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

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

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

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

FURTHER RESOLVED, That the Board of Supervisors and the Mayor authorizes the Director of Property to enter into any amendments or modifications to the Easement Deed in consultation with the City Attorney, that are in the best interest of the City, do not increase
the purchase price or otherwise materially increase the obligations or liabilities of the City, are necessary or advisable to effectuate the purposes of this resolution, and are in compliance with all applicable laws, including City's Charter.

RECOMMENDED:

General Manager, San Francisco Public Utilities Commission

Director of Property
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

Mayor Willie L. Brown Jr.