

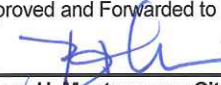
STAFF REPORT

Date: Tuesday, April 12, 2016

To: Bryan H. Montgomery, City Manager

From: Kevin Rohani, P.E. Public Works Director/ City Engineer

Subject: Approving the Access Easement to Contra Costa County Flood Control and Water Conservation District to allow access for maintenance of Marsh Creek north of East Cypress Road

Approved and Forwarded to City Council:

Bryan H. Montgomery, City Manager

Introduction

The Contra Costa County Flood Control and Water Conservation District (CCCFCWCD) requested the City of Oakley to grant an Access Easement on a portion of Parcel B within the Cypress Grove development (Subdivision 8680) adjacent to Marsh Creek. Prior to the development of the Cypress Grove subdivision, CCCFCWCD had the ability to access the section of Marsh Creek north of Cypress Road for flood control maintenance purposes. Since the development of the Cypress Grove subdivision, Parcel B was dedicated to the City of Oakley for the landscaped area and the access path to the East Bay Regional Park District (EBRPD) trail along the east side of Marsh Creek. The Access Easement will provide ingress and egress in this area to CCCFCWCD to allow for the maintenance of Marsh Creek.

Background and Analysis

These transactions are initiated by the Cypress Grove development project that developed around the year 2000 to 2005. The development is located just northeast of the intersection of E. Cypress Road and Marsh Creek and consists of three subdivisions, 8678, 8679 and 8680. Prior to the development, the CCCFCWCD had an access road to Marsh Creek located off of E. Cypress Road, on the north side of the railroad tracks.

The developer was allowed to remove that access road with the understanding that the CCCFCWCD could now access Marsh Creek north of the railroad tracks by using Warhol Way. The development built a new trail along Warhol Way to connect to the EBRPD trail along Marsh Creek. The CCCFCWCD needs to acquire an access easement over the trail from Warhol Way to Marsh Creek.

Plat maps and legal descriptions were prepared for the right-of-way transactions by Carlson, Barbee, and Gibson, who were the engineer for the developer through 2010.

Fiscal Impact

There is no fiscal impact associated with the grant of this Access Easement to the CCCFCWCD.

Conclusion

Staff recommends that the City Council adopt the resolution authorizing the City Manager to sign the Access Easement on behalf of the City.

Attachments

- 1) Resolution
- 2) Access Easement

RESOLUTION NO. XX- 16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY, CALIFORNIA, APPROVING AN ACCESS EASEMENT FROM THE CITY OF OAKLEY TO CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT RELATED TO ASSESSOR'S PARCEL NUMBER 037-500-092 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE ACCESS EASEMENT

WHEREAS, the City of Oakley is the fee title owner of Parcel B of Subdivision 8680, also referred to as Assessor's Parcel Number 037-500-092; and

WHEREAS, Parcel B is adjacent to the Marsh Creek and owned by the Contra Costa County Flood Control and Water Conservation District; and

WHEREAS, the Access Easement is necessary to allow the Contra Costa County Flood Control and Water Conservation District to have ingress and egress of a portion of Parcel B for flood control purposes for Marsh Creek; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the City Council of the City of Oakley approve the Access Easement from the City of Oakley to Contra Costa County Flood Control and Water Conservation District affecting a portion of Parcel B of Subdivision 8680 as more particularly and precisely described in Exhibit A attached hereto and the City Manager is hereby authorized to execute the Access Easement.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Oakley at a meeting held on this 12nd day of April, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

ATTEST:

Kevin Romick, Mayor

Libby Vreonis, City Clerk

Date

Recorded at the request of:
Contra Costa County Flood
Control & Water Conservation
District

Return to:
Contra Costa County
Public Works Department
Real Estate Division
255 Glacier Drive
Martinez, CA 94553
Attn: Olivia D. Reynolds

Portion of Assessor's Parcel No. 037-500-092
FCPID: 5095

ACCESS EASEMENT

THIS INDENTURE, made by and between the City of Oakley, a municipal corporation, hereinafter called the GRANTOR, and CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a flood control district organized under the laws of the State of California, hereinafter called the GRANTEE,

WITNESSETH:

That the GRANTOR, for value received, hereby grants to the GRANTEE a perpetual easement and right of way for ingress and egress purposes, in, under, along, and across that certain real property in the County of Contra Costa, State of California, described as follows:

FOR DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

The easement herein granted shall include the right by said GRANTEE, its officers, agents and employees, and by persons under contract with it and their employees whenever and wherever necessary for flood control purposes, to enter upon said land with personnel, vehicles and equipment, to remove all trees, vegetation and structures thereon that interfere with the purpose for which the easement herein is granted.

It is understood that GRANTEE is not responsible for repairing or replacing any of GRANTOR's improvements including, but not limited to, the driveway, concrete ramp, and bollards within the area described in Exhibit "A" herein, unless damage is a result of the GRANTEE's negligence or misconduct.

TO HAVE AND TO HOLD, all and singular, the rights above described unto the GRANTEE and the GRANTEE'S successors and assigns forever.

