



PLACER, County Recorder

JIM MCCAULEY

DOC- 2004-0148058

Thursday, NOV 04, 2004 12:39:13

NOC \$0.00

Ttl Pd \$0.00

Nbr-0001179954

J1f/JL/2-16

RECORDING REQUESTED BY:

Don Phipps
Auburn Valley Community Services District
9009 Upper Valley Road
Auburn, Ca. 95602

MAIL RECORDED COPY TO:

Don Phipps
Auburn Valley Community Services District
9009 Upper Valley Road
Auburn, Ca. 95602

APN: 026-370-041

**MODIFICATION OF AGREEMENT GRANTING AN EASEMENT
FOR THE SUBSURFACE DISPOSAL OF TERTIARY TREATED WASTEWATER**

THIS MODIFICATION OF AGREEMENT is entered into this 6th day of January 2003, by and between the Auburn Valley Community Services District ("District") and the Auburn Valley Country Club ("Club").

WHEREAS, the District and Club have agreed to modify the Agreement granting an easement for the subsurface disposal of tertiary treated wastewater previously executed by the parties on March 19, 2001;

WHEREAS, the parties have specifically agreed to include as part of the original easement granted to District the area specifically identified as Area Q as described in Minor Use Permit EIAQ3639;

NOW THEREFORE, the parties agree to modify the original Agreement granting an easement between the parties as follows:

1. Additional Easement

- 1.1 In addition to the areas specifically defined and identified in the original Deed of Easement by Exhibit A attached to and incorporated in the original Agreement granting an easement, the parties hereby agree that the easement granted to the District shall include the area specifically identified as Area Q as described in Minor Use Permit EIAQ3639 and as further identified and described in maps and descriptions in the July 2,

9/9

2001 report on wastewater discharge and specifically identified as Area Q in that document. The July 2, 2001 report on wastewater discharge with the map and description setting forth Area Q is incorporated herein by reference and a copy is available through the Auburn Valley Community Services District. Minor Use Permit IEAQ3639 describing Area Q is attached hereto and incorporated herein by reference.

2. Term – Deed of Easement

- 2.1 The Deed of Easement, Exhibit A attached hereto and incorporated herein by this reference shall be recorded in the public records and the easement may be terminated by mutual agreement of the parties and recordation of other easements thereafter. The easement may not be treated as abandoned, at any time, for any reason unless and until District provides written notice to Club that the District intends to and has abandoned the easement.

3. Recording of Agreement

- 3.1 District shall record a copy of this Modification of Agreement and shall record the Deed of Easement, in the form set forth in Exhibit A attached hereto, in the Official Records of Placer County.

4. Original Terms Remain Effective

- 4.1 This modification of Agreement does not supercede the original Agreement between the parties and only modifies the Agreement as specifically set forth herein. All other terms and conditions of the original Agreement between the parties, dated March 19, 2001 remain in full force and effect and are not modified by this Agreement. The parties intend to and have modified the original Agreement only to include Area Q as described above as part of the easement granted to the District.

5. Authorization

- 5.1 Each person executing this Modification of Agreement represents that the execution of this Modification of Agreement has been duly authorized by the party on whose behalf the person is executing the Modification of Agreement and that such person is authorized to execute the Modification of Agreement on behalf of such party.

6. Execution of Modification of Agreement

This Agreement shall not be executed in counterparts and all signatures must be notarized to facilitate recording of this Modification of Agreement.

IN WITNESS WHEREOF, the District has caused this Modification of Agreement to be properly executed and Club has caused this Agreement to be properly executed, as of the date herein above set forth.

Auburn Valley Community Services District

By: [Signature]
Don Phipps, President Board of Directors

State of California }
County of Placer } ss.

On this 6th day of January, 2003, before me Dawn Cohn
the undersigned Notary Public, personally appeared Don Phipps who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacities, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal.

Dawn Cohn



Auburn Valley Country Club

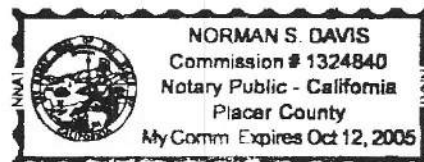
By: [Signature]

State of California }
County of Placer } ss.

On this 9th day of JANUARY, 2003, before me NORMAN S. DAVIS
the undersigned Notary Public, personally appeared C.S. HUNTLEY JR.
who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacities, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal.

[Signature]



DEED OF EASEMENT

Auburn Valley Country Club, a California Corporation, as Grantor hereby grants to Auburn Valley Community Services District, a Public Agency organized under the laws of the State of California as Grantee, the following easement on real property in the County of Placer, State of California, more specifically described as:

A portion of real property constituting the Auburn Valley Country Club, Placer County, California, an easement for installation and maintenance of a system for the subsurface disposal of tertiary treated wastewater, including lines, utilities, pipes and other components of a subsurface tertiary treated wastewater disposal system. Said easement includes the original non-exclusive easement to travel on or to pass over Auburn Valley Country Club property adjacent to the designated easements for the purpose of constructing, installing and maintaining the subsurface disposal system. The legal description is more specifically set forth, shown and described in a map identified as Exhibit 1 to the original Deed of Easement and by way of this Deed of Easement includes Area Q as described in Minor Use Permit EIAQ3639 and paragraph 1.1 of the parties' Modification of Agreement granting an easement for the subsurface disposal of tertiary treated wastewater recorded in the public records of Nevada County, all incorporated herein by this reference. District to have and to hold the original easements, and the additional easement over Area Q for the purposes designated, together with the right of ingress and egress.

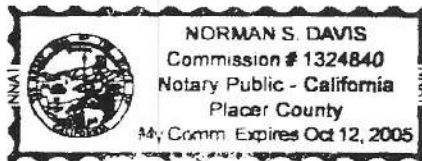
Auburn Valley Country Club

By: C. S. Huntley Jr.

State of California }
County of Placer } ss.

On this 9th day of JANUARY, 2003, before me NORMAN S. DAVIS the undersigned Notary Public, personally appeared C. S. HUNTLEY JR. who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacities, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal.





PLACER COUNTY PLANNING DEPARTMENT

11414 "B" Avenue, Auburn, CA 95603

(530) 889-7470 FAX (530) 889-7499

Web Page: <http://placer.ca.gov/planning> E-Mail: planning@placer.ca.gov

SUPPLEMENTAL ENTITLEMENT DETAIL
CONDITIONAL USE PERMIT/MINOR USE PERMIT

Required maps: (see instructions) Required applications: 1 Filing fee: \$1,535.00 EVAR-3439
Hearing Date _____ Receipt # 24126 File # CUP- _____ MUP- 27666

TO BE COMPLETED BY THE APPLICANT

- Project Name AUBURN VALLEY CSD WASTEWATER TREATMENT & EFFLUENT DISP.
- Applicant AUBURN VALLEY COMMUNITY SERVICES DISTRICT
- Project Description REDIRECT WASTEWATER FLOW TO A NEW WWT. TO BE
INSTALLED BEHIND EXISTING MAINTENANCE BUILDING. EFFLUENT WILL
BE DIRECTED TO THREE (3) SUBSURFACE IRRIGATION DISPOSAL
AREAS WITHIN THE "ROUGH" AREA of 18th FAIRWAY.
PLEASE SUBMIT WELL DETAILED PLOT PLAN (see instructions for requirements)
- Assessor's Parcel Number(s) 026-370-041 & 040
- Applicable County Code section requiring C.U.P. 17.50.030.B

Mark Kahl P.E.
PRINCIPAL ENGINEER Signature of Applicant
FH TECHNICAL SERVICES GROUP

DECISION OF HEARING BODY

On 1-17-02, the ~~Planning Commission~~ Zoning Administrator approved ~~this~~ this application subject to the attached list of 12 ~~findings~~ conditions.

Adrian Rymore, ZA

INDEMNIFICATION AGREEMENT: I, the Applicant, will defend, indemnify, and hold harmless the County from any defense costs, including attorneys' fees or other loss connected with any legal challenge brought as a result of an approval concerning this Entitlement. I also agree to execute a formal agreement to this effect on a form provided by the County and available for my inspection

SIGNATURE OF APPLICANT _____

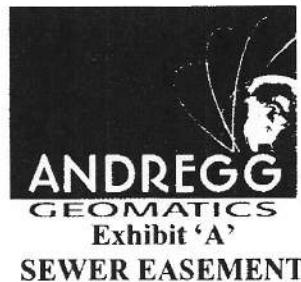
PERMITS GRANTED FOR AN INDEFINITE PERIOD AUTOMATICALLY EXPIRE 24 MONTHS AFTER DATE OF ISSUANCE IF NOT EXERCISED BY THAT TIME, AS PROVIDED BY SECTION 20.160(B)(1) OF THE PLACER COUNTY ZONING ORDINANCE.

FOR USE AFTER PUBLIC HEARING

I have read the above/attached conditions and will comply
PLEASE RETURN ONE SIGNED COPY

Signature of Applicant

October 27, 2004



A portion of the tract of land described in the Grant Deed to Loustalot Markovich & Associates Recorded in Volume 3201 at Page 01. Official Records of Placer County, located in Section 1, Township 13 North, Range 07 East, M.D.M., Placer County, California.

An easement for sewer purposes and appurtenances thereto on, over, under and across a strip of land having a right angle width of ten (10.00) feet lying five (5.00) feet on each side of the following described centerline:

AREA "A"

Beginning at a point on the Westerly line of the above described lands of Harvego and from said point of beginning a two inch diameter iron pipe marking the Northwest corner of the above described Section 1 bears North 11°54'51" West for a distance of 3355.25 feet, thence from the point of beginning leaving said Westerly line the following eighteen (18) consecutive courses and distances:

- 1) South 54°16'27" East for a distance of 14.32 feet;
- 2) South 46°02'41" East for a distance of 10.00 feet;
- 3) South 35°34'44" East for a distance of 45.34 feet;
- 4) South 24°07'04" East for a distance of 99.84 feet;
- 5) South 30°51'35" East for a distance of 36.36 feet;
- 6) South 41°10'14" East for a distance of 27.79 feet;
- 7) South 48°59'49" East for a distance of 40.23 feet;
- 8) South 56°00'33" East for a distance of 140.00 feet;
- 9) South 51°47'49" East for a distance of 54.89 feet;
- 10) South 48°22'00" East for a distance of 27.73 feet;
- 11) South 39°55'13" East for a distance of 48.05 feet;
- 12) South 88°59'58" East for a distance of 301.33 feet;
- 13) North 75°20'37" East for a distance of 141.46 feet;
- 14) North 52°51'56" East for a distance of 37.48 feet;
- 15) North 29°13'41" East for a distance of 23.48 feet;
- 16) North 09°56'25" East for a distance of 179.17 feet, to a point hereinafter referred to as "Point A";
- 17) North 20°12'09" East for a distance of 115.03 feet; and
- 18) North 32°22'52" East for a distance of 127.12 feet to a point on the Westerly line of Auburn Valley Road as shown and so designated on the Plat of Auburn Valley Subdivision Unit No. 1 filed in Book 6 of Maps at Page 21, Placer County Records, and the terminus of said easement.

Note: The sidelines of the above described strip of land shall be lengthened or shortened, as the case may be, to end in the property lines of the Grantors named herein.

AREA "B"

Beginning at the aforementioned "Point A"; thence North $66^{\circ}02'59''$ West for a distance of 50.21 feet and the terminus of said easement.



