MODESTO CITY COUNCIL
RESOLUTION NO. 2015-166

RESOLUTION APPROVING THE EASEMENT AGREEMENT WITH SAN FRANCISCO PUBLIC UTILITIES COMMISSION AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT AND AUTHORIZING THE CITY CLERK TO RECORD THE AGREEMENT WITH THE STANISLAUS COUNTY RECORDER'S OFFICE

WHEREAS, JWG McHenry LLC ("Developer") is the current owner of the recently-constructed Infinity car dealership located at 4130 McHenry Avenue, and

WHEREAS, one of the conditions of approval of the project includes the widening of McHenry Avenue between Grecian Avenue and Claratina Avenue, and

WHEREAS, the Hetch-Hetchy power lines and water pipes, governed by the San Francisco Public Utility Commission ("SFPUC"), cross McHenry Avenue adjacent to the Infinity car dealership, and

WHEREAS, prior to providing a permit to the Developer to construct the road improvements over the Hetch-Hetchy water pipes, the SFPUC is requiring the City of Modesto to approve an Easement Agreement, and

WHEREAS, the Agreement requires the City of Modesto to maintain the road improvements above the water pipes, and

WHEREAS, in an effort to assist the Developer so that he can complete the required improvements, staff recommends that the City Council approve the agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves this Easement Agreement dated May 26, 2015 with the San Francisco Public Utility Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 2015, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney