

**List of Attachments for Joint Meeting of City Council and
Economic Development Corporation**

- **Five (5) Memorandums of Termination of Option to Purchase
Certain Properties**

Attachments:

- 19-A Vacant Lot – 86 North Main
- 19-B Vacant Lot – 230 North Main
- 19-C Cracolice – 540 South Abel Street
- 19-D Public Works Corporation Yard – 1265 North Milpitas Boulevard
- 19-E Milpitas Sports Center – 1325 East Calaveras Boulevard

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO
City of Milpitas
455 E. Calaveras Blvd.
Milpitas, California, 95035
Attn: City Manager

EXEMPT FROM RECORDING FEE PER
CA GOVERNMENT CODE §§ 6103, 27383

MEMORANDUM OF TERMINATION OF OPTION

This Memorandum of Termination of Option is made on October 6, 2015, between the City of Milpitas ("Optionor"), a municipal corporation of the State of California, and the Milpitas Economic Development Corporation, a nonprofit public benefit corporation, ("Optionee"), who agree as follows:

1. Optionor has previously granted to Optionee the option to purchase the real property described in Exhibit "A" (the "Option Property"), by that Memorandum of Option ("Memorandum of Option") recorded on March 29, 2011 as document #21128235 in the Office of the Recorder for the County of Santa Clara, California, which Memorandum commemorates the terms of that certain Option to Purchase Agreement between Optionor and Optionee concerning the Option Property and dated March 28, 2011 ("Option Agreement"). Together the Memorandum of Option and Option Agreement grant to Optionee certain option rights to the Option Property commonly known as 86 North Main Street, in Milpitas, California.
2. At this time it is the intent of Optionor and Optionee to terminate all rights and benefits, and in particular any option rights, conferred upon Optionee under the aforementioned Memorandum of Option and Option Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Termination of Option Agreement.

OPTIONOR
CITY OF MILPITAS

_____ Date: _____
 Thomas C. Williams,
 City Manager

OPTIONEE
MILPITAS ECONOMIC DEVELOPMENT CORPORATION

_____ Date: _____
 Thomas C. Williams,
 President

EXHIBIT A

LEGAL DESCRIPTION

Real property in the City of Milpitas, County of Santa Clara, State of California, described as follows:

Beginning at a point in the Northwesterly line of the parcel of land described in the deed from Flora Wigmore to Frank Dutra, dated December 10, 1910 and recorded April 3, 1911 in Book 370 of Deeds, at Page 83, Santa Clara County Records, distant thereon Southwesterly 76.64 feet from the Northeasterly corner thereof in the Westerly line of the Old San Jose Mission Road; thence from said point of beginning, Southwesterly along said Northwesterly line of 105.00 feet to the Easterly line of the Oakland Highway; thence Southeasterly along said line 60.37 feet; thence Northeasterly, parallel with the said Northwesterly line of the Dutra parcel 105.00 feet to a point which bears Southwesterly, parallel with said Northwesterly line 76.73 feet from the Westerly line of the Old San Jose Mission Road; thence Northwesterly 60.37 feet to the point of beginning.

Being a portion of the Tularcitos Rancho.

APN: 028-24-025

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1. Optionor has previously granted to Optionee the option to purchase the real property described in Exhibit "A" (the "Option Property"), by that Memorandum of Option ("Memorandum of Option") recorded on March 29, 2011 as document #21128234 in the Office of the Recorder for the County of Santa Clara, California, which Memorandum commemorates the terms of that certain Option to Purchase Agreement between Optionor and Optionee concerning the Option Property and dated March 28, 2011 ("Option Agreement"). Together the Memorandum of Option and Option Agreement grant to Optionee certain option rights to the Option Property commonly known as 230 North Main Street, in Milpitas, California.
2. At this time it is the intent of Optionor and Optionee to terminate all rights and benefits, and in particular any option rights, conferred upon Optionee under the aforementioned Memorandum of Option and Option Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Termination of Option Agreement.

OPTIONOR
CITY OF MILPITAS

_____ Date: _____
 Thomas C. Williams,
 City Manager

OPTIONEE
MILPITAS ECONOMIC DEVELOPMENT CORPORATION

_____ Date: _____
 Thomas C. Williams,
 President

EXHIBIT A

LEGAL DESCRIPTION

Real property in the City of Milpitas, County of Santa Clara, State of California, described as follows:

LOT 1, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "TRACT NO. 9690, ONE LOT SUBDIVISION FOR CONDOMINIUM PURPOSES APTON PLAZA", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON OCTOBER 1, 2007 IN BOOK 819 OF MAPS AT PAGES 1 AND 2.

