

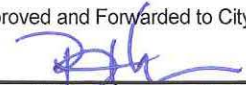


Agenda Date: 06/28/2016
Agenda Item: 3.3

STAFF REPORT

Date: Tuesday, June 28, 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 035-111-007, 035-112-016, 035-112-018, 035-122-008, 035-164-002, and 037-160-020 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 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 in design, with construction to start later this summer.

For decades the State of California Department of Transportation (Caltrans) had the old Highway 4 under their jurisdiction. It ran through the current downtown area, and 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.

When reviewing the right of way during the design process it was revealed that a total of six parcels need to dedicate a portion of their frontage along Main Street between Norcross Lane and Fifth Street in order to construct both phases of the project. Of the six parcels that require dedication, four are located in the first phase of work and two are located in the second phase of work. The first phase of the Main Street downtown improvement project is from Norcross Lane to Second Street, CIP 165, and includes four of the six parcels. This phase of the Main Street project 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 offered right of way dedications; which staff has been working on securing over the past several months. The second phase of the Main Street downtown improvement project is from Second Street to Fifth Street and is associated with the Nature Properties development that was approved for Design Review at the May 24th City Council meeting. As a part of the Nature Properties Conditions of Approval, they are required to dedicate their frontage along Main Street, which comprises the last two of the six parcels.

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 from itself or the private property owners, simply accepting the dedication.

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 035-111-007, 035-112-016, 035-112-018, 035-122-008, 035-164-002, and 037-160-020.

Attachments

- 1) Resolution
- 2) Exhibit A – ROW Dedication 035-111-007
 - a. Exhibit A – Map
- 3) Exhibit B – ROW Dedication 035-112-016
 - a. Exhibit B – Map
- 4) Exhibit C – ROW Dedication 035-112-018
 - a. Exhibit C – Map
- 5) Exhibit D – ROW Dedication 035-122-008
 - a. Exhibit D – Map
- 6) Exhibit E – ROW Dedication 035-164-002
 - a. Exhibit E – Map
- 7) Exhibit F – ROW Dedication 037-160-020
 - a. Exhibit F – Map

RESOLUTION NO. ___-16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
ACCEPTING A RIGHT-OF-WAY DEDICATION REGARDING
APN 035-111-007, 035-112-016, 035-112-018, 035-122-008, 035-164-002, and
037-160-020**

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 six (6) properties on Main Street, identified as Assessor's Parcel Number 035-111-007, 035-112-016, 035-112-018, 035-122-008, 035-164-002, and 037-160-020; and

WHEREAS, property owners identified as Assessor's Parcel Number 035-111-007, 035-112-016, 035-112-018, 035-122-008, 035-164-002, and 037-160-020 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 035-111-007, 035-112-016, 035-112-018, 035-122-008, 035-164-002, and 037-160-020 is hereby accepted in the form attached hereto as Exhibit A, Exhibit B, Exhibit C, Exhibit D, Exhibit E, and Exhibit F.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 28th of June, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Kevin Romick, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

