

ORDINANCE NO. 6,999–N.S.

AUTHORIZING AND DIRECTING CITY MANAGER TO CONVEY EASEMENT (FIRE SEPARATION EASEMENT) ABOVE THE CENTER STREET GARAGE AT 2025 CENTER STREET TO SNK CAPTEC ARPEGGIO, LLC

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. Conveyance of property authorized.

The City Manager is hereby authorized to take all actions necessary to convey the Fire Separation Easement described in Exhibit A, to SNK Captec Arpeggio, LLC, a Delaware limited liability company, pursuant to the terms of said Fire Separation Easement.

Section 2. Posting.

Copies of this Bill shall be posted for two days prior to adoption in the glass case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within fifteen days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on October 9, 2007, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Anderson, Capitelli, Maio, Moore, Olds, Worthington, Wozniak and Bates.

Noes: Spring.

Absent: None.

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

THIS SPACE FOR RECORDER'S USE ONLY

FIRE SEPARATION EASEMENT
(City of Berkeley / SNK Captec Arpeggio LLC)

This Agreement is entered into as of September ____, 2007 between the City of Berkeley (“Grantor”) and SNK Captec Arpeggio, LLC, a Delaware limited liability company (“Grantee”), with reference to the following facts:

A. Grantor is the owner of the property (the “Servient Tenement”) located in the City of Berkeley, State of California, commonly known as 2025 Center Street, the legal description of which is attached hereto as Exhibit A.

B. Grantee is the owner of the property (the “Dominant Tenement”) located in the City of Berkeley, State of California, commonly known as 2055 Center Street, the legal description of which is attached hereto as Exhibit B.

C. The Servient Tenement is immediately adjacent to the Dominant Tenement. Grantor desires to grant to Grantee, and Grantee desires to acquire from Grantor, an easement over the Servient Tenement for the benefit of the Dominant Tenement, all as provided in this Agreement.