



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		DocuSigned by: <i>Michael Jones</i> 47000790F2D7463...		GENERAL MANAGER ACTION REQ'D:	
DATE: 7/10/2022		7/20/2022		BOARD INITIATED ITEM: Yes	
Originator/Prepared by: Joseph Basuino Dept: Real Estate & Prop Development DocuSigned by: <i>Joseph Basuino</i> 1C6C2911CC1E414... Signature/Date: 7/18/2022		General Counsel DocuSigned by: <i>Jana Belan</i> F8FD7B3A73E74E8... 7/18/2022 []		Controller/Treasurer DocuSigned by: <i>Chris Gan</i> EE11C8CEEEA04FD... 7/18/2022 []	
		District Secretary		BARC DocuSigned by: <i>Carl Holmes</i> 2243E3B49EA349E... 7/19/2022 []	

Quitclaim of Subsurface Easement at Groom Street in Hayward

PURPOSE: To obtain Board authorization to quitclaim an underground water and electrical utility easement on land located in the city of Hayward formerly owned by BART.

DISCUSSION: As part of the construction of the BART core system, BART purchased sixteen residential properties along Groom Street in the city of Hayward between Pinedale Court and Sycamore Avenue in the late 1960s. After the project was built, left over remnant portions of BART parcels O-A837, O-A838 and O-A839 (collectively the “Remnant Parcel”) were left vacant and were not needed for the BART system. The Remnant Parcel is located west of Groom Street and is approximately 3000 feet (0.40 miles) south of the Hayward BART Station (A60).

The Remnant Parcel is irregularly shaped measuring approximately 171 feet at its longest length with a width that varies from 11 feet to 36 feet. It contains approximately 6,798 sf (0.1561 ac) of total area.

The Remnant Parcel had become difficult to maintain and keep clear of nuisances. BART offered the Remnant Parcel to several agencies who declined to purchase it due to its irregular shape and unsuitability for development. Per Board Resolution No. 4661 passed on June 12, 1997, the Remnant Parcel was sold to the adjacent land owners, Brian and Janet Whitaker, for the sum of \$7,500.00, on June 25, 1997. As part of the sale, BART reserved an easement over the Remnant Parcel for underground water and electrical utility purposes. The underground utility easement measures 10 feet in width by approximately 50.3 feet in length with an approximate area of 503 square feet. The Remnant Parcel, also known as BART Parcel O-O837X, is depicted on the attached Exhibit “A,” with the underground utility easement highlighted in yellow.



The Whitakers wish to purchase the underground utility easement rights reserved by BART to build an addition to their home. BART's Real Estate Department performed a records search and was unable to locate any records indicating why an underground utility easement was needed by BART. Also, no records were found to indicate that underground water and electrical lines were installed. BART required the Whitakers to hire a utility locating company, SiteScan, to locate any underground utilities. SiteScan determined that no underground utilities exist in the easement area. BART staff concluded that there is no existing reason for BART to retain the easement.

Recent sales of vacant residential land indicate a price range from around \$4.50 per square foot to \$8.50 per square foot of fee value for lots similar to the Remnant Parcel. Based on land values, the shape of the Remnant Parcel and relatively low diminution of value to the excess parcel due to the easement, BART staff has determined that the quitclaim, or extinguishment of this easement, has a nominal value which, per the Caltrans Right of Way Manual, is considered to be \$2,500.00.

FISCAL IMPACT: BART will receive \$2,500 for extinguishing this easement. BART will incur no costs in selling the property other than staff time. Since the property was purchased using BART General Obligation Funds, the proceeds will be deposited into the General Fund.

ALTERNATIVE: Do not approve the sale of the easement.

RECOMMENDATION: Adopt the following Motion:

MOTION: The Board of Directors authorizes the General Manager or his designee to enter into a Purchase and Sale Agreement for \$2,500 with the Whitaker's and to execute a quitclaim deed for the purpose of extinguishing the underground water and electrical utility easement on BART Parcel O-837X.

