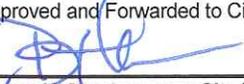




STAFF REPORT

Date: Tuesday, March 8, 2016
To: Bryan H. Montgomery, City Manager
From: Kevin Rohani, P.E. Public Works Director/ City Engineer

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Subject: Acceptance of dedication of right of way related to Assessor's Parcel Numbers 035-121-007, 035-112-016 and 035-112-018 for improvements associated with the Main Street Improvement project in downtown - CIP No. 165

Introduction

The City's adopted FY 2015/16 Capital Improvement Program (CIP) budget designates funding for various infrastructure repair and improvement projects. This is consistent with the City's goal to improve the quality of the City's public infrastructure and to enhance the quality of life for Oakley residents.

Background and Analysis

The State of California Department of Transportation (Caltrans) for decades had the old Highway 4 under their jurisdiction that ran through the current downtown area that was the primary access route to the community. As part of the growth and development of the community nearly 5 years ago, the City of Oakley and Caltrans agreed on the relinquishment of the entire stretch of old Highway 4 to the City of Oakley, which is now the new Main Street.

The City undertook a project to reconstruct Main Street and create a new downtown in Oakley in 2012. The above referenced project, CIP 165, is a continuation of the downtown improvement project which is currently under design and will be constructed over the next 2 years.

In the course of the design process and project background investigation, staff discovered that there were several parcels of land along Main Street that had been offered as dedication to Caltrans decades ago and somehow were never officially accepted as road right of way by Caltrans or the County. The Main Street improvement project, CIP 165 is funded in part by a Federal grant which is processed by Caltrans. One of the requirements of the project approval by Caltrans is certification of the right of way by the City to ensure that all project right of way needs are addressed. In order to certify the project right of way, the City needs to accept the previously offered right of way dedications.

Fiscal Impact

There is no fiscal impact as result of this right of way dedication acceptance by the City, as the City is not buying any right of way, simply accepting the dedication. This approval completes a procedural matter that had not been completed from years ago.

Conclusion

Staff recommends that the City Council adopt the resolution approving the acceptance of right of way dedication for the Main Street improvement project in downtown associated with Assessor's Parcel Number 035-121-007, 035-112-016 and 035-112-018.

Attachments

- 1) Resolution
- 2) Exhibit A – ROW Dedication 035-121-007
 - a. Exhibit A - Map
- 3) Exhibit B – ROW Dedications 035-112-016
 - a. Exhibit B – Maps
- 4) Exhibit C – ROW Dedication 035-112-018
 - a. Exhibit C - Map

RESOLUTION NO. ___-16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
ACCEPTING A RIGHT-OF-WAY DEDICATION REGARDING
APN 035-121-007, 035-112-016, 035-112-018**

WHEREAS, Capital Improvement Project Number 165 is to construct the improvements associated with Main Street in downtown; and

WHEREAS, said improvements included construction of curb, gutter, sidewalks, streetscape, street lights, medians, and paving on Main Street; and

WHEREAS, the Project requires the acquisition of right of way from three (3) properties on Main Street, identified as Assessor's Parcel Number 035-121-007, 035-112-016, and 035-112-018; and

WHEREAS, property owners identified as Assessor's Parcel Number 035-121-007, 035-112-016 and 035-112-018 have offered right of way dedication along main Street for the improvements associated with CIP 165 – Main Street Improvement Project; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Oakley that the Right-of-Way Dedication offer at APN 035-121-007, 035-112-016 and 035-112-018 is hereby accepted in the form attached hereto as Exhibit A, Exhibit B and Exhibit C.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 8th of March, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Kevin Romick, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

4

Recorded at the request of:
Contra Costa County
Land Development Division

Return to:
Contra Costa County
Public Works Department
Records Section

85 181113

Area Oakley
Road O'Hara Ave. & State Highway #4
Co. Road No. 8061 & 7182
Development DP 3011-85
Assessor's No. 035-121-01 & 02

RECORDED AT REQUEST OF
Contra Costa County
DEC 9 1985
AT 11 O'CLOCK
CONTRA COSTA COUNTY RECORDS
J.R. OLSON
COUNTY RECORDER
FEE:
[Signature]

128528 231

OFFER OF DEDICATION - ROAD PURPOSES
(Individual)

Fei-Mei Wan

The undersigned, being the present title owner(s) of record of the herein described parcel of land, do hereby make an irrevocable offer of dedication to CONTRA COSTA COUNTY, a political subdivision of the State of California, and its successors or assigns, for street and highway purposes, the real property situated in the County of Contra Costa, State of California, described in Exhibit "A" (written description) and shown on Exhibit "B" (plat map) attached hereto.

It is understood and agreed that CONTRA COSTA COUNTY and its successors or assigns shall incur no liability with respect to such offer of dedication, and shall not assume any responsibility for the offered parcel of land or any improvements thereon or therein, until such offer has been accepted by appropriate action of the Board of Supervisors, or of the local governing bodies of its successors or assigns.

The provisions hereof shall inure to the benefit of and be binding upon heirs, successors, assigns, and personal representatives of the respective parties hereto.

IN WITNESS WHEREOF, these presents have executed this instrument this 13TH day of November, 1985.

Fei-Mei Wan
Fei-Mei Wan

STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA } SS.

On November 13, 1985 before me
JOHN H. ZACH
a Notary Public, in and for said State,
personally appeared FEI-MEI WAN

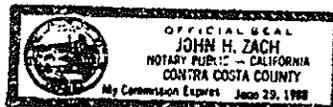
_____ known
to me to be the person(s) whose name(s)
is/~~are~~ subscribed to the within instrument
and acknowledged to me that she
executed the same.

WITNESS my hand and official seal.

Dated: November 13, 1985

Signature *John H. Zach*

(This area for official notarial seal)



Development Permit 3011-85
State Highway 4 and O'Hara Avenue
Road Right of Way

EXHIBIT "A"

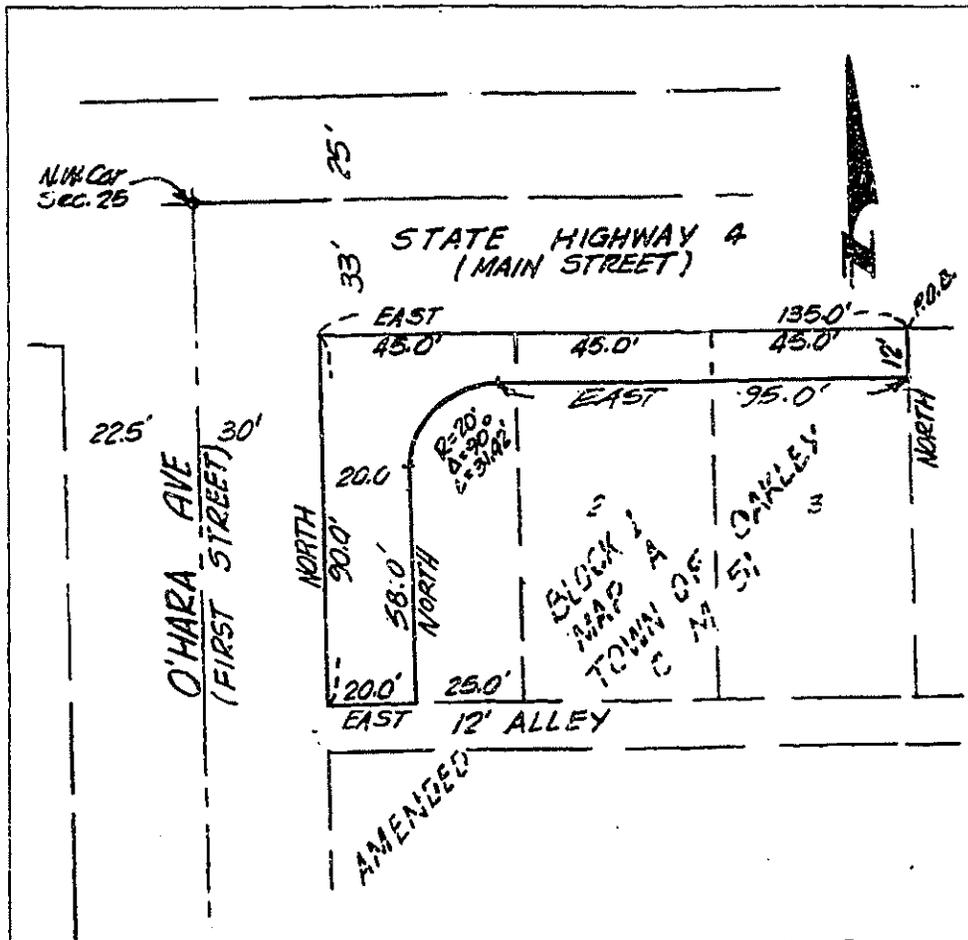
Portion of Lots 1, 2, and 3, Block 1, as shown on the subdivision map entitled "Amended Map A of the Town of Oakley", filed March 21, 1903 in Book "C" of Maps at page 51, in the Office of the County Recorder, Contra Costa County, California described as follows:

Beginning at the northeast corner of Lot 3, said point being on the south right of way line of State Highway 4 (formerly named Main Street) as shown on said "Amended Map A of the Town of Oakley", (C M 51) thence from said point of beginning south 17.00 feet along the east line of said Lot 3 to a point on a line parallel with and 12.00 feet south of said right of way line of State Highway 4; thence along said parallel line West 95.00 feet; thence southwesterly along a tangent curve concave to the southeast, having a radius of 20.00 feet, through a central angle of 90° 00' 00", an arc distance of 31.42 feet to a point on a line which is parallel with and 20.00 feet east of the east right of way line of O'Hara Avenue (formerly named First Street), a County road; thence South 58.00 feet along said south line, west 20.00 feet to the southwest corner of said Lot 1, said point being on the easterly right of way line of O'Hara Avenue as shown on said "Amended Map A of the Town of Oakley", (C M 51); thence along said east line North 90.00 feet to a point on the south right of way line of State Highway 4; thence East 135.00 feet along said right of way line to the point of beginning.

Containing 3266 square feet (0.07 acres) more or less.

ex:3011.85.t10

BOOK 1265228 232



EOP 1265216 233

D.P. 3011-85

CONTRA COSTA COUNTY PUBLIC WORKS DEPARTMENT MARTINEZ CALIFORNIA	
ROAD NO. 7182	
RIGHT OF WAY STATE HIGHWAY 4 AND O'HARA AVENUE	
SCALE 1" = 30'	DATE 09-17-85
DRAWN BY B. BROWN	FILE NO.
CHECKED BY: J. R. N.	A-7182-85

EXHIBIT "B"

R/W acquired by County

Instr. _____
 Recorded _____ Vol. _____ Page _____

COORD. REF - G25 1650,550/547,600

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

Adopted this Order on December 3, 1985 by the following vote:

AYES: Supervisors Powers, Schroder, McPeak, Torlakson & Fahden

NOES: None

ABSENT: None

ABSTAIN: None

SUBJECT: Authorizing Acceptance of Instrument.

IT IS BY THE BOARD ORDERED that the following instrument is hereby ACCEPTED FOR RECORDING ONLY:

<u>INSTRUMENT</u>	<u>REFERENCE</u>	<u>GRANTOR</u>	<u>AREA</u>
Offer of Dedication for Roadway Purposes	OP 3011-85	Fei-Mei Wan	Oakley

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: DEC 2 1985

PHIL BATEMILOR, Clerk of the Board of Supervisors and County Administrator

By Jeanne Sidesi, Deputy

rec-1265276 234

Originator: Public Works (ES)
cc: Recorder (via ES) then PW Records
Director of Community Development

BO:3.t12

FRO OF



K:\2014\147084\Oakley_Streetiscope\ENG\EXHIBITS\14-- Right of Way Dedication Areas\RDW Dedication_35-121-007.dwg 18 Feb 2016 4:47:59pm lona

LEGEND:

- RIGHT OF WAY
- DEDICATION AREA (0.070 AC)

FEBRUARY 18, 2016
SCALE: 1" = 40'

115404

BOOK 8043 PAGE 227

OCT - 5 1976

In the Board of Supervisors
of

Contra Costa County, State of California

September 21, 1976

RECORDED AT REQUEST OF

Contra Costa County

OCT 5 1976

AT 1 O'CLOCK P. M.
CONTRA COSTA COUNTY RECORDS
J. R. OLSSON
COUNTY RECORDER
FEE: *off*

In the Matter of

Acceptance for Recording Only of
an Offer of Dedication for Road Easement
Main Street #7182
W.O. #4805-663.

IT IS BY THE BOARD ORDERED that the Offer of Dedication, dated
September 14, 1976 from Thomas F. Kiernan, is ACCEPTED for recording only.

Said document is required as a condition of approval of Land Use
Permit 2082-76.

The foregoing order was passed on September 21, 1976 by the
following vote of the Board:

AYE: Supervisors J. E. Moriarty, W. K. Boggess,
E. A. Linscheid, J. P. Kenny.

NOE: None.

ABSENT: None.

ABSTAIN: Supervisor A. E. Dias.

Supervisor Dias stated that he wished the record to show he
abstained from voting for the reason that he was not present for
the presentation of the entire Public Works Agenda.

I hereby certify that the foregoing is a true and correct copy of an order entered on the
minutes of said Board of Supervisors on the date aforesaid.

Originator: Public Works Department,
Real Property Division

Witness my hand and the Seal of the Board of
Supervisors
affixed this 21 day of September, 19 76

cc: Public Works Director
Director of Planning
Land Development
Recorder

J. R. OLSSON, Clerk
By *Honnie Boaz*, Deputy Clerk
Honnie Boaz

SEAL AFFIXED

Recorded at the Request of

CONTRA COSTA COUNTY

After Recording Return to

BOOK 9043 PAGE 228

Contra Costa County
Public Works Department
Real Property Division
Attn: C. P. Johnson

L.O.P. 2682-76
MAIN ST. (HWY. 4) #7182

OFFER OF DEDICATION

THOMAS F. KIERNAN, the undersigned, being the present title owner of record of the herein described parcel of land, does hereby make an irrevocable offer of dedication to CONTRA COSTA COUNTY, and its successor or assign, for street and highway purposes, the real property described as follows:

Described in the Exhibit "A" attached hereto and made a part hereof

It is understood and agreed that CONTRA COSTA COUNTY and its successor or assign shall incur no liability with respect to such offer of dedication, and shall not assume any responsibility for the offered parcel of land or any improvements thereon or therein, until such offer has been accepted by appropriate action of the Board of Supervisors, or of the local governing body or its successor or assign.

The provisions hereof shall inure to the benefit of and be binding upon the heirs, successors, assigns, and personal representatives of the respective parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this instrument this 14th day of September, 1976.


Thomas F. Kiernan

STATE OF CALIFORNIA

County of Contra Costa } ss.

County in which acknowledgment is taken

On September 14, 1976, before me, Leah M. Caldarazzo

Write or type name of notary

a Notary Public, in and for said County and State, personally appeared

Thomas F. Kiernan

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

**If notary is commissioned in another County strike "said" and name County.

In witness to signature type or actual name of notary

Leah M. Caldarazzo
Notary Public

OFFICIAL SEAL
LEAH M. CALDARAZZO
NOTARY PUBLIC - CALIFORNIA
(Individual) CONTRA COSTA COUNTY
My Commission Expires Feb. 5, 1977

~~map 8043~~ ~~map 229~~
Main Street (Hwy. 4)
and O'Hara Avenue
L.S.P. 3082-76

EXHIBIT "A"

Portions of Lots 1, 2, and 3 of Block 1 as said lots and block are shown on the map entitled "West Oakley Addition" filed December 5, 1922 in Book 18 of Maps at page 411, Records of Contra Costa County, California, described as follows:

Beginning on the southerly line of Main Street at the westerly line of said Lot 3 as shown on said map (18 M 411); thence, from said point of beginning along said southerly line of Main Street East 150.00 feet to the westerly line of O'Hara Avenue, being the easterly line of said Lot 1; thence, along said westerly line of O'Hara Avenue South 100.00 feet to the southerly line of said Lot 1; thence, along said southerly line west 27.50 feet; thence, North 68.00 feet; thence northwesterly along a tangent curve to the left, having a radius of 20.00 feet, through a central angle of $90^{\circ}00'00''$, an arc distance of 31.42 feet; thence, tangent to said curve West 102.50 feet to said westerly line of Lot 3; thence, along said westerly line North 12.00 feet to the point of beginning.

