April 30, 2012

Honorable Board of Supervisors
Alameda County Flood Control and Water Conservation District
County of Alameda
1221 Oak Street, Suite 536
Oakland, California 94612

Dear Board Members:

SUBJECT: ADOPT RESOLUTION APPROVING CONVEYANCE OF FEE PROPERTY AND EASEMENTS ON ZONE 7, LINE H, LINE P AND CROSS VALLEY PIPELINE, TO COUNTY OF ALAMEDA (NOS. 70163-70170)

RECOMMENDATIONS:

It is recommended that the Board:

1. Approve and adopt the Resolution finding the fee simple property to be surplus and that it can be conveyed to County of Alameda, that the footing, soil nail and temporary construction easements are in the public interest and will not substantially conflict or interfere with the use of said property by the Alameda County Flood Control and Water Conservation District; and
2. Approve and authorize the President of the Board of Supervisors to execute the grant deeds and grant of easements.

SUMMARY/DISCUSSION:

The State of California Department of Transportation (Caltrans), acting through the Alameda County Transportation Commission (ACTC) and the County of Alameda, is constructing eastbound auxiliary lanes on I-580 from Isabel Avenue to First Street in Livermore. Portions of District-owned Line H (Arroyo Las Positas), Line P (Arroyo Seco) and the Cross Valley Pipeline right-of-way are required for this auxiliary lane project. Some portions are required in fee and the others are easement interest. To expedite the right-of-way acquisition process, the ACTC has asked Alameda County to take title to the property for this project segment and transfer the title to Caltrans at a later date. The fee interest properties total 7,828 square feet and the easement areas total 15,002 square feet. Alameda County Public Works Agency staff, acting as Right-of-Way Agents for the ACTC, has estimated the fair market value for all of the real property to be $17,150. Zone 7 staff has reviewed the proposed I-580 eastbound lane improvements and determined that they will not adversely impact District property. Accordingly, the fee property needed for the project is no longer required by the District and the granting of the easements will not conflict with the use of the property for the purposes for which it was obtained.
FISCAL:

The District will receive $17,150 for the granting of the real property.

Sincerely,

G.F. Duerig
General Manager

Attachment (s)

cc:  Susan S. Muranishi, County Administrator
     Donna Ziegler, County Counsel
WHEREAS, in Zone 7, Alameda County Flood Control and Water Conservation District ("District") owns property in fee for the Arroyo Las Positas (Line H), Arroyo Seco (Line P) and the Cross Valley Pipeline in Livermore and Pleasanton;

WHEREAS, the County of Alameda, acting for the benefit of the Alameda County Transportation Commission (ACTC), has requested fee properties and easements as part of a project to construct eastbound auxiliary lanes on I-580 from Isabel Avenue to First Street in Livermore;

WHEREAS, fee simple property totaling 7,828 square feet and easements totaling 15,002 square feet, which are more particularly designated and described in the Exhibit "A's" (Nos. 70163-70170) and by said reference are made a part hereof as though fully set forth herein, are the portions of the real property required from Alameda County Flood Control and Water Conservation District;

WHEREAS, the granting of said fee simple properties has been reviewed by Zone 7's staff who have determined that said fee simple property is not necessary for Zone 7's use and can be made available for conveyance to the County of Alameda; and that said easements are in the public interest and will not substantially conflict or interfere with the use of said real property by the District;

WHEREAS, by Resolution No. 12-4187, adopted April 18, 2012, the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District did request and recommend that the real property described in said Exhibit "A’s" be conveyed to the County of Alameda; and

WHEREAS, the fair market value of the fee simple property and easements is the sum of Seventeen Thousand One Hundred Fifty and 00/100 Dollars ($17,150.00).

NOW, THEREFORE, BE IT RESOLVED, that this Board of Supervisors does find that said fee simple properties are no longer required and can be found to be surplus to the needs of Alameda County Flood Control and Water Conservation District and be conveyed to the County of Alameda;

BE IT FURTHER RESOLVED, that this Board of Supervisors does find that the conveyance of said easements are in the public interest and will not substantially conflict or
interfere with the use of said property by the Alameda County Flood Control and Water Conservation District for the purpose for which it was acquired and can be conveyed to the County of Alameda;

BE IT FURTHER RESOLVED, that the conveyance of said real property to the County of Alameda be authorized and approved under the authority of Section 25365 of the Government Code of the State of California;

BE IT FURTHER RESOLVED, that the President of this Board of Supervisors be and he is hereby authorized and directed to execute on behalf of Alameda County Flood Control and Water Conservation District, a body corporate and politic, grant deeds and grant of easements conveying the real property set forth and described in the respective documents attached as Exhibit "A" to each of the County of Alameda grant deeds and easements, and that shall upon their signing be delivered to the General Manager of Zone 7, to be recorded at the Office of the Recorder of Alameda County; and

BE IT FURTHER RESOLVED, that the County of Alameda’s acceptance and recordation of the grant deeds and grant of easements hereinbefore authorized, shall constitute acceptance of the terms and conditions, hereinabove set forth.
GRANT DEED

ZONE 7 WATER AGENCY aka the ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a body corporate and politic
do(es) hereby GRANT to the

COUNTY OF ALAMEDA, a political subdivision of the State of California,
the following described real property in the incorporated city of the Livermore, County of Alameda,

State of California:

FOR DESCRIPTION, SEE EXHIBIT "A" ATTACHED HERETO (No. 62035-1 and -2) (70163 and 70164)

Dated: _________________________

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

__________________________
Nate Miley, President
The Board of Supervisors of the Alameda County Flood Control and Water Conservation District, State of California
GRANT OF EASEMENT
(Footing)

ZONE 7 WATER AGENCY, aka the ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a body corporate and politic

hereinafter called GRANTOR, and the

COUNTY OF ALAMEDA, a political subdivision of the State of California, hereinafter called GRANTEE,

WITNESSETH:

That GRANTOR, for and in consideration of the benefits resulting to GRANTOR, and other valuable consideration, the receipt of which is hereby acknowledged and the benefits to accrue to GRANTOR thereby does hereby GRANT unto GRANTEE the easement and right of way to construct, maintain, operate, inspect and repair a footing for a wall constructed on the adjoining State of California property, and appurtenances thereto, in, over, through, and under the following described lands:

FOR DESCRIPTION, SEE EXHIBIT “A” ATTACHED HERETO. (Parcel No. 62035--3 ) (70165)

IN WITNESS WHEREOF, GRANTOR has duly executed this document.

