the True Point of Beginning, said True Point of Beginning lying on the East right-of-way line of Auburn-Folsom Road; thence continuing along said north line South 89°56'37" East, 36.68 feet; thence leaving said north line South 03°06'10" West, 125.15 feet to the south line of said Lands of Lanman; thence along said south line North 89°56'37" West, 27.38 feet to a point on said east line of Auburn-Folsom Road; thence North 01°09'29" West, along said east line, 125.00 feet to the True Point of Beginning.

Containing 4,002.8 square feet more or less.

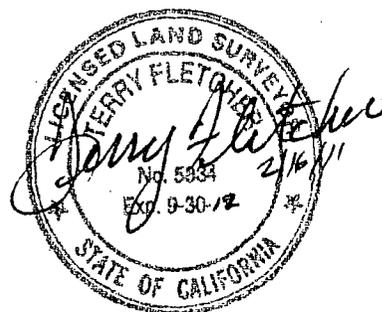
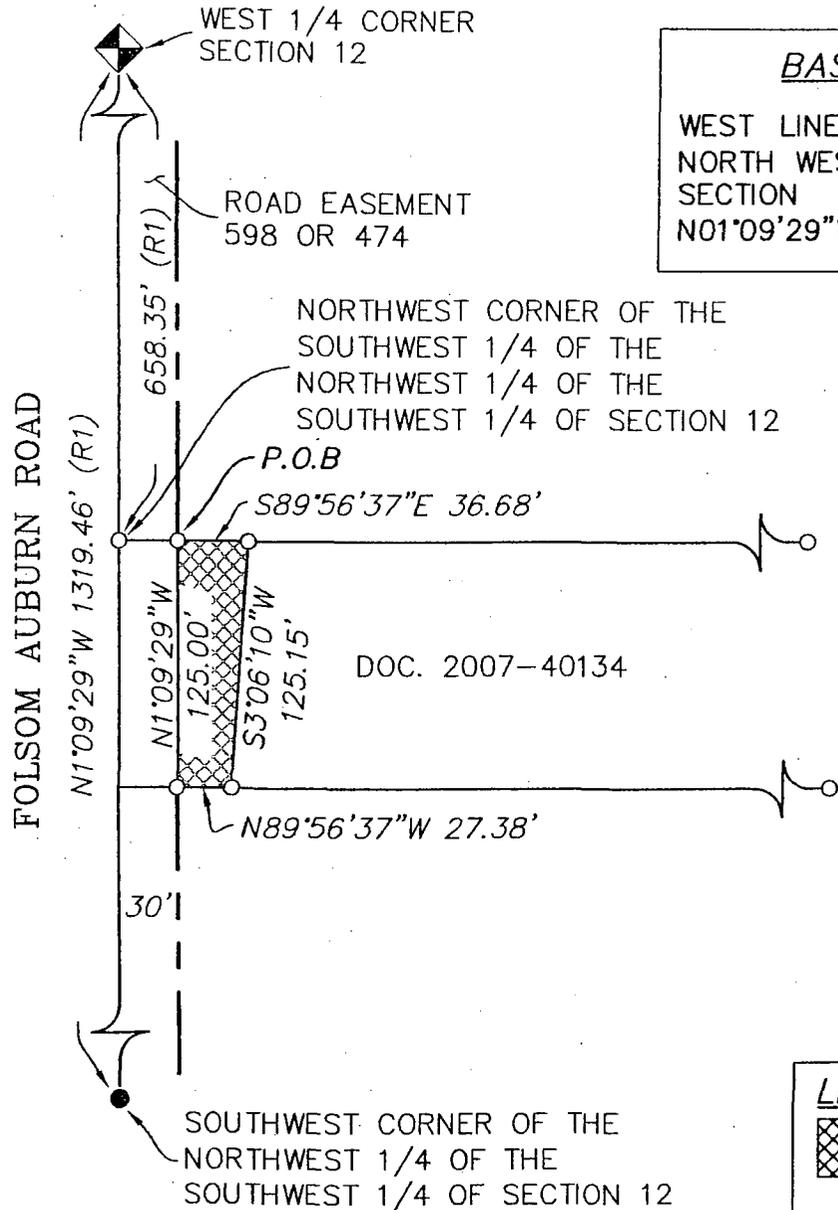
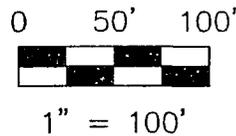


EXHIBIT B



BASIS OF BEARINGS

WEST LINE OF THE NORTHWEST 1/4 OF THE NORTH WEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 12, T10N, R7E, MDB&M AS N01°09'29"W PER 11 PM 2



LEGEND

- INDICATES AREA TO BE ACQUIRED BY THE COUNTY OF PLACER FOR PUBLIC HIGHWAY EASEMENT
- (R1) INDICATES RECORD DATA PER 11 PM 2
- FOUND PER (R1)
- DIMENSION POINT
- 1/4 CORNER

A PORTION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 12 T10N, R7E, MDB&M, PLACER COUNTY, CALIFORNIA

PLAT MAP

COUNTY OF PLACER

HIGHWAY EASEMENT ACQUISITION

FOLSOM - AUBURN ROAD

APN:050-060-002

OWNER:PAUL LANMAN & ALISON LANMAN

TITLE ORDER:102-34164

304

Project Name

**Auburn Folsom Road
APN 050-060-006**

When recorded return to
Placer County Department
of Public Works

Space above for Recorder

COUNTY OF PLACER

Department of Public Works

HIGHWAY EASEMENT

For the receipt of one dollar (\$1.00) or other good and valuable consideration, **PAUL LANMAN AND**

ALISON LANMAN, HUSBAND AND WIFE AS COMMUNITY PROPERTY WITH RIGHTS OF SURVIVORSHIP,
the undersigned GRANTOR(S), HEREBY GRANTS TO THE COUNTY OF PLACER, a political subdivision of the State
of California, an easement for road purposes and incidentals thereto, including utility rights, over, on, under and across
all that real property situated in the County of Placer, State of California, bounded and described as follows:

*(Any and all interest in the property conveyed by grantor to the County of Placer pursuant to this instrument runs
with the land and is binding on the heirs, assigns and successors of the grantor.)*

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See Attached Exhibit "B" for Exhibit Map

GRANTOR(S)

Dated this _____ Day of _____, 20_____

Alison Lanman

Trustee / Beneficiary _____

Paul Lanman

Recording Reference _____

See reverse side for acknowledgment

EXHIBIT A

A portion of the Lands of Lanman as described by deed recorded as Document Number 2007-31579, Official Records, Office of the Recorder, Placer County, California in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 12, Township 10 North, Range 7 East, M. D. B. & M., Placer County, California and more particularly described as follows.

Commencing at the West Quarter Corner of said Section 12; thence South $01^{\circ}09'29''$ East along the west line of said Section 12, 330.00 feet to the north line of said Lands of Lanman; thence leaving said west line North $89^{\circ}55'01''$ East, along said north line 30.00 feet to the True Point of Beginning, said True Point of Beginning lying on the East right-of-way line of Auburn-Folsom Road; thence continuing North $89^{\circ}55'01''$ East along said north line, 50.22 feet; thence leaving said north line South $21^{\circ}55'44''$ West, 55.90 to a point 28.30 feet East of said west line; thence parallel to said west line, South $01^{\circ}09'29''$ East, 129.31 feet to the south line of said Lands of Lanman; thence along said south line North $89^{\circ}56'37''$ West, 28.30 feet to said East right-of-way line; thence North $01^{\circ}09'29''$ West along said East Right-of-Way line, 181.07 feet to the True Point of Beginning.

Containing 5,692.2 square feet more or less.

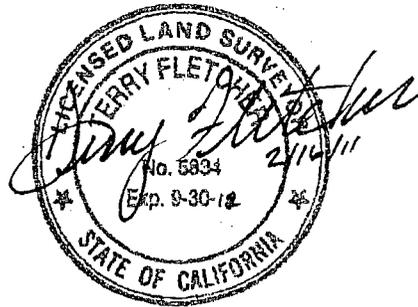
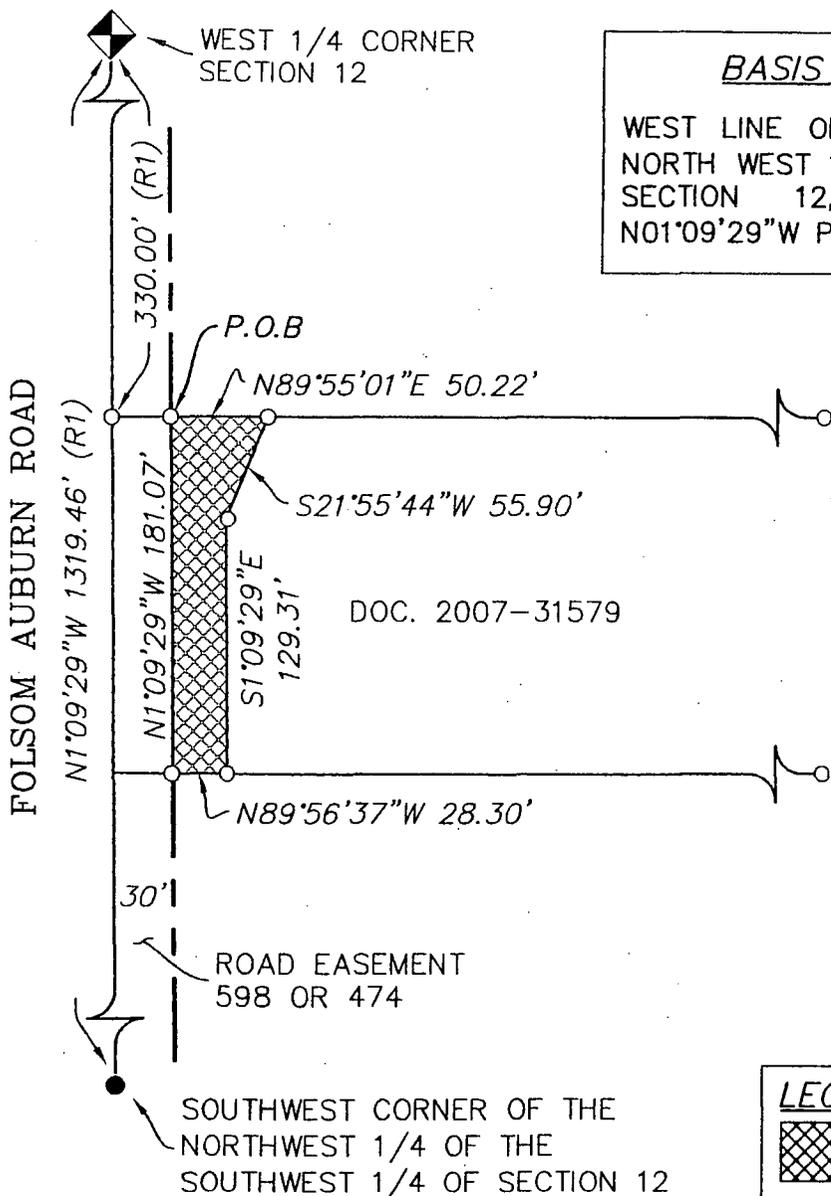
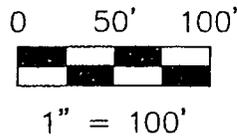