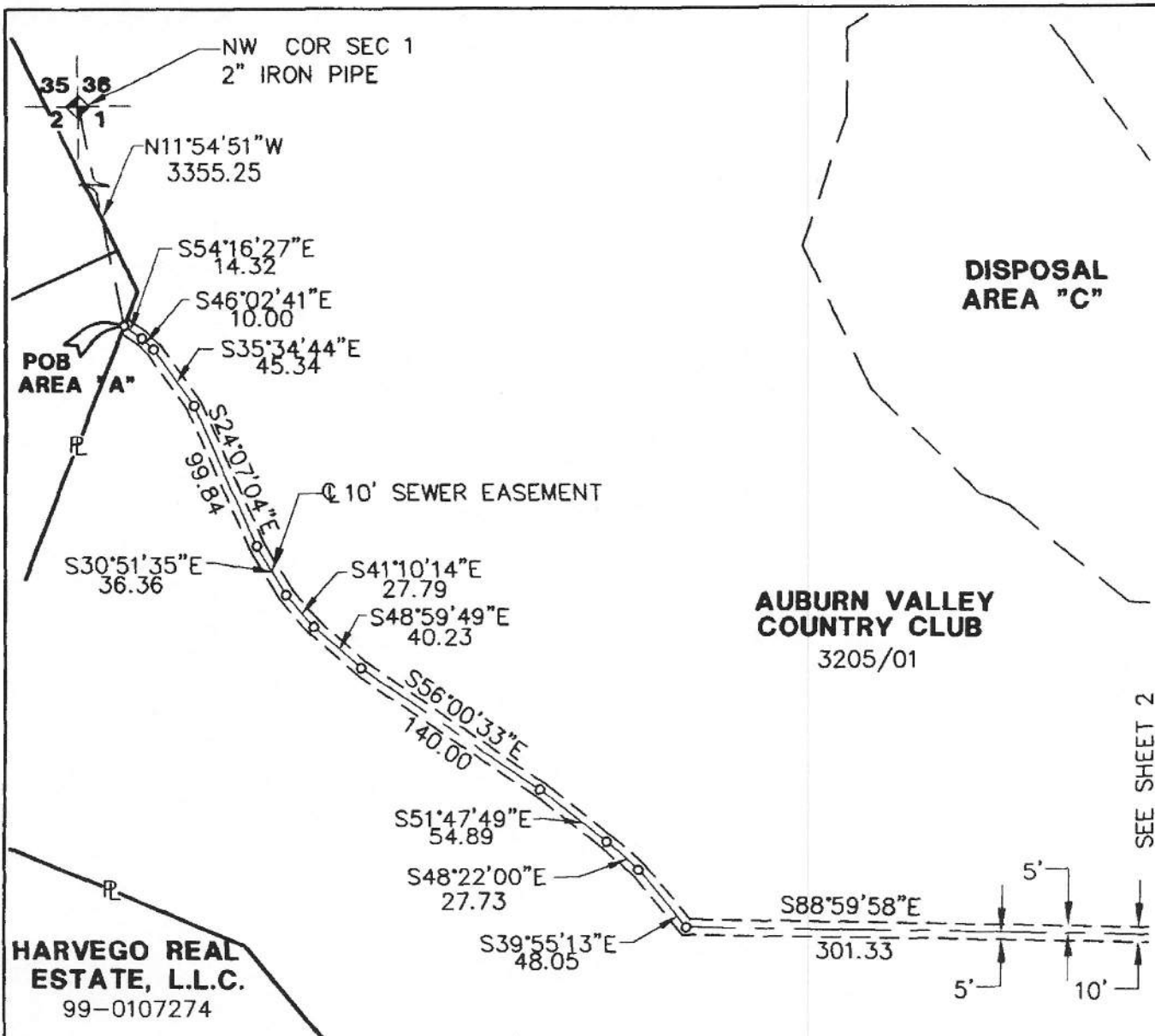
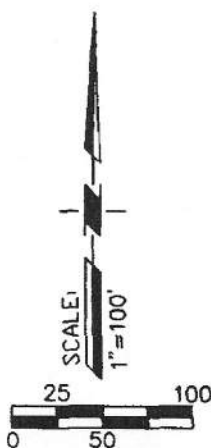


EXHIBIT "B"
GRANT OF SEWER
EASEMENT
AVCC TO AVCSD

A PORTION OF
 SECTION 1, T.13 N., R.7 E., M.D.M.
 PLACER COUNTY, CALIFORNIA
 SCALE: 1"=100' OCTOBER 27, 2004

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GEOMATICS
 www.andregg.com
 800-400-7072



