

FAIRFAX TOWN COUNCIL MEETING  
FEBRUARY 6, 2019

SUPPLEMENT TO ITEM #10: Second reading and adoption by title only of an ordinance amending Town Code Chapter 17.112 PDD Planned Development District Zone, which amends Section 17.112.040 (B) to establish a maximum residential density based on an objective development standard of parcel slope.

This supplement contains two documents regarding Canon Village:

1. An excerpt of the minutes from the July 15, 1974, Fairfax Town Council meeting
2. Fairfax Town Council Resolution No.1038 Regarding Conveyance of Easements

SUPPLEMENT TO  
AGENDA ITEM # 10

per acre, rather than 1 unit per 2 acres. The Fairfax Planning Commission recommended a density higher than 1 unit per acre.

Following general discussion, M/s, Mahoney-Garrison, to support the recommendation of the County Planning Commission for rezoning of the Fairfax area, with the following change from the County Planning Staff's recommendation: that the Bell and Perry properties be rezoned one unit per acre.

AYES: All

Council recessed at 10:15 p.m. Reconvened at 10:35 p.m. with all councilmen present.

#### Canon Village & Tennis Club Ridgeland Open Space Dedication

Mayor Egger advised that at the time the Council approved the master plan for the Canon Village Development, one of the conditions was that the 17 units on the ridge would be eliminated and that the 17 acres would be dedicated as open space. Another condition required pedestrian and equestrian easements through the property. At the 5-9-74 Design & Environmental Review Board meeting the Board and Mr. McKinney, counsel for developer, reached an impasse on the interpretation of Condition #1, "dedication of 17 acres of ridgeland for open space, with the condition that the number of units be increased to 128 from the presently proposed 126." The master plan was approved with this condition. Subsequently an EIR was required and because of safety reasons, units were deleted from the development, reducing the number to 109.

Mayor Egger recommended that the 17 acres of the ridge be dedicated to either the town or the Countywide Open Space District for open space, and if this is not workable, then the 17 acres could be by deed restriction, guaranteed in perpetuity for open space, and this deed restriction could also provide for public easements across the ridge and extending to the fingers of the ridge overlooking the development.

Mr. McKinney stated that the 17 acres of ridgeland belong to the homeowners and not to the Town. He stated that the covenants presently being reviewed by the State Real Estate Commissioner provide that the ridgeland is dedicated in perpetuity to open space and cannot be improved upon or touched except for erosion control. Mr. McKinney further stated that the developer would be agreeable to giving a perpetual easement across the ridgeland, but felt that

the demands of the Design & Environmental Review Board were unreasonable. Mr. McKinney agreed that if the width of the easements are reduced from 50' to 25', the developer would be willing to dedicate three easements: Mr. McKinney voiced his objection to a massive easement.

Fire Chief Thornton recommended that some fire trail provision be granted down the east ridge in order to afford protection to Canon Village and both churches in the immediate area. Mr. McKinney responded that the developer would have no objection to furnishing a tractor and providing an access.

M/s, Garrison-Mahoney, to accept offer of James McKinney for three easements of 25' each as designated on the Canon Village and Tennis Club map: deed restriction to be recorded stipulating for open space only.

AYES: All

Fire Alarm and Intercom System for Fire House

Mayor Egger stated that a fire alarm system (estimate approximately \$4400) for the Fire House had been discussed prior to going to bid and had been deleted from the specs as the majority of council felt this was an unnecessary item.

M/s, Mahoney-Egger, to not install a fire alarm system at this time:

AYES: Councilmen Mahoney and Egger  
NOES: Councilmen Garrison, Gately, and Gray

Councilman Gray stated that future fire legislation could make this installation mandatory, and felt not approving the installation at this time showed lack of foresight.

M/s, Gately-Garrison, to authorize installation of fire alarm system in the fire house as outlined in proposal from Warren Security Systems, Inc. (\$1,744 installation cost and a monthly lease charge of \$20): funding to be obtained from revenue sharing if necessary: and authorize the Mayor to enter into agreement on behalf of the town.

AYES: COUNCILMEN Garrison, Gately, Gray and Mahoney  
NOES: COUNCILMEN Egger

Council requested that Fire Chief Thornton reduce the cost if possible, by elimination of two pole stations.

