



Staff Report

DISCUSSION AND DIRECTION ON PAPER TRAILS AND FOOTPATHS

Honorable Chair and Commissioners:

Summary

In 2005, the City Council established a priority calendar item for assessment of Paper Trails and Footpaths within the city. The City Council had directed staff to bring this item before the Parks and Recreation Commission. In April of 2008 staff presented this item to the Parks and Recreation Commission. This report provides staff's characterization of ten pathways that have the potential of being improved. Staff is seeking direction and feedback from the Parks and Recreation Commission on the desirability of improving these pathways. This topic is tentatively scheduled to return to the City Council on the April 28, 2009 meeting.

Background

Paper trails and footpaths are lands of public right-of-way delineated on a subdivision map or other deed that exist on paper but have not been improved for use. Over the past century, the City has been offered numerous paper streets and paths through subdivision's dedications. The City could construct roads, pedestrian or bicycle pathways on some of these right-of-ways. Some show potential for neighborhood connectivity and could be used for recreational purposes. Conversely, some of these paper pathways cannot be feasibly improved or would provide negligible benefit to the public for recreational use and the City may want to consider these locations for potential tree planting purposes.

During the time that staff was working on this project, it was noted that the City of Berkeley and the Town of Los Altos Hills were profiled in the local newspapers for doing similar research and improvement to their pathway systems. The Town of Los Altos Hills has worked towards creating an approved plan for the town's pathways. The City of Berkeley has taken it one step further by improving the pathways, in some cases with the installation of steps on some of the steeper hillsides. Approximately 10 years ago, a volunteer group called the "Berkeley Path Wanderers Association" (www.berkeleypaths.org) was created to maintain, construct, and notify the surrounding neighborhoods of the recreational uses of these pathways.

During the April 2008 Parks and Recreation Commission meeting, there were two main areas of focus that staff was directed to bring back to the Commission. The first of these was a more thorough research on 18 pathways that appear to have never been offered to the City or County

by the subdivider. Staff was also directed to create a “top ten” list of pathways that have the greatest potential for improvement.

During the April 2008 meeting, Commissioner Walter Shjeflo was designated the liaison between staff and the Parks and Recreation Commission. In January 2009, staff met with Commissioner Shjeflo to discuss staff’s progress and to provide an update (see Attachment G). One of the main questions that staff was researching to answer, was the ownership of 18 pathways that are mainly concentrated in the Belmont Country Club subdivision area. During the meeting with Commission Shjelfo, it was determined that the best approach at this point in time would be staff’s focus on the pathways the City owns or where right-of-way has been offered and could be accepted. Staff will continue to research and work with the City Attorney for the pathways that appear to have never been offered to the City or County by the subdivider.

Discussion

Staff researched file information, subdivision maps, and city/county records to locate, quantify, and characterize the City’s paper streets and pathways. Approximately thirty-two separate right-of-way segments were identified (see Attachment B). Out of the thirty-two, seven of them are paper streets, thirteen pathways were offered but rejected by the City, and twelve of these were offered and accepted by the City. Staff researched ownership of each pathway and logged the information into a spreadsheet to produce a preliminary inventory (see Attachment A). The inventory entries are cross-referenced to the map. The thirteen pathways that were originally offered to the City and rejected could be accepted by City Council action at a later date.

In April 2008 staff had informed the Commission that there are 18 pathways that were never offered for acceptance to the City or County. During that meeting, the Commission directed staff to continue to research the ownership of these pathways. After meeting with the City Attorney, researching city/county documents, and obtaining a preliminary title report for two parcels adjacent to a pathway, it appears that these pathways are a contiguous part of the adjacent parcels (see Attachment H). Staff will continue to research and work with the City Attorney for the pathways that appear to have never been offered to the City or County by the subdivider.

A more costly but more detailed approach would have been to obtain a “chain of title” report. A chain of title is the sequence of historical transfers of title to a property. The chain runs from the present owner back to the original owner of the property. Staff had received a quote of \$1,000 (on average) per parcel to have such a title report prepared. Since there are 18 pathways that were never offered for acceptance and approximately four adjacent parcels per pathway segment, it would cost approximately \$75,000 to have chain of title reports prepared for the adjacent parcels that border these pathways.

Also during the 2008 Parks and Recreation Commission Meeting, staff was directed to create a “top ten” list of pathways that have the potential for being improved (see Attachment I). In order to do this, staff came up with some criteria for ranking. These items include:

- Ties into existing pathway
- Improves connectivity
- Provides connectivity to scenic or other open spaces
- Access to places of interest (schools, parks, public buildings, shopping, etc.)
- Public interest
- Ease of construction

It must be noted that the list attached to this report is not the final approved list for improvement, it is merely staff's ranking based on the criteria above. The top four locations which met the most criteria mentioned above are:

- Location 49 – Mezes Avenue to Hillman Avenue
- Location 50B – Hillman Avenue to Winding Way
- Location 25B – Monserat Avenue to Cipriani Elementary School
- Location 1A – Marsten Avenue (Ralston Ranch Road to Marsten Avenue)

The two locations mentioned first will provide a direct linkage to a pathway that is currently improved and in use (Location 50A). Location 25B is located along Monserat Avenue and provides a direct linkage to Cipriani Elementary School. Lastly, the paper street portion of Marsten Avenue, which is located off Ralston Ranch Road, appears to be a good candidate for improvement since provides a direct connection to the improved portion of Marsten Avenue for bicycles and pedestrians.

The list can also be grouped into five subcategories that may lead to better connectivity within the city.

- Group 1: Locations 49, 50B, and 51 - Getting children to Central School and perhaps helping to resolve the traffic problem on Middle Road.
- Group 2: Locations 25A and 25B – Pathways to Cipriani Elementary School
- Group 3: Locations 37 and 38 – Getting residents walking from out of the hills to Carlmont Shopping Center, the Library, Barrett, and the local churches. It would allow people to avoid walking Ralston to get down to these places of interest.
- Group 4: Location 1A – Access to open space.

Staff has still maintained the original four categories as a means of organizing based on physical characteristics.

1. Pathway is improved and appears to be in use – paved or graveled.
2. Pathway is unimproved but does appear to be used – dirt pathway.
3. Pathway is unimproved and is not used, but could potentially be improved for public use.

4. Pathway is impassable or otherwise impracticable for improvement due to steep grade, large obstructions (trees), lack of connectivity, or unappealing location.

The majority of these pathways range in width from 5 to 20 feet and are a variety of lengths. Improved pathway includes City maintained paved paths such the one leading to Alexander Park and Hallmark Park. Unimproved but used pathways showed signs of bike and/or foot traffic such as the unimproved section of Monte Cresta Road. Pathways having the potential for being used showed nice connectivity on the map but were overgrown with brush and often had moderate to steep grades. Those that were deemed impassable were highly overgrown with trees or had severe steepness. Staff made these preliminary assessments typically based on a single site visit. We would welcome the opinion of the Parks and Recreation Commission and other community members who may have better first-hand information about some of the pathways.

Staff visited each mapped location to characterize the condition of the right-of-way and assess the practicability of improving the right-of-way for public use. Each end of the pathways was photographed, if possible, and Public Works has filed these photographs for future review by interested parties.

Fiscal Impact

There is no fiscal impact to this report. However, there could be substantial costs with surveying, developing, and maintaining the pathways. It is estimated that a “chain of title” report for the parcels associated with the pathways that were never offered for acceptance to the City or County will cost approximately \$75,000.

Public Contact

Public contact includes posting of the Parks and Recreation Commission agenda.

Recommendation

It is recommended that Parks and Recreation Commission provide input on staff’s “top ten” pathway list and its characterization criteria and provide direction on whether staff’s proposed pathways for development of future new pathways is warranted and desirable. We are also seeking the Commission’s input on possible funding and labor sources for a pathway improvement project.

Alternatives

1. Refer back to staff for further information or other options
2. Take no action

Attachments

- A. Paper Streets and Trails Inventory
- B. Paper Streets and Trails Map (24"x36")
- C. The Daily Californian, Tuesday, April 8, 2008 – “Volunteers Work to Restore Berkeley Paths”
- D. Parks and Recreation Correspondence – October 15, 1969
- E. Parks and Recreation Correspondence – November 20, 1969
- F. Parks and Recreation Correspondence – circa 1969
- G. Meeting Minutes between staff and Commissioner Shjeflo
- H. Preliminary Title Reports – (1500 Notre Dame Avenue & 1700 Terrace Drive)
- I. Staff’s “Top Ten” List

Respectfully submitted,

Phillip Esqueda
Engineering Technician

Karen Borrmann
City Engineer

Staff Contact:

Karen Borrmann
(650)595-7469
kborrmann@belmont.gov

*Sorted by Classification				
No.	Location No.	Location	Description	Classification
1	23	Between 2569/2565 Hallmark Drive Easement to Hallmark Park	20' trail easement (Highland Trail) Hallmark West Unit No. 2-B, recorded April 29, 1974. Vol.84 pg. 25-26 APN BK 45	Currently improved and used
2	50	Between 1568/1566 Winding Way to 1811/1813 Hillman Ave via 1709/1707 Hillman Ave	10' wide pathway easement Belmont Country Club Properties, Subdivision No. 6, recorded Nov 13, 1925. Vol. 13 pg 13 APN BK 44 (Offered but rejected)	Currently improved and used
3	60	Between 411 and 413 Yorkshire Way	20' wide pathway for Alexander Park entrance recorded Vol. 16, pg 41 APN BK 40	Currently improved and used
4	62	Between 1050 and 1048 O'Neill	10' wide path, bridge and watercourse easement (City Hall parking lot to O'Neill) recorded Vol 121, pg 64 APN BK 45	Currently improved and used
5	1	Marsten Avenue (a&b)		Currently unimproved and used
6	6	E. Laurel Creek Road	Paper Street	Currently unimproved and used
7	16	Marburger Avenue	Paper Street	Currently unimproved and used
8	19	Monte Cresta Drive	50' wide Paper Street	Currently unimproved and used
9	64	Between 1601/1597 Molitor Road and 1600/1596 Sunnyslope Avenue	20' easement Bayview Heights Subdivision No. 2, Vol 16, pg 33 APN BK 45	Currently unimproved and used
10	2	Near westerly Ralston Avenue city limits	Access easement to John Brooks Memorial area off Ralston Avenue BCC #8, Vol 14, pg 65-68 APN BK 43	Impassable
11	10	Between 3400 Plateau and 3247 and 3301 Upper Lock	10' wide pathway easement Belmont Country Club Properties, Subdivision No. 8, recorded December, 1926. Vol. 14 pg 65-68 APN BK 43 (offered and accepted)	Impassable
12	11	Between Lower Lock and San Juan	10' wide pathway easement Belmont Country Club Properties, Subdivision No. 10, recorded Mar 24, 1927. Vol.15 pg. 29-38 APN BK 43 (Offered and accepted)	Impassable
13	13	Between 3040 & 3100 San Juan Blvd	5' Path BCC #10, Vol. 15, pg 32 APN BK 43 (Offered but rejected)	Impassable
14	17	Between 2838 Alhambra and Monte Cresta Dr.	10' path (offered but rejected)	Impassable
15	18	Between 2900 Alhambra and 2901 Monte Cresta	10 wide pathway easement Belmont Country Club Properties, Subdivision No. 10, recorded Mar 8, 1927. Vol.15 pg. 31-32 APN BK 43 (offered but rejected)	Impassable
16	21	Alhambra Drive	50' wide Paper Street	Impassable
17	22	2600 Belmont Canyon to 2855 San Juan	10' wide pathway easement Belmont Country Club Properties, Subdivision No. 10, recorded March 24,1927. Vol.15 pg. 29-38 APN BK 43 (Offered but rejected)	Impassable
18	24	near 2556/2600 Belmont Canyon Road to 2853-2855 San Juan	10' wide pathway easement Belmont Country Club Properties, Subdivision No. 5, recorded Oct.6,1925. Vol. 12 pg 67-71 APN BK 43 (Offered but rejected)	Impassable
19	30	From 2624 Read to 2700 Prindle	5' wide pathway easement Belmont Country Club Properties, Subdivision No. 4, recorded July 3, 1925. Vol. 12 pg 45 APN BK 44	Impassable
21	39	Between 2590/2600 Coronet Blvd. and Ralston Ave.	10' wide pathway easement Belmont Country Club Properties, Subdivision No. 4, recorded July 3, 1925. Vol. 12 pg 45 APN BK 44 - Used for Storm Drain line.	Impassable
25	8	Bartlett Way	Paper Street	Potential
26	14	Between 2947 and 3013 San Juan (used for fire access)	20' wide easement Belmont Country Club Properties, Subdivision No. 10, recorded on March 8, 1927. Vol.15 pg. 29-38 APN BK 43	Potential
27	15	Between E. Laurel Creek and Alhambra	10' wide pathway easement Belmont Country Club Properties, Subdivision No. 10, recorded Mar 24, 1927. Vol.15 pg. 29-38 APN BK 43 (offered but rejected)	Potential
28	20	San Ardo Way	Paper Street	Potential
32	25	Between 2640and2700 Monserat to 2846 and2848 San Juan Blvd.	10' wide pathway easement Belmont Country Club Properties, Subdivision No. 9, recorded Dec 1926. Vol. 14 pg 69 APN BK 43. (Offered but rejected)	Potential
34	37	Between 2644/2642 Ponce Ave and 2422/2420 Arthur Ave	10' wide pathway easement Belmont Country Club Properties, Subdivision No. 4, recorded July 3, 1925. Vol 12 pg 43-49 APN BK 44 (Offered but rejected)	Potential
35	38	2419/2417 Coronet Boulevard to 2134 Pullman Avenue	10' wide pathway easement Belmont Country Club Properties, Subdivision No. 4, recorded July 3, 1925. Vol. 12 pg 46 APN BK 44 (Offered but rejected)	Potential
43	46	From 1133/1127 Village Drive to 1110 Alameda de las Pulgas	5' walkway Carlmont Village Subdivision November 5, 1956, Vol 46, pg 22 APN BK 45	Potential
44	49	Between 1825/1823 Mezes Avenue to 1816/1814 Hillman Ave	10' wide pathway easement Belmont Country Club Properties, Subdivision No. 6, recorded Nov 13, 1925. Vol. 13 pg 13 APN BK 44 (Offered but rejected)	Potential
45	51	Between 1526/1522 Ridge Road to 1563/1559 Winding Way	10' wide pathway easement Belmont Country Club Properties, Subdivision No. 6, recorded Nov 13, 1925. Vol. 13 pg 13 APN BK 44 (Offered but rejected)	Potential
46	63	From O'Neill to Paloma	2 - 10' wide pathway easement. Amended Vol.17 pg11 APN BK 45	Potential

I:\Transportation\Pathways and Footpaths\Paper Streets and Trails Data.xls Sorted by Classification

ATTACHMENT C

The Daily Californian Online

Volunteers Work to Restore Berkeley Paths

By Asaf Shalev - Contributing Writer

Tuesday, April 8, 2008



Alan Wong/Staff

Ray Chamberlin travels down a Berkeley path. The Berkeley Path Wanderers Association maintains paths in the Berkeley area.

