

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:  
County of El Dorado  
Board of Supervisors  
330 Fair Lane  
Placerville, CA 95667  
Assessor's Parcel Number: 327-130-55 & 60

SPACE ABOVE THIS LINE FOR RECORDERS USE ONLY  
Project: U.S. Hwy. 50/Missouri Flat Road Interchange  
Project #71317 Phase 1A;  
APN: 327-130-55 and 60

### **TEMPORARY CONSTRUCTION EASEMENT**

DS Placerville, LLC, A California Limited Liability Company, and Donahue Schriber Asset Management Corporation, A Delaware Corporation, as Tenants in Common, hereinafter collectively referred to as "Grantor", grants to the County of El Dorado, 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 G-1, G-2, G-3 and G-4, attached hereto and made a part hereof.

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

1. In consideration of \$13,500.00 (Thirteen-Thousand Five-Hundred Dollars, exactly) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor does hereby grant to Grantee an easement for temporary construction over and across those identified portions of the Grantor parcel.
2. Grantor represents and warrants that she/he is the owner of the property described in Exhibits G-1 and G-3 and depicted on the map in Exhibits G-2 and G-4, 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 U.S. Highway 50/Missouri Flat Road Interchange 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, including any staging or parking of construction vehicles or equipment. This temporary construction easement shall not be revoked and shall not expire until the recordation of the Notice of Completion, as referenced herein, of the U.S. Highway 50/Missouri Flat Road Interchange 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 for this phase, together with the one-year warranty period for Phase 1A. In the event that construction of the U.S. Highway 50/Missouri Flat Road Interchange Project Phase 1A is not completed within 24 (Twenty-Four) months of commencement of construction of this Phase, Grantor shall be entitled to additional compensation as follows: for each month thereafter, the sum of \$563.00 (Five-hundred Sixty-Three Dollars, exactly) will be paid to 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.

GRANTOR:

DS Placerville, LLC, A California Limited Liability Company

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

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

Donahue Schriber Asset Management Corporation, A Delaware 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.

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

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

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

**EXHIBIT "G-1"**  
**LEGAL DESCRIPTION**  
**TEMPORARY CONSTRUCTION EASEMENT**

All that portion of Parcel 5, as said parcel is shown on the map recorded in Book 48 of Parcel Maps, at Page 75, in the office of the El Dorado County Recorder, being a portion of the northeast quarter of Section 23, Township 10 North, Range 10 East, M.D.M., unincorporated area of the County of El Dorado, State of California, and more particularly described as follows:

Beginning at the most westerly corner of said parcel; thence along the northwesterly boundary North 55°49'35" East (cite North 55°48'14" East) 32.337 meters (106.09 feet); thence leaving said boundary South 34°20'47" East 7.075 meters (23.21 feet) to the southeasterly boundary; thence along said boundary South 55°48'31" West (cite South 55°47'09" West) 28.925 meters (94.90 feet) to the southwesterly boundary; thence along said boundary North 60°01'55" West (cite North 60°03'17" West) 7.872 meters (25.83 feet) to the point of beginning, containing 216.9 sq. meters (2,335 sq. ft.), more or less.

See attached Exhibit "G-2"

END OF DESCRIPTION.

Note: The basis of bearings for this description is Grid North, California Coordinate System of 1983, Zone II, as defined in Chapter 611, Sections 8801-8819 of the State Resources Code. All distances are grid distances. To convert to ground distances, divide all distances by 0.999855.



12-28-05

EXHIBIT "G-2"

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

POINT OF BEGINNING

N60°01'55"W  
7.872m

N55°49'35"E

32.337m

S55°48'31"W

28.925m

S34°20'47"E  
7.075m

NEW R/W LINE

EXISTING R/W LINE

MISSOURI FLAT RD



SCALE = 1:500  
METRIC

**EXHIBIT "G-3"**  
**LEGAL DESCRIPTION**  
**TEMPORARY CONSTRUCTION EASEMENT**

All that portion of Parcel 10, as said parcel is shown on the map recorded in Book 48 of Parcel Maps, at Page 75, in the office of the El Dorado County Recorder, being a portion of the northeast quarter of Section 23, Township 10 North, Range 10 East, M.D.M., unincorporated area of the County of El Dorado, State of California, and more particularly described as follows:

Beginning at the most westerly corner of said parcel; thence along the northwesterly boundary North 54°26'27" East (cite North 54°25'05" East) 22.281 meters (73.10 feet); thence leaving said boundary South 34°20'47" East 3.342 meters (10.96 feet); thence South 55°26'01" West 20.857 meters (68.43 feet) to the southwesterly boundary; thence along said boundary North 60°01'55" West (cite North 60°03'17" West) 3.274 meters (10.74 feet) to the point of beginning, containing 68 sq. meters (732 sq. ft.), more or less.

See attached Exhibit "G-4"

END OF DESCRIPTION.

Note: The basis of bearings for this description is Grid North, California Coordinate System of 1983, Zone II, as defined in Chapter 611, Sections 8801-8819 of the State Resources Code. All distances are grid distances. To convert to ground distances, divide all distances by 0.999855.



1-04-06

EXHIBIT "G-4"

Drawing Name: J:\DCA\p\1317\RV\EXHIBIT Maps\327-130-60TCE.dwg, Layout Tab: Model, Last Saved: Fri, 30 Dec 2005 - 3:25pm, DHaynes

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

POINT OF BEGINNING

N54°26'27"E  
22.281m

S34°20'47"E  
3.342m

S55°26'01"W  
20.857m

N60°01'55"W  
3.274m

NEW R/W LINE

EXISTING R/W LINE

MISSOURI  
FLAT RD



SCALE = 1:500  
METRIC

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 DS Placerville, LLC a California Limited Liability Company, and Donahue Schriber Asset Management Corporation, a Delaware Corporation, as Tenant in Common, to the **COUNTY OF EL DORADO, a political subdivision of the State of California**, 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