

# EXHIBIT A

### **Legal Definitions of Property to be Acquired**

The following is the definition of legal rights to be acquired by the City of Santa Rosa.

**“Acquisition,”** grants to the City of Santa Rosa: 1) a fee simple interest; and 2) one (1) temporary construction easement interest in portions of certain real property, more particularly described as Assessor Parcel No. 012-490-052.

**“Temporary Construction Easement”** or **“TCE”** grants to the City of Santa Rosa, its contractors, successors, and assigns, a temporary construction easement with a right of immediate entry, over, across, under and through portions of that certain real property more particularly described as Assessor Parcel No. 012-490-052 located in the City of Santa Rosa, County of Sonoma, State of California (“TCE Area”) for construction and related purposes for the City’s Highway 101 Bicycle and Pedestrian Overcrossing Project (“Project”).

The City of Santa Rosa shall have the right, without limitation, to enter upon and to pass and repass over and along said easement with personnel, vehicles and equipment for construction of the Project, and all other related activities, and to trim, cut and clear away, remove or otherwise control all improvements and any tree, bush, or other vegetation that interfere with the Project, to conform the TCE Area to the Project, and to do any and all other actions necessary and appropriate to the construction of the Project. As used here, “City” includes its officers, agents, contractors, and employees, and other governmental agencies responsible for review or construction of any portion of the Project and their officers, agents, contractors, and employees. If access to the TCE Area is across Grantor’s Property, Grantor shall maintain the rights of ingress and egress at all times during the construction period.

At no additional cost to City, City has the right to enter upon Grantor’s Property, where necessary, to reconstruct or perform any warranty or related work for a period of 180 days after the expiration of the term of the Grant of Temporary Construction Easement Deed and any extension. The work may include related driveways, walkways, lawn, landscaped and hardscaped areas, irrigation systems, sidewalks or any area where reconstruction or warranty work on Grantor’s Property is necessary.

All work performed by the City in the TCE Area shall conform to applicable building, fire and sanitary laws, ordinances and regulations relating to the work and shall be done in a good and workerlike manner.

#### **Non-permitted activities by Property Owner:**

Prior to termination of the TCE, the property owner shall not erect or construct, or permit to be created or constructed, any building, structure or improvement on, over or under any portion of the easement, nor shall property owner plant any tree or trees or plant any other vegetation or flora on any portion of the easement except at the written consent of the City of Santa Rosa, its successors and assigns.

No other easement or easements shall be granted on, under, or over this easement without obtaining the prior the prior written consent of the City of Santa Rosa, its successors and assigns.

**Permitted Activities by Condemning City:**

The City of Santa Rosa shall be entitled to trim, cut, or clear away any trees, brush, or other vegetation or flora from time to time as City determines in its sole discretion without payment of any additional compensation to property owner.

The TCE shall commence on the date the contractor is issued the Notice to Proceed letter and will terminate upon recording of the Notice of Completion of the City of Santa Rosa's Project. The use of the TCE area is anticipated to be required for a period of 18 months, beginning when the City of Santa Rosa provides written notice of commencement of construction. within the prescribed timeline for the City of Santa Rosa's Project unless the term of the TCE is extended by written agreement of the parties.

The Property Owner shall not cause, directly, indirectly or negligently, any interference with or harm to the rights conveyed hereunder.

ASSESSOR PARCEL NUMBER 012-490-052  
LEGAL DESCRIPTION AND DEPICTION



**EXHIBIT 'A'**

**Legal Description**

**Lands of Hornstein, Trustee  
To the City of Santa Rosa**

All that real property situated in the City of Santa Rosa, lying within the County of Sonoma, State of California and being a portion of the lands of Michael E. Hornstein and Ellen F. Hornstein, as trustees of The Michael & Ellen Hornstein 1998 Revocable Trust, as described in that Grant Deed, filed for record July 10, 2015 under Document No. 2015-061375, Official Records of the County of Sonoma, and being more particularly described as follows:

Commencing at the southwest corner of said lands of Hornstein, said point being marked by a 3/4" iron pipe, tagged LS 4760 at the southerly terminus of the course designated as "N14°21'28"W 287.32' " on that Record of Survey of the lands of Redwood Hotels Corporation, filed for record August 1, 1994 in Book 528 of Maps at Page 30, Sonoma County Records; thence, from said Point of Commencement, along the northerly right of way of Edwards Avenue, as said right of way is designated and delineated on said Record of Survey, North 75°44'52" East, for a distance of 49.50 feet to the Point of Beginning of the parcel to be herein described; thence, from said **POINT OF BEGINNING**, continuing Easterly, along said right of way, North 75°44'52" East for a distance of 319.40 feet; thence, leaving said northerly right of way, South 76°31'39" West, for a distance of 296.32 feet; thence, North 13°28'21" West, for a distance of 0.87 feet; thence, South 76°31'38" West, for a distance of 18.05 feet; thence, along a tangent curve to the left, with a radius of 5.00 feet, through a central angle of 92°29'55", for a distance of 8.07 feet to the Point of Beginning of the hereinabove described parcel of land.

Containing 709 square feet (0.02 acres), more or less.

Basis of Bearings: Record of Survey of the lands of Redwood Hotels Corporation, filed for record August 1, 1994 in Book 528 of Maps at Page 30, Sonoma County Records

Prepared by:

BKF ENGINEERS

*Ralph H. Thomas*

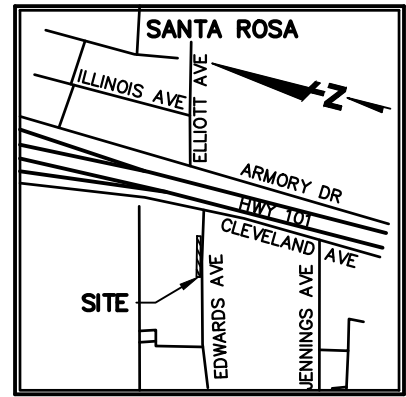
Ralph H. Thomas, PLS, No. 4760



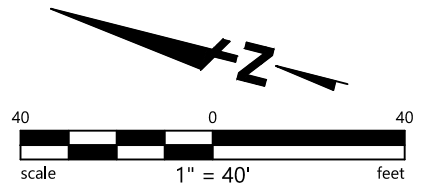
Dated: 6/15/2023

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	92°29'55"	5.00'	8.07'

LINE TABLE	
LINE	BEARING AND DISTANCE
L1	N75°44'52"E 49.50'
L2	N13°28'21"W 0.87'
L3	S76°31'38"W 18.05'



VICINITY MAP  
NOT TO SCALE



SEE RIGHT  
MATCHLINE

EXISTING PUBLIC  
UTILITY EASEMENT  
DN 2014-033272

EXISTING SIDEWALK  
EASEMENT  
DN 2014-033272

**PARCEL 01-01-01**

709± SQ. FT.  
FEE PARCEL



6/15/2023

EDWARDS AVENUE

LANDS OF  
HORNSTEIN TRUST  
DN 2015-061375  
APN 012-490-052

RECORD OF  
SURVEY  
528 MAPS 30

POINT OF  
BEGINNING

POINT OF  
COMMENCEMENT

N14°21'28"W 287.32'

3/4" IRON PIPE  
PER 528 MAPS 30

EXISTING PUBLIC  
UTILITY EASEMENT  
DN 2014-033272

LANDS OF  
HORNSTEIN TRUST  
DN 2015-061375  
APN 012-490-052

EDWARDS AVENUE

**PARCEL 01-01-01**

709± SQ. FT.  
FEE PARCEL

SEE LEFT

CNTY	RT	PM
SON	101	21.50

AUTHORITY:

OWNER AND MAILING ADDRESS		PROPERTY AREAS		CITY OF SANTA ROSA	
HORNSTEIN 1998 REVOCABLE TRUST 2628 FILBERT STREET SAN FRANCISCO, CA. 94123		AREA	709 SQ. FT. (0.02 AC)±	FEE OVER THE LANDS OF HORNSTEIN, TRUSTEE TO THE CITY OF SANTA ROSA	
A.P. No.	012-490-052	PARCEL	01-01-01	Scale: 1" = 40'	
D.N.	2015-061375	EA	04-2G340	Date: JUNE 2023	
		PROJECT #	0413000213	DWN. IT	APPROVED
		CITY ACQUISITION DEED		CHK. RHT	FILE No.
		O.R.			R.- 5825



## EXHIBIT 'A'

### Legal Description

#### Temporary Construction Easement Over the Lands of Hornstein, Trustee To the City of Santa Rosa

All that real property situated in the City of Santa Rosa, lying within the County of Sonoma, State of California and being a portion of the lands of Michael E. Hornstein and Ellen F. Hornstein, as trustees of The Michael & Ellen Hornstein 1998 Revocable Trust, as described in that Grant Deed, filed for record July 10, 2015 under Document No. 2015-061375, Official Records of the County of Sonoma, and being more particularly described as follows:

Beginning at the southwest corner of said lands of Hornstein, said point being marked by a  $\frac{3}{4}$ " iron pipe, tagged LS 4760 at the southerly terminus of the course designated as "N14°21'28"W 287.32' " on that Record of Survey of the lands of Redwood Hotels Corporation, filed for record August 1, 1994 in Book 528 of Maps at Page 30, Sonoma County Records; thence from said **POINT OF BEGINNING**, along the northerly right of way of Edwards Avenue, as said right of way is designated and delineated on said Record of Survey, North 75°44'52" East, for a distance of 49.50 feet; thence, along a non tangent curve to the right, from a tangent that bears, North 15°58'17" West, with a radius of 5.00 feet, through a central angle of 92°29'55", for a distance of 8.07 feet; thence, North 76°31'38" East, for a distance of 18.05 feet; thence, South 13°28'21" East, for a distance of 0.87 feet; thence, North 76°31'39" East, for a distance of 296.32 feet to said northerly right of way of Edwards Avenue; thence, along said northerly right of way, North 75°44'52" East, for a distance of 120.82 feet; thence, North 37°38'17" East, for a distance of 3.10 feet; thence, leaving said right of way, South 89°43'46" West, for a distance of 41.76 feet; thence, South 14°15'08" East, for a distance of 10.00 feet; thence, South 75°44'52" West, for a distance of 15.00 feet; thence, North 14°15'42" West, for a distance of 8.52 feet; thence, South 75°28'33" West, for a distance of 118.27 feet; thence, North 14°19'06" West, for a distance of 1.19 feet; thence, South 76°31'39" West, for a distance of 34.36 feet; thence, South 13°28'21" East, for a distance of 3.50 feet; thence, South 75°41'39" West, for a distance of 158.00 feet; thence, South 75°53'06" West, for a distance of 125.98 feet to the westerly boundary of said lands of Hornstein, Trustee; thence, along said westerly boundary, South 14°21'28" East, for a distance of 8.27 feet to the Point of Beginning of the hereinabove described parcel of land.

Containing 3,495 square feet (0.08 acres), more or less.

