

RECORDING REQUESTED BY:

County of Nevada

AND WHEN RECORDED MAIL TO:

Stradling Yocca Carlson & Rauth
44 Montgomery Street, Suite 4200
San Francisco, California 94102
Attn: Sean B. Absher

OFFICIAL STATE BUSINESS – EXEMPT FROM
RECORDING FEES PURSUANT TO GOV'T
CODE SECTION 27383 AND DOCUMENTARY
TRANSFER TAX PURSUANT TO REVENUE
AND TAXATION CODE SECTION 11922

SPACE ABOVE FOR RECORDER'S USE

FIRST AMENDMENT TO AGREEMENT AND GRANT OF EASEMENT

THIS FIRST AMENDMENT TO AGREEMENT AND GRANT OF EASEMENT (this "Amendment") is made and entered into by and among the COUNTY OF NEVADA, a county and political subdivision of the State of California organized and existing under and by virtue of the laws of the State of California, as grantor (the "County") and CVIN, LLC, a California limited liability company, as grantee ("CVIN") and is dated December 1, 2019 for reference purposes only.

RECITALS

WHEREAS, the County is the owner of real property that is legally described in Exhibit A attached hereto and incorporated herein by this reference (the "County Property"); and

WHEREAS, the County, as grantor, and CVIN, as grantee, entered into that certain Agreement and Grant of Easement dated April 23, 2013 (the "Original Easement Agreement") and recorded May 15, 2013 as Document No. 2013-0013963 of Official Records of Nevada County, whereby the County granted to CVIN a non-exclusive easement (the "Easement") over a portion of the County Property, as legally described in Exhibit B, attached hereto and incorporated herein by this reference (the "Original Easement Area") with rights of ingress and egress over and across the Original Easement Area sufficient to allow CVIN to construct, install, own, manage, operate, maintain, repair, or replace from time to time an underground conduit and fiber cable for telecommunication facilities and all other appurtenant equipment for CVIN's multi-county transmission systems, including above ground markers, under, along, through and upon the Original Easement Area (the "Improvements"); and

WHEREAS, the County has determined that CVIN's use of the Original Easement Area further to the Easement will interfere with the County's future development of the Original Easement Area and desires that CVIN relocate the Easement and Improvements to that portion of the County

Property as legally described in Exhibit C, attached hereto and incorporated herein by this reference (the "New Easement Area"); and CVIN is willing to relocate the Easement and the Improvements to the New Easement Area; and

NOW THEREFORE, for value consideration, the receipt and sufficiency of which are hereby acknowledged, the County and CVIN agree as follows:

1. Amendment of Original Easement Area. CVIN agrees the Original Easement Area is amended to mean the New Easement Area as legally described in Exhibit C, attached hereto. All references in the Original Easement Agreement to the Original Easement Area shall mean the New Easement Area.

2. No Relocation Costs or Expenses. The County and CVIN acknowledge and agree the Improvements are located within the New Easement Area and this Amendment shall be at no cost or expense to the County.

3. Quitclaim of Interest in Original Easement Area. CVIN acknowledges and agrees that as of the "Effective Date," (as defined below), CVIN shall have no right, title or interest in the Original Easement Area and hereby quitclaims to the County all of its right, title or interest in the Original Easement Area to the County as of the Effective Date. The County accepts the quitclaim of the Original Easement Area as set forth in the attached Certificate of Acceptance.

4. Miscellaneous.

4.1 Effective Date. The Effective Date of this Amendment shall be the date this Amendment is fully executed by the parties.

4.2 Binding Effect. This Amendment shall be binding on and shall inure to the benefit of the County and its successors and assignees.

4.3 Recordation of Amendment. This Amendment shall be recorded in the Official Records of Nevada County, State of California.

4.4 Entire Agreement; Amendments. This Amendment contains the entire agreement of the parties hereto relating to the relocation of the Original Easement Area to the New Easement Area. Any representations or modifications concerning this Amendment shall be of no force and effect, excepting a subsequent modification in writing, signed and approved by the authorized representatives of the County and CVIN and recorded in the Official Records of Nevada County, State of California.

4.5 Warranty of Authority. The County and CVIN each represents and warrants as of the Effective Date that it has full power and authority to enter into this Amendment.

4.6 Counterparts. This Amendment may be signed in multiple counterparts which, when signed by all parties, shall constitute a binding agreement.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the undersigned has caused this Amendment to be executed as below subscribed.

