



Agenda Item No. 2

To: Building and Operating Committee/Committee of the Whole
Meeting of March 22, 2007

From: Norma Jellison, Property Development & Management Specialist
Alan R. Zahradnik, Director of Planning
Celia G. Kupersmith, General Manager

Subject: **APPROVE RELOCATION OF ACCESS EASEMENTS ACROSS THE
SONOMA-MARIN AREA RAIL TRANSIT DISTRICT'S RIGHT-OF-WAY
NORTH OF CAL PARK HILL TUNNEL**

Recommendation

The Building and Operating Committee recommends that the Board of Directors approve relocation of two access easements across the Sonoma-Marin Area Rail Transit (SMART) right-of-way, north of the Cal Park Hill Tunnel and authorize the General Manager to execute and deliver a Quitclaim deed to extinguish existing easements and to accept new replacement easements and execute all necessary documents in a form approved by the Attorney.

Summary

At the time the District-owned railroad right-of-way was transferred to SMART in March 2006, the District retained rights of access across and along the right-of-way to adjacent District-owned properties. Two of these easements are located north of the Cal Park Hill Tunnel above Jacoby Street in San Rafael.

The Transportation Authority of Marin (TAM) is the lead agency for construction of the Cal Park Hill Tunnel Rehabilitation and Multi-Use Pathway. The path is a north-south bicycle/pedestrian path located in the SMART right-of-way, beginning just north of Bellam Boulevard on Andersen Drive in San Rafael and terminating in Larkspur at Larkspur Landing Circle, opposite the Larkspur Ferry Terminal.

Two of the District's access easements crossing the SMART right-of-way on the north side of the Cal Park Hill Tunnel must be relocated to accommodate the path. One access easement requires relocation to allow for construction of Emergency Vehicle Access (EVA) from Jacoby Street to the path, right-of-way and tunnel. The other easement relocation is necessary to allow crossing of the right-of-way to be better aligned with a curve on the path at that location.

The existing access easements will be extinguished by a Quitclaim deed concurrent with recording the new easements, legal descriptions and plats. Recording of the Quitclaim deed and the new easements will be timed to coordinate with construction of the path to ensure that legal

access to District property is uninterrupted. Physical access will be maintained during construction.

Fiscal Impact

Relocation of the easements, including extinguishing the old and recording the new easements, and title insurance for the new easements, will be at no cost to the District.