

87 9/17/85 NOTICE

Please return this document to the Board of Supervisors, Santa Clara County, 70W. Hedding St., San Jose, Calif. 95110. We shall provide County departments involved with conformed copies. Thank you. Clerk, Board of Supervisors 6128

FILED FOR RECORD AT REQUEST OF

BofS

OCT 4 12 45 PM 1985

OFFICIAL RECORDS SANTA CLARA COUNTY LAURIE KANE RECORDER

A.P.N.: 577-09-045CORDER

DH

11-5-85
Claudia
I'll be giving you all of Sheri's items for you to distribute.

LANDSCAPE AND MAINTENANCE AGREEMENT BETWEEN

Robert W. Kelez

AND THE COUNTY OF SANTA CLARA

J479 PAGE 649

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 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".

ORIGINAL

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 : Robert W. Kelez
1155 Redmond Ave.
San Jose, Ca. 95120

(General)

STATE OF CALIFORNIA }
COUNTY OF SANTA CLARA } SS.

J479 PAGE 652

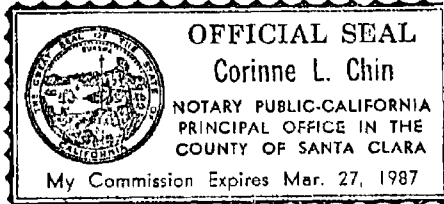
On August 21, 1985 before me, the undersigned, a Notary Public in and for said State, personally appeared Robert W. Kelez

_____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person _____ whose name is _____ subscribed to the within instrument and acknowledged that he executed the same.

WITNESS my hand and official seal.

Signature Corinne L. Chin

Corinne L. Chin
Name (Typed or Printed)



(This area for official notarial seal)

OFC-2056

GENERAL ACKNOWLEDGMENT

NO. 201

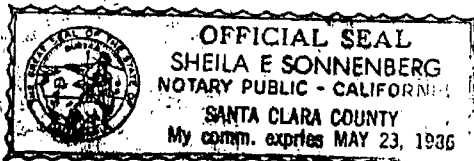
State of California }
County of Santa Clara } SS.

On this the 17th day of September 1985, before me,

Sheila E. Sonnenberg
the undersigned Notary Public, personally appeared

Rod Diridon

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.



Sheila Sonnenberg
Notary's Signature

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

43
By: Robert W. Kelez
Title: Developer

THIS SPACE FOR NOTARY FORM

Executed this date: SEP 17 1985 .

COUNTY OF SANTA CLARA

By Rod Diridon
Chairperson, Board of Supervisors
Rod Diridon

ATTEST: DONALD M. RAINS, Clerk
Board of Supervisors

Donald M. Rains

APPROVED AS TO FORM AND LEGALITY:

Robert L. ...
Deputy County Counsel

WPYGO1

Pending

A.P.N.: 577-09-045

LANDSCAPE AND MAINTENANCE AGREEMENT BETWEEN

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AND THE COUNTY OF SANTA CLARA

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

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

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To: Developer : Robert W. Kelez
1155 Redmond Ave.
San Jose, Ca. 95120

By: Robert W. Kelez

Title: Developer

(General)

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA } SS.

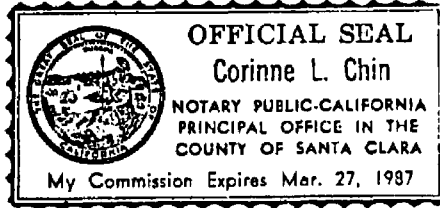
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_____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is _____ subscribed to the within instrument and acknowledged that he executed the same.

WITNESS my hand and official seal.

Signature Corinne L. Chin

Corinne L. Chin
Name (Typed or Printed)



(This area for official notarial seal)

OFC-2056

Executed this date: SEP 17 1985 .

COUNTY OF SANTA CLARA

By Rod Diridon
Chairperson, Board of Supervisors
Rod Diridon

ATTEST: DONALD M. RAINS, Clerk
Board of Supervisors

Donald M. Rains

APPROVED AS TO FORM AND LEGALITY:

Robert L. Hanson
Deputy County Counsel

WPYGO1

EXHIBIT A

NOT TO SCALE

PLANT MATERIAL: PLANTERS ONLY

- 1. 10' x 10' Green Planters
- 2. 10' x 10' Green Planters
- 3. 10' x 10' Green Planters
- 4. 10' x 10' Green Planters
- 5. 10' x 10' Green Planters
- 6. 10' x 10' Green Planters
- 7. 10' x 10' Green Planters
- 8. 10' x 10' Green Planters
- 9. 10' x 10' Green Planters
- 10. 10' x 10' Green Planters

PLANT MATERIAL

- Plants in planters not included.
- Quantities in planters not included.
- Plant Material
- Plants in planters not included.
- Quantities in planters not included.

TREES

- 1. 10' x 10' Green Planters
- 2. 10' x 10' Green Planters
- 3. 10' x 10' Green Planters
- 4. 10' x 10' Green Planters
- 5. 10' x 10' Green Planters
- 6. 10' x 10' Green Planters
- 7. 10' x 10' Green Planters
- 8. 10' x 10' Green Planters
- 9. 10' x 10' Green Planters
- 10. 10' x 10' Green Planters

SHRUBS

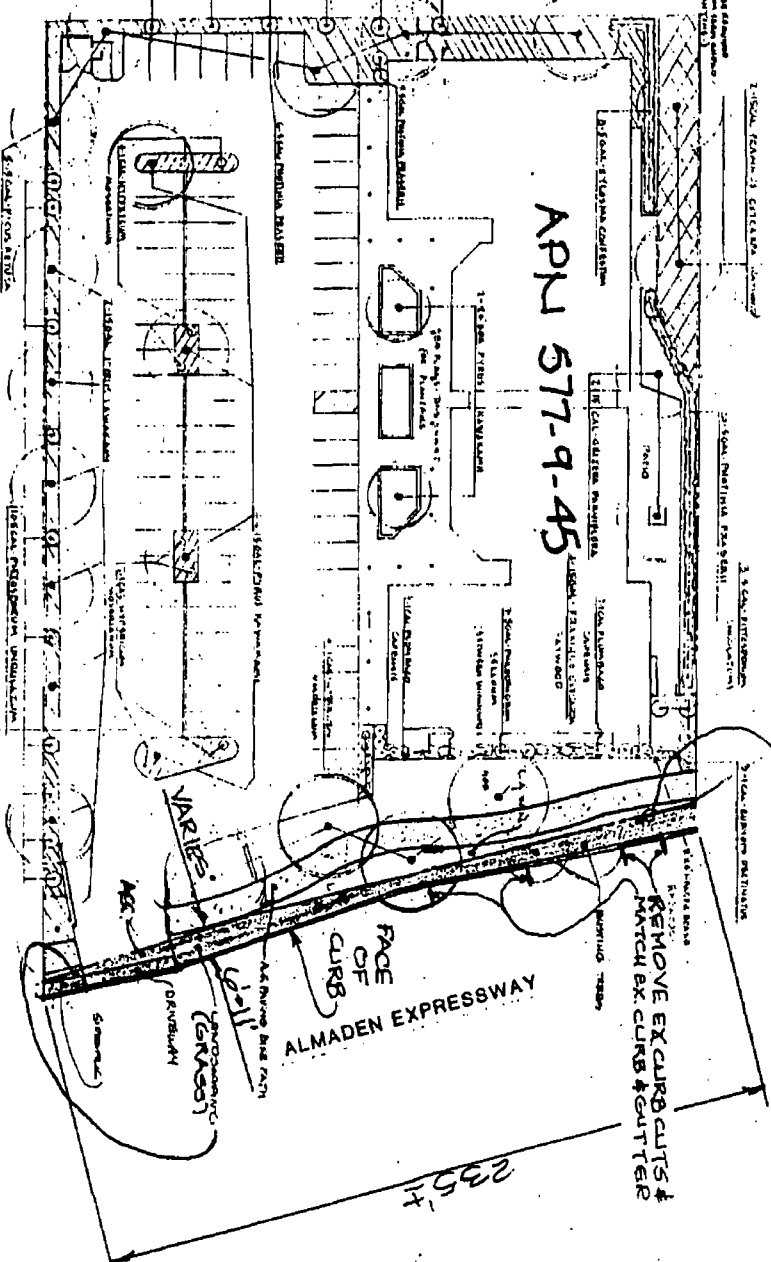
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- 5. 10' x 10' Green Planters
- 6. 10' x 10' Green Planters
- 7. 10' x 10' Green Planters
- 8. 10' x 10' Green Planters
- 9. 10' x 10' Green Planters
- 10. 10' x 10' Green Planters

GROUND COVERS:

- 1. 10' x 10' Green Planters
- 2. 10' x 10' Green Planters
- 3. 10' x 10' Green Planters
- 4. 10' x 10' Green Planters
- 5. 10' x 10' Green Planters
- 6. 10' x 10' Green Planters
- 7. 10' x 10' Green Planters
- 8. 10' x 10' Green Planters
- 9. 10' x 10' Green Planters
- 10. 10' x 10' Green Planters

SITE PLAN LANDSCAPING

- 1. 10' x 10' Green Planters
- 2. 10' x 10' Green Planters
- 3. 10' x 10' Green Planters
- 4. 10' x 10' Green Planters
- 5. 10' x 10' Green Planters
- 6. 10' x 10' Green Planters
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NOTE: NO SPRINKLERS TO BE INSTALLED W/IN 7' OF CURB ON ALMADEN EXPRESSWAY

California



TRANSMITTAL MEMORANDUM

Prepared by F. Jordan

Page 1 of 2

S.D. 1

Reviewed by S. Bruce

Submitted by J. Reading

DATE: August 29, 1985

APPROVED: DIRECTOR *Fin*

TRANSIT DISTRICT BOARD: Agenda Date _____ Item No. _____

COUNTY BOARD OF SUPERVISORS: Agenda Date September 17, 1985 Item No. _____

TRANSPORTATION COMMISSION: Agenda Date _____ Item No. _____

FROM: *ef* FIGONE, 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 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 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.

ORIGINAL

An Equal Opportunity Employer

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

