

23549384

Regina Alcomendras
Santa Clara County - Clerk-Recorder
01/03/2017 10:53 AM

RECORDING REQUESTED BY:

RADE Properties, LLC

AND WHEN RECORDED MAIL TO:

**RADE Properties, LLC
P. O. Box 54305
San Jose, CA 95154**

Titles: 1 Pages: 14

**Fees: \$64.00
Taxes: \$0
Total: \$64.00**



APN 510-47-027 and APN 510-47-043

(Space Above This Line for Recorder's Use Only)

COVENANT OF EASEMENT AND RESTRICTIONS

RADE Properties, LLC (OWNER) owns the real property described in Exhibit A attached hereto ("BURDENED PROPERTY", also referred to as Parcel A). OWNER also owns the real property described in Exhibit B attached hereto ("BENEFITED PROPERTY", also referred to as Parcel B). Both parcels are depicted on Exhibit C attached hereto.

RECITALS

WHEREAS, the Town of Los Gatos approved and certified a lot line adjustment for the above-described properties on October 16, 2016 and recorded on October 26, 2016 as Document No. 23477967 in the Office of the County Recorder of Santa Clara County, State of California.

WHEREAS, the above parcels currently remain in the same ownership of RADE Properties, LLC, but the intent is to transfer one or both to third parties in the future.

NOW THEREFORE, Pursuant to Town of Los Gatos Code section 24.20.060, to provide access to the resulting lots following the lot line adjustment map, creating Parcels A and B, OWNER hereby grants a non-exclusive easement over and across an existing 36 foot right of way for ingress and egress and road purposes, including driveway construction and maintenance, together with electrical utility, and underground gas utility, cable TV, water lines, and sanitary sewer, through and across the BURDENED PROPERTY for the benefit of the BENEFITED PROPERTY. The right of way conveyed herein is described in Exhibit D attached hereto and depicted in Exhibit C attached hereto as the 36 foot right of way "as per Doc 4820200, B18, Page 553".

Further, OWNER grants an exclusive easement for right of way ingress and egress, including driveway construction and maintenance, together with electrical utility, and underground gas utility, cable TV, water lines, and sanitary sewer, through and across the BURDENED PROPERTY for the benefit of the BENEFITED PROPERTY. This easement used in conjunction with the non-exclusive easement first described above allows flexibility in placing access and utilities that might best fit the terrain. Any and all costs involved with the planning, permitting, construction, and maintenance of any such facilities are the sole responsibility of the GRANTEE. The easement conveyed herein is described in Exhibit E attached hereto and

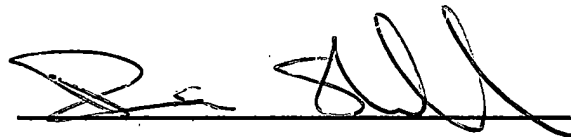
depicted in Exhibit F attached hereto as the cross-hatched area, generally lying north and west of the non-exclusive easement first described above.

Finally, OWNER restricts the emergency turn around area shown on Exhibit G attached hereto and described in Exhibit H attached hereto from private parking and the construction of anything that prevents vehicles passage over it and only permits the non-exclusive right of private access across and over.

IN WITNESS WHEREOF, the undersigned affixes its signature on the date indicated below.

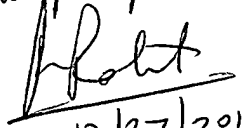
Dated: 27 Dec 2016

RADE Properties, LLC

A handwritten signature in black ink, appearing to read 'Ronald Sherrod', written over a horizontal line.

RONALD SHERROD, Managing Member

**ATTACH ALL PURPOSE NOTARY ACKNOWLEDGMENT REQUIRED
FOR OWNER'S SIGNATURE**

See attached All-purpose acknowledgment.

12/27/2016

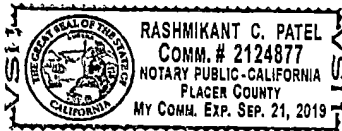
ALL-PURPOSE ACKNOWLEDGMENT

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 PLACER } SS.On 12/27/2016, before me, RASHMIKANT C. PATEL, Notary Public,
DATEpersonally appeared RONALD SHERROD, 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.

PLACE NOTARY SEAL IN ABOVE SPACE

NOTARY'S SIGNATURE

OPTIONAL INFORMATION

The information below is optional. However, it may prove valuable and could prevent fraudulent attachment of this form to an unauthorized document.

CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

- ☒ INDIVIDUAL
☐ CORPORATE OFFICER _____ TITLE(S)
☐ PARTNER(S)
☐ ATTORNEY-IN-FACT
☐ GUARDIAN/CONSERVATOR
☐ SUBSCRIBING WITNESS
☐ OTHER: _____

SIGNER (PRINCIPAL) IS REPRESENTING:
 NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

Covenant of Easement & Restriction
 TITLE OR TYPE OF DOCUMENT

TWELVE
 NUMBER OF PAGES

DATE OF DOCUMENT

RIGHT
 THUMBPRINT
 OF
 SIGNER

OTHER

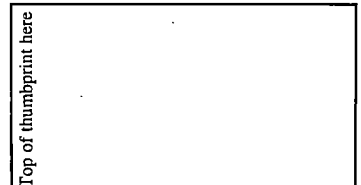
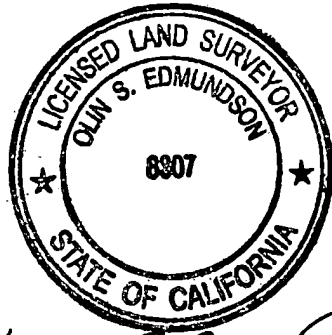


EXHIBIT **A**

December 9, 2016

Olin S. Edmundson
OLIN S. EDMUNDSON PLS 8307

LEGAL DESCRIPTION FOR PARCEL "A"

SITUATE in the Town of Los Gatos, County of Santa Clara, State of California and being all of Parcels One and Two of the lands described in the grant deed to RADE Properties, LLC recorded October 13, 2015 as Document # 23105140 lying Southerly and Easterly of the following described line:

BEGINNING at a ½ inch iron pipe tagged LS 8307 on the Northwesterly line of Parcel 2 as shown on that certain Record of Survey Map, filed in the Office of the Recorder of the County of Santa Clara, State of California on February 10, 1965 in Book 190 of Maps, Page 52 and 53, from which a ½ inch open pipe at the Northerly terminus of the course "N 21° 13' 40" E, 96.20" bears N 21° 31' 04" E, 37.19 feet distant, also from which a ½ inch open pipe at the Southerly terminus of said course bears S 21° 31' 04" W, 59.35 feet distant. Thence, from said POINT OF BEGINNING the following courses:

1. N 68° 54' 25" E, 202.94 feet to a ½ inch pipe tagged LS 8307;
2. N 21° 05' 35" W, at 83.75 feet, a ½ inch pipe tagged LS 8307, a total distance of 114.16 feet, more or less, to a point on the Northerly line of said above mentioned Parcel Two.

Based on a field survey dated December 2015 by Edmundson & Associates, Land Surveying

EXHIBIT B

December 9, 2016


OLIN S. EDMUNDSON PLS 8307

LEGAL DESCRIPTION FOR PARCEL "B"

SITUATE in the Town of Los Gatos, County of Santa Clara, State of California and being all of Parcels One and Two of the lands described in the grant deed to RADE Properties, LLC recorded October 13, 2015 as Document # 23105140 lying Northerly and Westerly of the following described line:

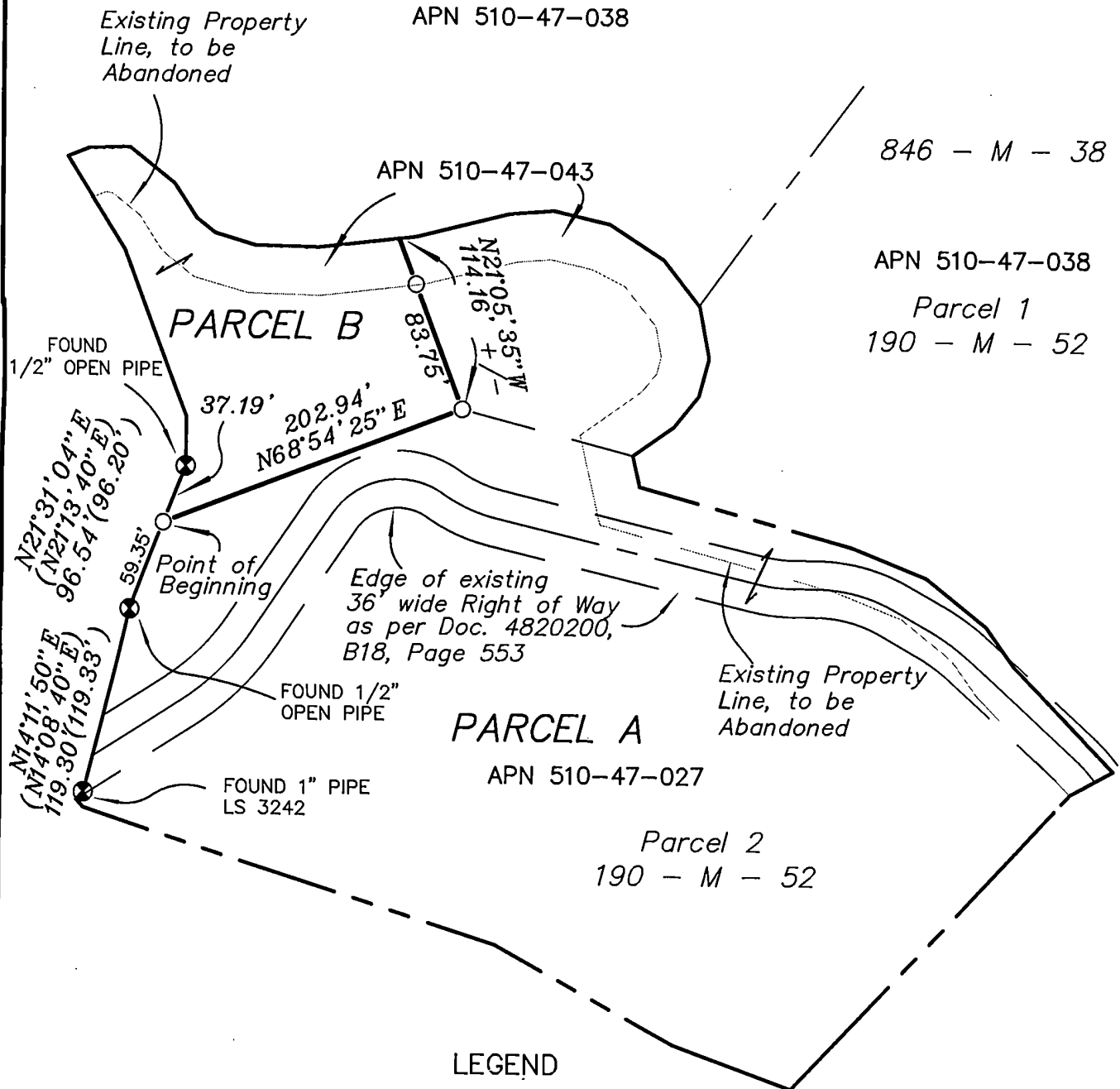
BEGINNING at a ½ inch iron pipe tagged LS 8307 on the Northwesterly line of Parcel 2 as shown on that certain Record of Survey Map, filed in the Office of the Recorder of the County of Santa Clara, State of California on February 10, 1965 in Book 190 of Maps, Page 52 and 53, from which a ½ inch open pipe at the Northerly terminus of the course "N 21° 13' 40" E, 96.20" bears N 21° 31' 04" E, 37.19 feet distant, also from which a ½ inch open pipe at the Southerly terminus of said course bears S 21° 31' 04" W, 59.35 feet distant. Thence, from said POINT OF BEGINNING the following courses:

1. N 68° 54' 25" E, 202.94 feet to a ½ inch pipe tagged LS 8307;
2. N 21° 05' 35" W, at 83.75 feet, a ½ inch pipe tagged LS 8307, a total distance of 114.16 feet, more or less, to a point on the Northerly line of said above mentioned Parcel Two.

Based on a field survey dated December 2015 by Edmundson & Associates, Land Surveying

EXHIBIT C
PLAT TO ACCOMPANY LEGAL DESCRIPTION
FOR LOT LINE ADJUSTMENT

Scale 1" = 100'



LEGEND

- Set 1/2" pipe LS 8307
- ⊗ Found monument as noted



1512 SEABRIGHT AVENUE
 SANTA CRUZ, CA 95062
 PHONE (831) 425-1796
 FAX (831) 425-1795

4820200

RECORDING REQUESTED BY
FIRST CALIFORNIA TITLE COMPANY

MAIL TAX STATEMENT TO
MARK TEN REALTY
1990 Story Road
San Jose, CA 95122

WHEN RECORDED MAIL TO

NAME
STREET
ADDRESS
CITY
STATE
ZIP

FILE ESCROW 42480-JB

ORDER NO. 510-47-027
ESCROW NO. 43285-JB

**EASEMENT DEED
GRANT DEED
(INDIVIDUAL)**

RECORDS USE ONLY

DOCUMENTARY TRANSFER TAXES None
COMPUTED ON FULL VALUE OF PROPERTY CONVEYED, ON
COMPUTED ON FULL VALUE LESS LIENS & ENCUMBRANCES
REMAINING THEREON AT TIME OF SALE.
FIRST CALIFORNIA TITLE COMPANY
Signature of declarant or agent determining tax - Firm (Name)
Unincorporated Area _____ City of **LOS GATOS**

REX GEORGE MOORES and HILDA PATRICIA MOORES, his wife,
S. J. NICKELE and MARY N. NICKELE, his wife, and PETER STOGIS

FOR A VALUABLE CONSIDERATION, HEREBY GRANT TO

JAMES L. CCUNTRYMAN, an unmarried man

[illegible]

An Easement for Ingress and Egress for road purposes, over the following described real property in the County of Santa Clara, State of California:

SEE PER SCHEDULE A ATTACHED HERE TO

County of Bucks, Pennsylvania
 State of Pennsylvania
 I, the undersigned, Clerk of the Court of the County of Bucks, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears from the records of said Court.
 This 22nd day of July 1974.
 Peter Stark
 Notary Public
 816 Stockton, Philadelphia, Pa. 19107
 Peter Stark's

Dated: February 20, 1974

STATE OF CALIFORNIA
COUNTY OF Santa Clara } ss.
On February 20, 1974,
before me, the undersigned, a Notary Public in and for said
County and State, personally appeared _____
S. T. NICKLE and MARY N. NICKLE
AND REX GEORGE MOORES

known to me to be the person^s whose name is are
subscribed to the within instrument and acknowledged that
they executed the same.

WITNESS my hand and official seal.

Phyllis J. Chapman
Notary Public in and for said County and State


X *Les G. Moore*
REX GEORGE MOORES

X *Hilda Patricia Moore*
HILDA PATRICIA MOORES

X *S. J. Nickle*
S. J. NICKLE

X *Mary N. Nickle*
MARY N. NICKLE

X *Peter August*
PETER AUGUSTA


PHYLLIS J. CHAPMAN
 NOTARY PUBLIC - CALIFORNIA
 SANTA CLARA COUNTY
 My commission expires Dec. 18, 1976

MAIL TAX STATEMENT AS DIRECTED ABOVE

B 018 W0834

SCHEDULE A

SITUATE in the County of Santa Clara, State of California

Being a strip of land for road purposes and appurtenances thereto, 36.00 feet wide, 18.00 feet measured at right angles on either side of the following described centerline:

Beginning at a station in the centerline of the above mentioned lands from which the most Eastern corner of that certain 4.321 acre parcel of land shown on the map entitled "Record of Survey of Portions of Rancho Rinconada De Los Gatos" filed for record in book 190 of maps at pages 52 and 53, Official Santa Clara County Records, bears South $61^{\circ} 35' 30''$ West 18.10 feet distant; thence from said station, along the arc of a curve to the left, tangent to the following course, with a radius of 100.00 feet, thru a central angle of $10^{\circ} 50' 54''$, a distance of 18.93 feet; thence North $48^{\circ} 05'$ West 91.34 feet; thence along the arc of a curve to the left, tangent to the preceding course, with a radius of 150.00 feet, thru a central angle of $12^{\circ} 30'$, a distance of 32.72 feet; thence North $60^{\circ} 35'$ West 25.39 feet; thence along the arc of a curve to the left, tangent to the preceding course, with a radius of 100.00 feet, thru a central angle of $29^{\circ} 00'$, a distance of 50.61 feet to an end of curve; thence North $89^{\circ} 35'$ West 14.47 feet; thence along the arc of a curve to the right, tangent to the preceding course, with a radius of 100.00 feet, thru a central angle of $13^{\circ} 05'$, a distance of 22.83 feet; thence North $76^{\circ} 30'$ West 172.68 feet; thence along the arc of a curve to the right, tangent to the preceding course, with a radius of 100.00 feet, thru a central angle of $21^{\circ} 15'$, a distance of 37.09 feet; thence along the arc of a curve to the left, tangent to the preceding curve, with a radius of 50.00 feet, thru a central angle of $90^{\circ} 50'$, a distance of 79.27 feet; thence South $33^{\circ} 55'$ West 90.98 feet; thence along the arc of a curve to the right, tangent to the preceding course, with a radius of 150.00 feet, thru a central angle of $24^{\circ} 10' 33''$, a distance of 63.31 feet; thence South $58^{\circ} 05' 33''$ West 67.16 feet to a station in the Western boundary of the before mentioned parcel 2, and from which the South Western corner of Parcel 2 bears South $14^{\circ} 08' 40''$ West 23.54 feet and South $42^{\circ} 48' 30''$ West 6.23 feet distant.

EXHIBIT E



December 9, 2016

Olin S. Edmundson
 OLIN S. EDMUNDSON PLS 8307

LEGAL DESCRIPTION OF EASEMENT FOR INGRESS, EGRESS AND UTILITIES

SITUATE in the Town of Los Gatos, County of Santa Clara, State of California and being a portion of Parcel 2 and a portion of "Wood Road" as shown on that certain Record of Survey Map filed in the Office of the Recorder of the County of Santa Clara, on February 10, 1965 in Book 190 of Maps, Page 52 and 53, more particularly described as follows:

BEGINNING at the intersection of the Northerly line of the 36 foot wide Right of Way described in Document # 4820200, Book 018, at Page 553, Official Records of Santa Clara County, with the Westerly line of said above mentioned Parcel 2. Thence, from said POINT OF BEGINNING the following courses:

1. Along said Westerly line of Parcel 2, N 14° 11' 50" E 69.82 feet to a ½" open pipe;
2. N 21° 31' 04" E 59.35 feet to a ½ inch pipe tagged LS 8307;
3. Leaving said Westerly line, N 68° 54' 25" E 202.94 feet to a ½ inch pipe tagged LS 8307;
4. S 75° 27' 16" E 112.95 feet to the Northerly terminus of the course "N 13° 01' W 19.92" shown on said above mentioned Record of Survey Map on the Northerly side of Wood Road;
5. Along the Northerly line of Wood Road the following five courses;
 S 13° 01' E, 19.92 feet to a point;
6. S 74° 32' E, 139.80 feet to a point;
7. S 68° 06' 50" E, 51.15 feet to a point;
8. S 51° 17' 30" E, 49.11 feet to a point;

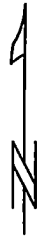
9. S 35° 45' 20" E, 21.55 feet, more or less to the intersection of said Northerly line of Wood Road with the Northerly line of said above mentioned 36 feet wide Right of Way;
10. Along the Northerly line of said Right of Way, Northwesterly and Southwesterly to the POINT OF BEGINNING.

Based on a field survey dated December 2015 by Edmundson & Associates.

EXHIBIT F
PLAT TO ACCOMPANY LEGAL DESCRIPTION
FOR EASEMENT

APN 510-47-038

Scale 1" = 100'