EXHIBIT B



BASIS OF BEARINGS

WEST LINE OF THE NORTHWEST 1/4 OF THE NORTH WEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 12, T10N, R7E, MDB&M AS N01°09'29"W PER 11 PM 2



LEGEND

	INDICATES AREA TO BE ACQUIRED BY THE CITY OF TUSTIN FOR FEE TITLE
(R1)	INDICATES RECORD DATA PER 11 PM 2
●	FOUND PER (R1)
○	DIMENSION POINT
	1/4 CORNER

A PORTION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 12 T10N, R7E, MDB&M, PLACER COUNTY, CALIFORNIA

PLAT MAP

COUNTY OF PLACER

HIGHWAY EASEMENT ACQUISITION

FOLSOM - AUBURN ROAD

APN:050-060-006

OWNER:PAUL LANMAN & ALISON LANMAN

TITLE ORDER:102-34164

307

RECORDING REQUESTED BY:

Department of Public Works
County of Placer
3901 County Center Drive
Auburn, CA. 95603

**COUNTY OF PLACER
TEMPORARY CONSTRUCTION
EASEMENT AGREEMENT**

County	Project	Name	AP Number
Placer	Auburn Folsom Road	Lanman	050-060-002 050-060-006

PAUL LANMAN AND ALISON LANMAN, HUSBAND AND WIFE, AS JOINT TENANTS, and PAUL LANMAN AND ALISON LANMAN, HUSBAND AND WIFE, AS COMMUNITY PROPERTY, hereinafter referred to as "Grantor" hereby grant to the COUNTY OF PLACER, of the State of California hereinafter referred to as "County", a Temporary Construction Easement for construction of roadway and utility improvements upon, over and across, that certain real property in the COUNTY OF PLACER, State of California, described as follows:

WHEREAS, GRANTOR hereby grants to COUNTY a Temporary Construction Easement for the purpose of constructing the Auburn Folsom Road Improvement Project, as described in Exhibits A and shown on Exhibit B attached hereto and made a part hereof

Then, in consideration of said conveyance, and the other considerations hereinafter set forth, it is mutually agreed as follows:

1. COUNTY:
 - a. Pay to GRANTOR the sum of \$3,691 representing the appraised value of just compensation, based on the rental rate of ten percent (10%) annually for a period of two (2) years.
 - b. Replace, or cause to be replaced, the temporary easement area to approximately the condition existing on the date of this agreement except for alteration or removals as follows:
 - c. Erect, or cause to be erected, temporary fencing to restrain small children or animals from access to the easement area.
 - d. Not record the Temporary Construction Easement.

2. GRANTOR:
 - a. Represents and warrants that the Grantor is the owner of the Property as described and has the exclusive right and power to grant this Easement
 - b. Allow COUNTY the use of the herein described property including all improvements thereon.
 - c. If necessary, allow the COUNTY to right to enter the Property to make any repairs of correct defects in the work for the 1st year period following the completion of the Project.

This Temporary Construction Easement is for 24 months, beginning at the time construction starts on the property, and upon a two week written notice to the GRANTOR.

This Temporary Construction Easement shall expire upon the date that the specified improvements constructed by COUNTY are accepted for maintenance.

This Agreement, which is valid only when executed by COUNTY, constitutes the complete understanding and agreement of the parties hereto and no oral representation shall in any manner vary the terms hereof, or be binding.

The performance of this Agreement constitutes the entire consideration for the conveyance from GRANTOR and shall relieve COUNTY of all further obligations or claim on this account, or on the account of the location, grade, or construction of the proposed public improvement and related facilities and/or structures.

