

Recording Requested by: BAYSHORE SANITARY DISTRICT	
After Recording Return to:  Bayshore Sanitary District 36 Industrial Way Brisbane, CA 94005	

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

No Recording Fee Pursuant to Government Code §§ 6103 and 27383

**AGREEMENT AND GRANT OF SANITARY SEWER EASEMENT**

THIS AGREEMENT AND GRANT OF SANITARY SEWER EASEMENT is made as of \_\_\_\_\_, 2007 by and between THE HOUSING AUTHORITY OF THE COUNTY OF SAN MATEO, hereinafter referred to as "Authority," and the BAYSHORE SANITARY DISTRICT hereinafter referred to as "District."

**RECITALS**

A. Authority is the fee owner of that certain real property commonly known as Midway Village, Daly City, San Mateo County, California, and more particularly described in Exhibit A attached hereto and incorporated herein by reference (the "**Property**"); and

B. Authority desires to install or has installed certain sewer facilities on the property that it desires that the District maintain as District facilities; and

C. The District's policy, reflected in section 302.5.1 of the District Code, is generally that public sewer facilities be located in public rights of way; and,

D. Because of special circumstances at Midway Village, the District is willing to make an exception at Midway Village in accordance with the requirements of section 302.5.1; and,

F. In order to authorize the District to operate and maintain the sewer facility that will serve the Property, Authority (as required by section 302.5.2 of the District Code) has agreed to provide a permanent nonexclusive easement to District (the "**Easement**") in the area described and depicted in Exhibit B attached hereto and incorporated herein by reference (the "**Easement Area**") for the purpose of installing, maintaining, repairing, upgrading, and replacing sewer facilities that will serve the Property.

NOW, THEREFORE, for good and valuable consideration, the receipt and

sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Authority does hereby grant, convey and dedicate the Easement to the District for sanitary sewer purposes in, upon, over, and across that certain real property in the City of Daly City, County of San Mateo as shown on Exhibit B hereto.

2. The District agrees that the uses granted herein shall be limited exclusively to sanitary sewer purposes and those uses incidental to constructing, installing, using, maintaining, inspecting, repairing, replacing, relocating, altering and operating equipment and facilities, including their appurtenances and accessories, for the collection, transmission, treatment, and disposition of wastewater together with rights of ingress, egress and access in, on, above, under and to the Easement and equipment, facilities, appurtenances and accessories located therein by the District, its officers, agents, and employees, and by persons under contract with the District and their employees, whenever and wherever necessary for such purposes. The Easement includes the right to trim or remove such trees or brush within the Easement Area as may constitute a hazard to persons or property or may interfere with the use of the said area for the purposes granted.

3. Authority shall keep the Easement Area clear of any type of building, fences, structure, pavement, or trees, unless prior written approval is obtained from District.

4. The District agrees that Authority shall have the nonexclusive right to use the Easement Area and grant non-exclusive easements over, along, or upon the Easement Area, provided however, that any such easements granted by Authority shall be subject and subordinate to this Easement, and provided further that District shall have first consented in writing to the terms, nature, and location of any such other non-exclusive easements, which consent shall not be unreasonably withheld or delayed.

5. Authority reserves the right to use the Easement Area in any manner that will not prevent or interfere with the exercise by District of the rights granted under this Grant of Sanitary Sewer Easement.

6. All rights, title and privileges being granted to District by this Grant of Sanitary Sewer Easement, including all benefits and burdens relating thereto, shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, successors, assigns, and legal representatives.

7. Any damage to buildings, structures and landscaping outside of the Easement Area caused by District, its employees, contractors or subcontractors during the course of using the Easement shall be repaired or compensated by the District or its employees, contractors or subcontractors. "Damage" as used in this paragraph shall not include damage from dust and dirt that is normally associated with construction activities.

8. Nothing in this Easement will be deemed to grant the public a right of entry upon the Property or the Easement Area other than for the purposes provided for in this Agreement.

9. This Easement shall be effective on the date of recordation of this Grant of Sanitary Sewer Easement.

10. Nothing contained herein is intended to result in a forfeiture or reversion of Authority's fee title.

11. If any term, provision, covenant or condition contained in this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of this Agreement shall continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement and Grant of Sanitary Sewer Easement the day and year first above written.

AUTHORITY: THE HOUSING AUTHORITY OF THE COUNTY OF SAN MATEO

By \_\_\_\_\_

Its \_\_\_\_\_

DISTRICT: BAYSHORE SANITARY DISTRICT

By \_\_\_\_\_

Its \_\_\_\_\_

[Add Acknowledgments]

EXHIBIT A

LEGAL DESCRIPTION

Real property in the District of Daly District, County of San Mateo, State of California, described as follows:

LOTS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39 AND 40,

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AS DESIGNATED ON THE MAP ENTITLED, "MIDWAY VILLAGE", WHICH MAP WAS FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA, ON JULY 26, 1976 IN BOOK 91 OF MAPS AT PAGES 44, 45, 46, 47 AND 48, INCLUSIVE.

# EXHIBIT B I

## SEWER EASEMENTS FOR BAYSHORE SANITARY DISTRICT

### PARCEL 1

THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF DALY CITY, COUNTY OF SAN MATEO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THE SOUTHERLY 42.400 FEET OF THE EASTERLY 30.000 FEET OF LOT 5 AS SAID LOT IS SHOWN ON THE MAP OF MIDWAY VILLAGE FILED IN BOOK 91 OF MAPS AT PAGES 44 THROUGH 48 IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO COUNTY, STATE OF CALIFORNIA.

### PARCEL 2

THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF DALY CITY, COUNTY OF SAN MATEO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THE EASTERLY 4.000 FEET OF LOT 4 AS SAID LOT IS SHOWN ON THE MAP OF MIDWAY VILLAGE FILED IN BOOK 91 OF MAPS AT PAGES 44 THROUGH 48 IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO COUNTY, STATE OF CALIFORNIA.

### PARCEL 3

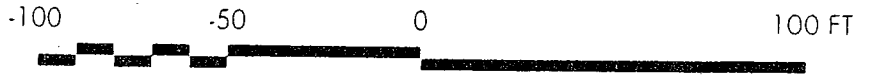
THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF DALY CITY, COUNTY OF SAN MATEO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THE WESTERLY 11.000 FEET OF THE NORTHERLY 96.520 FEET OF LOT 7 AS SAID LOT IS SHOWN ON THE MAP OF MIDWAY VILLAGE FILED IN BOOK 91 OF MAPS AT PAGES 44 THROUGH 48 IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO COUNTY, STATE OF CALIFORNIA.

Filename: NewDrv1/.../5400/5470/Sewer Easements.doc



6/25/07



# MIDWAY DRIVE

SCHWERIN STREET

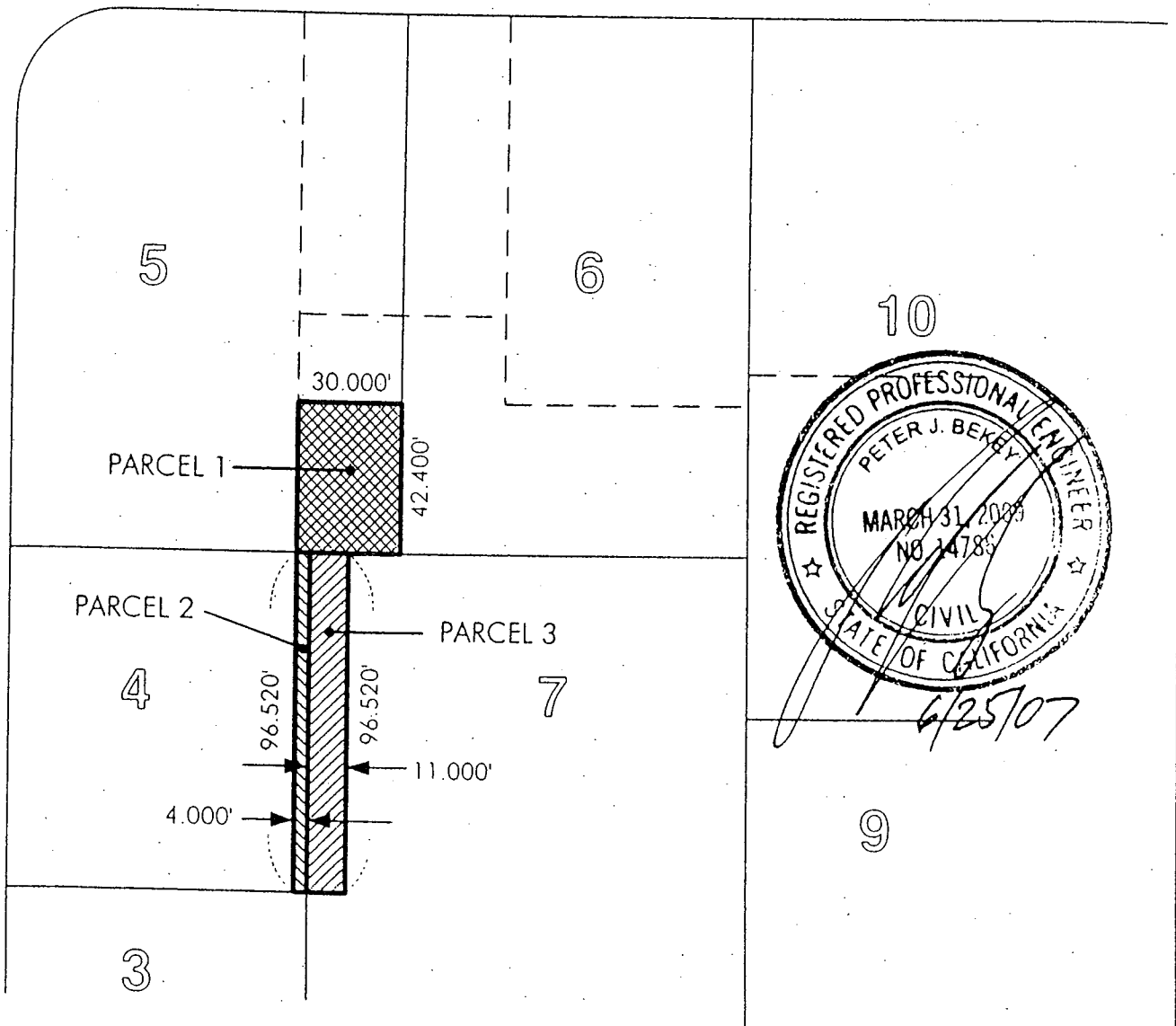


EXHIBIT PREPARED BY KCA ENGINEERS  
5470 6-22-07  
Y:\... \Legal Plot.vsd

**KCA**