Supervisors, Santa Clara County, 70W. Heddi San Jose, Calif. 95110. We shall provide County departments involved with conformed copies. Thank you. Clerk, Board of Supervisors AT REQUEST OF OFFICAL RECORDS SANTA CLARA COUNTY LAURIE KANE 577-09-04BCORDER LANDSCAPE AND MAINTENANCE AGREEMENT BETWEEN J479PAGE 649 AND THE COUNTY OF SANTA CLARA This is an agreement between Robert W. Kelez and the COUNTY OF SANTA CLARA, hereinafter called Developer hereinafter called "COUNTY". WHEREAS, the COUNTY is the owner of the real property shown shaded on the map attached hereto as Exhibit "A"; and WHEREAS. Developer desires to landscape and maintain the shaded area at its own expense; and WHEREAS, the Board of Supervisors of the County of Santa Clara finds and determines that it is in the best public interest to grant the request of Developer ; NOW, THEREFORE, it is mutually agreed as follows:

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and maintain the shaded area on the attached Exhibit "A".

COUNTY hereby grants permission to Developer to landscape

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J479 PAGE 650

2. <u>Developer</u> shall	l assume the defense and agree to save
harmless and indemnify COUNTY, its	officers and employees from any liability
for injury, death, loss, accident of	or damage to any persons or property arising
out of the use of said shaded area	for landscaping purposes.
3. Developer herel	by agrees at its own expense to landscape
and maintain the shaded area, that	said landscaping shall be kept trim and
shall not interfere with sight clea	arance for traffic on adjacent roadways, and
that said landscaping shall not, in	n the judgement of the Road Commissioner,
become a public eyesore.	
4. COUNTY reserves the right t	to rescind the permission granted herein upon
the giving of a sixty (60) day writ	tten notice to <u>Developer</u> .
5. Any notices required to be	sent under the terms of this agreement shall
be addressed as follows:	
To COUNTY:	4 V
	County of Santa Clara Transportation Agency
	1555 Berger Drive, Room 205 San Jose, CA 95112
_	
To: <u>Developer</u> :	Robert WKelez
	1155 Redmond Ave.
	Can Toca Ca 95120

