

RESOLUTION NO. _____

BOARD OF DIRECTORS, FAIR OAKS SEWER MAINTENANCE DISTRICT,
STATE OF CALIFORNIA

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RESOLUTION AUTHORIZING (A) THE PRESIDENT OF THE BOARD OF SUPERVISORS TO EXECUTE ON BEHALF OF THE DISTRICT THE EASEMENT EXCHANGE AGREEMENT WITH MAIRTINI NI DHOMNAILL AND EDWARD FINN, A MARRIED COUPLE, AND WITH THE COUNTY; EXCHANGING SEWER EASEMENTS ON THE PROPERTY LOCATED AT 566 ENCINA AVENUE, IN THE UNINCORPORATED AREA OF SAN MATEO COUNTY; AND (B) THE COUNTY EXECUTIVE OFFICER, OR HIS DESIGNEE, TO EXECUTE ON BEHALF OF THE DISTRICT THE CERTIFICATE OF ACCEPTANCE AND ACCEPTING A DEED OF EASEMENT AND DEDICATION ACROSS THE PROPERTY TO REPLACE THE ENTIRETY OF THE SEWER EASEMENT BEING QUITCLAIMED BY THE COUNTY; AND TO EXECUTE ANY AND ALL NOTICES, CONSENTS, APPROVALS, ESCROW INSTRUCTIONS AND DOCUMENTS IN CONNECTION WITH THE AGREEMENT

RESOLVED, by the Board of Directors of the Fair Oaks Sewer Maintenance

District, State of California, that:

WHEREAS, MAIRTINI NI DHOMNAILL AND EDWARD FINN (“Owner”) owns Assessor’s Parcel Numbers 060-119-110 located at 566 Encina Avenue, in the unincorporated County of San Mateo (the “Property”); and

WHEREAS, the County of San Mateo (the “County”) is the owner of an existing sanitary sewer easement that encumbers the Property that is being abandoned (the “Prior Easement”) by the County, which easement is described and shown on Attachment 1, attached hereto and incorporated herein by reference; and

WHEREAS, District has requested, and County and Owner desire, to exchange the Prior Easement for a new Sanitary Sewer Easement (the “New Easement”) encumbering the Property, which easement is described and shown on Attachment 2, attached hereto and incorporated herein by reference; and

WHEREAS, Owner desires to grant to the District the New Easement and sewer facilities situated therein to the District in exchange for County's quitclaim of the Prior Easement, and conveyance of any sewer facilities that remain therein to Owner, which facilities will be accepted by Owner AS-IS, WHERE-IS, and WITH ALL FAULTS; and

WHEREAS, this Board has determined that the Prior Easement and New Easement are of equal value and the Prior Easement to be quitclaimed by the County is not required for County or District purposes, while the New Easement to be conveyed is required for County and District purposes; and

WHEREAS, there has been presented to this Board for its consideration and acceptance an Easement Exchange Agreement ("Agreement") to be executed by Owner, County, and District; with attached Deed of Easement executed by Owner to be accepted by District, and attached Quitclaim Deed to be executed by County, exchanging the Prior Easement for the New Easement, pursuant to the terms of the Agreement; and

WHEREAS, this Board has been presented with the Agreement and deeds and has examined and approved the Agreement and deeds for execution.

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED AS FOLLOWS:

That the President of the Board of Supervisors be, and is hereby, authorized and directed to execute on behalf of the District the Easement Exchange Agreement with Mairtini Ni Dhomnail and Edward Finn and with the County; exchanging sewer easements on the property located at 566 Encina Avenue, in the unincorporated area of San Mateo County; and

IT IS FURTHER DETERMINED AND ORDERED that the County Executive or his designee is hereby authorized to execute on behalf of the District the Certificate of Acceptance attached to and accepting a Deed of Easement across the Property, to replace the portion of the sewer easement being quitclaimed by the County; and to execute any and all notices, consents, approvals, escrow instructions and documents in connection with the Agreement.

* * * * *

LEGAL DESCRIPTION FOR AN EXISTING EASEMENT
(Sanitary sewer easement passing from Encina Avenue to 11th Avenue,
in that unincorporated portion of North Fair Oaks.)

The following legal description was copied directly from that legal description recorded February 17, 1931, at Book 518 of Official Records at pages 11 through 12, of the San Mateo County Recorder.

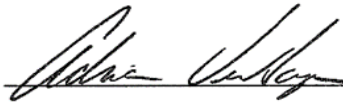
A right of way for the construction, operation, maintenance, repair, and replacement of a sanitary sewer, and all the necessary appurtenances thereto, in, under, upon, over, through and along the following described parcel of land in the County of San Mateo, State of California, more particularly described as follows:

Beginning at a point on the southeast boundary line of Lot 26, Block 29, North Fair Oaks Subdivision No. 3, a map of which is on file in the office of the Recorder of San Mateo County in Book 6 of Maps at page 7, 25.00 feet northeasterly of the most southerly corner of said Lot 26;

- Thence South 79° 05' West, 41.40 feet to a point on the southwest boundary line of said Lot 26;
- Thence North 63° 46' West along said southwest boundary line 9.94 feet;
- Thence North 79° 05' East, 53.86 feet to a point on the southeast boundary line of Lot 25 of said Block 29;
- Thence South 26° 12' West along the southeast boundary lines of said Lots 25 and 26, 7.52 feet to the point of beginning.

END OF DESCRIPTION

This description was prepared by me or under my direction in March of 2022, in compliance with the provisions of the Professional Land Surveyors' Act. (California Business and Professions Code section 8700 et seq.)

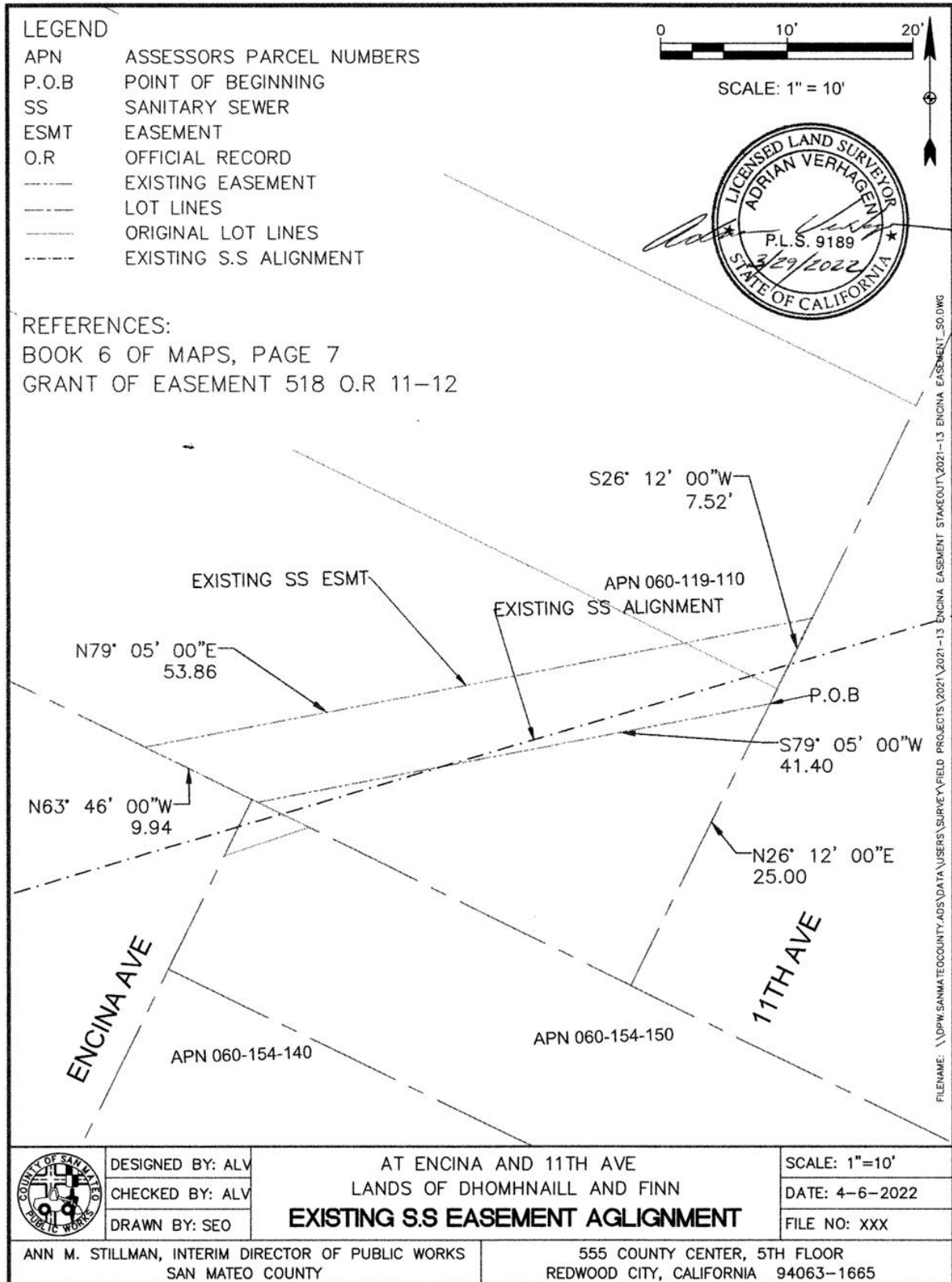
 3/29/2022

Adrian VerHagen

Date

San Mateo County Surveyor





LEGAL DESCRIPTION FOR A NEW EASEMENT
(Sanitary sewer easement passing from Encina Avenue to 11th Avenue,
in that unincorporated portion of North Fair Oaks.)

A right of way for the construction, operation, maintenance, repair, and replacement of a sanitary sewer, and all the necessary appurtenances thereto, in, under, upon, over, through and along the following described parcel of land in the County of San Mateo, State of California, more particularly described as follows:

Beginning at a point on the southeast boundary line of Lot 26, Block 29, North Fair Oaks Subdivision No. 3, a map of which is on file in the office of the Recorder of San Mateo County in Book 6 of Maps at page 7, 25.00 feet northeasterly of the most southerly corner of said Lot 26;

- Thence South 74° 56' 44" West, 37.90 feet to a point on the southwest boundary line of said Lot 26;
- Thence North 63° 46' West along said southwest boundary line 8.56 feet;
- Thence North 74° 56' 44" East, 49.26 feet to a point on the southeast boundary line of Lot 25 of said Block 29;
- Thence South 26° 12' West along the southeast boundary lines of said Lots 25 and 26, 7.52 feet to the point of beginning.

END OF DESCRIPTION

This description and plat were prepared by me or under my direction in March of 2022, in compliance with the provisions of the Professional Land Surveyors' Act. (California Business and Professions Code section 8700 et seq.)

 3/29/2022

Adrian VerHagen

Date

San Mateo County Surveyor



Attachment 2, Page 2 of 2