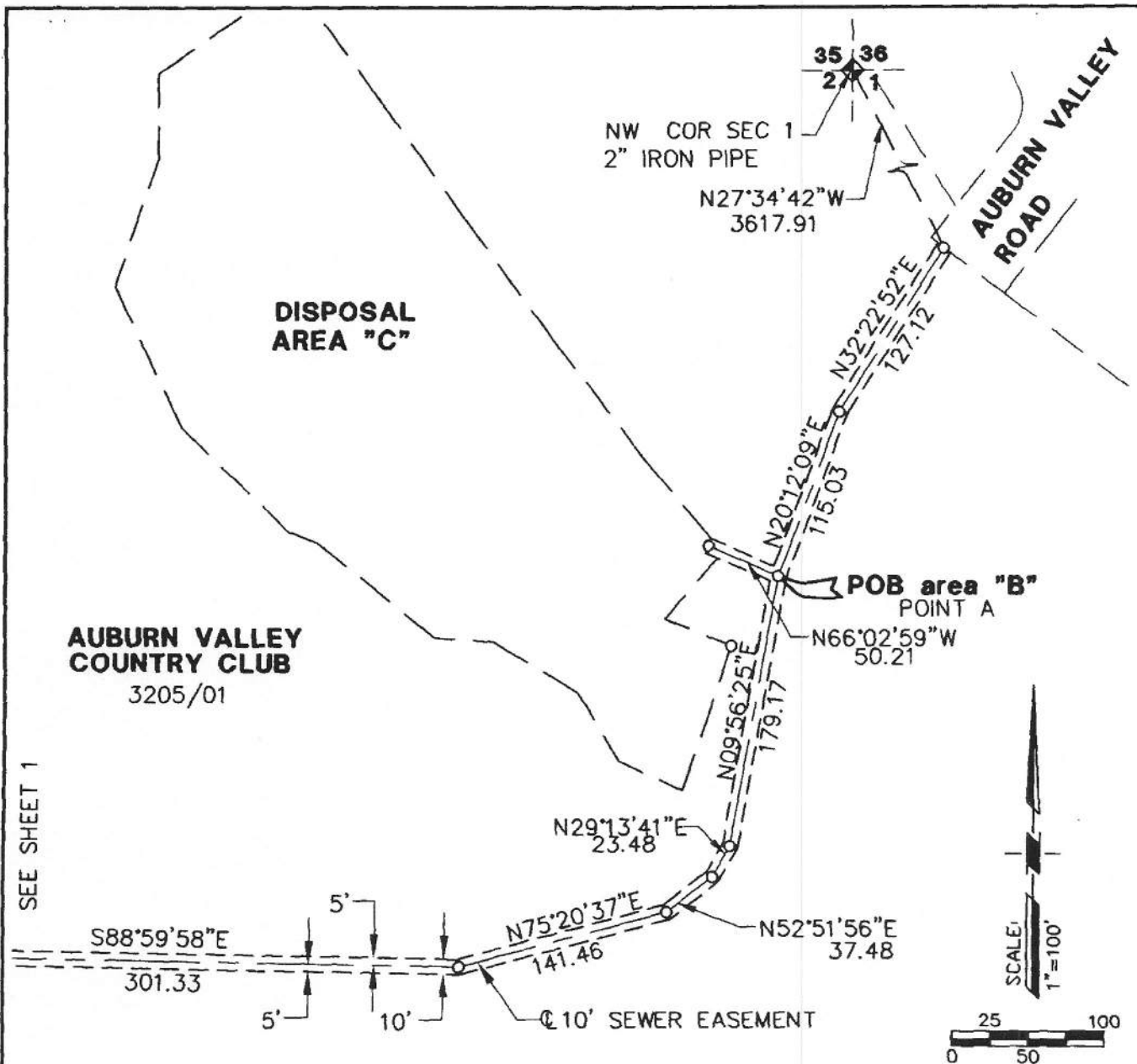


EXHIBIT "B"
GRANT OF SEWER EASEMENT
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A PORTION OF
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 PLACER COUNTY, CALIFORNIA
 SCALE: 1"=100' OCTOBER 27, 2004

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October 27, 2004

Exhibit 'A'
DISPOSAL EASEMENT- AREA C

A portion of the tract of land described in the Grant Deed to Loustalot Markovich & Associates Recorded in Volume 3201 at Page 01. Official Records of Placer County, located in Section 1, Township 13 North, Range 07 East, M.D.M., Placer County, California.

