



Public Works Agency
Alameda County

Daniel Woldesenbet, Ph.D., P.E., Director

399 Elmhurst Street • Hayward, CA 94544-1307 • (510) 670-5480 • www.acpwa.org

January 21, 2021

The Honorable Board of Supervisors
County Administration Building
1221 Oak Street
Oakland, California 94612

SUBJECT: SUMMARILY VACATE A PORTION OF MATTOX ROAD (COUNTY ROAD NO. 690); FIND A 12,128 SQUARE FOOT AREA OF REAL PROPERTY TO BE EXEMPT SURPLUS LAND (PARCEL NO. 36473); CONDITIONALLY AUTHORIZE AND APPROVE SALE OF EXEMPT SURPLUS LAND TO ADJACENT OWNER; AUTHORIZE AND APPROVE GRANT DEED; RESERVE UTILITY EASEMENTS; RECORD; DEPOSIT PROCEEDS OF SALE

Dear Board Members:

RECOMMENDATION:

Adopt a Resolution:

- A. Summarily vacating a portion of Mattox Road in the unincorporated area of the County (County Road No. 690) and;
- B. Authorizing the recordation of a certified copy of the resolution to complete the vacation process;
- C. Declaring a portion of County Road No. 690 (Parcel No. 36473) as exempt surplus land;
- D. Approving the sale of Parcel No. 36473 “as-is” to SKW Capital Management for \$72,000 upon official recorded ownership of the adjacent property owner, with an easement reservation for public utilities; and
- E. Authorizing the Director of Public Works to execute the Grant Deed conveyance with conditions and record said Grant Deed at the Office of the County Recorder of Alameda County.

SUMMARY/DISCUSSION:

On December 14, 1992, the State of California Department of Transportation (Caltrans), relinquished to the County of Alameda (County), real property along Mattox Road and near the intersection of Foothill Boulevard, within the County’s unincorporated area (Eden Township). The property is part of the County System of Streets and Highways, (County Road No. 690) by Resolution No. R-93-747, adopted by your Board on September 21, 1993.

Under the authority of Division 9, Part 3, Chapter 4 (beginning with Section 8330) of the Streets and Highway Code of State of California, together with recording a certified copy of the adopted resolution, will complete the vacation process.

The property, consisting of two consolidated parcels, approximately 12,128 square feet in size and is surplus to the needs of the County for roadway purposes. The property is adjacent to an excess parcel owned by the State of California Department of Transportation (Caltrans). The Alameda County Community Development Agency (CDA) has conditionally approved development plans from SKW Capital Management with expressed strong interest in purchasing Parcel No. 36473.

The development plans are conditionally approved and contingent upon SKW Capital Management's purchase of the excess adjacent property owned by Caltrans. The combined ownership of the Caltrans owned excess property, and the County owned Parcel No. 36473 will support commercial development.

The County owned Parcel No. 36473 is not useable for a non-motorized transportation facility, and is designated as "exempt surplus land", in accordance with Section 54221(f) of the California Surplus Lands Act. This parcel No. 36473 is not suitable for housing development, is surplus to the needs of the County, and can be sold and title transferred by Grant Deed to SKW Capital Management (SKW) as the future adjacent property owner, under the following terms and conditions:

- County Parcel No. 36473 is sold in "as-is" condition;
- Sales price is \$72,000 (fair market value);
- County shall pay no fees, charges, transfer taxes of any kind in connection with the sale and title transfer;
- County shall convey a Grant Deed for the property (Parcel No. 36473) to SKW Capital Management contingent upon SKW Management becoming the owner of the Caltrans owned adjacent excess parcel.

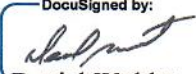
The sale and transfer of this parcel includes reserving easement rights for any existing County facilities and public utilities that may require future, as-needed access, pursuant to Section 8340 of the California Streets and Highways Code.

FINANCING:

Proceeds from the sale of this surplus property (\$72,000.00) will be deposited in the Public Works Agency's Road Fund.

