

RECORDING REQUESTED BY:  
Santa Clara Valley Transportation Authority

AND WHEN RECORDED MAIL TO:  
Santa Clara Valley Transportation Authority  
Real Estate: Attn. Bijal Patel  
3331 N. First Street  
San Jose, CA 95134

Portion of APN 022-01-014

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SVBX Project  
Parcel No.: B2077  
APN: 022-01-014  
Santa Clara County, California

**SUBORDINATION AND RELEASE AGREEMENT**

THIS AGREEMENT, made by and between **The City of Milpitas, a municipal corporation**, beneficiary of the public service and utility easement referred to below and **Santa Clara Valley Transportation Authority, a California public agency**.

WITNESSETH

THAT WHEREAS, The Luckey Company, a California corporation (previous owner of the property) did execute a Deed granting a public service and utility easement, dated June 3, 1987, covering property set out in said Deed, which was recorded **August 3, 1987**, as Instrument No. **9379371, in Book K246 Page 1895**, Official Records of Santa Clara County, a full copy of which is attached hereto as Exhibit "1"; and

WHEREAS, Spinnaker LLC, a California limited liability company has executed, or is about to execute, an Easement Deed in favor of **Santa Clara Valley Transportation Authority**, hereinafter referred to as "Grantee," upon the terms and conditions described therein, which Easement Deed is to be recorded concurrently herewith, covering property set out in Exhibit "2" attached hereto; and

WHEREAS, it is a condition precedent to granting said Easement Deed that said interest granted therein shall unconditionally be released from the burden and obligation of the City of Milpitas easement above mentioned; and

WHEREAS, Grantee is willing to accept said Easement Deed provided said Easement Deed is a right upon the property set out in Exhibit "2" prior and superior to the obligation of the City of Milpitas easement above mentioned; and

NOW, THEREFORE, in consideration of the mutual benefits accruing to the parties hereto and other valuable consideration, the receipt and sufficiency of which consideration is hereby acknowledged, it is hereby declared, understood and agreed as follows;

- (1) That said Easement Deed, shall unconditionally be and remain at all times a right on the property therein described, prior and superior to the obligation of the City of Milpitas easement above mentioned.
- (2) That Grantee would not accept said Easement Deed above described without this agreement.

**Santa Clara Transportation Authority**

**City of Milpitas**

By: \_\_\_\_\_  
Bijal Patel  
Deputy Director,  
Property Development & Management

By: \_\_\_\_\_  
Name:  
Title:

Date: \_\_\_\_\_

Date: \_\_\_\_\_

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of \_\_\_\_\_

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_ a Notary Public, personally appeared \_\_\_\_\_, 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.

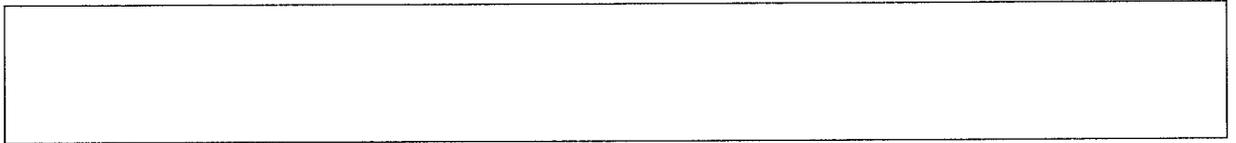
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_  
(typed or printed)

(Seal)



State of \_\_\_\_\_

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_ a Notary Public, personally appeared \_\_\_\_\_, 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: \_\_\_\_\_

Name: \_\_\_\_\_  
(typed or printed)

(Seal)

EXHIBIT "1"

9379371

GRANT OF EASEMENT

When Recorded Mail To:

DH

FILED FOR RECORD  
AT REQUEST OF:

CITY OF MILPITAS

AUG 3 10 28 AM '87

OFFICIAL RECORDS  
SANTA CLARA COUNTY  
LAURIE KANE  
RECORDER

City of Milpitas  
455 E. Calaveras Boulevard  
Milpitas, California 95035  
Attn: City Engineer

Record without fee under  
Section 6103 - Government  
Code, State of California

K 246 PAGE 1805

SPACE ABOVE THIS LINE FOR RECORDER'S USE

For valuable consideration, receipt of which is hereby acknowledged,

The Luckey Company, a California Corporation

hereby grant(s) to the CITY OF MILPITAS, a municipal corporation, the following described easement for public service and utility purposes in the City of Milpitas, Santa Clara County, California:

For description, see attached exhibits

THE LUCKEY COMPANY,  
a California corporation

Dated: June 3, 1987

By: [Signature]  
THOMAS A. LUCKEY, President

Dated: \_\_\_\_\_

CERTIFICATE NO. 1040

CERTIFICATE OF ACCEPTANCE:

This is to certify that the interest in real property conveyed by this Grant of Easement is hereby accepted on behalf of the City of Milpitas pursuant to authority conferred by Resolution of the City Council adopted on February 17, 1987, and the Grantee consents to recordation hereof by the undersigned, as its duly authorized officer.

CITY OF MILPITAS

Dated: July 8, 1987

By: [Signature]

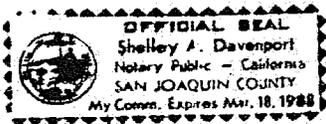
01770/326cL

K246 PAGE 1836

STATE OF CALIFORNIA  
COUNTY OF SAN JOAQUIN

ss.

On this 3rd day of June, 1987, in the year  
before me,  
Shelley A. Davenport, a Notary Public, State of California,  
duly licensed and sworn, personally appeared Thomas A. Luckey



personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the within instrument as President or on behalf of the corporation therein named and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the County of San Joaquin

on the date set forth above in this certificate

*Shelley A. Davenport*  
Notary Public, State of California  
My commission expires 3/18/88

The document is only a general form which may be proper for use in simple transactions and in no way acts, or is intended to act, as a substitute for the advice of an attorney. The printer does not make any warranty, express or implied as to the legal validity of any provision of the substance of these forms in any specific transaction.

Cowdery's Form No. 28 -- Acknowledgement to Notary Public -- Corporation (C. C. Secs. 1190-1190.1) -- (Rev. 1/83)

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K 246 PAGE 1897

DESCRIPTION  
10' EASEMENT

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF MILPITAS,  
COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