COUNTY OF NEVADA, *as Grantor*

By: _____
Name: _____
Title: _____
Date: _____

Attest:

By: _____
Name: _____
Title: Clerk of the Board
Date: _____

CVIN, LLC, a California limited liability company, *as Grantee*

By: _____
Name: _____
Title: _____
Date: _____

STATE OF CALIFORNIA)
)
COUNTY OF NEVADA) ss.

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.

WITNESS my hand and official seal

/4835-8236-6126v1/200496-0004

STATE OF CALIFORNIA)
)
COUNTY OF _____) ss.

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.

WITNESS my hand and official seal

/4835-8236-6126v1/200496-0004

EXHIBIT A

Legal Description of County Property

All that portion of the Northeast Quarter of Section 12 and the Southeast Quarter of Section 1, Township 16 North, Range 8 East, M.D.B.&M., more particularly described as follows:

Beginning at a point on the northerly section line of said Section 12, from which the North Quarter Corner of said Section 12 bears South 86° 40' 36" West, 582.33 feet; THENCE FROM SAID POINT OF BEGINNING, South 7° 28' 33" West, 279.38 feet; thence, South 17° 45' 10" East, 230.45 feet; thence, North 72° 14' 50" East, 154.21 feet; thence, South 17° 45' 10" East, 66.75 feet; thence, North 72° 14' 50" East, 101.00 feet; thence, North 17° 45' 10" West, 66.75 feet; thence, North 72° 14' 50" East, 29.54 feet, to a curve to the left with a radius of 124.50 feet; thence, along said curve, through a central angle of 90° 00' 00", for a length of 195.56 feet; thence, North 17° 45' 10" West, 284.02 feet to a point on the northerly section line of said Section 12; thence, along said section line, North 86° 40' 36" East, 69.58 feet; thence, leaving said section line, South 17° 39' 07" East, 267.45 feet; thence, North 86° 30' 00" East, 191.56 feet; thence, South 13° 00' 00" West, 54.88 feet; thence, South 60° 15' 00" East, 82.95 feet; thence, South 47° 01' 00" West, 70.97 feet, to a curve to the left with a radius of 100.00 feet; thence, along said curve, through a central angle of 28° 22' 00", for a length of 49.51 feet; thence, South 18° 39' 00" West, 128.84 feet, to a curve to the left with a radius of 100.00 feet; thence, along said curve, through a central angle of 30° 32' 00", for a length of 53.29 feet; thence, South 11° 53' 00" East, 100.08 feet; thence, North 77° 39' 05" West, 18.89 feet; thence, South 2° 33' 39" West, 149.95 feet, to a point on the northerly right-of-way line of State Highway 49; thence, along said right-of-way line, South 70° 33' 40" West, 800.00 feet, to a point on the easterly right-of-way line of Cement Hill Road; thence, along said right-of-way line, North 47° 52' 20" West, 82.20 feet; thence, North 47° 51' 00" West, 20.00 feet; thence, North 69° 46' 30" West, 120.00 feet, to a curve to the right with a radius of 150.00 feet; thence, along said curve, through a central angle of 39° 28' 30", for a length of 103.35 feet; thence, North 42° 34' 00" West, 190.74 feet; thence, North 53° 29' 26" West, 137.69 feet; thence, leaving said right-of-way line, South 89° 52' 00" East, 116.36 feet; thence, North 00° 52' 00" West, 270.72 feet; thence, South 78° 04' 00" East, 28.79 feet; thence, South 76° 36' 00" East, 119.45 feet; thence, East, 180.00 feet; thence, North 00° 08' 24" West, 441.78 feet, to a point on the northerly line of said Section 12; thence, along said section line, South 86° 40' 36" West, 107.51 feet, to a point on the southerly right-of-way line of Wet Hill Road; thence, leaving said section line and along said right-of-way line, on a non-tangent curve concave to the Northwest with a chord bearing of North 57° 47' 20" East and a radius of 2970.00 feet; thence, along said curve, through a central angle of 2° 08' 40", for a length of 111.16 feet; thence, North 58° 51' 40" East, 218.09 feet; thence, leaving said right-of-way line, South 27° 15' 00" East, 37.67 feet; thence, South 65° 25' 13" West, 5.94 feet; thence, South 24° 34' 47" East, 56.38 feet; thence, North 65° 25' 13" East, 8.57 feet; thence, South 27° 15' 00" East, 75.97 feet to the point of beginning; containing 18.21 acres, more or less.

APN 05-020-22

All that portion of the Northeast Quarter of Section 12, Township 16 North, Range 8 East, M.D.B.&M., also being a portion of Parcel 1 of that map recorded in Book 15 of Parcel Maps at page 93, Nevada County Official Records, together with that property described in Document 99-36250 of Nevada County Official Records, being a portion of the Southeast Quarter of Section 1, Township 16 North, Range 8 East, M.D.B.&M.; more particularly described as follows:

Beginning at a point on the northerly section line of said Section 12, from which the North Quarter Corner of said Section 12 bears South 86° 40' 36" West, 582.33 feet; THENCE FROM SAID POINT OF BEGINNING, along said section line, North 86° 40' 36" East, 47.38 feet; thence, leaving said section line, North 72° 24' 57" East, 66.69 feet; thence, South 38° 42' 00" West, 22.11 feet to a point on the northerly section line of said Section 12; thence, along said section line, North 86° 40' 36" East, 202.41; thence, leaving said section line, South 17° 45' 10" East, 284.02 feet, to a curve to the right with a radius of 124.50 feet; thence, along said curve, through a central angle of 90° 00' 00", for a length of 195.56 feet; thence, South 72° 14' 50" West, 29.54 feet; thence, South 17° 45' 10" East, 66.75 feet; thence, South 72° 14' 50" West, 101.00 feet; thence North 17° 45' 10" West, 66.75 feet; thence South 72° 14' 50" West, 154.21 feet; thence, North 17° 45' 10" West, 230.45 feet; thence, North 7° 28' 33" East, 279.38 feet to the point of beginning; containing 4.03 acres, more or less.

APN 05-020-23

Common Address of Premises:

950 Maidu Avenue
Nevada City, California 95959

Tax Identification Number:

05-020-22 and 05-020-23

EXHIBIT B

Legal Description of Original Easement Area

[See Attached]

CVIN-NEVADA COUNTY BOARD OF SUPERVISORS Easement Agreement

As depicted on the attached engineering drawings the CVIN Backbone will traverse through the property of the Nevada County Government Center (NCGC).

- As shown on the attached first drawing the CVIN Backbone fiber path enters the Nevada County Government Center (NCGC) property from the southwest corner of the property at Cement Hill Road and Highway 49. CVIN will construct a new fiber path to an existing NCGC vault #7. For this new construction CVIN will install (1) 1.25" conduit and (1) 4-way future path. From vault #7, CVIN will install (1) 1.25" conduit and (1) 4-way future path conduit (1) 72-count fiber inside the existing NCGC 4" conduit system ending at an existing NCGC vault #1 on the north side of the Eric Rood Administration Center.
- As depicted, CVIN will then construct a new fiber path going northwest across NCGC property to Wet Hill Road where it departs the NCGC property and enters road right-of-way. For this new construction CVIN will install (1) 1.25" conduit and (1) 4-way future path.
- As depicted on the second drawing a CVIN Equipment Cabinet will be installed on a 13'X16' slab east of the Eric Rood Administration Center. For the new fiber path from the existing NCGC vault #3 to the cabinet location and back to vault #3, CVIN will install (1) 1.25" conduit and (1) 4-way future path.
- NCGC will provide a 10-foot wide easement for all areas of new construction along the fiber path on the NCGC property.

As depicted on the first engineering drawing, CVIN will utilize the existing NCGC Data Center conduit system to connect the County Library to the CVIN Backbone.

- This Site Connection Fiber Optics Path will be used to serve the Nevada County Library, and through it, branch libraries connected to the County Library by providing connectivity to CENIC's statewide CalREN advanced service network infrastructure over the CVIN Backbone unless otherwise requested by the site. Additionally the easement may be used by CVIN to meet the open access requirements of the NTIA BTOP funding.

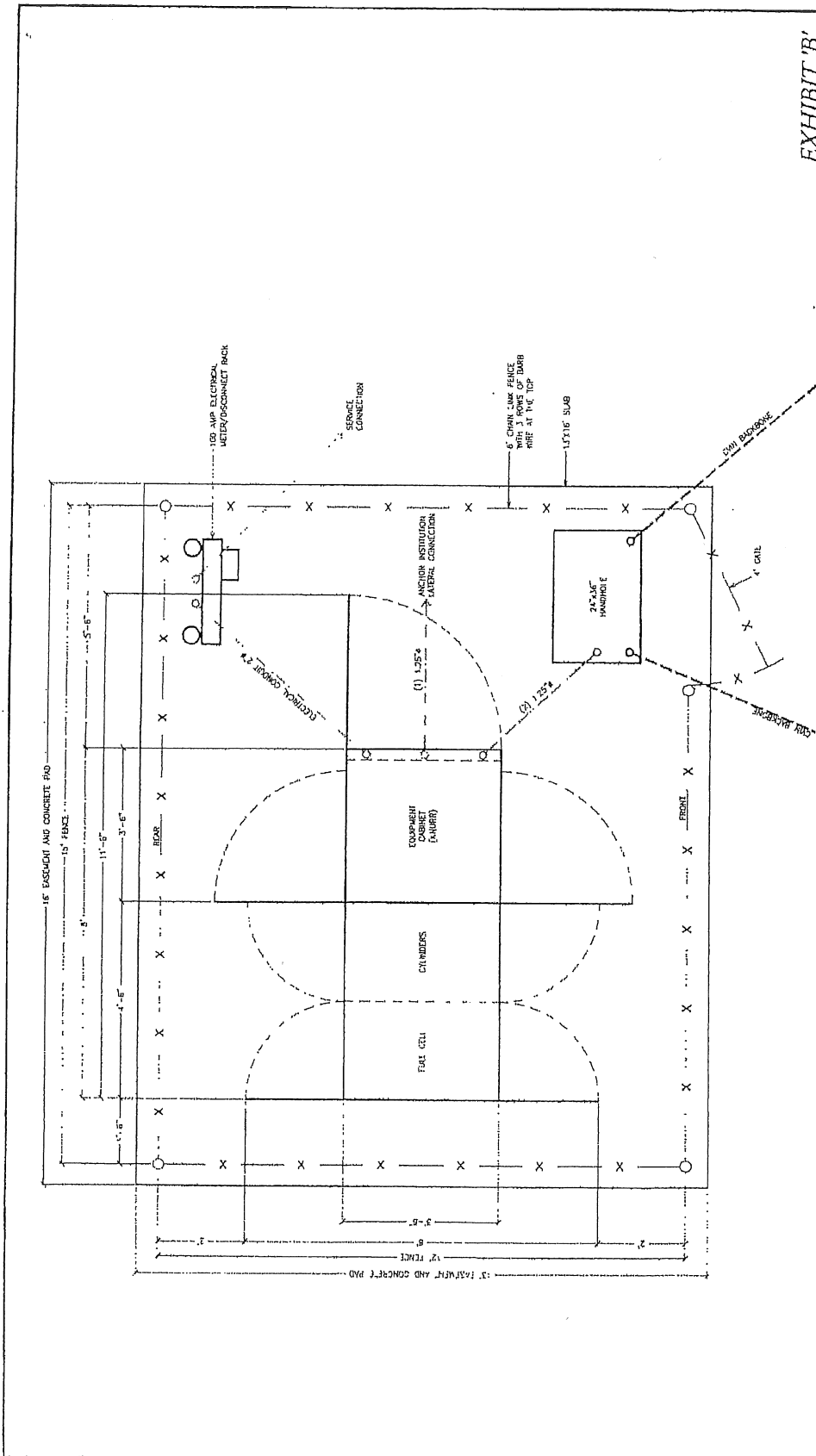


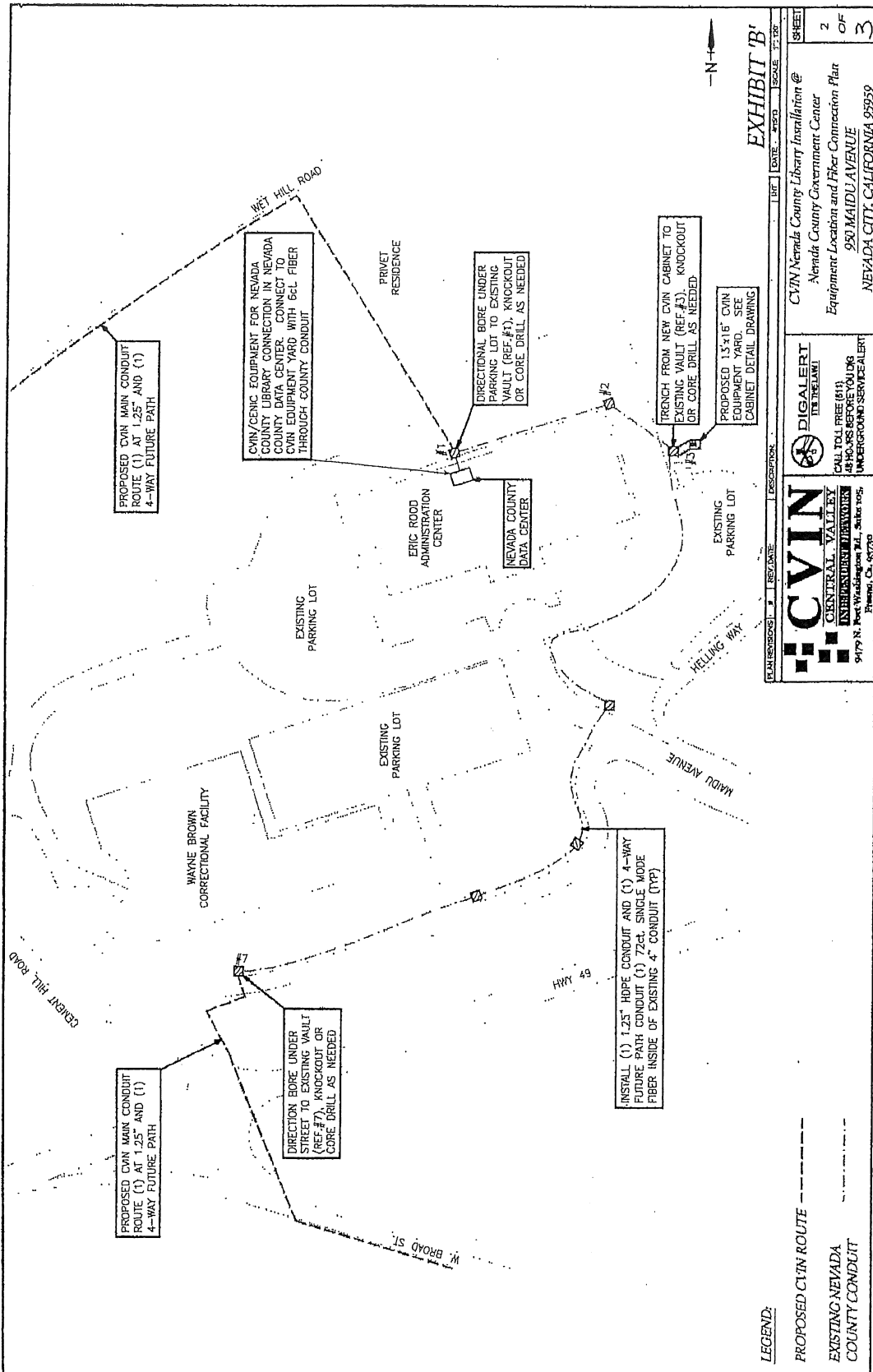
EXHIBIT 'B'

PLAN REVISIONS	REDATE	DESCRIPTION	DATE	BY	SCALE	SHEET
					1" = 20'	3 OF 3

CVIN
CENTRAL VALLEY
UNDERGROUND SERVICE ALERT
14579 N. Fort Washington Rd., Suite 105
Travis, Ca. 93729

DIGALERT
IT'S THE LAW!
CALL TOLL FREE (811)
48 HOURS BEFORE YOU DIG
UNDERGROUND SERVICE ALERT

CVIN EQUIPMENT LAYOUT
TYPICAL EASEMENT AREA



LEGEND:

PROPOSED CVIN ROUTE
EXISTING NEVADA
COUNTY CONDUIT

EXHIBIT B'

PLAN REVISIONS	DATE	DESCRIPTION	SCALE	SHEET
1	1/1/20	REVISED	1" = 100'	2
2	1/1/20	REVISED	1" = 100'	3

CVIN Nevada County Library Installation @
Nevada County Government Center
Equipment Location and Fiber Connection Plan
950 MAIDU AVENUE
NEVADA CITY, CALIFORNIA 95959

DIGALERT
CALL TOLL FREE (811)
48 HOURS BEFORE YOU DIG
UNDERGROUND SERVICE ALERT
9479 N. First Street, Suite 105,
Phoenix, AZ 85029

EXHIBIT C

Legal Description of New Easement Area

[See Attached]

A 10-foot wide Easement for Utility purposes over that real property situated within the Northwest Quarter of Section 12, Township 16 North, Range 8 East, M.D.M., within the incorporated area of the City of Nevada City, County of Nevada, State of California and being a portion of Parcel 1 as shown and designated on that certain Parcel Map NC 80-06 recorded July 9, 1981 in Book 15 of Parcel Maps at Page 93, Official Records of Nevada County, and the centerline of said easement being more particularly described as follows:

Beginning at a point on the westerly line of said Parcel 1 from which the most southerly corner of said Parcel 1 bears South 47° 52' 20" East, 38.50 feet; thence from said Point of Beginning, North 4° 00' 00" West, 79.00 feet; thence North 72° 30' 00" East, 447.00 feet to the beginning of a curve to the left and having a radius of 200.00 feet; thence along said curve through a central angle of 7° 30' 00" and an arc length of 26.18 feet; thence North 65° 00' 00" East, 55.67 feet to the beginning of a curve to the left and having a radius of 50.00 feet; thence along said curve through a central angle of 85° 00' 00" and an arc length of 74.18 feet; thence North 20° 00' 00" West, 23.08 feet to the beginning of a curve to the right and having a radius of 100.00 feet; thence along said curve through a central angle of 52° 00' 00" and an arc length of 90.76 feet; thence North 32° 00' 00" East, 80.81 feet; thence North 60° 00' 00" West, 33.71 feet to the beginning of a curve to the right and having a radius of 100.00 feet; thence along said curve through a central angle of 40° 00' 00" and an arc length of 69.81 feet; thence North 20° 00' 00" West, 18.79 feet to the beginning of a curve to the right and having a radius of 30.00 feet; thence along said curve through a central angle of 90° 00' 00" and an arc length of 47.12 feet; thence North 70° 00' 00" East, 31.40 feet to the beginning of a curve to the left and having a radius of 160.00 feet; thence along said curve through a central angle of 70° 00' 00" and an arc length of 195.48 feet; thence the following five (5) consecutive courses: 1) North 0° 00' 00" East, 80.00 feet, 2) North 60° 00' 00" West, 101.77 feet, 3) South 72° 30' 00" West, 230.00 feet, 4) North 31° 30' 00" West, 235.85 feet, and 5) North 27° 15' 00" West, 194.39 feet to the north line of said Parcel 1 and the termination of said easement.

The sidelines of said easement to terminate at the northerly line and southwesterly line of said Parcel 1.

The herein described easement contains an area of 21,150 square feet, more or less.

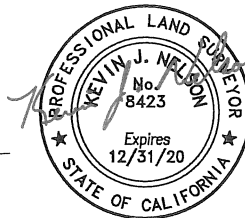
The herein described easement is shown on Exhibit "B" attached hereto and made a part hereof.

This description has been prepared by me, or under my direct supervision, in conformance with the Professional Land Surveyors Act, on November 30, 2019.

Kevin J. Nelson

Kevin J. Nelson, P.L.S. 8423
Expires 12-31-2020





NELSON
ENGINEERING
Civil Engineering, Surveying & Land Planning
14028 Camas Court
Palm Valley, CA 95546
(530) 432-4818
www.nelsoneng.com

Line Table		
Line #	Direction	Length
L1	N.4°00'00"W.	79.00'
L2	N.72°30'00"E.	447.00'
L3	N.65°00'00"E.	55.67'
L4	N.20°00'00"W.	23.08'
L5	N.32°00'00"E.	80.81'
L6	N.60°00'00"W.	33.71'
L7	N.20°00'00"W.	18.79'
L8	N.70°00'00"E.	31.40'
L9	N.0°00'00"E.	80.00'
L10	N.60°00'00"W.	101.77'
L11	S.72°30'00"W.	230.00'
L12	N.31°30'00"W.	235.85'
L13	N.27°15'00"W.	194.39'

Curve Table			
Curve #	Delta	Radius	Length
C1	7°30'00"	200.00'	26.18'
C2	85°00'00"	50.00'	74.18'
C3	52°00'00"	100.00'	90.76'
C4	40°00'00"	100.00'	69.81'
C5	90°00'00"	30.00'	47.12'
C6	70°00'00"	160.00'	195.48'

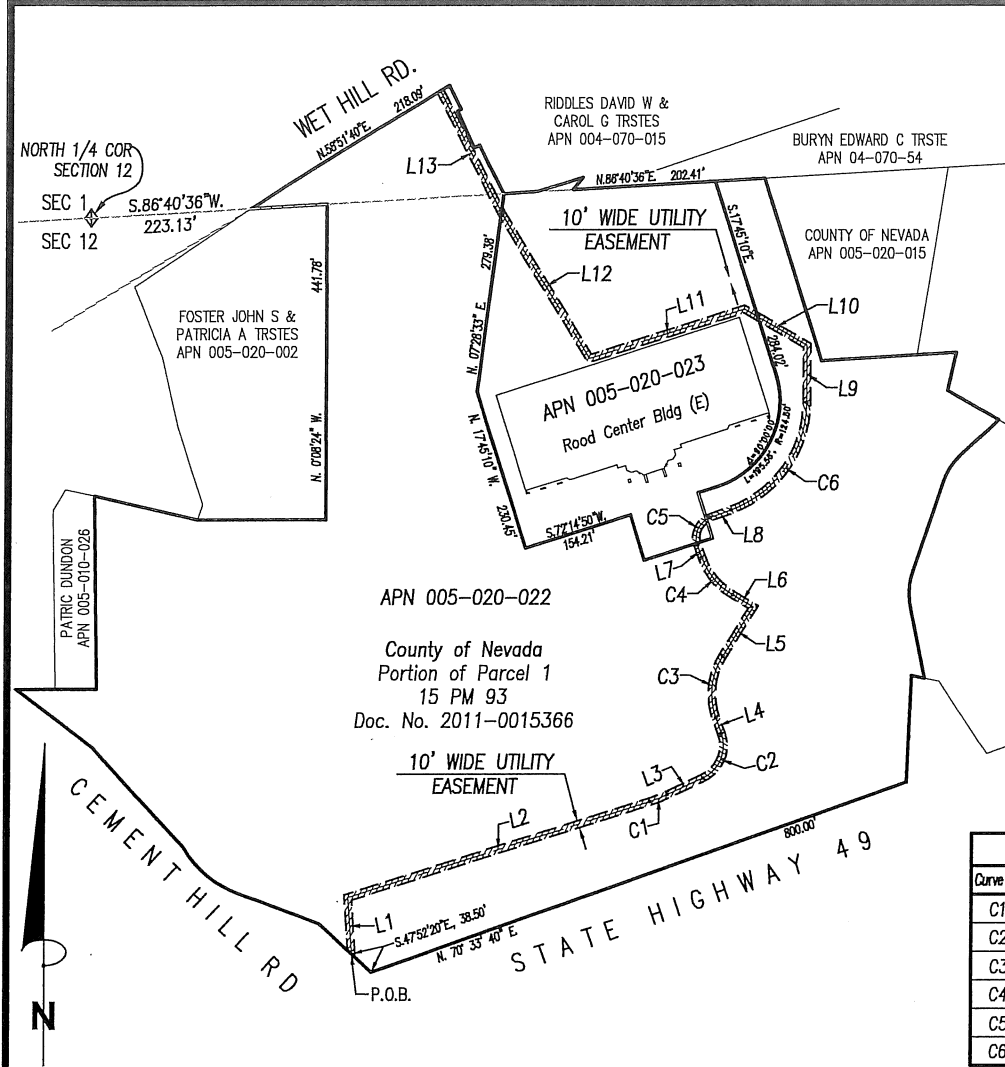


EXHIBIT "B" MAP FOR:
NEVADA COUNTY ROOD CENTER
A.P.N. 005-020-022 & -023

CERTIFICATE OF ACCEPTANCE

This is to certify that, pursuant to section 27281 of the California Government Code, the interest in the real property identified in Exhibit B to the First Amendment to Agreement and Grant of Easement, dated as of December 1, 2019 (the "Amendment") and conveyed by CVIN, LLC, a California limited liability company, to the County of Nevada, a political subdivision duly organized under the laws of the State of California, is hereby accepted by the undersigned officer or agent on behalf of the Board of Supervisors of the County of Nevada, pursuant to authority conferred by resolution of the Board of Supervisors adopted on December 17, 2019 and the grantee consents to recordation thereof by its duly authorized officer.

Dated: _____, 2019

COUNTY OF NEVADA

By: _____