

RESOLUTION NO. 5-15

RESOLUTION OF THE CITY COUNCIL OF RICHMOND, CALIFORNIA AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THREE GRANT OF EASEMENT AND AGREEMENTS TO CURE PROPERTY CONDITIONS BY PROVIDING THE FOLLOWING: CITY WILL RECEIVE ONE EASEMENT TO A PORTION OF THE EXISTING DRIVEWAY ON THE ADJACENT PRIVATE PROPERTY AND CITY WILL GRANT TWO EASEMENTS IN ORDER TO CURE THE USE OF DRIVEWAY AND PORTION FOR A TRASH ENCLOSURE LOCATED ON THESE PROPERTIES COMMONLY KNOWN AS 11965 SAN PABLO AVENUE, EL CERRITO, CA AND APN 513-340-046 ON SAN PABLO AVENUE

WHEREAS, the City of Richmond was contacted by prospective property owner representatives (“Prospective Owners”) with the intent to close escrow on the property at 11965 San Pablo Avenue (the “Taco Bell Property”), who found that three long-standing encroachments without easements (the “Encroachments”) existed between the Taco Bell Property and the adjacent property at APN 513-340-046 (the “City-owned Parcel”); and

WHEREAS, although correspondence suggests that the City and former owner of the Taco Bell Property intended to memorialize reciprocal access easements to allow for the encroachment, such easements were never prepared; and

WHEREAS, the lack of documentation for the Encroachments is now a condition precluding escrow closure; and

WHEREAS, the Prospective Owners of the Taco Bell Property have provided to the City, at no cost to the City, various documents including but not limited to site maps relating to Taco Bell Site Landscaping and Ohlone Trail Closure dating to 1997, Preliminary Title Report, Legal Descriptions and licensed land survey maps of areas for the three Grant of Easement and Agreement (“Easement”) documents; and

WHEREAS, the City desires to enter into the reciprocal easements to correct this apparent oversight that occurred at the time of the City’s purchase and

WHEREAS, by the agenda report (“Agenda Report”) accompanying this resolution the City Council has been provided with additional information upon which the findings and actions set forth in this Resolution are based.

NOW, THEREFORE, BE IT RESOLVED, that the Richmond City Council does find the above recitals are true and correct and have served, together with the Agenda Report, as the basis for the findings and actions set forth in this Resolution.

BE IT FURTHER RESOLVED, that the City Manager or his designee is hereby authorized to execute all documents required to effectuate the purpose of this Resolution, including, but not limited to the Grant of Easement and Agreements.

I hereby certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held on January 20, 2015, by the following vote:

AYES: Councilmembers Bates, Beckles, Martinez, McLaughlin,
Vice Mayor Myrick, and Mayor Butt.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

TOM BUTT
Mayor

Approved as to form:
BRUCE GOODMILLER
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. 5-15**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on January 20, 2015.