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

A. Meadows Investment Properties I, LLC, 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.

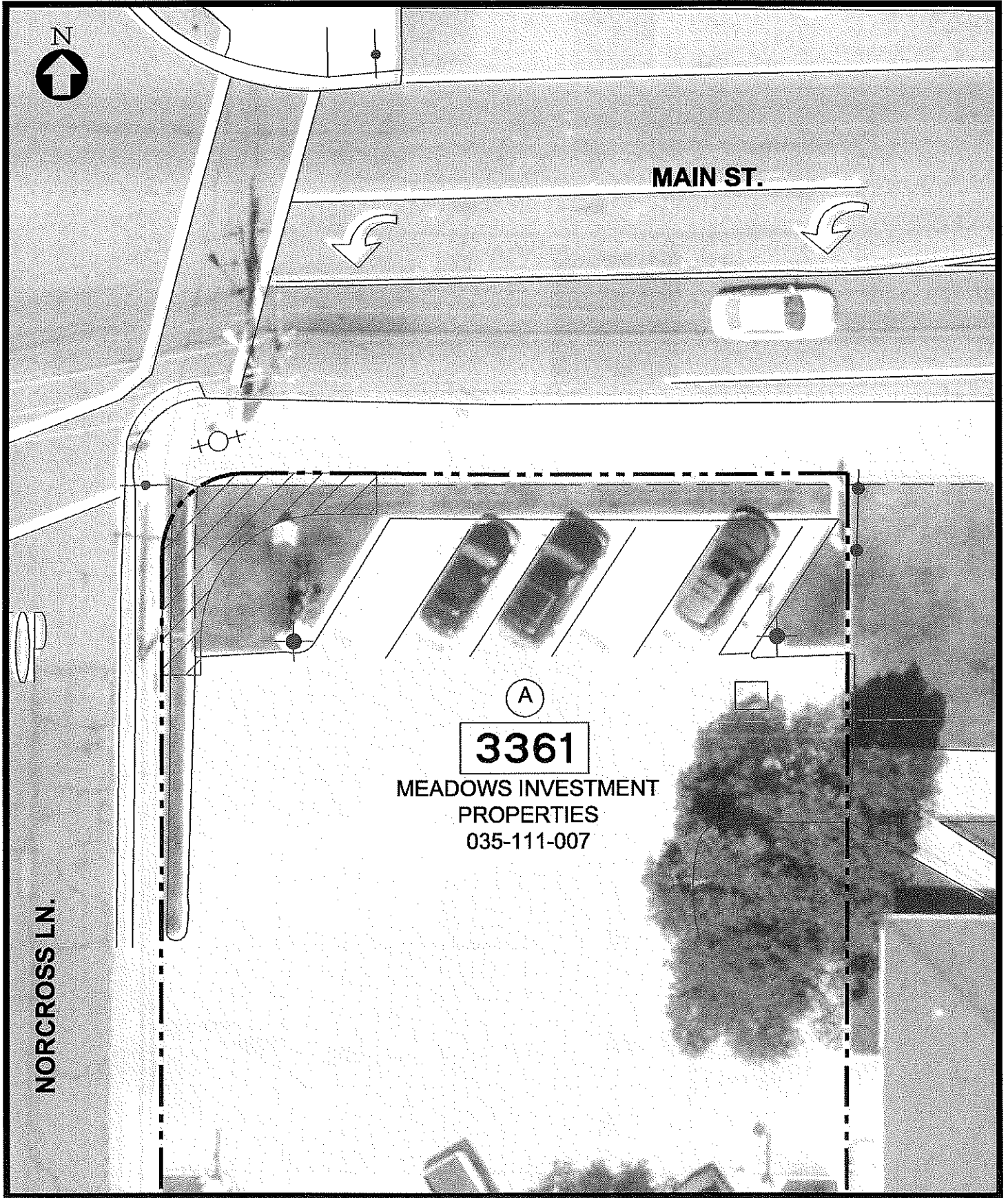
It is understood and agreed that the City and its successors or assigns shall incur no liability with respect to such offer of dedication, and shall not assume any responsibility for the offered parcel of land or any improvements thereon or therein, until such offer has been accepted by appropriate action 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 ___ day of _____, 201_.

Aaron Meadows

(see attached notary)



NORCROSS LN.

MAIN ST.

(A)

3361

MEADOWS INVESTMENT
PROPERTIES
035-111-007

LEGEND



AREA OF DEDICATION



RIGHT OF WAY

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

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

RECORDING REQUESTED BY:

City Of Oakley
3231 Main Street
Oakley, CA 94561

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OFFER OF DEDICATION – ROADWAY PURPOSES

Tower Energy Group, 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.

