

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

County of El Dorado  
Department of Transportation  
Attn: ROW Unit  
2850 Fairlane Ct.  
Placerville, CA 95667

**APN: 084-030-014**  
**Seller: Sher**  
**Project #: 77126**

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**

**Benjamin D. Sher, Trustee of the Benjamin D. Sher Living Trust dated 10/28/1996,** hereinafter referred to as "Grantor," grants 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 'A3' and 'B3' 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 \$13,128.06 (Thirteen Thousand One Hundred Twenty Eight Dollars AND 06/100) 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 they are the owner of the property described in Exhibit A3 and depicted on the map in Exhibit B3 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 Mosquito Road Bridge Replacement Project CIP No. 77126 (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. Stockpiling or parking of vehicles or equipment is allowed to take place in this area. 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.

4. The Temporary Construction Easement is for a period of 6 years from the date of full execution. Construction is anticipated to take 3 years. This easement also includes a one-year warranty period.
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. 03-5925F15, effective October 18, 2016. 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, Grantor has herein subscribed its name on this 14<sup>th</sup> day of August, 2020.

GRANTOR: Benjamin D. Sher, Trustee of the Benjamin D. Sher Living Trust dated 10/28/1996

  
\_\_\_\_\_  
Benjamin D. Sher, Trustee

(All signatures must be acknowledged by a Notary Public)

### EXHIBIT 'A3'

All that certain real property situate in the North Half of the Southwest Quarter of the Northeast Quarter of Section 28, Township 11 North, Range 11 East, Mount Diablo Meridian, County of El Dorado, State of California, being a portion of the parcel described in that certain document number 2016-35637 filed in the official records of El Dorado County and as shown as Tract 1 on that certain Record of Survey filed in Book 19 of Surveys, Page 73 in said county more particularly described as follows:

#### AREA 1:

COMMENCING at the Northeast corner of said parcel; thence along the northerly line thereof South 88°38'06" West, 734.32 feet to the POINT OF BEGINNING and the beginning of a non-tangent curve concave southwesterly having a radius of 542.00 feet; thence southeasterly along said curve through a central angle of 14°54'04" an arc distance of 140.96 feet, said curve being subtended by a chord which bears South 61°53'20" East, 140.56 feet; thence South 35°33'42" West, 20.00 feet to the beginning of a non-tangent curve concave southwesterly having a radius of 522.00 feet; thence southeasterly along said curve through a central angle of 3°53'38" an arc distance of 35.48 feet, said curve being subtended by a chord which bears South 52°29'29" East, 35.47 feet; thence South 50°32'40" East, 223.87 feet; thence South 39°27'20" West, 46.45 feet; thence South 50°32'40" East, 126.54 feet; thence North 39°27'20" East, 136.45 feet; thence South 50°32'40" East, 173.18 feet; thence South 52°30'42" West, 143.72 feet; thence North 50°32'40" West, 114.02 feet; thence South 54°31'02" West, 76.74 feet; thence North 52°57'21" West, 253.20 feet; thence North 5°27'36" East, 128.25 feet; thence North 60°00'25" West, 288.56 feet to said northerly line; thence along said northerly line North 88°38'06" East, 102.45 feet to the POINT OF BEGINNING. Containing 67,752 square feet (1.56 acres) more or less.

TOGETHER WITH:

#### AREA 2:

BEGINNING at a point on the northerly line of said parcel which bears South 88°38'06" West, 325.25 feet from the Northeast corner thereof; thence from said POINT OF BEGINNING along said northerly line South 88°38'06" West, 171.36 feet; thence leaving said northerly line South 39°27'20" West, 26.49 feet; thence South 50°32'40" East, 138.50 feet; thence North 39°27'20" East, 88.58 feet; thence North 29°26'19" East, 50.70 feet to the POINT OF BEGINNING. Containing 11,700 square feet (0.27 acres) more or less.

TOGETHER WITH:

AREA 3:

BEGINNING at a point on the northerly line of said parcel which bears South 88°38'06" West, 70.49 feet from the Northeast corner thereof; thence from said POINT OF BEGINNING along said northerly line South 88°38'06" West, 233.07 feet to the beginning of a non-tangent curve concave northwesterly having a radius of 70.39 feet; thence leaving said northerly line southwesterly along said curve through a central angle of 11°19'04" an arc distance of 13.90 feet, said curve being subtended by a chord which bears South 23°46'47" West, 13.88 feet; thence South 29°26'19" West, 40.76 feet; thence South 45°17'03" East, 57.01 feet; thence South 68°25'44" East, 221.74 feet; thence North 0°32'00" West, 25.79 feet; thence North 55°40'36" East, 65.11 feet; thence North 20°14'30" West, 120.31 feet to the POINT OF BEGINNING. Containing 33,983 square feet (0.78 acres) more or less.

TOGETHER WITH:

AREA 4:

BEGINNING at a point on the easterly line of said parcel which bears North 5°14'09" West, 143.75 feet from the Southeast corner thereof; thence from said POINT OF BEGINNING along said easterly line North 5°14'09" West, 164.32 feet; thence leaving said easterly line South 52°30'42" West, 201.96 feet; thence South 50°32'40" East, 161.19 feet; thence North 39°27'20" East, 79.92 feet to the POINT OF BEGINNING. Containing 20,474 square feet (0.47 acres) more or less.

TOGETHER WITH:

AREA 5:


BEGINNING at a point on the southerly line of said parcel which bears South 88°58'37" West, 88.92 feet from the Southeast corner thereof; thence from said POINT OF BEGINNING leaving said southerly line North 50°32'40" West, 213.20 feet; thence South 61°40'04" West, 45.83 feet; thence South 50°32'40" East, 180.82 feet to said southerly line; thence along said southerly line North 88°58'37" East, 65.35 feet to the POINT OF BEGINNING. Containing 8,358 square feet (0.19 acres) more or less.

-End of Description-

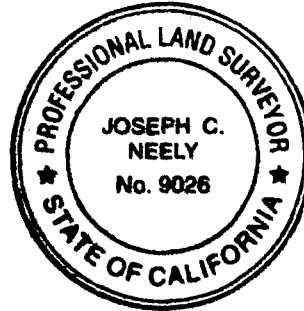
See Exhibit 'B3' attached hereto and made a part hereof.

The Basis of Bearings of the above description is grid North. Distances used in the above description are grid distances. Divide distances by 0.999845 to obtain ground distances.

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

  
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Joseph C. Neely, P.L.S. 9026  
Associate Land Surveyor  
El Dorado County  
Department of Transportation

Date 4/27/2020



P.O.B. AREA 1

S 88° 38' 06" W 734.32'

S 88° 38' 06" W 325.25'

NE CORNER TRACT 1  
RS 19-73

P.O.B. AREA 2

P.O.B. AREA 3

TCE  
AREA 3

TCE  
AREA 1

TCE  
AREA 4

P.O.B.  
AREA 4

P.O.B. AREA 5

SE CORNER TRACT 1, RS 19-73

SHER TRUST  
APN 084-030-14  
2016-35637  
TRACT 1 RS 19-73



Grid North  
Scale 1"=100'



# EXHIBIT 'B3'

Situate in Section 28, T. 11 N., R. 11 E., M.D.M.  
County of El Dorado, State of California

# EXHIBIT 'B3'

Situate in Section 28, T. 11 N., R. 11 E., M.D.M.  
County of El Dorado, State of California

C1	..... R=542.00' L=140.96' Δ=14° 54' 04" CH=S 61° 53' 20" E 140.56'	L20	..... N 55° 40' 36" E 65.11'
C2	..... R=522.00' L=35.48' Δ=3° 53' 38" CH=S 52° 29' 29" E 35.47'	L21	..... N 20° 14' 30" W 120.31'
C3	..... R=70.39' L=13.90' Δ=11° 19' 04" CH=S 23° 46' 47" W 13.88'	L22	..... N 5° 14' 09" W 143.75'
L1	..... S 35° 33' 42" W 20.00'	L23	..... N 5° 14' 09" W 164.32'
L2	..... S 39° 27' 20" W 46.45'	L24	..... S 50° 32' 40" E 161.19'
L3	..... S 50° 32' 40" E 126.54'	L25	..... N 39° 27' 20" E 79.92'
L4	..... N 39° 27' 20" E 136.45'	L26	..... S 88° 58' 37" W 88.92'
L5	..... S 52° 30' 42" W 143.72'	L27	..... S 61° 40' 04" W 45.83'
L6	..... N 50° 32' 40" W 114.02'	L28	..... N 88° 58' 37" E 65.35'
L7	..... S 54° 31' 02" W 76.74'		
L8	..... N 5° 27' 36" E 128.25'		
L9	..... N 88° 38' 06" E 102.45'		
L10	..... S 88° 38' 06" W 171.36'		
L11	..... S 39° 27' 20" W 26.49'		
L12	..... S 50° 32' 40" E 138.50'		
L13	..... N 39° 27' 20" E 88.58'		
L14	..... N 29° 26' 19" E 50.70'		
L15	..... S 88° 38' 06" W 70.49'		
L16	..... S 88° 38' 06" W 233.07'		
L17	..... S 29° 26' 19" W 40.76'		
L18	..... S 45° 17' 03" E 57.01'		
L19	..... N 0° 32' 00" W 25.79'		

TEMPORARY CONSTRUCTION EASEMENT  
TOTAL AREA = 142,268 SQ. FT. ±  
(3.27 AC. ±)



# 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 8-14-2020 before me, Kyle Lassner Notary Public,

Date

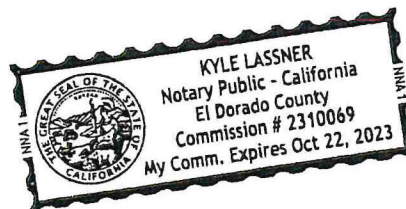
(here insert name and title of the officer)

personally appeared Benjamin D. Sher

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: 8

Document Date: 8-14-2020 Other: Ø

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

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

**APN: 084-030-014**  
**Seller: Sher**  
**Project #: 77126**

**CERTIFICATE OF ACCEPTANCE**

**This is to certify** that the interest in real property conveyed by the Grant of Temporary Construction Easement dated September 22, 2020, from Benjamin D. Sher, Trustee of the Benjamin D. Sher Living Trust dated 10/28/1996, 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: 084-030-014

Dated this 22<sup>nd</sup> day of September, 2020.

**COUNTY OF EL DORADO**

By: Brian K. Veerkamp  
Brian K. Veerkamp, Chair  
Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

By: Michelle Smith  
Deputy Clerk