

**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: 009-180-013
Seller: Bell Trust
Project #: 97019

Mail Tax Statements to above.
Exempt from Documentary Tax Transfer
Per Revenue and Taxation Code 27383

Above section for Recorder's use

GRANT OF TEMPORARY CONSTRUCTION EASEMENT

Evan E. Bell and Lois E. Bell, Trustees, Bell Family Trust under agreement dated March 22, 2004, 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 '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 \$1,638.00 (One Thousand Six Hundred Thirty-Eight AND 00/100) 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 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 **Pony Express Class II Bicycle and Pedestrian Path, CIP #97019** (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 shall start on September 1, 2021 and end on September 1, 2024. This start date is based on the County's anticipated right-of-way certification from the California Department of Transportation (Caltrans). Construction is anticipated to take 12 months.
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 5th day of JULY, 2021.

GRANTOR: Evan E. Bell and Lois E. Bell, Trustees, Bell Family Trust under agreement dated March 22, 2004



Evan E. Bell, Trustee



Lois E. Bell, Trustee

(All signatures must be acknowledged by a Notary Public)

OFFICIAL CALIFORNIA NOTARIAL CERTIFICATE

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 ORANGE

Before me, Kathleen Ruth Shepard, Notary Public,

on this 5th day of JULY, 2021, personally appeared:

EVAN E. BELL AND LOIS E. BELL

who proved to me, Kathleen Ruth Shepard, Notary Public, upon the basis of satisfactory evidence, to be the person(s) who name(s) is are subscribed within the document 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 document, the person(s) or the entity upon behalf of which the person(s) acted, executed the document.

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.


Kathleen Ruth Shepard, Notary Public



(seal)

Document Information APN: 009-180-013 Exhibit E

Document Title GRANT OF TEMPORARY CONSTRUCTION

Document Date NONE - SIGNED JULY 5th, 2021 EASEMENT

Number of Pages (including this Acknowledgment) FOUR

EXHIBIT 'A'

All that certain real property situate in the Northwest 1/4 of Section 31, Township 11 North, Range 13 East, Mount Diablo Meridian, County of El Dorado, State of California, being a portion of Parcel 4 of that certain Parcel Map filed in Book 32 of Parcel Maps at Page 94 in the official records of El Dorado County more particularly described as follows:

BEGINNING at a point on the northerly line of said Parcel which bears North 84°22'51" East, 5.00 feet from the Northwest corner thereof; thence from said POINT OF BEGINNING along said northerly line North 84°22'51" East, 27.00 feet; THENCE leaving said northerly line South 4°36'16" East, 33.16 feet; THENCE South 85°23'44" West, 32.00 feet to the westerly line of said Parcel; THENCE along said westerly line North 4°36'16" West, 9.17 feet; THENCE leaving said westerly line North 85°23'44" East, 5.00 feet; THENCE North 4°36'16" West, 23.51 feet to the POINT OF BEGINNING.
Containing 935 square feet, 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. Distances shown are grid distances. Divide distances shown by 0.999749 for ground distances.

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



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



Date: 3/30/2021

EXHIBIT 'B'

Situate in the Northwest 1/4 of Section 31

T. 11 N., R. 13 E., M.D.M.

County of El Dorado, State of California



GRID NORTH
SCALE 1"=20'

PONY EXPRESS TRAIL

NORTHWEST CORNER
PARCEL 4, P.M. 32-94

N 84° 22' 51" E 5.00'

POINT OF BEGINNING

N 84° 22' 51" E 27.00'

TCE AREA
935 S.F. ±

N4°36'16"W
23.51'

N85°23'44"E
5.00'

N4°36'16"W
9.17'

S 4° 36' 16" E 33.16'

S 85° 23' 44" W 32.00'

BELL
APN 009-180-013
P.M. 32/94/4



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

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

APN: Por. 009-180-013
Seller: Bell Trust
Project #: 97019

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Grant of Temporary Construction Easement dated _____, 20____, from **Evan E. Bell and Lois E. Bell, Trustees, Bell Family Trust under agreement dated March 22, 2004**, 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: 009-180-013

Dated this _____ day of _____, 20____.

COUNTY OF EL DORADO

By: _____
John Hidahl, Chair
Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

By: _____
Deputy Clerk