

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:  
County of El Dorado  
Board of Supervisors  
330 Fair Lane  
Placerville, CA 95667

SPACE ABOVE THIS LINE FOR RECORDERS USE ONLY

Project: U.S. Highway 50/Missouri Flat Road Interchange  
Project #71317

### TEMPORARY CONSTRUCTION EASEMENT

Safeway Inc., A Delaware Corporation, together with DS Placerville LLC, A California Limited Liability Company and Donahue Schriber Asset Management Corporation, a Delaware corporation, hereinafter referred to collectively as "Grantors," grants to the County of El Dorado for the benefit of and on behalf of Real Estate Holdings II, LLC., a Delaware Corporation and Jack in the Box Inc., a Delaware Corporation, hereinafter referred to as "Grantees," a temporary construction easement over, upon, and across a portion of that real property in the unincorporated area of the County of El Dorado, State of California, described as:

The area depicted in Exhibit "H-1" attached hereto and made a part hereof.

This temporary construction easement is granted under the express conditions listed below:

1. In consideration of other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantors do hereby grant to Grantees an easement for temporary construction over and across those identified portions of the Grantors parcel.
2. Grantors represents and warrant that they are the owner of the properties depicted in Exhibit "H-1", attached hereto and made a part hereof, and that Grantors have the exclusive right to grant the temporary construction easement.
3. This temporary construction easement is necessary for the purpose of constructing the U.S. Highway 50/Missouri Flat Road Interchange Project. Specifically, this temporary construction easement shall allow for vehicular and pedestrian access over the parking lot of the Shopping Center as it may from time to time exist and over the Secondary Access, each for temporary ingress and egress between the Jack in the Box parcel depicted on Exhibit H-1 herein and Headington Road. This temporary construction easement shall not be revoked and shall not expire until the recordation of the Notice of Completion of the U.S. Highway 50/Missouri Flat Road Interchange Project

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GRANTORS:

SAFEWAY, INC., A DELAWARE CORPORATION

Executed on this date: January 25, 2007

By: [Signature]  
Assistant Vice President

By: [Signature]  
Assistant Secretary

DS PLACERVILLE LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

Executed on this date: \_\_\_\_\_, 2007

By: \_\_\_\_\_

DONAHUE SCHRIER ASSET MANAGEMENT CORPORATION, A DELAWARE LIMITED LIABILITY CORPORATION

Executed on this date: \_\_\_\_\_, 2007

By: \_\_\_\_\_

NOTARY ACKNOWLEDGMENT

STATE OF \_\_\_\_\_ )

: SS

COUNTY OF \_\_\_\_\_ )

Capacity claimed by signer:

Individual;  Trustee(s);  Attorney-in-Fact;  Guardian/Conservator;

Corporate Officer(s) \_\_\_\_\_ Title(s);

Partner(s) --  Limited,  General

Other \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_, a Notary Public in and for said State, personally appeared

personally known to me --or--

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.

WITNESS my hand and official seal.

*See attached certificate*

\_\_\_\_\_  
(Signature of Notary)

County of \_\_\_\_\_

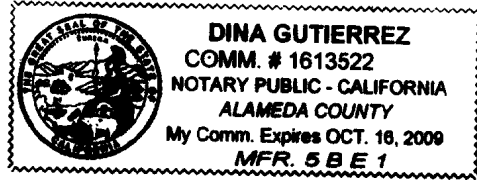
My commission expires \_\_\_\_\_

ACKNOWLEDGMENT

STATE OF CALIFORNIA )  
County of Alameda ) ss.

On January 25, 2007 before me, Dina Gutierrez, Notary Public, personally appeared Steven J. Gouig and Marilyn K. Beardsley personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.



Signature *Dina Gutierrez* (Seal)

# EXHIBIT H-1

SAFeway SHOPPING CENTER

JOB ACCESS EASEMENT AREA &

SHOPPING CENTER RECIPROCAL PARKING EASEMENT AREAS

"SECONDARY ENTRANCE"

HEADINGTON ROAD

MISSOURI FLAT ROAD

U.S. HIGHWAY 50

APN 327:130:53  
PARCEL 3  
48-PM-75  
REAL ESTATE ASSOC. LLC

"PARCEL 2"  
APN 327:130:77  
TRACT B  
28-RS-65.  
DS PLACERVILLE LLC

"PARCEL 1"  
"MAJOR A"  
APN 327:130:76  
TRACT A  
48-PM-75  
SAFEWAY, INC.

"PARCEL 4"  
APN 327:130:53  
PARCEL 4  
48-PM-75  
DS PLACERVILLE LLC

"PARCEL 9"  
APN 327:130:78  
PARCEL 9  
48-PM-75  
DS PLACERVILLE LLC

"PARCEL A"  
APN 327:130:61  
OS PLACERVILLE LLC

"PARCEL 7 & 8"  
APN 327:130:53  
OS PLACERVILLE LLC

"PARCEL 10"  
APN 327:130:60  
PARCEL 10  
48-PM-75  
DS PLACERVILLE LLC

"PARCEL 6"  
APN 327:130:55  
PARCEL 6  
48-PM-75  
DS PLACERVILLE LLC

"PARCEL 5"  
APN 327:130:55  
PARCEL 5  
48-PM-75  
DS PLACERVILLE LLC

"PARCEL 8"  
APN 327:130:78  
PARCEL 8  
48-PM-75  
DS PLACERVILLE LLC

"PARCEL 10"  
APN 327:130:60  
PARCEL 10  
48-PM-75  
DS PLACERVILLE LLC

"PARCEL 6"  
APN 327:130:55  
PARCEL 6  
48-PM-75  
DS PLACERVILLE LLC

NO SCALE



WHEN RECORDED, RETURN TO:

County of El Dorado  
Board of Supervisors  
330 Fair Lane  
Placerville, CA 95667

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**CERTIFICATE OF ACCEPTANCE**

**This is to certify** that the interest in real property conveyed by the Temporary Construction Easement dated \_\_\_\_\_, 2007 from Safeway Inc., a Delaware Corporation, together with DS Placerville LLC, a California Limited Liability Company and Donahue Schriber Asset Management Corporation, a Delaware Corporation, to the **COUNTY OF EL DORADO, a political subdivision of the State of California**, for the benefit of and behalf of Real Estate Holdings II, LLC, a Delaware Corporation and Jack in the Box Inc., a Delaware Corporation, is hereby accepted by order of the County of El Dorado Board of Supervisors and the grantee consents to the recordation thereof by its duly authorized officer.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

**COUNTY OF EL DORADO**

By: \_\_\_\_\_  
Chairman of the Board  
Board of Supervisors

ATTEST:

CINDY KECK  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy Clerk