



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
November 19, 2014**

TO: Mayor and City Council
FROM: Tim Tucker, City Engineer
SUBJECT: Subdivision 7586 and Easement Acceptance
DATE: November 13, 2014

RECOMMENDATION:

Adopt the following resolutions:

- A. Accepting certain public dedications and improvements for Subdivision 7586, Creekside Collections at Shadowbrook, and rejecting Storm Drain Easement (S.D.E) and Sanitary Sewer Easement (S.S.E.); and
- B. Accepting a Grant of Non-Exclusive Storm Drain Easement (S.D.E.) and Sanitary Sewer Easement (S.S E.) over portions of Assessor Parcel Numbers 161-291-024 and -028.

BACKGROUND:

The property at 131 Williamson Court consists of the combined property formed by the merger of Lots 8 and 9 within Subdivision 7586, "Creekside Collection at Shadowbrook," a conventional single-family homes subdivision developed in the early 1990's. Williamson Court is located on the north side of Arnold Drive between Fig Tree Lane and Holiday Hills Drive.

The western half of the property (which was graded with a moderate to steep slope from the Williamson Court cul-de-sac turnaround down to a natural seasonal stream at the rear of the property) contains a driveway for the use of the City and Mountain View Sanitary District (District) to access storm drain and sewer facilities. Between the driveway and the existing residence, there is a City storm drain running from the cul-de-sac bulb down to stream.

On June 13, 2013, the owners of 131 Williamson Ct., Alaun and Erin Buckley, submitted an application to the City for the construction of a residential second unit. As part of the application Mr. Buckley requested to relocate the storm drain which appeared to be partially outside the storm drain easement shown on the final map and close to this proposed second unit.

During the processing of the application it was discovered that the subdivision improvements and easements were never presented to Council (or the District) for acceptance. It is believed that at that time the construction of an all weather surface access driveway for the City and District along with the storm drain, both of which are partially outside the easements shown on the map, was not resolved.

Working with the two adjoining property owners, easements have been offered to the City and District which align with “As Built” conditions. Staff is requesting the Council approve the Subdivision and easements except for the miss aligned storm drain and sanitary sewer easement. Council is further requested to accept a new Storm Drain Easement (S.D.E.) and Sanitary Sewer Easement (S.S.E.) which matches “As Built” conditions. The City has worked closely with Mountain View Sanitary District. They have recently accepted the corrected Sanitary Sewer Easement.

FISCAL IMPACT:

The City has been maintaining the street and storm drain improvements since the completion of the subdivision improvements in the mid 1990’s. The landscape maintenance is funded through a Lighting and Landscape District.

ACTION:

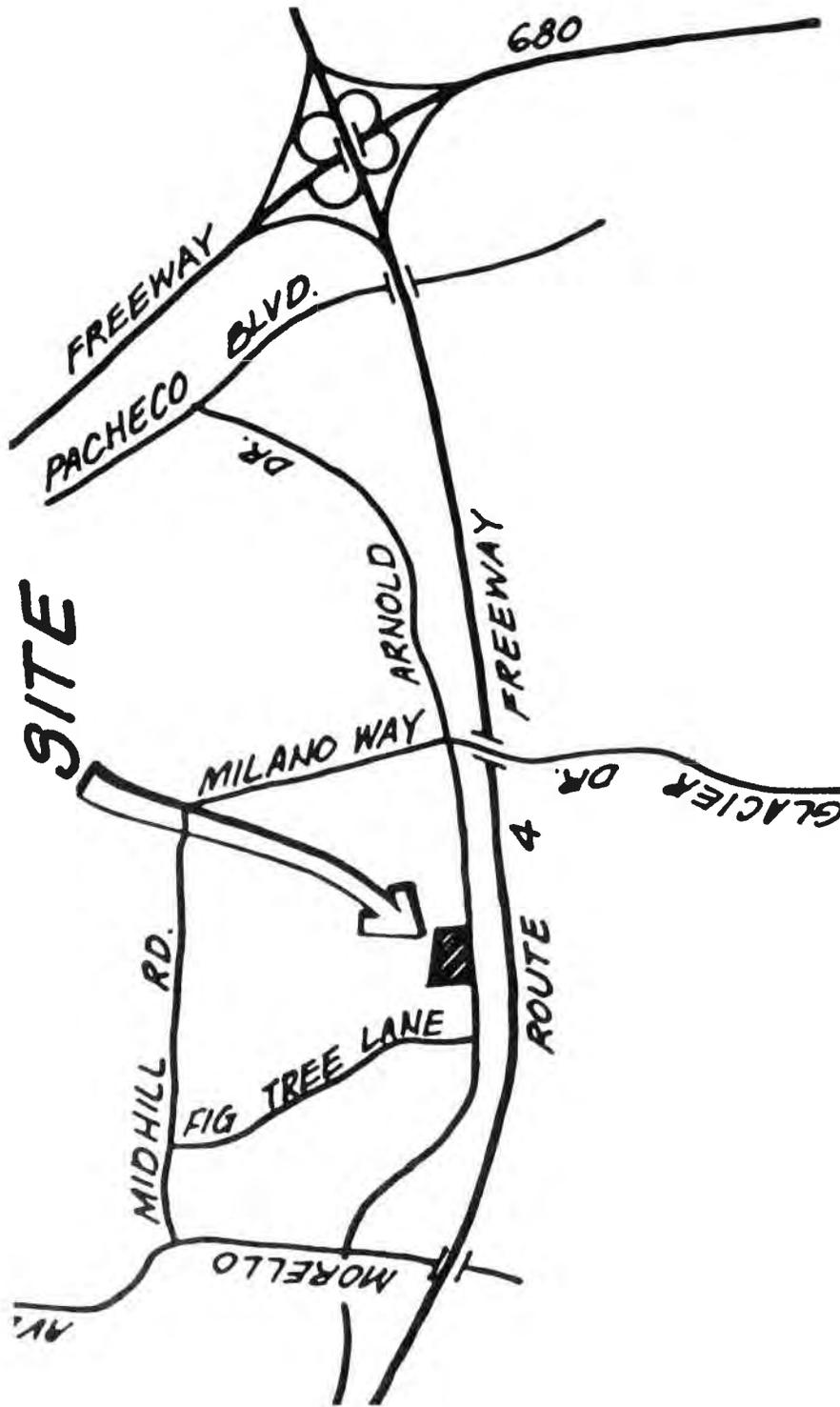
Motion to adopt the following:

- A. Resolution accepting certain public dedications and improvements for Subdivision 7586, Creekside Collections at Shadowbrook, and rejecting Storm Drain Easement (S.D.E) and Sanitary Sewer Easement (S.S.E.); and
- B. Resolution accepting a Grant of Non-Exclusive Storm Drain Easement (S.D.E.) and Sanitary Sewer Easement (S.S E.) over portions of Assessor Parcel Numbers 161-291-024 and -028.

Attachments:

- 1) Vicinity Map
 - 2) Subd. 7586 Final Map
 - 3) Subd. 7586 Resolutions
- Attachment A
Attachment B

APPROVED BY: 
Interim City Manager



VICINITY MAP
NOT TO SCALE

359 W 37

SUBDIVISION 7586
CREEKSIDE COLLECTION

AT

SHADOWBROOK

A PORTION OF THE RANCHO LAS JUNTAS, BEING A
PORTION OF PARCEL 1, (21LSM49) AND A PORTION OF THE
PARCEL DESCRIBED IN THE DEED FROM MARIA DONDERO TO
JOHN DONDERO, DATED JANUARY 12, 1950 AND RECORDED
JULY 12, 1950, IN BOOK 1592 OF OFFICIAL RECORDS, PAGE
47, CONTRA COSTA COUNTY RECORDS.

CITY OF MARTINEZ, CALIFORNIA
GOVERNORS ENGINEERS - LAFAYETTE, CALIFORNIA

OCTOBER, 1991

CLERK OF THE BOARD OF SUPERVISORS' CERTIFICATE

I, _____, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF CONTRA COSTA, CALIFORNIA, DO HEREBY CERTIFY THAT THE MAP HEREIN SUBMITTED TO ME FOR RECORDATION IS A TRUE AND CORRECT COPY OF THE MAP AS FILED WITH THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

December 11, 1991
PHIL BATELOR, CLERK OF THE BOARD OF SUPERVISORS AND COUNTY ADMINISTRATOR OF CONTRA COSTA COUNTY.



COUNTY RECORDER'S STATEMENT
I, _____, COUNTY RECORDER, DO HEREBY CERTIFY THAT THE MAP HEREIN SUBMITTED TO ME FOR RECORDATION IS A TRUE AND CORRECT COPY OF THE MAP AS FILED WITH THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

DATE: _____
CITY OF MARTINEZ, CALIFORNIA
COUNTY RECORDER



PLANNING COMMISSION'S STATEMENT

I, _____, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT THE MAP HEREIN SUBMITTED TO ME FOR RECORDATION IS A TRUE AND CORRECT COPY OF THE MAP AS FILED WITH THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA.

CITY CLERK'S STATEMENT

I, _____, CLERK OF THE BOARD OF SUPERVISORS OF THE CITY OF MARTINEZ, CALIFORNIA, DO HEREBY CERTIFY THAT THE MAP HEREIN SUBMITTED TO ME FOR RECORDATION IS A TRUE AND CORRECT COPY OF THE MAP AS FILED WITH THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA.

December 11, 1991

CITY ENGINEER'S STATEMENT

I, _____, CITY ENGINEER OF THE CITY OF MARTINEZ, CALIFORNIA, DO HEREBY CERTIFY THAT THE MAP HEREIN SUBMITTED TO ME FOR RECORDATION IS A TRUE AND CORRECT COPY OF THE MAP AS FILED WITH THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA.

December 15, 1991

ENGINEER'S STATEMENT

I, _____, ENGINEER, DO HEREBY CERTIFY THAT THE MAP HEREIN SUBMITTED TO ME FOR RECORDATION IS A TRUE AND CORRECT COPY OF THE MAP AS FILED WITH THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA.

OWNER'S STATEMENT

THE AREA MARKED "STORM DRAIN EASEMENT" OR "S.D.E." IS OFFERED TO THE CITY OF MARTINEZ OR ITS DESIGNATED SUCCESSORS OR MAINTAINERS FOR IMPROVEMENTS AND STRUCTURES, WHETHER COVERED OR OPEN, OR THE CLEARING OF OBSTRUCTIONS AND VEGETATION.
THE AREAS MARKED "PRIVATE STORM DRAIN EASEMENT" OR "P.S.D.E." ARE NOT OFFERED FOR DEDICATION FOR PUBLIC USE, BUT ARE RESERVED FOR PRIVATE STORM DRAINAGE FACILITY PURPOSES AND SHALL BE MAINTAINED MUTUALLY AND SHALL BE KEPT CLEAR OF ANY BUILDING AND STRUCTURES.
THE AREAS MARKED "LANDSCAPE EASEMENT" OR "L.E." ARE DEDICATED TO THE USE OF LANDSCAPE ARCHITECTURE, CONSTRUCTION, ACCESS OR MAINTENANCE OF WORKS, IMPROVEMENTS, WHETHER COVERED OR OPEN, OR THE CLEARING OF OBSTRUCTIONS.

ACKNOWLEDGEMENT

I, _____, OWNER OF THE PROPERTY, DO HEREBY ACKNOWLEDGE THAT THE MAP HEREIN SUBMITTED TO ME FOR RECORDATION IS A TRUE AND CORRECT COPY OF THE MAP AS FILED WITH THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA.

December 15, 1991

WITNESS MY HAND

IN WITNESS WHEREOF, I HAVE HEREIN SET MY HAND AND SEAL OF THE CITY OF MARTINEZ, CALIFORNIA, ON THIS 15th DAY OF DECEMBER, 1991.

TRUSTEE'S STATEMENT
FIRST AMERICAN TITLE INSURANCE COMPANY, A CALIFORNIA CORPORATION, DOES HEREBY JOIN IN AND CONSENT TO THE EXECUTION OF THE OWNER'S STATEMENT AND TO THE PREPARATION AND RECORDATION OF THIS MAP AND ALL DEEDS AND INSTRUMENTS HEREON REFERRED TO, AND TO THE RECORDING OF THIS MAP AND ALL DEEDS AND INSTRUMENTS HEREON REFERRED TO IN THE OFFICE OF THE RECORDER OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA ON DECEMBER 2, 1988 IN BOOK 10411 OF OFFICIAL RECORDS AT PAGE 731.

