

RESOLUTION NO. 97-08

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA,
ACCEPTING A GRANT OF A NON-EXCLUSIVE PUBLIC ACCESS EASEMENT FOR
VEHICULAR ACCESS ACROSS THE SEACLIFF MARINA PROPERTY**

WHEREAS, the Bottoms Family 1989 Trust, William F. Bottoms and Mary A. Bottoms, trustees, and the Blue Oak Charitable Fund (collectively “Bottoms”) own an approximately 25-acre piece of bayfront property at the intersection of Brickyard Cove Road, Sandpiper Spit, and Seacliff Drive known as “Seacliff Marina”;

WHEREAS, on February 26, 2002, Bottoms and the City of Richmond (the “City”) entered into a Settlement Agreement, Mutual Release and Covenant Not to Sue (“Agreement”) regarding a dispute over remediation of contaminated soils at Seacliff Marina;

WHEREAS, as a term of the Agreement, the Bottoms agreed to grant the City a non-exclusive public easement along the shoreline of the Bottoms’ Marina Property for the purpose of vehicular access as described in the attached “Grant of Road Easement” (Exhibit A);

WHEREAS, such easement shall be at least thirty (30) feet wide and generally suitable for vehicular access;

WHEREAS, the City Engineer has approved the proposed easement and determined that it is adequate for its purpose; and

WHEREAS, the acceptance of the easement is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guideline 15303, CEQA Guideline 15304, and CEQA Guideline 15317,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND DOES HEREBY FIND AND RESOLVE AS FOLLOWS:

- (1) The proposed Grant of Easement complies with the terms of the Agreement; and
- (2) The City of Richmond hereby accepts the proposed Grant of Road Easement from the Bottoms, attached hereto (Exhibit A) and incorporated herein by reference.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof on September 2, 2008, by the following vote:

Ayes: Councilmembers Bates, Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, and Mayor McLaughlin

Noes: None

Abstentions: None

Absent: Councilmembers Lopez and Viramontes

DIANE HOLMES
Clerk of the City of Richmond

[SEA;]

Approved:

GAYLE McLAUGHLIN
Mayor

Approved as to Form:

LOUISE RENNE
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of Resolution No. 97-08, finally passed and adopted by the Council of the city of Richmond at a meeting held on September 2, 2008.