Containing an area of 0.099 acres (4306 square feet) of land, more or less.

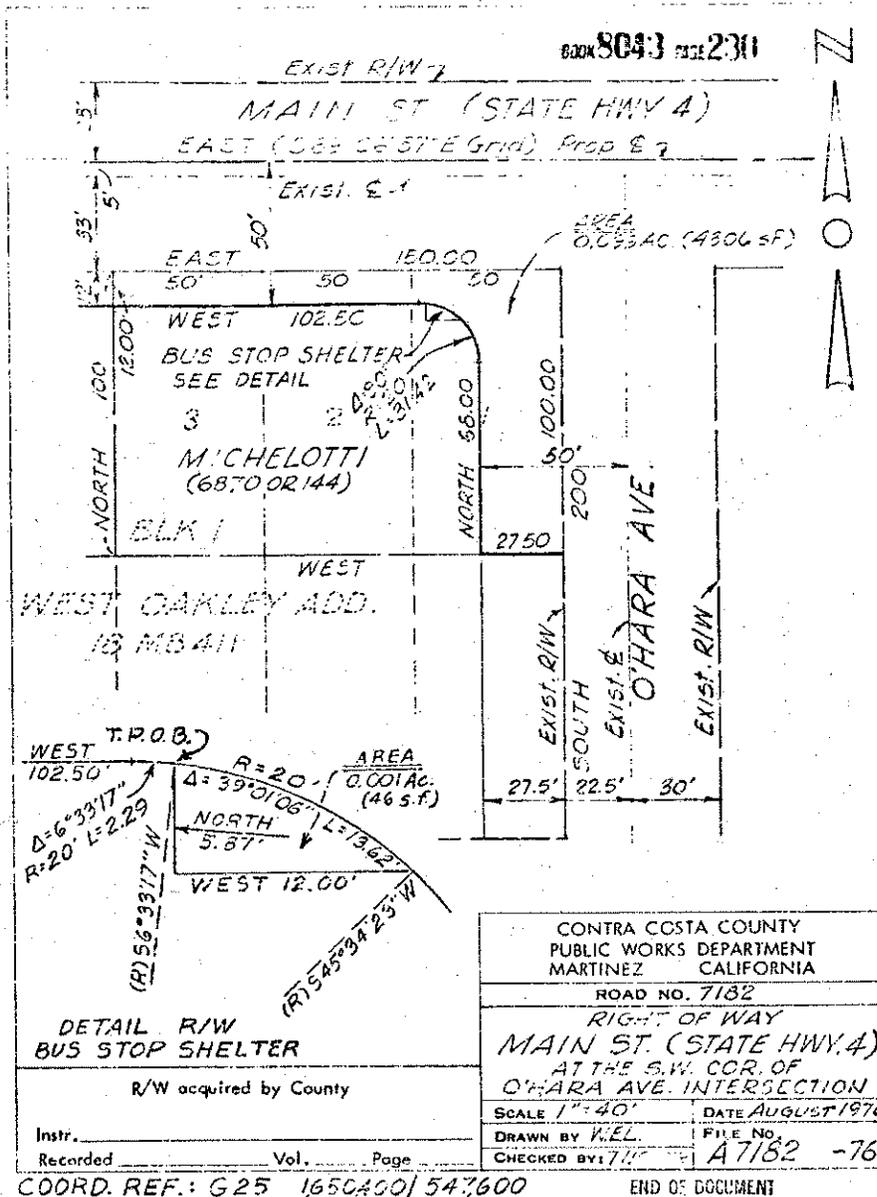
PARCEL TWO

Portions of said Lots 1 and 2 of said map (18 M 411), described as follows:

Commencing at the easterly terminus of the line described as West, 102.50 feet in the above PARCEL ONE; thence, from said point of commencement, easterly along the arc of a tangent curve to the right, having a radius of 20.00 feet, through a central angle of $6^{\circ}33'17''$, an arc distance of 2.29 feet to the true point of beginning; thence, from said true point of beginning southeasterly along said curve through a central angle of $39^{\circ}01'06''$ an arc distance of 13.62 feet to a point from which a radial line bears $S 45^{\circ}34'23'' W$; thence, west 12.00 feet, thence, north 5.87 feet to the true point of beginning.

