

ERNEST A. FIGONE, JR.
PROPERTY DIVISION

ROADS/C+A/Expressways Almaden/Davidson
Transportation Agency
1555 Berger Drive
San Jose, California 95112

9884436

W730 PAGE 721
K730

FILED FOR RECORD
AT REQUEST OF

COUNTY OF SANTA CLARA
OCT 25 8 01 AM '88

NO FEE

A.P.N.: 701-17-20 OFFICIAL RECORDS
SANTA CLARA COUNTY
LAURIE KANE
RECORDER

LANDSCAPE AND MAINTENANCE AGREEMENT BETWEEN

CHARLES W. DAVIDSON

AND THE COUNTY OF SANTA CLARA

This is an agreement between CHARLES W. DAVIDSON
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 DEVELOPER;

NOW, THEREFORE, it is mutually agreed as follows:

1. COUNTY hereby grants permission to DEVELOPER to landscape
and maintain the shaded area on the attached Exhibit "A".

Two Fully executed originals to T/A-Property Division; (T/A Property Division will forward one to Contractor and one to Recorder) 10/18/88 gpw
Received fully executed recorded Agreement. 12-5-88 lh

ORIGINAL

OCT 4 1988

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 to DEVELOPER.

5. Any notices required to be sent under the terms of this agreement shall be addressed as follows:

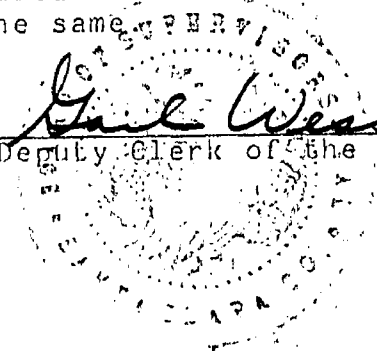
To COUNTY: Property Division
County of Santa Clara
Transportation Agency
1555 Berger Drive, Room 205
San Jose, CA 95112

To: DEVELOPER : CHARLES W. DAVIDSON
255 W. JULIAN STREET, SUITE 200
SAN JOSE, CA 95110-2406

STATE OF CALIFORNIA
SS.
COUNTY OF SANTA CLARA

On this _____ day of OCT 4 1988, in the year _____ before me
Deputy Clerk of the Board, personally appeared ZOE LOFGREN,
known to be the Chairperson of the Board of Supervisors of the
County of Santa Clara and known to me to be the person who executed
the within statement on behalf of said political subdivision and
acknowledged to me that he/she executed the same.

Gail Weiss
Deputy Clerk of the Board



WPLA44

GENERAL ACKNOWLEDGMENT

NO. 201

State of CALIFORNIA
County of SANTA CLARA } SS.

On this the 18th day of AUGUST 19 88, before me,
MONICA SHINN

the undersigned Notary Public, personally appeared

CHARLES W. DAVIDSON

personally known to me
 proved to me on the basis of satisfactory evidence
to be the person(s) whose name(s) _____ is _____ subscribed to the
within instrument, and acknowledged that _____ he _____ executed it.
WITNESS my hand and official seal.



Monica Shinn
Notary's Signature

Page 3 - Landscape Agreement, A.P.N.: 701-17-20

By: Charles Davidson
Title: Developer

THIS SPACE FOR NOTARY FORM

Executed this date: OCT 4 1988

COUNTY OF SANTA CLARA

By Zoe Lofgren
Chairperson, Board of Supervisors

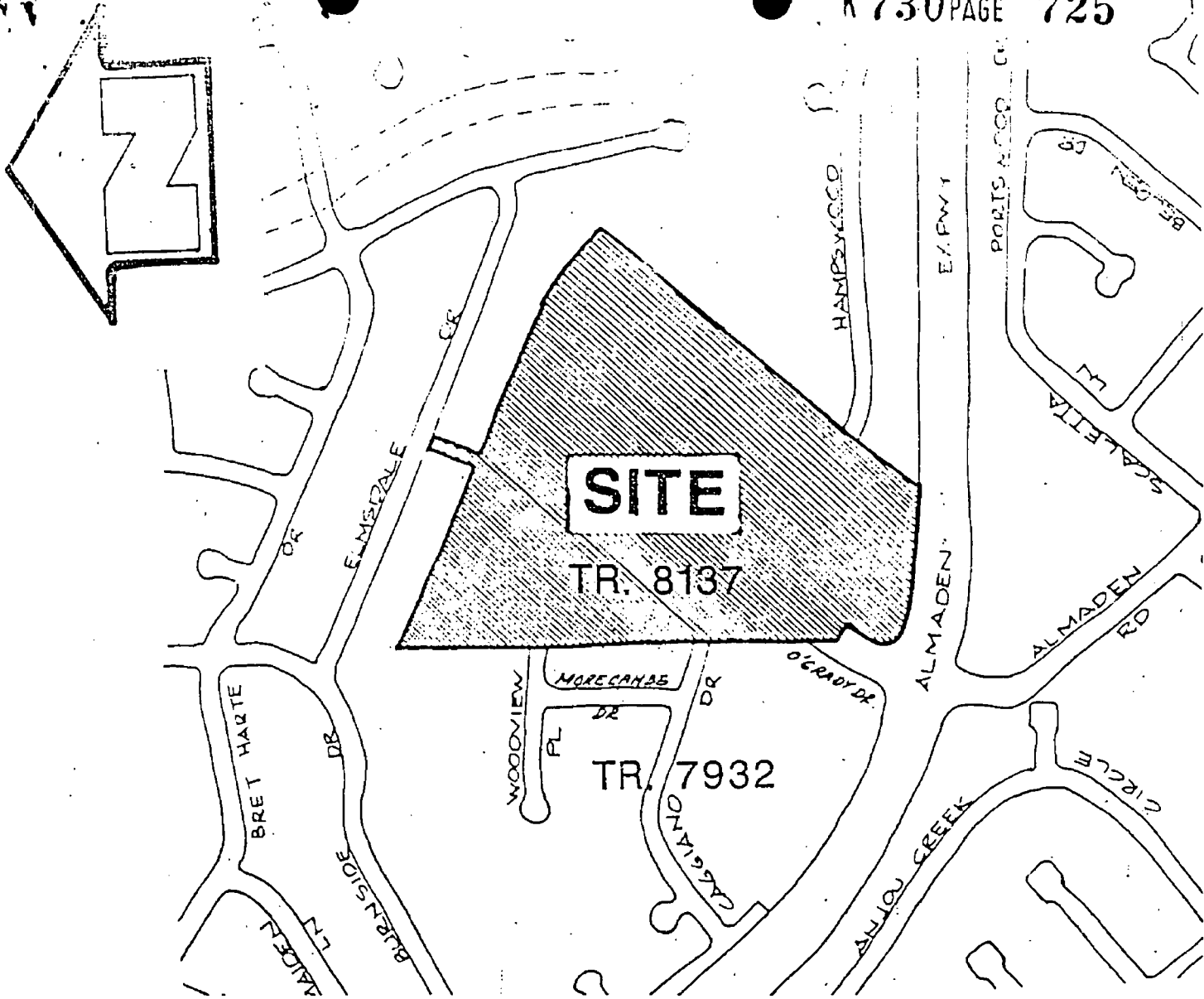
ATTEST: DONALD M. RAINS, Clerk
Board of Supervisors

Donald M. Rains

ZOE LOFGREN

APPROVED AS TO FORM AND LEGALITY:

Herbert L. Kondson
Deputy County Counsel



LOCATION MAP

SCALE 1"=500'

**LANDSCAPE & MAINTENANCE
Agreement
LOCATION MAP**

HAMPSWOOD WAY

TRACT NO. 7932

TRACT NO. 8137

O'GRADY DR

SIDEWALK

COUNTY MAINTENANCE

5 gal. NERIUUM OLEANDER "ALGIERS"

