June 14, 2011

Honorable Board of Supervisors
County of Alameda
1221 Oak Street, Suite 536
Oakland, California 94612

Dear Board Members:

SUBJECT: APPROVE RESOLUTION AND EXECUTE GRANT DEED AND QUITCLAIM ACCESS EASEMENT ON ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7, LINE F (ALAMO CREEK) TO KB HOME (NOS. 70134 & 70135)

RECOMMENDATIONS:

1. Approve the resolution finding that fee simple property totaling 196 square feet and access easement area totaling 510 square feet to be surplus and that it can be conveyed to KB Home Arroyo Vista (KB Home) in exchange for fee simple property totaling 572 square feet and access easement area totaling 4,661 square feet from Eden Housing;
2. Authorize the President of the Board of Supervisors to execute the grant deed (70134 and quitclaim of access easement (70135);

SUMMARY/DISCUSSION:

The Arroyo Vista housing site in Dublin is currently being redeveloped to provide low income housing and market-rate units with KB Home managing the market rate portion of the project. As a part of the mapping for the project, the developer’s engineering consultant discovered that portions of the KB Homes property boundary did not align with the existing District-owned access road along Alamo Creek. Zone 7 staff, City of Dublin staff, and the project developer’s engineer worked together to identify property exchanges which result in a realigned property or access easement line adjacent to the access road. In addition, KB Home will be granting an access easement to Zone 7 to provide an additional connection from Mariposa Lane to Alamo Creek.

The estimated value of the fee property and access easement to be conveyed to KB Home are less than, or equal to, the value of the fee property and access easement to be acquired by Zone 7 from KB Home. Therefore, compensation for granting of said real property to KB Home is proposed to be in exchange, at no cost, for the real property Zone 7 would receive from KB Home.
Zone 7’s flood control staff have reviewed the property exchanges and found that the proposed granting of said real property did not conflict or interfere with the use of the Alamo Creek for flood control purposes. By Resolution No. 11-4084, adopted May 18, 2011, the Board of Directors of Zone 7 requested and recommended the granting of fee property and quitclaiming access easement to KB Home.

**FISCAL:**

There will be no impact to the maintenance of Line F nor increase in District cost.

Attachment(s)

cc: Susan S. Muranishi, County Administrator
    Richard R. Karlsson, Interim County Counsel

Sincerely,

G.F. Duerig
General Manager
THE BOARD OF SUPERVISORS OF THE ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, STATE OF CALIFORNIA

RESOLUTION NO.

FIND FEE OWNERSHIP OF 196 SQUARE FEET AND ACCESS EASEMENT OWNERSHIP OF 510 SQUARE FEET OF FLOOD CONTROL DISTRICT REAL PROPERTY SURPLUS AND AUTHORIZE AND APPROVE CONVEYANCE OF SAID REAL PROPERTY TO KB HOME IN EXCHANGE FOR FEE SIMPLE PROPERTY TOTALING 572 SQUARE FEET AND AN ACCESS EASEMENT OF 4,661 SQUARE FEET OF; EXECUTE GRANT DEED AND QUITCLAIM OF EASEMENT SET TERMS AND CONDITIONS

BY A FOUR-FIFTHS VOTE OF THE BOARD OF SUPERVISORS.

WHEREAS, in Zone 7, Alameda County Flood Control and Water Conservation District owns property in fee simple and an easement for access purposes for the Alamo Creek (Line F) flood control facility; and

WHEREAS, KB Home Arroyo Vista (KB Home) is redeveloping a portion of the Arroyo Vista project for market rate housing and has met with City of Dublin and Zone 7 staff to identify property exchanges along the project boundary with Line F to better coincide with the existing access road location;

WHEREAS, fee simple property totaling 196 square feet and access easement area totaling 510 square feet, which are more particularly designated and described in the Exhibit "A’s" (Nos. 70134 & 70135) attached hereto and made a part hereof, are the portions of the real property required from Alameda County Flood Control and Water Conservation District for a better alignment of the property boundary with the existing access road;

WHEREAS, KB Home has offered fee simple property totaling 572 square feet and Access Easement totaling 4,661 square feet to Alameda County Flood Control and Water Conservation District, providing Zone 7 with improved access to Line F, which were accepted by the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District by Resolution No. 11 – 4084 adopted May 18, 2011;

WHEREAS, the estimated value of the fee property and access easement to be conveyed to KB Home are less than, or equal to, the value of the fee property and access easement to be acquired by Zone 7 from KB Home;

WHEREAS, the granting of said fee simple property totaling 196 square feet and access easement area totaling 510 square feet has been reviewed by Zone 7’s staff which have determined that said real property required for realigning the property line with the access road is not necessary for Zone 7’s use and can be made available for conveyance to KB Home; and
WHEREAS, by Resolution No. 11- 4084, adopted May 18, 2011, the Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District did request and recommend that said real property described in Exhibit “A’s” (Nos. 70134 & 70135) be conveyed to KB Home in exchange for the aforementioned real property to be granted to Alameda County Flood Control and Water Conservation District;

WHEREAS, notice of intent to exchange the subject real property interests was duly published on June 13, 2011 in the Tri-Valley Herald and Valley Times as required by Government Code section 25365.

NOW, THEREFORE, BE IT RESOLVED, that this Board of Supervisors does affirm the Zone 7 Board of Directors’ findings that fee simple interest in said fee simple property totaling 196 square feet and access easement area totaling 510 square feet of real property is no longer required and can be found to be surplus to the needs of Alameda County Flood Control and Water Conservation District and can be conveyed to KB Home, for use with the Arroyo Vista housing project, in exchange therefore the real property offered from KB Home to Alameda County Flood Control and Water Conservation District; and

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

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 (GRANTOR), a Grant Deed (70134) and Quitclaim of Access Easement (70135) conveying the real property set forth and described in the attached Exhibit "A’s" to KB Home (GRANTEE), said deed and quitclaim shall be delivered to the General Manager of Zone 7 to be forwarded to the GRANTEE for recordation; and

BE IT FURTHER RESOLVED, that the conveyance of the hereinafter described real property shall be consummated upon the following terms and conditions, to wit:

1. The recording of the grant of fee simple property (70134) and Quitclaim Access Easement (70135) to Alameda County Flood Control and Water Conservation District from KB Home with the Office of the Recorder of Alameda County; and

2. GRANTOR shall pay no fees, charges of any kind in connection with the parcel of real property herein being conveyed.

BE IT FURTHER RESOLVED, that GRANTEE’S acceptance and recordation of the Grant Deed hereinbefore authorized, shall constitute acceptance of the terms and conditions, hereinabove set forth; and

Line F
Nos. 70134 & 70135
Map: RF-10095 & RF-10096
The Grantor and Grantee hereby declare this instrument to be exempt from Recording Fees (Govt. Code §27383) and Documentary Transfer Tax (Revenue and Taxation Code §11922).

APN: 941-0007-001-6 (portion)

GRANT DEED

For valuable consideration, receipt of which is hereby acknowledged, ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a body corporate and politic, hereby grants to KB HOME ARROYO VISTA LLC, a Delaware limited liability company, real property in the City of Dublin, County of Alameda, State of California, State of California, designated and described in attached Exhibit “A,” attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, this document is duly executed on _____________, 2011.

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

By: ____________________________
Nate Miley, President
The Board of Supervisors

Alamo Creek (Line F)
No. 70134
RF – 10095
State of California
County of Alameda

On __________________________ before me, __________________________, a Notary Public, personally appeared Nate Miley, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and she acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature __________________________ (Seal)

______________________________

Name (typed or printed), Notary Public in and for said County and State.
EXHIBIT "A"

