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[Easement Deed]

Resolution authorizing and approving the granting of easement rights over City owned real property known as Parcels 1224(2), 1272, and a portion of Parcel 1271(3) of Bay Division Pipeline Nos.1 and 2 right of way and a portion of abandoned Chestnut Street in Newark, Alameda County ("City's Property") to Enterprise Drive, LLC ("Grantee").

WHEREAS, Grantee owns Assessor's Parcel No. 092-0140-0660-00 in the city of Newark, Alameda County, which is adjacent to City's Property; and,

WHEREAS, Pursuant to a deed dated December 11, 1924, Grantee holds access rights over City's Property; and,

WHEREAS, City's Property is under the jurisdiction of San Francisco Public Utilities Commission (SFPUC); and

WHEREAS, Grantee, City and SFPUC desire to perfect and define the location of the access easement over the City's Property and to more completely define the rights and obligations of the parties; and,

WHEREAS, Grantee is permitted to construct and maintain a paved surface road for vehicular and pedestrian access, for above or below ground utility lines and storm water drainage improvements and to use the easement area to plant grass; now, therefore, be it

(Real Estate).

1 RESOLVED, That in accordance with the recommendation of the General Manager
2 of the SFPUC and the Director of Property, the Director of Property is hereby authorized to
3 take all actions, on behalf of the City and County of San Francisco, as Grantor, to execute
4 and convey to Enterprise Drive, LLC an Easement Deed Perfecting Existing Access Rights
5 over, across, in and upon Bay Division Pipeline No.s 1 and 2 in the city of Newark, Alameda
6 County. That the requested easement consists of two irregularly shaped areas, being an
7 approximate 4,260 square feet; and, be it
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3/8/01
grh

9 FURTHER RESOLVED, The proposed non-exclusive easement gives the Grantee
10 unimpaired access across the City's right-of-way, thereby removing the current blockage
11 due to SFPUC's installation of pipeline appurtenances and renewing the rights reserved in
12 the 1924 deed; and, be it

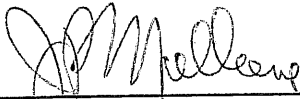
13 FURTHER RESOLVED, Enterprise Drive, LLC has agreed to purchase the easement
14 rights for \$750.00 and to reimburse City for all property taxes on and assessments of the
15 easement area, which was approved by PUC Resolution No. 01-0003; and, be it

17 FURTHER RESOLVED, The easement deed shall include a provision in which the
18 Grantee indemnifies, defends, reimburses and holds harmless City from and against any
19 and all claims or liability for any injury or damages to any person or property occurring as a
20 result of City's acts or omissions or any default by City in the performance of its obligations
21 under the easement deed. Said shall be in a form approved by the City Attorney; and, be it

22 FURTHER RESOLVED, That the Board of Supervisors and the Mayor authorizes the
23 Director of Property to enter into any amendments or modifications to the Easement Deed in
24 consultation with the City Attorney, that are in the best interest of the City, do not increase
25

1 the purchase price or otherwise materially increase the obligations or liabilities of the City,
2 are necessary or advisable to effectuate the purposes of this resolution, and are in
3 compliance with all applicable laws, including City's Charter.
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5 **RECOMMENDED:**

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7 _____
8 General Manager, San Francisco
9 Public Utilities Commission

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11 _____
12 Director of Property 

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 010319

Date Passed:

Resolution authorizing and approving the granting of easement rights over City owned real property known as Parcels 1224(2), 1272, and a portion of Parcel 1271(3) of Bay Division Pipeline Nos. 1 and 2 right of way and a portion of abandoned Chestnut Street in Newark, Alameda County ("City's Property") to Enterprise Drive LLC ("Grantee").

March 19, 2001 Board of Supervisors — ADOPTED

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval, Yee

File No. 010319

I hereby certify that the foregoing Resolution was ADOPTED on March 19, 2001 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

MAR 30 2001

Date Approved

Mayor Willie L. Brown Jr.