EXCEPTING AND RESERVING THEREFROM, ALL OIL, GAS AND OTHER HYDROCARBONS, GEOTHERMAL RESOURCES AS DEFINED IN SECTION 6903 OF THE CALIFORNIA PUBLIC RESOURCE CODE AND ALL OTHER MINERALS, WHETHER SIMILAR TO THOSE SPECIFIED OR NOT, WITHIN OR THAT MAY BE PRODUCED FROM SAID REAL PROPERTY, PROVIDED; HOWEVER, THAT ALL RIGHTS AND INTEREST IN THE SURFACE OF SAID REAL PROPERTY ARE HEREBY CONVEYED TO GRANTEE, NO RIGHT OR INTEREST OF ANY KIND TO USE THE SURFACE, EXPRESSED OR IMPLIED, BEING EXCEPTED OR RESERVED TO GRANTOR; AND PROVIDED FURTHER THAT GRANTOR SHALL NOT, IN EXERCISING SUCH RIGHTS, DO ANYTHING WHICH WILL DAMAGE THE SURFACE OF SAID REAL PROPERTY OR ANY STRUCTURES THEREON, AND SHALL NOT CONDUCT ANY DRILLING OR OTHER OPERATIONS OF ANY KIND IN THE FIRST FIVE HUNDRED FEET BELOW THE SURFACE OF SAID REAL PROPERTY.

FURTHER EXCEPTING AND RESERVING THEREFROM, THE SOLE AND EXCLUSIVE RIGHT FROM TIME TO TIME TO DRILL AND MAINTAIN WELLS OR OTHER WORKS INTO OR THROUGH SAID REAL PROPERTY AND THE ADJOINING STREETS, ROADS AND HIGHWAYS BELOW A DEPTH FOR FIVE HUNDRED FEET AND TO PRODUCE, OR INJECT, STORE AND REMOVE FROM AND THROUGH SUCH WELLS OR WORKS, OIL, GAS, WATER AND OTHER SUBSTANCES OF WHATEVER NATURE INCLUDING THE RIGHT TO PERFORM BELOW SAID DEPTH ANY AND ALL OPERATIONS DEEMED BY GRANTOR NECESSARY OR CONVENIENT FOR ALL EXERCISE OF SUCH RIGHTS.

APN: 028-34-001 thru 006 (Affects Unit 101 thru 106), 028-34-007 thru 024 (Affects Unit 108 thru 125), 028-34-025 thru 029 (Affects Unit 128 thru 132), 028-34-030 thru 061 (Affects Unit 201 thru 232), 028-34-062 thru 093 (Affects Unit 301 thru 332), 028-34-094 (Affects Unit A)

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MEMORANDUM OF TERMINATION OF OPTION

This Memorandum of Termination of Option is made on October 6, 2015, between the City of Milpitas ("Optionor"), a municipal corporation of the State of California, and the Milpitas Economic Development Corporation, a nonprofit public benefit corporation, ("Optionee"), who agree as follows:

1. Optionor has previously granted to Optionee the option to purchase the real property described in Exhibit "A" (the "Option Property"), by that Memorandum of Option ("Memorandum of Option") recorded on March 29, 2011 as document #21128237 in the Office of the Recorder for the County of Santa Clara, California, which Memorandum commemorates the terms of that certain Option to Purchase Agreement between Optionor and Optionee concerning the Option Property and dated March 28, 2011 ("Option Agreement"). Together the Memorandum of Option and Option Agreement grant to Optionee certain option rights to the Option Property commonly known as 540 South Abel Street, in Milpitas, California.
2. At this time it is the intent of Optionor and Optionee to terminate all rights and benefits, and in particular any option rights, conferred upon Optionee under the aforementioned Memorandum of Option and Option Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Termination of Option Agreement.

OPTIONOR
CITY OF MILPITAS

_____ Date: _____
 Thomas C. Williams,
 City Manager

OPTIONEE
MILPITAS ECONOMIC DEVELOPMENT CORPORATION

_____ Date: _____
 Thomas C. Williams,
 President

EXHIBIT A

Legal Description

Real property in the City of Milpitas, County of Santa Clara, State of California, described as follows:

Parcel One:

Beginning at an iron pipe in the Northwesterly line of Parcel 2 as described in Deed, Frank S. Dophna, et us, to City and County of San Francisco, recorded in Book 1985, page 612, Official Records, at the most Southerly corner of Parcel No. 2 as described in the Deed, Clarence L. Smith, et al, to Auto Employees Federal Credit Union, recorded in Book 5517, page 151, Official Records of Santa Clara County; thence along the Southwesterly line of said Parcel No. 2 so conveyed to Auto Employees Federal Credit Union and the Northwesterly prolongation thereof, North 11° 31'50" West, 180.24 feet to an iron point; thence South 78° 35' 30" West, 121.87 feet to a point in the Northeasterly line of Parcel "A" as shown on Record of Survey Map recorded in Book 157 of Maps, page 56, Santa Clara County Records; thence along last mentioned line, being also the center line of Penitencia Creek, South 34° 17' 10" East, 112.36 feet to an iron pipe; and South 29° 37' East, 93.33 feet to an iron pipe at the most Easterly corner of said Parcel "A"; thence along the Northwesterly line of said Parcel 2 conveyed to City and County of San Francisco, North 65° 00'30" East, 50.83 feet to the point of beginning, and being a portion of Milpitas Rancho.