Attempting to travel the Berkeley hills on foot is a difficult feat. If lucky or knowledgeable, a wanderer starting at Grizzly Peak will find Whitaker Path.

At first the wanderer has a view of the entire San Francisco Bay, but soon a wild, undeveloped Berkeley of long ago becomes apparent among the plants, boulders and original contours of the hill.

A pile of lumber and freshly dug earth suggests, however, that the old path is being restored. It is the work of Charlie Bowen and the Berkeley Path Wanderers Association.

Bowen, who is in charge of building for the association, has spent almost 10 years working on a system of paths that provide access to the Berkeley hills.

"Like an urban (adventure), you take a path walk in a part of town where you don't live," she said.

Since 1998, the association has been mapping, restoring and improving signage on 136 paths that are owned by the city of Berkeley.

Inspired by childhood memories and disturbed by a lack of awareness and upkeep of the paths she used as a child, Berkeley resident Jacquie Ensign teamed up with three friends to found the association.

"I started walking the paths that I had used as a child," she said. "Growing up I used a lot of them."

Most paths are found in the Berkeley hills, with a few exceptions in the flatter parts of the city. The public pathways were first constructed about 100 years ago before most people had cars.

Residents on the hills used the pathways to travel to Downtown Berkeley. Even today they are good shortcuts for pedestrians who do not want to traverse the narrow, winding roads.

Renewed interest in the paths began after the 1991 Oakland Fire, when residents realized the paths could provide access to firefighters if roads are blocked, Ensign said.

Now, people come from all over the East Bay to walk the paths for exercise and recreation, said Berkeley resident Steve Glaeser, who is a member of the association.

"It's a beautiful oasis in the middle of the city," he said.

Since 1998, the association has restored 23 paths that were overgrown with wild plant life or fenced over, Bowen said.

Bowen said she recruits volunteers for restoration from local high schools, Boy Scout troops and UC Berkeley.

Justina Chin, a UC Berkeley senior and the Greening Berkeley volunteer manager for Cal Corps, a public service group on campus, worked on one of the paths last semester.

"It's one of the most gratifying things to do," she said. "You can see how much nicer it looks."

Vincent Chen, an assistant civil engineer for the city, said that if the paths that will be restored are too steep, the city will step in and lay concrete steps and sometimes add hand rails.

Usually restoration work increases awareness in the community rather than antagonizing neighbors, Glaeser said.

"The more we improve the paths, the more people see the paths and get in contact with us," he said.

Currently, there are 600 households that pay the annual \$5 membership fee to the association, Bowen said.

Each household receives a quarterly newsletter with information on organized walks and meetings, she said.

Most members have little experience in engineering or construction; rather, the association is largely comprised of Berkeley residents who want to be outdoors and give back to the city.

"Our organization is made of people who love to walk," Bowen said.

Article Link: <http://www.dailycal.org/article/101195>

OCT 16 1969

Planning / Research
KENNETH R. ANDERSON
605A Douglas Blvd.
~~1000 E. GAVIN STREET~~
Roseville, California 95678
Telephone: 782-1217

KENNETH R. ANDERSON COMPANY, INC.
City and Regional Planning / Landscape Architecture

October 15, 1969

Mr. Richard W. Perry
Acting Recreation Director
City of Belmont
1365 Fifth Avenue
Belmont, California 94002

Dear Mr. Perry:

Most of the pedestrian easements were shown and, I believe, recorded on several of the older subdivision maps that include much of the North Hill residential area of Belmont. To my knowledge these easements were never used by the residents and some of the adjacent property owners may have encroached on these easements and fenced or built structures on them. Probably, with some effort, these pedestrian easements could be reactivated. Some other pedestrian easements are proposed in the Master Plan to be acquired by the City to complete this path system.

Please let me know if I can be of any further assistance.

Most sincerely,


Kenneth R. Anderson

Mr. Anderson has since advised me that no investigation had been made in regards to ownership when the Recreation & Park Master Plan was being prepared.

R.W. Perry

ATTACHMENT E

CITY OF BELMONT

1365 FIFTH AVENUE

Belmont, California 94002

MILTON A. TROMBORG, Mayor
JOSEPH J. ZUCCA, Vice-Mayor
MORTON L. PODOLSKY, Councilman
EVE S. STERRY, Councilwoman
EDWARD D. VALLERGA, Councilman

OFFICE OF THE
CITY MANAGER
TELEPHONE
593-2155

November 20, 1969

Honorable City Council
Belmont, California

Gentlemen and Mrs. Sterry:

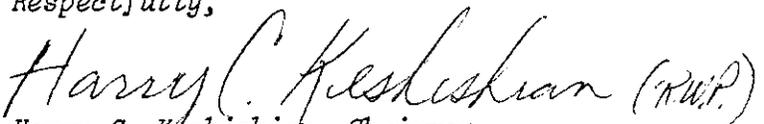
The Recreation and Park Commission has studied in depth the situation of Pedestrian Easements in Belmont. We discussed these pathways at three Recreation and Park Commission meetings and made a field trip to the Pine Knoll Easement. We have also spoken to many of the property owners in the Pine Knoll area. We instructed Recreation and Park Department staff to research the Pedestrian Easements, and this report was the result. The Pine Knoll Drive pathway was used as an example for possible improvement costs.

We feel that a public hearing would have to be held for each proposed pathway in the Recreation and Park Master Plan. If one were to be improved, then we could not in good conscience avoid improving the remaining 33. If we are to proceed with the implementation of the Pine Knoll pathway, we must be prepared to do the same for all.

In our last meeting, we discussed improvement costs and possible alternate methods, such as avoiding the use of asphalt to trim expenses. It was decided, however, that this would be the most feasible method on a long term basis due to maintenance costs and liability to the City. We used this projected expense, times a possible 34 pathways to reach our total estimated expenses. Also, please note the amount of staff and Commission time that would be required; approximately 35 hours of staff time has already been expended on this project.

Should you desire any further information or background on the subject from staff or Commission, we would be happy to meet with you at a Study Session prior to a City Council meeting. If so, please contact Mr. Perry in order that he may notify the Commission.

