



**City and County of San Francisco  
Joaquin Torres, Assessor-Recorder**

Recorded at the Request of  
Old Republic Title Company -  
Oakland

1117026546

Doc #	<b>2024043498</b>	Fees	\$0.00
6/6/2024	8:55:45 AM	Taxes	\$0.00
AM	Electronic	Other	\$0.00
Pages 14	Title 446	SB2 Fees	\$0.00
Customer	9001	Paid	\$0.00

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

San Francisco Bay Area  
Rapid Transit District  
2150 Webster Street, 9<sup>th</sup> Floor  
Oakland, CA 94612  
Attn: Real Estate Manager

**SPACE ABOVE THIS LINE FOR RECORDER'S USE**

*The undersigned Grantor hereby declares this instrument to be exempt from Recording Fees (Govt. Code Sec. 27383) and Documentary Transfer Tax (Revenue and Taxation Code Sec. 11922). Government Agency Acquiring Title.* **27383.1**

APN: 6973-39 (portion of)  
Address: 2340 San Jose Avenue,  
San Francisco, CA 94112

BART Parcel:  
O-M769-2A

**FIRST AMENDMENT TO EASEMENT AGREEMENT  
(Storm Drain Easement)**

**THIS FIRST AMENDMENT TO EASEMENT AGREEMENT**  
("Amendment") is made as of April 1, 2024, by and among **BALBOA PARK HOUSING PARTNERS, L.P.**, a California limited partnership ("Project Sponsor"), the **CITY AND COUNTY OF SAN FRANCISCO**, a municipal corporation (the "City"), acting by and through its Real Estate Division and the Mayor's Office of Housing and Community Development ("MOHCD"), and the **SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**, a rapid transit district pursuant to Public Utilities Code Section 28500 et seq. ("District").

**RECITALS**

A. Project Sponsor, City, and BART entered into that certain Easement Agreement (Storm Drain Easement) dated July 2, 2021 and recorded in the Official Records of the City and County of San Francisco on July 2, 2021 under Document Number 2021-105983 (the "Easement"). Definitions and rules of interpretation set forth in the Easement apply to this Amendment.

B. The parties desire to amend the Easement to correct errors related to the descriptions of the Benefited Property and Easement Area (each defined in the Easement) by replacing Exhibits A and Exhibit C in the Easement with Schedules 1 and 2 attached to this Amendment.

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth in this Amendment, the parties hereby agree as follows:

### AGREEMENT

1. Exhibit A (Legal Description of the Benefitted Property). The parties agree that Exhibit A (Legal Description of the Benefitted Property) of the Easement is hereby deleted in its entirety and replaced with Schedule 1 attached to this Amendment.

2. Exhibit C (Easement Area). The parties agree that Exhibit C (Easement Area) of the Easement is hereby deleted in its entirety and replaced with Schedule 2 attached to this Amendment.

3. Miscellaneous.

(a) No reference to this Amendment is necessary in any instrument or document at any time referring to the Easement. Any such reference shall be deemed to be a reference to the Easement as amended by this Amendment.

(b) Except as amended by this Amendment, the Easement shall remain unmodified and in full force and effect.

(c) This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which when taken together shall constitute one and the same instrument.

(d) Capitalized terms used herein and not otherwise defined shall have the meanings set forth in the Easement.

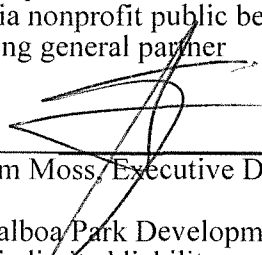
***SIGNATURES FOLLOW***

The Parties have executed this Amendment as of the date first written above.

**PROJECT SPONSOR:**

BALBOA PARK HOUSING PARTNERS, L.P.,  
a California limited partnership

By: Colosimo Apartments, Inc.,  
a California nonprofit public benefit corporation,  
its managing general partner

By:   
\_\_\_\_\_  
Sam Moss, Executive Director

By: Related/Balboa Park Development Co., LLC,  
a California limited liability company,  
its administrative general partner

**executed in counterpart**

By: \_\_\_\_\_  
Ann Silverberg, Vice President

***ALL SIGNATURES MUST BE NOTARIZED***

***SIGNATURES CONTINUE ON FOLLOWING PAGE***



# GOLDEN GATE NOTARY & APOSTILLE

## 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 Francisco  
On 05/16/2024 before me, Srira Zadmeهران, Notary Public  
Date Sam Moss Here Insert Name and Title of the Officer  
personally appeared Sam Moss  
Name(s) of Signer(s)

