

PLEASE RECORD & RETURN TO:

83-109246

Richard H. West, City Clerk
City of San Leandro
835 East 14th Street
San Leandro, CA 94577

155

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

RESOLUTION NO. 83 - 109

1212

RESOLUTION APPROVING EASEMENT AGREEMENT
(Citation Homes)

1-106

Recitals

An easement agreement between the City of San Leandro and Citation Homes, a copy of which is attached, has been presented to this Council.

The City Council is familiar with the contents thereof.

The City Manager has recommended the execution of said easement agreement.

NOW, THEREFORE, the City Council of the City of San Leandro does RESOLVE as follows:

That said easement agreement is hereby approved and the Mayor is hereby authorized and directed to execute the same on behalf of this City.

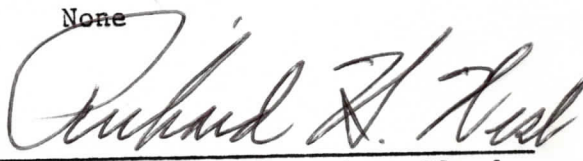
Introduced by Council Member Suchman and passed and adopted this 6th day of June, 1983, by the following called vote:

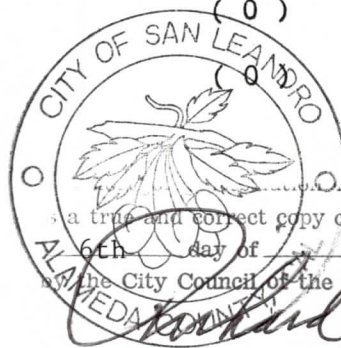
Members of the Council:

Ayes: Council Members Jardin, Karp, Landis, McGue, Soares, Suchman
Mayor Gill (7)

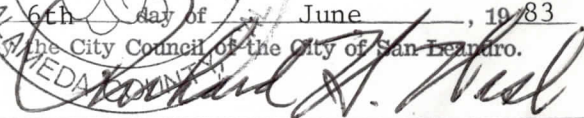
Noes: None (0)

Absent: None (0)

Attest: 
Richard H. West, City Clerk



83-109
a true and correct copy of a Resolution passed this
6th day of June, 1983
by the City Council of the City of San Leandro.


Richard H. West, City Clerk of the City of San Leandro

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT is entered into this 6th day of June 1983, by and between CITATION HOMES, a general partnership, herein called "CITATION", and CITY OF SAN LEANDRO, a municipal corporation, herein called "CITY".

RECITALS

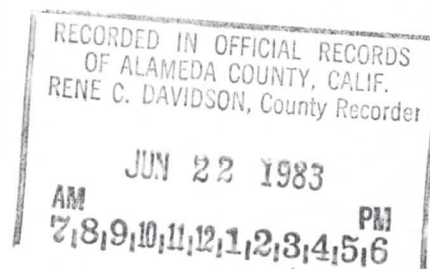
1. CITATION is the owner of a 50' wide strip of real property located in the City of San Leandro, California, herein-after described in EXHIBIT 1 attached hereto and made a part hereof by this reference.

2. CITY desires to construct within said 50' strip a 12-foot wide right-of-way for public use as a hiking and bicycle trail.

3. The exact location and legal description of the 12-foot right-of-way within the 50' strip of real property cannot be determined until the time of actual construction.

NOW, THEREFORE, it is hereby agreed as follows:

1. Subject to the provisions of Paragraph 4 hereof, CITATION hereby grants to CITY over and upon said real property described in Exhibit 1 a perpetual easement and right-of-way to install, construct, reconstruct, repair, maintain and use, a public hiking and bicycle trail of a uniform width of 12 feet (consisting of eight feet of paving and a two-foot shoulder on each side of the paving).



2. "Hiking and bicycle trail" as that term is used herein shall mean a pathway available for use by the public on a permanent basis for hiking, walking, sightseeing, bicycling, or any other similar form of recreational activity, if and to the extent, deemed appropriate by CITY, at its sole discretion.

3. This grant of easement shall include the right in CITY, its successors and assigns, of construction, installation, maintenance and repair of any appurtenances, insofar as, and to the extent such appurtenances constitute a reasonable exercise of the purposes described herein.