Respectfully,


Harry C. Keshishian, Chairman
Recreation & Park Commissioner

HCK:ag

ATTACHMENT F

REPORT ON BELMONT PEDESTRIAN EASEMENTS

I Number of Pathways

There are 38 existing pedestrian easements lying mostly in the North Hill Residential area of Belmont. This does not mean improved walkways, only that they were originally designated as such. Four of these 38 pathways were not recommended in the Recreation and Park Master Plan. These walkways do not exist at this time, as they were not originally proposed as such and would have to be purchased by the City. All pathways are ten feet wide except two, which are six feet in width and two five feet wide.

II Ownership

Mr. Kenneth Anderson has advised me that at the time of compilation of the Recreation and Park Master Plan, ownership of the pathways was not known. I have researched the title pages of the approved subdivision maps and have found the following results for the 34 pathways we are concerned with:

18 pathways were not offered for dedication to the City or County by the subdivider.

16 pathways were offered for dedication to the City or County by the subdivider and were rejected.

It would therefore appear that the City does not have clear title to any of the 34 walkways under discussion. The 16 pathways originally offered to the City could be accepted by City Council action. Another method as suggested by City Manager Brandow is that should the City desire implementation resulting in inverse condemnation proceedings which he feels leads the City to no greater financial exposure.

The following is a breakdown of the pathways by subdivision according to the title pages of the subdivision maps.

PEDESTRIAN EASEMENTS

Country Club Properties

Subdivision No. 1

Pathways 23,24,25,26,27,28,29,34,35,36,38.
Pathways were not offered to County
Streets were offered and rejected on October 14, 1924

Subdivision No. 2

Pathways 13,14,15,16.
Pathways were not offered to County
Streets were offered and rejected on February 9, 1925.

Subdivision No. 2A

Pathways 12
Pathway was not offered to County
Streets were offered and rejected on June 15, 1925

Subdivision No. 4

Pathways 17,18,19,20,21 (Twenty-one is not on Master Plan)
Pathways were offered to County
Streets and pathways were rejected on January 6, 1925.

Subdivision No. 5

Pathways 5,6,7.
 Pathways were offered to County
 Streets and pathways were rejected on October 5, 1925

Subdivision No. 6

Pathways 30,31,32,33.
 Pathways were offered to County
 Streets and pathways rejected on December 7, 1925

Subdivision No. 8

Pathways 2,3.
 Pathways were not offered to City (City now incorporated)
 Streets were accepted on December 20, 1926

Subdivision No. 10

Pathways 1,8,9,10,11.
 Pathways were offered to City
 Streets were accepted, but pathways were rejected
 on March 2, 1927

Brookhaven

Pathway 37 (Not on Master Plan)
 Pathway was offered to City
 Streets and pathway were accepted on September 21, 1927

Belcrest Gardens

Pathway 4 (Not on Master Plan)
 Pathway was offered to City
 Streets and pathways were accepted on July 23, 1956

Carlmont Subdivision

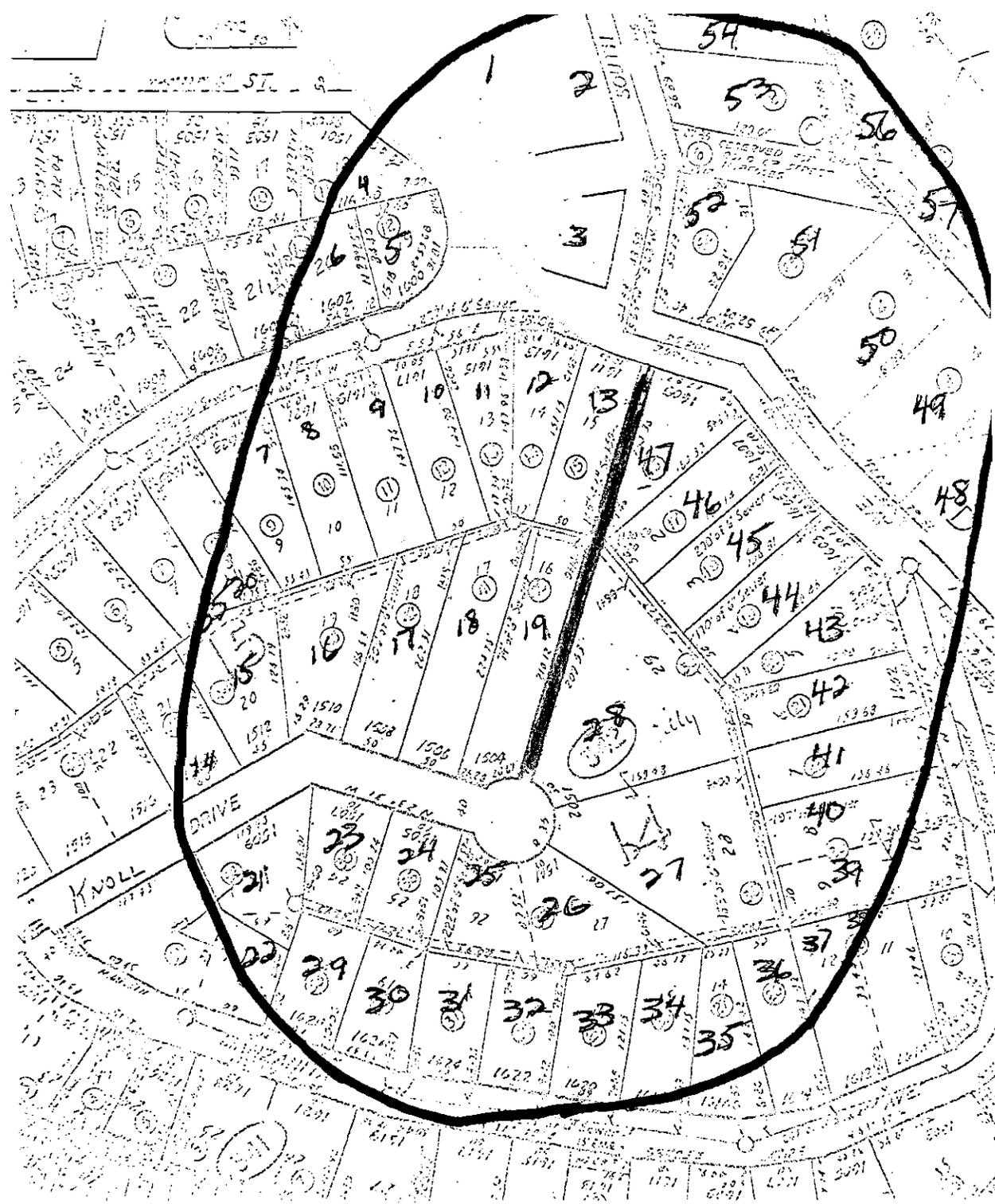
Pathway 22 (Not on Master Plan)
 Pathway was offered to City
 Streets were accepted, but pathway was rejected
 on October 22, 1956

III Pine Knoll Drive Example

To research each pedestrian easement would be an enormous project for which we have neither the time for manpower. We explored in depth the pathway between Pine Knoll Drive and Notre Dame Avenue (No. 36) to be used as an example to determine total possible expense to the City for all pathways.

A. Ownership

The pathways in Country Club Properties, Subdivision No. 1 (Pine Knoll, etc.) were not offered to the County (this was prior to the City being incorporated) for dedication for public use. The County, therefore, could not have accepted it even if they had desired to do so. The ten foot strips were not deeded to the property owners of the adjacent lots. It would appear that the pathways belong to the subdivider or his heirs. I was quoted a price of \$50.00 for a title search of this property. Each additional title search will be approximately \$15.00.



Public Hearing Notice

Each property owner within 300 feet of the outer boundary must be notified of a scheduled public hearing. There are 58 property owners to be notified in the Pine Knoll area.

B. Public Hearing

A Public Hearing would have to be scheduled and each property owner within 300 feet of the outer boundary of the pathway would have to be notified. This would entail notifying 58 property owners.

1. Notification

Secretarial Time, 3½ hrs. x \$2.50 per hr.	\$8.75
Postage, 58 property owners x .06	3.48

2. Public Hearing Time

5 Hrs. Rec. & Park Commission Time	0.00
5 Hrs. Staff Time	0.00
5 Hrs. Secretarial Time x \$2.50 per hr.	<u>12.50</u>

TOTAL PUBLIC HEARING EXPENSE	\$24.73
+ 10 HOURS OF STAFF & COMMISSION TIME	

C. Possible Title Search

Quotes price	50.00
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D. Improvement Costs

Acting Park Director DeMattei and I made two field trips to the site for the purpose of estimating improvement costs to the City. Mr. DeMattei submitted the following improvements needed and cost estimations.

1. 1,140 ft. of Redwood Fencing 1 x 6 x 6' long 84¢ per board	957.60
2. 82 Redwood Post 4 x 4 x 7' long 2.17 per post	177.94
3. 1,140 ft of Redwood 2 x 4 x 7' long 15¢ per ft.	171.00
4. 60 Tons of ¾" Asphalt at \$5.05 per ton	303.00
5. 40 Tons of ¾" Aggregate Base Rock \$3.00 per ton	120.00
6. Over head lighting, 5 standard light poles and electrical work approximately	500.00
7. 60 Railroad Ties 6 x 7 x 6' long at 3.90 ea.	234.00
8. Remove big rocks, grading and prepare site, build fence, base rock, and asphalt Labor approximately	<u>960.00</u>

TOTAL IMPROVEMENT COST	\$3,423.54
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IV Total Possible Expense

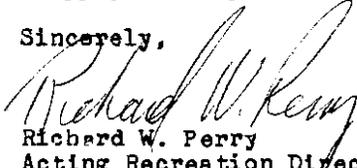
Should the City decide to continue the investigation of implementing the pathways system, each of the 34 walkways would have to be decided on its own merit. Using the example of the Pine Knoll pathway as a basis, total costs could be:

Public Hearings

Rec. & Park Commission, 5 hrs. x 34 pathways	170 hrs.
Staff Time, 5 hrs. x 34 pathways	170 hrs.
Secretarial & Notification, 24.73 x 34 pathways	\$840.82
Title Search, \$50.00 for first and \$15.00 each additional	545.00
Improvements, \$3,423.54 x 34 pathways	<u>116,400.36</u>
TOTAL POSSIBLE EXPENSE	
+ 340 HOURS OF STAFF & COMMISSION TIME	\$117,786.18

Should the Commission desire any further information or recommendations, staff will be happy to supply them upon request.

Sincerely,


Richard W. Perry
Acting Recreation Director

RWP:agg

cc Each Rec. & Park Commissioner
City Manager
CITY COUNCIL - 5 COPIES

ATTACHMENT G

Paper Trails and Pathways Meeting Minutes
Thursday, January 22, 2009

Public Works Conference Room, Suite 385: 1:00pm – 2:00pm

Attendees: Walter Shjeflo – Parks and Recreation Commissioner
Karen Borrmann – City Engineer
Phillip Esqueda – Engineering Technician

- Karen Borrmann opened the meeting by giving the background information since this item was last presented to the Parks and Recreation commission back in April 2008. Commissioner Shjeflo was informed that staff had spoke with the City Attorney, City Clerk, San Mateo County mapping Department, and researched Parks and Recreation Commission Meeting Minutes to shed some light on the ownership of approximately 18 pathways.
- A title report was shown to Commissioner Shjeflo showing that (for a sample parcel in Belmont) half of the pathway (“...one half portion of that certain Alley...”) is part of the adjacent parcel.
- Commissioner Shjeflo believes that progress should be carried forward while excluding the 18 pathways that appear to not belong to the city.
- Commissioner Shjeflo was in agreement with the criteria list that was provided on the minutes.
- Commissioner Shjeflo, City Engineer Borrmann, and Engineering Technician Esqueda reviewed 7 locations that appear to be good candidates for improvement and meet some of the criteria elements.
- It was agreed upon that this item should be brought back to the next scheduled Parks and Recreation Commission meeting so that a status report could be presented along with a “top 10 list” for the entire Commission to provide feedback on.

EXHIBIT A

The land referred to is situated in the County of San Mateo, City of Belmont, State of California, and is described as follows:

The Northeasterly one-half of a portion of that certain Alley running between Blocks 11 and 12, as delineated upon that certain Map entitled "Subdivision No. 1, Belmont Country Club Properties Belmont, San Mateo County, California", filed for record in the Office of the Recorder of the County of San Mateo, State of California, on October 16th, 1924, in Book 12 of Maps, at Pages 1 to 11, inclusive, said portion being bounded on the Northwest by the Westerly extension of the Northwesterly line of Lot 10, Block 12, as shown on said map and bounded on the Southwest by Notre Dame Avenue, as shown on said map.



OLD REPUBLIC
TITLE COMPANY

796 El Camino Real, Suite B
San Carlos, CA 94070
(650) 591-6782 Fax: (650) 591-6789

PRELIMINARY REPORT

Issued for the sole use of:

Our Order Number 0360007603-ERS

CITY OF BELMONT
1 TWIN PINES LANE SUITE 385
BELMONT, CA 94002

Attention: PHILIP ESQUEDA

When Replying Please Contact:

Ellen Rae Sanders
(650) 591-6782

Property Address:

1501 Norte Dame Avenue, Belmont, CA 94002

In response to the above referenced application for a policy of title insurance, OLD REPUBLIC TITLE COMPANY hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, conditions and Stipulations of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said Policy or Policies are set forth in Exhibit A attached. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the Homeowner's Policy of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Exhibit A. Copies of the Policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of September 29, 2008, at 7:30 AM

OLD REPUBLIC TITLE COMPANY
For Exceptions Shown or Referred to, See Attached

The form of policy of title insurance contemplated by this report is:

CLTA Standard Coverage Policy - 1990. A specific request should be made if another form or additional coverage is desired.

The estate or interest in the land hereinafter described or referred or covered by this Report is:

Fee

Title to said estate or interest at the date hereof is vested in:

Andres A. Mera and Margarita Mera, husband and wife, as joint tenants

The land referred to in this Report is situated in the County of San Mateo, City of Belmont, State of California, and is described as follows:

The Northeasterly one-half of a portion of that certain Alley running between Blocks 11 and 12, as delineated upon that certain Map entitled "Subdivision No. 1, Belmont Country Club Properties Belmont, San Mateo County, California", filed for record in the Office of the Recorder of the County of San Mateo, State of California, on October 16th, 1924, in Book 12 of Maps, at Pages 1 to 11, inclusive, said portion being bounded on the Northwest by the Westerly extension of the Northwesterly line of Lot 10, Block 12, as shown on said map and bounded on the Southwest by Notre Dame Avenue, as shown on said map.

At the date hereof exceptions to coverage in addition to the Exceptions and Exclusions in said policy form would be as follows:

1. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Section 75, et seq., of the Revenue and Taxation Code of the State of California.
2. Rights of the public, County and/or City, in and to that portion of said land lying within the lines of (Described in said legal description).
3. Private easements for ingress and egress to and from (Described in said legal description), in favor of the owners of other lots on the map herein referred to, such easements having been acquired under conveyance of lots by reference to said map.
4. Easements for any existing public utilities and any other easements not shown of record.
5. Rights and claims of parties in possession.

----- Informational Notes -----

A. The applicable rate(s) for the policy(s) being offered by this report or commitment appears to be section(s) 1.2 and 2.1.

B. The above numbered report (including any supplements or amendments thereto) is hereby modified and/or supplemented to reflect the following additional items relating to the issuance of an American Land Title Association loan form policy:

NONE

NOTE: Our investigation has been completed and there is located on said land other known as 1501 Norte Dame Avenue, Belmont, CA 94002.

The ALTA loan policy, when issued, will contain the CLTA 100 Endorsement and 116 series Endorsement.

Unless shown elsewhere in the body of this report, there appear of record no transfers or agreements to transfer the land described herein within the last three years prior to the date hereof, except as follows:

NONE

C. NOTE: The last recorded transfer or agreement to transfer the land described herein is as follows:

Instrument

Entitled : Grant Deed
By/From : Roger A. Zimmermann, Trustee of Trust created by the Last Will and Testament of Robert H. Zimmerman, deceased
To : Andres A. Mera and Margarita Mera, husband and wife, as joint tenants
Recorded : June 18, 1993 in Official Records under Recorder's Serial Number 93099977

D. In addition to existing requirements pertaining to sellers who are non-residents of California, as a result of recent changes to Section 18662 of the Revenue and Taxation Code, in transactions closing after January 1, 2003 the buyer may then be responsible to withhold 3 1/3% of the sales price (as defined therein) from any seller, if this property is not the seller's principal residence. The statute, as modified, also provides for certain exemptions to the buyer's responsibility to withhold, which may apply.

MC/mlc

CALIFORNIA LAND TITLE ASSOCIATION
STANDARD COVERAGE POLICY - 1990
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.-

(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy.;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments Which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.

Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims Which are not shown by the public records but which could be ascertained by an inspection of the land which may be asserted by persons in possession thereof,
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

Old Republic Title Company

Privacy Policy Notice

PURPOSE OF THIS NOTICE

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of Old Republic Title Company

We may collect nonpublic personal information about you from the following sources:

- Information we receive from you such as on applications or other forms.
- Information about your transactions we secure from our files, or from [our affiliates or] others.
- Information we receive from a consumer reporting agency.
- Information that we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies that perform marketing services on our behalf or with whom we have joint marketing agreements:

- Financial service providers such as companies engaged in banking, consumer finance, securities and insurance.
- Non-financial companies such as envelope stuffers and other fulfillment service providers.

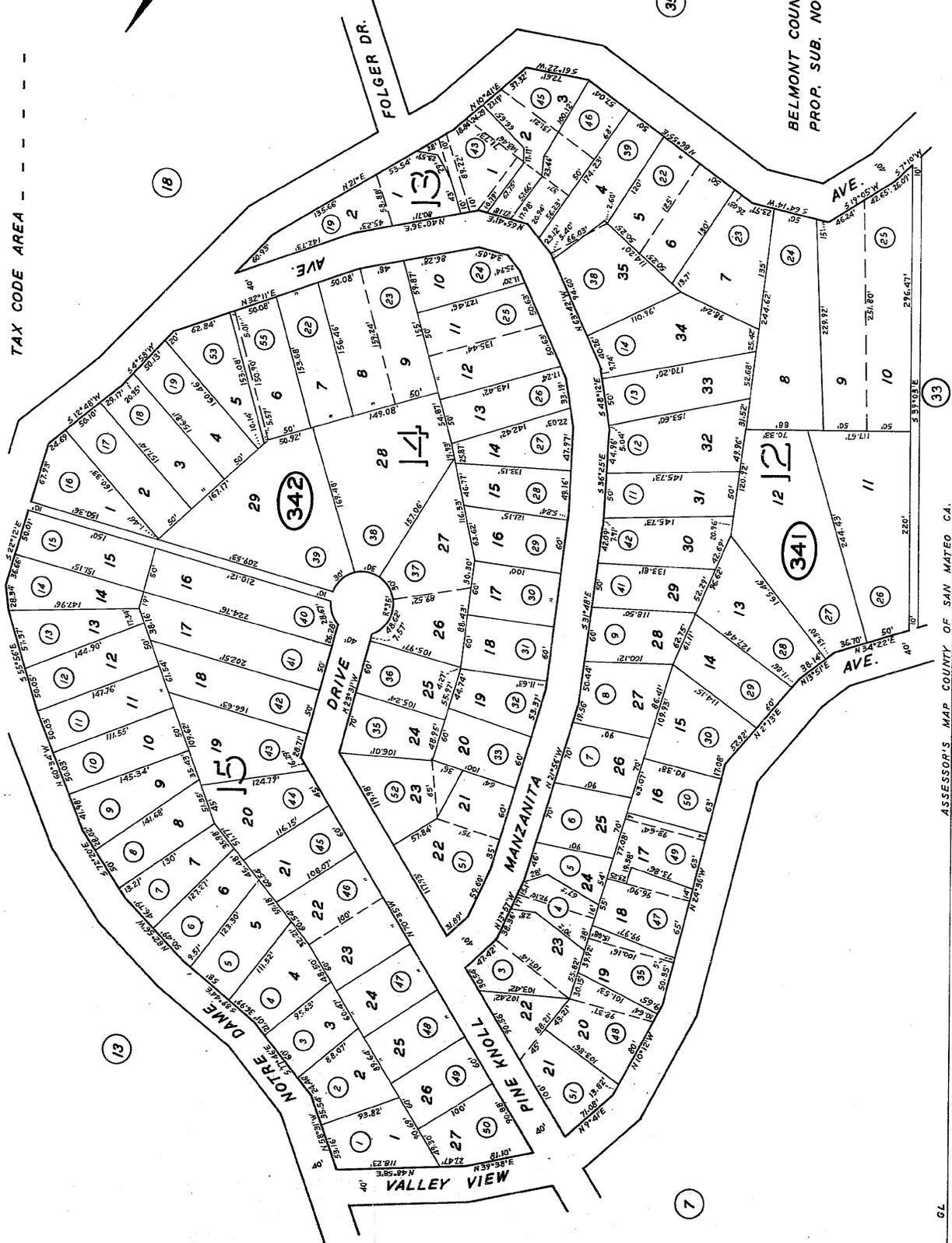
WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

44-34



TAX CODE AREA



BELMONT COUNTRY CLUB
PROP. SUB. NO. 1 RSM 12/1

ASSESSORS MAP COUNTY OF SAN MATEO CA.

