

From: [Hill, Egan](#)
To: [Colli, Garrett J. \(Perkins Coie\)](#)
Subject: RE: DW Encroachment Agreement
Date: Tuesday, April 6, 2021 2:53:00 PM

Thanks, Garrett. I've made the changes to the Notice section of the Encroachment Agreement.

I've also made the change to the first recital of the Council resolution. In terms of the Director's report, it will contain a summary of the conditions in Section 2 of the resolution, but won't recite the conditions verbatim.

From: Colli, Garrett J. (Perkins Coie) <GColli@perkinscoie.com>
Sent: Monday, April 5, 2021 2:09 PM
To: Hill, Egan <Egan.Hill@sanjoseca.gov>
Subject: RE: DW Encroachment Agreement

[External Email]

Thank you, Egan. These forms are acceptable to Google. I've updated contact information for Google in Section 22 of the attached. Will you please incorporate it into the final version?

Also, two questions on the Resolution:

1. Should the first recital state that Google has applied for "encroachment permit" rather than "an encroachment permit" given that the Resolution otherwise states that separate Permits are required for each street crossing?
2. Will the conditions of approval in the Director's Report in the fifth recital be the same as those in Section 2 of the Resolution?

Thanks,

Garrett Colli | Perkins Coie LLP

PARTNER
505 Howard Street Suite 1000
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E. GColli@perkinscoie.com

From: Hill, Egan <Egan.Hill@sanjoseca.gov>
Sent: Monday, April 5, 2021 8:28 AM
To: Colli, Garrett J. (SFO) <GColli@perkinscoie.com>
Subject: RE: DW Encroachment Agreement

Hi Garrett,

Please updated drafts of the Council Authorization, Encroachment Agreement (with insurance requirements) and Permit Checklist. These should be in near final form, subject to Google's review of the insurance provisions.

On another note, have you been able to confirm whether Google wants to proceed with the Streets & Highways vacation process? As we discussed with Ryan last week, the S&H process will raise a number of issues, but one that we didn't discuss was whether the County would accept for recording the Council vacation resolution. Per S&H 8325, the Clerk must certify the Council reso for recording. However, the current Vacation Reso does not contain the legal descriptions or maps that show the vacated area. Therefore, there will need to be a separate document prepared for recording, but I'm not sure whether the Clerk can certify that separate document as the Council resolution. We probably should discuss in more detail after you've had a chance to touch base with Google.

Just a reminder that I'll be out of the office starting Tuesday afternoon for the remainder of the week.

Thanks.

From: Colli, Garrett J. (Perkins Coie) <GColli@perkinscoie.com>

Sent: Friday, April 2, 2021 6:42 PM

To: Hill, Egan <Egan.Hill@sanjoseca.gov>

Subject: RE: DW Encroachment Agreement

[External Email]

Thank you, Egan. We'll return a draft back to you with updated Google contact info for Section 22. Please let me know when you might be able to share the final Authorization so I can provide that to Google.

Thanks again.

Garrett Colli | Perkins Coie LLP

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E. GColli@perkinscoie.com

From: Hill, Egan <Egan.Hill@sanjoseca.gov>

Sent: Friday, April 2, 2021 12:41 PM
To: Colli, Garrett J. (SFO) <GColli@perkinscoie.com>
Subject: RE: DW Encroachment Agreement

Thanks, Garrett. Please see revised clean draft attached.

From: Colli, Garrett J. (Perkins Coie) <GColli@perkinscoie.com>
Sent: Friday, April 2, 2021 9:17 AM
To: Hill, Egan <Egan.Hill@sanjoseca.gov>
Subject: DW Encroachment Agreement

[External Email]

Hi Egan,

Please see attached for a proposed edit to Section 8 per our discussion.

Thank you,

Garrett Colli | Perkins Coie LLP

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