

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

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

**APN 054-411-46
HAMILTON, ET AL
72375 – DSP1A – SR49 Realignment**



El Dorado, County Recorder
William Schultz Co Recorder Office
DOC- 2016-0050358-00

Acct 6-PLACER TITLE CO

Thursday, OCT 20, 2016 14:32:08

Ttl Pd \$0.00 Rcpt # 0001806134

LJP/C1/1-13

Mail Tax Statements to above.
Exempt from Documentary Tax Transfer
Per Revenue and Taxation Code 11922

Above section for Recorder's use

GRANT OF TEMPORARY CONSTRUCTION EASEMENT

James R. Morton, as Successor Trustee of the Morton Family Trust, as to an undivided 1/2 interest, Jane A Hamilton, as Surviving Trustee Under Declaration of Trust Dated May 10, 1995, The Lloyd and Jane Hamilton Family Trust, as to an undivided 1/4 interest; Shirley Katheryn Lumsden, as Trustee of The Lumsden Exemption Trust, Dated January 19, 1995, as to an undivided 1/8 interest ; Shirly C. Richards, as Trustee of the John and Shirly Richards Survivor's Trust Under Declaration of Trust Dated March 2, 1992, as to an undivided 1/8 interest, hereinafter referred to as "Grantors", grant to the COUNTY OF EL DORADO, a political subdivision of the State of California, hereinafter referred to as "Grantee", 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:

**See Exhibits "A" and "B" attached hereto
and by reference is made a part hereof.**

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

1. In consideration of \$880.00 (EIGHT HUNDRED EIGHTY DOLLARS AND NO/100) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantors do hereby Grant to Grantee an easement for temporary construction over and across those identified portions of the Grantors' parcel.
2. Grantor represents and warrants that they are the owner of the property described in Exhibit A and depicted on the map in Exhibit B attached hereto and made a part hereof, and that Grantor has the exclusive right to grant the temporary construction easement.
3. This temporary construction easement is necessary for the purpose of constructing the **Diamond Springs Parkway – Phase1A – SR49 Realignment Project, CIP No. 72375 (Project)**. Specifically, this temporary construction easement shall allow Grantee or its agents, employees, and contractors the right of ingress and egress as

may be reasonably necessary for construction purposes, inclusive of such repairs, replacements, and removals as may be from time to time required as well as for other purposes incidental to construction of the project. No stockpiling or parking of vehicles or equipment are allowed to take place in this area. This temporary construction easement shall not be revoked and shall not expire until the recordation of the Notice of Completion of the Project. Included within this temporary construction easement is the right of ingress and egress of Grantee, its agents, employees, and contractors for warranty repairs and the correction of defects in the work within the first year following completion of construction. This right during the one-year warranty period survives the expiration of this easement.

4. Compensation under this temporary construction easement covers the construction period estimated to be 24 (Twenty-four) months of construction, together with the five-year warranty period. In the event that construction of the Project is not completed within 24 (Twenty-four) months of commencement of construction, Grantor shall be entitled to additional compensation as follows: For each month thereafter, the sum of \$ 36.67 (Thirty Six Dollars AND 67/100) monthly will be paid to the Grantor, until construction is completed.
5. Grantee agrees to indemnify and hold harmless Grantor from and against any liability arising out of the entry onto the property by Grantee or its agents, employees, and contractors during the term of this temporary construction easement. In the event of property damage, Grantee, at its sole option, may either repair the damage or pay the estimated costs for the repair.

County will use federal/state/local funds for the acquisition of the land rights for this Project. County has entered into a Master Agreement, Administering Agency – State Agreement for Federal Aid Projects, Agreement No. 03-5925R, effective February 14, 2007. County has agreed to comply with the terms and conditions of that Agreement, which include compliance with all Fair Employment Practices and with all Nondiscrimination Assurances as are contained in said Master Agreement

TO HAVE AND TO HOLD said lands and interests therein unto COUNTY OF EL DORADO and its successors forever, subject, however, to the covenant, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on COUNTY OF EL DORADO, its successors and assigns.

COUNTY OF EL DORADO, does hereby covenant and agree as a covenant running with the land for itself, successors and assigns, that:

- (a) no person shall on the grounds of race, color, sex, national origin, religion, age or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed; and
- (b) COUNTY OF EL DORADO shall use the lands and interests in land so conveyed, in compliance with all requirements imposed by or pursuant to Title 49,

Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as Regulations may be amended; and

(c) in the event of breach of any of the above-mentioned nondiscrimination conditions, and only after determination that it is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964, the U.S. Department of Transportation shall have a right to re-enter said lands and facilities on said land, and the above-described land and facilities shall thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed upon COUNTY OF EL DORADO's acquisition.