EXHIBIT A

The land referred to is situated in the County of San Mateo, City of Belmont, State of California, and is described as follows:

The Southwesterly one-half of a portion of that certain Alley running between Blocks 11 and 12, as delineated upon that certain Map entitled "Subdivision No. 1, Belmont Country Club Properties Belmont, San Mateo County, California", filed for record in the Office of the Recorder of the County of San Mateo, State of California, on October 16th, 1924 in Book 12 of Maps, at Pages 1 to 11, inclusive, said portion being bounded on the Northwest by the Easterly extension of the Northwesterly line of Lot 1, Block 11, as shown on said Map, and bounded on the Southwest by Notre Dame Avenue, as shown on said map.



OLD REPUBLIC
T I T L E C O M P A N Y

796 El Camino Real, Suite B
San Carlos, CA 94070
(650) 591-6782 Fax: (650) 591-6789

PRELIMINARY REPORT

Issued for the sole use of:

CITY OF BELMONT
1 TWIN PINES LANE SUITE 385
BELMONT, CA 94002

Attention: PHILIP ESQUEDA

Our Order Number 0360007602-ERS

When Replying Please Contact:

Ellen Rae Sanders
(650) 591-6782

Property Address:

1700 Terrace Drive, Belmont, CA 94002

In response to the above referenced application for a policy of title insurance, OLD REPUBLIC TITLE COMPANY hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, conditions and Stipulations of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said Policy or Policies are set forth in Exhibit A attached. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the Homeowner's Policy of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Exhibit A. Copies of the Policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of September 16, 2008, at 7:30 AM

OLD REPUBLIC TITLE COMPANY
For Exceptions Shown or Referred to, See Attached

The form of policy of title insurance contemplated by this report is:

CLTA Standard Coverage Policy - 1990. A specific request should be made if another form or additional coverage is desired.

The estate or interest in the land hereinafter described or referred or covered by this Report is:

Fee

Title to said estate or interest at the date hereof is vested in:

Ghasson Dababo, a single man

The land referred to in this Report is situated in the County of San Mateo, City of Belmont, State of California, and is described as follows:

The Southwesterly one-half of a portion of that certain Alley running between Blocks 11 and 12, as delineated upon that certain Map entitled "Subdivision No. 1, Belmont Country Club Properties Belmont, San Mateo County, California", filed for record in the Office of the Recorder of the County of San Mateo, State of California, on October 16th, 1924 in Book 12 of Maps, at Pages 1 to 11, inclusive, said portion being bounded on the Northwest by the Easterly extension of the Northwesterly line of Lot 1, Block 11, as shown on said Map, and bounded on the Southwest by Notre Dame Avenue, as shown on said map.

At the date hereof exceptions to coverage in addition to the Exceptions and Exclusions in said policy form would be as follows:

1. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Section 75, et seq., of the Revenue and Taxation Code of the State of California.
2. Rights of the public, County and/or City, in and to that portion of said land lying within the lines of (described in said legal description).
3. Private easements for ingress and egress to and from (Described in said legal description), in favor of the owners of other lots on the map herein referred to, such easements having been acquired under conveyance of lots by reference to said map.
4. Easements for any existing public utilities and any other easements not shown of record.

5. Deed of Trust to secure an indebtedness of the amount stated below and any other amounts payable under the terms thereof,

Amount : \$220,000.00
Trustor/Borrower : Ghassan Dababo
Trustee : Bell Savings and Loan Association, a Federal Savings and Loan Assn.
Beneficiary/Lender : Bell Savings and Loan Assn., a Federal Savings and Loan Assn.
Dated : October 27, 1987
Recorded : November 6, 1987 in Official Records under Recorder's Serial Number 87169285
Loan No. : 5540-026649
Returned to : 400 South El Camino Real, San Mateo, CA 94402

Affects a portion of said land.

The record beneficial interest under said Deed of Trust as a result of the last recorded assignment thereof is,

Vested In : The First National Bank of Chicago, as Trustee under that certain Pooling and Servicing Agreement dated as of September 1, 1995, for RTC Mortgage Pass-Through Certificates, Series 1995-2
By Assignment From : Resolution Trust Corporation, as Conservator or Receiver for Western Federal Savings and Loan Association successor in interest to or formerly know as the case may be Bell Savings and Loan Assn.
Recorded : April 1, 1996 in Official Records under Recorder's Serial Number 1996-038507
Loan No. : 0004026649
Returned to Address : 505 San Marin Dr., #110A, Novato, CA 94945

6. Rights and claims of parties in possession.

----- Informational Notes -----

- A. The applicable rate(s) for the policy(s) being offered by this report or commitment appears to be section(s) 1.2 and 2.1.

- B. The above numbered report (including any supplements or amendments thereto) is hereby modified and/or supplemented to reflect the following additional items relating to the issuance of an American Land Title Association loan form policy:

NONE

NOTE: Our investigation has been completed and there is located on said land other known as 1700 Terrace Drive, Belmont, CA 94002.

The ALTA loan policy, when issued, will contain the CLTA 100 Endorsement and 116 series Endorsement.

Unless shown elsewhere in the body of this report, there appear of record no transfers or agreements to transfer the land described herein within the last three years prior to the date hereof, except as follows:

NONE

- C. NOTE: The last recorded transfer or agreement to transfer the land described herein is as follows:

Instrument

Entitled : Grant Deed

By/From : Peter Stepanoff and Marina Stepanoff, husband and wife

To : Ghasson Dababo, a single man

Recorded : March 31, 1986 in Official Records under Recorder's Serial Number
86033214

- D. In addition to existing requirements pertaining to sellers who are non-residents of California, as a result of recent changes to Section 18662 of the Revenue and Taxation Code, in transactions closing after January 1, 2003 the buyer may then be responsible to withhold 3 1/3% of the sales price (as defined therein) from any seller, if this property is not the seller's principal residence. The statute, as modified, also provides for certain exemptions to the buyer's responsibility to withhold, which may apply.

MC/mlc

CALIFORNIA LAND TITLE ASSOCIATION
STANDARD COVERAGE POLICY - 1990
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.-

(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;.
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments Which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.

Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims Which are not shown by the public records but which could be ascertained by an inspection of the land which may be asserted by persons in possession thereof,
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

Old Republic Title Company

Privacy Policy Notice

PURPOSE OF THIS NOTICE

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of Old Republic Title Company

We may collect nonpublic personal information about you from the following sources:

- Information we receive from you such as on applications or other forms.

- Information about your transactions we secure from our files, or from [our affiliates or] others.

- Information we receive from a consumer reporting agency.