Containing an area of 0.001 acres (46 square feet) of land, more or less.

BOOK 8043 PAGE 2311



DETAIL R/W
 BUS STOP SHELTER

R/W acquired by County

CONTRA COSTA COUNTY PUBLIC WORKS DEPARTMENT MARTINEZ CALIFORNIA	
ROAD NO. 7182	
RIGHT OF WAY MAIN ST. (STATE HWY. 4) AT THE S.W. COR. OF O'HARA AVE. INTERSECTION	
SCALE 1"=40'	DATE AUGUST 1976
DRAWN BY W.E.L.	FILE NO. A7162 -76
CHECKED BY: 7/11	

COORD. REF.: G25 1650400/547600

END OF DOCUMENT

K:\2014\147084 Oakley_StreetScope\ENG\EXHIBITS\4- Right of Way Dedication Areas\ROW Dedication_35-1121-016.dwg 18 Feb 2016 4:54:40pm land



LEGEND:

- RIGHT OF WAY
- DEDICATION AREA (0.099 AC)

FEBRUARY 18, 2016
SCALE: 1" = 40'

PURSUANT TO GOVERNMENT CODE
§6103 NO FEE IS REQUIRED FOR THE
RECORDATION OF THIS DOCUMENT

WHEN RECORDED MAIL TO:

City Clerk
City Of Oakley
3231 Main Street
Oakley, Ca 94561

RECORDING REQUESTED BY:

City Of Oakley
3231 Main Street
Oakley, CA 94561

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

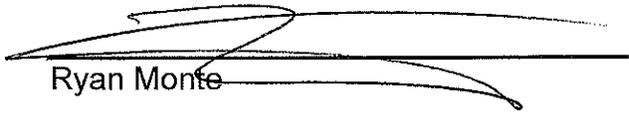
OFFER OF DEDICATION – ROADWAY PURPOSES

Colonial Corporation, the undersigned, being the present title owner(s) of record of the herein described parcel of land, does hereby make an irrevocable offer of dedication to the **CITY OF OAKLEY** (hereinafter CITY), a political subdivision of the State of California, and its successors or assigns, for the purposes of a public road, together with all necessary appurtenances pertaining thereto, including construction access or maintenance of works, improvements and structures, whether covered or open, upon the real property situated in the CITY, described in Exhibit "A" (written description) and shown on Exhibit "B" (plat map) attached hereto.

It is understood and agreed that the City and its successors or assigns shall incur no liability with respect to such offer of dedication, and shall not assume any responsibility for the offered parcel of land or any improvements thereon or therein, until such offer has been accepted by appropriate action of the City Council or the governing body of any successor or assign.

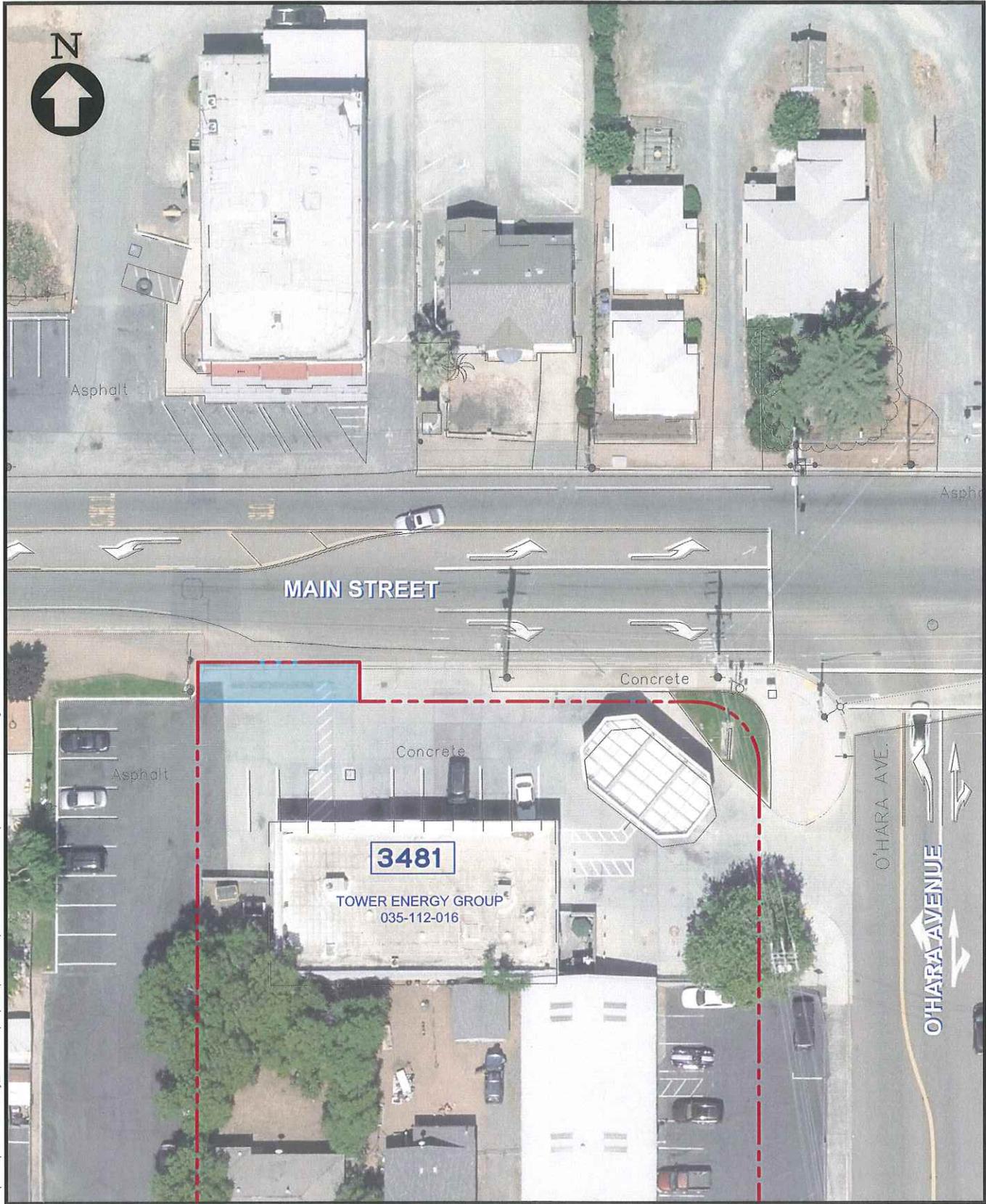
The provision hereof shall inure to the benefit of and be binding upon heirs, successors, assigns, and personal representatives of the respective parties hereto.

IN WITNESS WHEREOF, those present have executed this instrument this 26th day of February, 2016.


Ryan Monte

(see attached notary)

K:\2014\147084_Oakley_StreetScope\ENC\EXHIBITS\1_Permitt_to_Enter\PTE_035-112-016.dwg 06 Jan 2016 4:56:10pm land



LEGEND:

- - - RIGHT OF WAY
- PERMIT TO ENTER (PTE) (597 SF)

JANUARY 6, 2016
SCALE: 1" = 40'

PURSUANT TO GOVERNMENT CODE
§6103 NO FEE IS REQUIRED FOR THE
RECORDATION OF THIS DOCUMENT

WHEN RECORDED MAIL TO:

City Clerk
City Of Oakley
3231 Main Street
Oakley, Ca 94561

RECORDING REQUESTED BY:

City Of Oakley
3231 Main Street
Oakley, CA 94561

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

OFFER OF DEDICATION – ROADWAY PURPOSES

Colonial Corporation, the undersigned, being the present title owner(s) of record of the herein described parcel of land, does hereby make an irrevocable offer of dedication to the **CITY OF OAKLEY** (hereinafter CITY), a political subdivision of the State of California, and its successors or assigns, for the purposes of a public road, together with all necessary appurtenances pertaining thereto, including construction access or maintenance of works, improvements and structures, whether covered or open, upon the real property situated in the CITY, described in Exhibit "A" (written description) and shown on Exhibit "B" (plat map) attached hereto.