VISION 2026 GOAL:

The proposed disposal of the surplus real property meets the 10X goal of **Accessible Infrastructure** in support of our shared vision of a **Prosperous and Vibrant Economy**.

Yours truly,
DocuSigned by:

Daniel Weisenbet, Ph.D., P.E.
Director of Public Works

DW:MB:mbc

**THE BOARD OF SUPERVISORS OF THE
COUNTY OF ALAMEDA, STATE OF CALIFORNIA**

RESOLUTION NO. 2021-_____

**SUMMARILY VACATE A PORTION OF MATTOX ROAD (COUNTY ROAD NO. 690);
DECLARE REAL PROPERTY AS EXEMPT SURPLUS LAND; CONDITIONALLY
AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO APPROVE GRANT DEED, RECORD
DEED, AND DEPOSIT PROCEEDS OF SALE**

WHEREAS, the County of Alameda, a political subdivision of the State of California, is the owner of that real property located along Mattox Road, County Road No. 690, near the southeast corner of Mattox Road and Foothill Boulevard, in Hayward (Eden Township); and

WHEREAS, the real property was relinquished by the State of California Department of Transportation to the County of Alameda on December 14, 1992, recorded as Relinquishment No. 40426 on March 19, 1993, Series No. 93-087863, Official Records of Alameda County; and

WHEREAS, said relinquished property was accepted into the County System of Highways (County Road No. 690) for road purposes by Board of Supervisors Resolution No. R-93-747, adopted on September 21, 1993; and

WHEREAS, adjacent to said portion of County Road No. 690 is State of California Department of Transportation property known as DD-041920-01-01; and

WHEREAS, the State of California Department of Transportation is under contractual obligation to sell its excess land, DD-041920-01-01, to SKW Capital Management for commercial development; and

WHEREAS, SKW Capital Management's development plans, to be approved by the Alameda County Community Development Agency (CDA), requires future ownership of additional land area located directly west and contiguous to DD-041920-01-01, which is the 12,128 square foot portion of County Road No. 690; and

WHEREAS, said portion of County Road No. 690 is 12,128 square feet of extremely steep terrain; it has therefore been impassable to vehicular traffic and is not useable for non-motorized transportation, and no public money has been expended for its maintenance for more than five consecutive years; and

WHEREAS, said portion to be vacated shall not cut off access to a person's property or terminate a public service easement, and the vacation shall not affect in-place public utility facilities, because public utility easements for in-place public utility facilities shall be excepted and reserved therefrom; and

WHEREAS, said portion of County Road No. 690, to be summarily vacated and declared exempt surplus land is hereinafter more particularly described as Parcel 36473:

EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF
(DESCRIPTION NO. 36473)

WHEREAS, under the authority of § 960 of the Streets and Highways Code of the State of California, the County of Alameda may sell said remainder portion (Parcel 36473) if it has become surplus to the needs of the County for roadway purposes; and

WHEREAS, County Parcel 36473 is located adjacent to the State of California Department of Transportation's excess parcel, and both Caltrans and CDA support the combination of parcels to be developed together; and

WHEREAS, SKW Capital Management has offered to purchase Parcel 36473 for the fair market value of \$72,000.00; and

WHEREAS, the Alameda County Planning Commission has found the sale of Parcel 36473 in combination with the sale of DD-041920-01-10 to be consistent with the County's General Plan; and

WHEREAS, the sale of surplus Parcel 36473 conforms to California Environmental Quality Act and is Categorically Exempt under Section 15312, Class 12 of the CEQA Guidelines.

NOW THEREFORE, BE IT RESOLVED, that this Board of Supervisors finds and determines that said remainder portion (Parcel 36473) of relinquished right of way is no longer necessary for County highway purposes and is not useable as a non-motorized transportation facility, and

BE IT FURTHER RESOLVED, that under the authority of Chapter 4 (§ 8331 & 8334) of the Streets and Highways Code of the State of California that the excess portion of County Road No. 690, Parcel 36473 as described in Exhibit "A", is hereby vacated as a County highway; and

BE IT FURTHER RESOLVED, that the Clerk of this Board of Supervisors shall cause a certified copy of this resolution, attested by the Clerk, under seal, to be recorded in the Office of the Recorder of Alameda County, and from and after such recordation, that the identified portion of County Road No. 690, Parcel 36473, is hereby vacated and no longer constitutes a public highway, and the vacation process will be complete; and

BE IT FURTHER RESOLVED, that this Board of Supervisors finds and determines that said remainder portion (Parcel 36473) of relinquished right of way is "exempt surplus land" under the Surplus Lands Act, Section 54221, Subd. (f)(1)(E) of the Government Code; and

BE IT FURTHER RESOLVED, that under the authority of Sections 960 and 8356 of the Streets and Highways Code of the State of California, the area described in Exhibit "A", is approved for sale to a future adjacent property owner under the following terms and conditions

- a) The sale price is \$72,000.00.
- b) GRANTOR (County) shall pay no fees, charges, or transfer taxes of any kind in connection with the sale of surplus Parcel 36473.

- c) The surplus Parcel 36473 is sold “as is”.
- d) GRANTOR (County) will convey a grant deed for County Road Parcel 36473 as described in Exhibit “A”, to SKW Capital Management only after SKW Capital Management becomes the adjacent property owner.

EXCEPTING AND RESERVING THEREFROM, for the benefit of the County of Alameda, the permanent easement and right at any time, or from time to time, to construct, operate, replace, renew, repair and enlarge County storm drain facilities, water lines in, under and through the real property hereinafter described in Exhibit “A” or parts thereof; and

EXCEPTING AND RESERVING THEREFROM, for the benefit of the East Bay Municipal Utility District, the permanent right at any time, or from time to time, to construct, reconstruct, remove, replace, repair, maintain, operate and use facilities necessary for the transmission of utilities in, under and through the real property hereinafter described in Exhibit “A” or parts thereof; and

EXCEPTING AND RESERVING THEREFROM, for the benefit of American Telephone and Telegraph Corporation, and Pacific Gas and Electric Company, the permanent easement and right at any time, or from time to time, to construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cables, wires, poles and other convenient structures, equipment and fixtures for the operation of communications lines, electrical transmission and distribution lines, natural gas lines, telegraphic and telephone lines and other communications facilities including access and the right to keep the property free from inflammable materials and wood growth, and otherwise to protect the same from all hazards, in, upon, over and across the real property hereinafter described in Exhibit “A” or parts thereof; and

BE IT FURTHER RESOLVED, that this Board of Supervisors authorizes the Director of Public Works, or his designee, to execute a grant deed conveyance under the conditions set forth herein, and upon execution, the Director of Public Works, or his designee, shall cause recordation of said deed; and

BE IT FURTHER RESOLVED, that said sale price shall be deposited in the Public Works Agency’s Road Fund.

The foregoing Resolution was passed and adopted by the Board of Supervisors of the County of Alameda on February _____, 2021 by the following vote:

Ayes:

Noes:

Excused:

KEITH CARSON
PRESIDENT, BOARD OF SUPERVISORS

ATTEST:
ANIKA CAMPBELL-BELTON
CLERK OF THE BOARD OF SUPERVISORS

By: _____
Deputy

APPROVED AS TO FORM:
DONNA R. ZIEGLER, COUNTY COUNSEL

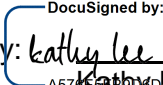
DocuSigned by:
By:  _____
A5743691404000 Kathy Lee, Deputy County Counsel

EXHIBIT "A"

Real property acquired in Fee from the County of Alameda.

