

## EXHIBIT B

### PUBLIC WATER UTILITY EASEMENT

A nonexclusive and perpetual easement in favor of the Napa County Flood Control and Water Conservation District (“DISTRICT”) over, under, within, through, and along the land shown and described and depicted in the attachments hereto and made a part hereof (“EASEMENT AREA”), for public water utility purposes including laying, constructing, repairing, maintaining, operating, rehabilitating, inspecting, installing, replacing, accessing, or taking other similar actions necessary or prudent for the safe operation of existing and future water pipelines, together with any and all above and below ground appurtenances thereto (collectively, “UTILITIES”) together with the right of surface ingress and egress, including service vehicle access, and the right to use the EASEMENT AREA for staging during periods of construction, reconstruction, installation, inspection, maintenance, replacement, and removal of the UTILITIES.

The DISTRICT may transfer this Public Water Utility Easement to the City of Napa for the purposes set forth herein, and upon such transfer, the City of Napa shall succeed to all rights and obligations of and to the DISTRICT hereunder.

The FEE OWNER shall not undertake or allow any activity, use, or right of passage across or within the EASEMENT AREA, or grant any private or public easements over the EASEMENT AREA, that will interfere in any manner with the DISTRICT’s use of the EASEMENT AREA for the purposes set forth herein without the DISTRICT’s prior written consent, including but not limited to filling, excavating, mining, or drilling of any kind, or any change in the topography of the land in any manner within the EASEMENT AREA.

The FEE OWNER shall not install or maintain, or allow to be installed or maintained, any permanent structures, including but not limited to foundations, fences, retaining walls, pools, houses, or signs, within the EASEMENT AREA.

The DISTRICT and the City of Napa shall have the right to enter upon the EASEMENT AREA to keep the EASEMENT AREA free and clear of and from any and all debris, including the right to trim and remove or otherwise control any trees and vegetation or portions thereof, which are deemed reasonably necessary for the purpose of maintaining the EASEMENT AREA or the UTILITIES.

The DISTRICT and the City of Napa shall not be responsible for replacing or repairing any surface or above-ground improvements within the EASEMENT AREA that may be disturbed or damaged as a result of work by the City of Napa, including but not limited to decorative pavement/pavers/concrete, or landscaping, except as set forth herein. Notwithstanding anything to the contrary set forth herein, the City of Napa’s sole responsibility for repairing water trenches within the EASEMENT AREA is limited to compliance with the City of Napa’s then-current water trench detail standard (City Std W-13A as of 2022), as may be amended, excluding asphalt concrete.

The rights and obligations contained in this Public Water Utility Easement run with and burden the land, and are binding on the FEE OWNER and its successors and assigns.

PUBLIC WATER UTILITY EASEMENT LEGAL DESCRIPTION AND PLAT  
MAP

## PUBLIC WATER UTILITY 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  $51^{\circ} 26' 13''$  East 153.77 feet from the south corner of said Lands of Nicholson & Lee; thence continuing along said southeast line North  $51^{\circ} 26' 13''$  East 25.05 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 648.25 feet and to which a radial line bears North  $54^{\circ} 51' 32''$  East; thence leaving said southeast line northwesterly 75.99 feet along said curve through a central angle of  $6^{\circ} 42' 58''$  to the northwest line of said Lands of Nicholson & Lee; thence along said northwest line South  $45^{\circ} 47' 35''$  West 25.02 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 623.25 feet and to which a radial line bears North  $48^{\circ} 14' 13''$  East; thence leaving said northwest line southeasterly 75.53 feet along said curve through a central angle of  $6^{\circ} 45' 33''$  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  $89^{\circ} 43' 00''$  West and measured as North  $89^{\circ} 43' 09''$  West.

### End Description

Area: 1,869 Sq. Ft.  
0.04 Ac.



NAPA RIVER

R=648.25'  
L=75.99'  
J=6°42'58"

S45°47'35"W  
25.02'

AREA  
1869 SF  
0.04 AC  
P.O.B.  
R=623.25'  
L=73.53'  
J=6°45'33"

LEE & SHARON  
APN: 044-301-028  
N48°14'13"E (R)  
NICHOLSON & LEE  
APN: 044-301-029  
N54°51'13.2"E (R)  
DAVID & VICKIE  
TOMPKINS TRUSTEES  
APN: 044-301-030  
N57°26'13"E (R)

STORM-VENTURE



1"=60'

LEGEND

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

PUBLIC WATER  
UTILITY EASEMENT

1515 FOURTH STREET  
NAPA, CALIF. 94559  
OFFICE 707.252.3301  
+ www.RSAcivil.com +

RSA+ CONSULTING CIVIL ENGINEERS + SURVEYORS + 1980

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 E-1  
05-06-2024

North: 1877271.1380' East: 6482271.6796'

Segment #1 : Line

Course: N51°26'13"E Length: 25.05'

North: 1877286.7536' East: 6482291.2668'

Segment #2 : Curve

Length: 75.99' Radius: 648.25'

Delta: 6°42'58" Tangent: 38.04'

Chord: 75.94' Course: N38°29'57"W

Course In: S54°51'32"W Course Out: N48°08'34"E

RP North: 1876913.6260' East: 6481761.1688'

End North: 1877346.1880' East: 6482243.9919'

Segment #3 : Line

Course: S45°47'35"W Length: 25.02'

North: 1877328.7428' East: 6482226.0569'

Segment #4 : Curve

Length: 73.53' Radius: 623.25'

Delta: 6°45'33" Tangent: 36.81'

Chord: 73.48' Course: S38°23'00"E

Course In: S48°14'13"W Course Out: N54°59'47"E

RP North: 1876913.6261' East: 6481761.1712'

End North: 1877271.1398' East: 6482271.6852'

Perimeter: 199.58' Area: 1868.90 Sq. Ft.

Error Closure: 0.0058 Course: N72°04'46"E

Error North: 0.00180 East: 0.00556

Precision 1: 34412.07

