

**RESOLUTION NO. 2023- \_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO ACCEPTING AN EASEMENT FROM ASN TANFORAN CROSSING II LLC RELATING TO PROPERTY KNOWN AS THE CROSSING AND AUTHORIZING THE EXECUTION AND RECORDATION OF A CERTIFICATE OF ACCEPTANCE IN CONNECTION THEREWITH**

**WHEREAS**, ASN Tanforan Crossing II LLC (the “Grantor”) is the owner of certain real property located in the City of San Bruno (the “Grantor Property”) more particularly described as Parcel 2 as shown on the map entitled, "The Crossing", filed in the Office of the Recorder of San Mateo County, California, on December 9, 2002 in Book 132 of Maps at Pages 54 through 60 ("Map"); and

**WHEREAS**, the City is the owner of real property (the “City Property”) located adjacent to the Grantor Property more particularly described as Parcel 7 and Parcel 8 as shown on the map entitled, "The Crossing", filed in the Office of the Recorder of San Mateo County, California, on December 9, 2002 in Book 132 of Maps at Pages 54 through 60; and

**WHEREAS**, the City intends to allow development of a car dealership on the City Property (hereafter, the “Project”) and in connection with such development, install and maintain on the Grantor Property certain drive aisles, landscaping and associated curbs, gutters and irrigation over a portion of the Grantor Property (collectively, "Improvements"); and

**WHEREAS**, Grantor desires to grant to City a new easement (the “Easement”) to enter onto and over a portion of the Grantor Property in order to use, access, install, operate, maintain, repair and replace the Improvements pursuant to an easement agreement between the Grantor and the City, as Grantee (the “Easement Agreement”); and,

**WHEREAS**, the proposed Project has been reviewed pursuant to the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq., the "CEQA Guidelines"). A Final Initial Study and Draft Mitigated Negative Declaration has been prepared by David J. Powers and, based on the type and intensity of land uses identified with the Project and the information contained therein, the Initial Study and Mitigated Negative Declaration conclude that the Project, with the proposed mitigation measures, would not have a significant adverse effect on the environment.

**WHEREAS**, the Project applicant has agreed to incorporate in the Project all applicable mitigation measures identified in the Mitigated Negative Declaration to reduce environmental impacts to be less than significant;

**WHEREAS**, on March 14, 2023 the City Council considered the Final Initial Study and Mitigated Negative Declaration, including the public comments and responses to those comments, and adopted Resolution No. 2023- **XX**, which is hereby incorporated by reference, adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby approves the Easement Agreement and authorizes the City Manager to sign the Easement Agreement and take any other such actions as deemed necessary to effectuate the purposes of this Resolution; and

**BE IT FURTHER RESOLVED**, that the City Council hereby approves the execution of a certificates of acceptance by the City Manager in connection with the acceptance of the Easement and authorizes the Easements Agreement and the Certificate related thereto to be recorded in the San Mateo County Clerk-Recorder's office.

Dated: March 14, 2023

ATTEST:

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Lupita Huerta, City Clerk

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I, Lupita Huerta, City Clerk, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of San Bruno this 14th day of March 2023 by the following vote:

AYES: Councilmembers: \_\_\_\_\_

NOES: Councilmembers \_\_\_\_\_

ABSENT: Councilmembers: \_\_\_\_\_