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT DESCRIPTION

ZONE 7, ALAMO CREEK

PARCEL OF LAND TO BE TRANSFERRED TO KB HOME

MAP: RF-10095 NO. 70134
APN: 941-0007-001-6 (PORTION) MAY 3, 2011

REAL PROPERTY, SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF DUBLIN, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL 2, AS SAID PARCEL 2 IS DESCRIBED IN THAT CERTAIN DEED GRANTED TO ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, RECORDED NOVEMBER 26, 2003, IN DOCUMENT NO. 2003698997 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY LINE OF SAID PARCEL 2, SAID POINT BEING THE NORTHERN CORNER OF PARCEL C, AS SAID PARCEL C IS SHOWN AND SO DESIGNATED ON THE FINAL MAP OF TRACT 7943, RECORDED MARCH 1, 2011, IN BOOK 309 OF MAPS, AT PAGE 30, IN SAID OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY;

THENCE, FROM SAID POINT OF BEGINNING, ALONG THE WESTERLY LINE OF SAID PARCEL C, THE FOLLOWING TWO (2) COURSES:

1) SOUTH 73°05'02" WEST 9.77 FEET, AND

2) SOUTH 42°33'48" WEST 8.17 FEET;

THENCE, LEAVING SAID WESTERLY LINE, ALONG THE ARC OF A NON-TANGENT 50.00 FOOT RADIUS CURVE TO THE LEFT, FROM WHICH THE CENTER OF SAID CURVE BEARS SOUTH 76°35'53" WEST, THROUGH A CENTRAL ANGLE OF 33°28'34", AN ARC DISTANCE OF 29.21 FEET TO A POINT ON THE NORTHWESTERLY LINE OF LOT 12, AS SAID LOT 12 IS SHOWN AND SO DESIGNATED ON SAID FINAL MAP;

THENCE, ALONG SAID NORTHWESTERLY LINE, THE FOLLOWING TWO (2) COURSES:

1) SOUTH 64°58'59" EAST 7.76 FEET, AND
2) SOUTH 60°12'56" EAST 25.70 FEET TO SAID POINT OF BEGINNING.

CONTAINING 196 SQUARE FEET OF LAND, MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS AS SHOWN ON THE FINAL MAP
OF TRACT 7943, RECORDED MARCH 1, 2011 IN BOOK 309 OF MAPS, AT PAGE 30, IN
SAID OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS
REFERENCE MADE A PART HEREOF.

END OF DESCRIPTION

CHRISTOPHER S. HARMISON, P.L.S.
L.S. NO. 7176
PARCEL A
TRACT 5883
190 M 50

ALAMO CREEK
ACFC&WCD
PARCEL 2
2003–698997 O.R.

LOT 12
TRACT 7943
309 M 30

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PLAT TO ACCOMPANY LEGAL DESCRIPTION
PARCEL OF LAND TO BE TRANSFERRED TO KB HOME
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
DUBLIN, CALIFORNIA
MAY 3, 2011
RF-10095

Carlson, Barbee, & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS
6111 BOLLINGER CANYON ROAD, SUITE 150 SAN RAMON, CALIFORNIA 94583
TELEPHONE: (925) 866-0322 FAX: (925) 866-8575

JOB NO. 1417-020
The Grantor and Grantee hereby declare this instrument to be exempt from Recording Fees (Govt. Code §27383) and Documentary Transfer Tax (Revenue and Taxation Code §11922).

APN: 941-0007-001-7 (Portion)

QUITCLAIM OF EASEMENT

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a body corporate and politic (DISTRICT), does hereby QUITCLAIM, RELEASE AND RELINQUISH unto KB HOME ARROYO VISTA LLC, a Delaware limited liability company, its successors and assigns, all right, title and interest DISTRICT has in certain real property which is situated in the City of Dublin, County of Alameda, State of California designated and described in attached Exhibit “A,” attached hereto, and incorporated herein by reference.

IN WITNESS WHEREOF, this instrument is duly executed pursuant to Alameda County Flood Control and Water Conservation District Resolution No. __________ adopted ____________, 2011, a certified copy of which is attached hereto and made a part hereof.

ALAMEDA COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

By: ___________________________
Nate Miley, President
The Board of Supervisors

Alamo Creek (Line F)
No. 70135
RF – 10096
State of California
County of Alameda

On _____________________________ before me, _____________________________, a Notary Public, personally appeared Nate Miley, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and she acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature ___________________________ (Seal)

__________________________________________
Name (typed or printed), Notary Public in and for said County and State.
EXHIBIT "A"

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT DESCRIPTION

ZONE 7, ALAMO CREEK

EASEMENT AREA TO BE QUITCLAIMED

MAP: RF-10096
APN: 941-0007-001-7 (PORTION)

REAL PROPERTY, SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF
DUBLIN, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL 2, AS SAID PARCEL 2 IS DESCRIBED IN THAT
CERTAIN DEED GRANTED TO ALAMEDA COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT, RECORD OF NOVEMBER 26, 2003, IN DOCUMENT NO.
2003698998 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF
ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERN LINE OF SAID PARCEL 2, SAID POINT
BEING THE NORTHERN CORNER OF PARCEL C, AS SAID PARCEL C IS SHOWN AND SO
DESIGNATED ON THE FINAL MAP OF TRACT 7943, RECORDED MARCH 1, 2011, IN
BOOK 309 OF MAPS, AT PAGE 30, IN SAID OFFICE OF THE COUNTY RECORDER OF
ALAMEDA COUNTY;

THENCE, FROM SAID POINT OF BEGINNING, ALONG THE NORTHEASTERLY AND
SOUTHEASTERLY LINES OF SAID PARCEL C, THE FOLLOWING TWO (2) COURSES:

1) SOUTH 47°26'12" EAST 15.04 FEET, AND

2) SOUTH 42°33'48" WEST 39.88 FEET;

THENCE, LEAVING SAID SOUTHEASTERLY LINE, NORTH 08°56'28" EAST 11.47 FEET;

THENCE, ALONG THE ARC OF A TANGENT 50.00 FOOT RADIUS CURVE TO THE LEFT,
THROUGH A CENTRAL ANGLE OF 22°20'35", AN ARC DISTANCE OF 19.50 FEET TO A
POINT ON THE NORTHWESTERLY LINE OF SAID PARCEL C;

THENCE, ALONG SAID NORTHWESTERLY LINE, THE FOLLOWING TWO (2) COURSES:

1) NORTH 42°33'48" EAST 8.17 FEET, AND
2) NORTH 73°05'02" EAST 9.77 FEET TO SAID POINT OF BEGINNING.

CONTAINING 510 SQUARE FEET OF LAND, MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS AS SHOWN ON THE FINAL MAP OF TRACT 7943, RECORDED MARCH 1, 2011 IN BOOK 309 OF MAPS, AT PAGE 30, IN SAID OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS REFERENCE MADE A PART HEREOF.

END OF DESCRIPTION

CHRISTOPHER S. HARMISON, P.L.S.
L.S. NO. 7176
ALAMO CREEK
ACFC&WCD
2003-698997 O.R.

AREA TO BE QUITCLAIMED
510 SF±

PARCEL C
TRACT 7943
309 M 30

70135
AREA TO BE QUITCLAIMED
510 SF±

PARCEL 2
EASEMENT FOR INGRESS AND EGRESS
IN FAVOR OF ALAMEDA COUNTY FLOOD
CONTROL AND WATER CONSERVATION
DISTRICT PER 2003-698998 O.R.

SCALI: 1" = 20'

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LOT 12
TRACT 7943
309 M 30

PLAT TO ACCOMPANY LEGAL DESCRIPTION
EASEMENT AREA TO BE QUITCLAIMED TO KB HOME
ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT (2003-698998 O.R.)
DUBLIN, CALIFORNIA
MAY 3, 2011

Carlson, Barbee, & Gibson, Inc.
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6111 BOLLINGER CANYON ROAD, SUITE 150 SAN RAMON, CALIFORNIA 94583
TELEPHONE: (925) 866-0322 FAX: (925) 866-8575

RF-10096