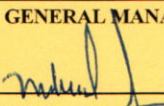
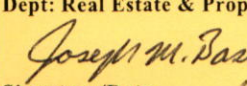
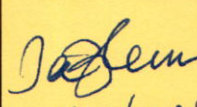
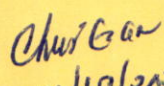
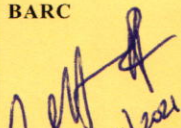




EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  10/20/21		GENERAL MANAGER ACTION REQ'D: No		
DATE: 10/11/2021		BOARD INITIATED ITEM: No		
Originator/Prepared by: Joseph Basuino Dept: Real Estate & Property Development  Signature/Date: 10/18/21	General Counsel  10/19/2021 []	Controller/Treasurer  10/19/2021 []	District Secretary []	BARC  10/18/2021 []
Status: Approved		Date Created: 10/11/2021		

Grant of Easements to SFPUC and PG&E

PURPOSE: To obtain Board authorization to grant an access easement to the City and County of San Francisco acting through the San Francisco Public Utilities Commission ("City") and Pacific Gas & Electric ("PG&E") as well as two temporary construction easements to the City over BART Parcel D-3151-1, APN:093-330-020, located in the town of Colma.

DISCUSSION: The City wishes to purchase a 14,619 square foot access easement for itself and PG&E over a parcel of land owned by BART (the "Parcel") in the town of Colma. The City also wishes to purchase two temporary 6 month construction easements totaling 2,153 square feet. The Parcel and proposed easements are depicted in Attachment "A." The Parcel is located adjacent to and west of Mission Road in the town of Colma and the city of South San Francisco and is approximately 0.40 miles northwest of the South San Francisco BART Station. While the proposed easements are physically located in the town of Colma, this action only pertains to the City.

The Parcel was acquired by the San Mateo County Transit District ("SamTrans") as part of the SFO Extension on December 18, 1997 from the Southern Pacific Transportation Company. The Parcel was then subsequently conveyed from SamTrans to BART on June 7, 2016 as part of the SamTrans/BART separation agreement.

The City wishes to acquire these easements for its Regional Ground Water Storage and Recovery Project ("City Project"). As part of its project, the City built a groundwater storage facility on a parcel it owns that is landlocked. The City needs access over and

across BART property to get to its facility from Mission Road. BART's heavy rail system in this area consists of a subterranean trackway beneath a San Mateo County Flood Control and Water Conservation District ("SMCFCD") maintained channel which is located adjacent to and west of Mission Road. BART uses this access road on occasion to access a hatch serving the tunnel and SMCFCD uses this access road to maintain the flood control channel.

The City also needs to obtain an access easement for PG&E. PG&E requires access easements across third-party property, in this case BART's, in order to service electrical cables and meters, such as the one serving the groundwater station.

To service its facility, the City needs to relocate the existing BART gate off Mission Road for the purpose of expanding the turning radius for trucks entering onto the access easement. BART's Maintenance & Engineering ("M&E") design oversight team has reviewed and approved the proposed plans.

On January 6, 2021, the City, in accordance with California eminent domain law, made a Government Code 7267.2 offer to BART in the amount of \$176,000 for the three easements.

BART's Real Estate and Property Development Department hired its own appraisal which resulted in an opinion of value at \$306,000. BART staff made a counteroffer at \$306,000 which was accepted by the City. BART staff has been working with FTA regarding this transaction and has followed all FTA requirements.

FISCAL IMPACT: BART will be receiving \$306,000 for the access easements and the temporary construction easements. BART will incur no costs in granting the easements other than Real Estate staff time. Staff time for processing a separate permit for plan review has been captured. The proceeds from the easements will be reprogrammed in accordance with federal regulations (49 CFR 18.25), and FTA Circular 5010.E (Grant Management Guidelines), "Program Income" which permits fund grantees to retain program income so long as it is used only for mass transit purposes. These may include planning, capital, or operating expenses. The program income generated from the sale of these easements will be included in the funding plan for the next generation faregates project. Per the San Francisco Airport Extension Full Funding Grant Agreement (CA-03-0394-03), 65% of the proceeds (\$198,900) are FTA dollars. Therefore, 35% of the proceeds (\$107,100) are eligible for deposit into BART's general fund.