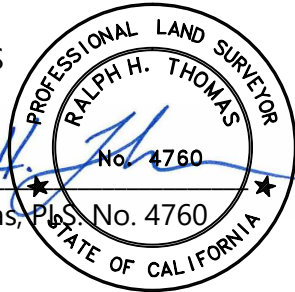
Basis of Bearings: Record of Survey of the lands of Redwood Hotels Corporation, filed for record August 1, 1994 in Book 528 of Maps at Page 30, Sonoma County Records



Prepared by:

BKF ENGINEERS

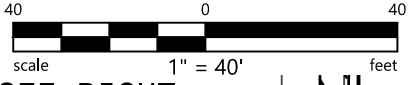
*Ralph H. Thomas*



Dated: 6/15/2023

Ralph H. Thomas, PLS. No. 4760





SEE RIGHT  
MATCHLINE

EXISTING PUBLIC UTILITY EASEMENT DN 2014-033272

LANDS OF HORNSTEIN TRUST DN 2015-061375 APN 012-490-052

**PARCEL 03-01-01**  
3,495± SQ. FT. TEMPORARY CONSTRUCTION EASEMENT

CLEVELAND AVENUE

EXISTING SIDEWALK EASEMENT DN 2014-033272

EXISTING PUBLIC UTILITY EASEMENT DN 2014-033272

**PARCEL 03-01-01**

3,495± SQ. FT. TEMPORARY CONSTRUCTION EASEMENT

EXISTING SIDEWALK EASEMENT DN 2014-033272

EDWARDS AVENUE

LANDS OF HORNSTEIN TRUST DN 2015-061375 APN 012-490-052

TANG BRG N15°58'17"W

RECORD OF SURVEY 528 MAPS 30

3/4" IRON PIPE PER 528 MAPS 30

N14°21'28"W 287.32'

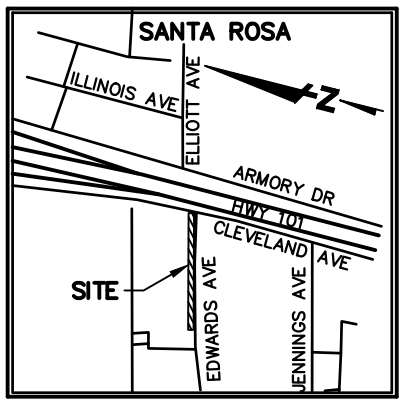
POINT OF BEGINNING

CURVE TABLE

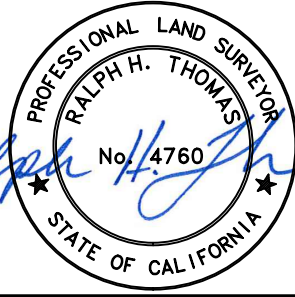
CURVE	DELTA	RADIUS	LENGTH
C1	92°29'55"	5.00'	8.07'

AUTHORITY:

MATCHLINE  
SEE LEFT



VICINITY MAP  
NOT TO SCALE



6/15/2023

LINE TABLE

LINE	BEARING AND DISTANCE
L1	N75°44'52"E 49.50'
L2	N76°31'38"E 18.05'
L3	S13°28'21"E 0.87'
L4	N76°31'39"E 296.32'
L5	N37°38'17"E 3.10'
L6	S89°43'46"W 41.76'
L7	S14°15'08"E 10.00'
L8	S75°44'52"W 15.00'
L9	N14°15'42"W 8.52'
L10	N14°19'06"W 1.19'
L11	S13°28'21"E 3.50'
L12	S14°21'28"E 8.27'

OWNER AND MAILING ADDRESS

PROPERTY AREAS

CITY OF SANTA ROSA

HORNSTEIN 1998 REVOCABLE TRUST  
2628 FILBERT STREET  
SAN FRANCISCO, CA. 94123

AREA 3,495 SQ. FT. (0.08 AC)±  
PARCEL 03-01-01  
EA 04-2G340  
PROJECT # 0413000213

TEMPORARY CONSTRUCTION EASEMENT OVER THE LANDS OF HORNSTEIN, TRUSTEE TO THE CITY OF SANTA ROSA

A.P. No. 012-490-052

CITY ACQUISITION DEED

Scale: 1" = 40' Date: JUNE 2023

D.N. 2015-061375

O.R.

DWN. IT APPROVED FILE No. R.- 5824

Plot Jun 15, 2023 at 8:57am