MEMORANDUM

TAB 78

To: CHAIR AND COMMISSIONERS CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: March 24-25, 2021

From: STEVEN KECK, Chief Financial Officer

Reference Number: 2.4d., Action Item YELLOW REPLACEMENT

Prepared By: Kimberly Ellis Erickson, Chief Division of Right of Way and Land Surveys

Subject: CONVEYANCE OF EXCESS STATE-OWNED REAL PROPERTY

Book Item update: Item #8 - change was made to the language with regard to the landlock information.

ISSUE:

Should the California Transportation Commission (Commission) approve execution of the following Director's Deeds?

RECOMMENDATION:

The California Department of Transportation (Department) recommends the Commission authorize execution of the Director's Deeds summarized below. The conveyance of excess State-owned real property, including exchanges, is pursuant to Section 118 of the Streets and Highways Code (SHC).

The Director's Deeds included in this item involve an estimated current value of \$11,893,755. The State will receive a return of \$11,071,058 from the sale of these properties; corresponding maps are attached.

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DIRECTOR'S DEED:

01-04-Ala-80 PM 2.0 Disposal Unit #DK 064226-X1-XX Convey to: City of Oakland, a municipal corporation

5.479 acres \$0 Appraisal Not Applicable (N/A)

Direct conveyance for no monetary consideration. The Department originally acquired a roadway easement from the United States Department of Transportation, Federal Highway Administration for the construction of a temporary road relating to the construction of the new eastern span of the San Francisco-Oakland Bay Bridge project. The temporary road has been relocated, and the City of Oakland is the successor to the Federal government of the United States. This reconveyance of the roadway easement will fulfill the terms of the easement agreement. Disposal unit does not meet Department of General Services' (DGS) criteria for Executive Orders N-06-19 or N-23-20.

02-04-Ala-80 PM 2.4 Disposal Unit #DK 061415-X1-XX Convey to: City of Oakland, a municipal corporation

Direct conveyance for no monetary consideration. The Department originally acquired a bike path easement from the United States Department of Transportation, Federal Highway Administration for the fulfillment of a permit requirement associated with the construction of the new eastern span of the San Francisco-Oakland Bay Bridge project. The bike path has been relocated, and the City of Oakland is the successor to the Federal government of the United States. This reconveyance of the bike path will fulfill the terms of the easement agreement. Disposal unit does not meet DGS' criteria for Executive Orders N-06-19 or N-23-20.

03-04-Ala-84 PM 24.8 Disposal Unit #DE 058290-01-01 Convey to: RMC Pacific Materials, LLC

Livermore 3,909 square feet (s.f.) \$0 (Appraisal \$2,228)

Direct conveyance via exchange. This is an exchange of an easement per a Right of Way contract dated on December 8, 2020. This exchange is to restore access severed between the eastern and western portions of the grantor's property. The Right of Way contract exchange will be made in lieu of a potential inverse condemnation case. Disposal unit is not subject to Executive Orders N-06-19 or N-23-20.

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Oakland .899 acre \$0 (Appraisal N/A)

Oakland

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<u>04</u>-04-Ala-84 PM R3.3 Disposal Unit #DD 046340-X1-X1 Convey to: Dumbarton Quarry Associates, a corporation

Direct sale. The buyer requested decertification of this parcel unit to fulfill regulatory obligations to create and develop a regional park and campground, per an agreement with the East Bay Regional Park District, on the quarry site. The sale of disposal unit to anyone other than the buyer would deprive the buyer of an existing vested right of access to a public road thereby creating a landlocked parcel. Disposal unit does not meet DGS' criteria for Executive Orders N-06-19 or N-23-20.

<u>05</u>-04-Ala-238 PM 14.1 Disposal Unit #DD 032624-01-01 Convey to: Hayward Area Recreation and Park District, a California special district

Direct sale. Parcel is being sold to a public agency for a public purpose at the appraised value. The properties composing of the disposal unit were purchased for the State Route 238 bypass project, which was rescinded in 2010. The disposal unit has been leased to Hayward Area Recreation and Park District for over 35 years for a public purpose. The deed contains a reversionary clause to ensure Hayward Area Recreation and Park District continues the public use of the disposal unit for 15 years. All proceeds from this sale go back to the LATIP account. Disposal unit does not meet DGS' criteria for Executive Orders N-06-19 or N-23-20.

<u>06</u>-04-Ala-Former Fruitvale Maintenance Station Disposal Unit #DD 007475-01-01 Convey to: Epic 1112 LLC Oakland 2.14 acres \$4,740,000 (Appraisal \$4,740,000)

Direct sale. Property is being sold to the current commercial tenant pursuant to SHC section 118.1. Tenant has made more than \$5,000 in improvements on the parcel consistent with the terms of the lease. The sale price represents the higher of the two fair market value appraisals. Disposal unit does not meet DGS' criteria for Executive Orders N-06-19 or N-23-20.

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Fremont 3.664 acres \$40,000 (Appraisal \$40,000)

> Hayward 55,670 s.f. \$358,000 (Appraisal \$358,000)

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07-04-SM-1 PM 42.3 Disposal Unit #DD 028797-01-01 Convey to: MYKZK, LLC, a California Limited Liability Company Pacifica 5.692 acres \$368,000 (Appraisal \$368,000)

Direct sale. The sale of parcel to any other entity would deprive the adjoining owner of their vested right of access to a public highway and would create a possible cause of action against the Department. Due to the topography of the property the maximum value the Department would receive is to sell the entire disposal unit at the appraised market value to the adjoining property owner who has the vested right of access to State Route 1. Disposal unit does not meet DGS' criteria for Executive Orders N-06-19 or N-23-20.

<u>08</u> -06-Fre-180 PM R64.68-64.93	Fresno
Disposal Unit #DD 82360-01-01	15.54 acres
#DD 84844-01-01	0.57 acre
Convey to: Fresno Metropolitan Flood Control	\$0 (Appraisal \$1,300,000)
District, a California public corporation	

Direct conveyance for no monetary consideration. Parcels are being transferred to Fresno Metropolitan Flood Control District (FMFCD) per Agreement #1974(G)-DV entered on October 27, 2020. This agreement will transfer ownership and maintenance of the Briggs Basin. Per FMFCD resolution #2020-953, the Briggs Basin and the additional parcel will be used for public purposes by the FMFCD and FMFCD will be assuming maintenance responsibilities of the Briggs Basin in perpetuity. This transaction is atypical for the Department, as the Department does not typically hold basins that are considered excess land in its inventory. After using it as a source to import borrow material required for a construction project, this landlocked site is now excess, with the potential buyers' market limited to FMFCD. For transactions such as this in which Government Code Section 14012 is applied, the Department requires a deed restriction limiting the local agency to use the property for a public purpose and further requires that any maintenance expenses applied are commensurate with the duration of the deed restriction. Maintenance expense of these parcels exceed the appraised value amount. Disposal units not subject to Executive Orders N-06-19 or N-23-20.

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09-06-Ker-46 PM 0.4 Disposal Unit #DK 85927-16 Convey to: Pacific Gas and Electric Company, a California Corporation Kern County 8,063 s.f. \$37 (Appraisal \$212)

Direct conveyance. Conveyance is 82.6% Department's obligation and 17.4% Utility Owner's obligation pursuant to Utility Agreement number(s) 06-1192.21, dated July 11, 2011, and 06-1192.61, dated August 31, 2009. Disposal unit is not subject to Executive Orders N-06-19 or N-23-20.

<u>10</u>-06-Ker-46 PM 1.9-3.4 Disposal Unit #DK 85927-11 Convey to: Pacific Gas and Electric Company, a California Corporation Kern County 3.64 acres \$728 (Appraisal \$4,186)

Direct conveyance. Conveyance is 82.6% Department's obligation and 17.4% Utility Owner's obligation pursuant to Utility Agreement number(s) 06-1192.21, dated July 11, 2011, and 06-1192.61, dated August 31, 2009. Disposal unit is not subject to Executive Orders N-06-19 or N-23-20.

