



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pearson</i> 17 July 2019		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: 7/12/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Paul Voix Dept: Real Estate and Property Development <i>Paul Voix</i> 7/17/19 Signature/Date:	General Counsel <i>[Signature]</i> 7/18/19 []	Controller/Treasurer <i>[Signature]</i> 7/17/19 []	District Secretary []	BARC <i>[Signature]</i> 7/17/2019 []

RICHMOND GREENWAY BIKE PATH ACCESS LICENSE AGREEMENT

PURPOSE: To obtain Board authorization to: 1) execute a revocable 20-year License Agreement (the "License Agreement") with the City of Richmond ("City") for a new access point to the Richmond Greenway Pedestrian/Bike Path ("Richmond Greenway"), and 2) amend the License Agreement as may be required in the future to landscape improvements, subject to review and approval by BART staff. The initial License Agreement would cover an area of approximately 200 square feet, as depicted in Exhibit A to this EDD (the "Subject BART Property").

DISCUSSION: The Richmond Greenway is an approximately two mile pedestrian and bike path over portions of a former Atchison, Topeka and Santa Fe Railway right of way, and which connects to the Ohlone Greenway Pedestrian/Bike Path at the Border of El Cerrito. BART's transit system also occupies portions of the Atchison, Topeka and Santa Fee Railway right of way, and runs parallel to the Richmond Greenway in some areas.

On December 8, 2016 BART issued Permit to Enter No. R-11.0-003-RH, which permitted a private developer to install a sidewalk for the City on the Subject BART Property in order to directly connect South 45th Street in Richmond to the Richmond Greenway. Construction of the sidewalk is now complete. Permit No. R-11.0-003-RH expires on December 31, 2019. BART staff and the City agree that a revocable License Agreement, with a term running through December 31, 2039, is an appropriate instrument to address and memorialize the continued use of this access point.

This new access point assists pedestrians and bicyclists who use the Richmond Greenway to connect to both the Richmond and El Cerrito Del Norte BART Stations.

In addition to authorizing the License Agreement, BART staff requests that the Board authorize future amendments to the License Agreement to address landscape improvements introduced by the City on BART property adjacent to the Richmond Greenway.

The Office of the General Counsel will approve the License Agreement and any future amendments to the License Agreement, as to form.

FISCAL IMPACT: There is no new fiscal impact from the proposed action. Savings to the District are realized as a result of the City assuming all maintenance and liability for the Subject BART Property to be used as a public access point to the Richmond Greenway.

ALTERNATIVES: Failure to enter into the License Agreement could result in:

1. The continued use of the Subject BART Property as an access point to the Richmond Greenway might occur even without an agreement with the City in place.
2. BART having to maintain and assume liability for the Subject BART Property currently being used by the public to access the Richmond Greenway.
3. Without an agreement in place, the access point might be closed off and the sidewalk improvements removed. This would prohibit safe access to the Richmond Greenway at this location

RECOMMENDATION: Adoption of the following motion.

MOTION: The General Manager or his or her designee is authorized to enter into a revocable License Agreement with the City of Richmond for the operation and maintenance of an access point to the Richmond Greenway from South 45th Street in Richmond, and to amend the License Agreement to address landscape improvements on BART property adjacent to the Richmond Greenway.

Exhibit A