4. The foregoing 12-foot right-of-way shall be installed, constructed, reconstructed, repaired and maintained solely at the cost and expense of CITY, without right of reimbursement or assessment from CITATION, or any real property described in EXHIBIT 2 hereto, or any grantee or successor grantees of CITATION.

5. CITATION does hereby further grant to CITY a construction easement in, through, along and under the real property described in Exhibit 1 hereto for the purpose of operating, storing and maintaining equipment and performing such other operations as required to accomplish the installation and construction of the aforesaid 12-foot hiking and bicycle trail, said construction easement to terminate upon the completion of such installation and construction or on October 1, 1987, whichever first occurs.

6. Upon the completion of such installation or construction or on October 1, 1987, whichever shall first occur, CITY shall reconvey to CITATION by a proper grant deed in form approved by CITATION, that portion of the 50-foot easement described in Exhibit 1 hereto, that is not actually within the as-built 12-foot hiking and bicycle right-of-way, in order that the perpetual easement owned by CITY for said 12-foot hiking and bicycle right-of-way shall be confined solely to that as-built 12-foot strip of land.

7. This grant of easement shall run with the land and shall be binding upon and shall inure to the benefit of the parties, their successors and assigns.

Dated: June 6, 1983

CITY OF SAN LEANDRO, a municipal corporation

By: 

Title: MAYOR

Attest: 

Richard H. West, City Clerk

CITATION HOMES, a general partnership

By: 

Authorized Individual

STATE OF CALIFORNIA)
 : SS.
 COUNTY OF ALAMEDA)

On May 31, 1983, before me, the undersigned, a Notary Public, in and for the State of California, duly commissioned and sworn, personally appeared STEPHEN C. SCHOTT, personally known to me (or proved to me on the basis of satisfactory evidence) to be the Agent of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and Official Seal.



Beatrice C. Smith

NOTARY PUBLIC

STATE OF CALIFORNIA)
 : SS.
 COUNTY OF ALAMEDA)

On June 6, 1983, before me, the undersigned, a Notary Public, in and for the State of California, personally appeared

Valance Gill, personally known to me (or proved to me on the basis of satisfactory evidence) to be the Mayor of the corporation that executed the within instrument, and also known to me to be the person who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

WITNESS my hand and Official Seal



Richard H. West

NOTARY PUBLIC



REAL PROPERTY in the City of San Leandro, County of Alameda, State of California, being a portion of the lands shown on the map of "Record of Survey of Lands of Jeras Corporation", etc., filed July 13, 1972, in Book 8 of Records of Survey, pages 85 through 89, in the office of the County Recorder of Alameda County, described as follows:

A strip of land 50 feet in width, the center line being described as follows:

Commencing at a point on the general southwestern line of said Record of Survey, said point being the northern terminus of the course and distance designated on said Record of Survey as north $15^{\circ} 35' 50''$ west 484.84 feet; thence running along said general southwestern line south $15^{\circ} 35' 50''$ east, 130.97 feet to the TRUE POINT OF BEGINNING; thence continuing along said general southwestern line the following two courses and distances: south $22^{\circ} 53' 45''$ east, 550.30 feet; south $50^{\circ} 28' 42''$ east 807.83 feet to a point on a non-tangent curve; thence leaving said general southwestern line and running along the following courses and distances: beginning at said point on a non-tangent curve, concave to the west, having a radius of 121 feet and a central angle of $73^{\circ} 50'$ a radial line of said curve to last said point bears south $42^{\circ} 48' 42''$ east; thence along last said curve northeasterly, northerly and northwesterly, a distance of 155.92 feet to a point on a reverse curve, concave to the east, having a radius of 727 feet and a central angle of $26^{\circ} 10'$; thence along last said curve northwesterly and northerly, a distance of 332.02 feet to a tangent line; thence north $0^{\circ} 28' 42''$ west, 271.00 feet to a tangent curve, concave to the southwest, having a radius of 81 feet and a central angle of $77^{\circ} 22'$; thence along last said curve northerly, northwesterly and westerly, a distance of 109.37 feet to a reverse curve, concave to the northeast, having a radius of 121 feet and a central angle of $89^{\circ} 10'$; thence along last said curve westerly, northwesterly and northerly, a distance of 188.31 feet to a reverse curve, concave to the west, having a radius of 727 feet and a central angle of $28^{\circ} 10'$ thence along last said curve northerly, a distance of 357.39 feet to a compound curve, concave to the southwest, having a radius of 283 feet and a central angle of 94° ; thence along last said curve northerly, northwesterly and westerly, a distance of 464.29 feet to a point on a non-tangent line, a radial line of last said curve to last said point bears north $20^{\circ} 50' 42''$ west; thence along said non-tangent line south $68^{\circ} 54' 11''$ west 357.09 feet to the TRUE POINT OF BEGINNING.

The above described parcel of land contains an area of 2.6 acres, more or less.

LD 83-11
Dwg. 873 Case 1602
Bicycle Trail
Citation
Assessor's No. 80G-910-2/21

EXHIBIT 1

SCHEDULE C

83-109246

The land referred to in this Policy is described as:

Those parcels of land in the City of San Leandro, County of Alameda, State of California, described as follows:

PARCEL 1:

Beginning at the point of intersection of the southwestern line of the Southern Pacific Transportation Company right of way with the northwestern line of Parcel 1, as described in Deed to Alameda County Flood Control and Water Conservation District, recorded July 28, 1961 on Reel 376 OR, Image 180 (AS/91839); thence along the northwestern line of said Parcel 1 south 54° 31' 54" west 50.00 feet, south 35° 28' 06" east 14.50 feet, south 54° 31' 54" west 1302.00 feet, south 58° 32' 09" west 100.25 feet, south 54° 31' 54" west 622.00 feet, south 55° 12' 04" west, 428.03 feet, north 35° 28' 06" west 5.00 feet and north 88° 35' 54" west 91.312 feet to the eastern line of Parcel 2, as described in Final Order of Condemnation made by the Superior Court for Alameda County, Case No. 341311, a certified copy of which was recorded February 1, 1967 on Reel 1909 OR, Image 908, (AZ/9587); thence along the last named line north 21° 20' 33" west 867.854 feet, north 50° 28' 42" west 832.83 feet, north 22° 53' 45" west 550.30 feet, north 15° 35' 50" west 484.84 feet, north 52° 49' 41" west 504.43 feet, north 76° 06' 57" west 452.82 feet and north 52° 35' 55" west 250.00 feet; thence in a direct line northeasterly to a point on the southwestern line of said Southern Pacific Transportation Company right of way distant thereon northwesterly 550.00 feet from the northwestern terminus of that certain course designated as "south 35° 28' 06" east 1,534.028 feet" on Record of Survey No. 476, filed July 13, 1972 in Book 8 of Record of Survey, at pages 85 to 89, Alameda County Records; thence along the last named line southeasterly on the arc of a curve to the left with a radius of 5,769.58 feet a distance of 550.00 feet and south 35° 28' 06" east 1,534.028 feet; thence south 72° 52' 44" west 33.714 feet; thence south 35° 28' 06" east 69.535 feet; thence north 72° 52' 44" east 44.249 feet to said right of way line of the Southern Pacific Transportation Company; thence along the last mentioned line south 35° 28' 06" east 1,606.349 feet to the point of beginning.

Excepting therefrom that portion thereof described (the 0.03 of an acre parcel of land) in the Deed to Livermore-Amador Valley Water Management Agency, recorded May 23, 1978 on Reel 5404 OR, Image 258.

Also excepting therefrom 1/16th of all coal, oil, gas and other mineral deposits, as reserved in the Deed from the State of California, recorded February 17, 1932 in Book 2788 OR, page 39.

