

RESOLUTION NO. .

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

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RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR THE EXCHANGE OF REAL PROPERTY NECESSARY FOR THE COMPLETION OF THE SAN FRANCISQUITO CREEK FLOOD REDUCTION, ECOSYSTEM RESTORATION AND RECREATION PROJECT.

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

WHEREAS, PS Northern California One, Inc, a Delaware corporation ("PS Northern") owns Assessor's Parcel Numbers 063-571-060, 063-571-070, and 063-540-270, also known as 1985 East Bayshore Road located in East Palo Alto immediately north of San Francisquito Creek Channel; and

WHEREAS, the County owns an easement for construction, reconstruction, operation and maintenance of San Francisquito Creek Channel, together with the right of ingress and egress for maintenance, which easement crosses over Assessor's Parcel Number 063-540-270 ("Existing Easement"); and

WHEREAS, Government Code section 25365(b) authorizes the Board of Supervisors, by a four-fifths vote, to exchange real property with any person, firm, or corporation where the real property to be exchanged is not required for County use and the real property to be acquired is required for County use; and

WHEREAS, Government Code section 25365(b) further provides that, in the event the properties are not of equal value, either party may contribute cash or other real assets to balance the transaction; and

WHEREAS, 2629 square feet of the Existing Easement is unnecessary for San Francisquito Creek channel management ("Surplus Easement Area"), while PS Northern owns 908 square feet of property that lies outside of County's Existing Easement that is required for the San Francisquito Creek Flood Reduction, Ecosystem Restoration and Recreation Project ("New Easement Area"); and

WHEREAS, PS Northern desires to grant County a new easement representing the area of the Existing Easement excluding the area of the Surplus Easement Area but including the area of the New Easement Area, and in exchange, the County desires to quitclaim to PS Northern the entirety of the Existing Easement; and

WHEREAS, County staff has determined that the real property interests to be exchanged are of equal value such that the transaction is balanced;

WHEREAS, this Board has been presented with the Agreement for Exchange of Real Property ("Agreement") and has examined and approved same as to both form and content and desires to enter into same; and

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the President of the Board of Supervisors be, and is hereby, authorized and directed to execute said Agreement For Exchange of Real Property on behalf of the County of San Mateo, and the Clerk of this Board shall attest the President's signature thereto, and it is further ordered that the County Manager or his designee is hereby authorized to accept and/or execute on behalf of the County, any and all notices, consents, deeds, certificates of acceptance, escrow instructions and documents in connection with the Agreement as needed to comply with the intent of this Resolution and the Agreement.

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