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.