<u>11</u>-06-Ker-46 PM 3.4-4.0 Disposal Unit #DK 85926-2 Convey to: Pacific Gas and Electric Company, a California Corporation Kern County 61,553 s.f. \$282 (Appraisal \$1,625)

Direct conveyance. Conveyance is 82.6% Department's obligation and 17.4% Utility Owner's obligation pursuant to Utility Agreement number(s) 06-1192.21, dated July 11, 2011, and 06-1192.61, dated August 31, 2009. Disposal unit is not subject to Executive Orders N-06-19 or N-23-20.

<u>12</u>-06-Kin-198 PM 24.6 Disposal Unit #DK 85178-09-01 Convey to: Pacific Bell Telephone Company, a California corporation doing business as AT&T, a corporation

Direct conveyance. Conveyance is 100% Utility Owner's obligation pursuant to Utility Agreement number 06-1154.31 dated September 8, 2009. Disposal unit is not subject to Executive Orders N-06-19 or N-23-20.

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Kings County 7,763 s. f. \$1,976 (Appraisal \$1,976)

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<u>13</u>-06-Kin-198 PM 25.1 Disposal Unit #DK 85178-11-01 Convey to: Pacific Bell Telephone Company, a California corporation doing business as AT&T, a corporation Kings County 6,334 s. f. \$1,628 (Appraisal \$1,628)

Direct conveyance. Conveyance is 100% Utility Owner's obligation pursuant to Utility Agreement number 06-1154.31 dated September 8, 2009. Disposal unit is not subject to Executive Orders N-06-19 or N-23-20.

 <u>14</u>-06-Kin-198 PM 26.1
Disposal Unit #DK 84878-04-01
Convey to: Pacific Bell Telephone Company, a California corporation doing business as AT&T, a corporation Kings County 192 s. f. \$47 (Appraisal \$47)

Direct conveyance. Conveyance is 100% Utility Owner's obligation pursuant to Utility Agreement number 06-1154.31 dated September 8, 2009. Disposal unit is not subject to Executive Orders N-06-19 or N-23-20.

<u>15</u>-06-Slo-46 PM 60.8 Disposal Unit #DK 85930-1 Convey to: Verizon California Inc, a Corporation San Luis Obispo County 2,035 s.f. \$27 (Appraisal \$53)

Direct conveyance. Conveyance is 50% Department's obligation and 50% Utility Owner's obligation pursuant to Utility Agreement number 06-1192.11 dated May 18, 2009. Disposal unit is not subject to Executive Orders N-06-19 or N-23-20.

<u>16</u>-07-LA-5 PM 27.8 Disposal Unit #DD 77408-01-01 Convey to: TV PRO GEAR, INC. Glendale 24,625 s.f. \$3,700,000 (Appraisal \$3,700,000)

Direct sale. This is a direct sale to the current tenant. The tenant is the original tenant when the Department purchased the property in 2010 and has made \$5,000 or more in improvements. The sales price represents the fair market price of a surplus property being sold directly to an eligible tenant pursuant to SHC 118.1. Disposal unit does not meet DGS' criteria for Executive Orders N-06-19 or N-23-20.

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<u>17</u>-07-LA-138 PM 54.7 Disposal Unit #DE 76289-2 Convey to: Southern California Edison Company Los Angeles County 595.5 s.f. \$0 (Appraisal N/A)

Direct conveyance for no monetary consideration. Conveyance is 100% State's obligation pursuant to Utility Agreement No. 7UA-11859 dated March 24, 2011. Disposal unit is not subject to Executive Orders N-06-19 or N-23-20.

<u>18</u>-10-Ama-49 PM 7.36 Disposal Unit #DD 14782-01-01 Convey to: Benny Dhanda and/or Marvin Mendoza, as joint tenants Amador County 0.29 acre \$48,000 (Appraisal \$48,000)

Public sale. There was one registered bidder that participated in the auction. Selling price represents the highest bid received. Disposal unit does not meet DGS' criteria for Executive Orders N-06-19 or N-23-20.

<u>19</u>-10-Ama-49 PM R10.7 Disposal Unit #DD 10996-01-01 Convey to: Benny Dhanda and/or Marvin Mendoza, as joint tenants Amador County 2.71 acres \$53,000 (Appraisal \$52,800)

Public sale. There was one registered bidder that participated in the auction. Selling price represents the highest bid received. Disposal unit does not meet DGS' criteria for Executive Orders N-06-19 or N-23-20.

20-11-SD-5 PM 53.6 Disposal Unit #DD 33336-01-01 Convey to: Blanca Hernandez and Juan Carlos Jimenez Oceanside 5,828 s.f. \$670,000 Public Sale Estimate (PSE) \$400,000

Public Sale. There were 10 registered bids submitted for the auction. Selling price represents the highest bid received. Disposal unit does not meet DGS' criteria for Executive Orders N-06-19 or N-23-20.

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<u>21</u>-11-SD-5 PM 53.6 Disposal Unit #DD 34295-01-01 Convey to: J & J Oliver Properties, LLC Oceanside 11,434 s.f. \$833,333 (PSE \$650,000)

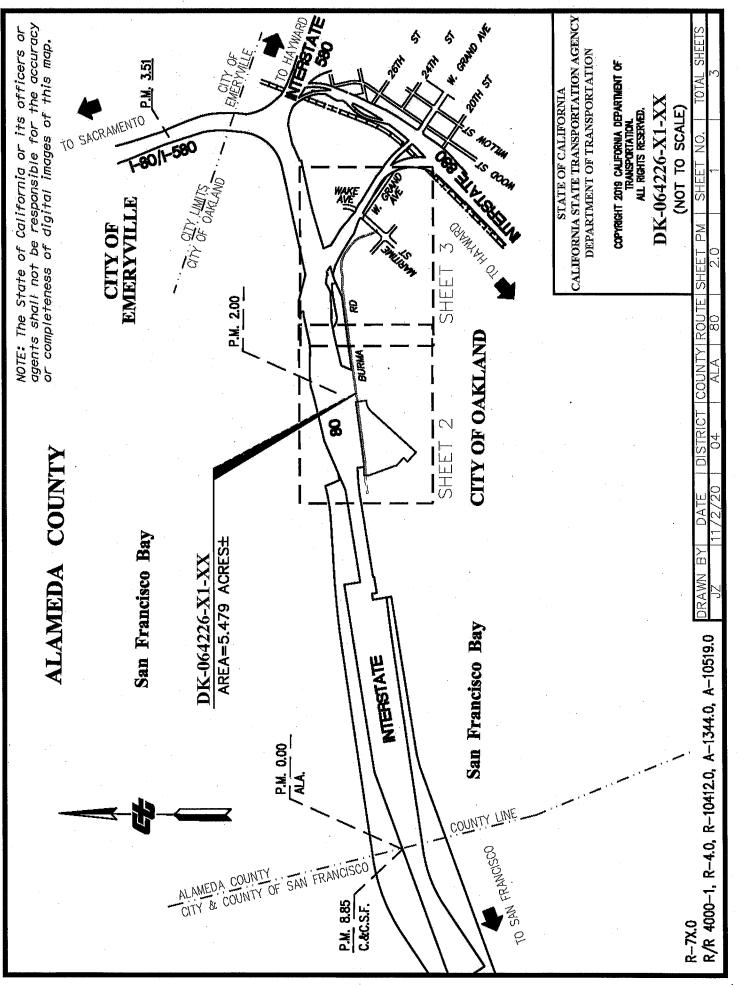
Public Sale. There were 10 registered bids submitted for the auction. Selling price represents the highest bid received. Disposal unit does not meet DGS' criteria for Executive Orders N-06-19 or N-23-20.

<u>22</u>-11-SD-5 PM 53.7 Disposal Unit #DD 34296-01-01 Convey to: Blanca Hernandez and Juan Carlos Jimenez Oceanside 6,774 s.f. \$256,000 (PSE \$225,000)

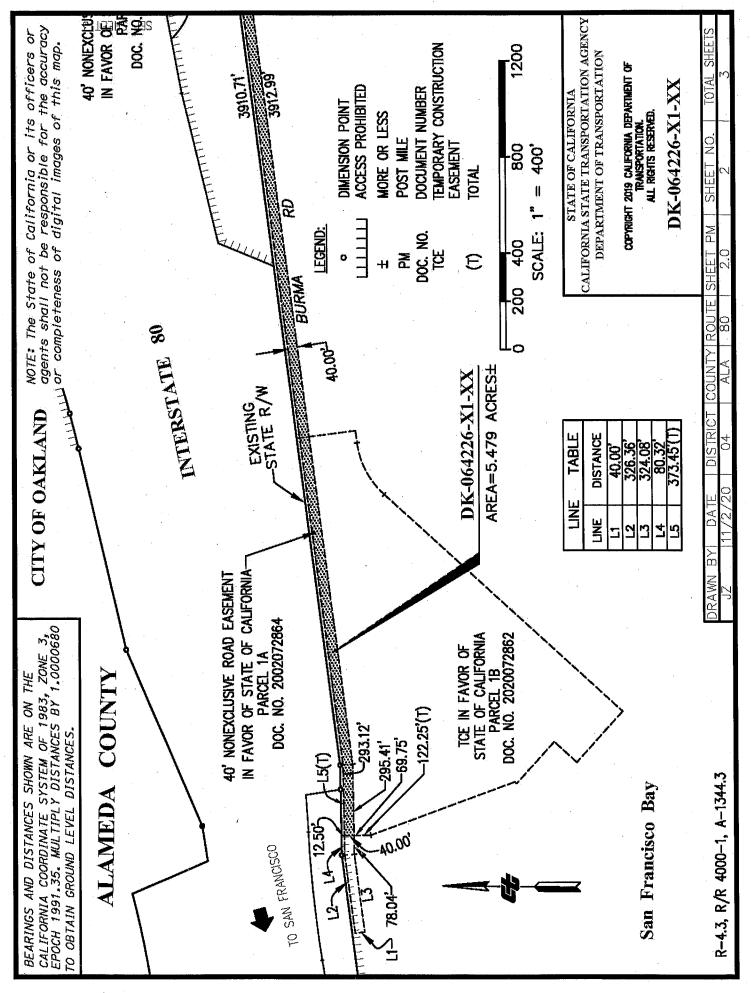
Public Sale. There were four registered bids submitted for the auction. Selling price represents the highest bid received. Disposal unit does not meet DGS' criteria for Executive Orders N-06-19 or N-23-20.

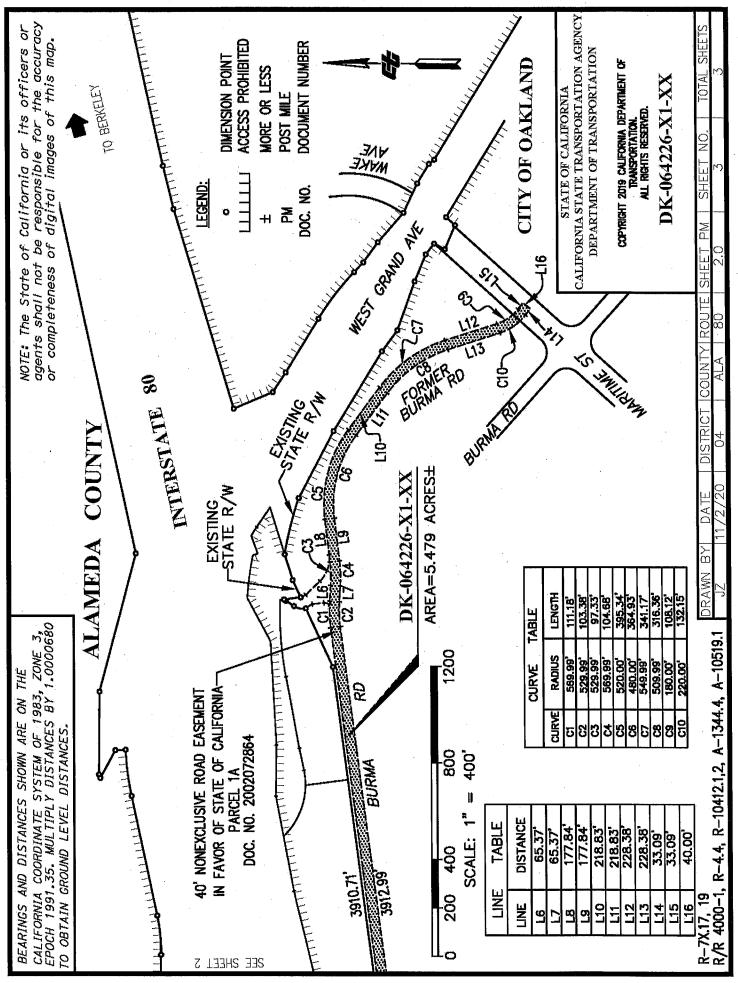
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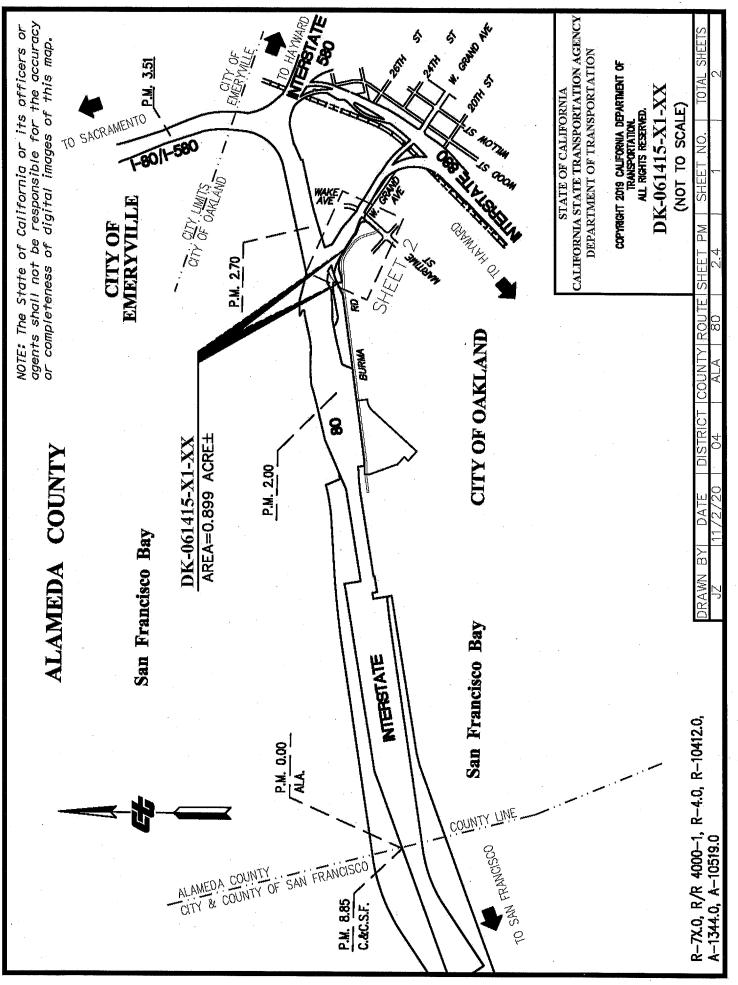
Exhibit 1A – 22B - Parcel maps