(General)						
STATE OF CA		} ss.	J4	79 PAGE	652	
COUNTY OF_	SANTA CLARA					
1	st 21, 1985 b		undersigned, a Notary Pub	lic in and for se	aid	
State, personally	y appeared <u>Robert W. K</u>	elez			,	
<u> </u>						
<u> </u>			oved to me on the basis of sa	atisfactory eviden	ce)	
_	whose name_is nstrument and acknowledged that					
f executed the sar	me,		01	FFICIAL SE	AL	
WIINESS my	hand and official seal.		The state of the s	Corinne L. Ch	l.k.	
Signature	Cruse ZChen	·		ARY PUBLIC-CALIF		
Cor	rinne L. Chin		COU	INTY OF SANTA C	CLARA	
	Name (Typed or Printed)	· · · · · · · · · · · · · · · · · · ·	My Commission E	*****		
OFC-2056			(This area t	for official notarial sea	il}	
GENERAL A	CKNOWLEDGMENT					NO. 201
Marie Grant Program						-
State of _	California)	Oi	this the <u>17th</u> ay of	Septembe	e r 1	9 <u>85</u> , before me,
8.	0	SS.		_		8
County of	Santa Clara	<u></u>	Sheila E.	Sonnenbe	erg	·
8		th	e undersigned Notary Pe	ublic, persona	lly appeared	8
8			Rod Diri	don		
8						
			personally known to m			8
	OFFICIAL SEAL	B	proved to me on the babe the person(8) whose			subscribed to the
N I RESTA	SHEILA E SONNENBERG		thin instrument, and ack	• •		executed it.
	SANTA CLARA COUNTY My comm. expres MAY 23, 1936	<i>?</i> ₩	ITNESS my hand and off	ficial seal.	1	8
		•	- Ll. V. C	Somme		8
8	,	No	otary's Signature		ny	
82	w [*]	200200000		~~~~~	, , , , , , , , , , , , , , , , , , ,	
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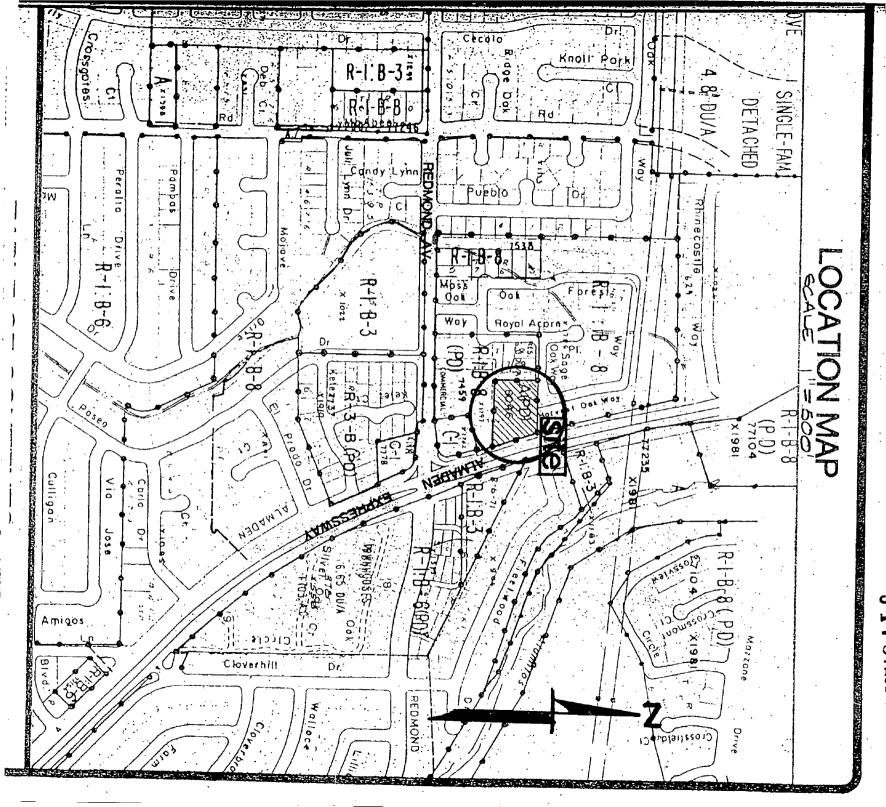
	12	
B	y:	Robert W. Kelez
, the second of $oldsymbol{T}$	itle:_	Developer
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. •		
THIS SPAC	CE FOR	NOTARY FORM
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e.		
Executed this date: SEP 1 7 1985	<u> </u>	- STAZO
co	OUNTY O	F SANTA CLAPA
_		
By	Cha	rperson, Board of Supervisors
ATTEST: DONALD M. RAINS, Clerk Board of Supervisors	Rod	Diridor
		A VOC OF THE PARTY
What he Kain		
APPROVED AS TO FORM AND LEGALITY:		
Deputy County Counsel		
WPYGO1		

Page 3 - Landscape Agreement, A.P.N.: 577-09-045

SHRUBS TREES 16-16AC- EVETCAPORION FEBRUA WHISECHMA T-IGAL MAHAMIA AGINEGUUM COMPACEN S. ICAT DAMES MICHELLE . SEAC STREUTTLE REGINES 6 limi. Higgs Tohn HI PARTMENT PERUNDAMENT PARTMENT Papultidapia rupica Butcusutemas Company Contribute 1999 PLANT MATERIAL : PLANTERS ONLY PLANTERS AT FRONT ENTRANGE PLANT MATERIAL Por Line (MINT SAVE ROUSE AUST) I SALL PYBUS KAWACAMII FERMINUS DENCHRON RM TOME GEITERA PARVIPLARA SOL PHATILIA FRANCE CAC- FILLS NITIDA FRALL PITTOSPORUM SALLUCIATION CALL BURNOPS PATTURATUS THE CARRADISC COVERS IN ALL PLANTERS AFFAR SCALE 1 - 10 - 001 SKENINGRED VIIONI SAKABIRIYET 1455 5-5 ADVILLAG TOMOGRAPIA SILVE OVER BRIGHTON PINE BRESTE OF LEAVEN DWARE DIRECTH SCHOOL Ses of Passons MHERLER'S DIMER DIFFORMA THIS INTE SPLIT WAS PARE VICTORIAM ASS FRACES FURTH EDRYOPS Gura Eremin HEDRA LAURSE GROUND COVERS destants detainste.
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TO BE INSTALLED WIN ALMADEN EXPRESSWAY EXPRESSWAY MATCHEX CURB COUTER (GRASO) Transport on OFFICE BUILDING A.S.L.A. LANDSCAPE ARCHITECT Ľ-Ľ 16401 ALMADEN EXPRESSWAY SAN JOSE, CA

JA79PAGE 653 EXHIBIT A

J479PAGE 654



to landscape

Division Property Jordan, 2 orig. (one to be returned) Transportation-Administration, Attention Frank for recording and return 9/24/85

A.P.N.: 577-09-045
LANDSCAPE AND MAINTENANCE AGREEMENT BETWEEN Robert W. Kelez
AND THE COUNTY OF SANTA CLARA
This is an agreement between Robert W. Kelez
hereinafter called Developer and the COUNTY OF SANTA CLARA,
hereinafter called "COUNTY".
WHEREAS, the COUNTY is the owner of the real property shown shaded on the map attached hereto as Exhibit "A"; and
WHEREAS, Developer desires to landscape and maintain the shaded
area at its own expense; and
WHEREAS, the Board of Supervisors of the County of Santa Clara finds and
determines that it is in the best public interest to grant the request
of <u>Developer</u> ;
NOW, THEREFORE, it is mutually agreed as follows:

COUNTY hereby grants permission to __Developer

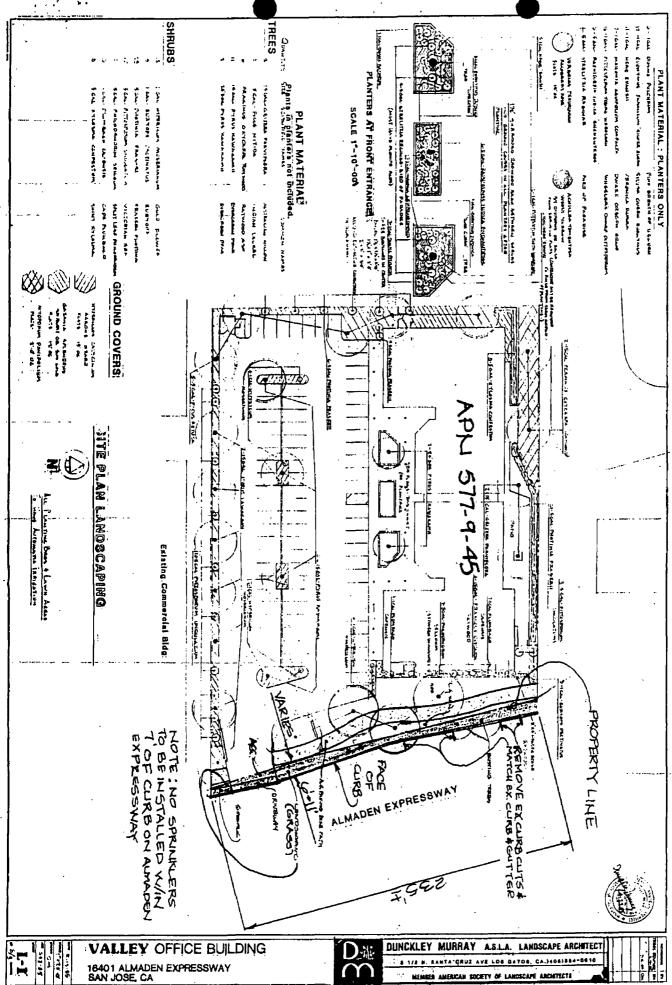
and maintain the shaded area on the attached Exhibit "A".

2. Developer shall assume the defense and agree to save
harmless and indemnify COUNTY, its officers and employees from any liability
for injury, death, loss, accident or damage to any persons or property arising
out of the use of said shaded area for landscaping purposes.
3. Developer hereby agrees at its own expense to landscape
and maintain the shaded area, that said landscaping shall be kept trim and
shall not interfere with sight clearance for traffic on adjacent roadways, and
that said landscaping shall not, in the judgement of the Road Commissioner,
become a public eyesore.
4. COUNTY reserves the right to rescind the permission granted herein upon
the giving of a sixty (60) day written notice toneveloper
5. Any notices required to be sent under the terms of this agreement shall
be addressed as follows:
To COUNTY: Property Division County of Santa Clara Transportation Agency 1555 Berger Drive, Room 205 San Jose, CA 95112
To: Developer : Robert W. Kelez
1155 Redmond Ave.

San Jose, Ca. 95120

Page 3 - Landscape Agreement, A.	P.N.: 577-09-045
•	3/
	By: Robert W. Kelez
· · · · · · · · · · · · · · · · · · ·	Title: Developer
(General)	
STATE OF CALIFORNIA COUNTY OF SANTA CLARA SS.	
On August 21, 1985 before me, the un State, personally appeared Rohert W. Kelez	dersigned, a Notary Public in and for said
personally known to me (or prov	ed to me on the basis of satisfactory evidence)
to the within instrument and acknowledged that he executed the same.	OFFICIAL SEAL
Signature Children Louis	Corinne L. Chin NOTARY PUBLIC CALIFORNIA PRINCIPAL OFFICE IN THE COUNTY OF SANTA CLARA
Corinne L. Chin Name (Typed or Printed) OFC-2056	My Commission Expires Mar. 27, 1987 (This area for efficial notarial seal)
Executed this date: SEP 1 7 19	85•
	COUNTY OF SANTA CLARA
	By Sol Divide
ATTEST: DONALD M. RAINS, Clerk Board of Supervisors	Chairperson, Board of Supervisors Rod Diridon
Dhunh fair	
APPROVED AS TO FORM AND LEGALITY:	
Deputy County Counsel	

WPYGO1



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16401 ALMADEN EXPRESSWAY SAN JOSE, CA

LANDSCAPE & MAINTENANCE AGREEMENT



County of Santa Clara

Transportation Agency 1555 Berger Drive San Jose, California 95112

California

TRANSMITTAL MEMORANDUM

_	
_	

Prepared by_	F.	Jordan
Reviewed by	S.	Bruce
Submitted by APPROVED: D	J.	Reading
APPROVED: D	IREC	TOR His

Page 1 of 2

S.D._1

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	• 4 44	

DATE: August 29.

TRANSIT DISTRICT BOARD:	Agenda	Date_				_Item	No
COUNTY BOARD OF SUPERVISORS:	Agenda	Date_	September	17,	1985	_I tem	No.
TRANSPORTATION COMMISSION:	Agenda	Date_		 .		_I tem	No

FROM: EFIGONE, PROPERTY, TRANSPORTATION DEVELOPMENT

SUBJECT:

LANDSCAPE AGREEMENT WITH ROBERT W. KELEZ, DEVELOPER, AND

THE COUNTY OF SANTA CLARA

RECOMMENDED ACTION:

Authorize the chairperson to execute the agreement between Robert W. Kelez, Developer, and the County of Santa Clara for the installation and maintenance of landscape improvements on the westerly side of Almaden Expressway approximately 300 feet north of Redmond Avenue in the City of San Jose.

FISCAL IMPLICATIONS:

No expenditure of County funds is involved.

REASONS FOR RECOMMENDATION/BACKGROUND:

On a typical section of County expressway where access is restricted, the County is responsible for the installation of land-scaping and maintenance of the landscaped areas. In some cases private companies located adjacent to these areas are allowed to landscape and maintain them with the approval of the County.

This landscape agreement, which is on the County's standard form, permits Robert W. Kelez to landscape and maintain the area shown on the Exhibit "A" attached to the agreement. Robert W. Kelez will assume liability for injury, death, loss, accident or damage to any persons or property arising out of the use of this area for landscaping purposes.



Page 2 of 2

DATE: August 29, 1985

TRANSIT DISTRICT BOARD AGENDA DATE:

COUNTY BOARD OF SUPERVISORS AGENDA DATE: September 17, 1985

TRANSPORTATION COMMISSION AGENDA DATE:

SUBJECT: LANDSCAPE AGREEMENT WITH ROBERT W. KELEZ, DEVELOPER, AND

THE COUNTY OF SANTA CLARA

REASONS FOR RECOMMENDATION/BACKGROUND: (con't)

The County reserves the right to rescind this agreement after giving a sixty day written notice to Robert W. Kelez.

CONSEQUENCES OF NEGATIVE ACTION:

The County would continue responsibility for maintenance of this area.

STEPS FOLLOWING APPROVAL:

The original fully-executed agreement will be returned to the Property Division of the Transportation Agency. The agreement will then be forwarded to the County Recorder's Office for recordation and subsequently returned to the Clerk of the Board.

EAF:FJ:kh

cc: S. Bruce, Trans. Dev.

WPLF18