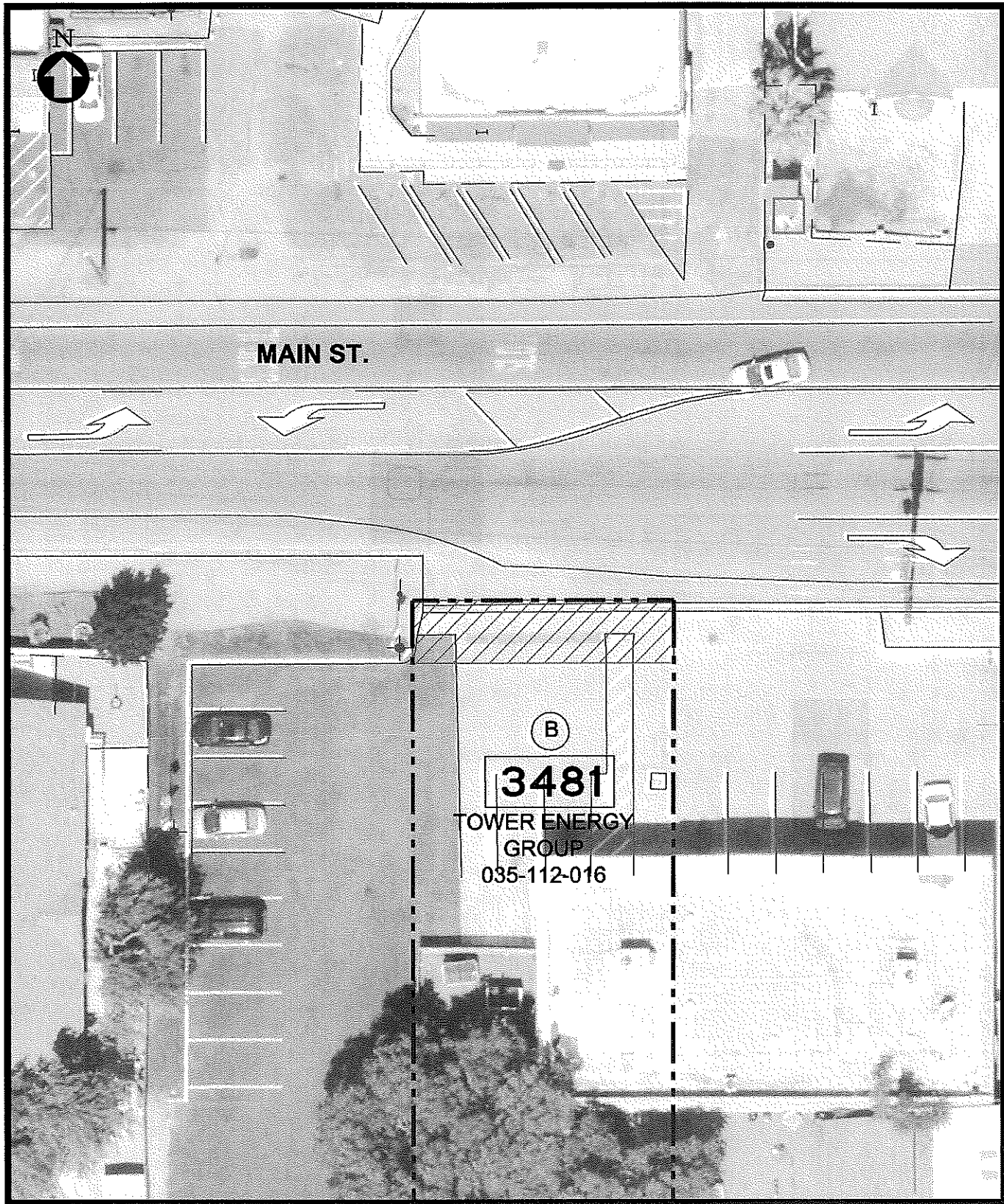
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IN WITNESS WHEREOF, those present have executed this instrument this ___ day of _____, 201_.

Sign Name

(see attached notary)



LEGEND

-  AREA OF DEDICATION
-  RIGHT OF WAY

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§6103 NO FEE IS REQUIRED FOR THE
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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

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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 ____ day of _____, 201_.

Sign Name

(see attached notary)



LEGEND

 AREA OF DEDICATION

 RIGHT OF WAY

PURSUANT TO GOVERNMENT CODE
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Attachment 5

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

Nature Properties LLC, 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 Exhibits "A" (written descriptions) and shown on Exhibits "B" (plat maps) 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.

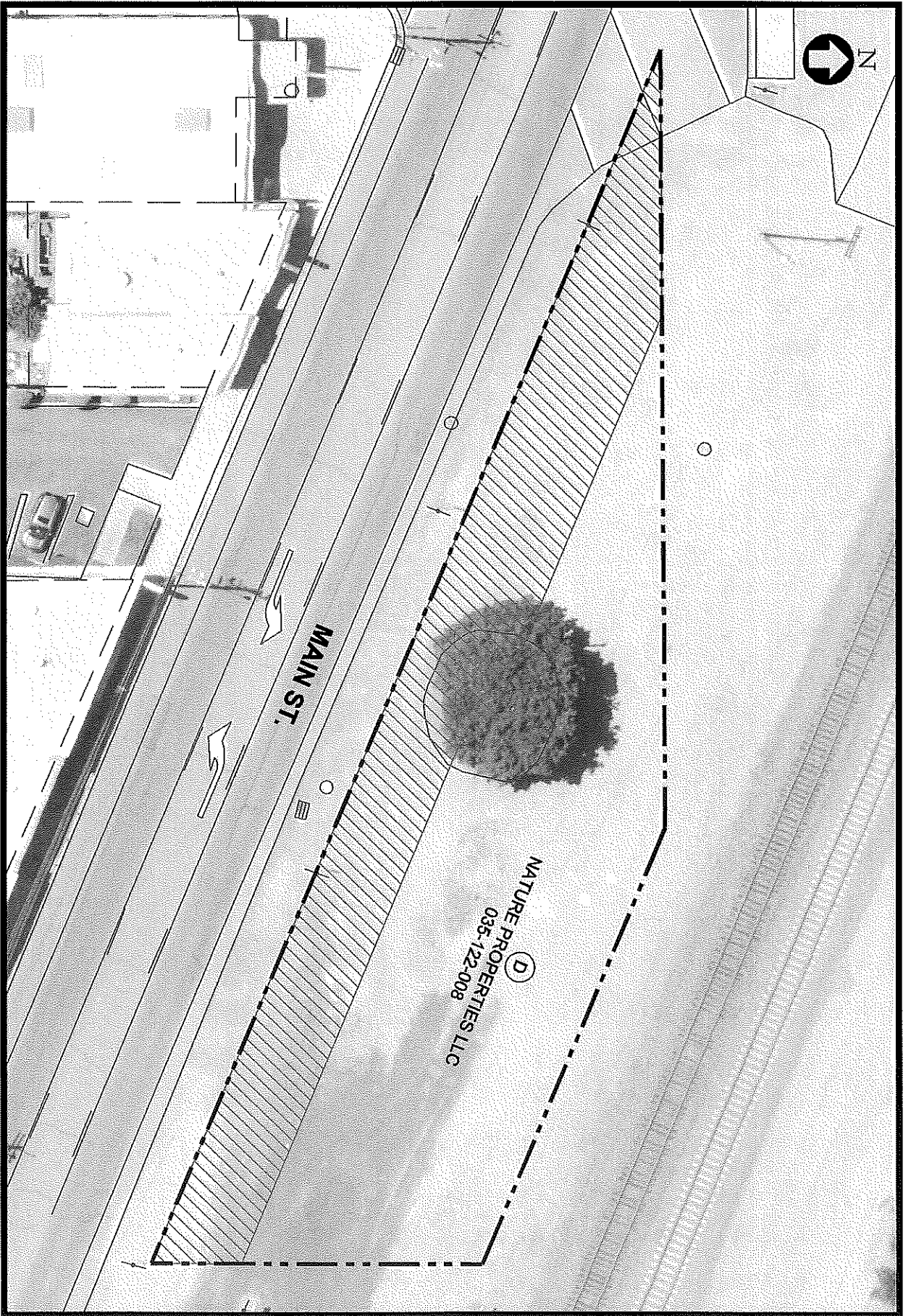
IN WITNESS WHEREOF, those present have executed this instrument this ____ day of _____, 201_.

Hooshang T. Fard

Ezatollah Saiidnia

Farshid Ezazi

(see attached notary)



LEGEND



AREA OF DEDICATION



RIGHT OF WAY

PURSUANT TO GOVERNMENT CODE
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Attachment 6

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

Nature Properties LLC, 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 Exhibits "A" (written descriptions) and shown on Exhibits "B" (plat maps) attached hereto.

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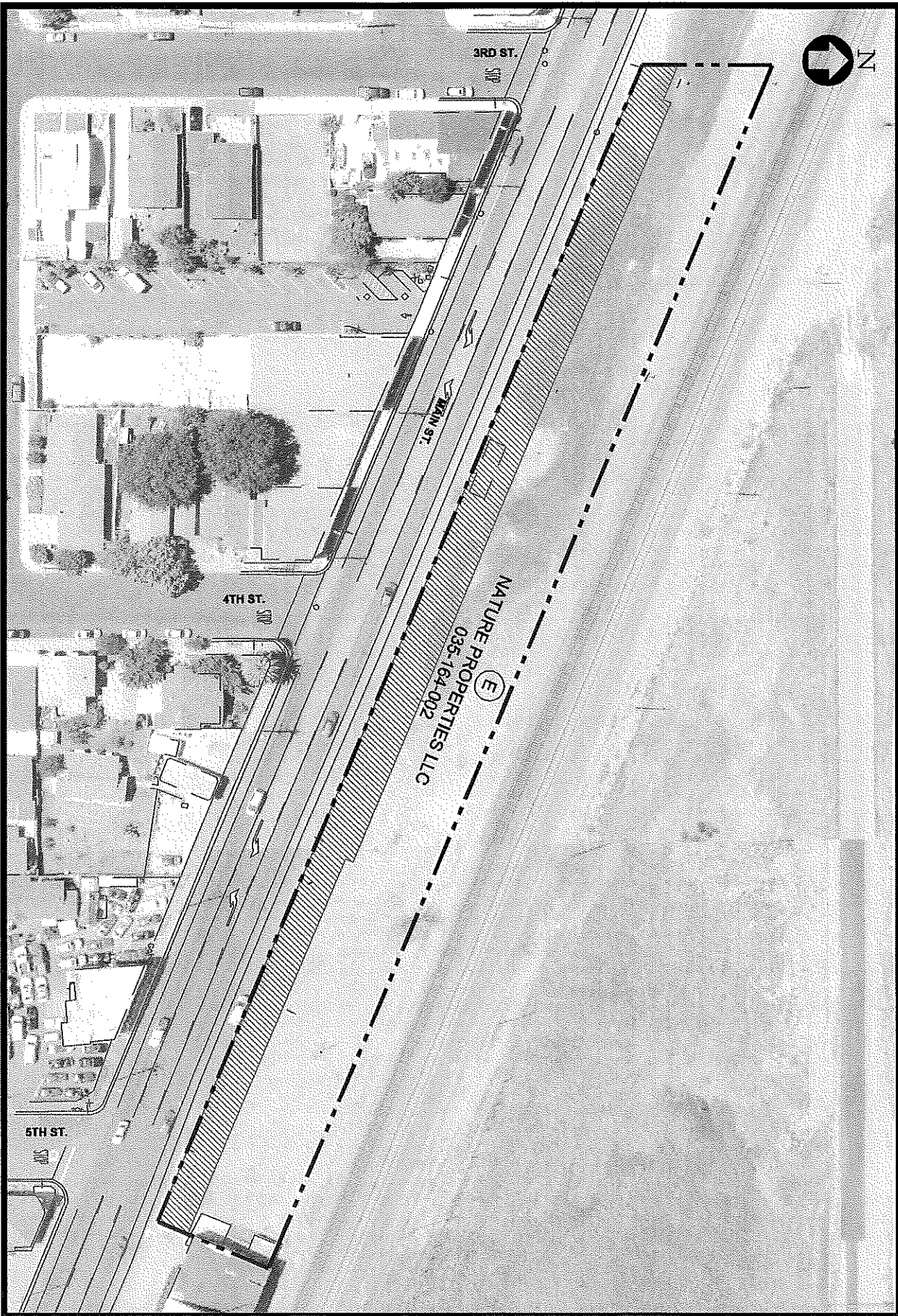
IN WITNESS WHEREOF, those present have executed this instrument this ____ day of _____, 201_.

Hooshang T. Fard

Ezatollah Saiidnia

Farshid Ezazi

(see attached notary)



LEGEND



AREA OF DEDICATION



RIGHT OF WAY

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

Michael J. Painter, 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.

Pay for and construct any and all improvements to the Property necessary to complete the Project, including but not limited to pavement, curb, gutter, sidewalk, remove palm tree, relocate existing sign and construct new concrete base, installing of new electrical conduits and making the sign operational, and any other public facilities necessary to complete the Project.

The CITY hereby waives its right to reimbursement under Oakley Municipal Code Section 6.3.126 for the cost of installing said improvements on the Property and agrees that in the event of any future development of or construction on the GRANTOR's Parcel, or any part of it, that the requirements of Oakley Municipal Code section 6.3.102 shall be deemed fully satisfied and that Grantor shall have no further liability or obligations under Oakley Municipal Code section 6.3.126.

