

One pink tagged original & one copy with original signatures to Transportation Agency c/o Dorothy Gullion-Attn: Donna Logan
T/A will send a copy to Investment Properties. 3/5/87 sla 6-1-87 Received pink tagged original

*ROADS: c & A / exp. / Capital /
Invest Prop /
Side Label Landscape*

9188697

FILED FOR RECORD
AT REQUEST OF

Bill of Spw

MAR 10 1 59 PM '87

A.P.N.: 459-5-11 OFFICIAL RECORDS
SANTA CLARA COUNTY
1000-195 LAURIE KANE
RECORDER

LANDSCAPE AND MAINTENANCE AGREEMENT BETWEEN
Investment Properties, a Partnership
AND THE COUNTY OF SANTA CLARA

K 066 PAGE 469

This is an agreement between Investment Properties, a Partnership
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

MAR 3 1987

TA - HUMAN RESOURCES
DEVELOPMENT

JAN 27 1987

RECEIVED

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 : Cerrito Management Company
16400 Lark Avenue
Los Gatos, CA 95030

RECEIVED

JAN 27 1987

TA - HUMAN RESOURCES
DEVELOPMENT

Page 3 - Landscape Agreement, A.P.N.: 459-5-11

INVESTMENT PROPERTIES

By: *Salvatore A. Verrito*

Title: GENERAL PARTNER

STATE OF California
COUNTY OF Santa Clara } ss.

ON January 26, 19 87,
before me, the undersigned, a Notary Public in and for said State, personally appeared
Salvatore A. Verrito

known to me,
to be one of the partners of the partnership that executed the within Instrument, and acknowl-
edged to me that such partnership executed the same.



WITNESS my hand and official seal
Patricia Ann Ochsner

Patricia Ann Ochsner

NAME (TYPED OR PRINTED)
Notary Public in and for said State.

PARTNERSHIP ACKNOWLEDGMENT FORM

Executed this date: MAR 3 1987

COUNTY OF SANTA CLARA

By *Dianne McKenna*
Chairperson, Board of Supervisors

Dianne McKenna

ATTEST: DONALD M. RAINS, Clerk
Board of Supervisors

Donald M. Rains

APPROVED AS TO FORM AND LEGALITY:

Robert L. Ford
Deputy County Counsel

WPYGO1

RECEIVED

JAN 27 1987

TA - HUMAN RESOURCES
DEVELOPMENT

LANDSCAPE & MAINTENANCE Agreement

K066 PAGE 472

LOCATION MAP

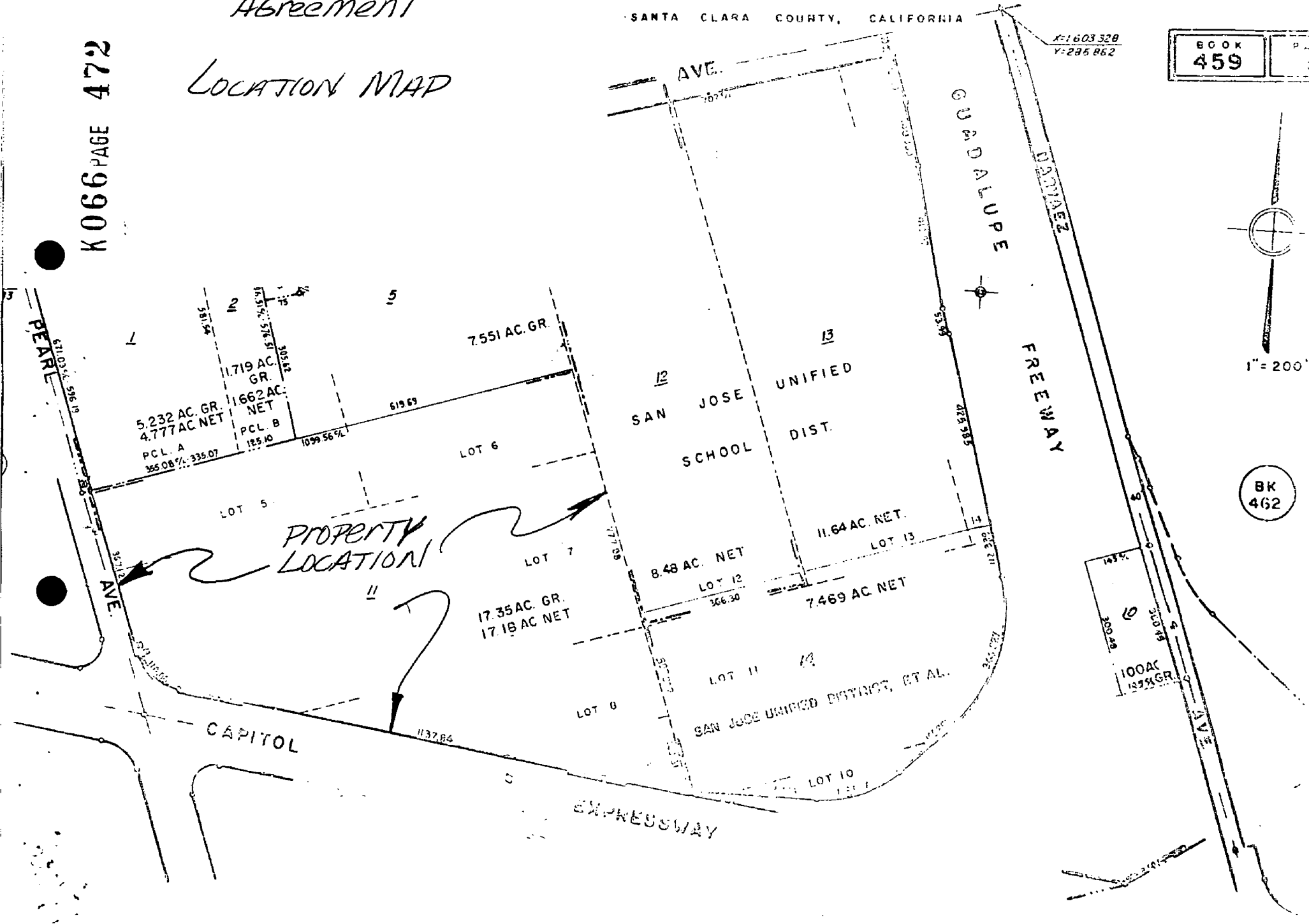
SANTA CLARA COUNTY, CALIFORNIA

X=1603328
Y=295862

BOOK
459

1" = 200'

BK
462



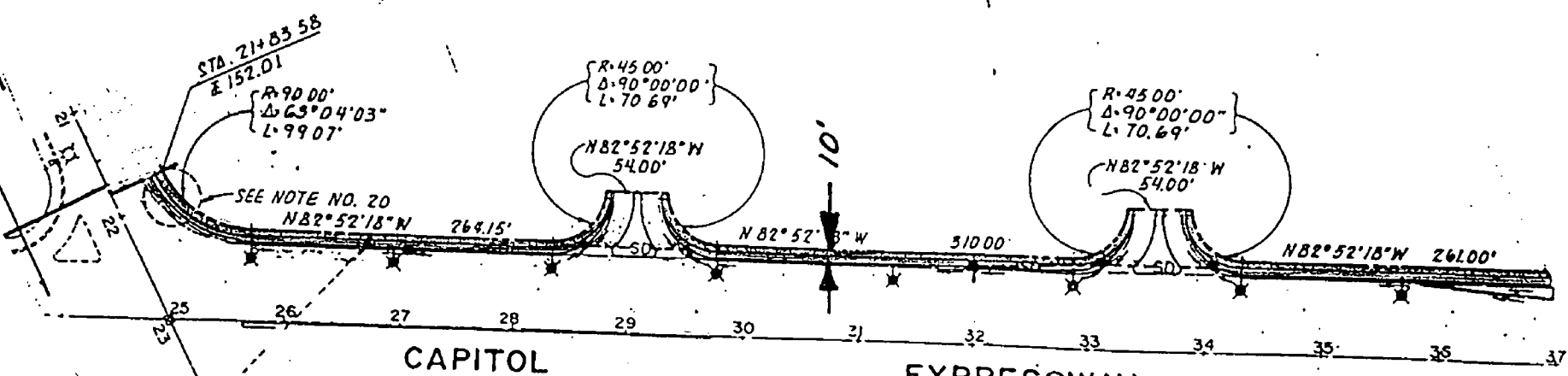
RECEIVED
JAN 27 1987
TA - HUMAN RESOURCES
DEVELOPMENT



GEORGE S. NOLTE AND ASSOCIATES
CIVIL AND ENVIRONMENTAL ENGINEERS • PLANNERS • SURVEYORS
SAN JOSE • WALNUT CREEK • SAN DIEGO • SACRAMENTO
(408) 287-3400 (415) 934-8080 (619) 278-9362 (916) 446-5020

EXHIBIT "A"

PEARL AVENUE



CAPITOL

EXPRESSWAY

TA - HUMAN RESOURCES
DEVELOPMENT
JAN 27 1987
RECEIVED

California



TRANSMITTAL MEMORANDUM

Prepared by D. Logan

Page 1 of 2

S.D. 2

Reviewed by R. Scott

Submitted by J. Reading

DATE: February 13, 1987

APPROVED: DIRECTOR Im

TRANSIT DISTRICT BOARD: Agenda Date _____ Item No. _____

COUNTY BOARD OF SUPERVISORS: Agenda Date ^{MAR 3, 1987} ~~March 17, 1987~~ Item No. _____

TRANSPORTATION COMMISSION: Agenda Date _____ Item No. _____

FROM: ^{RS for} FIGONE, PROPERTY, PLANNING AND PROPERTY

SUBJECT: LANDSCAPE AGREEMENT WITH INVESTMENT PROPERTIES ON CAPITOL EXPRESSWAY

RECOMMENDED ACTION:

Authorize the chairperson to execute the agreement between Investment Properties and the County of Santa Clara for the installation and maintenance of landscape improvements on Capitol Expressway east of Pearl Ave.

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 Investment Properties to landscape and maintain the area shown on the Exhibit "A" attached to the agreement. Investment Properties 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

DATE: February 13, 1987

TRANSIT DISTRICT BOARD AGENDA DATE:

MAR 3 1987

COUNTY BOARD OF SUPERVISORS AGENDA DATE: ~~March 17, 1987~~

TRANSPORTATION COMMISSION AGENDA DATE:

SUBJECT: LANDSCAPE AGREEMENT WITH INVESTMENT PROPERTIES ON
CAPITOL EXPRESSWAY

REASONS FOR RECOMMENDATION/BACKGROUND: (con't)

The County reserves the right to rescind this agreement after giving a sixty day written notice to Investment Properties.

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:DL:kh

cc: S. Bruce, Design & Construction
R. Van Etten, Planning & Property

WPLD13

