



**CITY OF MARTINEZ**

**CITY COUNCIL AGENDA  
September 5, 2007**

**TO:** Mayor and City Council  
**FROM:** Tim Tucker, City Engineer  
**SUBJECT:** East Bay Regional Park District Easements  
**DATE:** July 3, 2007

**RECOMMENDATION:**

Approve the granting of an access and utility easement and accepting a quitclaim deed with East Bay Regional Park District (EBRPD).

**BACKGROUND:**

EBRPD purchased the Perry Ranch property west of the Hillside Reservoir. The property is accessed by way of Arabian Heights Drive, a private road. A portion of the road crosses City owned property leading to the Hillside Reservoir parcel. Although this road is encumbered with an existing utility easement in favor of the former owner, Faye Perry, EBRPD is requesting to record an easement agreement in their favor to insure unencumbered access to their recently purchased Perry property as well as their existing open space property to the west.

In exchange for the access easement EBRPD will quitclaim an existing utility easement that crosses the Hillside Reservoir water tank parcel. The utility easements are no longer needed because they have been replaced.

**FISCAL IMPACT:**

None.

**ACTION:**

Adopt resolution authorizing the Mayor to sign documents to grant an Easement Agreement for access and utilities and accepting quitclaim deed with East Bay Regional Park District at the Hillside Reservoir site.

**APPROVED BY:**   
City Manager

**APPROVED BY:**   
Department Head

Attachments: Resolution; Exhibit "A", Site Plan; Exhibit "B", Plat of Easement

RESOLUTION NO. -07

AUTHORIZING THE MAYOR TO SIGN DOCUMENTS TO GRANT AN  
EASEMENT FOR ACCESS AND ACCEPTING QUITCLAIM DEED WITH  
EAST BAY REGIONAL PARK DISTRICT AT THE  
HILLSIDE RESERVOIR SITE

**WHEREAS**, East Bay Regional Park District (EBRPD) purchased the property designated as Assessor Parcel 372-140-001, more commonly known as the Feye Perry Ranch; and

**WHEREAS**, EBRPD has requested an access and utility easement (Easement) in their favor over Arabian Heights on City of Martinez owned property with Assessor Parcel number 372-140-006; and

**WHEREAS**, In exchange for the access and utility easement EBRPD agrees to quitclaim all easement rights over a fifteen foot wide, seventy-five foot long strip of land running across the Hillside Reservoir Site.

**WHEREAS**, it is in the mutual benefit to the City of Martinez and East Bay Regional Park District to execute these easement and deed.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Martinez authorizes the Mayor to sign documents for granting of access and utility easement to EBRPD and accept quitclaim deed over the City's Hillside Reservoir site subject to City Attorney approval to form.

**BE IT FURTHER RESOLVED** that the City Council authorization is subject to approval of Easement and Quitclaim by the East Bay Regional Park District Board of Directors.

\* \* \* \* \*

**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 5<sup>th</sup> day of September, 2007, by the following vote:

AYES:

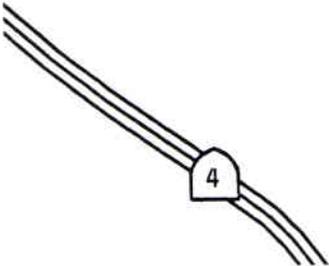
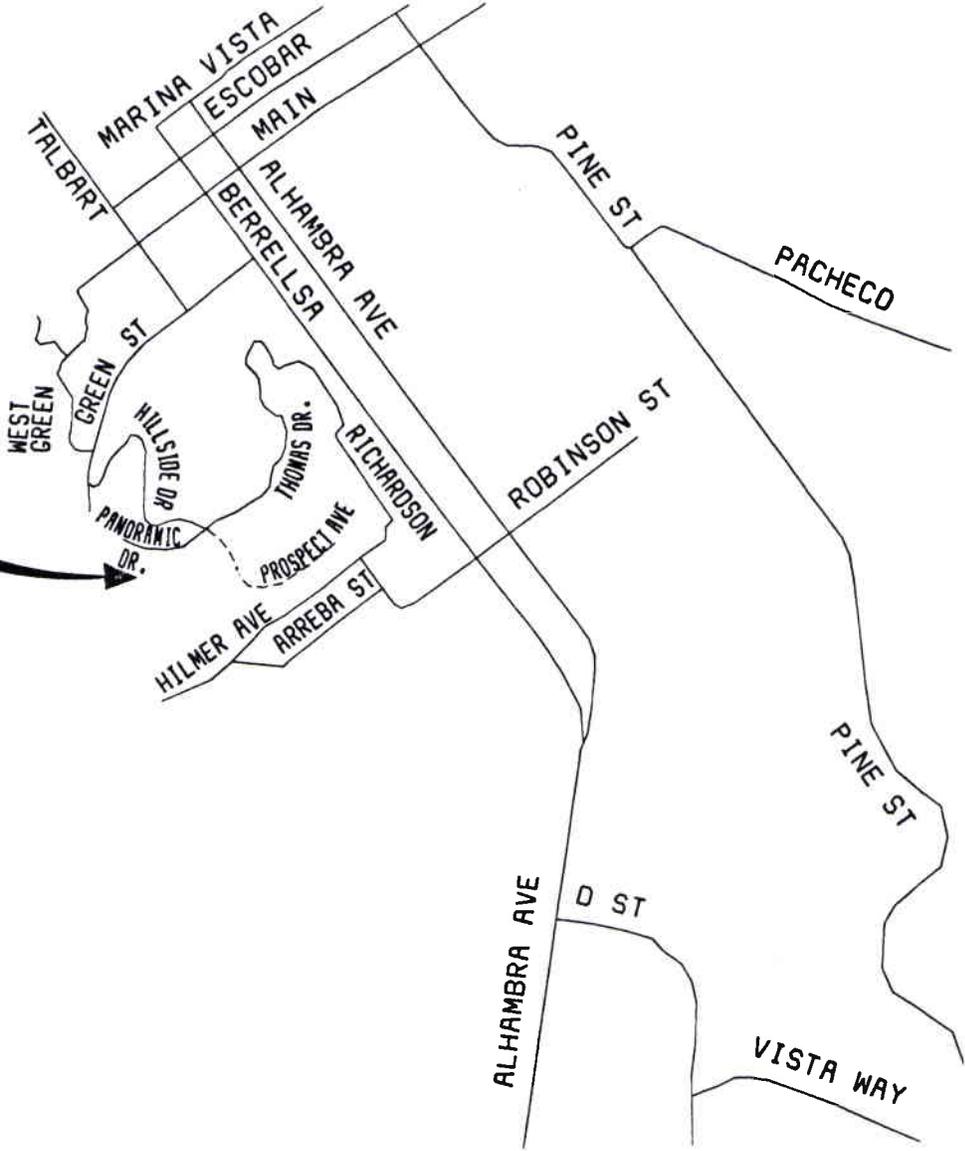
NOES:

ABSENT:

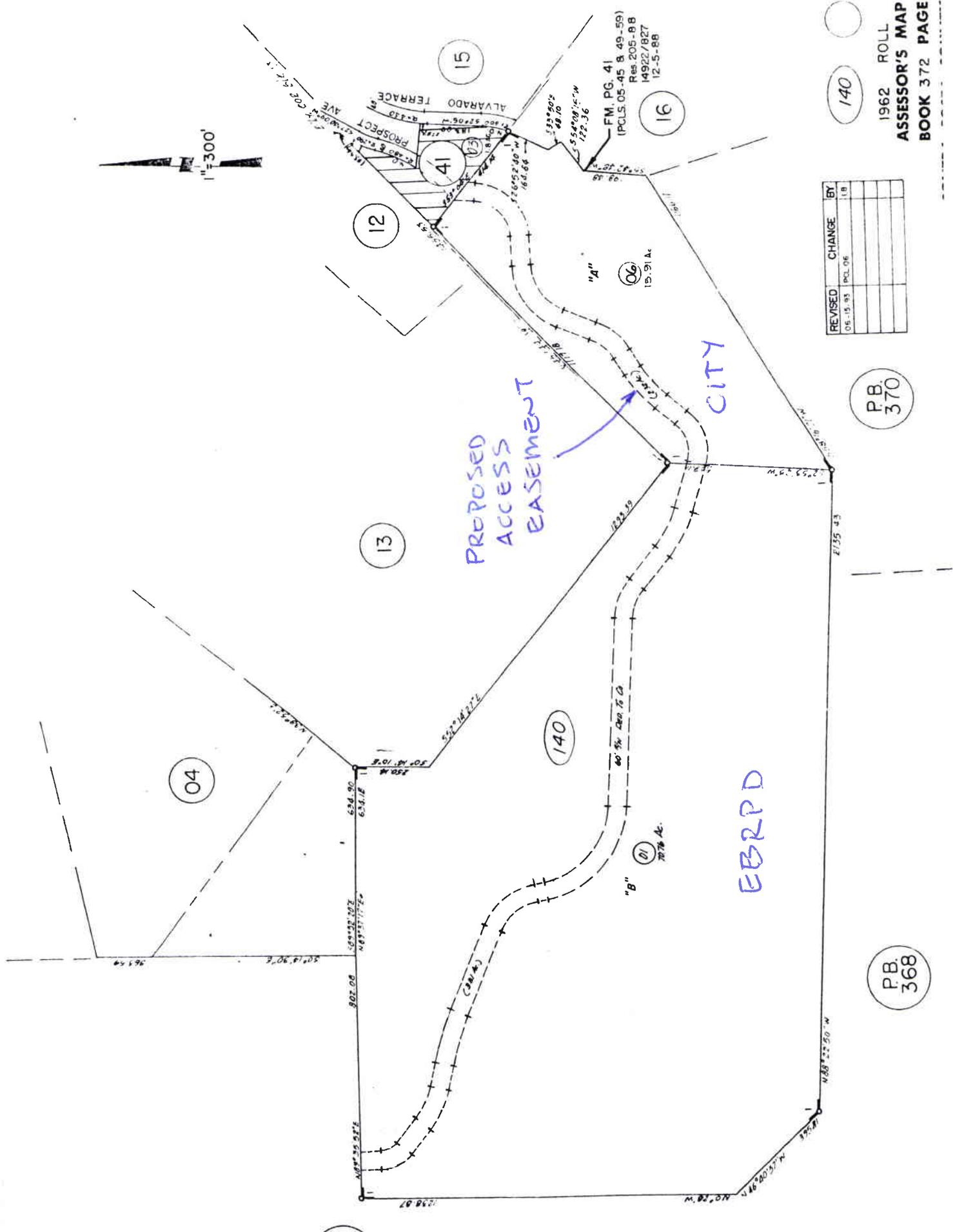
RICHARD G. HERNANDEZ, CITY CLERK  
CITY OF MARTINEZ



**HILLSIDE  
RESERVOIR SITE**



**VICINITY MAP**  
NO SCALE



P.B. 368

P.B. 368

P.B. 370

REVISED	CHANGE	BY
05-15-93	PCL 06	LB

Recorded at the request of:

East Bay Regional Park District

When recorded please mail to:

East Bay Regional Park District  
Land Acquisition Department  
2950 Peralta Oaks Court  
P.O. Box 5381  
Oakland, CA 94605-0381  
Attn: John Bouyea

Portion of APN 372-140-006

## EASEMENT AGREEMENT

For value received, this instrument is entered into this \_\_\_\_\_ day of \_\_\_\_\_, by and between the following:

**CITY OF MARTINEZ**, a municipal corporation, (herein "**CITY**"); and

**EAST BAY REGIONAL PARK DISTRICT**, a California special district (herein "**Parks**").

NOW THEREFORE, CITY and PARKS agree as follows:

### SECTION 1. CREATION OF EASEMENT OVER APN 372-140-006

CITY hereby conveys to PARKS an easement, upon the terms hereinafter contained, over the following described strip of land:

All that portion of "PARCEL A" as shown on the Parcel Map MS 167-76, filed March 8, 1978 in Book 63 of Parcel Maps, at Page 47, Contra Costa County Records, which lies within the limits of the existing road commonly known as "Arabian Heights Road."

### SECTION 2. SCOPE OF EASEMENT

The easement conveyed herein shall be a non-exclusive easement for the following purposes:

- A) Ingress to, and egress from, the land hereinafter designated as the property to which the easement is appurtenant;
- B) A roadway of any surface for vehicles of all kinds, pedestrians and animals;
- C) The maintenance of any and all hillside slopes adjacent to any roadway;
- D) Underground utilities of all types (including water, gas, oil, sewer, telephone, cable television, and electric power), together with the necessary conduits and pipelines therefor.