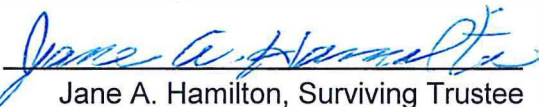
IN WITNESS WHEREOF, Grantors have herein subscribed their names on this 9th day of May, 2016.

GRANTORS: James R. Morton, as Successor Trustee of the Morton Family Trust, as to an undivided 1/2 interest, Jane A Hamilton, as Surviving Trustee Under Declaration of Trust Dated May 10, 1995, The Lloyd and Jane Hamilton Family Trust, as to an undivided 1/4 interest; Shirley Katheryn Lumsden, as Trustee of The Lumsden Exemption Trust, Dated January 19, 1995, as to an undivided 1/8 interest ; Shirly C. Richards, as Trustee of the John and Shirly Richards Survivor's Trust Under Declaration of Trust Dated March 2, 1992, as to an undivided 1/8 interest

The Morton Family Trust


Under Declaration of Trust Dated May 10, 1995, The 1995 Lloyd and Jane Hamilton Family Trust

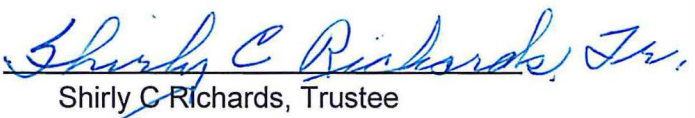
By: 
James R. Morton, Successor Trustee

By: 
Jane A. Hamilton, Surviving Trustee

The Lumsden Exemption Trust, Dated Trust January 19, 1995

The John and Shirly Richards Survivor's Under Declaration of Trust Dated March 2, 1992

By: 
Shirley Katheryn Lumsden, Trustee

By: 
Shirly C Richards, Trustee

(All signatures must be acknowledged by a Notary Public)

EXHIBIT 'A'
(36361-1)

All that certain real property situate in Section 30, Township 10 North, Range 11 East, Mount Diablo Meridian, Townsite of Diamond Springs, County of El Dorado, State of California, being a portion of Parcel A of that particular Parcel Map filed in Book 31, Page 129 in the Official Records of El Dorado County more particularly described as follows:

COMMENCING at the Northwest Corner of said Parcel, thence along the northerly line of said parcel the following two courses: 1) North 68° 43' 07" East 7.24 feet; 2) North 71° 22' 37" East 149.01 feet to the TRUE POINT OF BEGINNING; thence continuing along said northerly line North 71° 22' 37" East 6.26 feet; thence leaving said northerly line along the northeasterly and easterly lines of that particular Record of Survey filed in Book 29, Page 19 the following seven courses: 1) South 18° 37' 23" East 2.58 feet to the beginning of a non-tangent curve concave southwesterly having a radius of 31.82 feet; 2) easterly and southeasterly along said curve through a central angle of 79° 42' 39" an arc distance of 44.27 feet, said curve being subtended by a chord which bears South 67° 17' 11" East 40.79 feet; 3) South 27° 25' 51" East 7.41 feet; 4) South 17° 28' 52" East 10.61 feet; 5) North 77° 18' 36" East 4.44 feet; 6) South 27° 25' 51" East 4.47 feet; 7) South 13° 04' 29" East 4.07 feet; thence leaving said easterly line South 71° 49' 10" West 16.34 feet; thence North 61° 32' 54" West 38.44 feet; thence North 18° 37' 23" West 28.10 feet to the TRUE POINT OF BEGINNING. Containing 1,487 square feet (0.03 acres) more or less.

-End of Description-

See Exhibit 'B' attached hereto and made a part hereof.

The Basis of Bearings of the above description is Grid North and is identical to that shown on that particular Record of Survey filed in Book 31 of Surveys, Page 143. Distances used in the above description are grid distances. Divide distances by 0.999855 to obtain ground level distances.

The purpose of the above description is to describe that portion of said Parcel as a temporary easement for construction purposes.

Joe Neely

Joseph C. Neely, P.L.S. 9026
Associate Land Surveyor
El Dorado County
Community Development Agency
Transportation Division



