

DOC# 2015-0593972



Nov 16, 2015 02:00 PM

OFFICIAL RECORDS

Ernest J. Dronenburg, Jr.,

SAN DIEGO COUNTY RECORDER

FEES: \$27.00

PCOR: N/A

PAGES: 5

Recording Requested By
and when Recorded Mail to:

Rolf G. Steeve, Jr.
1567 Dublin Lane
Escondido, CA 92027

This Space For Recordors Use Only

APN: 234-120-01

Clear Space Easement

This agreement for a Clear Space Easement is made effective October 28, 2015, by and between the Living Trust of Harold W. Beck and Donna J. Beck dated February 7, 2014, and the co-trustees thereof, Harold W. Beck and Donna J. Beck, (all of whom are hereinafter collectively referred to as "Grantors"), on the one hand, and Rolf G. Steeve, Jr. and Roger W. Steeve, (collectively hereinafter referred to as "Grantees"), on the other hand, with respect to the following:

RECITALS

A. Grantors are the owners in fee simple of certain real property located in the County of San Diego, State of California, commonly known as 1539 Birch Ave., Escondido, Ca., 92127, (hereinafter the "Servient Tenement") more particularly described as follows:

That portion of Lot 5 in Block 240 of Rancho Rincon del Diablo, in the County of San Diego, State of California, according to Map thereof No. 725, filed in the office of the County Recorder of San-Diego County, August 15, 1892, described as follows:

Beginning at the most westerly corner of said Lot 5; thence North 71° 43' East along the northerly line thereof 195.16 feet; thence south 18° 17' East 166.18 feet to a point in the Southwesterly line of said Lot; thence North 67° 52' West along said Southwesterly line 255.33 feet more or less to the point of beginning.

B. Grantees are the owners in fee simple of certain real property located in the County of San Diego, State of California, commonly known as Parcel 4 of Parcel Map No. 4770, filed in the Office of the County Recorder of San Diego County, May 27, 1976 (hereinafter the "Dominant Tenement").

C. Grantors desire to grant, and Grantees desire to acquire, an easement for a clear space providing an unobstructed line of sight over a designated portion of the Servient Tenement for the benefit of, and appurtenant to, the Dominant Tenement.

DOCUMENTARY TRANSFER TAX \$ -0-

AGREEMENT

Now, therefore, for a valuable consideration, receipt of which is hereby acknowledged, Grantors and Grantees covenant, agree, and provide as follows:

1. Grantors hereby grant and convey to Grantees, and covenant and agree that Grantees shall and do have, upon the terms and conditions hereinafter provided, an easement for an unobstructed line of sight (hereinafter the "Clear Space Easement") over the following portion of the Servient Tenement:

THAT PORTION OF LOT 5 IN BLOCK 240 OF RANCHO RINCON DEL DIABLO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 725, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID LOT 5; THENCE NORTH 71°43' EAST ALONG THE NORTHERLY LINE THEREOF 102.00 FEET; THENCE LEAVING SAID NORTH LINE SOUTH 63°56'52" WEST, 88.73 FEET TO A POINT ON THE SOUTHWEST LINE OF SAID LOT 5, SAID POINT BEARS SOUTH 67°52' EAST AND A DISTANCE OF 18.5 FEET FROM THE POINT OF BEGINNING; THENCE NORTH 67°52' WEST ALONG SAID SOUTHWEST LINE 18.50 FEET TO THE POINT OF BEGINNING.

The location of the Clear Space Easement is as further depicted on the diagram, a copy of which is attached hereto as Exhibit A. In the event of conflict between the diagram and the above metes and bounds description, the latter shall prevail.

2. The Clear Space Easement shall burden the Servient Tenement and shall benefit and be appurtenant to the Dominant Tenement, and shall run with the land and be binding upon and enforceable by the assigns, transferees, and successors in interest of Grantors and Grantees.

3. The scope of the Clear Space Easement is as follows: Grantors shall keep and maintain the area of the Clear Space Easement free of structures, fences, walls, plants, trees, vegetation, and any other object, thing, or material of every type and description, that is more than 2 ½ (two and one half) feet in height above the flow line of the Southern edge of the pavement of Birch Avenue immediately adjacent to the burdened portion of the Servient Tenement as described in Paragraph 1 above. The intent of this Clear Space Easement is to preserve an unobstructed line of sight for drivers exiting the Dominant Tenement onto Birch Avenue.

4. The owners of the Servient Tenement shall retain the right to use and maintain the Servient Tenement in any manner and for any purpose not inconsistent with the Clear Space Easement.

5. Grantees and its successors and assigns have and are granted the right to enter upon the area of the Clear Space Easement for the purpose of keeping it clear, and to remove or trim any vegetation, or remove any obstruction in the area of the Clear Space Easement that is contrary to the Clear Space Easement or inconsistent with the purpose thereof.

6. The term "Grantore" and the term "Grantee" shall each include the plural and the singular number, and the word "it" shall include the feminine and the masculine gender.

WITNESS my hand this 9 day of NOVEMBER, 2015:

Harold W. Beck
Signature - Grantor

Donna J. Beck
Signature - Grantor

HAROLD W. BECK
Print Name
Capacity: _____

DONNA JEAN BECK
Print Name
Capacity: _____

STATE OF CALIFORNIA)
COUNTY OF _____)

On this _____ day of _____, 2015, 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.

Notary Public

Print name
My commission expires:

SEE ATTACHED NOTARY DOCUMENT

**CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT
(CALIFORNIA CIVIL CODE § 1189)**

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 Riverside)

On November 9, 15 before me, Megan Elaine Genera, notary public
(Date) (Here Insert Name and Title of the Officer)

personally appeared Harold W. Beck / Donna Jean Beck
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.

Megan Elaine Genera
Signature of Notary Public



(Notary Seal)

ADDITIONAL OPTIONAL INFORMATION

Description of Attached Document

Title or Type of Document: Agreement Document Date: 11.9.15

Number of Pages: 3 Signer(s) Other Than Named Above: _____

Additional Information: _____

CLEAR SPACE EASEMENT EXHIBIT A

