

3267

94071596 TRASH RECEPTACLE EASEMENT

W.G. Roberts Oil Company ("Grantor") and Westland Development Co., Inc. ("Grantee") hereby execute this easement agreement in compliance with Article 3 of the Addendum to Real Estate Purchase Contract between the parties dated March 9, 1994.

The parties agree as follows:

A. Grantor hereby grants and conveys an easement to Westland or its successor owners of Tract B-1 for the use of and access to a trash receptacle area which Grantor agrees to locate within (50') fifty feet of its south boundary which is the northern boundary of Tract B-1, as identified on Exhibit "A" attached hereto and titled "Plan of Tract A-1 and B-1, Mariposa Square" being Sheet 2 of 2 dated May 18, 1994.

B. Grantor further agrees that as part of said easement to Grantee or its successors that Grantor will locate and place a trash receptacle of sufficient capacity for the use and benefit of Tracts A-1 & B-1 to be generally located in the southern fifty feet of Tract A-1 but in no event shall Grantor or its successor owners of Tract A-1 be obligated to provide a receptacle for the use by owners of Tract B-1 with more than a 8 cubic yard capacity. Grantor agrees to execute any necessary documents to ratify this easement upon the request of Grantee or any subsequent owner of Tract B-1. The easement shall run with the Land.

C. The cost of garbage collection will be shared on an equal basis (50/50) by the owners of Tract B-1 and Tract A-1, commencing when Tract B-1 has developed and an occupancy certificate issued. Grantor and its successor owners of Tract A-1 shall be liable for the cost to construct and maintain the receptacle and receptacle area. Grantor or its successors further grants the owner(s) of B-1 the right of access from the 24 foot

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Pick D

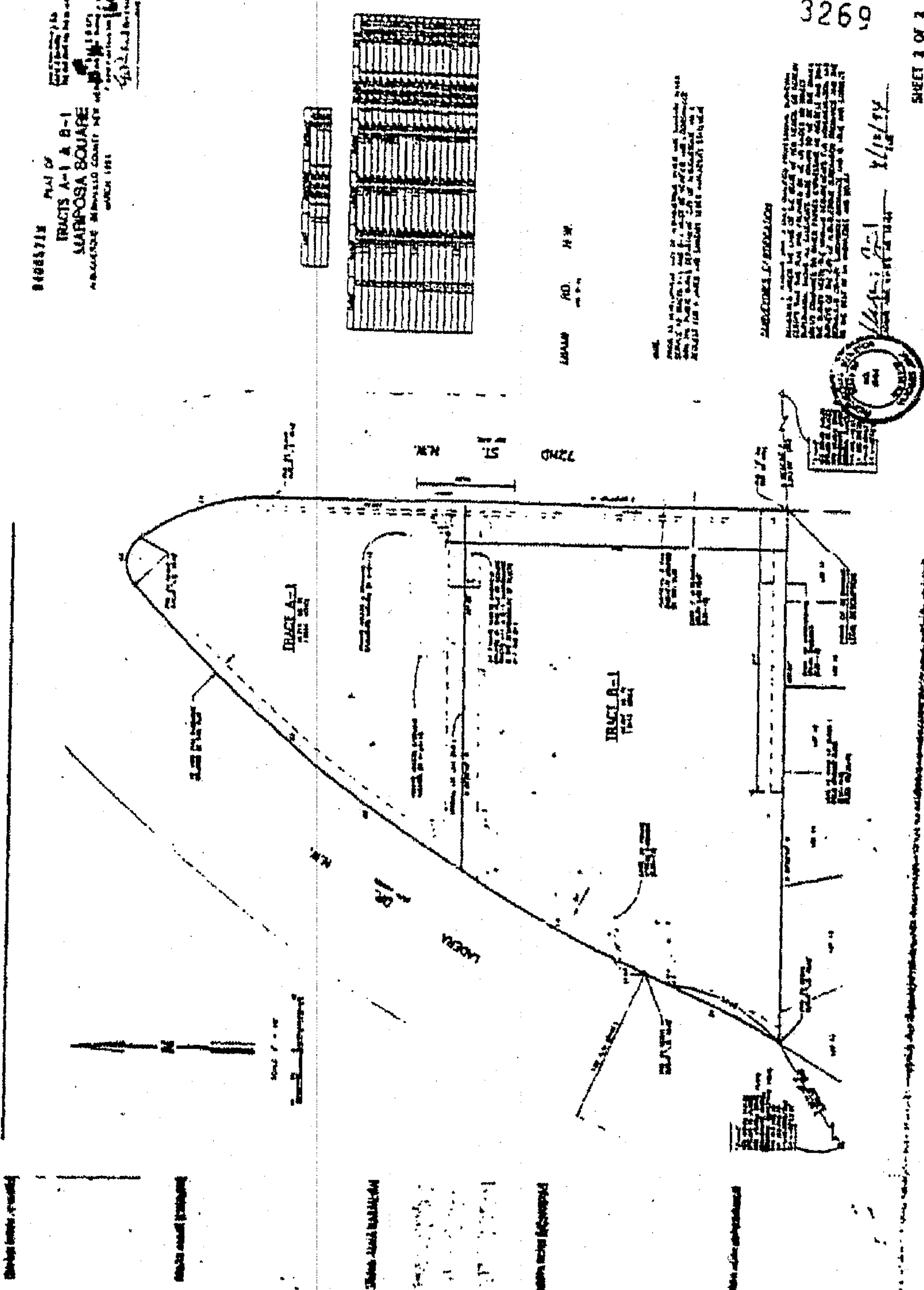
RGCO II-32273

Exhibit "A"

REGISTER PLAN OF
TRACTS A-1 & B-1
MARIPOSA SQUARE
ADJACENT MARIPOSA COURT NE
CITY OF SAN JOSE
JANUARY 1981

3269

SHEET 2 OF 2



LEGEND

EXISTING BUILDING
PROPOSED BUILDING
EXISTING DRIVEWAY
PROPOSED DRIVEWAY
EXISTING FENCE
PROPOSED FENCE
EXISTING UTILITY
PROPOSED UTILITY

ADJACENT PROPERTY

ADJACENT PROPERTY
EXISTING DRIVEWAY
PROPOSED DRIVEWAY
EXISTING FENCE
PROPOSED FENCE
EXISTING UTILITY
PROPOSED UTILITY



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