



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 3 Jan 2019 		GENERAL MANAGER ACTION REQ'D:		
DATE: 12/19/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: David Baumann Dept: Real Estate and Property Development Signature/Date: 01/02/19	General Counsel 1/2/19 []	Controller/Treasurer 1/2/19 []	District Secretary []	BARC 1/2/2019 []

Grant of Right of Way, Easement and Driveway Relocation Pleasant Hill TOD

PURPOSE: To request Board authorization to execute the following routine real estate items: 1) an agreement granting an easement to the Contra Costa Water District ("CCWD") across portions of BART parcel O-C50-8950-01 in the unincorporated area of Contra Costa County, 2) documents that will relocate a driveway used to access the Pleasant Hill/Contra Costa Centre Station, and 3) two Right of Way Quitclaim Deeds relating to property along Del Hombre Lane in favor of the County of Contra Costa.

DISCUSSION: In 2005, Contra Costa County, Avalon Bay Communities, and BART entered into a Joint Powers Authority ("JPA") to advance transit-oriented development at the Pleasant Hill/Contra Costa Centre station. Blocks A, B, & E, which combine a mix of commercial and residential development have been completed, and Block C (parcel just east of the station), which is programmed for approximately 200 residential units and approximately 2,000 sf of retail is currently under construction (see Attachment A). The following three actions are needed before the Block C component is completed.

1. Pleasant Hill TOD Waterline Easement: During design of Block C development, it was determined that an additional easement will be needed to accommodate CCWD facilities outside of the Block C building. The newly proposed easement lies alongside Jones Road (see Attachment B) and will not impact BART operations at the Pleasant Hill/Contra Costa Centre Station.

2. Pleasant Hill TOD Proposed Driveway Relocation along Jones Road: Vehicular rights of access were relinquished to Contra Costa County along Jones Road in the mid-2000's, except for a driveway opening for Lot 1 located adjacent to Block C (see Attachment C). The proposed driveway relocation will move the current driveway

approximately 11 feet to the South, which will center the driveway in the middle of the block between Anthony Drive and Coggins Drive and will be paid for by the developer of Block C, Avalon Bay.

3. Del Hombre Drive right of way quitclaim (fronting 2 parcels): Pursuant to an agreement dated September 8, 1964, BART and Contra Costa County formalized the process by which BART would make overpass improvements, street improvements and street relocations as part of BART's test track construction. In 1965, BART acquired right of way to four parcels from private property owners on the east side of Del Hombre Lane to accommodate the required street improvements. Once BART made the street improvements, BART was obligated to dedicate the right of way to Contra Costa County. Upon recent review of County records by potential developers, it was discovered that BART is still on record as the owner for the right of way for the strips of land that front two of the four parcels. (see Attachment D)

Contra Costa County has been maintaining and policing the underlying street since it was opened sometime in the mid-to late 1960's. The developers and Contra Costa County have requested that BART quitclaim the remaining two rights of way strips of land to Contra Costa County. The properties in question are distant from BART's operating right of way and executing quitclaim deeds would have no impact on BART's operations.

The Office of the General Counsel will approve the easement, right of way quitclaim, and abutter's rights documents as to form.

FISCAL IMPACT: BART will not incur any costs in granting the easement, relocating the driveway opening, and quitclaiming the right of way.

ALTERNATIVE: To not enter into a new easement, to not approve of the driveway relocation, and to not quitclaim the rights of way. Staff has determined that alternative locations for the easement and driveway are either impractical or may negatively impact BART operations. The rights of way proposed to be vacated are not contiguous to BART right of way and are clean-up/holdover land rights associated from the BART test track. The right of way vacations would have no impact on BART's operations.

RECOMMENDATIONS: Adoption of the following motion.

MOTION: Approve the attached resolution: " In the matter of authorizing the relinquishment of vehicular rights of access, the acceptance of vehicular rights of access from the County of Contra Costa, the execution of an Agreement and Easement Deed to the Contra Costa Water District, and the quitclaim of right of way to the County of Contra Costa."

BEFORE THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

In the matter of authorizing the relinquishment of vehicular rights of access, the acceptance of vehicular rights of access from the County of Contra Costa, the execution of an Agreement and Easement Deed to the Contra Costa Water District and the quitclaim of Right of Way to the County of Contra Costa.

BART Parcel: O-C50-8950-01-E1, C-215 and C-216
(Portions of APN 148-221-040-6), 148-170-041-5 and 148-170-001-9

Resolution No. _____

BE IT RESOLVED by the Board of Directors of the SAN FRANCISCO BAY AREA
RAPID TRANSIT DISTRICT that:

1) the Board of Directors determines that relocation of an existing driveway to Lot 1 at the Pleasant Hill Station the grant of a new easement to the Contra Costa Water District and quitclaim of Right of Way are in the best interest of the District, and

2) the Board of Directors hereby authorizes the President or Vice President of the Board and the District Secretary or Assistant Secretary to, on behalf of the District execute a Relinquishment of Abutter's Rights of Access to Jones Road, and accept a Grant of Abutter's Rights of Access to Jones Road from the County of Contra Costa, both of which are attached hereto as Exhibit "A" on behalf of the District.