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 Srira Zadmeهران  
Signature of Notary Public

Place Notary Seal Above

### OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

#### Description of Attached Document

Title or Type of Document: \_\_\_\_\_  
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_  
Signer(s) Other Than Named Above: \_\_\_\_\_

#### Capacity(ies) Claimed by Signer(s)

Signer's Name: \_\_\_\_\_ Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  Partner —  Limited  General  
 Individual  Attorney in Fact  Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_ Signer Is Representing: \_\_\_\_\_

### Golden Gate Mobile Notary & Apostille

The Parties have executed this Amendment as of the date first written above.


**PROJECT SPONSOR:**

BALBOA PARK HOUSING PARTNERS, L.P.,  
a California limited partnership

By: Colosimo Apartments, Inc.,  
a California nonprofit public benefit corporation,  
its managing general partner

By: executed in counterpart  
Sam Moss, Executive Director

By: Related/Balboa Park Development Co., LLC,  
a California limited liability company,  
its administrative general partner

By:   
Ann Silverberg, Vice President

***ALL SIGNATURES MUST BE NOTARIZED***

***SIGNATURES CONTINUE ON FOLLOWING PAGE***

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 the document.

State of California )  
County of San Francisco )

On May 3, 2024, before me,  
Logan Taylor Perlstein Notary Public, personally appeared  
Ann Silverberg

\_\_\_\_\_, 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.

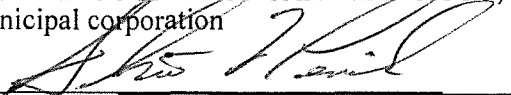
Signature: L. Pelt.




(Seal)

**CITY:**

CITY AND COUNTY OF SAN FRANCISCO,  
a municipal corporation

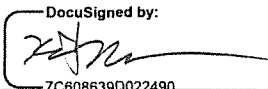
By:   
Andrico Q. Penick, Director of Property

By:   
Daniel Adams  
Director, Mayor's Office of Housing and Community Development

***ALL SIGNATURES ABOVE MUST BE NOTARIZED***

APPROVED AS TO FORM:

DAVID CHIU,  
City Attorney

By:   
7C608639D022490  
Keith Nagayama  
Deputy City Attorney

***SIGNATURES CONTINUE ON FOLLOWING PAGE***

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State of California )  
County of San Francisco )

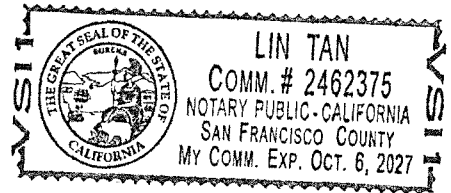
On May 23, 2024, before me,  
LIN TAN, Notary Public, personally appeared  
Daniel Adams

\_\_\_\_\_, 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: *Lin Tan*  
LIN TAN



(Seal)

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 the document.

State of California )  
County of San Francisco )

\* AKA Sandi Jill Penick

On 5/24, 2024, before me,

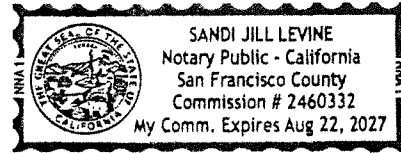
\* Sandi Levine, Notary Public, personally appeared  
Andrico Penick AKA Andrico Q. Penick

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: Sandi L.



(Seal)

**DISTRICT:**

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT, a rapid transit district pursuant to Public Utilities Code Section 28500 et seq.

By: Joseph M. Basuino  
Joseph M. Basuino  
Director of Real Estate and Property Management

***ALL SIGNATURES MUST BE NOTARIZED***

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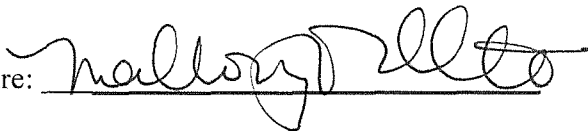
State of California )  
County of ALAMEDA )

On MAY 20TH, 2024, before me,  
MALLORY KORTE Notary Public, personally appeared  
JOSEPH M. BASUINO