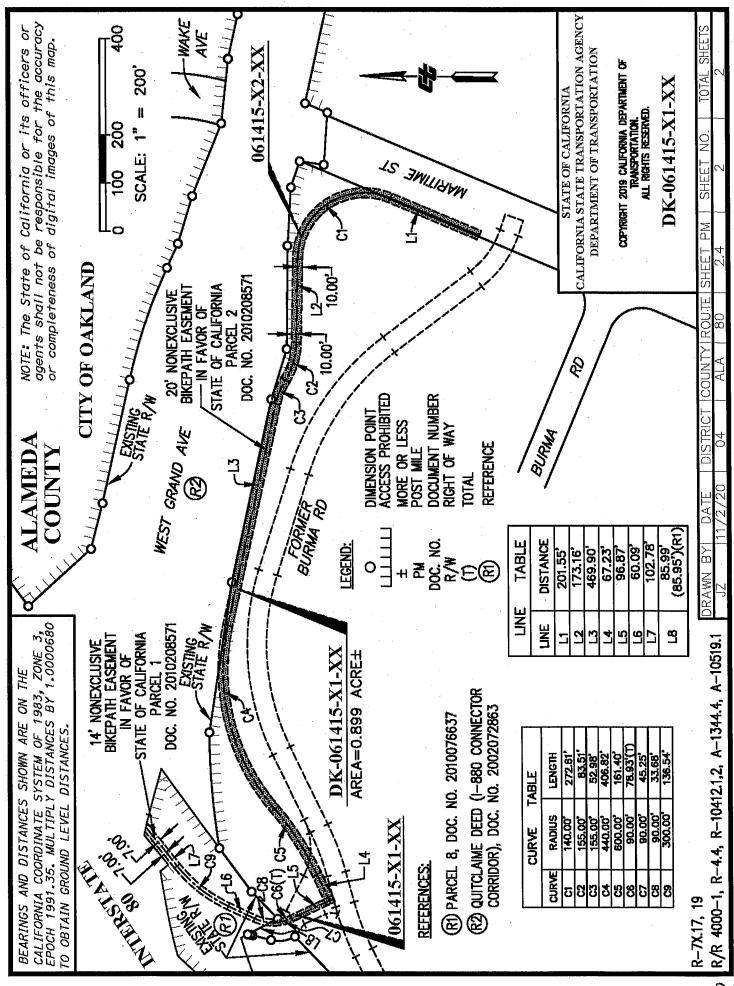
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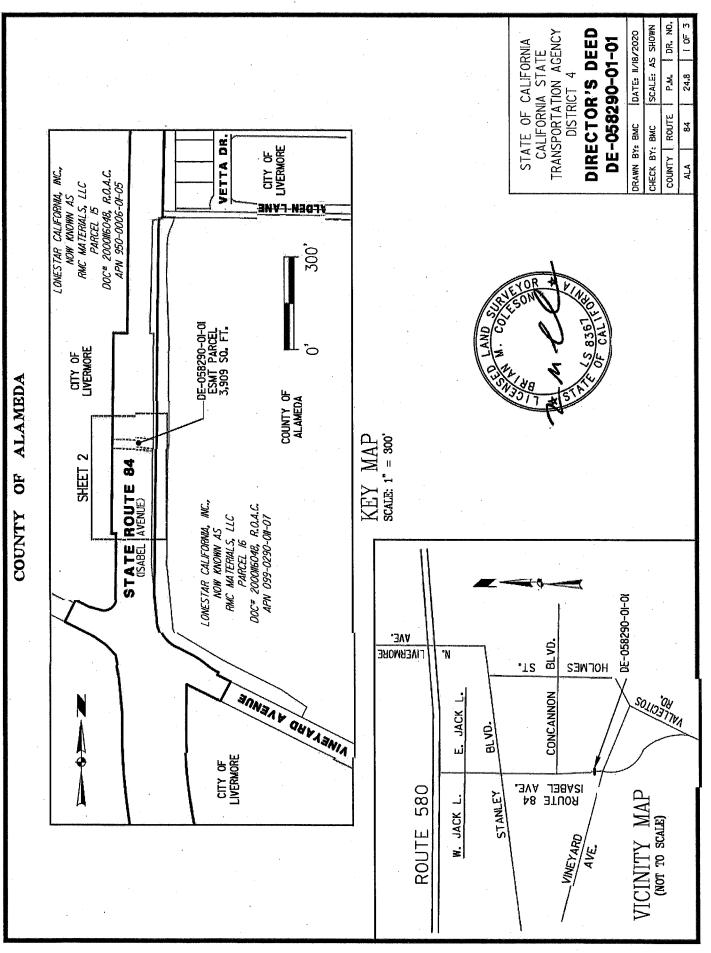




