

RECORDING REQUESTED BY
AND RETURN TO:

COUNTY OF SONOMA
Board of Supervisors
575 Administration Dr., Rm. 100A
Santa Rosa, Ca 95403

Free recording per Gov't Code Sec 27383

**EASEMENT DEED AND AGREEMENT
LAGUNA DE SANTA ROSA TRAIL**

This Easement Deed and Agreement made on this _____ day of _____, 2015 (“Effective Date”), is by and between the County of Sonoma, a political subdivision of the State of California (“County”), and City of Sebastopol, a municipal corporation (“City”). County and City are sometimes referred to hereinafter individually as a “Party” and collectively as the “Parties.”

RECITALS

Whereas, City owns certain real property known as the Laguna Wetlands Preserve located on the east side of the Laguna de Santa Rosa, north of Highway 12, and identified by Sonoma County Assessor’s Parcel Number 060-010-042 (previously identified as 060-010-033) and more particularly described in Final Order of Condemnation filed for record April 30, 1973 in Book 2579 of Official Records, at Page 509, Sonoma County Records; and

Whereas, the Laguna Wetlands Preserve has existing interpretive trails on site; and

Whereas, in partnership with the City, County, and Sonoma County Agricultural Preservation and Open Space District, a 1.8 mile multi-use Laguna de Santa Rosa Trail (“Trail”) was constructed from Highway 12 to Occidental Road; and

Whereas, a segment of the constructed Trail is located within the Laguna Wetlands Preserve; and

Whereas, the Sebastopol General Plan prohibits bicycle and equestrian use on interpretive trails located within the Laguna Wetlands Preserve except with the specific approval of the City Council; and

Whereas, the City desires to allow bicycle and equestrian use on the Trail located within the Laguna Wetlands Preserve; and

Whereas, the County needs an easement from the City to operate and maintain the Trail; and

Therefore, in consideration of the foregoing recitations and other valuable consideration receipt of which is hereby acknowledged, City and County agree as follows:

Grant of Non-Exclusive Easement to County

The City hereby grants to County and County accepts a non-exclusive 30 feet wide Trail easement in the Laguna Wetlands Preserve in perpetuity under the terms and conditions set forth herein (“the Easement”). The Easement area is described on Exhibit “A” and shown on Exhibit “A-1” attached.

By granting the Easement, City agrees to comply with the following conditions:

1. The City approves the Trail in accordance with Article P.70 of the Sebastopol General Plan which states “Prohibit bicycle and equestrian use of interpretive trails except with the specific approval of the City Council.”
2. Bicycle and equestrian use is permitted on Trail that is operated and maintained by the County.
3. County vehicles and equipment are permitted on Easement to perform routine Trail maintenance and patrol.

By accepting the Easement, County agrees to comply with the following conditions:

1. County shall operate and maintain all County Trail improvements located within the Easement area. The Trail improvements include the paved Trail and signs.
2. County shall keep the Trail accessible to the public for recreational and transportation purposes at all times during maintenance or repairs unless closure is required to protect the general public.
3. County shall notify the City Public Works Director at least 5 days in advance when Trail closure is necessary to protect the general public from safety hazards during any maintenance, repairs, alteration, or reconstruction of Trail, unless an emergency exists, in which case notification shall be provided as soon as reasonably possible.
4. County shall not commit or suffer: (a) any waste or nuisance on the Easement; (b) any action or use of the Easement which interferes or conflicts with the use of the Easement Area or City Property by City or any authorized person; or (c) any action of the Easement Area in violation of any law or ordinance.
5. Trail maintenance can include filling trail cracks with aggregate, removing silt and debris from drainage ditches, mowing, vegetation clearing, pruning, disking, weeding, and other similar treatments to remove non-native species of plants which are consistent methods identified in the Laguna de Santa Rosa Protected Lands Trails Plan (2006) and as recommended by the Laguna de Santa Rosa Foundation.
6. County understands that Parcel Number 060-010-042 is encumbered by a Conservation Easement held by the Sonoma County Agricultural Preservation and Open Space District (the “District”), recorded as Document Number 2011094397 in the Official Records of Sonoma County (the “Conservation Easement”) and agrees to abide by the restrictions on use of the real property contained in the Conservation Easement.

Term: The Easement Deed and Agreement shall continue indefinitely unless mutually terminated by the Parties.

Successors: This Easement Deed and Agreement shall be binding on and shall inure to the benefit of the Parties hereto and their respective successor, heirs, assigns and transferees, and all covenants shall apply to and run with the land.

Notices. Any notices or requests required or permitted under this Easement Deed and Agreement shall be in writing and shall be given by personal delivery or by U.S. mail or courier service. Notices sent by U.S. mail shall be deemed served three days after being deposited in the U.S. Mail, postage prepaid, addressed the respective Party. All other notices shall be deemed served upon receipt. Notices to County shall be sent to the County address specified below. Notices to the City shall be addressed to the City's address below. Notices specified in this Easement Deed and Agreement to be sent by facsimile shall also be sent as provided above.

TO: County

Sonoma County Regional Parks Department
Attention: Director
2300 County Center Drive, Suite 120A
Santa Rosa, Ca 95403
Facsimile: (707) 579-8247

TO: City

City of Sebastopol
Attention: City Manager
PO Box 1776
Sebastopol, Ca 95473
Facsimile: (707) 823-1135

IN WITNESS WHEREOF, this Easement Deed and Agreement has been entered into by and between County and the City as of the date that the Sonoma County Board of Supervisors approves this Agreement.

GRANTOR:
CITY OF SEBASTOPOL

Dated _____

By _____
Larry McLaughlin, City Manager and
City Attorney

GRANTEE:
COUNTY OF SONOMA

Dated _____

By: _____
Susan Gorin, Chair
Board of Supervisors

ATTEST:

By _____
Veronica A. Ferguson
Clerk of the Board of Supervisors

Attach Notarial Certificates

CERTIFICATE OF ACCEPTANCE
(Government Code Section 27281)

This is to certify that the interest in real property conveyed by the Easement Deed and Agreement dated _____, 2015, from City of Sebastopol to the County of Sonoma, a political subdivision of the State of California, is hereby accepted by order of the Sonoma County Board of Supervisors pursuant to the authority conferred by Resolution No. _____ on _____, 2015, and the grantee consents to recordation thereof by its duly authorized officer.

COUNTY OF SONOMA

Dated: _____, 2015

By: _____
Susan Gorin, Chair
Board of Supervisors

ATTEST:

By: _____
Veronica A. Ferguson
Clerk of the Board of Supervisors



EXHIBIT 'A'

Legal Description

Trail Easement

Being an easement for the construction and maintenance of a public trail over strip of land of the uniform width of 30.00 feet, lying 15.00 feet on each side of the following centerline:

All that certain portion of land situate in the City of Sebastopol, County of Sonoma, State of California, being a portion of the lands of the City of Sebastopol, as described in that Final Order of Condemnation filed for record April 30, 1973 in Book 2579 of Official Records, at Page 509, Sonoma County Records, more particularly described as follows:

Commencing at a 1/2" iron pipe found marking the northwest corner of Lot 2 as said lot is designated and delineated on Parcel Map No. 4870, filed for record July 29, 1975 in Book 225 of Maps, Page 10, Sonoma County Records; thence from said Point of Commencement, along the easterly boundary of said lands of the City of Sebastopol, North 00°27'33" West, for a distance of 16.82 feet to the Point of Beginning of the centerline to be herein described; thence from said **POINT OF BEGINNING**, leaving said easterly boundary line, along a curve to the left, from a tangent that bears South 52°33'10" West, with a radius of 600.00 feet, through a central angle of 07°32'53", for a distance of 79.04 feet; thence, South 45°00'18" West, for a distance of 35.57 feet; thence, along a tangent curve to the left, with a radius of 50.00 feet, through a central angle of 67°12'21", for a distance of 58.65 feet; thence, South 22°12'03" East, for a distance of 191.36 feet; thence, along a tangent curve to the right, with a radius of 150.00 feet, through a central angle of 21°44'30", for a distance of 56.92 feet; thence, South 00°27'33" East, for a distance of 545.17 feet; thence, along a tangent curve to the right, with a radius of 150.00 feet, through a central angle of 08°11'08", for a distance of 21.43 feet; thence, South 07°43'35" West, for a distance of 81.49 feet; thence, along a tangent curve to the left, with a radius of 150.00 feet, through a central angle of 44°50'17", for a distance of 117.39 feet to said easterly boundary of said lands of the City of Sebastopol and the Point of Termination of the hereinabove described centerline.

The sidelines of said easement shall be lengthened, or shortened to intersect the easterly boundary of said lands of the City of Sebastopol.

Containing: 35,590 Sq. Ft. (0.82 Ac.) of land, more or less

Basis of Bearings: Parcel Map No. 4870, filed for record July 29, 1975 in Book 225 of Maps, Page 10, Sonoma County Records

Prepared by:

BKF ENGINEERS

Ralph H. Thomas
Ralph H. Thomas, PLS. No. 4760

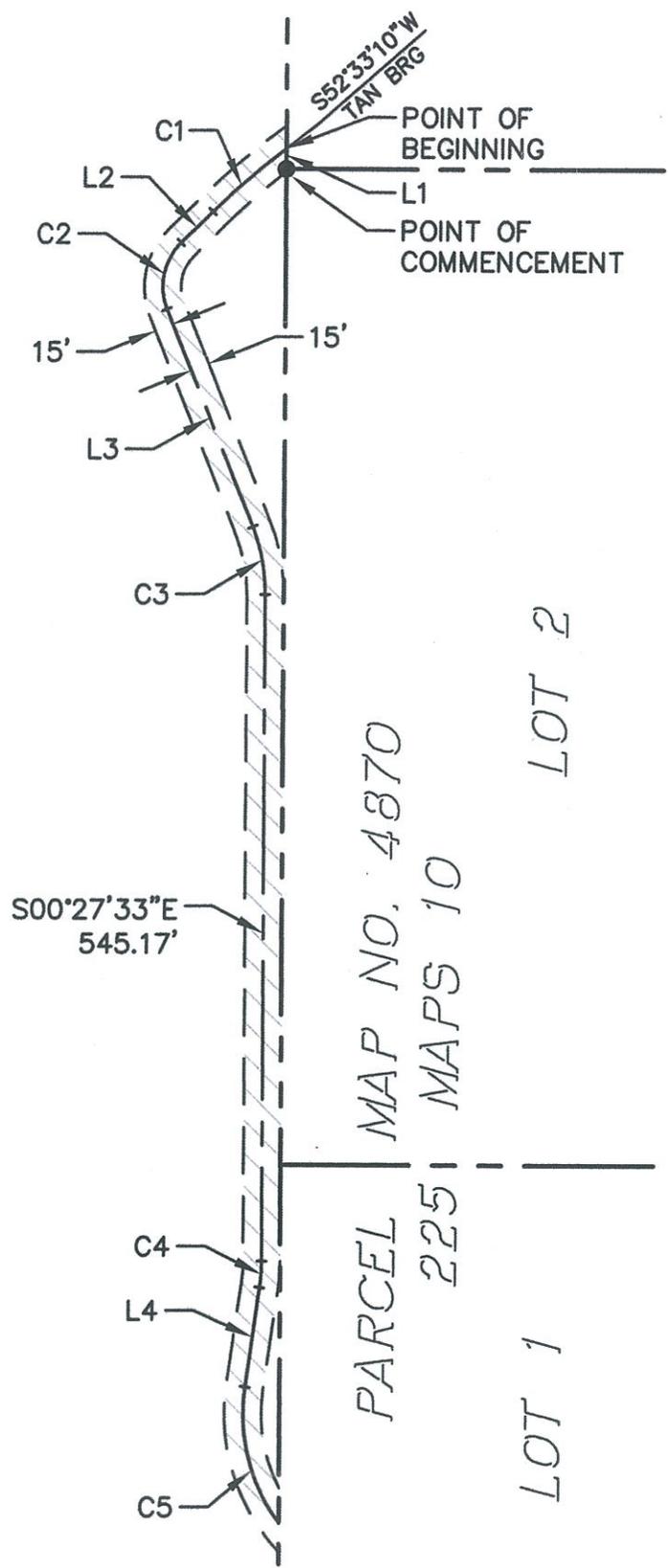


Dated: 8/17/2015

EXHIBIT 'A-1'

PARCEL LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N00°27'33"W	16.82'
L2	S45°00'18"W	35.57'
L3	S22°12'03"E	191.36'
L4	S07°43'35"W	81.49'

PARCEL CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	7°32'53"	600.00'	79.04'
C2	67°12'21"	50.00'	58.65'
C3	21°44'30"	150.00'	56.92'
C4	8°11'08"	150.00'	21.43'
C5	44°50'17"	150.00'	117.39'

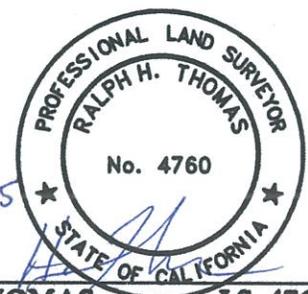
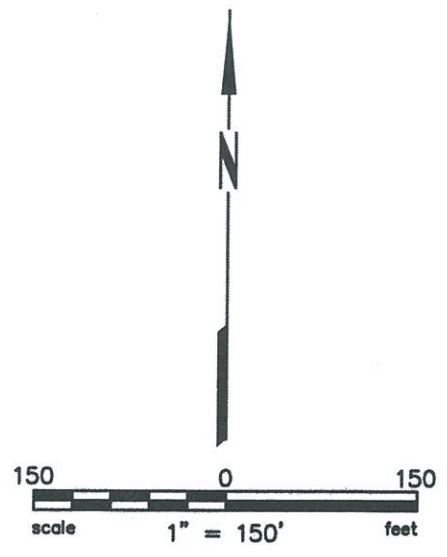


LANDS OF
CITY OF SEBASTOPOL
2579 O.R. 509

MAP NO. 4870
MAPS 10
PARCEL 225

LOT 2
LOT 1

S00°27'33"E
545.17'



RALPH H. THOMAS LS 4760



200 4TH ST, STE. 300
SANTA ROSA, CA 95401
PH: 707-583-8500
FAX: 707-583-8539

Subject TRAIL EASEMENT OVER
THE LANDS OF CITY OF SEBASTOPOL
Job No. 20159088
By CAG Date 08/10/15 Chkd. RHT
SHEET 1 OF 1