

EXHIBIT D

TEMPORARY CONSTRUCTION EASEMENT

A Temporary Construction Easement over, across, under, and through the real property situated in the County of Napa, State of California, described and depicted in the attachments hereto and made a part hereof (“EASEMENT AREA”), for construction and conformance purposes related to the Napa River / Napa Creek Flood Protection Project (“PROJECT”).

This Temporary Construction Easement includes, without limitation, the right of the Napa County Flood Control and Water Conservation District (“DISTRICT”), its officers, agents, contractors, and employees, and other governmental agencies responsible for review or construction of any portion of the PROJECT and such agencies’ officers, agents, contractors, and employees, to enter upon the EASEMENT AREA with personnel, vehicles, and equipment for construction of the PROJECT, and all other activities related thereto, to remove all improvements, trees, and vegetation thereon that interfere with the purpose for which this easement is granted, to conform the EASEMENT AREA to the PROJECT, and do any and all other actions necessary and appropriate to the construction of the PROJECT. Access and use of portions of the EASEMENT AREA by the FEE OWNER, its tenants, invitees, and guests will be allowed to the extent that said portion is not being used for PROJECT construction or staging purposes at that time.

If improvements in the EASEMENT AREA are removed pursuant to this Temporary Construction Easement, such improvements will be restored to their original condition or as close thereto as is feasible, on or before the termination of the Temporary Construction Easement period. In the event the DISTRICT determines that restoration of said improvements within the EASEMENT AREA is not feasible or practicable, the FEE OWNER will be compensated for the improvements at a market value determined by the DISTRICT.

This Temporary Construction Easement is for a total period of twelve (12) months, to commence on the start date stated in the notice that the DISTRICT delivers to the FEE OWNER (“START DATE”), fixing the start date of occupation of the EASEMENT AREA and construction of the PROJECT there as identified in the Plans and Specifications for the Floodwalls North of the Bypass Project. The Temporary Construction Easement will terminate twelve (12) months after the START DATE (“TERM”).

In case of unpredictable delays in construction, upon written notification by the DISTRICT to the FEE OWNER, the TERM of the Temporary Construction Easement may be unilaterally extended by the DISTRICT for up to an additional twelve (12) months on a monthly basis provided that the DISTRICT provides written notice to the FEE OWNER of such extension prior to the expiration of the original TERM or any monthly extension thereof and the DISTRICT shall pay the FEE OWNER the monthly rate determined to be just compensation for said extension.

In no event shall this Temporary Construction Easement TERM extend beyond the completion of construction or December 31, 2028, whichever occurs first. At no additional cost to the DISTRICT, during the Temporary Construction Easement TERM, the DISTRICT shall have the

right to enter upon the FEE OWNER's retained property, where necessary, to reconstruct or perform any warranty or conformance works during or after the expiration of the Temporary Construction Easement and any extension thereto and/or the completion of the PROJECT. Said works include conforming driveways, walkways, lawn, landscaped and hardscaped areas, irrigation systems, sidewalks, or any area where reconstruction or warranty work on the FEE OWNER's retained property is necessary.

All work performed by the DISTRICT in the EASEMENT AREA shall conform to applicable building, fire, and sanitary laws, ordinances, and regulations relating to such work and shall be done in a good and workmanlike manner.

Within sixty (60) days of the end of the TERM, the DISTRICT will execute, acknowledge, and deliver to the FEE OWNER a quitclaim deed to confirm the termination of the Temporary Construction Easement to eliminate the Temporary Construction Easement as an encumbrance on the title of the FEE OWNER's real property. The forgoing notwithstanding, a failure by the DISTRICT to deliver a quitclaim deed or a failure by the FEE OWNER to record a quitclaim deed as provided herein shall not be deemed to extend the term of the Temporary Construction Easement beyond the TERM set forth herein above.

The rights and obligations contained in this Temporary Construction Easement: (a) run with and burden the land, and are binding on the FEE OWNER and its successors and assigns, and (b) during the TERM and extensions thereof, constitute an easement in gross for the benefit of the DISTRICT and its successors and assigns.