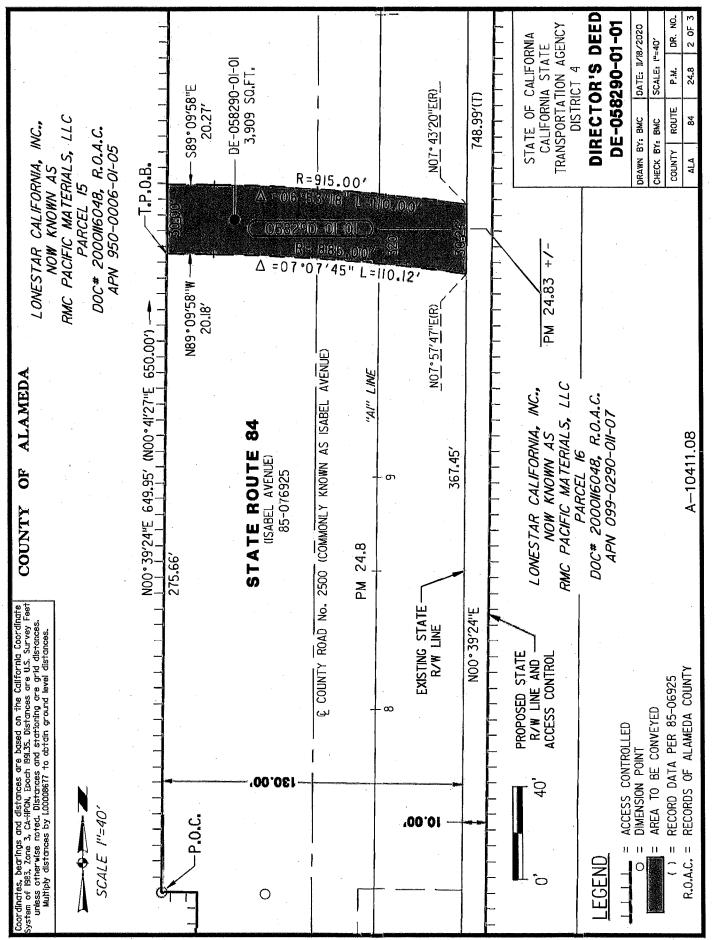


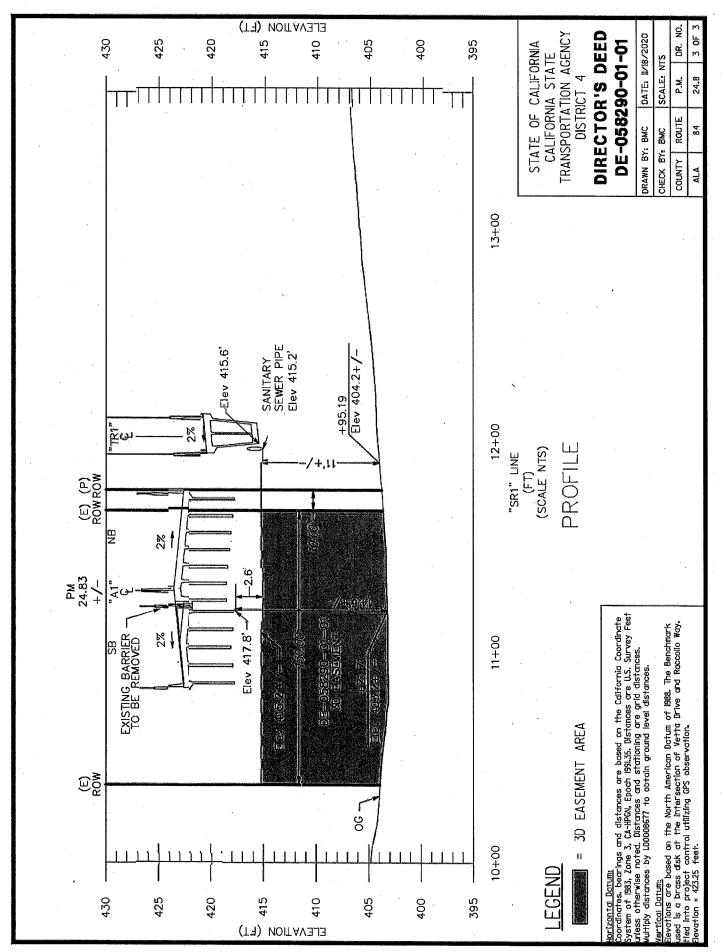
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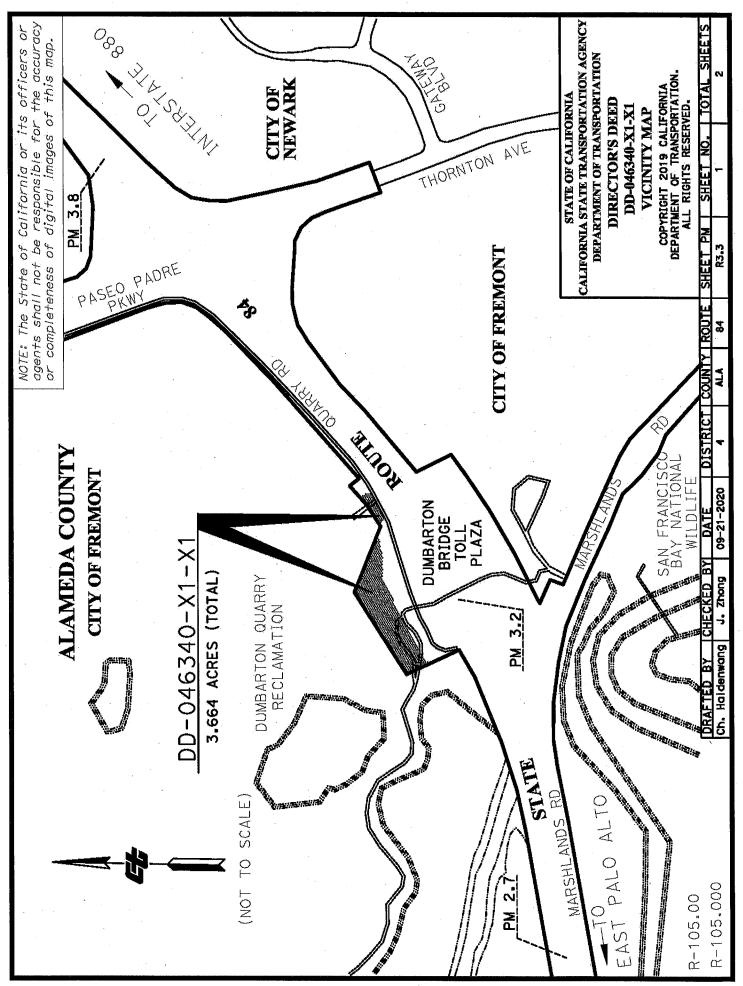




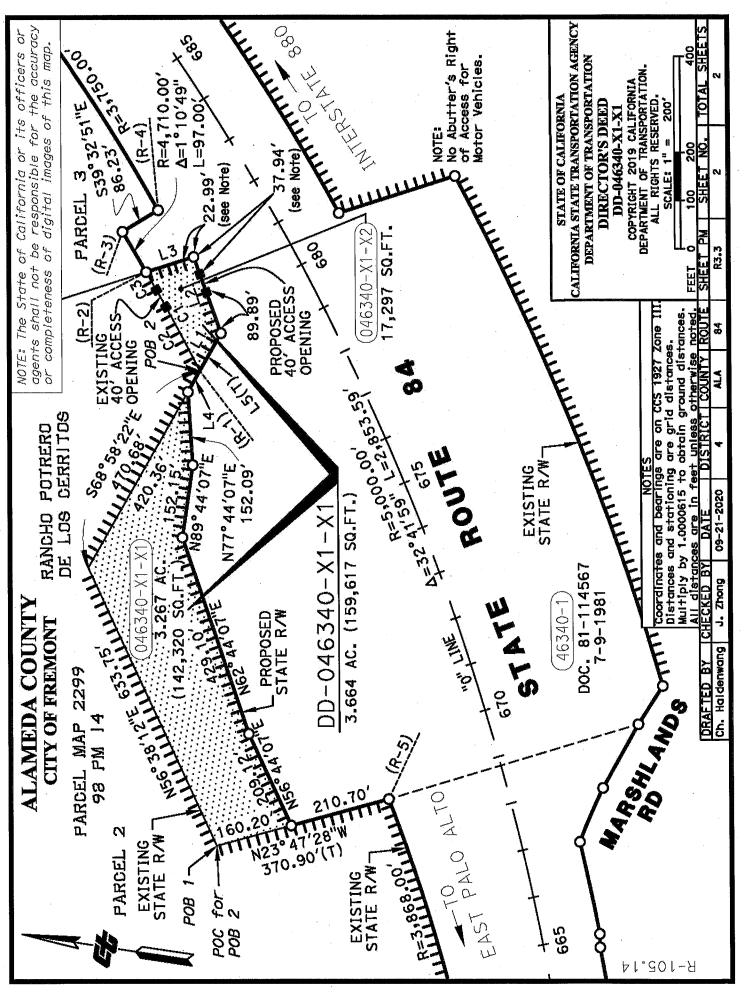
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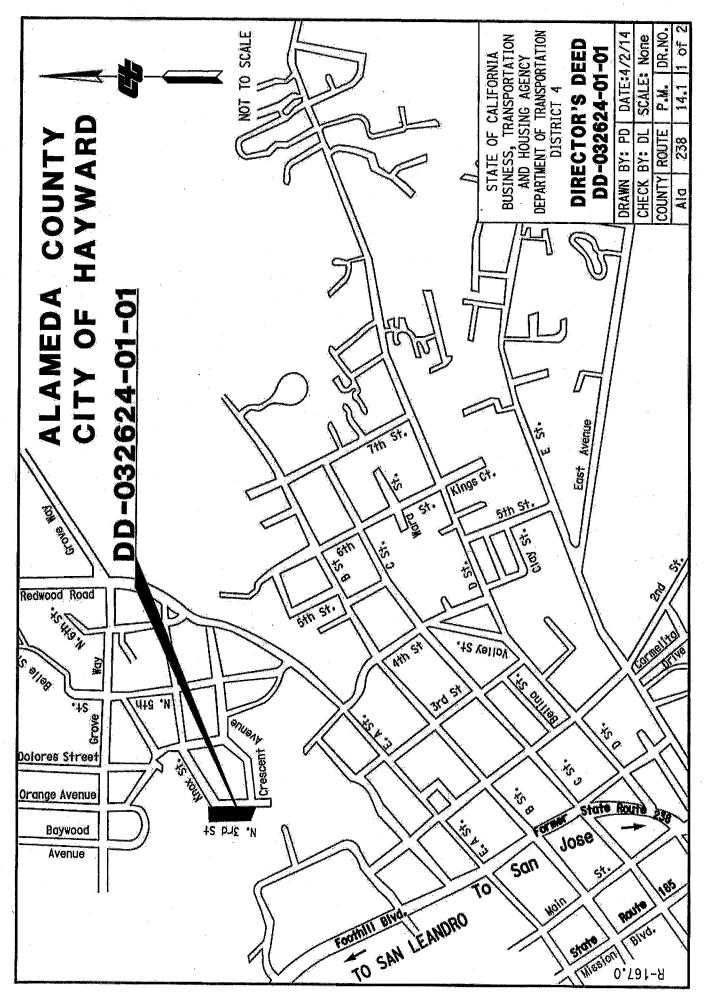


