

CITY OF SAN ANSELMO

RESOLUTION NO. 1164

A RESOLUTION OF THE CITY COUNCIL APPROVING A
SETTLEMENT WITH THE GENERAL INSURANCE COMPANY
OF AMERICA FOR A CASH CONSIDERATION IN LIEU OF
COMPLETION OF SUBDIVISION IMPROVEMENTS IN THE
LOMA ROBLES SUBDIVISION

Good cause appearing therefor,

The City Council of the City of San Anselmo hereby
resolves as follows:

That the offer of the General Insurance Company of
America, obligor under a certain bond guaranteeing performance
of subdivision improvements in the Loma Robles subdivision in
the amount of \$10,000.00 cash, in lieu of completion of said
improvements, is hereby accepted. The Mayor and City Clerk
of the City of San Anselmo are hereby authorized and empowered
to execute, on behalf of the City, a release, a copy of which
is attached hereto and made a part hereof as though fully set
forth.



CITY CLERK

RECEIPT AND RELEASE

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, CITY OF SAN ANSELMO, for and in consideration of the sum of TEN THOUSAND (\$10,000.00) DOLLARS lawful money of the United States, to it in hand paid by GENERAL INSURANCE COMPANY OF AMERICA, a corporation, the receipt of which is hereby acknowledged, has released, remised, acquitted and forever discharged, and by these presents for itself, its officers, successors and assigns, does release, remise, acquit and forever discharge GENERAL INSURANCE COMPANY OF AMERICA, a corporation, organized and existing under and by virtue of the laws of the State of Washington and authorized to transact a business of Surety in the State of California, its officers, employees, agents, successors and assigns and NORMAN T GILROY, his executors, administrators, successors and assigns, of and from any and all actions, causes of action, costs, claims, demands and liabilities of whatever kind or nature in law or in equity, known or unknown, which the undersigned ever had, now has or hereafter can, shall, or may have or acquire or become possessed of, arising directly, or indirectly, out of, or in any way connected with, or based upon that certain contract made and entered into by and between the undersigned and NORMAN T. GILROY, dated December 21, 1965, together with any and all amendments, supplements and revisions thereof, pertaining to any and all improvements, either off site or on site, in connection with the development of that certain subdivision commonly known and referred to as LOMA ROBLES, together with any and all incidental, or other construction, to be performed in connection with that certain sub-division commonly known and referred to as RED HILL CENTER, each of which are located in the CITY OF SAN ANSELMO, County of Marin, State, of California, and that certain Performance and Labor and Material Bond No. 514809, issued by GENERAL

INSURANCE COMPANY OF AMERICA under date of July 7, 1964, together with its subsequent riders, which Bond was issued pursuant to the provisions of that certain Sub-Division Agreement entered into by and between the undersigned and NORMAN T. GILROY, as aforesaid, including, but not limited to, any and all improvements such as streets, curbs and gutters, storm drainage, sanitary sewers, water system and related items.

IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT this settlement is in full accord, satisfaction and discharge of doubtful and disputed claims and/or demands of the undersigned against the said NORMAN T. GILROY and/or GENERAL INSURANCE COMPANY OF AMERICA, pursuant to either of said Bonds, as aforesaid, and that the payment of said sum in consideration of this receipt and release, is not an admission of liability on the part of GENERAL INSURANCE COMPANY OF AMERICA, or any of its officers, employees, agents, successors or assigns, by whom liability is expressly denied.

The undersigned, as a further consideration and inducement for this compromise settlement, understands and agrees that it shall apply to all unknown and unanticipated injuries and damages resulting from, or in anywise based upon, or connected with, said work, as well as those now known to it, as mentioned in the aforesaid contracts between the undersigned and NORMAN T. GILROY and/or the Bonds executed by GENERAL INSURANCE COMPANY OF AMERICA, pursuant to the provisions of said contract, as amended, and that the benefits of Section 1542 of the Civil Code of the State of California, which states that a general release does not extend to claims which the creditor does not know, or expect, to exist in his favor at the time of executing the release which, if known by him, must have materially affected his settlement with the debtor, are hereby expressly waived.

The undersigned declares that, as an authorized officer of the CITY OF SAN ANSELMO, duly authorized by appropriate Resolution

of its City Council, has read this Receipt and Release and knows and understands its contents and has voluntarily executed the same, and that it has not been influenced by any representative of any person, or persons, or attorneys acting for, or on behalf, of any of the other parties hereto.

IN WITNESS WHEREOF, the undersigned has executed these presents this 12th day of September, 1967.

CITY OF SAN ANSELMO

By *Arthur W. Smith*