RESOLUTION NO. 1038

*Original Documents  
Filed in safe  
12/27/74*

ACCEPTING CONVEYANCE OF EASEMENTS

WHEREAS, the foregoing attached Grant of Easement Agreement between Denkmann & Co. and the Town of Fairfax has been tendered to the Town of Fairfax under the terms therein specified, and

WHEREAS, it appears to be to the best interests of the Town of Fairfax that said Agreement

and the grant of easements mentioned therein be accepted,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the Town of Fairfax as follows:

1. That the foregoing attached Grant of Easement Agreement and the grant of easements therein specified be, and they are hereby, accepted by the Town of Fairfax.

2. That the City Clerk of the Town of Fairfax be, and she is hereby, authorized and directed to forthwith cause said contract and conveyances to be recorded in the office of the County Recorder of the County of Marin.

- - - -

The foregoing resolution was duly introduced and passed at a regular meeting of the City Council of the Town of Fairfax held in said Town on the 2th day of December, 1974, by the following vote, to-wit:

AYES: COUNCILMEN GARRISON, GATELY, GRAY, MAHONEY and MAYOR EGGER  
NOES: COUNCILMEN (NONE)  
ABSENT: COUNCILMEN (NONE)

*Harold J. Egger*  
\_\_\_\_\_  
Mayor

ATTEST:  
*[Signature]*  
\_\_\_\_\_  
City Clerk

42871

RECORDING REQUESTED BY:

BOOK 2853 PAGE 101

42871

RECORDED AT REQUEST OF

*Town of Fairfax*

AT 11 MIN. PAST 11 A.M.

DEC 13 1974

Official Records of Marin County, Calif. #3

*R. J. Giacomini*

FEE \$ 6.00 RECORDED

WHEN RECORDED MAIL TO:

*Town of Fairfax  
142 Bolinas Rd  
Fairfax 94930*

GRANT OF EASEMENT

THIS AGREEMENT, made this 19<sup>th</sup> day of August, 1974, by and between DENKMANN & COMPANY, a California corporation, hereinafter referred to as "Grantor," and the Town of Fairfax, a Political Subdivision, hereinafter referred to as "Grantee."

WHEREAS, Grantor is the owner of certain real property commonly known as CANON VILLAGE & TENNIS CLUB located in the Town of Fairfax, Marin County, State of California, described as follows:

Parcel C as shown upon the Map entitled 'Canon Village and Tennis Club, a planned development, Fairfax, Marin County, California,' filed November 1, 1973, in Volume 15 of Maps, at Page 89, Marin County Records. and

WHEREAS, on October 9, 1973, the parties entered into a Subdivision Agreement for the development of the land which provided, among other things, that the Subdivider would grant an easement across said Parcel "C" for a bicycle, pedestrian and equestrian path as may be reasonably required by the Design Review Board; and

WHEREAS, an agreement has been reached between the Town of Fairfax and the Grantor as to the location of said easements;

NOW, THEREFORE, for good and valuable consideration it is agreed as follows:

1. Grantor hereby grants to Grantee non-exclusive easements, twenty-five feet in width, lying 12.5 feet on each side of the lands designated as "Northerly Easement," "Southerly Easement," and "Middle Easement," marked Exhibits "A", "B", and "C", respectively, and incorporated herein as though set forth at length.

2. The easements granted herein are easements to include the following uses: as a bicycle, pedestrian and equestrian path, and for emergency vehicles; they do not include any other uses, and specifically exclude, without limitation, the use of said easements for motorcycle purposes.

3. Grantee agrees that said easements will be left in their natural state, and that no improvements or structures of any kind will be constructed on said easements.

4. The easements granted herein are easements in gross.

5. This instrument contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this instrument shall be of no force and effect, excepting a subsequent modification in writing, signed by the party to be charged.

6. In the event of any controversy, claim or dispute relating to this instrument or the breach thereof, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorney's fees and costs.


7. This instrument shall bind and inure to the benefit of the heirs, assigns, and personal representatives and successors of the parties hereto.

IN WITNESS WHEREOF the parties hereto have executed

this instrument the day and year first above written.

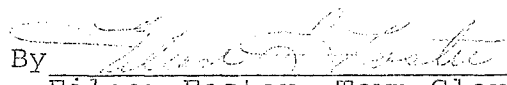
DENKMANN & COMPANY, a California corporation,

By   
Robert D. Marshall, Jr. President

By   
James B. McKenney, Secretary  
GRANTOR

TOWN OF FAIRFAX, a Political Subdivision,

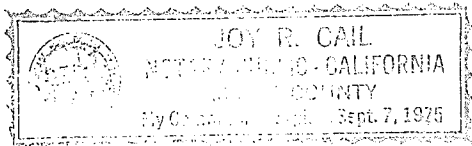
By   
Frank Egger, Mayor

By   
Eileen Foster, Town Clerk





IN WITNESS WHEREOF I have hereunto set my hand and  
affixed my official seal in the County of Marin, the day and year  
in this certificate first above written.



*Joy R. Cail*  
\_\_\_\_\_  
Notary Public, State of  
California

My Commission Expires:

7-7-75

JOHN W. HILL & ASSOCIATES, INC.

CONSULTANTS  
CIVIL ENGINEERING ARCHITECTURE LAND SURVEYING

August 2, 1974  
File: 103-0027

DESCRIPTION

25' Wide Pedestrian Easement

(Northerly Easement)

An easement 25 feet in width, lying 12.5 feet on each side of the following described centerline:

Commencing at a point on the Easterly Boundary of Lands of Denkmann and Company, a California Corporation as said boundary is delineated on that certain map entitled "Map of Canon Village & Tennis Club", filed for record November 1, 1973, in Book 15 of Maps at Page 89, Official Records, County of Marin, California, said point being also the point of intersection of two boundary lines bearing South  $2^{\circ} 36' 49''$  West and South  $7^{\circ} 22' 12''$  East as shown on the abovementioned map; thence, North  $7^{\circ} 22' 12''$  West, 16.80 feet to the True Point of Beginning.

Thence, from said True Point of Beginning, South  $84^{\circ} 40' 05''$  West, 90.00 feet; thence, North  $68^{\circ} 22' 52''$  West, 224.154 feet; thence, North  $81^{\circ} 25' 37''$  West, 251.77 feet; thence, North  $63^{\circ} 43' 22''$  West, 154.685 feet to a point on the westerly boundary of said Lands of Denkmann and Company.

Extending or shortening the side lines of said easement to terminate at the boundary of said Lands of Denkmann and Company.

Exhibit A

# JOHN W. HILL ASSOCIATES, INC.

CONSULTANTS  
CIVIL ENGINEERING - ARCHITECTURE - LAND SURVEYING

August 2, 1974  
File: 303-0027

## DESCRIPTION

25' Wide Pedestrian Easement  
(Southerly Easement)

An easement 25 feet in width, lying 12.5 feet on each side of the following described centerline:

Commencing at a point on the easterly boundary of lands of Denmark and Company, a California Corporation as said boundary is delineated on that certain map entitled "Map of Canon Village & Tennis Club", filed for record November 1, 1973, in Book 10 of Maps at Page 89, Official Records, County of Marin, California, said point being also the point of intersection of two boundary lines bearing South 30° 36' 46" West and South 7° 22' 12" East as shown on the above-mentioned map.

Thence, North 7° 22' 12" West, 16.68 feet; thence, leaving said boundary line, South 84° 46' 05" West, 90.06 feet; thence South 60° 53' 21" West, 146.973 feet to the True Point of Beginning.

Thence, from said True Point of Beginning, South 9° 26' 12" East, 395.94 feet; thence, South 34° 57' 30" East, 64.35 feet.

Exhibit B

# JURIN W. HILL & ASSOCIATES, INC.

CONSULTANTS  
CIVIL ENGINEERING - ARCHITECTURE - LAND SURVEYING

August 2, 1974  
File: 103-0927

## DESCRIPTION

### 25' Wide Pedestrian Easement (Middle Easement)

An easement 25 feet in width, lying 12.5 feet on each side of the following described centerline:

Commencing at a point on the easterly boundary of lands of Denkmann and Company, a California Corporation as said boundary is delineated on that certain map entitled "Map of Canon Village & Tennis Club" filed for record November 1, 1973, in Book 15 of Maps at Page 89, Official Records, County of Marin, California, said point being also the point of intersection of two boundary lines bearing South 2° 36' 48" West and South 7° 22' 12" East as shown on the abovementioned map.

Thence, North 7° 22' 12" West, 16.86 feet; thence, leaving said boundary line, South 84° 40' 05" West, 90.00 feet to the True Point of Beginning.

Thence, from said True Point of Beginning, South 63° 58' 21" West, 141.97 feet; thence, South 78° 58' 32" West, 358.22 feet; thence, South 71° 33' 08" East, 500.993 feet to a point on the Westerly Boundary of said lands of Denkmann and Company.

Extending or shortening the sidelines of said easement to terminate at the westerly boundary line of lands of Denkmann and Company.

Exhibit C