Beginning at the Northerly most corner of the tract of land to be described hereby, and from said point a two inch diameter iron pipe marking the Northwest corner of the above described Section 1 bears North 22°21'50" West for a distance of 3278.89 feet; thence from the point of beginning the following fifteen (15) consecutive courses and distances:

- 1) South 37°09'00" East for a distance of 468.97 feet;
- 2) South 40°46'11" West for a distance of 57.99 feet;
- 3) South 68°11'13" East for a distance of 46.99 feet;
- 4) South 18°31'59" East for a distance of 99.81 feet;
- 5) North 65°26'00" West for a distance of 45.77 feet;
- 6) North 31°25'00" West for a distance of 52.42 feet;
- 7) North 59°14'10" West for a distance of 65.16 feet;
- 8) North 86°18'35 West for a distance of 38.97 feet;
- 9) North 51°08'17 West for a distance of 99.14 feet;
- 10) North 67°53'14 West for a distance of 19.34 feet;
- 11) North 46°17'57 West for a distance of 97.69 feet;
- 12) North 25°32'56 West for a distance of 102.72 feet;
- 13) North 18°51'35 East for a distance of 88.03 feet,
- 14) NORTH for a distance of 56.03 feet; and
- 15) North 55°13'43" East for a distance of 107.34 feet; to the point of beginning.

Containing 2.25 acres, more or less.



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NW COR SEC 1
2" IRON PIPE

AUBURN VALLEY
COUNTRY CLUB INC.
3205/01

NORTH
56.03

DISPOSAL
EASEMENT
AREA "C"
2.25 ACRES±

N67°53'14"W
19.34

S40°46'11"W
57.99

S68°11'13"E
46.99

N86°18'35"W
38.97

N31°25'00"W
52.42

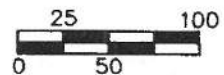
N65°26'00"W
45.77

EXHIBIT "B"
**DISPOSAL EASEMENT
AREA "C"**

POR. SECTION 1, T.13 N., R.7 E., M.D.M.
PLACER COUNTY, CALIFORNIA

SCALE: 1"=100' OCTOBER 27, 2004

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October 27, 2004

Exhibit 'A'
DISPOSAL EASEMENT-AREA H

A portion of the tract of land described in the Grant Deed to Loustalot Markovich & Associates recorded in Volume 3201 at Page 01, Official Records of Placer County, located in Section 1, Township 13 North, Range 07 East, M.D.M., Placer County, California, described as follows:

Beginning at a point on the Westerly line of the above described lands of Markovich, and from said point a two inch diameter iron pipe marking the Northwest corner of said Section 1 bears North 07°28'56" West for a distance of 2456.62 feet, thence from the point of beginning the following fourteen (14) consecutive courses and distances:

- 1) North 16°21'07" East for a distance of 156.94 feet;
- 2) North 15°08'16" East for a distance of 136.65 feet;
- 3) South 16°43'06" West for a distance of 377.74 feet;
- 4) South 59°30'12" East for a distance of 12.26 feet;
- 5) South 17°26'55" West for a distance of 181.47 feet;
- 6) South 00°43'05" East for a distance of 200.55 feet;
- 7) South 01°51'47" East for a distance of 189.81 feet;
- 8) South 19°47'06" East for a distance of 219.26 feet;
- 9) South 25°45'46" West for a distance of 19.93 feet;
- 10) North 55°39'21" West for a distance of 265.15 feet;
- 11) North 36°04'19" East to a point on the west line of said tract of land, for a distance of 38.35 feet, thence
- 12) North 14°52'24" East along said west line for a distance of 27.65 feet;
- 13) North 55°39'21" West leaving said West line for a distance of 12.27 feet, and
- 14) North 55°39'21" West for a distance of 3.13 feet, to the point of beginning.

Containing 1.28 acres more or less



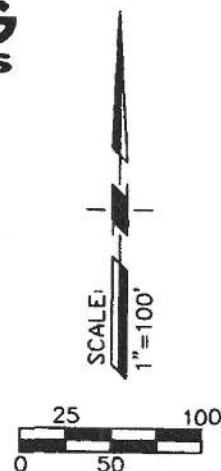
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**AUBURN VALLEY
COUNTRY CLUB INC.
3205/01**



**A PORTION OF
SECTION 1, T.13 N., R.7 E., M.D.M.
PLACER COUNTY, CALIFORNIA
SCALE: 1"=100' OCTOBER 27, 2004**

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GEOMATICS
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800-400-7072





October 27, 2004

Exhibit 'A'
DISPOSAL AND SEWER EASEMENT

A portion of the tract of land described in the Grant Deed to Loustalot Markovich & Associates recorded in Volume 3201 at Page 01, Official Records of Placer County, located in Section 1, Township 13 North, Range 07 East, M.D.M., Placer County, California, described as follows:

AREA "Q"

Beginning at the Northwestern corner of the tract of land to be described hereby, and from said point a two inch diameter iron pipe marking the Northwest corner of the above described Section 1 bears North $37^{\circ}10'34''$ West for a distance of 1509.76 feet, thence from the point of beginning the following ten (10) consecutive courses and distances:

- 1) South $86^{\circ}34'03''$ East for a distance of 168.14 feet;
- 2) South $13^{\circ}29'37''$ West for a distance of 187.98 feet;
- 3) South $24^{\circ}11'35''$ West for a distance of 196.15 feet;
- 4) North $63^{\circ}31'19''$ West for a distance of 18.85 feet;
- 5) North $02^{\circ}35'45''$ East for a distance of 38.35 feet;
- 6) North $37^{\circ}05'30''$ West for a distance of 139.67 feet;
- 7) North $23^{\circ}11'57''$ East for a distance of 83.36 feet;
- 8) North $54^{\circ}42'19''$ West for a distance of 19.32 feet, to a point hereinafter referred to as Point "A";
- 9) North $54^{\circ}42'19''$ West for a distance of 8.65 feet; and
- 10) North $20^{\circ}44'48''$ East for a distance of 129.24 feet to the point of beginning.

Containing 1.12 acres, more or less

AREA "B"

An easement for sewer purposes and appurtenances thereto on, over, under and across a strip of land having a right angle width of ten (10.00) feet lying five (5.00) feet on each side of the following described centerline:

Beginning at the aforementioned "Point A" thence WEST for a distance of 254.31 feet to a point on the Westerly line of the above described lands of Markovich and the terminus of said easement.

Note: The sidelines of the above described strip of land shall be lengthened or shortened, as the case may be, to end at the Westerly terminus at the Westerly line of the above-described in lands of Markovich and the Westerly line of the above described "Area Q".

Containing 1,878 sq. ft. more or less.



35 36
2 1 NW COR SEC 1
2" IRON PIPE

N57°10'34"W
1509.76
(TIE)

AUBURN VALLEY
COUNTRY CLUB INC.
3205/01

POB AREA "Q"

S86°34'03"E 168.14

N20°44'48"E 129.24

N54°42'19"W
8.65

POB AREA "B"
POINT A

N54°42'19"W
19.32

S13°29'37"W 187.98

HARVEGO REAL
ESTATE, L.L.C.
99-107274 ORPC

WEST

10' SEWER EASEMENT

EXHIBIT "B"

DISPOSAL EASEMENT
AREA "Q"

SECTION 1, T.13 N., R.7 E., M.D.M.
PLACER COUNTY, CALIFORNIA

SCALE: 1"=60' OCTOBER 27, 2004

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N02°35'45"E
38.35

N63°31'19"W
18.85

DISPOSAL
EASEMENT
AREA "Q"
1.12 ACRES±

SCALE:
1"=60'

0 15 30 60

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