Parcel Two:

Parcel "A" as shown on Record of Survey Map recorded in Book 157 of Maps, page 56, Santa Clara County Records.

Excepting therefrom that portion thereof described in the Deed to John F. Pyle, et al, recorded July 20, 1964 in Book 6589 of Official Records, at page 446, Santa Clara County Records.

APN: 8610025

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MEMORANDUM OF TERMINATION OF OPTION

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1. Optionor has previously granted to Optionee the option to purchase the real property described in Exhibit "A" (the "Option Property"), by that Memorandum of Option ("Memorandum of Option") recorded on March 29, 2011 as document #21128236 in the Office of the Recorder for the County of Santa Clara, California, which Memorandum commemorates the terms of that certain Option to Purchase Agreement between Optionor and Optionee concerning the Option Property and dated March 28, 2011 ("Option Agreement"). Together the Memorandum of Option and Option Agreement grant to Optionee certain option rights to the Option Property commonly known as 1265 North Milpitas Boulevard, in Milpitas, California.
2. At this time it is the intent of Optionor and Optionee to terminate all rights and benefits, and in particular any option rights, conferred upon Optionee under the aforementioned Memorandum of Option and Option Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Termination of Option Agreement.

OPTIONOR
CITY OF MILPITAS

_____ Date: _____
 Thomas C. Williams,
 City Manager

OPTIONEE
MILPITAS ECONOMIC DEVELOPMENT CORPORATION

_____ Date: _____
 Thomas C. Williams,
 President

EXHIBIT A
Legal Description

All of that certain real property situated in the City of Milpitas, County of Santa Clara, State of California, described as follows:

Police station and corporation yard facility commonly known as 1265 North Milpitas Boulevard in Milpitas, California, County of Santa Clara, Assessor's Parcel No. 2202012, and more particularly described in Exhibit "A" of the Santa Clara County Superior Court Final Order of Condemnation, filed in the Santa Clara County Recorder's Office as Document No. 10684099.

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MEMORANDUM OF TERMINATION OF OPTION

This Memorandum of Termination of Option is effective on September 14, 2015 and made between the City of Milpitas ("Optionor"), a municipal corporation of the State of California, and the Milpitas Economic Development Corporation, a nonprofit public benefit corporation, ("Optionee"), who agree as follows:

1. Optionor has previously granted to Optionee the option to purchase the real property described in Exhibit "A" (the "Option Property"), by that Memorandum of Option ("Memorandum of Option") recorded on March 29, 2011 as document #21128234 in the Office of the Recorder for the County of Santa Clara, California, which Memorandum commemorates the terms of that certain Option to Purchase Agreement between Optionor and Optionee concerning the Option Property and dated March 28, 2011 ("Option Agreement"). Together the Memorandum of Option and Option Agreement grant to Optionee certain option rights to the Option Property commonly known as 1325 East Calveras Boulevard, in Milpitas, California.
2. At this time it is the intent of Optionor and Optionee to terminate all rights and benefits, and in particular any option rights, conferred upon Optionee under the aforementioned Memorandum of Option and Option Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Termination of Option Agreement.

OPTIONOR
CITY OF MILPITAS

_____ Date: _____
 Thomas C. Williams,
 City Manager

OPTIONEE
MILPITAS ECONOMIC DEVELOPMENT CORPORATION

_____ Date: _____
 Thomas C. Williams,
 President

EXHIBIT A
Legal Description

All that certain real property situated in the City of Milpitas, County of Santa Clara, State of California, described as follows:

PARCEL 1 through PARCEL 12, inclusive, and Easements A, B and C of Amended Parcel Map filed June 4, 1986 in Book 560 of Maps, at pages 45 and 46, Santa Clara County Records.

RESERVING therefrom an easement for access and utility purposes over that portion thereof within Easement C as shown on said Map

Assessor's Parcel Nos. 2917004, 2917005, 2917006, 2917007, 2917008, 2917009, 2917010, 2917011, 2917012, 2917013, 2917015.