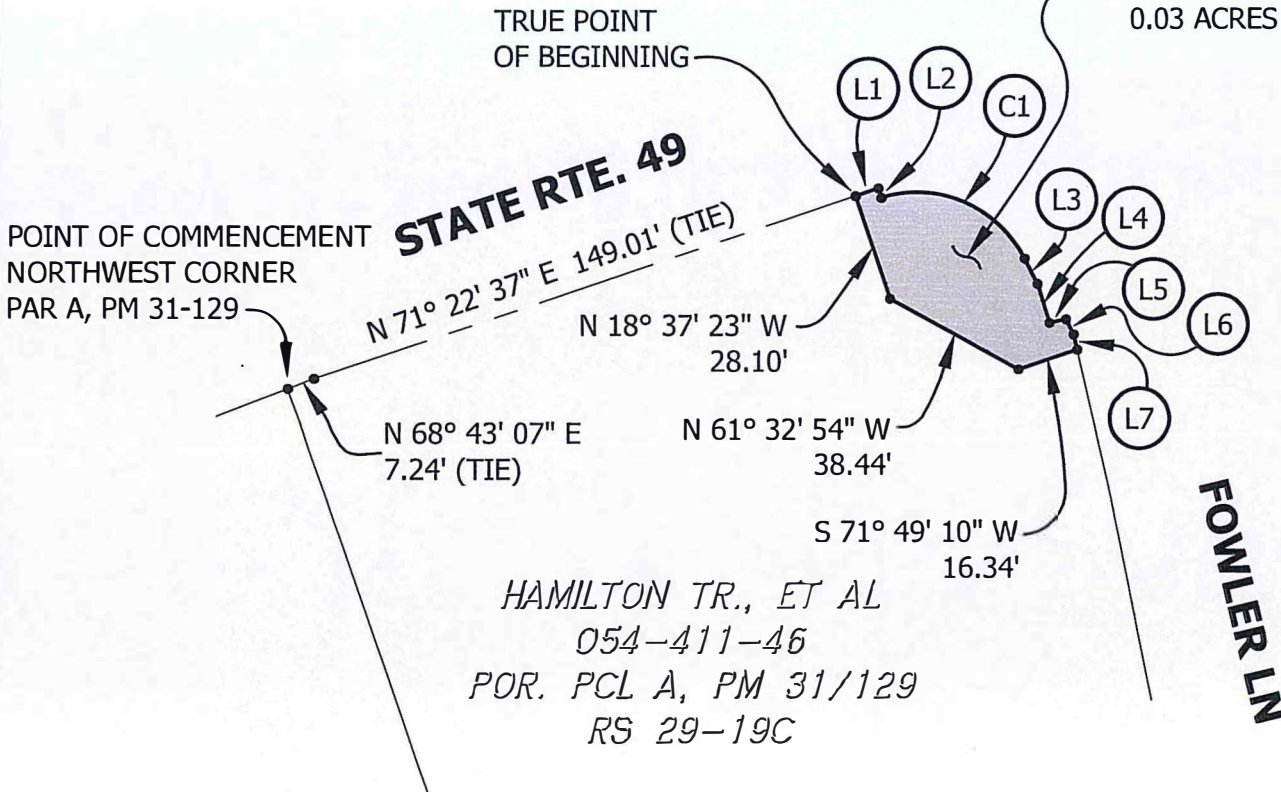
Dated: 2/10/2015

EXHIBIT 'B'

Situate in Section 30, T. 10 N., R. 11 E., M.D.M.
 Townsite of Diamond Springs
 County of El Dorado, State of California

36361-1

TEMPORARY CONSTRUCTION EASEMENT
 AREA=1487 SQ. FT. ±
 0.03 ACRES ±



- (L1) N 71° 22' 37" E 6.26'
- (L2) S 18° 37' 23" E 2.58'
- (C1) R=31.82 Δ=79°42' 39" L=44.27'
 CH=S 67°17'11" E 40.79'
- (L3) S 27° 25' 51" E 7.41'
- (L4) S 17° 28' 52" E 10.61'
- (L5) N 77° 18' 36" E 4.44'
- (L6) S 27° 25' 51" E 4.47'
- (L7) S 13° 04' 29" E 4.07'



Grid North
 Scale 1"=50'

CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

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 El Dorado }

On 5/9/16 before me, Kyle R. Lassner Notary Public,

Date

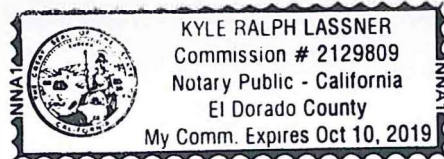
(here insert name and title of the officer)

personally appeared Shirly Richards

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] (Seal)

OPTIONAL

Description of Attached Document

Title or Type of Document: Grant of Temporary Construction Easement Number of Pages: 6

Document Date: 5/9/16 Other: _____

CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

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 El Dorado }

On 5/9/16 before me, Kyle R. Lassner Notary Public,

Date

(here insert name and title of the officer)

personally appeared Jane A. Hamilton

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] (Seal)

OPTIONAL

Description of Attached Document

Title or Type of Document: Grant of Temporary Construction Easement Number of Pages: 6

Document Date: 5/9/16 Other: [Handwritten mark]

CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

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STATE OF CALIFORNIA }

COUNTY OF El Dorado }

On 5/10/16 before me, Kyle R. Lassner Notary Public,

Date

(here insert name and title of the officer)

personally appeared James R Morton

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] (Seal)

OPTIONAL

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STATE OF CALIFORNIA }

COUNTY OF El Dorado }

On 5/11/16 before me, Kyle R. Lassner Notary Public,

Date

(here insert name and title of the officer)

personally appeared Shirley ^{KATHERYN} Lumsden

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] (Seal)

OPTIONAL

Description of Attached Document

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**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

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

**HAMILTON, ET AL
APN: 054-411-46
#72375 – DSP1A**

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Temporary Construction Easement dated September 28, 2015, from **James R. Morton, as Successor Trustee of the Morton Family Trust, as to an undivided 1/2 interest, Jane A Hamilton, Surviving Trustee of the 1995 Lloyd and Jane Hamilton Family Trust, 5/10/95, as to an undivided 1/4 interest; Shirley Katheryn Lumsden, Trustee of the Lumsden Exemption Trust, 1/19/95, as to an undivided 1/8 interest ; Shirley C. Richards, Trustee of the John and Shirley Richards Survivor's Trust, as to an undivided 1/8 interest**, 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.

APN: 054-411-46

Dated this 27th day of October, 2015.

COUNTY OF EL DORADO

By: _____


Ron Mikulaco, First Vice-Chair
Board of Supervisors

ATTEST:

James S. Mitrison
Clerk of the Board of Supervisors

By: _____


Deputy Clerk



ORDINANCE NO. 5037

**AN ORDINANCE DELEGATING TO THE COMMUNITY DEVELOPMENT AGENCY
DIRECTOR AUTHORITY TO ACQUIRE REAL PROPERTY**

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS
FOLLOWS:**

Section 1.

WHEREAS, pursuant to Section 25350.60 of the California Government Code, the Board of Supervisors may, by ordinance, authorize a county officer to perform any or all acts necessary to approve and accept for the county the acquisition of any interest in real property;

WHEREAS, Section 27281 of the California Government Code provides that any deed or grant conveying any interest in or easement upon real property to a political corporation or government agency for public purposes shall not be accepted for recordation without the consent of the grantee evidenced by its Certificate or Resolution of Acceptance attached to or printed on the deed or grant and that a political corporation or governmental agency may, by general resolution, authorize an officer or agent to accept and consent to such deeds or grants; and

WHEREAS, in order to allow for more efficient operation of the County's right of way acquisition program associated with its Capital Improvement Program, the Board of Supervisors desires to delegate such authority to the Director of the Community Development Agency.

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED AS FOLLOWS:

A. The El Dorado County Board of Supervisors, by both ordinance and general resolution, does hereby authorize the Director of the Community Development Agency ("Director") to perform any or all acts necessary to approve and accept on behalf of El Dorado County the acquisition of any interest in or easement upon real property and to consent to the recordation thereof. This authority is limited to acquisitions of \$25,000 or less. The Director is also authorized to review and as appropriate, adopt and approve the fair market valuation of an acquisition as fair and just compensation, and to execute Right-of-Way Contracts relating to said acquisitions and to execute such other documents and take such other actions as are necessary to carry out the purposes and intent of this Ordinance.

B. This delegated authority must be exercised in accordance with the following procedures and limitations:

1. The acquisition of real property interest shall be for a public structure, road, trail or improvement as previously approved by the Board of Supervisors or as a part of the approved Capital Improvement Program.

2. The Director must assure that there is adequate, assured, funding for the acquisition and project prior to committing to the acquisition.
3. The fair market value of the real property interest to be acquired shall be determined by an appraisal or some other generally accepted industry standard or method of valuation. The appraised amount or valuation will be a determining factor along with any other unique or extenuating circumstances associated with the purchase to establish the negotiated purchase price.
4. If required, the proposed acquisition shall be submitted to the Planning Commission to make a finding of General Plan conformance prior to acquisition of the real property interest.
5. The Director shall provide a report to the Board every six months, or at least twice a year, of the property interests acquired under this authority.

C. This delegated authority shall be effective for five years from the effective date of this Ordinance.

Section 2. Compliance with California Environmental Quality Act

The Board finds that this ordinance is Categorical Exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15320 (Changes in Organization of Local Agencies) and Section 15378 (General Policy and Procedure Making).

Section 3. Severability

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Section 4. This ordinance shall become effective thirty (30) days following the adoption hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 5th day of April, 2016, by the following vote of said Board:

ATTEST
JAMES S. MITRISIN
Clerk of the Board of Supervisors

By *Janice McFarland*
Deputy Clerk

Ayes: Brian K. Veerkamp, Michael Ranalli, Ron Mikulaco,
Shiva Frentzen, Sue Novasel

Noes: None

Absent: None

[Signature]
Chair, Board of Supervisors
Ron Mikulaco

APPROVED AS TO FORM

MICHAEL J. CICCOTZI, County Counsel

By *[Signature]*
David A. Livingston, Sr. Deputy County Counsel