

RECORDING REQUESTED BY

CITY OF HAYWARD

AND WHEN RECORDED MAIL TO:

City Clerk  
City of Hayward  
777 B Street, Fourth Floor  
Hayward, CA 94541-5007

SPACE ABOVE THIS LINE FOR RECORDERS USE

The undersigned grantor hereby declares: This instrument is exempt from Recording Fees (Govt. Code §27383) and from Documentary Transfer Tax (Rev. and Taxation Code §11922).

**UTILITY SERVICE AGREEMENT 20-01**

Assessor's Parcel Number: 425-0280-005-03

At Assessor's Parcel Number 425-280-5-3, Hayward, CA, Unincorporated area of Alameda County

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by and between Anthony Barraza & V Anna, property owners, the nature of interest in fee, hereinafter designated "Applicant" and the CITY OF HAYWARD, a municipal corporation, located in the County of Alameda, State of California, hereinafter designated "City";

**A G R E E M E N T**

WHEREAS, Applicant is the owner of a certain real property in the Unincorporated area of County of Alameda, State of California, commonly designated as Assessor's Parcel Number 425-0280-005-03, located outside of the City of Hayward's jurisdictional boundaries but within the City's Ultimate Municipal Water Service Area, in the County of Alameda, and more particularly described on Exhibit "A," attached hereto and made a part hereof:

WHEREAS, Applicant, by Planning Application USA 20-01, has requested to be allowed to extend and connect to the City of Hayward 8-inch in diameter water main along Fairview Avenue or to the City of Hayward 6-inch in diameter water main along Amyx Court.

NOW THEREFORE, in consideration of the premises, terms, and conditions of this Agreement, the parties hereto do mutually agree as follows:

- 1) City agrees to authorize the construction of a water connection to the City of Hayward Water System, upon formal approval by the Alameda County Local Agency Formation Commission.
- 2) Connection to the water system is subject to the provisions of applicable ordinances of the City of Hayward, and the fee schedules in effect at the time water service permits are issued.
- 3) Applicant is hereby consent to the property being annexed to the City of Hayward when annexation is requested by the City.
- 4) If applicant withdraws or attempts to withdraw consent to annex the property, City may, at its option, terminate this agreement and all privileges granted hereunder, whereupon this agreement shall be null and void.
- 5) Prior to a connection to the City of Hayward water system being commenced, Applicant agrees to enter into an "Agreement for Completion of Public Street Improvement Work" for the improvements of Amyx Court and Fairview Avenue across the full frontage of subject parcel.
- 6) All covenants herein contained shall pertain to and run with the land hereinabove described, and this Agreement shall apply to, bind, and inure to the Applicant's successors in interest of the party hereto.
- 7) This Agreement shall be null and void after 365 days from, and after the date of recordation of this agreement by the CITY, if the construction work for the water connection has not been commenced. The City may, at its option, consider an extension of time requested by Applicants, and grant additional 365 days to complete the construction work.

IN WITNESS WHEREOF, Applicants, duly authorized to act, has caused these presents to be executed and the City of Hayward by and through its City Manager, duly authorized to so act by virtue of Resolution No. \_\_\_\_\_, has caused these presents to be executed the day and year first above written.

APPLICANT

BY: \_\_\_\_\_  
Anthony Barraza

BY: \_\_\_\_\_  
V Anna

APPROVED:

CITY OF HAYWARD,  
a municipal corporation

BY: \_\_\_\_\_  
Alex Ameri, Director of Public Works

BY: \_\_\_\_\_  
Kelly McAdoo, City Manager

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Michael Lawson, City Attorney

\_\_\_\_\_  
Miriam Lens, City Clerk

## EXHIBIT "A" Legal Description

Real property in the unincorporated area of the County of Alameda, State of California, described as follows:

### PARCEL 1:

A PORTION OF THAT PARCEL DESCRIBED IN THE GRANT DEED FROM GOODWIN TO STOKES, RECORDED APRIL 30, 2002, AT SERIES NO. [2002-192010](#), ALAMEDA COUNTY RECORDS, AND A PORTION OF THAT PARCEL DESCRIBED IN THE GRANT DEED FROM STOKES TO SZABO, RECORDED DECEMBER 01, 2016, AT SERIES NO. [2016-313305](#), ALAMEDA COUNTY RECORDS, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE CENTER LINE OF COUNTY ROAD NO. 7791, 60 FEET WIDE, ALSO KNOWN AS FAIRVIEW AVENUE, LOCATED THEREON SOUTH 15°24'30" EAST 263.36 FEET FROM THE NORTHERN END OF THE COURSE DESIGNATED AS "SOUTH 15°24'30" EAST" IN THE DESCRIPTION OF SAID COUNTY ROAD IN THE DEED TO THE COUNTY OF ALAMEDA, RECORDED NOVEMBER 04, 1936, IN [BOOK 3398 O.R., PAGE 226](#), ALAMEDA COUNTY RECORDS; THENCE SOUTH 69°18'30" WEST 30.13 FEET TO A POINT ON THE WESTERN LINE OF SAID FAIRVIEW AVENUE LAST SAID POINT BEING THE MOST NORTHEASTERN CORNER OF AFORESAID STOKES PARCEL ([2002 192010](#)) AND ALSO BEING THE TRUE POINT OF BEGINNING; THENCE ALONG THE GENERAL NORTHERN LINE OF SAID STOKES PARCEL SOUTH 69°18'30" WEST 170.00 FEET TO THE EASTERN LINE OF AFORESAID SZABO PARCEL ([2016 313305](#)); THENCE ALONG LAST SAID LINE SOUTH 15°24'30" EAST 259.00 FEET TO THE GENERAL SOUTHERN LINE OF SAID SZABO PARCEL; THENCE ALONG LAST SAID LINE SOUTH 69°18'30" WEST 193.00 FEET AN ANGLE POINT THEREIN; THENCE CONTINUING SOUTH 69°18'30" WEST 153.17 FEET TO THE WESTERN LINE OF SAID SZABO PARCEL; THENCE NORTH 30°56'09" WEST 109.67 FEET; THENCE NORTH 14°52'29" WEST 150.75 FEET TO THE GENERAL NORTHERN LINE OF SAID STOKES PARCEL ([2002 192010](#)); THENCE ALONG LAST SAID LINE SOUTH 69°18'30" WEST 144.50 TO THE MOST NORTHEASTERN CORNER OF SAID STOKES PARCEL; THENCE ALONG THE EXTERIOR BOUNDARY OF SAID STOKES PARCEL THE FOLLOWING SIX (6) COURSES AND DISTANCES:

1. SOUTH 14°52'29" EAST 363.00 FEET,
2. SOUTH 69°18'30" WEST 125.00 FEET,
3. SOUTH 14°52'29" EAST 146.12 FEET,
4. NORTH 69°19'40" EAST 455.49 FEET,
5. NORTH 15°24'30" WEST 125.00 FEET AND
6. NORTH 69°19'40" EAST 363.00 FEET TO THE AFORESAID WESTERN LINE OF FAIRVIEW AVENUE;

THENCE ALONG LAST SAID LINE NORTH 15°24'30" WEST 383.94 FEET TO THE TRUE POINT OF BEGINNING.

### PARCEL 2:

A NON- EXCLUSIVE EASEMENT FOR ROAD, SEWER AND PUBLIC UTILITY PURPOSES, AS GRANTED TO ALFRED D. ARLINGTON, ET UX., BY INSTRUMENT RECORDED AUGUST 26, 1954, IN BOOK 7408 O.R., PAGE 10, AT SERIES NO. [AJ/74263](#), ALAMEDA COUNTY RECORDS, SAID NON-EXCLUSIVE EASEMENT BEING A PORTION OF THAT 50 FOOT WIDE PRIVATE STREET COMMONLY KNOWN AS AMYX COURT AND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE CENTERLINE OF COUNTY ROAD NO. 7791, 60 FEET WIDE, ALSO KNOWN AS FAIRVIEW AVENUE, LOCATED THEREON SOUTH 15°24'30" EAST 263.36 FEET FROM THE NORTHERN END OF THE COURSE DESIGNATED AS "SOUTH 15°24'30" EAST" IN THE DESCRIPTION OF SAID COUNTY ROAD IN THE DEED TO THE COUNTY OF ALAMEDA, RECORDED NOVEMBER 04, 1936, IN

[BOOK 3398 O.R., PAGE 226](#), ALAMEDA COUNTY RECORDS; THENCE SOUTH 69°18'30" WEST 843.88 FEET; THENCE NORTH 20°41'30" WEST 50.00 FEET; THENCE NORTH 69°18'30" EAST 848.50 FEET TO AFORESAID CENTERLINE OF COUNTY ROAD NO. 7791; THENCE ALONG LAST SAID LINE SOUTH 15°24'30" EAST 50.21 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING WITHIN THE LINES OF COUNTY ROAD NO. 7791.

BEARINGS AND DISTANCES FOR THIS DESCRIPTION ARE BASED ON RECORD OF SURVEY, R/S NO. 1877, FILED FEBRUARY 11, 2004, IN [BOOK 28 R.S., PAGE 76](#), ALAMEDA COUNTY RECORDS.

THIS LEGAL IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE APPROVING A LOT LINE ADJUSTMENT, CERTIFICATE NO. PLN 2017-00195, RECORDED DECEMBER 04, 2017, AS INSTRUMENT NO. [2017266401](#) OF OFFICIAL RECORDS.

[APN](#): Portions of 425-0280-005 and 425-0280-006