Dated: ____________________________

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

______________________________
Nate Miley, President
The Board of Supervisors of the Alameda County Flood Control and Water Conservation District, State of California
GRANT OF EASEMENT
(Soil Nail)

ZONE 7 WATER AGENCY aka the ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a body corporate and politic

hereinafter called GRANTOR, and the

COUNTY OF ALAMEDA, a political subdivision of the State of California, hereinafter called GRANTEE,

WITNESSETH:

That GRANTOR, for and in consideration of the benefits resulting to GRANTOR, and other valuable consideration, the receipt of which is hereby acknowledged and the benefits to accrue to GRANTOR thereby does hereby GRANT unto GRANTEE a permanent Soil Nail Easement for the purposes of lateral support for a retaining wall and the right and privilege to maintain said retaining wall, as the Grantee may see fit, inclusive of all necessary nail supports, fences, protective barriers and fixtures for use in connection therewith or appurtenant thereto, in, under, over, along, upon and across that certain real property under the following described lands:

FOR DESCRIPTION, SEE EXHIBIT “A” ATTACHED HERETO. (Parcel No. 62035-4) (70166)

IN WITNESS WHEREOF, GRANTOR has duly executed this document.

Dated: ________________

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

__________________________
Nate Miley, President
The Board of Supervisors of the Alameda County Flood Control and Water Conservation District, State of California
TEMPORARY CONSTRUCTION EASEMENT

ZONE 7 WATER AGENCY aka the ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a body corporate and politic

hereinafter called GRANTOR, and the

COUNTY OF ALAMEDA, a political subdivision of the State of California, hereinafter called GRANTEE,

WITNESSETH:

That GRANTOR, in consideration of the benefits resulting to GRANTOR, and other valuable consideration, the receipt of which is hereby acknowledged, do(es) hereby GRANT and CONVEY unto GRANTEE, its successors and assigns, a temporary construction easement to facilitate construction of an auxiliary traffic lane and retaining wall on adjoining State of California property and incidents thereto in, over, through and along the following described lands:

FOR DESCRIPTION, SEE EXHIBIT "A" ATTACHED HERETO. (Parcel No. 62062-1) (70167)

Said easement shall be for the period of construction and shall terminate upon completion of such construction, or in any event, not later than December 31, 2014.

Dated: _________________________________

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

Nate Miley, President
The Board of Supervisors of the Alameda County Flood Control and Water Conservation District, State of California
GRANT DEED

ZONE 7 WATER AGENCY aka the ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a body corporate and politic

do(es) hereby GRANT to the

COUNTY OF ALAMEDA, a political subdivision of the State of California,

the following described real property in the incorporated city of the Livermore, County of Alameda, State of California:

FOR DESCRIPTION, SEE EXHIBIT “A” ATTACHED HERETO (No. 62071-1) (70168)

Dated: ________________________________

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

Nate Miley, President
The Board of Supervisors of the Alameda County Flood Control and Water Conservation District, State of California
GRANT OF EASEMENT
(Footing)

ZONE 7 WATER AGENCY, aka the ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a body corporate and politic

hereinafter called GRANTOR, and the

COUNTY OF ALAMEDA, a political subdivision of the State of California, hereinafter called GRANTEE,

WITNESSETH:

That GRANTOR, for and in consideration of the benefits resulting to GRANTOR, and other valuable consideration, the receipt of which is hereby acknowledged and the benefits to accrue to GRANTOR thereby does hereby GRANT unto GRANTEE the easement and right of way to construct, maintain, operate, inspect and repair a footing for a wall constructed on the adjoining State of California property, and appurtenances thereto, in, over, through, and under the following described lands:

FOR DESCRIPTION, SEE EXHIBIT “A” ATTACHED HERETO. (Parcel No. 62071-2) (70169)

IN WITNESS WHEREOF, GRANTOR has duly executed this document.

Dated: __________________________

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

Nate Miley, President
The Board of Supervisors of the Alameda County Flood Control and Water Conservation District, State of California
TEMPORARY CONSTRUCTION EASEMENT

ZONE 7 WATER AGENCY aka the ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a body corporate and politic

hereinafter called GRANTOR, and the

COUNTY OF ALAMEDA, a political subdivision of the State of California, hereinafter called GRANTEE,

WITNESSETH:

That GRANTOR, in consideration of the benefits resulting to GRANTOR, and other valuable consideration, the receipt of which is hereby acknowledged, do(es) hereby GRANT and CONVEY unto GRANTEE, its successors and assigns, a temporary construction easement to facilitate construction of an auxiliary traffic lane and retaining wall on adjoining State of California property and incidents thereto in, over, through and along the following described lands:

FOR DESCRIPTION, SEE EXHIBIT "A" ATTACHED HERETO. (Parcel No. 62071-3) (70170)

Said easement shall be for the period of construction and shall terminate upon completion of such construction, or in any event, not later than December 31, 2014.

Dated:

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

Nate Miley, President
The Board of Supervisors of the Alameda County Flood Control and Water Conservation District, State of California