

RECORDING REQUESTED BY

CITY OF HAYWARD

AND WHEN RECORDED MAIL TO:

City Clerk
City of Hayward
777 B Street, Fourth Floor
Hayward, CA 94541-5007

SPACE ABOVE THIS LINE FOR RECORDERS USE

The undersigned grantor hereby declares: This instrument is exempt from Recording Fees (Govt. Code §27383) and from Documentary Transfer Tax (Rev. and Taxation Code §11922).

AGREEMENT FOR COMPLETION OF PUBLIC STREET IMPROVEMENT WORK

Assessor's Parcel Number: 425-0280-005-03

At Fairview Avenue, Hayward, CA, Unincorporated area of Alameda County

THIS AGREEMENT, made and entered into this _____ day of _____, 2020 by and between ANTHONY BARRAZA & V ANNA, property owners, the nature of interest in fee, hereinafter designated "First Party," and the CITY OF HAYWARD, a municipal corporation, located in the County of Alameda, State of California, hereinafter designated "City";

W I T N E S S E T H

WHEREAS, First Party is the owner of real property in the Unincorporated Area of County of Alameda, State of California, commonly as Assessor's Parcel Number 425-0280-005-03, and more particularly described in Exhibit "A" attached hereto, incorporated herein, and made a part hereof by such reference; and

WHEREAS, First Party, by Planning Permit Application USA 20-02, has applied to City for permission to receive domestic water service from the City's water system; and

WHEREAS, pursuant to the provisions of Utility Service Agreement 20-02, recorded _____, in Official Records of Alameda County under Recorder's Series No. _____, First Party is required, among other things, to enter into this agreement for the construction of certain street improvements, including curbs, gutters, sidewalks and

street paving or portions of the same, along Fairview Avenue frontage of said premises; and

WHEREAS, First Party is agreeable to meeting said obligation, however, it is mutually agreed that the installation of such improvements is not required until after said real property has been annexed into the City.

NOW, THEREFORE, in consideration of the premises, and of the mutual promises, covenants and agreements of the parties hereinafter contained, the parties hereto mutually agree as follows:

1. Pursuant to the authority of Section 7-1.15 of the Hayward Municipal Code, City hereby grants to First Party a variance from the application of Section 7-1.10 of the Hayward Municipal Code wherein it is required that the street improvements be installed in conjunction with improvements to the abutting property.
2. First Party hereby agrees to install or cause the installation of said street improvements in accordance with the requirements of Chapter 7, Article 1 of the Hayward Municipal Code within ninety (90) days after notice to begin the construction of said improvements is sent by the City to the First Party, its successors or assigns. First Party further agrees to comply with all permit requirements set forth in said regulations and to diligently process the work to completion within the time specified.

Such street improvements shall consist of Portland Cement Concrete curb, gutter, sidewalk, and drainage facilities with necessary "tie-in" pavement unless the City of Hayward shall have adopted a Special Precise Plan Line limiting such improvements.

3. In the event of default by First Party in undertaking and completing the required improvements, City is hereby authorized to cause such improvement work to be done and the cost thereof to be assessed as a lien against the real property herein above described, which lien may be foreclosed upon if necessary. Such foreclosure shall be authorized in the event First Party fails within thirty (30) days after the receipt of notice, to pay all sums due City on account of such work.
4. Should legal action be necessary to enforce any provisions of this agreement, First Party agrees to pay all reasonable attorney fees incurred by City in connection therewith.
5. At such time as the installation of improvements for which First Party is herein made responsible has been accomplished in accord with this agreement, City agrees to cause to be executed all necessary documents releasing the herein above described property from further obligation hereunder.

6. All covenants herein contained shall pertain to and run with the real property described herein, and this agreement shall apply to, bind and inure to the successors in interest of the parties hereto.

IN WITNESS WHEREOF, First Party, duly authorized to act, has caused these presents to be executed, and the City of Hayward, by and through its City Manager, duly authorized so to act by reason of Section 7-1.15 of the Hayward Municipal Code, has caused these presents to be executed the day and year first above written.

APPLICANT

BY: _____
ANTHONY BARRAZA

BY: _____
V ANNA

APPROVED:

CITY OF HAYWARD,
a municipal corporation

BY: _____
Alex Ameri, Director of Public Works

BY: _____
Kelly McAdoo, City Manager

DATE: _____

APPROVED AS TO FORM:

ATTEST:

Michael Lawson, City Attorney

Miriam Lens, City Clerk

EXHIBIT "A" Legal Description

Real property in the unincorporated area of the County of Alameda, State of California, described as follows:

PARCEL 1:

A PORTION OF THAT PARCEL DESCRIBED IN THE GRANT DEED FROM GOODWIN TO STOKES, RECORDED APRIL 30, 2002, AT SERIES NO. [2002-192010](#), ALAMEDA COUNTY RECORDS, AND A PORTION OF THAT PARCEL DESCRIBED IN THE GRANT DEED FROM STOKES TO SZABO, RECORDED DECEMBER 01, 2016, AT SERIES NO. [2016-313305](#), ALAMEDA COUNTY RECORDS, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE CENTER LINE OF COUNTY ROAD NO. 7791, 60 FEET WIDE, ALSO KNOWN AS FAIRVIEW AVENUE, LOCATED THEREON SOUTH 15°24'30" EAST 263.36 FEET FROM THE NORTHERN END OF THE COURSE DESIGNATED AS "SOUTH 15°24'30" EAST" IN THE DESCRIPTION OF SAID COUNTY ROAD IN THE DEED TO THE COUNTY OF ALAMEDA, RECORDED NOVEMBER 04, 1936, IN [BOOK 3398 O.R., PAGE 226](#), ALAMEDA COUNTY RECORDS; THENCE SOUTH 69°18'30" WEST 30.13 FEET TO A POINT ON THE WESTERN LINE OF SAID FAIRVIEW AVENUE LAST SAID POINT BEING THE MOST NORTHEASTERN CORNER OF AFORESAID STOKES PARCEL ([2002 192010](#)) AND ALSO BEING THE TRUE POINT OF BEGINNING; THENCE ALONG THE GENERAL NORTHERN LINE OF SAID STOKES PARCEL SOUTH 69°18'30" WEST 170.00 FEET TO THE EASTERN LINE OF AFORESAID SZABO PARCEL ([2016 313305](#)); THENCE ALONG LAST SAID LINE SOUTH 15°24'30" EAST 259.00 FEET TO THE GENERAL SOUTHERN LINE OF SAID SZABO PARCEL; THENCE ALONG LAST SAID LINE SOUTH 69°18'30" WEST 193.00 FEET AN ANGLE POINT THEREIN; THENCE CONTINUING SOUTH 69°18'30" WEST 153.17 FEET TO THE WESTERN LINE OF SAID SZABO PARCEL; THENCE NORTH 30°56'09" WEST 109.67 FEET; THENCE NORTH 14°52'29" WEST 150.75 FEET TO THE GENERAL NORTHERN LINE OF SAID STOKES PARCEL ([2002 192010](#)); THENCE ALONG LAST SAID LINE SOUTH 69°18'30" WEST 144.50 TO THE MOST NORTHEASTERN CORNER OF SAID STOKES PARCEL; THENCE ALONG THE EXTERIOR BOUNDARY OF SAID STOKES PARCEL THE FOLLOWING SIX (6) COURSES AND DISTANCES:

1. SOUTH 14°52'29" EAST 363.00 FEET,
2. SOUTH 69°18'30" WEST 125.00 FEET,
3. SOUTH 14°52'29" EAST 146.12 FEET,
4. NORTH 69°19'40" EAST 455.49 FEET,
5. NORTH 15°24'30" WEST 125.00 FEET AND
6. NORTH 69°19'40" EAST 363.00 FEET TO THE AFORESAID WESTERN LINE OF FAIRVIEW AVENUE;

THENCE ALONG LAST SAID LINE NORTH 15°24'30" WEST 383.94 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2:

A NON- EXCLUSIVE EASEMENT FOR ROAD, SEWER AND PUBLIC UTILITY PURPOSES, AS GRANTED TO ALFRED D. ARLINGTON, ET UX., BY INSTRUMENT RECORDED AUGUST 26, 1954, IN BOOK 7408 O.R., PAGE 10, AT SERIES NO. [AJ/74263](#), ALAMEDA COUNTY RECORDS, SAID NON-EXCLUSIVE EASEMENT BEING A PORTION OF THAT 50 FOOT WIDE PRIVATE STREET COMMONLY KNOWN AS AMYX COURT AND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE CENTERLINE OF COUNTY ROAD NO. 7791, 60 FEET WIDE, ALSO KNOWN AS FAIRVIEW AVENUE, LOCATED THEREON SOUTH 15°24'30" EAST 263.36 FEET FROM THE NORTHERN END OF THE COURSE DESIGNATED AS "SOUTH 15°24'30" EAST" IN THE DESCRIPTION OF SAID COUNTY ROAD IN THE DEED TO THE COUNTY OF ALAMEDA, RECORDED NOVEMBER 04, 1936, IN

First American Title

[BOOK 3398 O.R., PAGE 226](#), ALAMEDA COUNTY RECORDS; THENCE SOUTH 69°18'30" WEST 843.88 FEET; THENCE NORTH 20°41'30" WEST 50.00 FEET; THENCE NORTH 69°18'30" EAST 848.50 FEET TO AFORESAID CENTERLINE OF COUNTY ROAD NO. 7791; THENCE ALONG LAST SAID LINE SOUTH 15°24'30" EAST 50.21 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING WITHIN THE LINES OF COUNTY ROAD NO. 7791.

BEARINGS AND DISTANCES FOR THIS DESCRIPTION ARE BASED ON RECORD OF SURVEY, R/S NO. 1877, FILED FEBRUARY 11, 2004, IN [BOOK 28 R.S., PAGE 76](#), ALAMEDA COUNTY RECORDS.

THIS LEGAL IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE APPROVING A LOT LINE ADJUSTMENT, CERTIFICATE NO. PLN 2017-00195, RECORDED DECEMBER 04, 2017, AS INSTRUMENT NO. [2017266401](#) OF OFFICIAL RECORDS.

[APN](#): Portions of 425-0280-005 and 425-0280-006