IN WITNESS WHEREOF, the GRANTOR has executed this indenture this ____ day of _____, 2016.

CITY
City of Oakley, a municipal corporation

By: _____
Bryan H. Montgomery, City Manager

Attest:

By: _____
Libby Vreonis, City Clerk

ABOVE SIGNATURES MUST BE NOTARIZED

PORTION OF PARCEL B, SUBDIVISION 8680 (486 M 1)
CONTRA COSTA COUNTY

FCD PARCEL 5095

JANUARY 20, 2010
JOB NO.: 0985-010
ACCESS EASEMENT FOR THE
CONTRA COSTA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT (CCCFC & WCD)
FROM THE CITY OF OAKLEY

EXHIBIT 'A'

LEGAL DESCRIPTION

REAL PROPERTY, SITUATE IN THE CITY OF OAKLEY, COUNTY OF CONTRA COSTA,
STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL B, AS SAID PARCEL B IS SHOWN AND DESIGNATED
ON THE MAP OF SUBDIVISION 8680, RECORDED FEBRUARY 23, 2005, IN BOOK
476 OF MAPS AT PAGE 1, IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA
COSTA COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WESTERN CORNER OF SAID PARCEL B;

THENCE, FROM SAID POINT OF COMMENCEMENT, ALONG THE NORTHWESTERN LINE
OF SAID PARCEL B, ALONG THE ARC OF A NON-TANGENT 464.00 FOOT RADIUS
CURVE TO THE LEFT, FROM WHICH THE CENTER OF SAID CURVE BEARS NORTH
55°10'15" WEST, THROUGH A CENTRAL ANGLE OF 12°02'06", AN ARC DISTANCE
OF 97.46 FEET TO THE POINT OF BEGINNING;

THENCE, FROM SAID POINT OF BEGINNING, CONTINUING ALONG SAID
NORTHWESTERN LINE, ALONG SAID 464.00 FOOT RADIUS CURVE TO THE LEFT,
FROM WHICH THE CENTER OF SAID CURVE BEARS NORTH 67°12'21" WEST,
THROUGH A CENTRAL ANGLE OF 07°15'41", AN ARC DISTANCE OF 58.81 FEET;

THENCE, LEAVING SAID NORTHWESTERN LINE, SOUTH 74°28'02" EAST 10.00
FEET;

THENCE, ALONG THE ARC OF A NON-TANGENT 474.00 FOOT RADIUS CURVE TO THE
RIGHT, FROM WHICH THE CENTER OF SAID CURVE BEARS NORTH 74°28'02" WEST,
THROUGH A CENTRAL ANGLE OF 03°37'37", AN ARC DISTANCE OF 30.01 FEET;

THENCE, SOUTH 01°50'13" EAST 90.61 FEET;

THENCE, ALONG THE ARC OF A TANGENT 179.00 FOOT RADIUS CURVE TO THE
LEFT, THROUGH A CENTRAL ANGLE OF 20°02'35", AN ARC DISTANCE OF 62.62
FEET;

THENCE, ALONG THE ARC OF A COMPOUND 24.00 FOOT RADIUS CURVE TO THE
LEFT, FROM WHICH THE CENTER OF SAID CURVE BEARS NORTH 68°07'12" EAST,
THROUGH A CENTRAL ANGLE OF 87°27'30", AN ARC DISTANCE OF 36.63 FEET TO
A POINT ON THE EASTERN LINE OF SAID PARCEL B;

THENCE, ALONG SAID EASTERN LINE, ALONG THE ARC OF A NON-TANGENT 272.00 FOOT RADIUS CURVE TO THE LEFT, FROM WHICH THE CENTER OF SAID CURVE BEARS NORTH 63°16'40" EAST, THROUGH A CENTRAL ANGLE OF 9°15'18", AN ARC DISTANCE OF 43.94 FEET;

THENCE, LEAVING SAID EASTERN LINE, ALONG THE ARC OF A NON-TANGENT 19.00 FOOT RADIUS CURVE TO THE LEFT, FROM WHICH THE CENTER OF SAID CURVE BEARS SOUTH 52°54'33" EAST, THROUGH A CENTRAL ANGLE OF 86°59'34", AN ARC DISTANCE OF 28.85 FEET;

THENCE, SOUTH 40°05'53" WEST 12.00 FEET;

THENCE, NORTH 49°54'07" WEST 8.43 FEET;

THENCE, ALONG THE ARC OF A TANGENT 193.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL OF 48°03'54", AN ARC DISTANCE OF 161.91 FEET;

THENCE, NORTH 01°50'13" WEST 63.97 FEET;

THENCE, NORTH 67°12'21" WEST 7.42 FEET TO SAID POINT OF BEGINNING.

CONTAINING 4,993 SQUARE FEET OF LAND, MORE OR LESS.

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

END OF DESCRIPTION



Christopher S. Harmison

CHRISTOPHER S. HARMISON, P.L.S.
L.S. NO. 7176
EXPIRES: DECEMBER 31, 2011

EXHIBIT 'B'

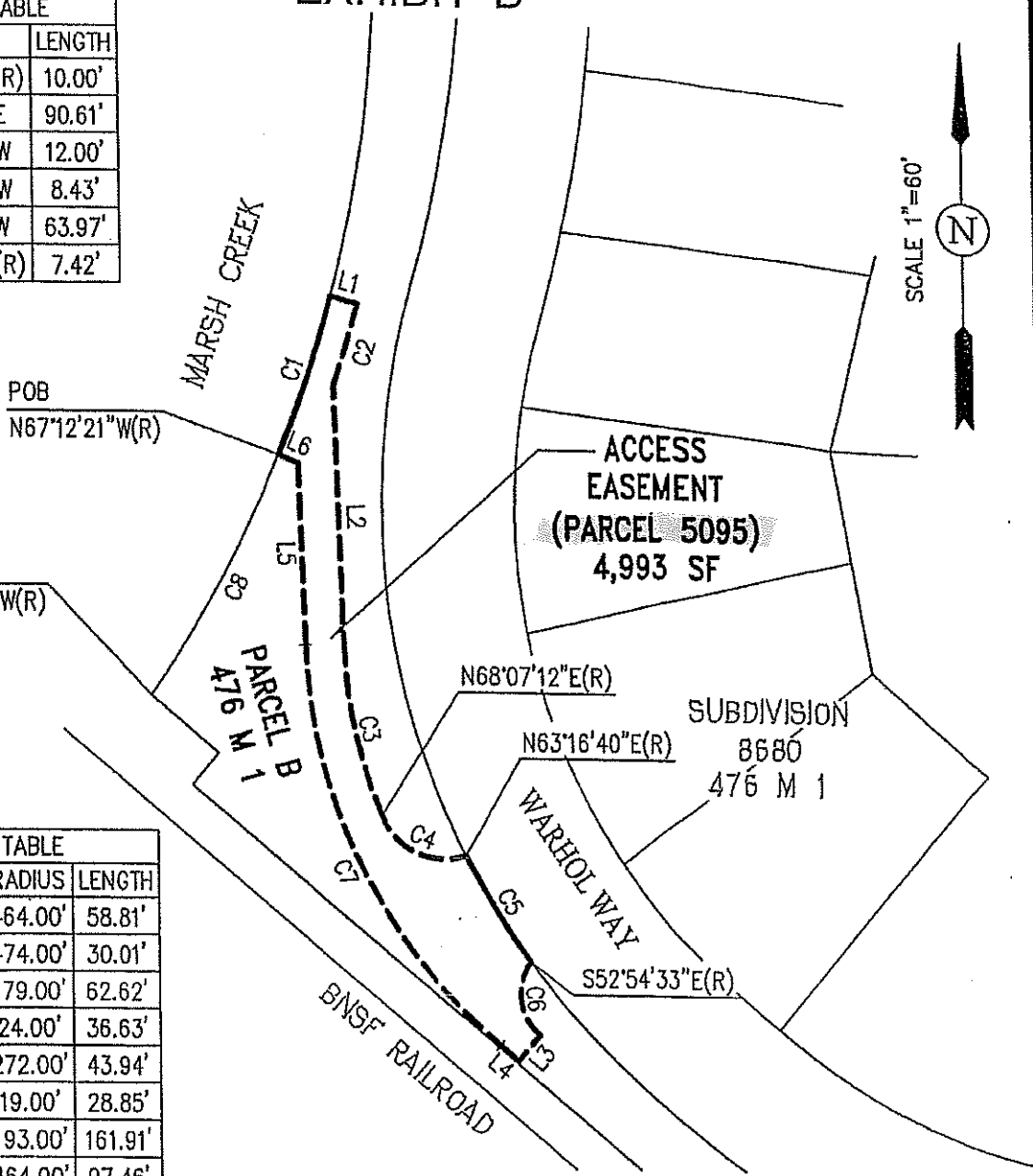
TANGENT TABLE		
NO.	BEARING	LENGTH
L1	S74°28'02"E(R)	10.00'
L2	S01°50'13"E	90.61'
L3	S40°05'53"W	12.00'
L4	N49°54'07"W	8.43'
L5	N01°50'13"W	63.97'
L6	N67°12'21"W(R)	7.42'



POB
N67°12'21"W(R)

POC
N55°10'15"W(R)

CURVE TABLE			
NO.	DELTA	RADIUS	LENGTH
C1	07°15'41"	464.00'	58.81'
C2	03°37'37"	474.00'	30.01'
C3	20°02'35"	179.00'	62.62'
C4	87°27'30"	24.00'	36.63'
C5	09°15'18"	272.00'	43.94'
C6	86°59'34"	19.00'	28.85'
C7	48°03'54"	193.00'	161.91'
C8	12°02'06"	464.00'	97.46'



PLAT TO ACCOMPANY LEGAL DESCRIPTION ACCESS EASEMENT

CONTRA COSTA COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT (CCCFC&WCD)

CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA

DATE: NOVEMBER 2009

CCCFC & WCD DRAWING NO. FA-20,027

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