FIRST AMERICAN TITLE INSURANCE COMPANY,
A CALIFORNIA CORPORATION
BY: William Lee
NAME: William Lee
TITLE: Asst. Secy.

ACKNOWLEDGEMENT
STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA
ON Nov. 15, 1988, BEFORE ME, Eric Pinnard
A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED
Nancy Bared and Brendley R. Bergquist

PERSONALLY APPEAR TO ME OR PROVEN TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THEIR CAPACITIES, AND THAT JY, THEIR SIGNATURES ON THE INSTRUMENT THE PERSONS, OR IN WHOLE OR IN PART, FOR WHICH THE PERSONS ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL
SIGNATURE [Signature]
Not Pinned
Principal Place of Business: Contra Costa County
Expiration Date: April 17, 1993

TRUSTEE'S STATEMENT
PLUMBERS TITLE COMPANY,
A CALIFORNIA CORPORATION
BY: Diane Zapata
NAME: Diane Zapata
TITLE: Vice President

BY: Betsy Orr
NAME: Betsy Orr
TITLE: Trustee

ACKNOWLEDGEMENT
STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA
ON November 14, 1991, BEFORE ME, J. B. Dingley
A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED
Diane Zapata and Betsy Orr

PERSONALLY APPEAR TO ME OR PROVEN TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THEIR CAPACITIES, AND THAT JY, THEIR SIGNATURES ON THE INSTRUMENT THE PERSONS, OR IN WHOLE OR IN PART, FOR WHICH THE PERSONS ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL
SIGNATURE [Signature]
Not Pinned
Principal Place of Business: Contra Costa County
Expiration Date: Feb. 8, 1993

SUBDIVISION 7586
CREEKSIDE COLLECTION

AT
SHADOWBROOK
A PORTION OF THE RANCHO LAS JUNTAS, BEING A PORTION OF PARCEL 1, (21 LSN 49) AND A PORTION OF THE PARCEL DESCRIBED IN THE DEED FROM MARIA DONDERO TO JOHN DONDERO, DATED JANUARY 12, 1950 AND RECORDED TO JULY 12, 1950, IN BOOK 1592 OF OFFICIAL RECORDS, PAGE 47, CONTRA COSTA COUNTY RECORDS.
CITY OF MARTINEZ, CALIFORNIA
GOVERNORS ENGINEERS - LAFAYETTE, CALIFORNIA
OCTOBER, 1991

350
M
351

359-55

SUBDIVISION 7586 CREEKSIDE COLLECTION

AT
SHADOWBROOK

A PORTION OF THE RANCHO LAS JUNTAS, BEING A PORTION OF PARCEL 1, (21 L5M 49) AND A PORTION OF THE PARCEL DESCRIBED IN THE DEED FROM MARIA DONDERO TO JOHN DONDERO, DATED JANUARY 12, 1950 AND RECORDED JULY 12, 1950, IN BOOK 1592 OF OFFICIAL RECORDS, PAGE 47, CONTRA COSTA COUNTY RECORDS.

CITY OF MARTINEZ, CALIFORNIA
GOVERNORS ENGINEERS - LAFAYETTE, CALIFORNIA
OCTOBER, 1991

SCALE: 1" = 30'



VICINITY MAP
NOT TO SCALE

BASIS OF BEARINGS
THE LINE BETWEEN FOUND STREET MONUMENTS ON FIG TREE LN TAKEN AS S 0° 59' 27" W 141.55' IS THE BASIS OF BEARINGS FOR THIS SUBDIVISION BEING (135° 41' 31") CALIFORNIA COORDINATE SYSTEM, 1983 EPOCH.
MULTIPLY DISTANCES SHOWN BY ADDRESS TO OBTAIN GRID DISTANCES.

PARCEL 2*
SUBDIVISION 5540
195 M 40

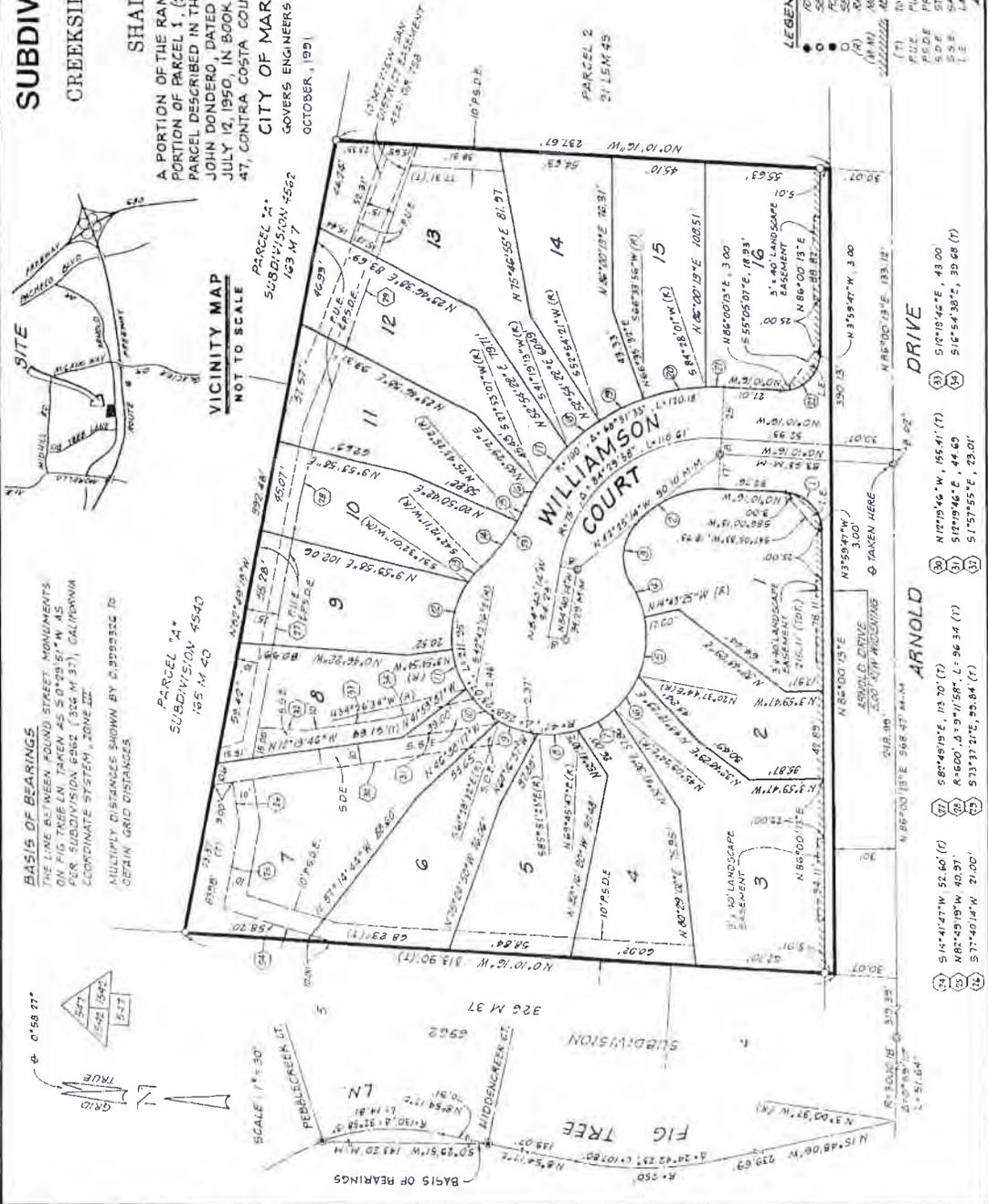
PARCEL 2*
SUBDIVISION 5562
163 M 7

CURVE DATA

NO.	RADIUS	DELTA	LENGTH
1	18.00'	86°10'25"	27.07'
2	50.00'	51°59'55"	45.38'
3	25.00'	74°00'42"	32.29'
4	47.00'	21°7'32"	17.40'
5	47.00'	35°21'09"	29.00'
6	47.00'	24°31'46"	20.12'
7	47.00'	24°36'23"	20.18'
8	47.00'	24°22'50"	20.00'
9	47.00'	37°01'58"	22.18'(T)
10	47.00'	24°31'40"	20.12'
11	47.00'	41°24'55"	34.00'
12	47.00'	10°40'10"	8.75'
13	100.00'	4°45'13"	28.76'
14	100.00'	6°54'55"	32.07'
15	100.00'	13°26'06"	23.45'
16	100.00'	17°35'08"	20.22'
17	100.00'	13°35'35"	23.64'
18	100.00'	17°59'05"	31.84'
19	100.00'	5°21'43"	9.36'
20	18.00'	83°49'31"	25.48'
21	100.00'	21°13'59"	37.06'

LEGEND

- FOUND STANDARD STREET MONUMENT
- SET STANDARD CITY STREET MONUMENT
- FOUND IRON PIPE (I) AS LOCATED
- FOUND IRON PIPE (I) AS LOCATED FROM BEARING AND TAG A.C.E. 17525
- MONUMENT TO MONUMENT
- MONUMENT TO MONUMENT
- MONUMENTS RIGHTS RELINQUISHED
- (T) TOTAL
- F.U.E. PUBLIC UTILITIES EASEMENT
- P.C.D.E. PRIVATE STORM DRAIN EASEMENT
- S.D.E. STORM DRAIN EASEMENT
- S.S.E. SANITARY SEWER EASEMENT
- L.E. LANDSCAPE EASEMENT



- ARNOLD DRIVE**
- (1) N 8°59'57" W, 195.41' (T)
 - (2) S 12°10'46" E, 43.00'
 - (3) S 12°10'46" E, 43.00'
 - (4) S 16°54'30" E, 39.68' (T)
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 - (100) S 16°54'30" E, 39.68' (T)

RESOLUTION NO. -14

**ACCEPTING CERTAIN PUBLIC DEDICATIONS AND IMPROVEMENTS
FOR SUBDIVISION 7586, CREEKSID COLLECTIONS AT SHADOWBROOK, AND
REJECTING STORM DRAIN EASEMENT (S.D.E.) AND SANITARY SEWER
EASEMENT (S.S.E.)**

WHEREAS, On November 20, 1991 the City Council approved the final map for Subdivision No. 7586 but did not accepted the streets, roads, drives, avenues, courts and easements shown thereupon as dedicated to public use; and

WHEREAS, The City Engineer has notified the City Council of the completion of the subdivision improvements in accordance with the subdivision agreement between the subdivider and the City; and

WHEREAS, the City Engineer recommends the acceptance of those portions of said lands designated on said map as Arnold Drive and Williamson Court, Landscape Easement, Public Utility Easement and the relinquishment of all abutters rights of access to Arnold Drive previously offered by the subdivider on the final map; and

WHEREAS, the City Engineer recommends that the City Council reject offers of Storm Drain Easement (S.D.E) and Sanitary Sewer Easement (S.S.E) shown on the final map.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Martinez, that:

1. The improvements in Subdivision No. 7297, including grading, streets, storm drains, landscaping and utilities have been completed in accordance with the Subdivision Agreement.
2. The following dedications, set forth in the Owner's Statement on the Final Map, are hereby accepted: Arnold Drive and Williamson Court, Landscape Easement, Public Utility Easement and the Relinquishment of Abutters Rights.
3. All public street and landscape improvements that have been accepted herein are accepted for maintenance.
4. All Labor and Materials, and performance Bonds for the Subdivision improvements shall be released.
5. This resolution shall become effective immediately upon its passage and adoption.