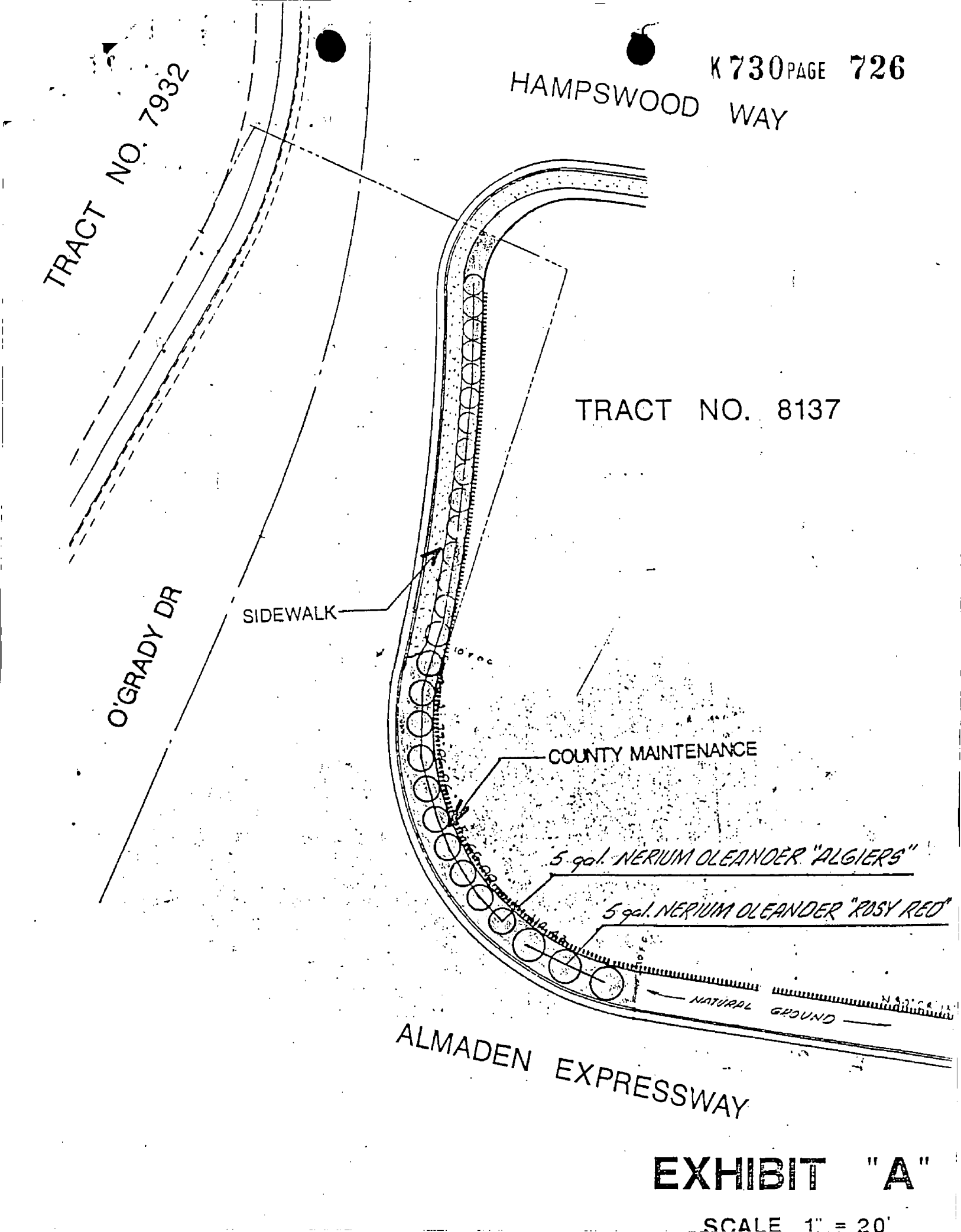
5 gal. NERIUUM OLEANDER "ROSY RED"

NATURAL GROUND

ALMADEN EXPRESSWAY

EXHIBIT "A"

SCALE 1" = 20'



SEANPA COLLIER COUNTY
TRANSPORTATION AGENCY
PROPERTY DIVISION
SEP 6 9 26 AM '08

SEP 8 3 52 PM '08

California

TD-9



TRANSMITTAL MEMORANDUM

Prepared by R. Zeigler
Reviewed by R. Scott
Submitted by J. Reading
APPROVED: DIRECTOR

Page 1 of 2

S.D. 2

DATE: September 12, 1988

TRANSIT DISTRICT BOARD: Agenda Date October 4, 1988 Item No. _____
COUNTY BOARD OF SUPERVISORS: Agenda Date _____ Item No. _____
TRANSPORTATION COMMISSION: Agenda Date _____ Item No. _____

FROM: ^{ef} FIGONE, PROPERTY, PLANNING AND PROPERTY

SUBJECT: LANDSCAPE AGREEMENT WITH CHARLES W. DAVIDSON
APPROVED BY THE BOARD OF SUPERVISORS
OF SANTA CLARA COUNTY OCT 4 1988
DONALD M. RAINS, Clerk of the Board
By Gail Weiss Deputy Clerk

RECOMMENDED ACTION:

Authorize the chairperson to execute the agreement between Charles W. Davidson and the County of Santa Clara for the installation and maintenance of landscape improvements on Almaden Expressway and O'Grady Drive.

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 landscaping 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 Charles W. Davidson to landscape and maintain the area shown on the Exhibit "A" attached to the agreement. Charles W. Davidson 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.

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

10/17/88 gpw

Approved copy to T/A-Prop. Div.;

DATE: September 12, 1988

TRANSIT DISTRICT BOARD AGENDA DATE: October 4, 1988

COUNTY BOARD OF SUPERVISORS AGENDA DATE:

TRANSPORTATION COMMISSION AGENDA DATE:

SUBJECT: LANDSCAPE AGREEMENT WITH CHARLES W. DAVIDSON

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:RZ:kr

cc: RWS, Planning & Property

WPLI16