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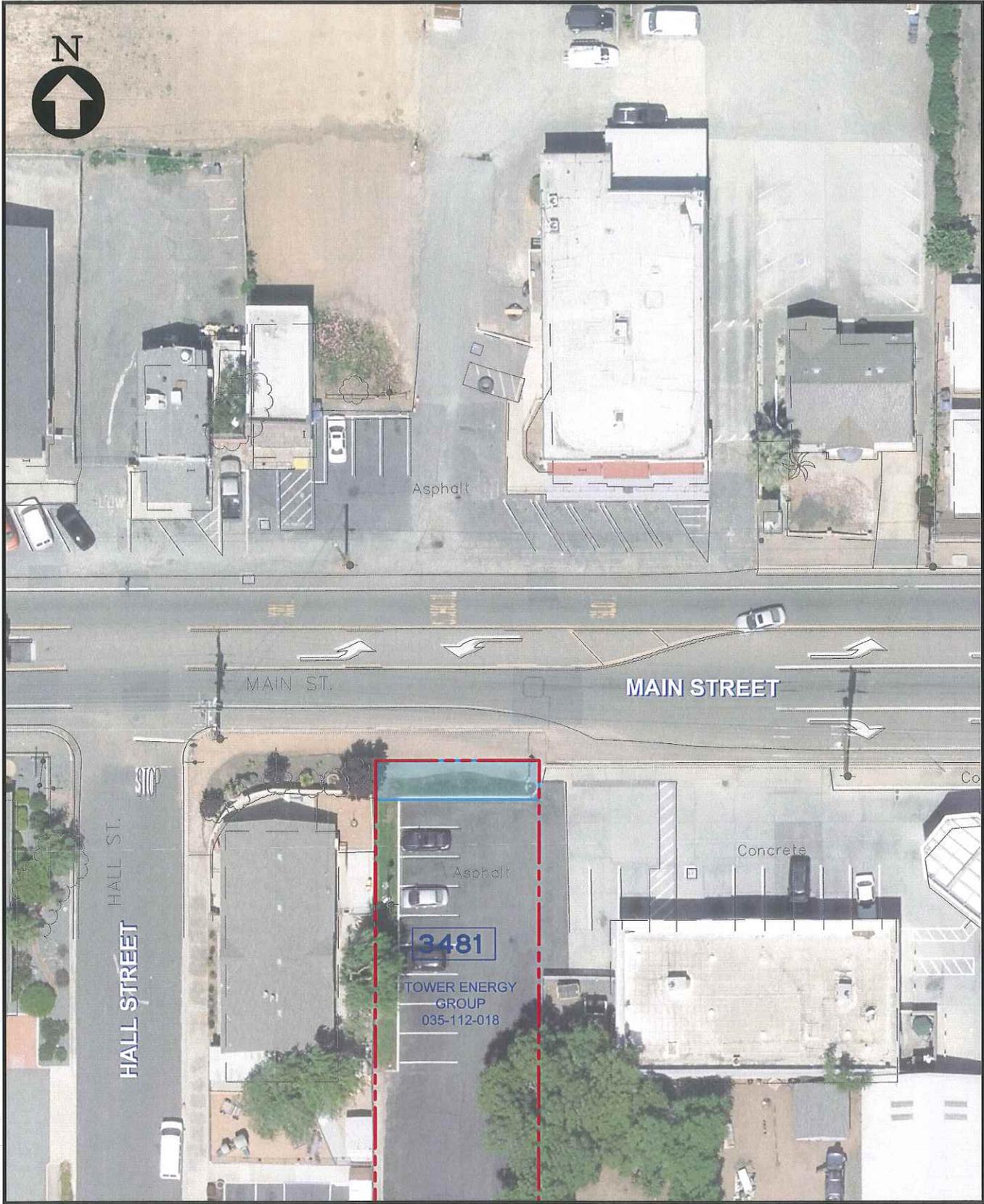
The provision hereof shall inure to the benefit of and be binding upon heirs, successors, assigns, and personal representatives of the respective parties hereto.

IN WITNESS WHEREOF, those present have executed this instrument this 26th day of February, 2016


Ryan Monte

(see attached notary)

\\BKF-Su\vol4\2014\1470B4 Oakley_Streetscape\END\EXHIBITS\11_Permit_to_Enter\PTE_035-112-018.dwg 06 Jan 2016 5:11:44pm chih



LEGEND:

-  RIGHT OF WAY
-  PERMIT TO ENTER (PTE) (600 SF)

JANUARY 6, 2016
SCALE: 1" = 40'