

COUNTY OF SAN MATEO

County Manager's Office

DATE: January 24, 2001

Agenda Date: February 6, 2001

TO: Honorable Board of Supervisors

FROM: Paul T. Scannell, Assistant County Manager



SUBJECT: Exchange of Sanitary Sewer Easements, Unincorporated
Emerald Lake Hills (C O.P 2668)

Recommendation

Adopt a Resolution authorizing the President of the Board of Supervisors to execute an agreement to exchange sanitary sewer easements of equal value with Lakemead Way 057262290, LLC, execute a Quitclaim Deed and accept an Easement Grant Deed.

Background and Discussion

In 1983 and 1984 the County accepted various easements and rights of way for the construction, repair and maintenance of a sanitary sewer system in unincorporated Emerald Lake Hills. One of these sanitary sewer easements is on property now owned by Lakemead Way 057262290, LLC. The sanitary sewer easement has not been used. The owner has requested that the County exchange the portion of the sanitary sewer easement that has not been used by the County for an easement over another location on their property. The exchange of easements would relocate the existing easement from the middle of the property to the side of the property.

The exchange agreement presented for your approval provides for the County to execute a Quitclaim Deed to Lakemead Way 057262290, LLC for the easement not required by the County. It further requires Lakemead Way 057262290, LLC to execute an Easement Grant Deed to the County for the easement that is needed by the County.

State statutes require that a notice of an intended exchange of property interests be published once in a newspaper of general circulation. The notice has been published.

The Director of Public Works concurs with our recommendation.

County Counsel has reviewed and approved the agreements.

Honorable Board of Supervisors
January 24, 2001
Page Two

Fiscal Impact

The easements are of equal value; therefore, there is no payment to be made by the County to the owners. Lakemead Way 057262290, LLC has agreed to pay \$1,000 for costs associated with processing this exchange.

cc/enc: D. Penny Bennett, County Counsel
cc: Neil Cullen, Director, Department of Public Works
Susan Durling, Executive Assistant, Department of Public Works
Lynda Green, Manager, Real Property Services
Carolyn Hamilton, Real Property Agent, Real Property Services

RESOLUTION NO _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * *

RESOLUTION AUTHORIZING EXCHANGE OF INTERESTS IN REAL PROPERTY
OF EQUAL VALUE BETWEEN

THE COUNTY OF SAN MATEO AND LAKEMEAD WAY 057262290, LLC

PURSUANT TO SECTION 25365 OF THE GOVERNMENT CODE

(C O P NO 2668)

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California,
that

WHEREAS, Section 25365 of the Government Code authorizes this Board by four-fifths vote to exchange real property of equal value with any person, firm or corporation where the parcel of real property to be exchanged is not required for County use and the parcel of real property to be acquired is for County use, and

WHEREAS, the Clerk of the Board of Supervisors gave notice of the intended action of this Board of Supervisors pursuant to Section 6061 of the Government Code once in the Redwood City Tribune, a newspaper of general circulation published in the County of San Mateo in the form and manner provided by law and it appears from the affidavit of publication on file with the Clerk of the Board that said notice of intention has been given in the form and manner provided by law as aforesaid, and

WHEREAS, said notice of intention set TUESDAY, the second of February, 2001, at the regular meeting of the Board of Supervisors at the hour of 9 00 a m. in the Supervisors Chambers in the Hall of Justice of Records, 400 County Center, Redwood City, California,

WHEREAS, the County of San Mateo is the owner of a certain sanitary sewer easement over the property described in Exhibit 'A ,

WHEREAS, said sanitary sewer easement was accepted by Resolutions of Acceptance recorded as Document Numbers 83122220, 84003893 and 84003894 in the Office of the San Mateo

County Recorder on November 4, 1983 and January 10, 1984, and

WHEREAS, Lakemead Way 057262290, LLC is the owner of the certain interest in real property (sanitary sewer easement) located in the unincorporated area of San Mateo County, described in Exhibit 'B' attached hereto and incorporated herein by reference, and

WHEREAS, the sanitary sewer easement described in Exhibit 'A' is not required for County use and the sanitary sewer easement described in Exhibit 'B' is required for County use and the easements are of equal value; and

WHEREAS, it is necessary and desirable that this Board authorize the exchange of the easement described in Exhibit 'A' for the easement described in Exhibit 'B' as hereinafter provided, and

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED as follows:

1 That the County shall exchange said interests in real property (sanitary sewer easements) described in the attached Exhibits 'A' and 'B', pursuant to the terms and conditions stated in the Exchange Agreement. The interest in real property to be exchanged is not required for County use and the interest in real property to be acquired is required for County use. The easements are of equal value.

2. That the President of the Board of Supervisors shall, and is hereby directed to execute the Exchange Agreement with Lakemead Way 057262290, LLC, execute a Quitclaim Deed to Lakemead Way 057262290, LLC for the property described in Exhibit 'A' attached hereto and accept the Easement Grant Deed from Lakemead Way 057262290, LLC for the real property described in Exhibit 'B' attached hereto, all pursuant to Government Code Section 25365 of the Government Code. Said agreement and Quitclaim Deed shall be executed by the President of the Board of Supervisors for and on behalf of the County of San Mateo, and the Clerk of the Board will attest to his signature thereto.

Exhibit A'

A sanitary sewer easement over that certain 10 foot wide strip of land lying between Lots 1 and 39, Block 304 as shown on that certain map entitled HIGHLANDS OF EMERALD LAKE SUBDIVISION THREE , recorded November 15, 1926 in Volume 14, Subdivision Maps of San Mateo County, at Pages 47, 48, 49 and 50, said 10 foot wide sanitary sewer easement bounded on the north by the northeasterly prolongation of the most southerly boundary line of that certain 10 Easement for sewer and drainage on Lot 39 as said easement and Lot are shown on said map

EXHIBIT B

A 10 foot wide easement for the installation, maintenance and repair of a sanitary sewer with the right of ingress and egress thereto over the most westerly 10 feet of said lot 39 (also being the most westerly 10 feet of Parcel D as said Parcel is shown on that certain Parcel Map entitled Resubdivision of Lots 1, 39, 15, 16, 17, 18 and 19, Block 304, as shown on that certain map entitled Highlands of Emerald Lake Subdivision Three recorded in Volume 56 of Maps, Page 4, San Mateo County Records, on July 8, 1985

(Portion of APN 057-262-290)

AGREEMENT FOR EXCHANGE OF INTERESTS IN REAL PROPERTY
OF EQUAL VALUE BETWEEN LAKEMEAD WAY 057262290, LLC AND
SAN MATEO COUNTY UNDER AND PURSUANT TO
SECTION 25365 OF THE GOVERNMENT CODE
(C O P No 2668)

THIS AGREEMENT is entered into this _____ day of _____, 2001, by and between the COUNTY OF SAN MATEO, a political subdivision of the State of California, hereinafter called County and Lakemead Way 057262290, LLC, a limited liability company called Lakemead .

WITNESSETH

WHEREAS, Section 25365 of the Government Code authorizes the Board of Supervisors of a County, by a four-fifths vote, to exchange interests in real property of equal value with any person where the interest in the real property to be exchanged is not required for County use and the interest in the real property to be acquired is required for County use, and

WHEREAS, the ten-foot-wide sanitary sewer easement described in Exhibit A attached hereto and incorporated herein by reference as though fully set forth at length was accepted by the County by Resolutions of Acceptance recorded as Document Nos. 83122220, 84003893 and 84003894 in the Office of the San Mateo County Recorder on November 4, 1983 and January 10, 1984, and

WHEREAS, Lakemead Way 057262290, LLC (hereinafter Lakemead) are the owners of that certain interest in real property more particularly described in Exhibit B attached hereto and incorporated herein by reference as though fully set forth at length, and

WHEREAS, there are no public utilities within the sanitary sewer easement described in Exhibit A , and

WHEREAS, the sanitary sewer easement described in Exhibit B' will provide County with a substitute location for any future sanitary sewer facilities that would have been provided for within the easement described in Exhibit A , and

WHEREAS, said interest in real property described in Exhibit A is no longer required for County use and said interest in real property described in Exhibit B is required for County use and it appears that said interests are of equal value, and

NOW THEREFORE, IT IS HEREBY AGREED BY THE PARTIES HERETO as follows

- 1 CONVEYANCE OF REAL PROPERTY BY LAKEMEAD In consideration of the conveyance of the certain interest in real property (sanitary sewer easement) by County as hereinafter provided, Lakemead agrees to convey to County by deed the certain interest in real property (sanitary sewer easement) more particularly described in Exhibit B Both parties agree that in the event utilities are placed within the easement area described in said Exhibit B any site improvements placed within the area by Lakemead shall be subject to removal to accommodate placement of utilities Any such site improvements removed for utility installation, placement or maintenance shall be replaced at the expense of Lakemead. This provision shall be a covenant running with the land.
2. CONVEYANCE OF INTEREST IN REAL PROPERTY BY COUNTY In consideration of the conveyance of said interest in real property (sanitary sewer easement) as hereinabove provided in paragraph 1 of this agreement, County agrees to quitclaim to Lakemead, the certain interest in real property (sanitary sewer easement) more particularly described in Exhibit A
- 3 PROCESSING FEE County acknowledges receipt of the amount of \$1,000 paid by Lakemead to cover County's administrative costs incurred in processing this agreement. Said fee does not cover the costs listed in Paragraph No 4 below
- 4 Each party agrees to bear its own costs of any escrow fees, title insurance, recording fees and transfer tax incurred in this transaction
- 5 The parties agree that County shall record this Agreement in the Office of the San Mateo County Recorder

IN WITNESS WHEREOF the parties hereto have affixed their hand the day and year written below

Signatures follow on next page

"LAKEMEAD WAY 057262290, LLC"

By Barry B Lewis
Barry B Lewis, member

Date 1/25/00

By Pablo R Saravia
Pablo Saravia, member

Date 1-24-00

By Mark Arena
Mark Arena, member

Date 1-24-01

"COUNTY"

President. Board of Supervisors

Attest:

Clerk of the Board of Supervisors

Certificate of Delivery

I certify that a copy of the original document filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors

Clerk of the Board of Supervisors

Exhibit A

A sanitary sewer easement over that certain 10 foot wide strip of land lying between Lots 1 and 39, Block 304 as shown on that certain map entitled HIGHLANDS OF EMERALD LAKE SUBDIVISION THREE , recorded November 15, 1926 in Volume 14, Subdivision Maps of San Mateo County at Pages 47, 48, 49 and 50, said 10 foot wide sanitary sewer easement bounded on the north by the northeasterly prolongation of the most southerly boundary line of that certain 10 Easement for sewer and drainage on Lot 39 as said easement and Lot are shown on said map.

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(Portion of APN 057-262-290)

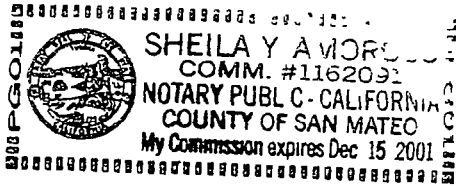
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of San Mateo } SS

On 1/24/01 before me Sheila Y Amoroso
Date Name and Title of Officer (e.g. "Jane Doe, Notary Public")
personally appeared Mark Rivera
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted executed the instrument



WITNESS my hand and official seal

Sheila Y Amoroso
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document

Description of Attached Document

Title or Type of Document _____

Document Date _____ Number of Pages _____

Signer(s) Other Than Named Above _____

Capacity(ies) Claimed by Signer

Signer's Name _____

- Individual
- Corporate Officer — Title(s) _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other _____

Signer Is Representing _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

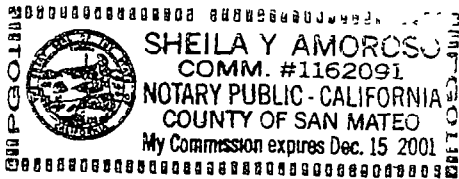
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of San Mateo } SS

On 1/24/01 before me Sheila Y Amoroso
Date Name and Title of Officer (e.g. Jane Doe, Notary Public)
personally appeared PABLO SARRAIA
Name(s) of Signer(s)

personally known to me
 proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted executed the instrument



WITNESS my hand and official seal

Sheila Y Amoroso
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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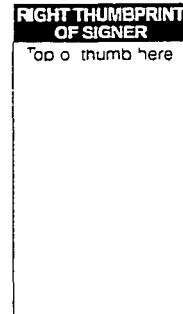
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Capacity(ies) Claimed by Signer

Signer's Name _____

- Individual
- Corporate Officer — Title(s) _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other _____

Signer Is Representing _____



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

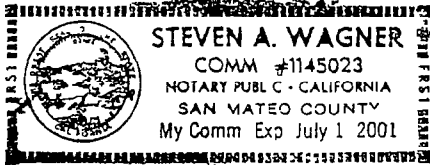
County of SAN MATEO } SS

On 1/24/01 before me STEVEN A. WAGNER, Notary Public
Date Name and Title of Officer (e.g. "Jane Doe", "Notary Public")

personally appeared BARRY B. LEWIS
Name(s) of Signer(s)

personally known to me
 proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/hers/their authorized capacity(ies) and that by his/hers/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted executed the instrument



WITNESS my hand and official seal

[Signature]
Signature of Notary Public

Place Notary Seal Above

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Document Date 1/24/01 Number of Pages 3 pgs

Signer(s) Other Than Named Above _____

Capacity(ies) Claimed by Signer

- Signer's Name _____
- Individual
- Corporate Officer — Title(s) _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other _____

Signer Is Representing _____

