

RESOLUTION NO. 124-09

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND
AUTHORIZING EXECUTION OF AN ENCROACHMENT AGREEMENT
BETWEEN THE CITY OF RICHMOND AND AUGUSTO JR. AND ARACELLI
FERRIOLS TO ENCROACH UPON A PORTION OF PARCEL M IN SUBDIVISION
4833**

WHEREAS, the City Council of the City of Richmond adopted Resolution No. 44-91 attached hereto on February 11, 1991 authorizing the Mayor and City Clerk to execute the Encroachment Agreement with Augusto Jr. and Arracelli Ferriols attached hereto; and

WHEREAS, the Mayor, City Attorney, and City Clerk all duly signed Resolution No. 44-91 authorizing and directing the Mayor and City Clerk to execute the Encroachment Agreement; and

WHEREAS, the Encroachment Agreement was never executed by the City; and

WHEREAS, the City has received a request that the City now execute the Encroachment Agreement in order to facilitate a transfer of the affected property.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Richmond that Resolution No. 44-91 is hereby ratified and confirmed with respect to the execution of the Encroachment Agreement; and

BE IT FURTHER RESOLVED, that the Council of the City of Richmond hereby directs the Mayor to execute the Encroachment Agreement; and

BE IT FURTHER RESOLVED, that the Council of the City of Richmond directs the City Clerk to record the fully executed Encroachment Agreement in the Official Records of Contra Costa County.

I certify that the foregoing resolution was passed and adopted by the City Council of the City of Richmond at a regular meeting held on November 3, 2009, by the following vote:

AYES: Councilmembers Bates, Butt, Rogers, Ritterman, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

DIANE HOLMES
Clerk of the City of Richmond

[SEAL]

Approved:

GAYLE MCLAUGHLIN
Mayor

Approved as to form:

RANDY RIDDLE
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. 124-09**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on November 3, 2009.