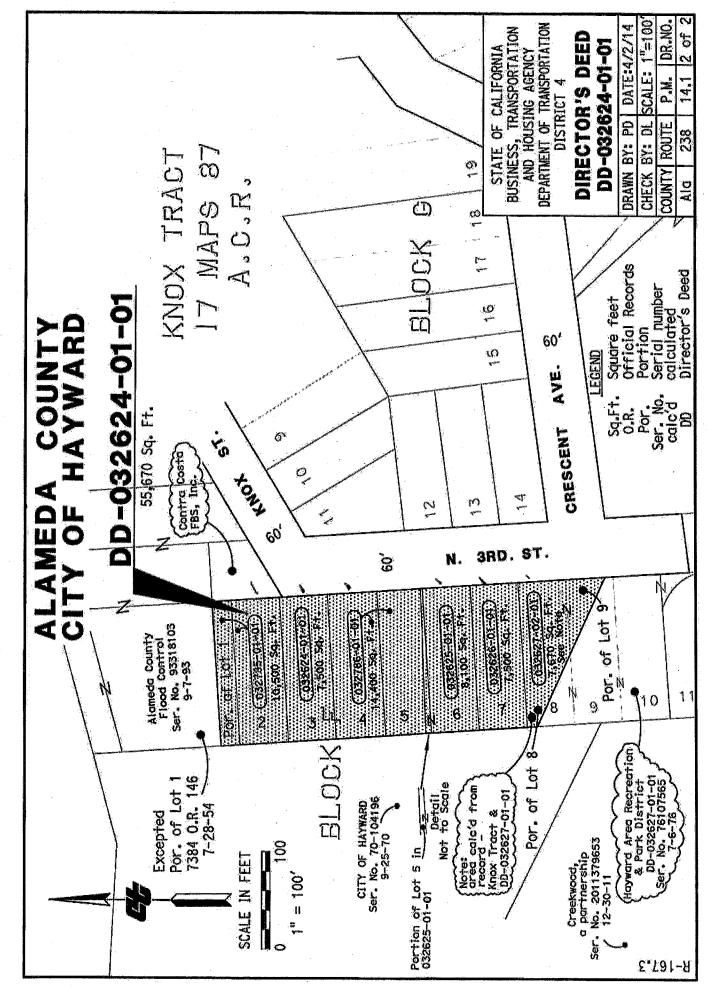


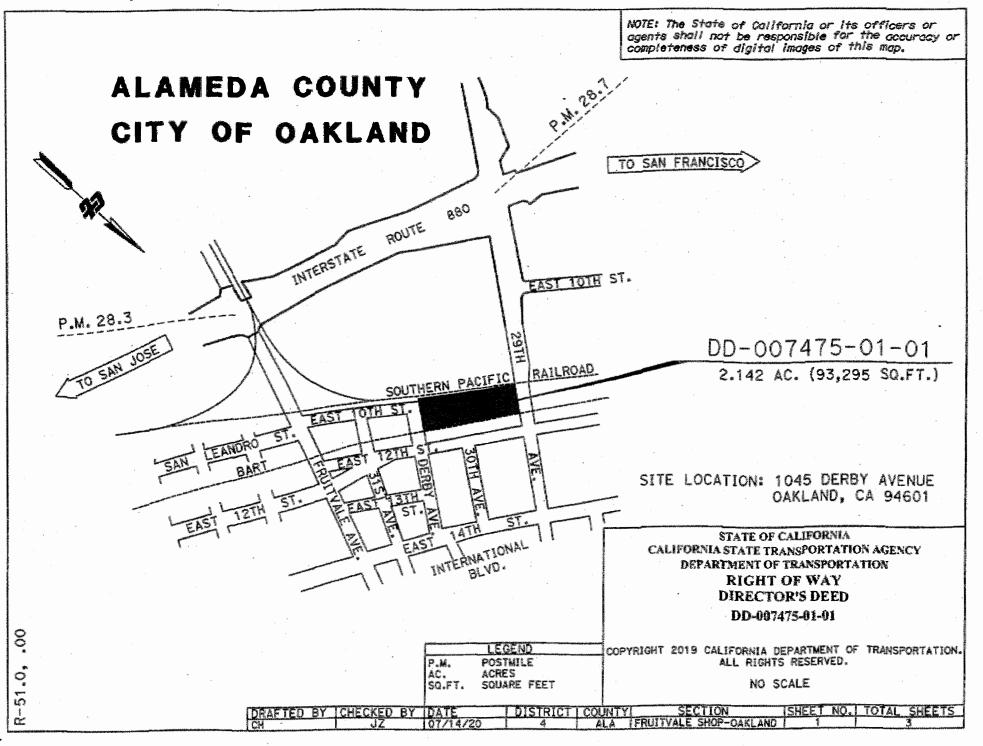
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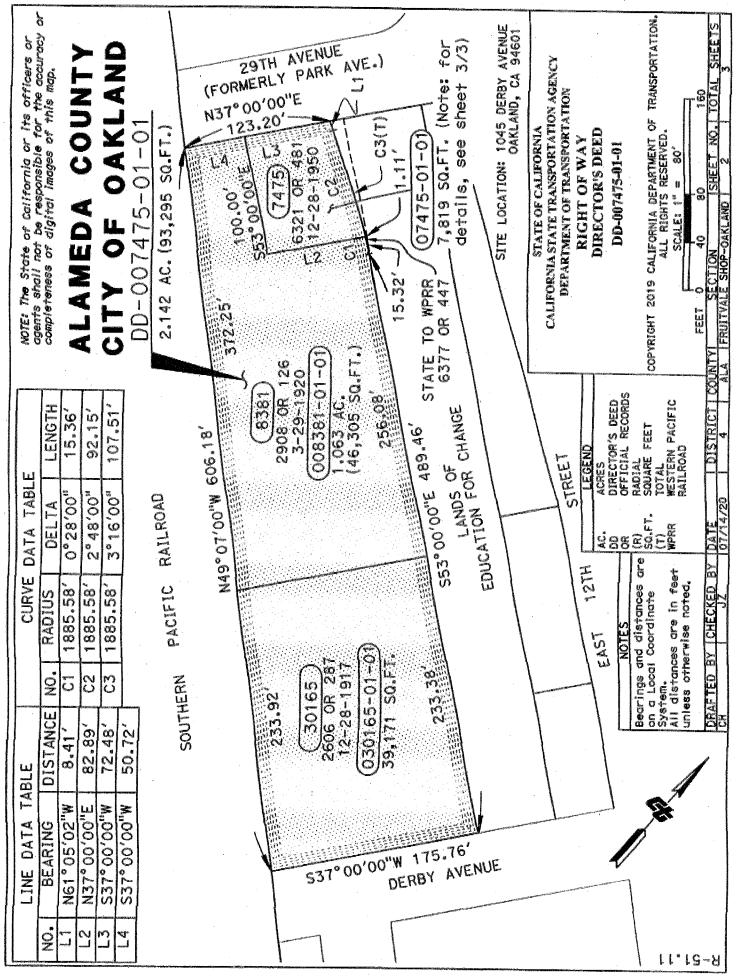
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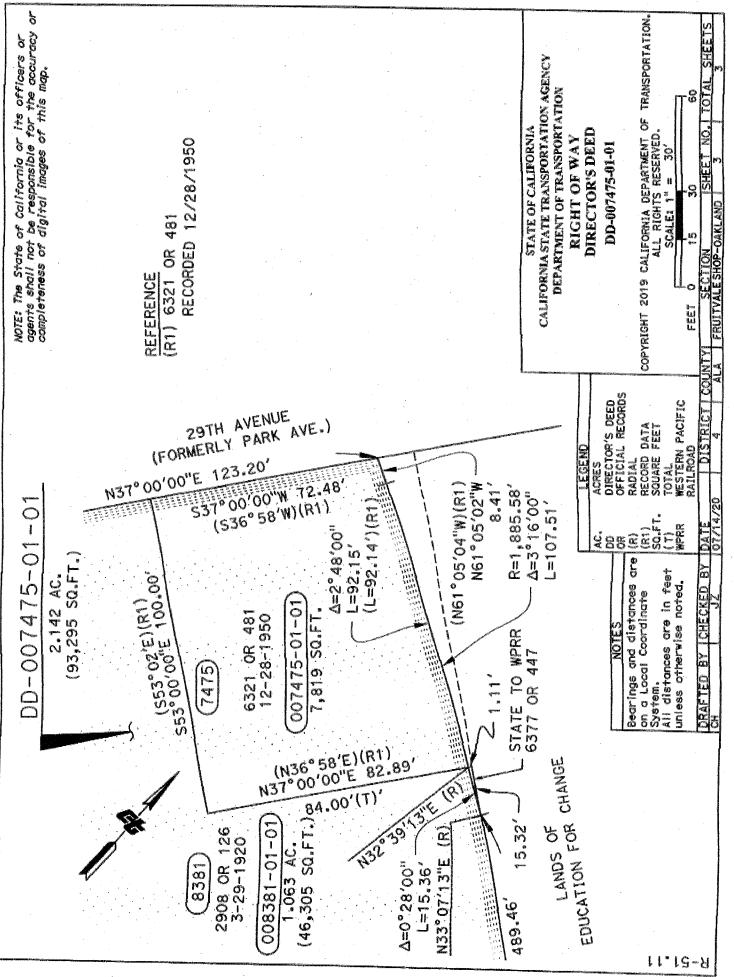




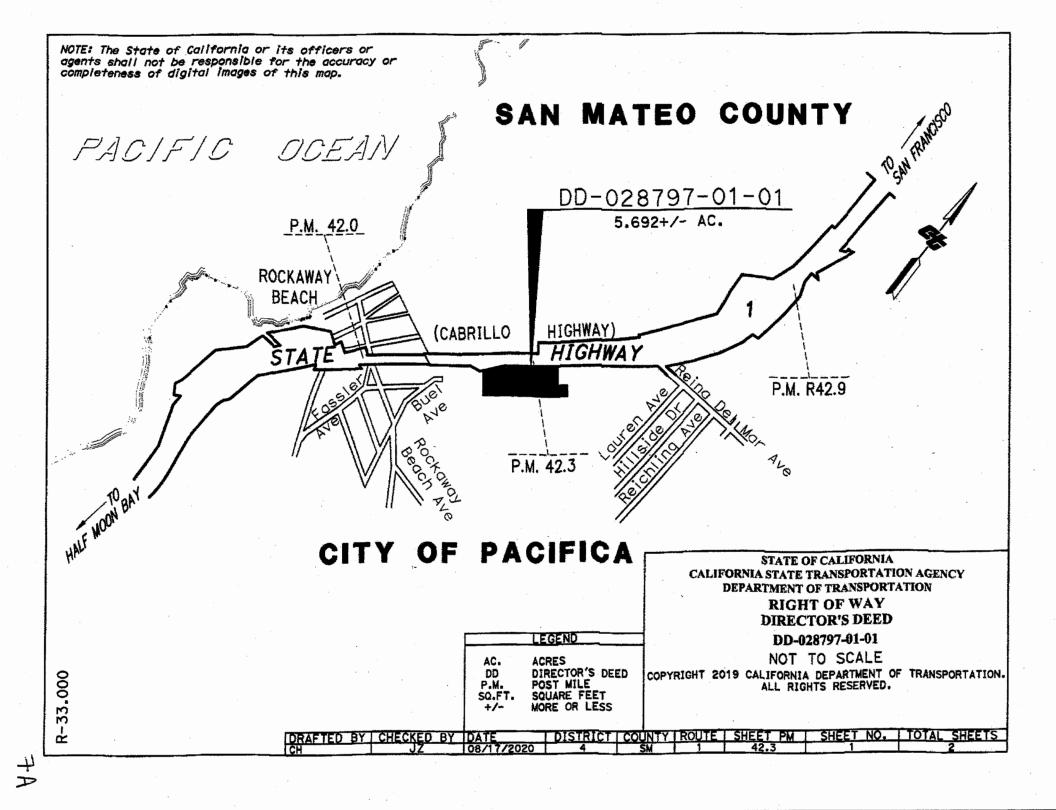


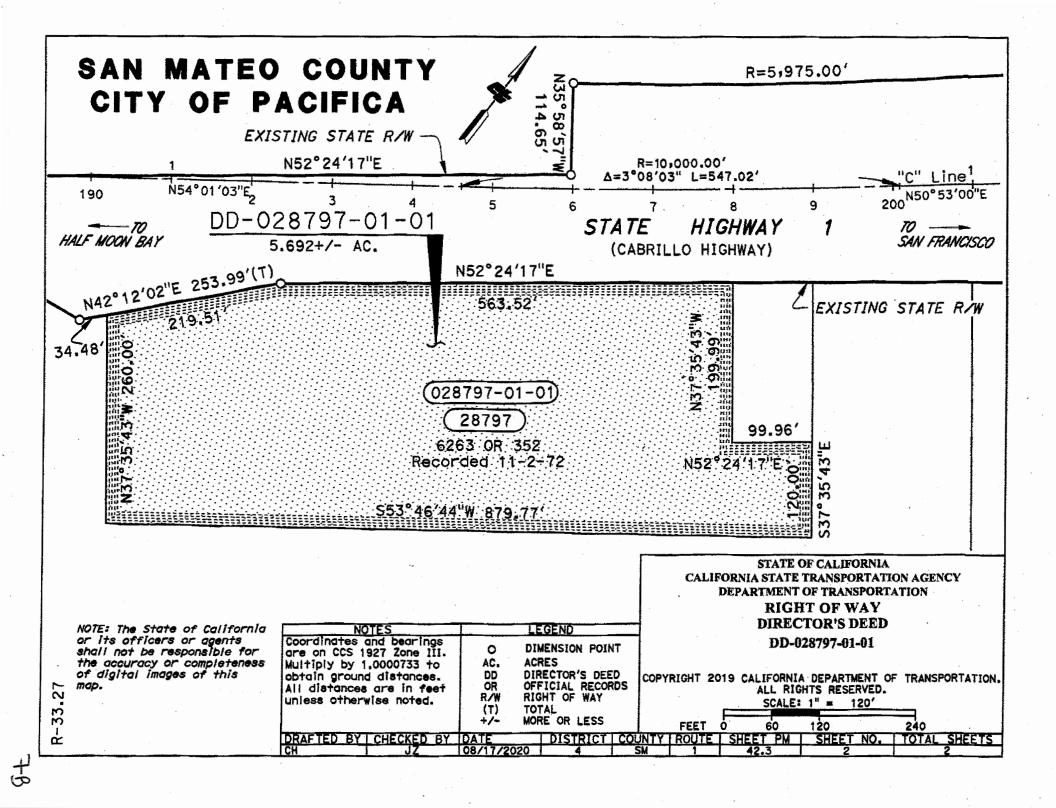
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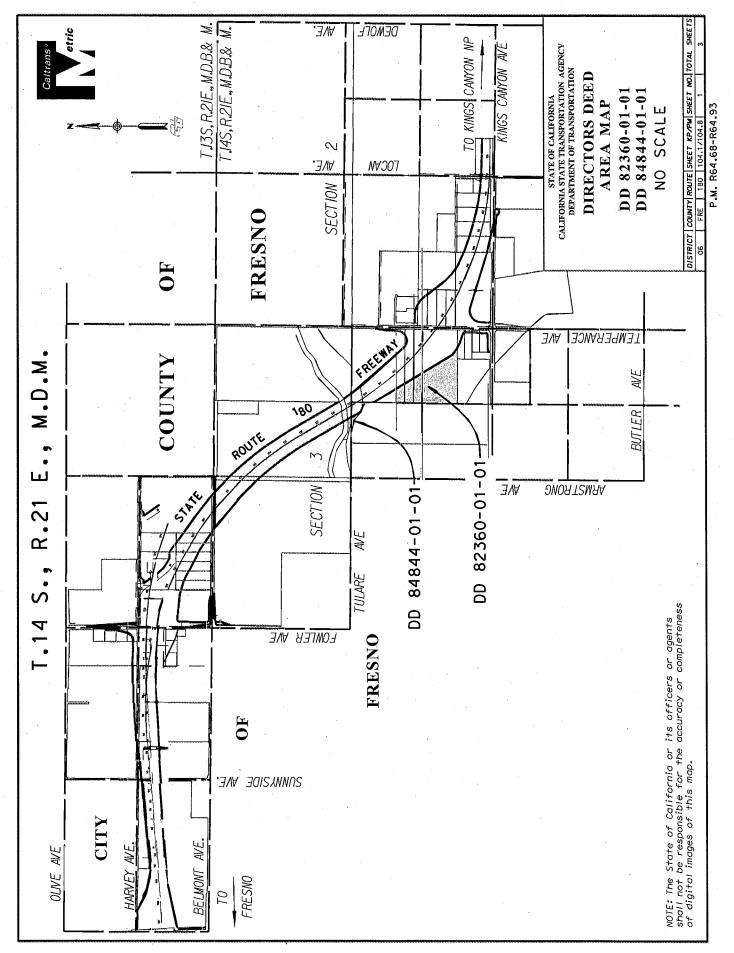




