

AGREEMENT

MAINTENANCE AGREEMENT FOR AIRPORT BOULEVARD, BETWEEN PENINSULA AVENUE AND LANG ROAD IN THE SAN MATEO/BURLINGAME AREA

THIS AGREEMENT, made and entered into this ____ day of _____, 2013, by and between the COUNTY OF SAN MATEO, a political subdivision of the State of California, hereinafter called "County" and the CITY OF SAN MATEO, a municipal corporation of the State of California, hereinafter called "San Mateo".

WITNESSETH:

WHEREAS, Airport Boulevard between Peninsula Avenue and Lang Road, as depicted in Exhibit A, attached hereto, is situated on County lands located within San Mateo; and

WHEREAS, said portion of Airport Boulevard serves the Anza area of Burlingame, as well as various County facilities; and

WHEREAS, San Mateo, Burlingame and County previously entered into an agreement which provided that Burlingame provide routine maintenance for said portion of Airport Boulevard; and

WHEREAS, said agreement provided a cost sharing formula between the three agencies for contract maintenance projects along said portion of Airport Boulevard; and

WHEREAS, said agreement expired in 2004; and

WHEREAS, San Mateo, Burlingame and County have met for the purposes of negotiating a new agreement among the three agencies; and

WHEREAS, Burlingame has improved Airport Boulevard from the on/off ramp to US 101 to a minimum pavement condition index (PCI) of 70, at its sole expense; and

ORIGINAL

WHEREAS, County and San Mateo agree to releasing Burlingame from any further obligation relating to Airport Boulevard based upon the City of Burlingame having performed the above described improvements; and

WHEREAS, County is interested in transferring the Airport Boulevard road easement, as depicted in Exhibit "A" attached hereto to San Mateo; and

WHEREAS, San Mateo is willing to accept said portion of Airport Boulevard, upon construction and acceptance of said improvements and upon transfer of the Airport Boulevard road easement;

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. County shall transfer the Airport Boulevard road easement, as depicted in Exhibit "A" attached hereto to San Mateo.
2. Upon transfer of the road easement to San Mateo, San Mateo shall accept all responsibility for future maintenance of said road easement and road improvements contained therein.
3. County reserves the right to construct alternative access into its Coyote Point Park facility off of subject road easement and San Mateo agrees not to obstruct or reject any reasonable proposals by County for future access into Coyote Point Park.
4. This agreement shall be binding upon the respective successors and assigns of the parties hereto. The benefits arising under this Section 4 shall include the respective directors, officers, employees and agents of the parties hereto.
5. San Mateo shall indemnify, defend, and hold harmless the County, their officers, agents, and employees, from all claims, damages, suits or actions of every name, kind and description arising out of or relating to its performance under this agreement, excepting those arising out of

County's active negligence or willful misconduct.

6. County shall indemnify, defend, and hold harmless San Mateo, their officers, agents, and employees, from all claims, damages, suits or actions of every name, kind and description arising out of or relating to its performance under this agreement, excepting those arising out of San Mateo's active negligence or willful misconduct.

The duty to indemnify and hold harmless includes the duties to defend as set forth in Section 2778 of the California Civil Code.

IN WITNESS WHEREOF, the parties hereto, by their duly authorized representatives,
have affixed their hands on the day and year first above written.

"County"

COUNTY OF SAN MATEO

BY

President, Board of Supervisors
County of San Mateo


ATTEST:

Clerk, Board of Supervisors

"San Mateo"

CITY OF SAN MATEO

BY



David Lim, Mayor, City of San Mateo

ATTEST:



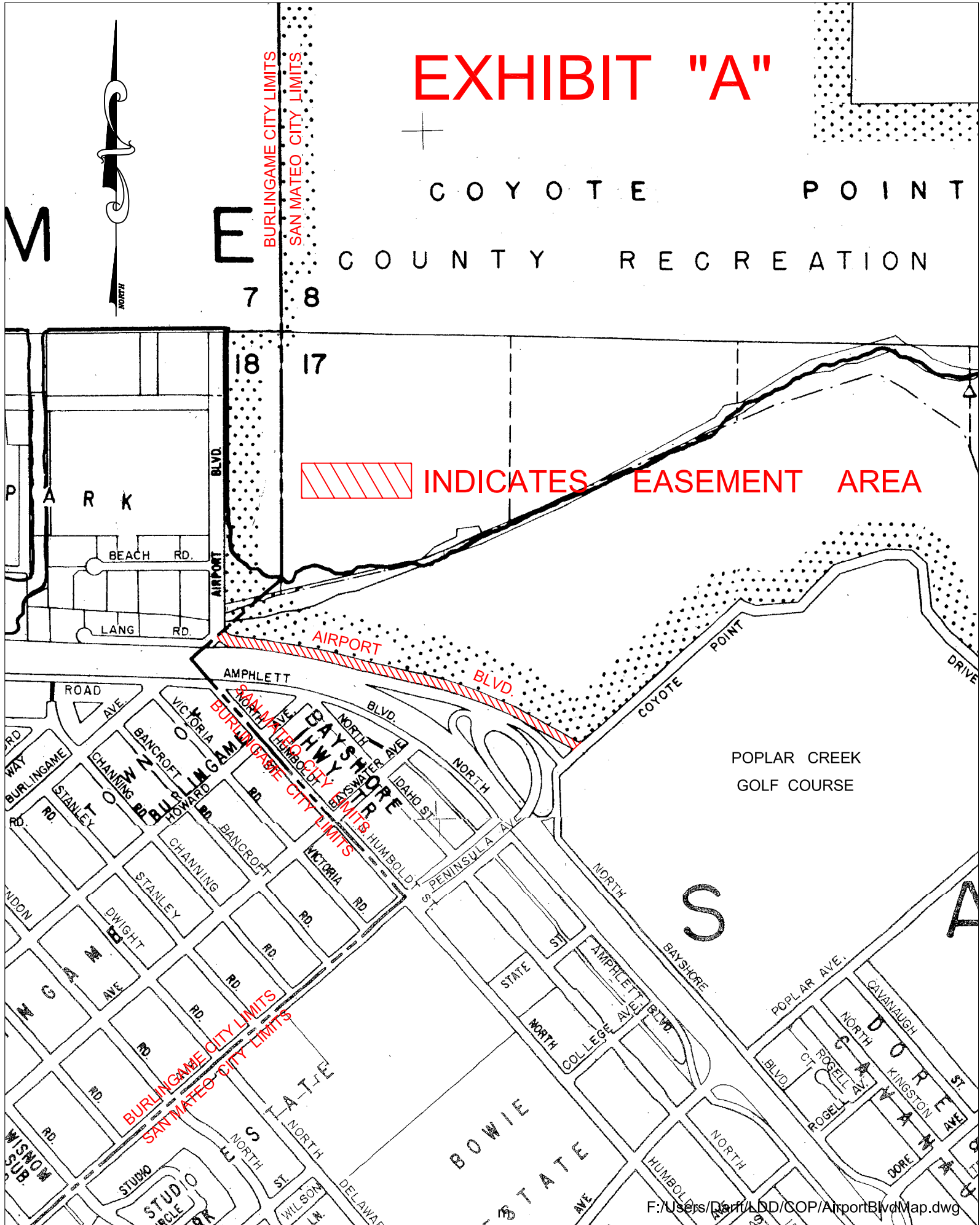
Patrice M. Olds, Clerk, City Council



EXHIBIT "A"

COYOTE POINT
COUNTY RECREATION

INDICATES EASEMENT AREA



**EXHIBIT "A"
LEGAL DESCRIPTION**

APN: 029 321 060 (Portion)

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SAN MATEO, COUNTY OF SAN MATEO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF THE LAND DESCRIBED IN THAT CERTAIN DEED OF EASEMENT TO RECLAMATION DISTRICT NO. 2097, A PUBLIC CORPORATION, RECORDED AUGUST 22, 1963, IN VOLUME 4532 O.R., AT PAGE 473, COUNTY OF SAN MATEO RECORDS, FURTHER DESCRIBED AS FOLLOWS:

A 60.00 FOOT WIDE STRIP WHICH EXTENDS FROM THE CITY LIMIT LINE BETWEEN THE CITY OF BURLINGAME AND THE CITY OF SAN MATEO (FORMERLY THE CENTERLINE OF BURLINGAME AVENUE), TO THE NORTHWESTERLY RIGHT OF WAY LINE OF COYOTE POINT DRIVE (FORMERLY PENINSULA AVENUE), THE NORTHEASTERLY LINE OF SAID 60.00 FOOT WIDE STRIP IS CONCENTRIC WITH, MEASURED PERPENDICULAR TO AND PARALLEL WITH THE FOLLOWING DESCRIBED SOUTHWESTERLY LINE:

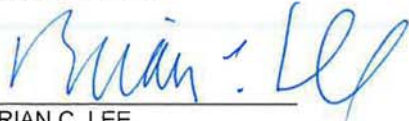
BEGINNING AT A POINT ON THE CITY LIMIT LINE BETWEEN THE CITY OF BURLINGAME AND THE CITY OF SAN MATEO, LYING NORTH 48°41'00" EAST, 93.60 FEET FROM THE INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF BAYSHORE FREEWAY; THENCE SOUTHEASTERLY ALONG A 148.52 FOOT RADIUS CURVE TO THE LEFT, THE CENTER OF WHICH CURVE BEARS NORTH 59°11'06" EAST, HAVING A CENTRAL ANGLE OF 57°24'06", AN ARC LENGTH OF 148.79 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF BAYSHORE FREEWAY; THENCE ALONG LAST SAID LINE SOUTH 88°13' 00" EAST, 58.11 FEET; THENCE ALONG A 2053.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 19°04'08", AN ARC LENGTH OF 683.27 FEET TO A NON-TANGENT POINT; THENCE SOUTH 78°17'56" EAST, 441.03 FEET; THENCE SOUTH 69°29'30" EAST, 408.99 FEET; THENCE SOUTH 60°50'05" EAST, 14.10 FEET; THENCE SOUTH 62°04'01" EAST, 58.03 FEET; THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE OF BAYSHORE FREEWAY, SOUTH 58°11'00" EAST, 379.87 FEET MORE OR LESS TO THE WESTERLY RIGHT OF WAY LINE OF COYOTE POINT DRIVE.

CONTAINING 3.00 ACRES, MORE OR LESS.

THE SIDELINES OF SAID STRIP ARE TO BE LENGTHENED OR SHORTENED TO TERMINATE AT THE CITY LIMIT LINE BETWEEN THE CITY OF BURLINGAME AND THE CITY OF SAN MATEO (FORMERLY THE CENTERLINE OF BURLINGAME AVENUE), AND THE NORTHWESTERLY RIGHT OF WAY LINE OF COYOTE POINT DRIVE (FORMERLY PENINSULA AVENUE).

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE CITY LIMIT LINE BETWEEN THE CITY OF BURLINGAME AND THE CITY OF SAN MATEO, HAVING A BEARING OF NORTH 48°41'00" EAST.

MARCH 27, 2012


BRIAN C. LEE
DEPUTY DIRECTOR OF PUBLIC WORKS
R.C.E. 26573, LICENSE EXPIRES 3/31/14



**CITY OF SAN MATEO
RESOLUTION NO. 32 (2013)**

**ACCEPTING A ROADWAY EASEMENT FROM THE COUNTY OF SAN MATEO
(AIRPORT BOULEVARD BETWEEN PENINSULA AVENUE AND LANG ROAD)**

WHEREAS, the portion of Airport Boulevard between Peninsula Avenue and Lang Road is situated on County lands located within the City of San Mateo, bordering the City of Burlingame; and

WHEREAS, an agreement between the cities of San Mateo and Burlingame and the County of San Mateo, which expired in 2004, provided that the City of Burlingame would perform routine maintenance for the subject portion of Airport Boulevard; and

WHEREAS, the California Department of Transportation's (Caltrans) 2007 Route 101 Auxiliary Lanes Project, which includes the improvement of the Peninsula Overpass and adjacent areas (including Airport Boulevard), requires clarification of title and maintenance responsibility for Airport Boulevard between Peninsula Avenue and Lang Road; and

WHEREAS, as this portion of Airport Boulevard is located within the City of San Mateo, negotiations with the City of Burlingame and the County of San Mateo, resulted in the City of San Mateo agreeing to maintain the street subject to the following conditions:

- The portion of Airport Boulevard will be improved to a pavement condition index (PCI) of 70 or above (which the City of Burlingame has completed)
- The County will transfer the roadway easement to the City of San Mateo; and

WHEREAS, the City of Burlingame agreed to and has completed street improvements at its expense; and

WHEREAS, accepting the maintenance responsibility and roadway easement will allow the City of San Mateo to gain control of the traffic signals at Airport Boulevard and Peninsula Avenue, which are important to the overall traffic operation in the area;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, HEREBY RESOLVES that:

1. Pursuant to California Environmental Quality Act (CEQA) Guidelines section 15601(b)(3) the adoption of a resolution accepting a roadway easement is exempt from CEQA requirements in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
2. The City of San Mateo accepts the roadway easement, on Airport Boulevard between Peninsula Avenue and Lang Road from the County of San Mateo.

RESOLUTION NO. 32 (2013) adopted by the City Council of the City of San Mateo, California, at a regular meeting held on March 18, 2013, by the following vote of the City Council:

AYES: Council Members Lim, Ross, Freschet, Grotte and Matthews

NOES: None

ABSENT: None

ATTEST:



Patrice M. Olds, City Clerk



David Lim, Mayor