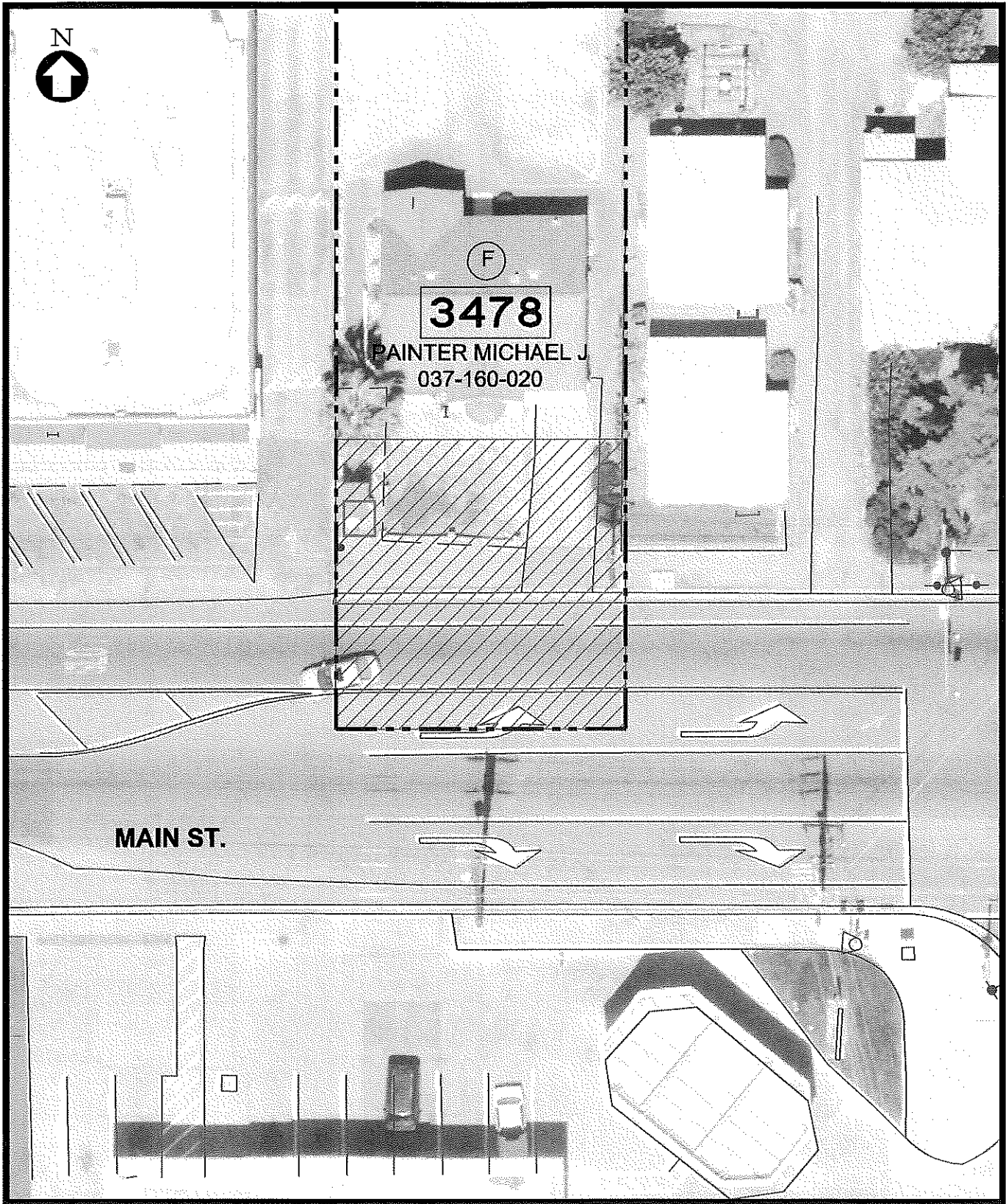
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The provision hereof shall inure to the benefit of and be binding upon heirs, successors, assigns, and personal representatives of the respective parties hereto.

IN WITNESS WHEREOF, those present have executed this instrument this ____ day of _____, 2016.

Michael J. Painter

(see attached notary)



LEGEND

 **AREA OF DEDICATION**

 **RIGHT OF WAY**