COUNTY or its authorized agents, agree to hold harmless and indemnify OWNER from any liability arising out of the COUNTY'S operations under this AGREEMENT. Furthermore, COUNTY agrees to assume responsibility for any damages caused by reason of the COUNTY'S operations under this Agreement and will, at COUNTY'S option, either repair or pay for such damage.

Except as provided herein, this Agreement is intended to release and waive any claims and-or damages the parties may have as to one another relating to the acquisition of the Property, including but necessarily limited to claims for greater compensation, severance damages, interest, attorneys fees, relation payments, and such release applies to both claims known and presently unknown including a waiver on any and all rights under civil Code section 1542 which provides:

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

Dated this _____ day of _____, 2011.

GRANTOR

Alison Lanman

Paul Lanman

ACCEPTANCE BY COUNTY

This is to certify that the interest in real property conveyed by the TEMPORARY CONSTRUCTION EASEMENT AGREEMENT dated _____, 2010, from **PAUL AND ALISON LANMAN**, to the County of Placer, a governmental agency, is hereby accepted by the undersigned agent on behalf of the Board of Supervisors of the County of Placer pursuant to authority conferred by Ordinance 5152-B, adopted on January 15, 2002, and the Grantee consents to the recordation thereof by its duly authorized agent.

Dated: _____ By: _____

EXHIBIT A

A portion of the Lands of Lanman as described by deed recorded as Document Number 2007-31579, Official Records, Office of the Recorder, Placer County, California in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 12, Township 10 North, Range 7 East, M. D. B. & M., Placer County, California and more particularly described as follows.

Commencing at the West Quarter Corner of said Section 12; thence South $01^{\circ}09'29''$ East along the west line of said Section 12, 330.00 feet to the north line of said Lands of Lanman; thence leaving said west line North $89^{\circ}55'01''$ East, along said north line 80.22 feet to the True Point of Beginning; thence continuing North $89^{\circ}55'01''$ East along said north line, 13.22 feet; thence leaving said north line South $19^{\circ}03'58''$ East, 21.12 feet; thence South $27^{\circ}41'52''$ West, 15.03 feet; thence South $50^{\circ}30'01''$ West 31.08 feet; thence South $01^{\circ}09'29''$ East 127.39 feet; thence South $08^{\circ}14'31''$ East 0.78 feet to the south line of said Lands of Lanman; thence along said south line North $89^{\circ}56'37''$ West, 10.10 feet; thence North $01^{\circ}09'29''$ West 129.31 feet; thence North $21^{\circ}55'44''$ East 55.90 feet to the True Point of Beginning.

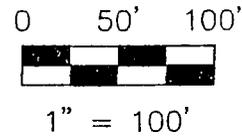
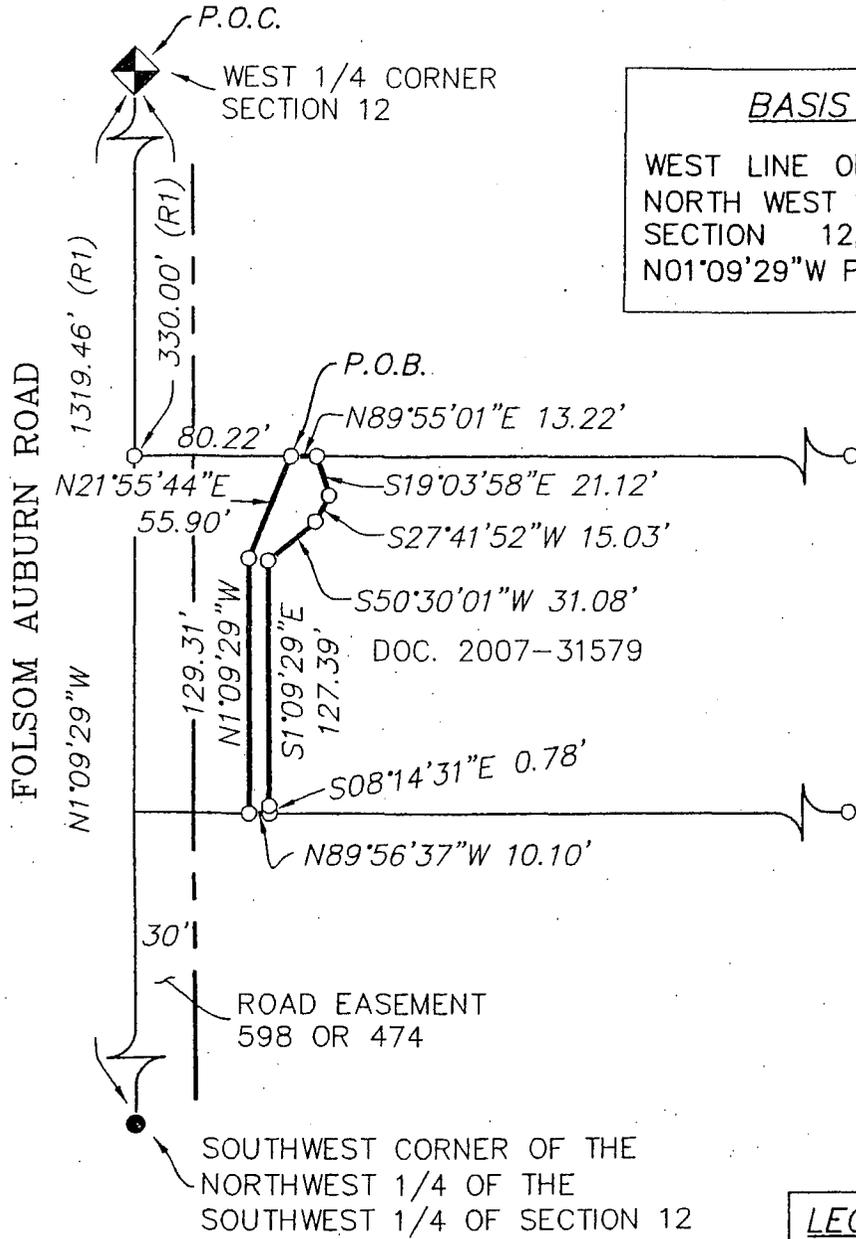
Containing 2,423 square feet more or less.



EXHIBIT B

BASIS OF BEARINGS

WEST LINE OF THE NORTHWEST 1/4 OF THE NORTH WEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 12, T10N, R7E, MDB&M AS N01°09'29"W PER 11 PM 2



LEGEND

(R1)	INDICATES RECORD DATA PER 11 PM 2
●	FOUND PER (R1)
○	DIMENSION POINT
◆	1/4 CORNER

A PORTION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 12 T10N, R7E, MDB&M, PLACER COUNTY, CALIFORNIA

PLAT MAP

COUNTY OF PLACER
HIGHWAY EASEMENT ACQUISITION
FOLSOM - AUBURN ROAD

APN:050-060-006
 OWNER:PAUL LANMAN & ALISON LANMAN
 TITLE ORDER:102-34164

312

EXHIBIT A

A portion of the Lands of Lanman as described by deed recorded as Document Number 2007-40134, Official Records, Office of the Recorder, Placer County, California in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 12, Township 10 North, Range 7 East, M. D. B. & M., Placer County, California and more particularly described as follows.

Commencing at the West Quarter Corner of said Section 12; thence South $01^{\circ}09'29''$ East along the west line of said Section 12, 658.35 feet to the Northwest Corner of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of said Section 12; thence South $89^{\circ}56'37''$ East along the north line of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of said Section 12, 66.68 feet to the True Point of Beginning; thence continuing along said north line South $89^{\circ}56'37''$ East, 10.01 feet; thence leaving said north line South $03^{\circ}06'10''$ West, 78.75 feet; thence South $64^{\circ}35'53''$ East 59.98 feet; thence South $05^{\circ}36'15''$ East 9.28 feet; thence South $65^{\circ}52'23''$ West 27.88 feet to the south line of said Lands of Lanman; thence along said south line North $89^{\circ}56'37''$ West, 42.16 feet; thence North $03^{\circ}06'10''$ East 125.15 feet to the True Point of Beginning.

Containing 2,993 square feet more or less.

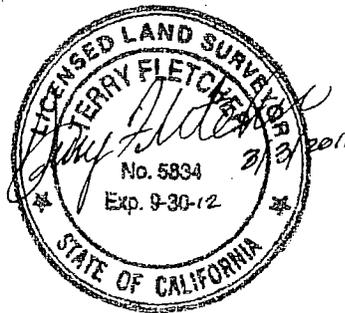


EXHIBIT "C"

Alison Lanman

**One Highway Easement
One Temporary Construction Easement**

Project Name

**Auburn Folsom Road
APN 050-060-007**

When recorded return to
Placer County Department
of Public Works

Space above for Recorder

COUNTY OF PLACER

Department of Public Works

HIGHWAY EASEMENT

For the receipt of one dollar (\$1.00) or other good and valuable consideration,

ALISON LANMAN,

A MARRIED WOMAN, AS HER SOLE AND SEPARATE PROPERTY

the undersigned GRANTOR(S), HEREBY GRANTS TO THE COUNTY OF PLACER, a political subdivision of the State of California, an easement for road purposes and incidentals thereto, including utility rights, over, on, under and across all that real property situated in the County of Placer, State of California, bounded and described as follows:

(Any and all interest in the property conveyed by grantor to the County of Placer pursuant to this instrument runs with the land and is binding on the heirs, assigns and successors of the grantor.)

See Attached Exhibit "A" for Legal Description

See Attached Exhibit "B" for Exhibit Map

GRANTOR(S)

Dated this _____ Day of _____, 20_____

Alison Lanman

Trustee / Beneficiary _____

Recording Reference _____

See reverse side for acknowledgment

EXHIBIT A

A portion of the Lands of Lanman as described by deed recorded as Document Number 2003-0034900, Official Records, Office of the Recorder, Placer County, California in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 12, Township 10 North, Range 7 East, M. D. B. & M., Placer County, California and more particularly described as follows.

Commencing at the West Quarter Corner of said Section 12; thence South 01°09'29" East along the west line of said Section 12, 658.35 feet to the Southwest Corner of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of said Section 12; thence South 89°56'37" East along the south line of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of said Section 12, 30.00 feet to the True Point of Beginning, said True Point of Beginning lying on the East right-of-way line of Auburn-Folsom Road; thence continuing along said south line South 89°56'37" East, 36.68 feet; thence leaving said south line North 01°09'29" West, 80.01 feet; thence North 08°14'31" West 67.94 feet to the north line of said Lands of Lanman; thence along said north line North 89°56'37" West, 28.30 feet to a point on said east line of Auburn-Folsom Road; thence South 01°09'29" East, along said east line, 147.25 feet to the True Point of Beginning.

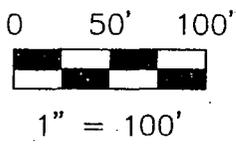
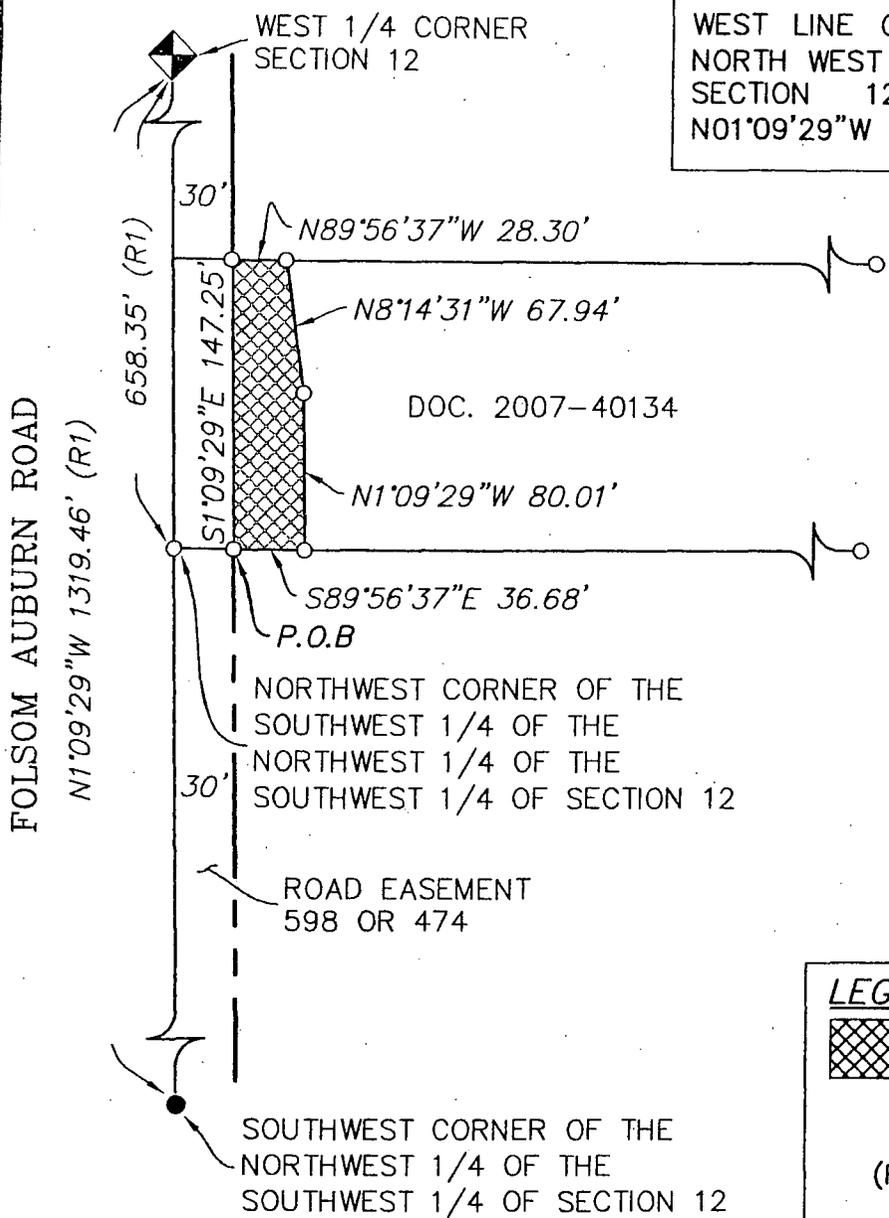
Containing 5,118.2 square feet more or less.



EXHIBIT B

BASIS OF BEARINGS

WEST LINE OF THE NORTHWEST 1/4 OF THE
NORTH WEST 1/4 OF THE SOUTHWEST 1/4 OF
SECTION 12, T10N, R7E, MDB&M AS
N01°09'29"W PER 11 PM 2



<u>LEGEND</u>	
	INDICATES AREA TO BE ACQUIRED BY THE COUNTY OF PLACER FOR PUBLIC HIGHWAY EASEMENT
(R1)	INDICATES RECORD DATA PER 11 PM 2
●	FOUND PER (R1)
○	DIMENSION POINT
	1/4 CORNER

A PORTION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 12 T10N, R7E, MDB&M, PLACER COUNTY, CALIFORNIA

PLAT MAP

COUNTY OF PLACER

HIGHWAY EASEMENT ACQUISITION

FOLSOM - AURBURN ROAD

APN:050-060-007
OWNER: ALISON LANMAN
TITLE ORDER:102-34164

318

RECORDING REQUESTED BY:

Department of Public Works
County of Placer
3901 County Center Drive
Auburn, CA. 95603

**COUNTY OF PLACER
TEMPORARY CONSTRUCTION
EASEMENT AGREEMENT**

County	Project	Name	AP Number
Placer	Auburn Folsom Road	Lanman	050-060-007

ALISON LANMAN, A MARRIED WOMAN, AS HER SOLE AND SEPARATE PROPERTY, hereinafter referred to as "Grantor" hereby grant to the COUNTY OF PLACER, of the State of California hereinafter referred to as "County", a Temporary Construction Easement for construction of roadway and utility improvements upon, over and across, that certain real property in the COUNTY OF PLACER, State of California, described as follows:

WHEREAS, GRANTOR hereby grants to COUNTY a Temporary Construction Easement for the purpose of constructing the Auburn Folsom Road Improvement Project, as described in Exhibits A and shown on Exhibit B attached hereto and made a part hereof

Then, in consideration of said conveyance, and the other considerations hereinafter set forth, it is mutually agreed as follows:

1. COUNTY:

- a. Pay to GRANTOR the sum of \$6,002 representing the appraised value of just compensation, based on the rental rate of ten percent (10%) annually for a period of two (2) years.
- b. Replace, or cause to be replaced, the temporary easement area to approximately the condition existing on the date of this agreement except for alteration or removals as follows:
- c. Erect, or cause to be erected, temporary fencing to restrain small children or animals from access to the easement area.
- d. Not record the Temporary Construction Easement.

2. GRANTOR:

- a. Represents and warrants that the Grantor is the owner of the Property as described and has the exclusive right and power to grant this Easement
- b. Allow COUNTY the use of the herein described property including all improvements thereon.
- c. If necessary, allow the COUNTY to right to enter the Property to make any repairs of correct defects in the work for the 1st year period following the completion of the Project.

This Temporary Construction Easement is for 24 months, beginning at the time construction starts on the property, and upon a two week written notice to the GRANTOR.

This Temporary Construction Easement shall expire upon the date that the specified improvements constructed by COUNTY are accepted for maintenance.

This Agreement, which is valid only when executed by COUNTY, constitutes the complete understanding and agreement of the parties hereto and no oral representation shall in any manner vary the terms hereof, or be binding.

The performance of this Agreement constitutes the entire consideration for the conveyance from GRANTOR and shall relieve COUNTY of all further obligations or claim on this account, or on the account of the location, grade, or construction of the proposed public improvement and related facilities and/or structures.

COUNTY or its authorized agents, agree to hold harmless and indemnify OWNER from any liability arising out of the COUNTY'S operations under this AGREEMENT. Furthermore, COUNTY agrees to assume responsibility for any damages caused by reason of the COUNTY'S operations under this Agreement and will, at COUNTY'S option, either repair or pay for such damage.

Except as provided herein, this Agreement is intended to release and waive any claims and-or damages the parties may have as to one another relating to the acquisition of the Property, including but necessarily limited to claims for greater compensation, severance damages, interest, attorneys fees, relation payments, and such release applies to both claims known and presently unknown including a waiver on any and all rights under civil Code section 1542 which provides:

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

Dated this _____ day of _____, 2011.

GRANTOR

Alison Lanman

ACCEPTANCE BY COUNTY

This is to certify that the interest in real property conveyed by the TEMPORARY CONSTRUCTION EASEMENT AGREEMENT dated _____, 2010, from **PAUL AND ALISON LANMAN**, to the County of Placer, a governmental agency, is hereby accepted by the undersigned agent on behalf of the Board of Supervisors of the County of Placer pursuant to authority conferred by Ordinance 5152-B, adopted on January 15, 2002, and the Grantee consents to the recordation thereof by its duly authorized agent.

Dated: _____ By: _____

EXHIBIT A

A portion of the Lands of Lanman as described by deed recorded as Document Number 2003-0034900, Official Records, Office of the Recorder, Placer County, California in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 12, Township 10 North, Range 7 East, M. D. B. & M., Placer County, California and more particularly described as follows.

Commencing at the West Quarter Corner of said Section 12; thence South 01°09'29" East along the west line of said Section 12, 658.35 feet to the Southwest Corner of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of said Section 12; thence South 89°56'37" East along the south line of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of said Section 12, 66.68 feet to the True Point of Beginning; thence continuing along said south line South 89°56'37" East, 10.01 feet; thence leaving said south line North 52°38'48" East 35.97 feet; thence North 50°38'58" East 35.06 feet; thence North 38°34'06" East 30.80 feet; thence North 59°23'31" East 34.37 feet; thence North 24°56'25" West 24.23 feet; thence North 82°09'04" West 71.51 feet; thence North 55°05'30" West 41.19 feet; thence North 08°14'31" West 6.35 feet to the north line of said Lands of Lanman; thence along said north line North 89°56'37" West, 10.11 feet; thence South 08°14'31" East 67.94 feet; thence South 01°09'29" East 80.01 feet to the True Point of Beginning.

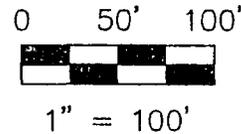
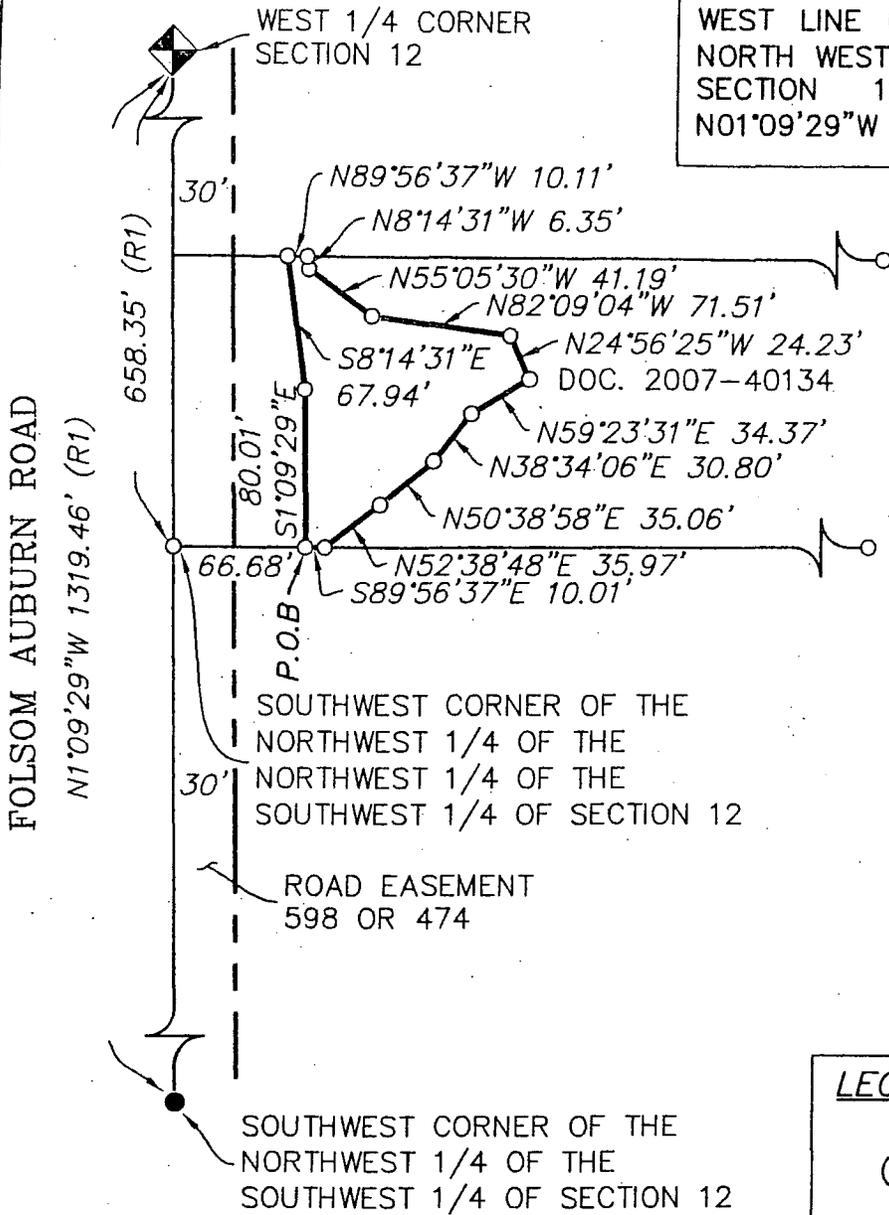
Containing 9,210 square feet more or less.



EXHIBIT B

BASIS OF BEARINGS

WEST LINE OF THE NORTHWEST 1/4 OF THE
NORTH WEST 1/4 OF THE SOUTHWEST 1/4 OF
SECTION 12, T10N, R7E, MDB&M AS
N01°09'29"W PER 11 PM 2



LEGEND

- (R1) INDICATES RECORD DATA PER 11 PM 2
- FOUND PER (R1)
- DIMENSION POINT
- ◆ 1/4 CORNER

A PORTION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 12 T10N, R7E, MDB&M, PLACER COUNTY, CALIFORNIA

PLAT MAP

COUNTY OF PLACER
HIGHWAY EASEMENT ACQUISITION
FOLSOM - AUBURN ROAD

APN:050-060-007
OWNER: ALISON LANMAN
TITLE ORDER:102-34164

323

