



**EAST BAY REGIONAL PARK DISTRICT  
BOARD OF DIRECTORS MEETING  
AGENDA STAFF REPORT**

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<b>DATE</b>	July 16, 2024
<b>TITLE</b>	Authorization to Grant Fee Title and Temporary Construction Easement to the City of Dublin for Tassajara Road Widening Project: Tassajara Creek Regional Trail
<b>DIVISION</b>	Acquisition, Stewardship, and Development
<b>FROM</b>	Becky Bremser, Chief of Land Acquisition Ken Wysocki, Assistant General Manager of Acquisition, Stewardship and Development
<b>APPROVED</b>	Sabrina Landreth, General Manager

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**RECOMMENDATION**

The General Manager recommends that the Board of Directors authorize staff, by a four-fifths vote, to convey a 1,575-square-foot strip of land and a 1,751-square-foot temporary construction easement to the City of Dublin for park purposes; and to accept a payment of \$4,096 — the appraised value of the fee title and temporary construction easement — from the City of Dublin.

APPROVAL OF THIS RESOLUTION REQUIRES A 4/5THS VOTE, OR AT LEAST SIX BOARD MEMBERS IF ALL SEVEN ARE PRESENT, AS REQUIRED BY PUBLIC RESOURCES CODE SECTION 5540.6.

**BACKGROUND**

In February 2022, the City of Dublin (City) notified the East Bay Regional Park District (Park District) of its need to acquire a 1,575-square-foot strip of land and a 1,751-square-foot temporary construction easement (TCE) to accommodate the road widening and beautification work included in the Tassajara Road Gap Closure Project (Project). The Project will widen Tassajara Road to a four-lane arterial with bike lanes, sidewalks, landscaped median, stormwater treatment areas, and other associated improvements.

The Park District's subject property, located on Tassajara Road at Alameda County Assessor's Parcel Number 0986-0028-003, was purchased in 1976 from the Koller family. By its Board Resolution No. 1980-12-340, the Park District Board of Directors declared this property "dedicated parkland," pursuant to the terms of the Park District's Master Plan and California Public Resources Code 5540.

The 3.83-acre subject property is the primary staging area for the Tassajara Creek Regional Trail, which continues to the south and north along easements and licensed areas. The subject property features a gravel parking lot which accommodates up to twenty-five cars, a standard two-rail fence, a standard 14-foot-wide pipe gate, a portable toilet, signage, and a large black oak.

In order to construct a new bike lane, sidewalk and other road improvements associated with the Project, the City proposed to purchase a 1,575-square-foot strip of land that is 175 feet long and 9 feet wide. To facilitate construction, the City proposed to purchase a 12-month-long TCE, although the actual duration of construction is anticipated to be much shorter, and so the duration of the TCE is reduced to six months. The TCE area is 175 feet long by 10 feet wide and will be used only for construction activities on the subject property, not for general Project equipment and materials. The existing fence, gate, and sign will be relocated 9 feet to the west to accommodate a new sidewalk and bicycle lane. Staff do not expect this to reduce the number of parking spaces. The black oak, however, must be removed.

In February of 2023, following an appraisal of fair market value conducted by Associated Right-of-Way Services, the City offered to purchase the strip of land for \$3,686 and the TCE for \$410, for a sum of \$4,096. After receiving the initial Offer Package, Park District and City staff have negotiated the terms of a purchase agreement that, given the circumstances, creates the most favorable outcome for the Park District. Following Park District staff feedback, the City has agreed to relocate the fencing and signage to the new park boundary. To address the Park District's safety concerns, the City will widen the driveway from 18 feet to 26 feet, install a wider vehicular gate, and provide a separate pedestrian entry. Finally, to mitigate for the removal of the large black oak, the City will plant, irrigate, and maintain four black oak saplings on the City side of the new property line. Construction is scheduled for the third quarter of 2024.

## **ANALYSIS**

Due to the fact that the subject parcel is dedicated parkland, conveyance of fee title of the 1,575-square-foot strip of land must be approved by a 4/5ths vote of Board Directors, pursuant to Public Resources Code 5540.6. Additionally, under Public Resources Code Section 5540.6, the Park District may convey transfer fee title so long as the City of Dublin undertakes a recorded written agreement to continue to use the strip of land for park purposes. Because this strip of land will be improved with landscaping, a sidewalk, and a driveway and pedestrian entrance to the Tassajara Creek Regional Trail staging area, staff have determined that the City of Dublin's future use adheres to the statute's intent. Accordingly, staff have inserted appropriate parkland dedication language on the Grant Deed.

## **FISCAL IMPACT**

There are no direct costs associated with conveyance of fee title and TCE, other than staff time. The appraised value of the fee title and TCE totaling \$4,096 will be accepted and appropriated to the Tassajara Creek Regional Trail Operations Account 220-5141-132-5311 for the purposes of funding future maintenance and upgrades to the staging area.

## **ATTACHMENTS**

Attachment A: Map



**EAST BAY REGIONAL PARK DISTRICT  
RESOLUTION NO. 2024 – 07 -  
JULY 16, 2024**

**AUTHORIZATION TO GRANT FEE TITLE AND TEMPORARY CONSTRUCTION  
EASEMENT TO THE CITY OF DUBLIN FOR TASSAJARA ROAD WIDENING  
PROJECT: TASSAJARA CREEK REGIONAL TRAIL**

**WHEREAS**, the East Bay Regional Park District (Park District) purchased the 3.83-acre 'Koller' property located on Tassajara Road at Alameda County Assessor's Parcel Number 0986-0028-003 in 1976, and subsequently designated it as 'dedicated parkland' with its Board Resolution No. 1980-12-340; and

**WHEREAS**, in February 2022, the City of Dublin (City) notified the Park District of its need to acquire a 1,575-square-foot strip of land and a 1,751-square-foot temporary construction easement (TCE) from the 'Koller' property to accommodate the road widening and beautification work included in the *Tassajara Road Gap Closure Project*; and

**WHEREAS**, in order to construct a new bike lane, sidewalk and other road improvements associated with the *Tassajara Road Gap Closure Project*, the City proposed to purchase a 1,575-square-foot strip of land and a 1,751-square-foot TCE; and

**WHEREAS**, in February of 2023, following an appraisal of fair market value conducted by Associated Right-of-Way Services, the City offered to purchase the strip of land for \$3,686 and the TCE for \$410, for a sum of \$4,096; and

**WHEREAS**, to address the Park District's safety concerns, the City will widen the driveway from 18 feet to 26 feet, install a wider vehicular gate, and provide a separate pedestrian entry. To mitigate for the removal of the old black oak, the City will plant, irrigate, and maintain four black oak saplings on the City side of the new property line; and

**WHEREAS**, Section 5540.6 of the Public Resources Code enables the Park District to convey dedicated parkland provided the grantee of the conveyed property continues to use the property for park purposes and records such an agreement on title; and

**WHEREAS**, staff have accordingly inserted such language restricting future use of the conveyed property into the Grant Deed;

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Directors of the East Bay Regional Park District hereby authorizes staff to convey a 1,575-square-foot strip of land and a 1,751-square-foot six-month temporary construction easement to the City of Dublin to facilitate their Tassajara Road Widening and Beautification Project as presented to the Board on July 16, 2024; and

**BE IT FURTHER RESOLVED**, that the General Manager is hereby authorized to accept a payment of \$4,096, the appraised value of the fee title and temporary construction easement, from the City of Dublin and appropriate the funds to Tassajara Creek Regional Trail Operations Account 220-5141-132-5311 as presented to the Board on May 7, 2024; and

**BE IT FURTHER RESOLVED**, that the General Manager is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director \_\_\_\_\_, and seconded by Director \_\_\_\_\_, and adopted July 16, 2024, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT: