

RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:

City of Menlo Park  
Attn: City Clerk  
701 Laurel St.  
Menlo Park, CA 94025

The undersigned declares this instrument to be exempt  
from Recording Fees (Govt. Code § 27383) and  
Documentary Transfer Tax (Rev. & Tax. Code §11922).

**2018-095364**

1:56 pm 12/06/18 ES Fee: NO FEE

Count of Pages 13

Recorded in Official Records

County of San Mateo

Mark Church

Assessor-County Clerk-Recorder



\* \$ R 0 0 0 2 6 3 9 1 9 6 \$ \*

(Space above this line reserved for Recorder's use only)

13

**PUBLIC ACCESS EASEMENT AT 1400 El Camino Real, Menlo Park, California 94025**

Pollock 1400 ECR Owner, LLC , (hereinafter "Grantor") is the owner of certain real property situated in the City of Menlo Park, a municipal corporation, in the County of San Mateo, California (hereinafter "Grantee"), commonly known as 1400 El Camino Real, Menlo Park, California 94025 Menlo Park, CA APN: 061-422-510 (hereafter referred to as the "Servient Tenement") and more particularly described in Exhibit A attached hereto and incorporated herein.

**GRANT OF EASEMENT**

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Grantor hereby grants to the Grantee a nonexclusive easement and right-of-way ("Easement"), including the right of way ingress and egress, over and across a portion of the Public Access Servient Tenement (the "Easement Area") which easement is more particularly described and shown in Exhibit B, attached hereto and incorporated herein by this reference.

**TERM**

The Easement is granted in perpetuity.

**MAINTENANCE**

Grantor is responsible for maintaining and repairing the Easement Area and all improvements constructed in the Easement Area, in good condition, including, without limitation, the sidewalk, pedestrian walkway located within the Easement Area (if any), in accordance with City of Menlo Park Municipal Code Title 13 or to the extent not specified in Title 13, in accordance with City guidelines.

**NONEXCLUSIVE EASEMENT**

The Easement is nonexclusive. Grantor retains the right to make any use of the Easement Area, including the right to grant concurrent easements on, over, or under the Easement Area to third parties, provided such use or uses do not unreasonably interfere with Grantee's and the public's use and enjoyment of the Easement. The Easement granted herein shall have priority over any subsequently granted easement to a

third party.

Grantor reserves to itself the continued use of the Easement Area consistent with the terms of the preceding paragraph. Grantor agrees for itself, its successors and assigns, not to erect, place or maintain, nor to permit the erection, placement, or maintenance of, any buildings, structures, or similar improvements on the Easement Area that would interfere with Grantee's and the public's ability to use the Easement as set forth herein.

#### **ENCROACHMENTS**

The Easement is subject to all existing encroachments of utilities and improvements on, over, and under the Easement Area, and to all future encroachments of utilities and improvements constructed or installed on or around the Easement Area, provided such encroachments do not unreasonably interfere with Grantee's and the public's use and enjoyment of the easement.

#### **INDEMNIFICATION**

Grantor shall indemnify and save harmless Grantee, its officials, agents, employees, successors and assigns, from and against any and all loss, damage, expense, claim or demand of whatsoever character, direct or consequential, including, but without limiting thereby the generality of the foregoing, injury to or death of persons and damage to or loss of property arising out of the exercise by Grantor of any of its rights reserved herein expressly or by operation of law, except those arising by reason of the negligence or willful misconduct of Grantee or its agents, contractors, or employees or by a member of the public in general.

#### **TRANSFER OF SERVIENT TENEMENT**

This Easement shall run with the title to the land and any portion thereof. Grantor further agrees whenever the Servient Tenement or any portion thereof is held, sold, conveyed, or otherwise transferred, it shall be subject to this Easement which shall apply to, bind and be obligatory to all present and subsequent owners of the Servient Tenement or any portion thereof. Upon the transfer of the Servient Tenement to a successor party, the successor party shall constitute the "Grantor" hereunder and all predecessors-in-interest to such successor party shall be fully relieved of Grantor's obligations hereunder arising after the effective date of such transfer and shall have no liability for any default or failure to perform occurring from and after the date of such transfer of the Servient Tenement.

Attachments: Exhibit A  
Exhibit B

Legal Description of the Property  
Legal Description of the Easement / Plat depicting Easement

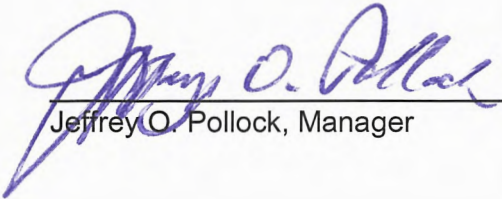
[SIGNATURES APPEAR ON NEXT PAGE]

**SIGNATURES**

IN WITNESS WHEREOF, the Parties have hereunder subscribed their names the day and year indicated below.

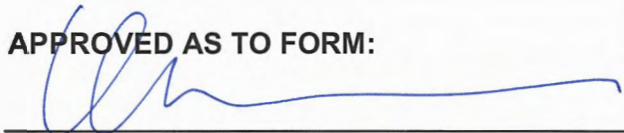
**GRANTOR:**

Pollock 1400 ECR Owner, LLC,  
a Delaware limited liability company

  
\_\_\_\_\_  
Jeffrey O. Pollock, Manager

November 9, 2018  
\_\_\_\_\_  
Date

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
William L. McClure, City Attorney

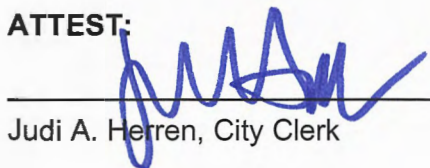
11/27/18  
\_\_\_\_\_  
Date

**CITY OF MENLO PARK:**

  
\_\_\_\_\_  
Justin I. C. Murphy, Public Works Director

11/28/18  
\_\_\_\_\_  
Date

**ATTEST:**

  
\_\_\_\_\_  
Judi A. Herren, City Clerk

11/30/18  
\_\_\_\_\_  
Date

## 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 San Mateo )

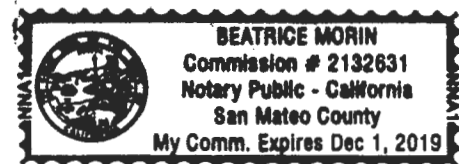
On November 9, 2018 before me, Beatrice Morin, Notary Public  
(insert name and title of the officer)

personally appeared Jeffrey O. Pollock,  
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 Beatrice Morin (Seal)



**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.

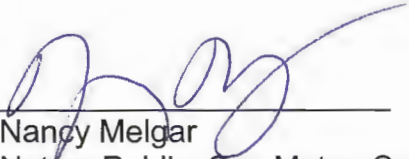
State of California  
County of San Mateo County

On November 28<sup>th</sup>, 2018 before me, Nancy Melgar, Notary Public, personally appeared, Justin I. C. Murphy, 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.



  
\_\_\_\_\_  
Nancy Melgar  
Notary Public, San Mateo County  
Commission #2110298  
Expires 05-07-2019

**Exhibit A**  
Legal Description of the Property

Real property in the City of Menlo Park, County of San Mateo, State of California, described as follows:

BEING ALL OF LOTS 14, 15 AND 16, AS SAID LOTS ARE SHOWN AND DELINEATED ON THAT CERTAIN MAP ENTITLED "SUBDIVISION OF 11.88 ACRE TRACT NEAR MENLO PARK KNOWN AS DOMINGA TRACT", FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN MATEO COUNTY ON NOVEMBER 15, 1895, IN VOLUME B OF ORIGINAL MAPS AT PAGE 49 AND A COPY THEREOF ENTERED IN BOOK 2 OF MAPS AT PAGE 75, RECORDS OF SAN MATEO COUNTY, DESCRIBED AS FOLLOWS:

BEING ALSO ALL OF PARCELS ONE & TWO, AS DESCRIBED IN THAT CERTAIN GRANT DEED, CONVEYED TO POLLOCK 1400 ECR, LLC, RECORDED APRIL 17, 2015 AS INSTRUMENT NO. 2015-038647, OFFICIAL RECORDS OF SAN MATEO COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID PARCEL TWO, SAID CORNER BEING ALSO THE INTERSECTION OF THE NORTHEASTERLY LINE OF EL CAMINO REAL, ALSO KNOWN AS STATE ROUTE 82, BEING 100.00 FEET IN WIDTH, WITH THE NORTHWESTERLY LINE OF GLENWOOD AVENUE, BEING 66.00 FEET IN WIDTH;

THENCE LEAVING SAID CORNER AND ALONG SAID NORTHEASTERLY LINE OF EL CAMINO REAL, NORTH 57°06'19" WEST, 150.00 FEET TO THE MOST WESTERLY CORNER OF SAID PARCEL ONE;

THENCE LEAVING SAID CORNER AND ALONG THE NORTHWESTERLY LINE OF SAID PARCEL ONE, NORTH 32°49'39" EAST, 149.97 FEET TO THE MOST NORTHERLY CORNER OF SAID PARCEL ONE;

THENCE LEAVING SAID CORNER AND ALONG THE NORTHEASTERLY LINE OF SAID PARCELS ONE AND TWO, SOUTH 57°04'08" EAST, 150.00 FEET TO SAID NORTHWESTERLY LINE OF GLENWOOD AVENUE;

THENCE ALONG SAID NORTHWESTERLY LINE OF GLENWOOD AVENUE, SOUTH 32°49'39" WEST, 149.88 FEET TO THE POINT OF BEGINNING.

THIS LEGAL DESCRIPTION IS PURSUANT TO "NOTICE OF MERGER" RECORDED MAY 25, 2016 AS INSTRUMENT NO. 2016-050251 OF OFFICIAL RECORDS.

APN: 061-422-510

JPN: 061-042-422-19A and 061-042-422-33A

**EXHIBIT "B"**  
Legal Description

**PUBLIC ACCESS EASEMENT**  
1400 El Camino Real, Menlo Park, CA

All that Real property situate in the City of Menlo Park, County of San Mateo, State of California, described as follows:

Being a portion of Parcel A, as said Parcel is described in that certain Notice of Merger and being the lands of Pollock 1400 ECR, LLC, recorded on May 25, 2016 as Instrument No. 2016-050251, Official Records of San Mateo County, more particularly described as follows:

Beginning at the point of intersection of the northeasterly line of the Public Access Easement described in that certain Grant of Easement, conveyed to the City of Menlo Park, a municipal corporation, recorded on January 9, 2017 as Instrument No. 2017-001965, Official Records of said County, with the northwesterly line of said Parcel A (O.R. 2016-050251);

Thence leaving said point and along said northeasterly line of said Grant of Easement (O.R. 2017-001965), South 57°06'19" East, 132.75 feet to the **TRUE POINT OF BEGINNING** of this description;

Thence leaving said point and continuing along said northeasterly line of said Grant of Easement, South 57°06'19" East, 11.61 feet to a point on the northwesterly line of said Grant of Easement, said point being also the beginning of a non-tangent curve, concave to the northwest, having a Radius of 9.00 feet, with a radial line that bears of South 29°17'27" East;

Thence along said northwesterly line of said Grant of Easement, the following courses and distances:

Northeasterly along said curve, through a central Angle of 27°52'54", with an arc Length of 4.38 feet;  
North 32°49'39" East, 24.20 feet;

Thence leaving said northwesterly line of said Grant of Easement, the following courses and distances:

North 57°10'21" West, 0.20 feet;  
South 32°49'39" West, 10.00 feet;  
North 57°10'21" West, 2.60 feet;  
South 32°49'39" West, 5.10 feet;  
North 57°10'21" West, 2.65 feet;  
South 32°49'39" West, 6.15 feet;  
North 57°10'21" West, 7.20 feet;  
South 32°49'39" West, 7.15 feet to the **TRUE POINT OF BEGINNING** of this description.

Containing an area of 139 square feet, more or less.

**As shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.**

**EXHIBIT "B"**  
Legal Description  
**PUBLIC ACCESS EASEMENT**  
1400 El Camino Real, Menlo Park, CA  
Page 2 of 2

This legal description was prepared by me or under my direct supervision in conformance with the requirements of the Professional Land Surveyors Act.

By: John Koroyan  
John Koroyan  
P.L.S. No. 8883





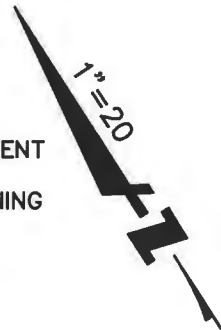
Dated: NOV. 16, 2018



LINE TABLE		
NO.	DIRECTION	LENGTH
L1	S57°06'19"E	11.61'
L2	N32°49'39"E	24.20'
L3	N57°10'21"W	0.20'
L4	S32°49'39"W	10.00'
L5	N57°10'21"W	2.60'
L6	S32°49'39"W	5.10'
L7	N57°10'21"W	2.65'
L8	S32°49'39"W	6.15'
L9	N57°10'21"W	7.20'
L10	S32°49'39"W	7.15'

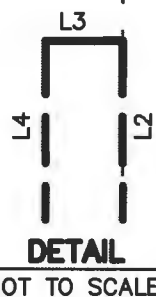
**LEGEND**

-  EASEMENT LINE
-  LOT LINE
- PAE PUBLIC ACCESS EASEMENT
- P.O.B. POINT OF BEGINNING
- T.P.O.B. TRUE POINT OF BEGINNING
- SQ. FT. SQUARE FEET



CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	9.00'	27°52'54"	4.38'

4.60' WIDE PAE  
O.R. 2017-001965



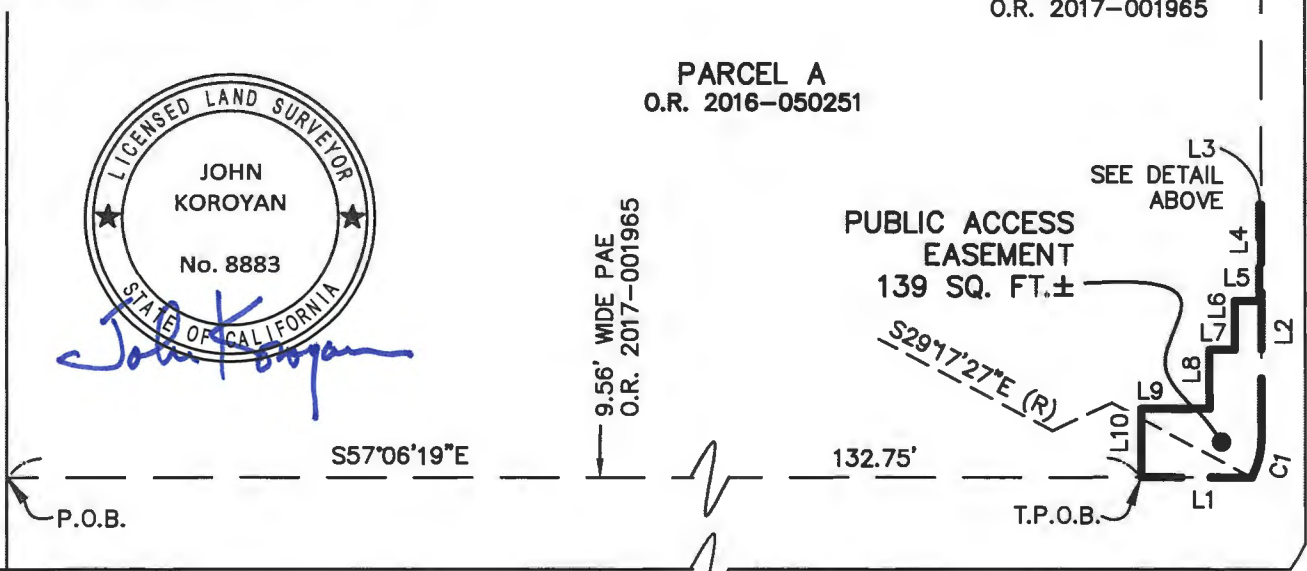
4.60' WIDE PAE  
O.R. 2017-001965

GLENWOOD AVENUE  
(66' WIDE)

PARCEL A  
O.R. 2016-050251



PUBLIC ACCESS EASEMENT  
139 SQ. FT.±



**EL CAMINO REAL**  
(STATE ROUTE 82)  
(100' WIDE)

( SCALE IN FEET )

**EXHIBIT "B"**  
PLAT TO ACCOMPANY  
LEGAL DESCRIPTION

K:\2015\156047\_MENLO\_HOTEL\SURVEY\DWG\PLATS\1400\_ECR\_NEW\_PAE.DWG



1730 N. FIRST STREET  
SUITE 600  
SAN JOSE, CA 95112  
408-467-9100  
408-467-9199 (FAX)

Subject PUBLIC ACCESS EASEMENT  
1400 EL CAMINO REAL, MENLO PARK, CA  
Job No. 20156047  
By DIS Date 11-16-18 Chkd. JVK  
SHEET 1 OF 1

**Mathematical Closure Calculations**  
1400 El Camino Real  
MENLO PARK, CALIFORNIA

Project: 20156047  
EASEMENT MAP CHECK

November 16, 2018  
BKF No. 20156047

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Parcel name: **Public Access Easement**

North: 1,992,629.0791' East: 6,072,332.3292'

Segment# 1: Line  
Course: S57° 06' 19"E Length: 11.61'  
North: 1,992,622.7738' East: 6,072,342.0777'

Segment# 2: Curve  
Length: 4.38' Radius: 9.00'  
Delta: 27°52'54" Tangent: 2.23'  
Chord: 4.34' Course: N46° 46' 06"E  
Course In: N29° 17' 27"W Course Out: S57° 10' 21"E  
RP North: 1,992,630.6231' East: 6,072,337.6745'  
End North: 1,992,625.7441' East: 6,072,345.2373'

Segment# 3: Line  
Course: N32° 49' 39"E Length: 24.20'  
North: 1,992,646.0795' East: 6,072,358.3564'

Segment# 4: Line  
Course: N57° 10' 21"W Length: 0.20'  
North: 1,992,646.1879' East: 6,072,358.1883'

Segment# 5: Line  
Course: S32° 49' 39"W Length: 10.00'  
North: 1,992,637.7849' East: 6,072,352.7672'

Segment# 6: Line  
Course: N57° 10' 21"W Length: 2.60'  
North: 1,992,639.1943' East: 6,072,350.5824'

Segment# 7: Line  
Course: S32° 49' 39"W Length: 5.10'  
North: 1,992,634.9088' East: 6,072,347.8176'

Segment# 8: Line  
Course: N57° 10' 21"W Length: 2.65'  
North: 1,992,636.3454' East: 6,072,345.5908'

Segment# 9: Line  
Course: S32° 49' 39"W Length: 6.15'  
North: 1,992,631.1775' East: 6,072,342.2568'



Segment# 10: Line  
Course: N57° 10' 21"W Length: 7.20'  
North: 1,992,635.0807' East: 6,072,336.2066'

Segment# 11: Line  
Course: S32° 49' 39"W Length: 7.15'  
North: 1,992,629.0725' East: 6,072,332.3305'

Perimeter: 81.24' Area: 139 Sq.Ft.  
Error Closure: 0.0068 Course: S11° 54' 27"E  
Error North: -0.00661 East: 0.00139


Precision 1: 11,947.06

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## CERTIFICATE OF ACCEPTANCE

This to certify that the interest in real property conveyed by the foregoing deed, grant or other instrument dated November 7, 2018, from Jeffrey O. Pollock, Manager of Pollock 1400 ECR, LLC, a Delaware limited liability company to the City of Menlo Park, a municipal corporation, is hereby accepted by the undersigned on behalf of the City pursuant to authority conferred by Resolution of the City Council of the City of Menlo Park bearing No. 6453, adopted on August 6, 2018, and said City consents to recordation thereof.

Dated Dec. 6, 2018 CITY OF MENLO PARK

By:   
City Manager

ATTEST:

  
City Clerk

**RESOLUTION NO. 6453**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK  
AUTHORIZING THE CITY MANAGER TO ACCEPT DEDICATIONS FOR  
RIGHTS OF WAY OR EASEMENTS FOR PUBLIC USE**

WHEREAS, pursuing practices that improve efficiency saves the City of Menlo Park valuable resources; and

WHEREAS, currently the City Council of the City of Menlo Park accepts dedications for rights of way or easements for public use on a project-by-project basis; and

WHEREAS, pursuant to Municipal Code Section 2.08.080(15) the City Manager may exercise authority delegated by the City Council; and

WHEREAS, Government Code Section 27281 allows the City Council to authorize one or more officers or agents to accept and consent to deeds or grants conveying any interest in or easement upon real estate to a political corporation or governmental agency for public purposes; and

WHEREAS, by delegating authority to the City Manager to accept dedications for rights of way or easements for public use, the City Council would improve efficiency, save staff time and have a positive impact on the City's resources.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Menlo Park that public interest and convenience require and that the City Council does hereby authorize the City Manager or his or her designee to accept dedications for rights of way or easements for public use consistent with approved projects.

I, Judi A. Herren, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the sixth day of August, 2018, by the following votes:

AYES: Carlton, Cline, Keith, Mueller, Ohtaki

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this sixth day of August, 2018.

  
\_\_\_\_\_  
Judi A. Herren, City Clerk