6. The City Clerk of the City of Martinez is directed to record a certified copy of this resolution in the Office of the Recorder of Contra Costa County, State of California.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 19th day of November, 2014, by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

RESOLUTION NO. -14

**ACCEPTING A GRANT OF NON-EXCLUSIVE STORM DRAIN EASEMENT (S.D.E.)
AND SANITARY SEWER EASEMENT (S.S E.) OVER PORTIONS OF ASSESSOR
PARCEL NUMBERS 161-291-024 AND -028**

WHEREAS, On November 20, 1991 the City Council approved the final map for Subdivision No. 7586 but did not accepted the streets, roads, drives, avenues, courts and easements shown thereupon as dedicated to public use; and

WHEREAS, Storm Drain Easements (S.D.E.) and Sanitary Sewer Easements (S.S.E.) shown on said final map, but never accepted, did not align with "As Built" conditions; and

WHEREAS, the current owner of merged Lots 8 and 9, Subdivision No. 7586 (Assessor Parcel Number 161-291-024) and the current owner of Lot 7 of Subdivision No. 7586 (Assessor Parcel Number 161-291-028) have executed a Non-Exclusive Storm Drain Easement (S.D.E) and Sanitary Sewer Easement (S.S.E) which align with "As Built" conditions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Martinez accepts the Non-Exclusive Storm Drain Easement (S.D.E) and Sanitary Sewer Easement (S.S.E) over portions of Assessor's Parcel Numbers 161-291-024 and -028 as shown on Attachments "A" and "B".

BE IT FURTHER RESOLVED by the City Council of the City of Martinez that the Storm Drain within said easements are accepted for maintenance.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 19th day of November, 2014, by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

**Recording Requested By:
CITY OF MARTINEZ**

**Return to: CITY OF MARTINEZ
City Clerk
525 Henrietta Street
Martinez, CA. 94553**

Document Title

**GRANT OF A NON-EXCLUSIVE STORM DRAIN EASEMENT (S.D.E.)
AND SANITARY SEWER EASEMENT (S.S.E.)**

APN: 161-291-028

Lot 7 of Subdivision 7586 (359 M 34)

APN: 161-291-028

**GRANT OF A NON-EXCLUSIVE STORM DRAIN EASEMENT(S.D.E.)
AND SANITARY SEWER EASEMENT (S.S.E.)**

THIS INDENTURE made by and between Enri J. Refunjol hereinafter called the GRANTOR and the City of Martinez, a political subdivision of the State of California, hereinafter called the GRANTEE,

WITNESSETH:

That the Grantor, for value received, hereby grants to the Grantee, a perpetual non-exclusive storm drain easement and right of way for the purposes of accessing, laying down, constructing, reconstruction, removing, replacing, repairing, maintaining and operating, as the Grantee may see fit, for sanitary sewer system and flood control purposes, including but not limited to, a pipe or pipelines, storm drain facilities for the collection and transmission of storm drainage water, culverts, ditches, concrete driveway including curb and gutter, and all necessary braces, connections, fastenings, or other protective barriers, and other appliances and fixtures for use in connection therewith or appurtenant thereto, in, under, along, and across that certain real property in the City of Martinez, State of California, described as follows:

PARCELS 2 AND 3, NEW S.D.E./S.S.E , AS DESCRIBED IN EXHIBIT "C-1"
AND DELINEATED IN EXHIBIT "C-2" ATTACHED HERETO AND MADE A
PART HEREOF.

Said non-exclusive easement herein granted shall include the right by said Grantee, its officers, agents and employees, and by persons under contract with it and their employees whenever and wherever necessary for flood control purposes, to enter upon said land with personnel, vehicles and equipment, to remove all trees, vegetation and structures thereon that interfere with the purpose for which the easement herein is granted.

The Grantor reserve the right to make use of the lands included within the surface easement which is consistent with the Grantee's use, however, such use by the Grantor shall not include the planting of trees, or construction of permanent structures, including but not limited to houses, garages, outbuildings, swimming polls, walls, patios, and other concrete structures within the easement.

Grantor agrees to construct and maintain concrete surface improvement within the easement as necessary to contain and convey storm water runoff from Williamson Court. Grantor shall not remove, replace or modify said surface improvement in any way without the written consent of the Grantee. Grantor shall indemnify and hold the Grantee harmless against any liability, loss and damages resulting from the Grantor use of said surface improvement and any act or omission of Grantor or its agents, employees, provided, however, that this indemnity shall not extend to that portion of such liability, loss or damage that shall have been caused by the Grantee's gross negligence or willfully misconduct.

Grantor further agrees to not grant an easement or easement(s) on, under, or over said easement without the written consent of the Grantee, which said consent shall not be unreasonably withheld, delayed, or conditioned.

TO HAVE AND TO HOLD, all and singular, the rights above described unto the Grantee and the Grantee's successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this indenture this _____ day of _____, 2014.

Name: _____

Signature: _____

ATTACH ACKNOWLEDGMENT

EXHIBIT C-1
LEGAL DESCRIPTION
S.D.E./S.S.E. EASEMENT

Portions of Lot 7 as shown on the Map of Subdivision 7586, Creekside Collection at Shadowbrook, filed on December 13, 1991, in Book 359 of Maps at Page 34, in the office of the County Recorder, County of Contra Costa, State of California, which is more particularly described as follows:

PARCEL 2 - S.D.E./S.S.E. Easement :

BEGINNING at the northeast corner of Lot 7 as shown on the Map of Subdivision 7586, Creekside Collection at Shadowbrook, filed on December 13, 1991, in Book 359 of Maps at Page 34, in the office of the County Recorder, County of Contra Costa, State of California; thence along the easterly line of said Lot 7 (359 M 34), South 12°19'46" East, 56.14 feet; thence, leaving said easterly line of said Lot 7 (359 M 34), North 45°30'46" West, 18.27 feet; thence North 12°19'46" West, 44.39 feet to a point on the northerly line of said Lot 7 (359 M 34); thence along said northerly line of Lot 7 (359 M 34) South 82°49'19" East, 10.61 feet more or less to the POINT OF BEGINNING.

Containing an area of 503 square feet, more or less.

PARCEL 3 - S.D.E./S.S.E. Easement :

COMMENCING at the northeast corner of Lot 7 as shown on the Map of Subdivision 7586, Creekside Collection at Shadowbrook, filed on December 13, 1991, in Book 359 of Maps at Page 34, in the office of the County Recorder, County of Contra Costa, State of California; thence along the easterly line of said Lot 7 (359 M 34), South 12°19'46" East, 89.19 feet to an angle point in said easterly line (359 M 34); thence along the northeasterly line of said Lot 7 (359 M 34), South 41°53'37" East, 8.70 feet to the TRUE POINT OF BEGINNING; thence continuing along said northeasterly line of said Lot 7 (359 M 34) South 41°53'37" East, 30.30 feet to a point on the northerly right-of-way line of Williamson Court, as said right-of-way is shown on said Subdivision Map (359 M 34); thence, along said northerly right-of-way line in a southwesterly direction, along a non-tangent curve to the left, having a radial bearing of North 34°26'34" West, having a radius of 47.00 feet, through a central angle of 27°01'58", an arc distance of 22.18 feet to the most southerly corner of said Lot 7 (359 M 34), also being the most southerly corner of the parcel of land described as Parcel One in the Grant Deed to Enri J. Refunjol, recorded on April 11, 2008 in Doc. 2008-0078047, in the office of the County Recorder, Contra Costa County, State of California; thence, leaving said right-of-way line (359 M 34), along the southwesterly line of said Parcel One (Doc 2008-0078047), North 41°53'37" West, 2.81 feet; thence leaving said southwesterly line of Parcel One (Doc. 2008-0078047), North 12°19'46" West, 34.65 feet; thence North 51°59'35" East, 4.76 feet to the TRUE POINT OF BEGINNING.

Containing an area of 417 square feet, more or less.

Both parcels are as shown on Exhibit C-2 attached hereto and by this reference made a part hereof.

Prepared by me or under my direction:

9/30/14
DATE

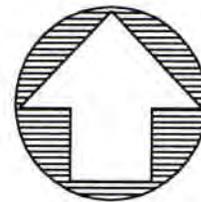


EXHIBIT C-2

SHEET 1 OF 1

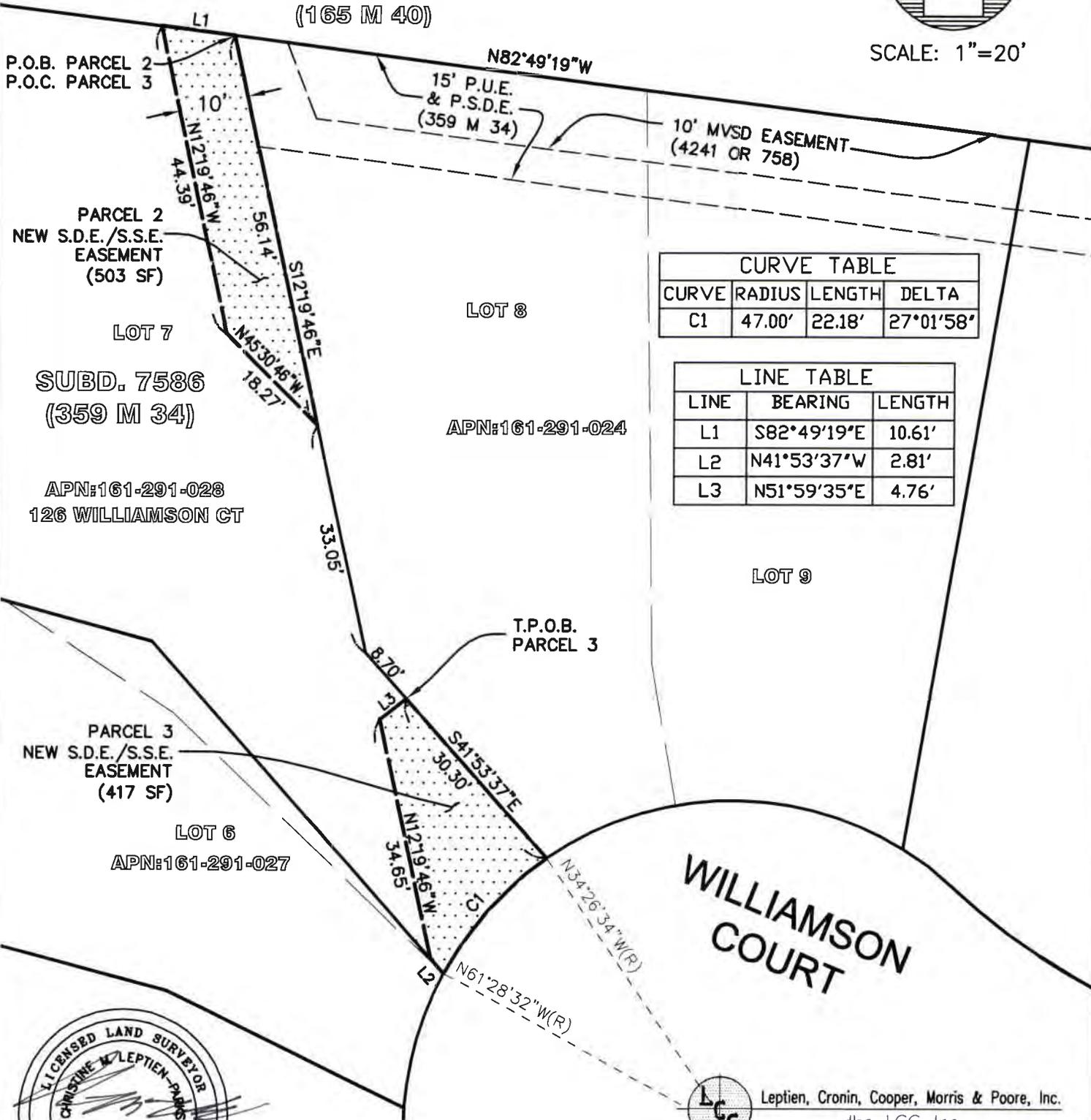
S.D.E./S.S.E. EASEMENT ACROSS 126 WILLIAMSON CT PLAT MAP TO ACCOMPANY LEGAL DESCRIPTION

A PORTION OF APN:161-291-028
CITY OF MARTINEZ
STATE OF CALIFORNIA



SCALE: 1"=20'

PCL A
(165 M 40)



CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	47.00'	22.18'	27°01'58'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S82°49'19"E	10.61'
L2	N41°53'37"W	2.81'
L3	N51°59'35"E	4.76'



9/30/14
DATE

LCC
Leptien, Cronin, Cooper, Morris & Poore, Inc.
dba LCC, Inc.
Civil Engineering - Land Surveying
930 Estudillo Street
Martinez, California 94553-1620
(925) 228-4218 Fax (925) 228-4638
APRIL 2014 LCC JOB No. 1911.816.00

**Recording Requested By:
CITY OF MARTINEZ**

**Return to: CITY OF MARTINEZ
City Clerk
525 Henrietta Street
Martinez, CA. 94553**

Document Title

**GRANT OF A NON-EXCLUSIVE STORM DRAIN EASEMENT (S.D.E.)
AND SANITARY SEWER EASEMENT (S.S.E.)**

APN: 161-291-024

Lots 8 and 9 of Subdivision 7586 (359 M 34)

APN: 161-291-024

**GRANT OF A NON-EXCLUSIVE STORM DRAIN EASEMENT(S.D.E.)
AND SANITARY SEWER EASEMENT (S.S.E.)**

THIS INDENTURE made by and between **Alaun I. Buckley and Erin E. Buckley** hereinafter called the GRANTOR and the City of Martinez, a political subdivision of the State of California, hereinafter called the GRANTEE,

WITNESSETH:

That the Grantor, for value received, hereby grants to the Grantee, a perpetual non-exclusive storm drain easement and right of way for the purposes of accessing, laying down, constructing, reconstruction, removing, replacing, repairing, maintaining and operating, as the Grantee may see fit, for sanitary sewer system and flood control purposes, including but not limited to, a pipe or pipelines, storm drain facilities for the collection and transmission of storm drainage water, culverts, ditches, concrete driveway including curb and gutter, and all necessary braces, connections, fastenings, or other protective barriers, and other appliances and fixtures for use in connection therewith or appurtenant thereto, in, under, along, and across that certain real property in the City of Martinez, State of California, described as follows:

PARCEL 1 NEW S.D.E./S.S.E , AS DESCRIBED IN EXHIBIT "B-1" AND
DELINEATED IN EXHIBIT "B-2" ATTACHED HERETO AND MADE A PART
HEREOF.

Said non-exclusive easement herein granted shall include the right by said Grantee, its officers, agents and employees, and by persons under contract with it and their employees whenever and wherever necessary for flood control purposes, to enter upon said land with personnel, vehicles and equipment, to remove all trees, vegetation and structures thereon that interfere with the purpose for which the easement herein is granted.

The Grantor reserve the right to make use of the lands included within the surface easement which is consistent with the Grantee's use, however, such use by the Grantor shall not include the planting of trees, or construction of permanent structures, including but not limited to houses, garages, outbuildings, swimming polls, walls, patios, and other concrete structures within the easement.

Grantor agrees to construct and maintain concrete surface improvement within the easement as necessary to contain and convey storm water runoff from Williamson Court. Grantor shall not remove, replace or modify said surface improvement in any way without the written consent of the Grantee. Grantor shall indemnify and hold the Grantee harmless against any liability, loss and damages resulting from the Grantor use of said surface improvement and any act or omission of Grantor or its agents, employees, provided, however, that this indemnity shall not extend to that portion of such liability, loss or damage that shall have been caused by the Grantee's gross negligence or willfully misconduct.

Grantor further agrees to not grant an easement or easement(s) on, under, or over said easement without the written consent of the Grantee, which said consent shall not be unreasonably withheld, delayed, or conditioned.

TO HAVE AND TO HOLD, all and singular, the rights above described unto the Grantee and the Grantee's successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this indenture this _____ day of _____, 2014.

Name: _____

Signature: _____

Name: _____

Signature: _____

ATTACH ACKNOWLEDGMENT

EXHIBIT B-1
LEGAL DESCRIPTION
S.D.E./S.S.E. EASEMENT

Portions of Lot 8 and Lot 9 as shown on the Map of Subdivision 7586, Creekside Collection at Shadowbrook, filed on December 13, 1991, in Book 359 of Maps at Page 34, in the office of the County Recorder, County of Contra Costa, State of California, which is more particularly described as follows:

PARCEL 1 - S.D.E./S.S.E. Easement:

BEGINNING at the northwest corner of Lot 8 as shown on the Map of Subdivision 7586, Creekside Collection at Shadowbrook, filed on December 13, 1991, in Book 359 of Maps at Page 34, in the office of the County Recorder, County of Contra Costa, State of California; thence along the westerly line of said Lot 8 (359 M 34), South 12°19'46" East, 56.14 feet; thence, leaving said westerly line of said Lot 8, South 28°10'07" East, 27.16 feet; thence South 14°04'20" East, 12.81 feet; thence South 51°59'35" West, 3.90 feet to a point on the southwesterly line of said Lot 8 (359 M 34); thence, along said southwesterly line, South 41°53'37" East, 30.30 feet to a point on the northerly right-of-way line of Williamson Court, as said right-of-way is shown on said Subdivision Map (359 M 34); thence, along said northerly right-of-way line in a northeasterly direction, along a non-tangent curve to the right, having a radial bearing of North 34°26'34" West, having a radius of 47.00 feet, through a central angle of 27°19'33", an arc distance of 22.42 feet; thence, leaving said right-of-way line (359 M 34), North 53°01'34" West, 32.13 feet; thence continuing in a northerly direction, along a non-tangent curve to the left, having a radial bearing of North 89°35'40" East, having a radius of 105.00 feet, through a central angle of 15°26'28", an arc distance of 28.30 feet; thence along a compound curve having a radius of 25.00 feet, through a central angle of 32°00'11", an arc distance of 13.96 feet; thence North 45°29'06" West, 9.81 feet; thence, North 08°52'31" West, 30.57 feet to a point on the southerly line of a 10 foot easement granted to Mt. View Sanitary District (MVSD) as described in the Resolution NO. 207 and Grant Deed recorded on November 13, 1962, in Book 4241 at Page 758 of official records in the office of the County Recorder, County of Contra Costa, State of California; thence along the southerly and westerly lines of said MVSD easement (4241 OR 758), North 82°49'19" West, 5.60 feet and North 21°50'04" West, 11.43 feet to the northwest corner of said MVSD easement (4241 OR 758), also being a point on the northerly line of said Lot 8 (359 M 34); thence leaving said MVSD easement boundary (4241 OR 758) and along said northerly line of Lot 8 (359 M 34) North 82°49'19" West, 7.46 feet more or less to the POINT OF BEGINNING.