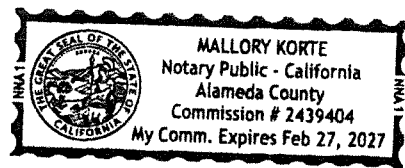
\_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the 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: 

(Seal)



**SCHEDULE 1**

**EXHIBIT A**

**Legal Description of the Benefitted Property**

The land referred to is situated in the County of San Francisco, City of San Francisco, State of California, and is described as follows:

PARCEL O-M395

BEGINNING at a point on the southwesterly line of Geneva Avenue, distant thereon North 62° 30' 11" West 72.31 feet from the northwesterly line of San Jose Avenue; thence, along said line of Geneva Avenue, North 62° 30' 11" West 173.91 feet to the State of California right-of-way line; thence, along last said line, South 16° 04' 59" West 173.96 feet; thence, South 7° 32' 32" West 30.48 feet; thence South 14° 24' 19" West 133.26 feet; thence South 10° 56' 26" West 141.71 feet; thence, South 61° 57' 11" East 20.47 feet; thence South 8° 42' 02" West 63.59 feet; thence South 61° 57' 11" East 40.10 feet to the northwesterly line of San Jose Avenue; thence, along last said line, North 28° 02' 49" East 78.00 feet; thence, leaving last said line, North 61° 57' 11" West 30.00 feet to a point being at coordinates y=449,966.325 feet and x=1,436,981.281 feet; thence, North 24° 02' 49" East 126.28 feet; thence, on the arc of a tangent curve to the left, having a radius of 92.00 feet, a central angle of 6° 42' 38" a distance of 10.78 feet; thence, North 17° 20' 11" East 172.27 feet; thence, on the arc of a tangent curve to the right, having a radius of 92.00 feet, a central angle of 34° 28' 37" a distance of 55.36 feet; thence, North 51° 48' 48" East 95.34 feet to the Point of Beginning.

CONTAINING an area of 48,658 square feet, more or less.

**SCHEDULE 2**

**EXHIBIT "C"  
(STORM DRAIN EASEMENT)  
O-M769-2A**

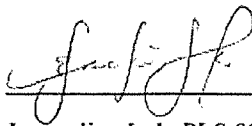
All that real property situated in the City and County of San Francisco, State of California, more particularly described as follows:

COMMENCING at the intersection of the Southerly line of Geneva Avenue and the Westerly line of San Jose Avenue as said Southerly line and said Westerly line are shown on that certain map entitled "MAP SHOWING THE WIDENING AND EXTENSION OF GENEVA AVENUE BETWEEN ALEMANY BOULEVARD AND SOUTHERN FREEWAY RIGHT OF WAY", filed March 3, 1965 in Book "U" of Maps, at Page 69, T-17-22, in the Office of the County Recorder of City and County of San Francisco, State of California; thence along said Westerly line of San Jose Avenue, South 34°46'52" West, 25.28 feet; thence North 09°05'28" West, 2.17 feet to the POINT OF BEGINNING; thence continuing North 09°05'28" West, 10.37 feet; thence parallel with said Southerly line of Geneva Avenue, North 62°30'38" West, 68.40 feet to the general Easterly line of PARCEL O-M395 as described in that Final Order of Condemnation recorded October 2, 1974 in Liber B936, at Page 417, Official Records of City and County of San Francisco, State of California; thence along last said line, South 51°48'21" West, 3.48 feet; thence South 58°29'23" East, 54.82 feet; thence South 61°39'20" East, 12.81 feet; thence South 55°00'00" East, 8.60 feet to the POINT OF BEGINNING.

CONTAINING 407 square feet, more or less.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

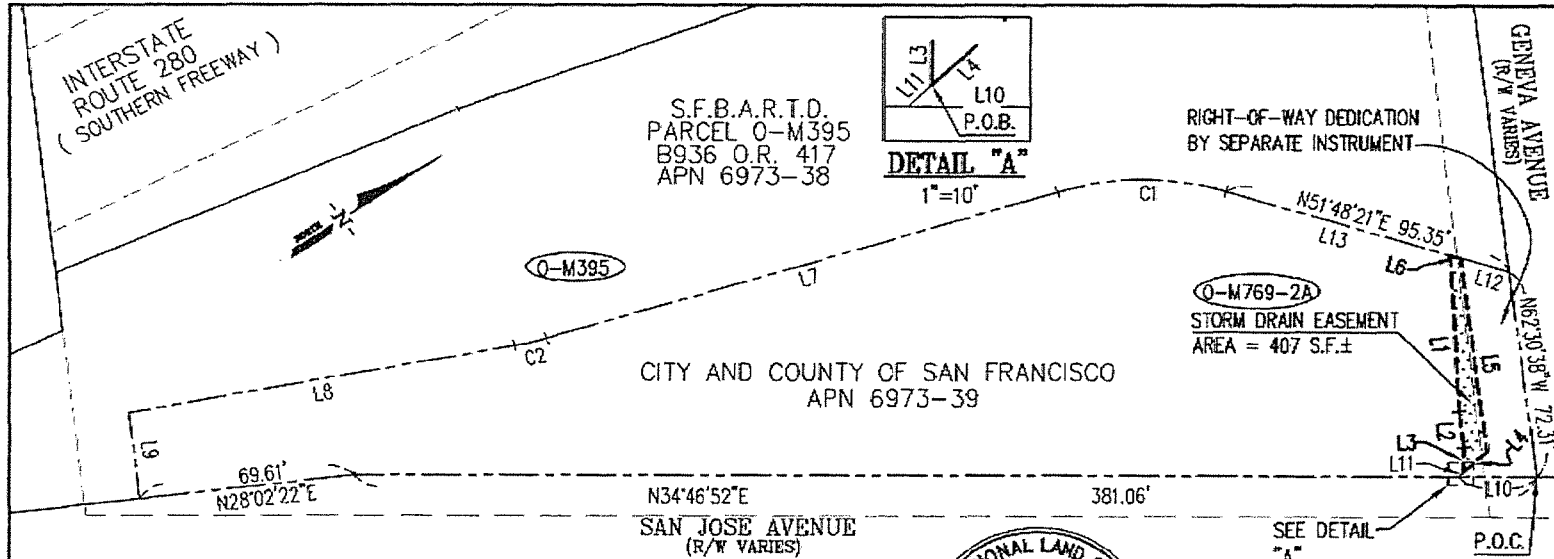
Prepared by Luk and Associates

  
\_\_\_\_\_  
Jacqueline Luk, PLS 8934



Date: April 24, 2024

This real property description has been prepared by me or under my direction in conformance with the Professional Land Surveyors Act.

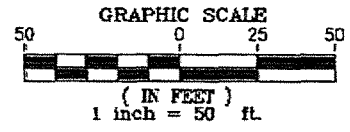


12

LINE TABLE			CURVE TABLE			
LINE	LENGTH	BEARING	CURVE	LENGTH	RADIUS	DELTA
L1	54.82'	N58°29'23"W	C1	55.36'	92.01'	34°28'37"
L2	12.81'	N61°39'20"W	C2	10.78'	92.01'	06°42'38"
L3	8.60'	N55°00'00"W				
L4	10.37'	S09°05'28"E				
L5	68.40'	N62°30'36"W				
L6	3.48'	N51°48'21"E				
L7	172.24'	N17°19'44"E				
L8	126.29'	N24°02'22"E				
L9	30.00'	N61°57'38"W				
L10	25.28'	N34°46'52"E				
L11	2.17'	S09°05'28"E				
L12	16.46'	N51°48'21"E				
L13	75.41'	N51°48'21"E				

**LEGEND**

- PROPERTY LINE OF SUBJECT PROPERTY
- OLD LOT LINE
- RIGHT OF WAY LINE
- PROPOSED STORM DRAIN EASEMENT
- S.F. SQUARE FEET
- (T) TOTAL
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- ± MORE OR LESS
- O.R. OFFICIAL RECORDS
- S.F.B.A.R.T.D. SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT (BART)
- APN ASSESSOR'S PARCEL NUMBER
- Q-M769-2A BART PARCEL NUMBER



**EXHIBIT "C"**  
**PLAT TO ACCOMPANY LEGAL DESCRIPTION**  
**STORM DRAIN EASEMENT**  
 CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA  
 APRIL, 2024  
 PREPARED BY  
**LUK AND ASSOCIATES**  
 CIVIL ENGINEER - LAND PLANNERS - LAND SURVEYORS  
 738 ALFRED NOBEL DRIVE  
 HERCULES, CALIFORNIA 94547  
 (510) 724-3388

JOB NO.: 17157A10/ESMT-SD-BART.dwg  
 PLOT DATE: MAY 24, 2021