### SECTION 3. APPURTENANT LAND

The easement conveyed herein shall be appurtenant to the following described land:

The parcel of land described as "PARCEL ONE" in the Grant Deed from Faye M. Perry, Successor Trustee, et al, to East Bay Regional Park District, recorded March 14, 2003 as Instrument No. 2003-0117369 in the Official Records of Contra Costa County, California, more particularly described as:

"Parcel B", as shown on the Parcel Map M.S. 167-76, filed March 8, 1978, in Book 63 of Parcel Maps, Page 47, Contra Costa County Records.

Said land above described in this Section will be herein referred to as the "APPURTENANT LAND."

**SECTION 4. USE BY AGENTS, ETC., INCLUDED**

The agents, employees, servants, contractors, tenants, licensees, guests and/or invitees of PARKS may use the easement conveyed herein to the same extent that PARKS may use it.

**SECTION 5. NO RESTRICTION ON USES SERVED BY EASEMENTS**

There is no restriction upon the uses on the APPURTENANT LAND which may be served by the easement conveyed herein. The easement conveyed herein may be used to serve any lawful use, now existing or implemented in the future, upon the APPURTENANT LAND.

**SECTION 6. SUCCESSORS AND ASSIGNS; AGREEMENTS RUN WITH LAND**

The terms hereof shall be binding upon, and inure to the benefit of, the successors and assigns of the parties hereto.

The terms hereof shall run with the APPURTENANT LAND and the land underlying the easement.

**SECTION 7. EXECUTION**

The parties have executed this Easement Agreement as of the date first above written.

**CITY OF MARTINEZ,**  
a municipal corporation

**EAST BAY REGIONAL PARK DISTRICT,**  
a California special district

By \_\_\_\_\_  
City Manager

By \_\_\_\_\_  
General Manager

Approved as to form:

Approved as to form:

By \_\_\_\_\_  
Counsel

By \_\_\_\_\_  
District Counsel

Recorded at the request of:

City of Martinez

When recorded please mail to:

City of Martinez  
525 Henrietta Street  
Martinez, CA 94553  
Attn: City Clerk  
Portion of APN 372-140-006

## QUITCLAIM DEED

For Value Received, **EAST BAY REGIONAL PARK DISTRICT**, a California special district, (herein "**Grantor**")

HEREBY **REMISES, RELEASES AND QUITCLAIMS** to

**CITY OF MARTINEZ**, a municipal corporation, (herein "**Grantee**")

all that certain real property situated in the City of Martinez, County of Contra Costa, State of California, described as follows, to wit:

A strip of land of uniform width of fifteen (15) feet, the northwest line of which described as follows:

COMMENCING at the northeasterly corner of the City of Martinez Parcel recorded July 13, 1936 in Book 420 at page 150 of Official Records in the Office of the Recorder of Contra Costa County, thence along the southeasterly line of said parcel S 45°E50'00" W, 63.00 feet to the true POINT OF BEGINNING; thence continuing along said southeasterly line 75.00 feet. Containing an area of 0.258 acres, (1,125 square feet).

It is the intent of this Quitclaim Deed to eliminate all right, title and interest that the Grantor may have in a 75-foot long portion of the following easements: (1) Easement in Gross for electric transmission, telephone transmission and cable television transmission, as granted in the grant from David T. Fowler, et ux., dated September 30, 1990 and recorded in Book 16156 of Official Records of Contra Costa County, California, at page 547; and (2) Easement in Gross to be used in connection with the conveyance, distribution and/or storage of water, as granted in the instrument from Ramona M. Schumann, et al., dated August 18, 1992 and recorded in Book 17754 of Official Records of Contra Costa County, California, at page 512.

**EAST BAY REGIONAL PARK DISTRICT**  
a California special district  
(Grantor)

**CITY OF MARTINEZ**, a municipal corporation  
(Grantee)

By \_\_\_\_\_  
General Manager

By \_\_\_\_\_  
City Manager

Date \_\_\_\_\_

Date \_\_\_\_\_