Containing an area of 1,848 square feet, more or less.

This easement is as shown on Exhibit B-2 attached hereto and by this reference made a part hereof.

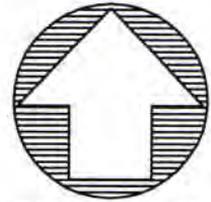
Prepared by me or under my direction:



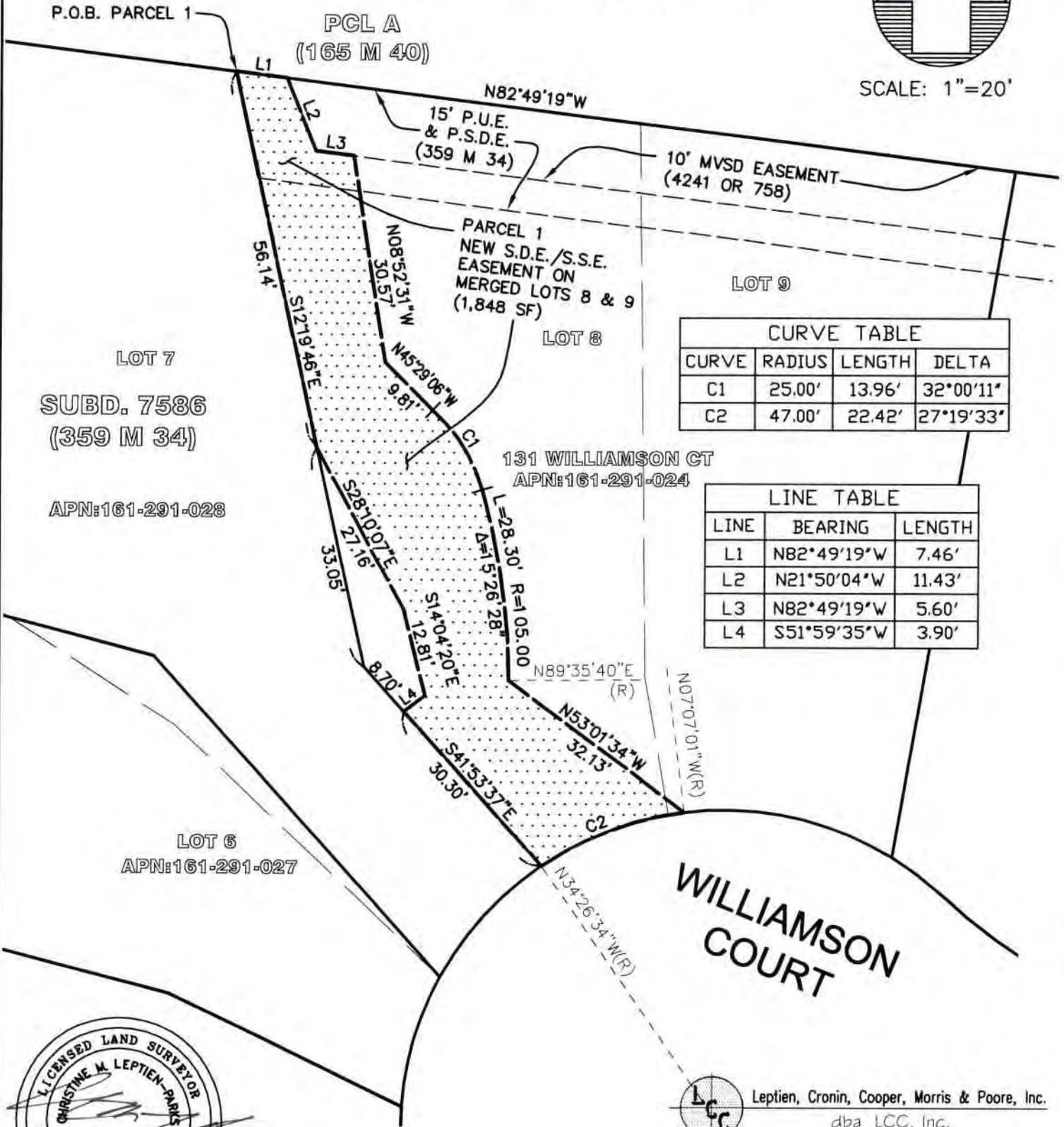
9/30/14
DATE

EXHIBIT B-2
SHEET 1 OF 1
S.D.E./S.S.E. EASEMENT ACROSS 131 WILLIAMSON CT
PLAT MAP
TO ACCOMPANY LEGAL DESCRIPTION

A PORTION OF APN:161-291-024
 CITY OF MARTINEZ
 STATE OF CALIFORNIA



SCALE: 1"=20'



CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	25.00'	13.96'	32°00'11"
C2	47.00'	22.42'	27°19'33"

LINE TABLE		
LINE	BEARING	LENGTH
L1	N82°49'19"W	7.46'
L2	N21°50'04"W	11.43'
L3	N82°49'19"W	5.60'
L4	S51°59'35"W	3.90'

P.O.B. PARCEL 1

PCL A
(165 M 40)

15' P.U.E.
& P.S.D.E.
(359 M 34)

10' MVSD EASEMENT
(4241 OR 758)

PARCEL 1
NEW S.D.E./S.S.E.
EASEMENT ON
MERGED LOTS 8 & 9
(1,848 SF)

LOT 9

LOT 7
SUBD. 7586
(359 M 34)

LOT 8

APN:161-291-028

131 WILLIAMSON CT
APN:161-291-024

LOT 6
APN:161-291-027

**WILLIAMSON
COURT**



9/30/14
DATE


 Leptien, Cronin, Cooper, Morris & Poore, Inc.
 dba LCC, Inc.
 Civil Engineering - Land Surveying
 930 Estudillo Street
 Martinez, California 94553-1620
 (925) 228-4218 Fax (925) 228-4638
 APRIL 2014 LCC JOB No. 1911.816.00