

OHLONE COMMUNITY COLLEGE DISTRICT

MEMORANDUM

TO: BOARD OF TRUSTEES
FROM: DOUGLAS TREADWAY
DATE: MAY 9, 2007
RE: APPROVAL OF MODIFIED DRAINAGE EASEMENT WITH
CHERRY ST-NEWARK, LLC (SARES/REGIS)

When the District acquired the property in Newark, there was an existing drainage easement on the property related to the adjacent Agilent property. That easement allowed broad drainage over our site. The drainage infrastructure that has been designed for the Newark Center for Health Sciences and Technology was done to accommodate drainage from the adjacent property. The attached easement modifies the old easement and defines the easement as being limited to the new storm water pipe system and ditch on our property

Mr. Andrew G. Hudacek, a Vice President of Sares/Regis requested this easement change to respond to requirements from lenders. His letter of request is attached. Staff has been advised by the District's attorney Mr. Ray McDevitt of Hanson Bridgett as well as Mr. Ken Olcott, an engineer at Sandis Humber Jones, that this easement modification benefits the District as well as the neighboring property owner. Furthermore, Sares/Regis has agreed to reimburse the District for its legal and civil engineering costs of \$8,463.75 related to the preparation of the attached documents.

Staff recommends approval of the modified drainage easement.

RECOMMENDATION:

The President/Superintendent recommends that the Board of Trustees approve a modified drainage easement with Cherry St – Newark, LLC.