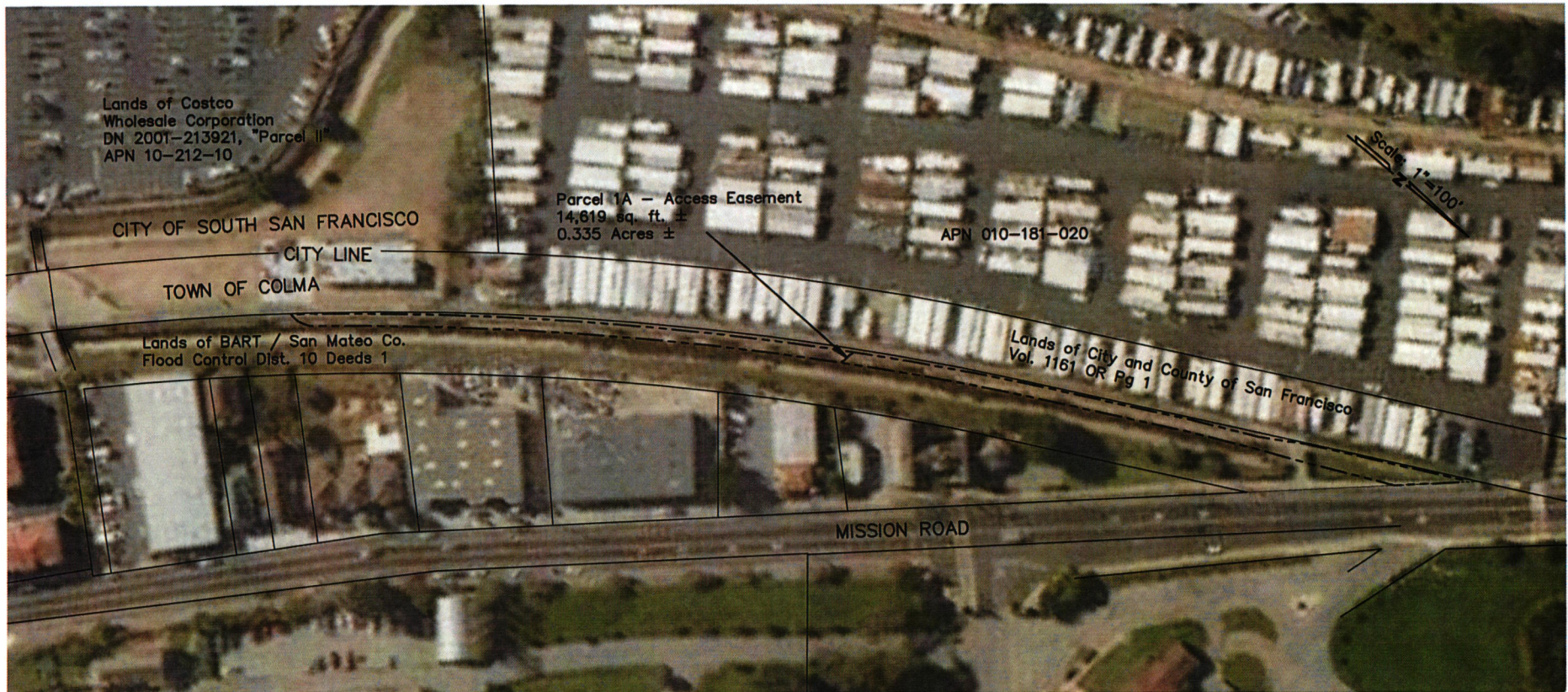
ALTERNATIVES: Do not approve the sale of the easements and possibly face eminent domain action from the City.

RECOMMENDATION: Adopt the following Motion.

MOTION: The Board of Directors authorizes the General Manager or his designee, the Director of Real Estate and Property Development, to enter into a Purchase and Sale Agreement with the City for the grant of access easements to the City and PG&E along with two temporary construction easements to the City on BART Parcel D-3151-1.

Exhibit "A"

PARCEL I.D.	APN	GRANTOR	COUNTY	GRANTEE	AREA	DEED TYPE
CUP-23, SITE 9, PARCEL 1A	093-330-120	BART / S.M.C.F.C.D.	SAN MATEO	SFPUC	14,619 sq. ft. ±	AE



City and County of San Francisco
Public Utilities Commission
Real Estate Services

APPRAISAL MAP
ACCESS ROAD TO COSTCO

TOWN OF COLMA
COUNTY OF SAN MATEO

Access Appraisal Map.dwg

revised August 09, 2019