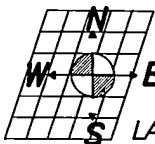
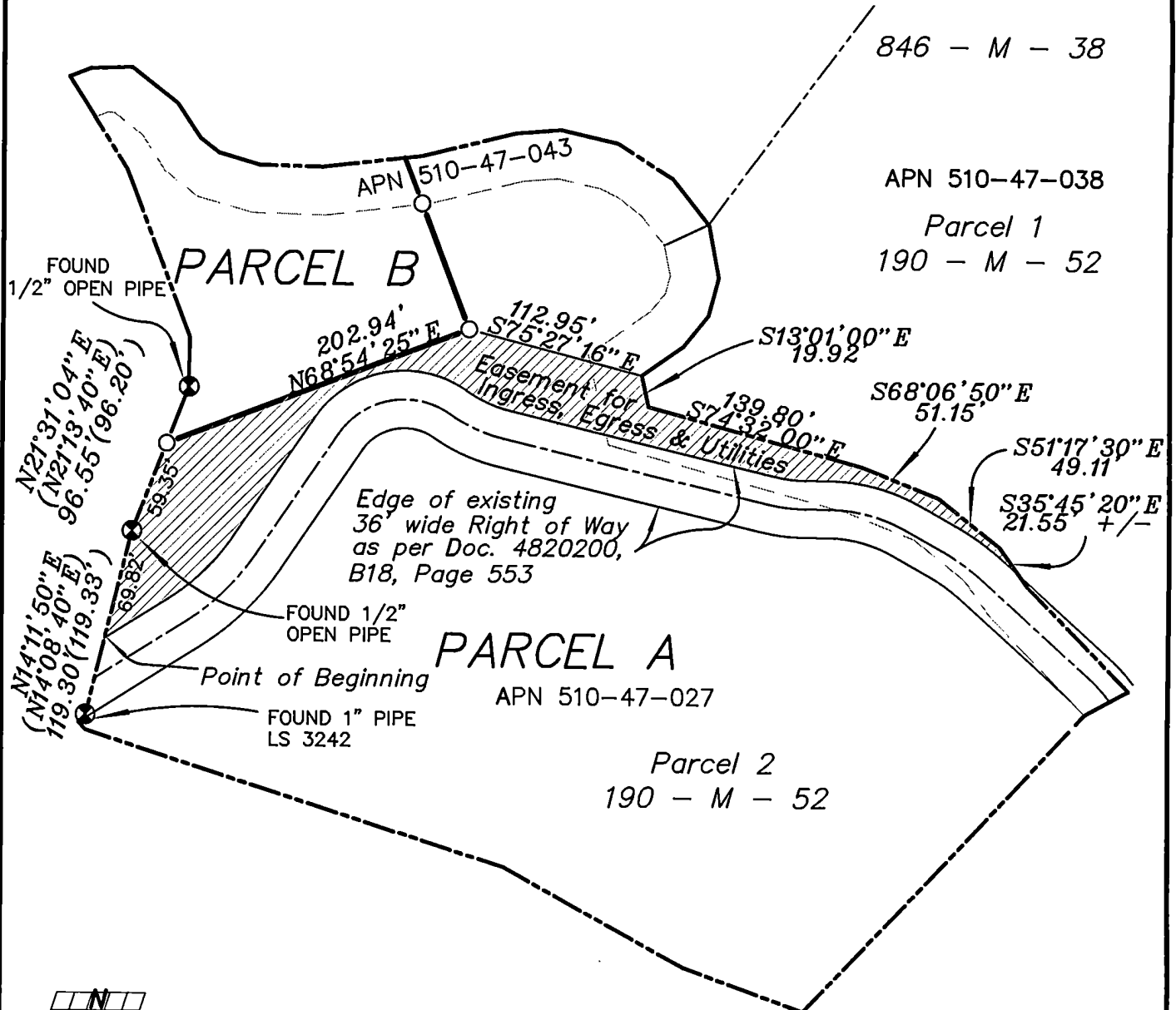