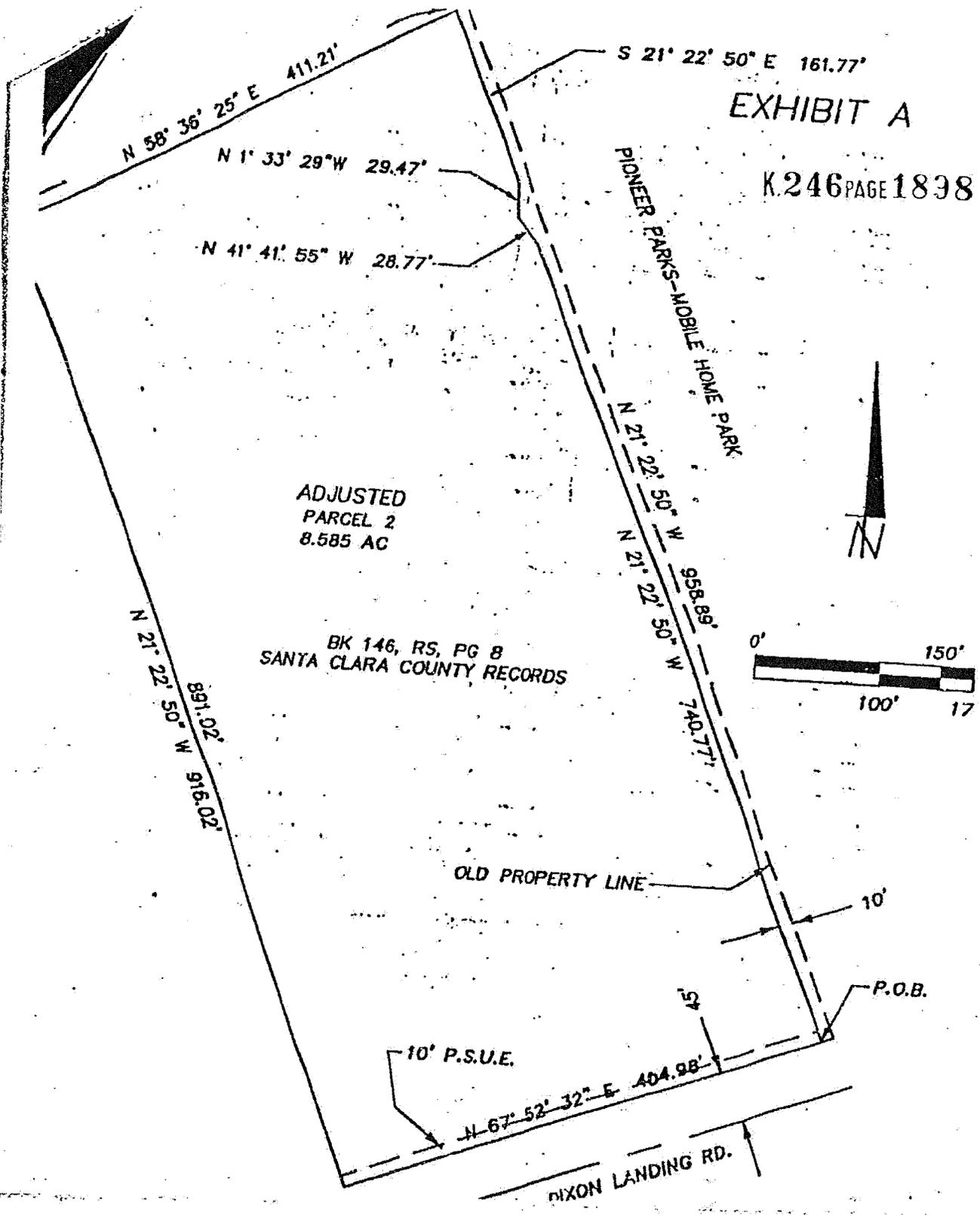
A PARCEL OF LAND BEING A PORTION OF PARCEL 2, AS SHOWN ON THAT  
CERTAIN RECORD OF SURVEY MAP FILED FOR RECORD IN THE OFFICE OF  
THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA,  
ON APRIL 24, 1962, IN BOOK 146 OF MAPS, PAGE 8 MORE PARTICULARLY  
DESCRIBED AS FOLLOWS:

A STRIP OF LAND THE UNIFORM WIDTH OF 10.00 FEET, THE SOUTH LINE  
OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF PARCEL 2 OF SAID MAP; THENCE  
NORTH 21° 22' 50" WEST 25 FEET TO A POINT ON THE NORTH RIGHT OF  
WAY LINE OF DIXON LANDING ROAD; THENCE ALONG SAID RIGHT OF WAY  
SOUTH 67° 52' 32" WEST 10.00 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 67° 52' 32" EAST  
404.98 FEET.

EXHIBIT A

K.246 PAGE 1898



**LEGAL DESCRIPTION**  
**UTILITY EASEMENT**  
APN 022-01-014

**REAL PROPERTY** situated in the City of Milpitas, County of Santa Clara, State of California, being a portion of Parcel 2 as shown on the Record of Survey, filed April 24, 1962 in Book 146 of Maps at Page 8, Santa Clara County Records, being a portion of the parcel of land described in the Grant Deed recorded May 26, 2006 as Document Number 18953291, Santa Clara County Official Records, more particularly described as follows:

**BEGINNING** at the most southerly corner of the parcel of land described in said Grant Deed, lying on the northerly line of Dixon Landing Road (90.00 feet wide) and the easterly line of Parcel 1, as shown on the Record of Survey, filed December 7, 2007 in Book 821 of Maps at Page 1, Santa Clara County Records;

Thence along said easterly line, North 21°23'00" West, 10.00 feet, to a line parallel with and 10.00 feet northerly of said northerly line;

Thence along said parallel line, North 67°52'36" East, 4.00 feet, to a line parallel with and 4.00 feet easterly of said easterly line;

Thence along said parallel line, South 21°23'00" East, 10.00 feet, to said northerly line of Dixon Landing Road;

Thence along said northerly line, South 67°52'36" West, 4.00 feet, the **POINT OF BEGINNING**.

Containing an area of 40 square feet, more or less.

Plat Exhibit attached and by this reference made a part hereof.

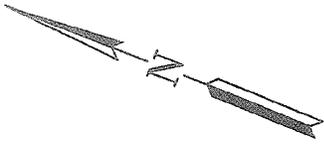
This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the North American Datum of 1983 (NAD83), Zone III, epoch 1998.5. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.00005333.

07-28-2015  
Date



*Julia MacRory*  
Julia MacRory, LS 7871  
Survey and Mapping Manager

S:\VTA PROJECTS\BART\S\B\PLATS\_ LEGALS and CLOSURE\CALCS\CAD\B2077-04 UE.dwg Layout1 Jul 28, 2015 - 11:45am

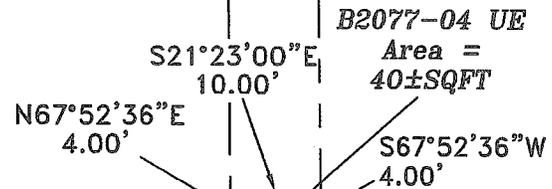


APN 022-01-014  
SPINNAKER LLC  
DOC. NO. 18953291  
PORTION OF  
PARCEL 2  
146 M 8

CITY OF MILPITAS  
PSUE  
K246 OR 1895

90'

DIXON LANDING ROAD



60'

POB  
B2077-04 UE  
N21°23'00"W 10.00'

APN 022-31-017  
SCVTA  
PARCEL 2  
821 M 1

APN 022-31-017  
SCVTA  
PARCEL 3  
821 M 1

APN 022-31-017  
SCVTA  
PARCEL 1  
821 M 1

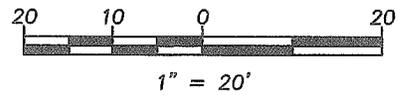


**LEGEND:**

- M = MAPS
- OR = OFFICIAL RECORDS
- POB = POINT OF BEGINNING
- PSUE = PUBLIC SERVICE AND UTILITY EASEMENT
- SCVTA = SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
- SQFT = SQUARE FEET
- UE = UTILITY EASEMENT

*Julia MacRory  
07-28-15*

ALL BEARINGS AND DISTANCES SHOWN HERE ARE GRID AND ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83), ZONE 3, EPOCH 1998.5. MULTIPLY GRID DISTANCES BY 1.00005333 TO OBTAIN GROUND LEVEL DISTANCES.



PLAT TO ACCOMPANY LEGAL DESCRIPTION  
**B2077-04 UE**  
**APN 022-01-014**  
 CITY OF MILPITAS,  
 COUNTY OF SANTA CLARA, STATE OF CALIFORNIA



3331 NORTH FIRST STREET, BLDG. A  
 SAN JOSE, CA 95134-1806  
 PH. 408-321-5886 FAX 408-321-5890

SCALE: 1"=20'	Drawn By: H. BRASALI	Checked By: J. MacRORY	SHEET: 1 OF 1
DATE: 07-28-15			