




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

DATE	March 19, 2024
TITLE	Authorization to Execute a License Agreement with the City of Martinez for the Park District's Continued Operation of a Gate for Nighttime Closure of Carquinez Scenic Drive: Carquinez Strait Regional Shoreline
DIVISION	Acquisition, Stewardship, and Development
FROM	Becky Bremser, Chief of Land Acquisition Ken Wysocki, Assistant General Manager of ASD
APPROVED	Sabrina Landreth, General Manager 

RECOMMENDATION

The General Manager recommends that the Board of Directors authorize staff to execute a license agreement with the City of Martinez (City) for continued operation of a gate located within Carquinez Scenic Drive, just west of the East Bay Regional Park District (Park District) Nejedly Staging area, for nighttime closure of the road to prevent trespass and illegal activity. The term of the license agreement is fifteen years, with one option to extend for an additional fifteen-year term.

BACKGROUND

Carquinez Strait Regional Shoreline is comprised of over 1,500 acres of bluffs, shoreline, and uplands, situated along Carquinez Scenic Drive between western Martinez and central Crockett. Carquinez Scenic Drive was once the main thoroughfare connecting Martinez, Port Costa and Crockett. Since the 1950s, Contra Costa County (County) has operated the portion of the road that extends from the western Martinez city limit westward to its terminus in central Crockett, while the City has operated the portion of the road that extends from the western city limit eastward to its intersection with Foster and Talbart Streets.

In 1983, Carquinez Scenic Drive experienced severe landslides prompting the County to close the road to public access between the Ozol Fuel Facility, owned by the United States Department of Defense, and the former TXI Brickyard property, now owned by the Park District since 2012. However, the closure of this segment of the road resulted in an increase in dumping and other illegal activity.

In 2004, to improve security and prevent trespass and illegal activity near the Ozol Fuel Facility and parkland adjacent to Carquinez Scenic Drive, Park District staff worked with both the County and the City to close the road to traffic from Martinez at night. In order to accomplish this, per State Vehicle Code, the County adopted a traffic resolution approving the temporary nighttime closure of Carquinez Scenic Drive from the western Martinez city limit, located nearly adjacent to the Nejedly Staging Area to the Ozol Fuel Facility.

In 2005, the City granted the Park District a license agreement for the construction, operation and maintenance of a gate and related infrastructure located within Carquinez Scenic Drive just west of

the Park District's Nejedly Staging Area for the nighttime closure of the road (Board Resolution No. 2004-4-63). This greatly reduced trespass and illegal activity. The 2005 license agreement with the City has expired, and Park District and City staff have worked together to draft a new license agreement. The terms of the new license agreement remain essentially the same. The license agreement has a fifteen-year term, with one option to renew for an additional fifteen-year term.

In 2012, the County adopted a traffic resolution for temporary nighttime closure of Carquinez Scenic Drive from the western Martinez city limit all the way to its intersection with McEwen Road near Port Costa and granted the Park District a license agreement for another nighttime closure gate just east of McEwen Road (Board Resolution No. 2012-11-264). With these two license agreements from the City and the County, the Park District has the ability to close Carquinez Scenic Drive from Martinez to Port Costa to vehicle to traffic after park hours.

ANALYSIS

Execution of the proposed license agreement will allow the Park District to continue to close Carquinez Scenic Drive from the western Martinez city limit to the Ozol Fuel Facility after park hours for continued prevention of trespass and illegal activity within parkland located adjacent to the road.

FISCAL IMPACT

There are no direct costs associated with the execution of the license agreement, other than staff time.

ATTACHMENTS

Exhibit A: Map



**EAST BAY REGIONAL PARK DISTRICT
RESOLUTION NO. 2024 - 03-
MARCH 19, 2024**

**AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT WITH THE CITY OF
MARTINEZ FOR THE PARK DISTRICT'S CONTINUED OPERATION OF A GATE
FOR NIGHTTIME CLOSURE OF CARQUINEZ SCENIC DRIVE: CARQUINEZ
STRAIT REGIONAL SHORELINE**

WHEREAS, the East Bay Regional Park District (Park District) operates the Carquinez Strait Regional Shoreline which is located along Carquinez Scenic Drive, a historic thoroughfare that was once the main connection between Martinez, Port Costa and Crockett; and

WHEREAS, since the 1950s, Contra Costa County (County) has operated the portion of the road that extends from the western Martinez city limit westward to its terminus in central Crockett, while the City of Martinez (City) has operated the portion of the road that extends from the western city limit eastward to its intersection with Foster and Talbart Streets; and

WHEREAS, in 1983 the portion of Carquinez Scenic Drive located between the Ozol Fuel Facility, owned by the United States, and the former TXI Brickyard property (now owned by the Park District) experienced landslides, prompting the County to close that section of the road to public access and, inadvertently, resulting in an increase in dumping and illegal activity in the areas along and adjacent to the road; and

WHEREAS, in 2004, per State Vehicle Code, the County approved a resolution allowing for the temporary closure of Carquinez Scenic Drive from the western Martinez City limit and the Ozol Fuel Facility at night to prevent trespass and illegal activity and has continued to approve similar resolutions at intervals dictated by the Vehicle Code, allowing for the continued closure of this portion of the road; and

WHEREAS, in 2005 the Park District executed a license agreement with the City for the Park District's construction, operation and maintenance of a gate and related infrastructure located within the portion of Carquinez Scenic Drive operated by the City, just west of the Park District's Nejedly Staging Area, for the nighttime closure of Carquinez Scenic Drive (Board Resolution No. 2004-4-63); and

WHEREAS, the 2005 license agreement has expired and Park District and City staff have drafted a new license agreement for a fifteen-year term with one option to extend for an additional fifteen-year term; and

WHEREAS, all other terms and conditions in the new license agreement remain essentially the same as the 2005 license agreement;

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby authorizes staff to execute a license agreement with the City of Martinez for the construction, operation and maintenance of a road closure gate and related infrastructure located within Carquinez Scenic Drive just west of the Park District's Nejedly Staging

Area for the nighttime closure of the road, for a fifteen-year term, with one option to extend for an additional fifteen-year term, out to the year 2054; 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
March 19, 2024, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT: