

RECORDING REQUESTED BY:

AND WHEN RECORDED MAIL TO:

Director of Property
Real Estate Division
City and County of San Francisco
Real Estate Department
25 Van Ness Avenue, Suite 400
San Francisco, CA 94102

GRANT OF AVIGATION EASEMENT

This Grant of Avigation Easement ("Easement") is executed and delivered as of this 17 day of APRIL between **NORALIZA SALAZAR, AN UNMARRIED WOMAN** ("GRANTORS") and the City and County of San Francisco, a municipal corporation of the State of California ("City" or "Grantee").

WHEREAS, GRANTORS are the owners of that certain real property located at: **361 BARBARA LANE, DALY CITY, CA 94015** in San Mateo County, CA and more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein as though set forth verbatim (hereinafter "Grantors' Property"); and

WHEREAS, CITY is the owner and operator of the San Francisco International Airport ("SFO") and is desirous of acquiring an avigation easement upon Grantor's Property to permit imposition upon such property of vibration, discomfort, inconvenience, interference with use and enjoyment, and any consequent reduction in market value, all due to the operation of aircraft to and from San Francisco International Airport (hereinafter SFO); and

WHEREAS, GRANTOR(S) are desirous of providing an avigation easement upon Grantors' property to replace and correct an earlier grant of avigation easement based upon prior noise insulation work provided by SFO for GRANTORS' Property that mistakenly contained a 20 year term, and

WHEREAS, Section 21652 of the Public Utilities Code of the State of California authorizes CITY to obtain such easement;

NOW, THEREFORE, IT IS HEREBY AGREED BY THE PARTIES HERETO THAT:

1. GRANTORS do hereby grant, convey and assign to the CITY, and its successors, an easement for the purpose of permitting the imposition of vibration, discomfort, inconvenience, interference with use and enjoyment, and any consequent reduction in market value, all due to the operation of aircraft to and from SFO upon Grantor's Property.

(a) GRANTORS waive any rights to legal actions against CITY, its successors or assigns, for monetary damages or other redress due to impacts described in Section 1 of the granted rights of easement associated with aircraft operations in the air or on the ground at SFO.

(b) The waiver shall not be in effect if three (3) of any four (4) quarterly noise report maps, as reported to the State of California, for any calendar year show that the noise level imposed on GRANTORS' Property exceeds the baseline CNEL level as stated in Section (a) by more than 3 dB CNEL (68 dB CNEL and higher), and the waiver shall remain not in effect until two (2) consecutive subsequent quarterly noise maps show the level of noise to have been no more than 3 dB CNEL greater than the baseline.

(c) Exceptions. Any change in the noise level, as reported on a quarterly noise map for SFO filed with the State of California, Department of Transportation, Division of Aeronautics, in accordance with Section 5025 of Title 21 of the California Code of Regulations, which reflects a change in noise level which results from the temporary increased use of certain runways, due to construction or repair of other runways, or due to any other cause or causes beyond the control of CITY (e.g., weather or wind conditions, but not flight pattern shifts authorized by the Federal Aviation Administration) shall not be used to compute the noise level imposed on GRANTORS' Property for the purposes of this Section.

(d) The Annual Community Noise Equivalent Level map and boundaries for the year ending December 31, 1993 filed with the State of California, Department of Transportation, Division of Aeronautics, in accordance with Section 5025 of Title 21 of the California Code of Regulations, shall be the basis for determining the baseline level for the GRANTORS' Property.

2. The easement granted herein shall become effective upon execution of this Document by the GRANTORS and the CITY.

3. The covenants contained in this Grant of Easement are for the mutual benefit of CITY and SFO, and the benefits and burdens created by this instrument shall inure to and be binding upon the successors, heirs, and assigns of GRANTORS and shall inure to and be binding upon the successors, heirs, and assigns of CITY as owner and/or operator of SFO.

4. CITY shall cause this Grant of Easement to be recorded in the Office of the Recorder of the County of San Mateo within thirty (30) days of the date of its acceptance by CITY.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed this 17 day of APRIL, 2013.

GRANTORS

Noraliza Salazar

NORALIZA SALAZAR

STATE OF CALIFORNIA
COUNTY OF San Mateo

On April 17, 2013 —, before me Ana G. Baires,

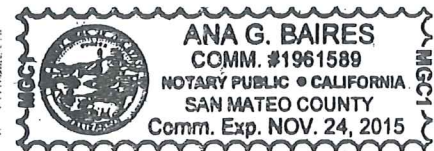
a Notary Public in and for said State, personally appeared Noraliza Salazar

_____ , 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 acknowledge to me that she/~~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 Ana G Baires

(Seal)

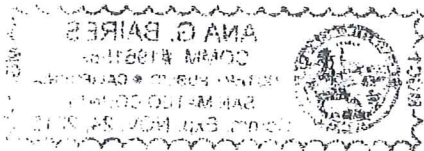
Certificate of Acceptance

This is to certify that the interest in real property conveyed by this deed dated _____ from the first part to the City and County of San Francisco, is hereby accepted pursuant to Board of Supervisors' Resolution No. 18110 Series of 1939, approved August 7, 1957, and the grantee consents to recordation thereof by its duly authorized officer.

DATED: _____

By: _____

John Updike
Director of Property



APPROVED AS TO FORM
DENNIS J. HERRERA, City Attorney

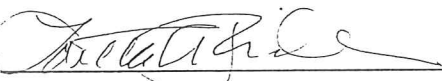
By: 
Deputy City Attorney

EXHIBIT "A"

Property Address:

361 BARBARA LANE, DALY CITY, CA 94015 in the County of SAN MATEO.

Assessor's Parcel No.:

091-672-610-2

Apparent Legal Description:

PARCEL I:

LOT 190, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "RECORD OF SURVEY OF A PORTION OF SERRAMONTE HIGHLANDS BEING A LOT LINE ADJUSTMENT OF LOTS 1 THROUGH 42, 66 THROUGH 134, AND 174 THROUGH 212 AS DESIGNATED ON THE MAP ENTITLED "SERRAMONTE HIGHLANDS" FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO COUNTY, CALIFORNIA ON APRIL 25, 1980 IN BOOK 101 OF MAPS AT PAGES 33 THROUGH 37 CITY OF DALY CITY, SAN MATEO COUNTY, CALIFORNIA", FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA ON AUGUST 31, 1987 IN BOOK 10 OF LICENSED LAND SURVEYOR'S MAP AT PAGES 107,108 AND 109.

PARCEL II:

AN UNDIVIDED INTEREST IN THE COMMON AREA AND APPURTENANT EASEMENTS.