Map: J-690-4

Desc. No. 36473

March 23, 2020

All that property in unincorporated area of the County of Alameda, State of California, described as follows:

Being a portion of that property described in that certain relinquishment No. 40426 as said relinquishment was recorded on December 14, 1992 under recorders series number 92-40657, Official Records of Alameda County, and shown on the plat designated as segment 5, and shown on the map entitled Relinquishment 40426, in the County of Alameda, sheet 4 of 6 sheets, more particularly described as follows:

Also being a portion of Lot 1 in Block 4, as said Lot and Block are shown on that certain map entitled "Map of the lands of the Haywards Park Homestead Union, Eden Township, Alameda County California," Filed on October 24, 1871 in Book 7 of Maps at Page 30, Alameda County Records, more particularly described as follows;

BEGINNING at the southernmost corner of said relinquishment parcel, also being the western corner of that parcel of land granted to Moises and Rosaura Barrera on August 3, 2001, under recorder's series number 2001-281057, official Records of Alameda County;

Thence along Southwestern line of said relinquishment, North 54°24' 37" West , 68.63 feet;

Thence northeasterly along the arc of a non-tangent curve to the right, from a radial which bears South 51° 44' 07" East, having a radius of 25,774.21 feet, through a central angle of 0° 23' 37", a distance of 177.12 feet;

Thence South 51° 07' 11" East, 5.73 feet to the westernmost corner of that parcel of land granted to the State of California on February 11, 1982, under Recorder's Series Number 82-021437, Official Records of Alameda County;

Thence along the general southwestern line of the last named parcel the following three (3) courses;

1. South 51°07'11" East, 22.00 feet;
2. South 38° 49' 45" West, 19.43 feet and;
3. South 46° 38' 09 East, 53.95 feet to the northern corner of the aforementioned Barrera parcel;

Thence along the northwestern line of the last said parcel, South 43° 21' 51" West, 149.99 feet to the **POINT OF BEGINNING**.

Reserving therefrom, over the above described parcel, an easement for any existing storm drain facilities, water lines, or public utilities located therein.

And containing an area of 12,128 square feet (0.278 acres).

A plat of the above described property is attached as Exhibit B hereto and by this reference made a part hereof. The above description is not valid without said plat.

This real property description has been prepared by me or under my direction in conformance with the Professional Land Surveyors' Act (California Business and Professions Code 8700 et seq.).



A handwritten signature in blue ink, appearing to read "Ron Archer Jr.", written over the right side of the seal.

Ron Archer Jr./PLS 8427

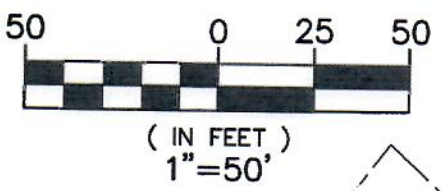
Senior Land Surveyor

\\pwwfile.ocpwa.internal\drawings\SURVEY\Projects\Survey Requests\Mark Bryant, Mattox Rd, Hayward\Office\Plats & Legals\Exhibit B.DWG 3-24-20 07:29:30 AM rona



LEGEND

- DESCRIPTION NUMBER
- PROPERTY LINE
- ADJACENT PROPERTY LINE
- GRANT OF FEE AREA
- POINT OF BEGINNING



MARION STREET

MATTOX ROAD

FOOTHILL BOULEVARD

RELINQUISHMENT NUMBER
40426, SEGMENT 5,

$R=25774.21'$
 $L=177.12'$
 $\Delta=0^{\circ}23'37''$

S51°07'11"E
5.73'

S51°07'11"E
22.00'

DD-41920-01-01
STATE OF CALIFORNIA
(82-021437)
APN 414-51-30-3

PARCEL 1

S38°49'45"W
19.43'

PARCEL 2

12,128 S.F. +/-

(36473)

BARBERA
(200) -281057/
APN 414-51-55

S51°44'07"E (R)

N54°24'37"W
68.63'

LOCUST STREET

S43°21'51"W
149.99'

P.O.B.

LOT 3 (PORTION)

COUNTY OF ALAMEDA ★ PUBLIC WORKS AGENCY

EXHIBIT B

REAL PROPERTY TO BE
ACQUIRED FROM THE COUNTY
OF ALAMEDA.

APPROVAL REC.

APPROVED

APPROVED

COUNTY ENGINEER

REVISIONS

DRAWN	CHECKED	DATE	SCALE	FILE NO.	
RAJ	IW	03-23-2020	1" = 50'	J-690-4	1 OF 1