3) the Board of Directors hereby authorizes the President or Vice President of the Board and the District Secretary or Assistant Secretary to, on behalf of the District, execute the Agreement, and Grant of Easement, attached hereto as Exhibit "B."

4) the Board of Directors hereby authorizes the President or Vice President of the Board and the District Secretary or Assistant Secretary to, on behalf of the District, execute the Right of Way Quitclaim Deeds both of which are attached hereto as Exhibit "C"

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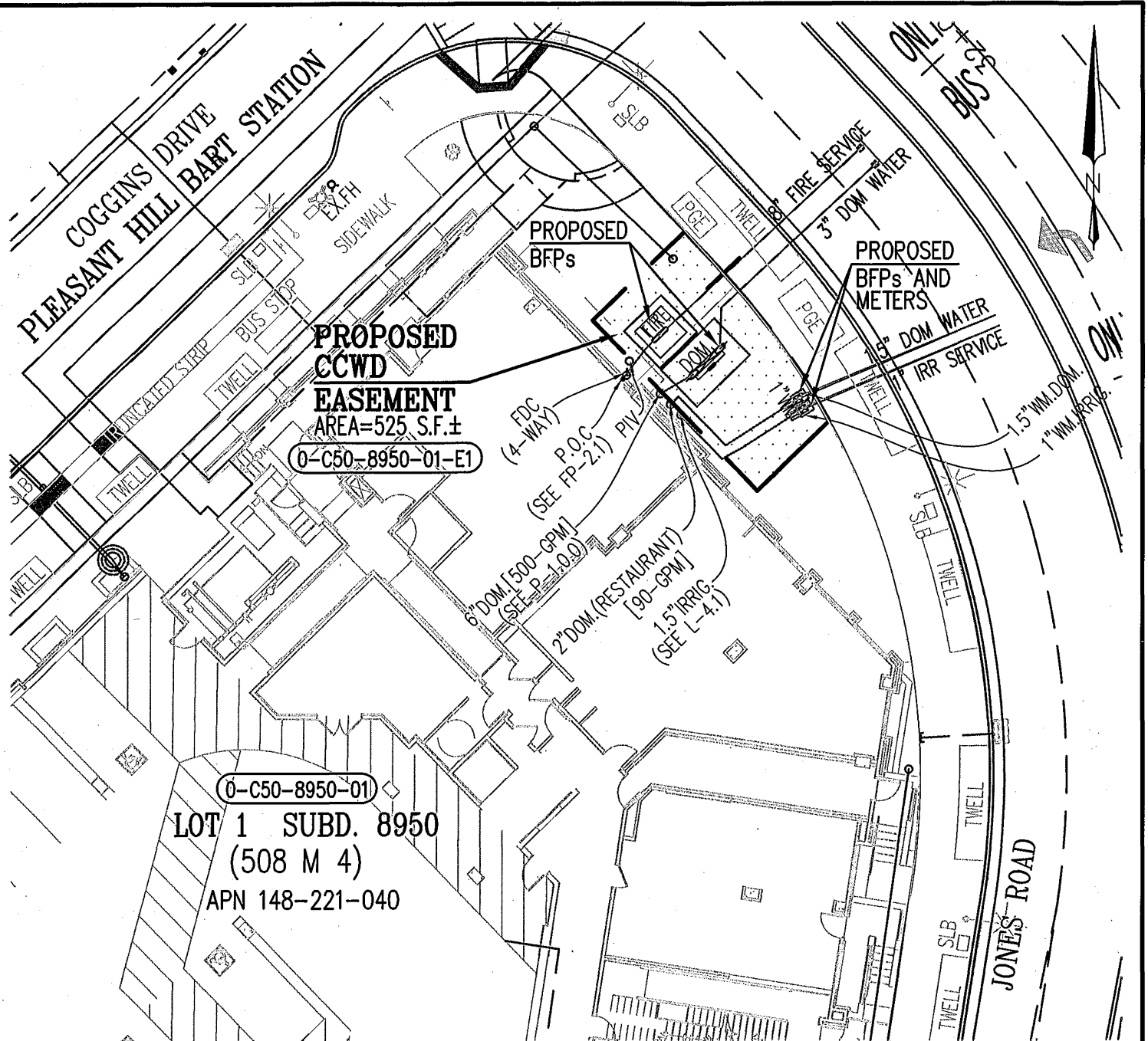
SECRETARY'S CERTIFICATE

I, PATRICIA WILLIAMS, District Secretary of the SAN FRANCISCO BAY AREA
RAPID TRANSIT DISTRICT, do hereby certify that the foregoing is a true copy of the original
resolution adopted by the Board of Directors of the SAN FRANCISCO BAY AREA RAPID
TRANSIT DISTRICT at its meeting regularly called and held on _____ 2018, a majority
of the members of said Board being present and voting therefor.

Dated this ____ day of _____, 2018.

Patricia K. Williams, District Secretary
San Francisco Bay Area Rapid Transit District

TREAT BOULEVARD

**LEGEND**

S.F.± SQUARE FEET MORE OR LESS
(T) TOTAL



PROPOSED WATERLINE
EASEMENT

(0-C50-8950-01) BART PARCEL NO.



Jacqueline Luk
JACQUELINE LUK, LS 8934

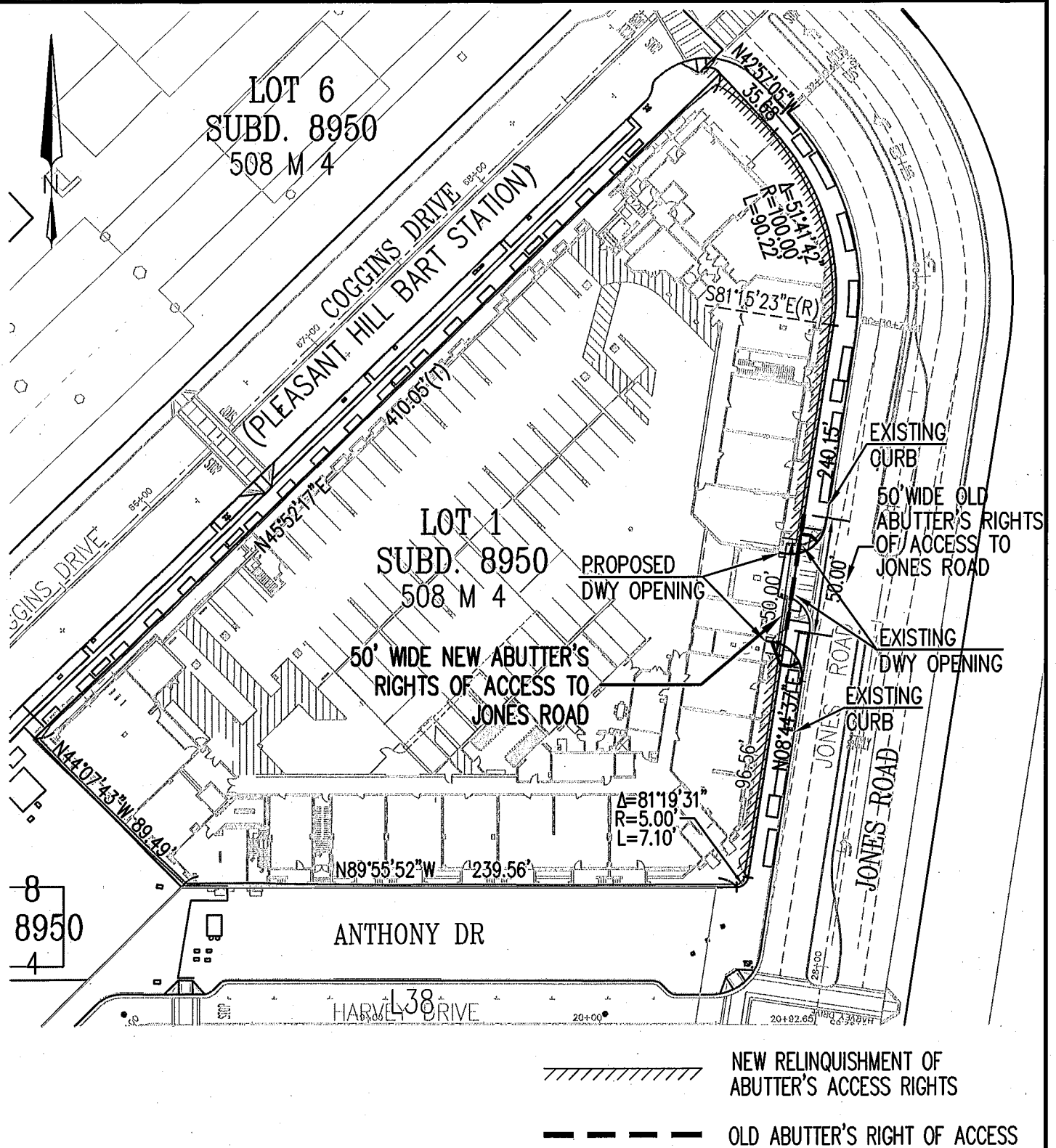
**CONTRA COSTA WATER DISTRICT
WATERLINE EASEMENT
SUBDIVISION 8950**

PLAT TO ACCOMPANY LEGAL DESCRIPTION

CONTRA COSTA COUNTY - CALIFORNIA

NOVEMBER 2018 SCALE: 1"=20' SHEET 1 OF 1

Prepared By
Luk and Associates
Civil Engineers - Land Planners - Land Surveyors
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Hercules, California 94547
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DEL HOMBRE LANE GRANT OF RIGHT OF WAY

UNINCORPORATED AREA OF CONTRA COSTA COUNTY



SCALE: 1"=60'

DATE: 12/27/2018

EXHIBIT A

CD, COCD

RTE. C

Sheet 1 of 1

DR. NO.