(Continued)

EXHIBIT 2

Order Number
854936

83-109246
Policy Number
S 368373

-2-

PARCEL 2:

Beginning at a point on the Southern Pacific Transportation Company right of way distant thereon northwesterly 550.00 feet from the northwestern terminus of that certain course designated as "South 35° 28' 06" east 1,534.028" on Record of Survey No. 476, filed July 13, 1972 in Book 8 of Records of Survey at pages 85 to 89, Alameda County Records; thence along the said line of the Southern Pacific Transportation Company right of way on the arc of a curve to the right with a radius of 5,769.58 feet, a distance of 331.165 feet and north 26° 43' 04" west 2806.369 feet to the northern line of said Record of Survey No. 476; thence along the last named line north 89° 01' 04" west 3198.84 feet to the general western line of said Record of Survey No. 476; thence along the last named line south 1° 04' 38" west 243.595 feet, south 35° 05' 06" east 490.00 feet, south 40° 35' 06" east 1960.00 feet, south 64° 35' 06" east 250.00 feet, south 0° 24' 54" west 770.00 feet, south 30° 02' 34" west 525.518 feet, south 36° 28' 29" east 1190.193 feet and south 52° 35' 55" east 122.31 feet; thence in a direct line northeasterly to the point of beginning.

Excepting therefrom 1/16th of all coal, oil, gas and other mineral deposits as reserved in the Deed from the State of California, recorded February 17, 1932 in Book 2788 OR, page 39.

MEMORANDUM

TO: Dick West, City Clerk

DATE: 6/1/83

FROM: Michael S. Riback, Chief Assistant City Attorney

RE: Shoreline Trail Easement Agreement

Attached for the Council meeting of June 6, 1983, is the cover resolution (Resolution Approving Easement Agreement) for Citation Homes and two original easement agreements which have been executed by Stephen Schott of Citation Homes.

Please have this document recorded with the County Recorder after Council approval and return a conformed, fully executed original to Stephen Chandler


Mike Riback

MSR/cda

Attachment

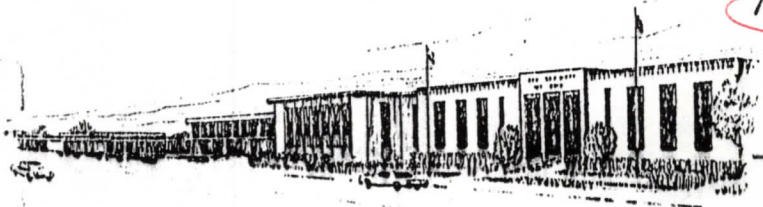
CITY OF SAN LEANDRO

JUN 1 1983

CITY CLERK'S OFFICE

1212
1-106

City of San Leandro
Civic Center, 835 E. 14th Street
San Leandro, California 94577



Office of City Clerk 415-577-3366

20 June 1983

Alameda County Recorder
1225 Fallon Street Room 100
Oakland, California 94612

Dear Sirs:

Enclosed please find a fully executed, certified copy of
City of San Leandro Resolution No. 83-109, approving easement
agreement with Citation Homes (Shorline trail). Please
record this document and return to:

Richard H. West, City Clerk
City of San Leandro
835 East 14th Street
San Leandro, California 94577

I have enclosed a stamped, self-addressed envelope for your
convenience.

Sincerely,

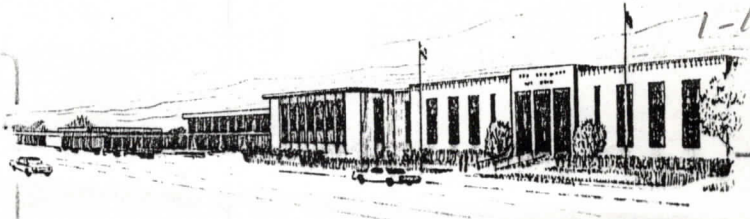
Richard H. West, CMC
City Clerk

RHW/bt
enclosure



1212
1-106

City of San Leandro
Civic Center, 835 E. 14th Street
San Leandro, California 94577



Office of City Clerk 415-577-3366

3 August 1983

Stephen Chandler, Attorney
1330 East 14th Street
San Leandro, California 94577

Dear Mr. Chandler:

Enclosed please find a certified, recorded copy of Resoluiton
No. 83-109, approving easement agreement between the City of
San Leandro and Citation Homes, which Mike Riback requested
be sent to you.

Sincerely,

Richard H. West
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Richard H. West, CMC
City Clerk

RHW/bt
enclosure



APPROVAL DATE _____
P H LONG - R C E NO 13170
PUBLIC WORKS DIRECTOR
CHECKED BY *JN*
DRAWN BY: *DK*
SCALE: *1" = 200'*
DWG *873* CASE *1602*