- Information that we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies that perform marketing services on our behalf or with whom we have joint marketing agreements:

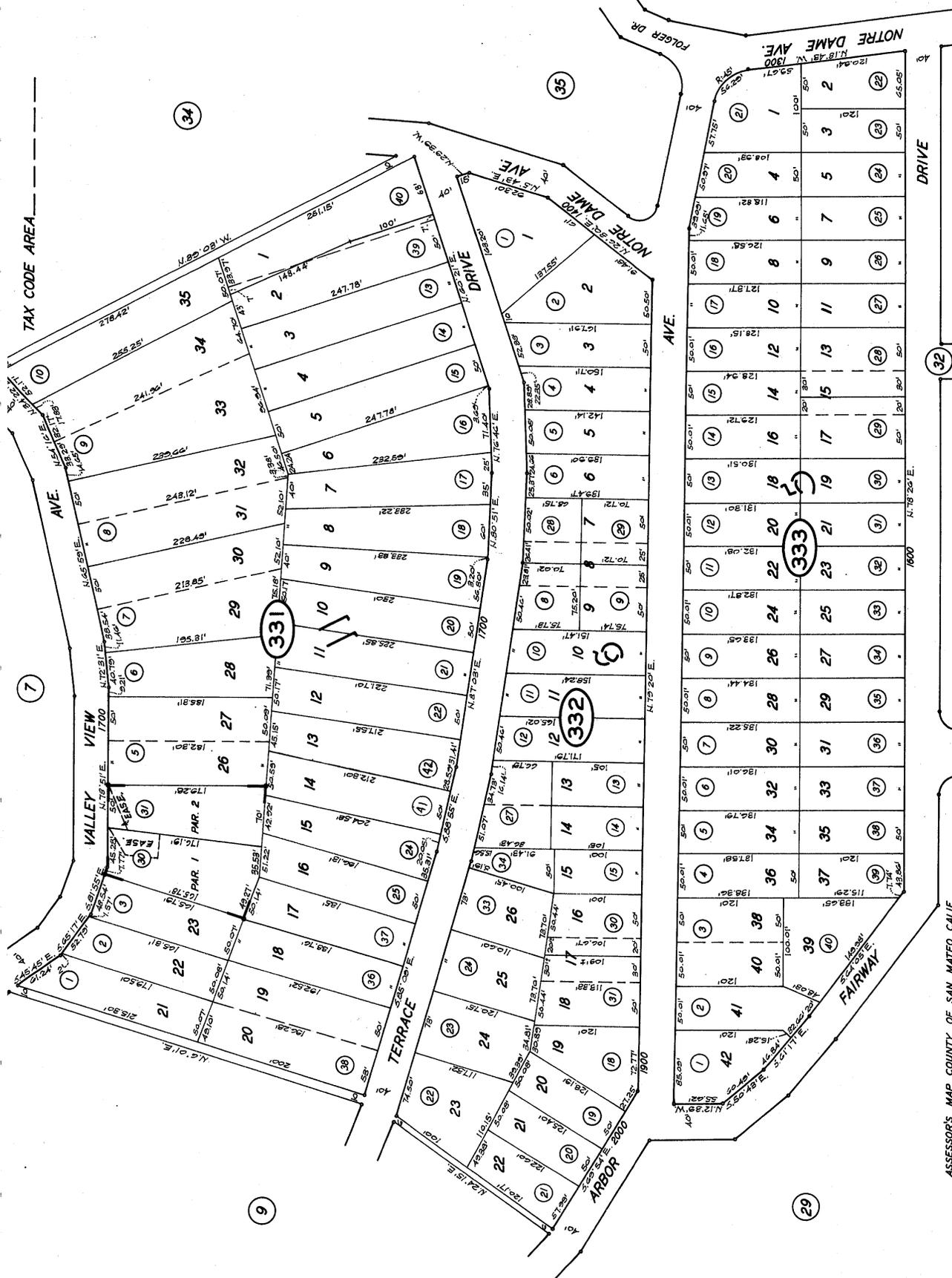
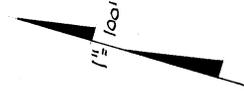
- Financial service providers such as companies engaged in banking, consumer finance, securities and insurance.

- Non-financial companies such as envelope stuffers and other fulfillment service providers.

WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

44-33



SEP 27 2005

TAX CODE AREA

ASSESSOR'S MAP COUNTY OF SAN MATEO CALIF.

Location No.	Location	Description	Classification	Ties into Existing Pathway	Improves Connectivity	Provides Connectivity to Scenic or other Open Spaces	Access to Places of Interest (schools, parks, public buildings, shopping, etc.)	Public Interest	Ease of Construction
49	Mezes Ave to Hillman Ave - 1825/1823 Mezes Avenue to 1816/1814 Hillman Ave	10' wide pathway easement Belmont Country Club Properties, Subdivision No. 6, recorded Nov 13, 1925. Vol. 13 pg 13 APN BK 44 (Offered but rejected)	Potential	YES	YES	NO	NO	POSSIBLE	YES & NO
50B	Hillman Ave to Winding Way - 1707/1709 Hillman Ave to 1566/1568 Winding Way	10' wide pathway easement Belmont Country Club Properties, Subdivision No. 6, recorded Nov 13, 1925. Vol. 13 pg 13 APN BK 44 (Offered but rejected)	Potential	YES	YES	NO	NO	POSSIBLE	YES & NO
25B	Monserat Avenue to Cipriani Elementary School - 2617/2703 Monserat Ave to Cipriani Elementary School	10' wide pathway easement Belmont Country Club Properties, Subdivision No. 9, recorded Dec 1926. Vol. 14 pg 69 APN BK 43. (Offered but rejected)	Potential	NO	YES	YES	YES	POSSIBLE	YES & NO
1A	Marsten Avenue (Paper Street)	Ralston Avenue/Ralston Ranch Road to the Improved Portion of Marsten Avenue	Currently Unimproved and Used	NO	YES	YES	NO	POSSIBLE	YES
25A	San Juan Blvd to Monserat Avenue - 2846/2848 San Juan Blvd to 2700 Monserat Ave	10' wide pathway easement Belmont Country Club Properties, Subdivision No. 9, recorded Dec 1926. Vol. 14 pg 69 APN BK 43. (Offered but rejected)	Potential	NO	YES	NO	NO	POSSIBLE	YES & NO
37	Ponce Avenue to Coronet Blvd - Between 2642/2644 Ponce Ave and 2420/2422 Coronet Blvd	10' wide pathway easement Belmont Country Club Properties, Subdivision No. 4, recorded July 3, 1925. Vol 12 pg 43-49 APN BK 44 (Offered but rejected)	Potential	NO	YES	NO	NO	POSSIBLE	YES & NO
38	Coronet Blvd to Pullman Ave - 2419/2417 Coronet Boulevard to 2134 Pullman Avenue	10' wide pathway easement Belmont Country Club Properties, Subdivision No. 4, recorded July 3, 1925. Vol. 12 pg 46 APN BK 44 (Offered but rejected)	Potential	NO	YES	NO	NO	POSSIBLE	YES & NO
51	Winding Way to Ridge Rd - 1526/1522 Ridge Road to 1563/1559 Winding Way	10' wide pathway easement Belmont Country Club Properties, Subdivision No. 6, recorded Nov 13, 1925. Vol. 13 pg 13 APN BK 44 (Offered but rejected)	Potential	NO	YES	NO	NO	POSSIBLE	YES & NO
63	Paloma Ave to O'Neill Ave - Between 1313/1319 Paloma Ave	2 - 10' wide pathway easement. Amended Vol.17 pg11 APN BK 45	Potential	NO	YES	NO	NO	POSSIBLE	YES & NO
64	Molitor Rd to Sunnyslope Ave - 1601/1597 Molitor Road to 1600/1596 Sunnyslope Avenue	20' easement Bayview Heights Subdivision No. 2, Vol 16, pg 33 APN BK 45	Potential	NO	YES	NO	NO	POSSIBLE	YES & NO

- GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4