846 - M - 38

APN 510-47-038

Parcel 1

190 - M - 52



EDMUNDSON
& ASSOCIATES
LAND SURVEYING

1512 SEABRIGHT AVENUE
 SANTA CRUZ, CA 95062
 PHONE (831) 425-1796
 FAX (831) 425-1795

LEGEND

- = SET 1/2" PIPE LS 8307
- ⊗ = FOUND SURVEY MONUMENT AS NOTED

Exhibit G

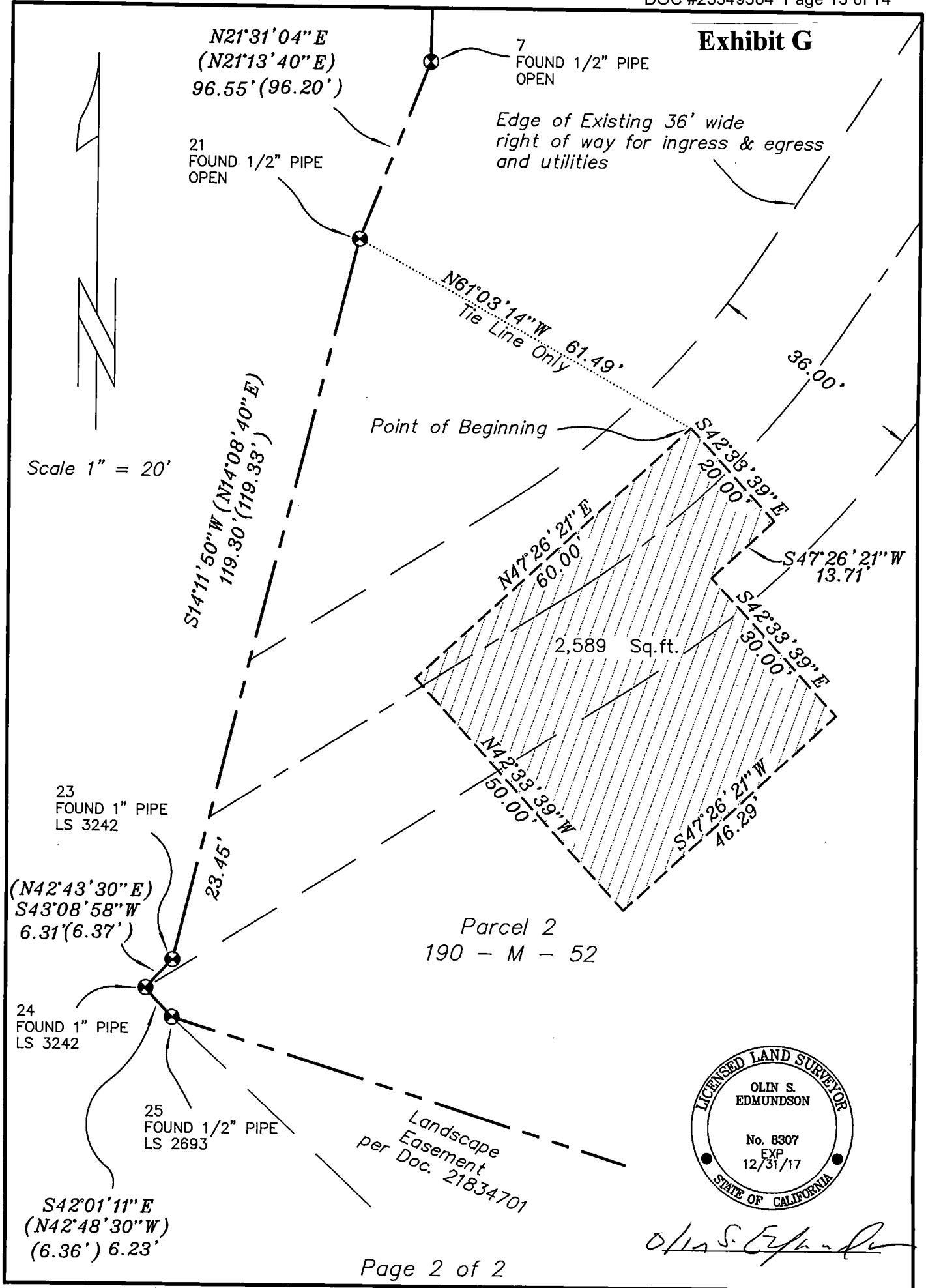


Exhibit H

Olin S. Edmundson
OLIN S. EDMUNDSON PLS 8307

FIRE TRUCK TURNAROUND EASEMENT

SITUATE in the Town of Los Gatos, County of Santa Clara, State of California and being a portion of "Parcel 2" as shown on that certain Record of Survey Map filed in Book 190 of Maps at Page 52, Santa Clara County Records and being an easement more particularly described as follows;

BEGINNING at a point from which a ½ inch pipe (no tag) at the Northerly terminus of the course shown as NORTH 14°08'40" EAST, 119.33 on said above mentioned map bears NORTH 61°03'14" WEST, 61.49 feet distant; and from said pipe, a 1 inch pipe tagged LS 3242 bears SOUTH 14°11'50" WEST, 119.30 (shown on above said map as N 14°08'40" E, 119.33') Thence from said POINT OF BEGINNING, the following courses:

- 1) SOUTH 42°33'39" EAST, 20.00 feet to a point;
- 2) SOUTH 47°26'21" WEST, 13.71 feet to a point;
- 3) SOUTH 42°33'39" EAST, 30.00 feet to a point;
- 4) SOUTH 47°26'21" WEST, 46.29 feet to a point;
- 5) NORTH 42°33'39" WEST, 50.00 feet to a point;
- 6) NORTH 47°26'21" EAST, 60.00 feet to the POINT OF BEGINNING.

Enclosing an area of 2,589 square feet, more or less.