

RESOLUTION NO. 2011-49

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ALBANY**

**APPROVING EASEMENT AND QUITCLAIM AGREEMENT AND
ACCEPTING NEW EASEMENTS FOR SANITARY SEWER AND PUBLIC TRAIL**

WHEREAS, attached hereto and incorporated herein by reference is an EASEMENT AND QUITCLAIM AGREEMENT by and between Bayside Commons Homeowners Condominium Owners Association (Owner) and the City of Albany (City) for the relocation of sanitary sewer and public trail easements; and

WHEREAS, the physical location of the existing trail and the physical location of the existing sanitary sewer on Owner's property do not coincide with the locations described in the recorded easements; and

WHEREAS, the attached EASEMENT AND QUITCLAIM AGREEMENT correctly identifies the constructed locations of the Sanitary Sewer and Public Trail, respectively, on Owner's property; and

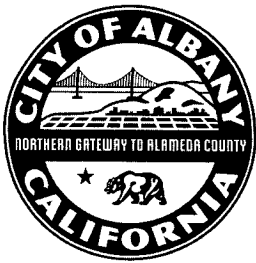
WHEREAS, Owner and City mutually desire that those portions of the previously recorded easements for a Sanitary Sewer and Public Trail affecting Owner's property and described in the attached EASEMENT AND QUITCLAIM AGREEMENT be abandoned and forever quitclaimed in favor of new easements that are located over the respective constructed locations of the Public Sanitary Sewer and Public Trail on Owner's property; and

WHEREAS, the City Engineer and Community Development Director have informed this Council that it is necessary and in the best interest of the City to approve the attached EASEMENT AND QUITCLAIM AGREEMENT and to accept the new easements and quitclaim the existing easement as therein described.

NOW THEREFORE THE CITY COUNCIL DOES HEREBY RESOLVE:

1. The attached EASEMENT AND QUITCLAIM AGREEMENT is hereby approved and the City Manager is authorized to sign on behalf of the Council, and that the City Manager is further authorized to sign any other required documents necessary to complete the recording of this transaction.
2. The new easements for sanitary sewers and a public trail described in the attached EASEMENT AND QUITCLAIM AGREEMENT are hereby accepted for public use by the City.
3. Those portions of the existing and previously recorded easements described in the attached EASEMENT AND QUITCLAIM AGREEMENT, in so far as they may affect Owner's property, are hereby quitclaimed and forever released by the City.
4. The City Clerk is authorized and directed to record the original of the attached EASEMENT AND QUITCLAIM AGREEMENT together with a certified copy of this Resolution in the office of the Alameda County Recorder.


Farid Javandel, Mayor



City of Albany

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PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

this 17th day of October , 2011 , by the following votes:

AYES: Council Members Atkinson, Lieber, Thomsen, Wile and Mayor Javandel

NOES:

ABSENT:

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this

19th Day of October, 2011.

Eileen Harrington
DEPUTY CITY CLERK

The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of a diverse community, and providing a safe, healthy and sustainable environment.



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