TEMPORARY CONSTRUCTION EASEMENT LEGAL DESCRIPTION AND
PLAT MAP

TEMPORARY CONSTRUCTION EASEMENT

A portion of the Lands of Allan Nicholson and Connie Lee, husband and wife, as community property with rights of survivorship as described in the Grant Deed recorded on March 16, 2022 as Series Number 2022-0005440, Napa County Records, State of California, said portion described as follows:

Beginning at the point on the southeast line of said Lands of Nicholson & Lee that bears North 51° 26' 13" East 119.23 feet from the south corner of said Lands of Nicholson & Lee; thence continuing along said southeast line North 51° 26' 13" East 5.65 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 600.00 feet and to which a radial line bears North 55° 10' 32" East; thence leaving said southeast line northwesterly 70.69 feet along said curve through a central angle of 6° 45' 02" to the northwest line of said Lands of Nicholson & Lee; thence along said northwest line South 45° 47' 35" West 8.12 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 500.00 feet and to which a radial line bears North 45° 48' 24" East; thence leaving said northwest line southeasterly 69.93 feet along said curve through a central angle of 8° 00' 50" to the **Point of Beginning**.

Basis of Bearing being the bearing between Monuments #B-9 and #B-10 on Lincoln Avenue shown on the map Record of Survey Map No. 3052, filed June 26, 1978 in Book 20 of Record of Surveys at Page 64-72, Napa County Records, as North 89° 43' 00" West and measured as North 89° 43' 09" West.

End Description

Area: 475 Sq. Ft.
0.01 Ac.



NAPA RIVER

LEE & SHARON
RIGGS
APN: 044-301-028

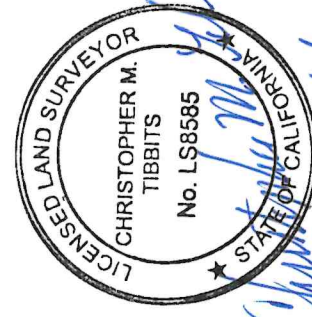
AREA
475 SF
0.01 AC

S45°47'35"W 8.12'
L=69.93'
Δ=8°00'50" (R)

NICHOLSON & LEE
APN: 044-301-029
N45°48'24"E (R)
L=500.00'
L=69.93'
Δ=8°00'50" (R)

DAVID & VICKIE
TOMPKINS TRUSTEES
APN: 044-301-030
N51°26'13"E 119.23'
N55°10'32"E (R)
L=600.00'
L=70.69'
Δ=6°45'02" (R)

SITON
M-T
M-T
M-T



1"=60'

- LEGEND
- PROPERTY LINE
 - - - EASEMENT LINE
 - ADJACENT PROPERTY LINE
 - R RADIUS IN FEET
 - L LENGTH IN FEET
 - Δ DELTA ANGLE

TEMPORARY CONSTRUCTION
EASEMENT



RSA+ | CONSULTING CIVIL ENGINEERS + SURVEYORS + 1980

05-06-2024
044-301-029 C-2

1 OF 1

BASIS OF BEARING
THE BEARING BETWEEN MONUMENTS #B-9 AND #B-10 ON LINCOLN AVENUE SHOWN ON THE MAP RECORD OF SURVEY MAP NO. 3052, FILED JUNE 26, 1978 IN BOOK 20 OF RECORD OF SURVEYS AT PAGE 64-72, NAPA COUNTY RECORDS, AS NORTH 89° 43' 00" WEST AND MEASURED AS NORTH 89° 43' 09" WEST.

THIS EXHIBIT IS FOR GRAPHIC PURPOSES ONLY. ANY ERRORS OR OMISSIONS ON THIS EXHIBIT SHALL NOT AFFECT THE DEED DESCRIPTION

5406
044-301-029 C-1
05-06-2024

North: 1877287.4762' East: 6482264.0116'

Segment #1 : Line

Course: N51°26'13"E Length: 5.65'

North: 1877290.9983' East: 6482268.4295'

Segment #2 : Curve

Length: 70.69' Radius: 600.00'

Delta: 6°45'02" Tangent: 35.39'

Chord: 70.65' Course: N38°11'59"W

Course In: S55°10'32"W Course Out: N48°25'30"E

RP North: 1876948.3600' East: 6481775.8861'

End North: 1877346.5199' East: 6482224.7387'

Segment #3 : Line

Course: S45°47'35"W Length: 8.12'

North: 1877340.8582' East: 6482218.9181'

Segment #4 : Curve

Length: 69.93' Radius: 500.00'

Delta: 8°00'50" Tangent: 35.02'

Chord: 69.88' Course: S40°11'11"E

Course In: S45°48'24"W Course Out: N53°49'14"E

RP North: 1876992.3174' East: 6481860.4222'

End North: 1877287.4754' East: 6482264.0083'

Perimeter: 154.39' Area: 474.57 Sq. Ft.

Error Closure: 0.0034 Course: S76°39'39"W

Error North: -0.00079 East: -0.00331

Precision 1: 45408.82