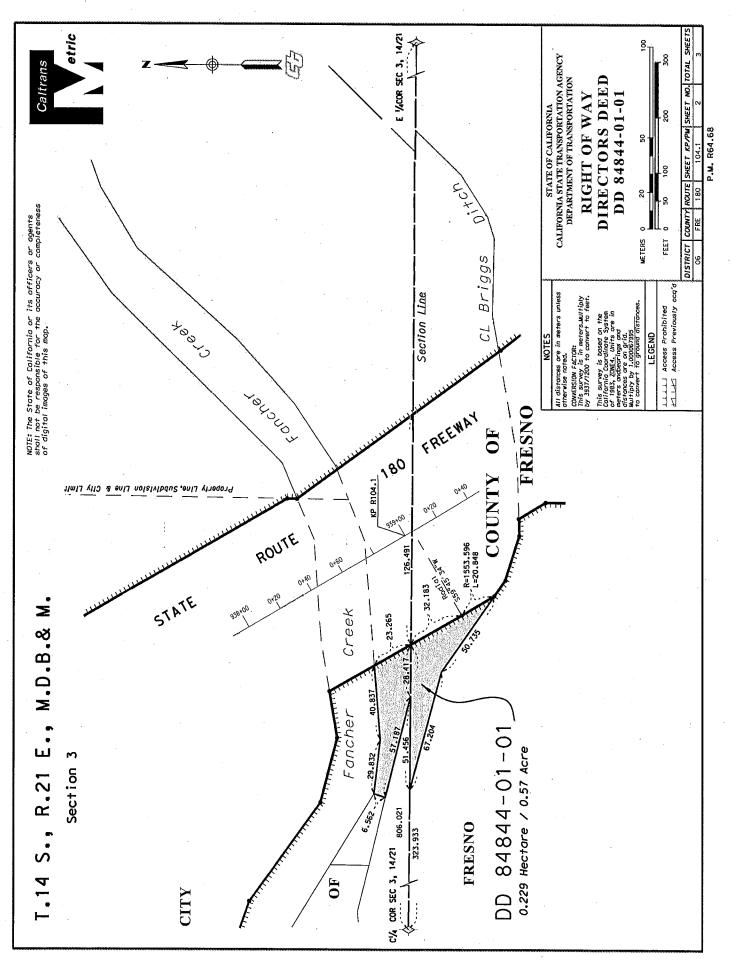
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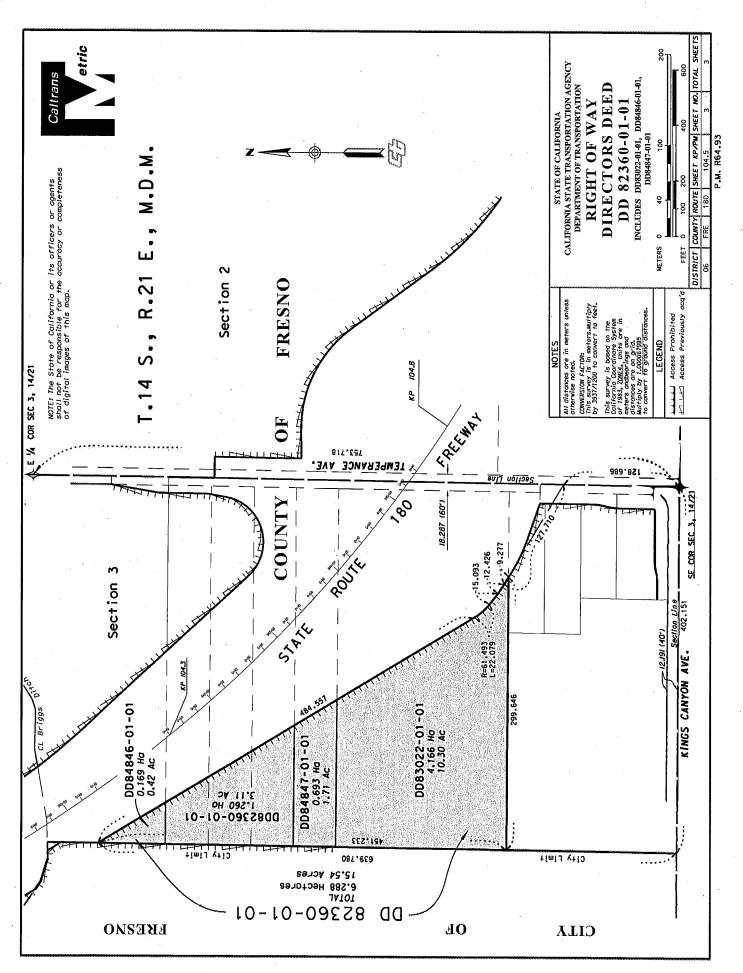


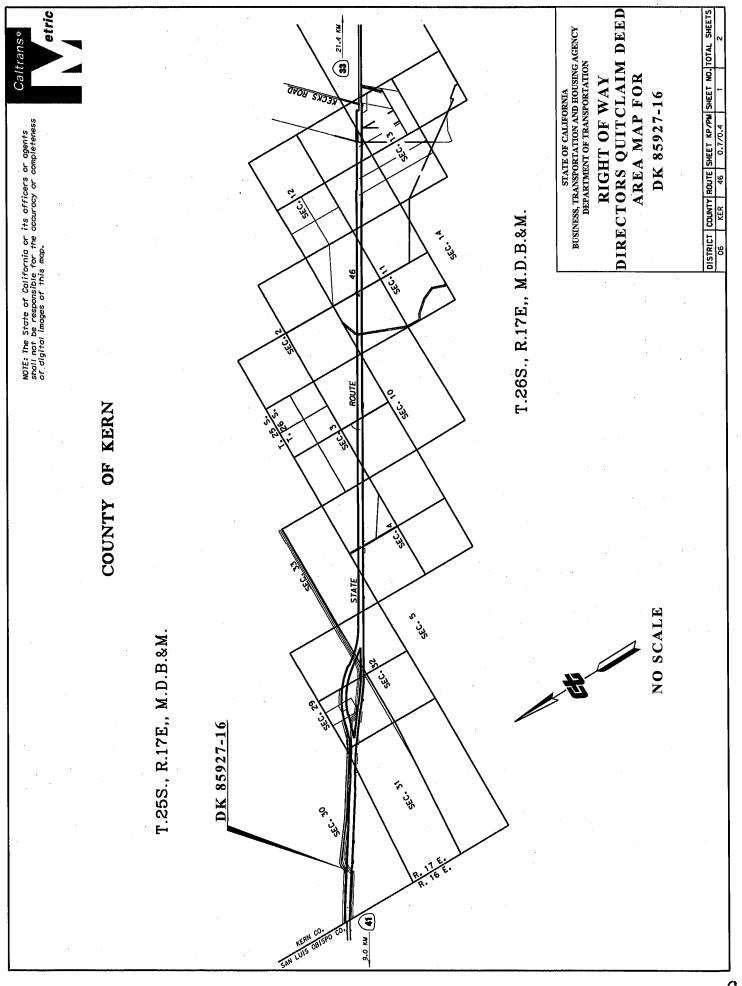


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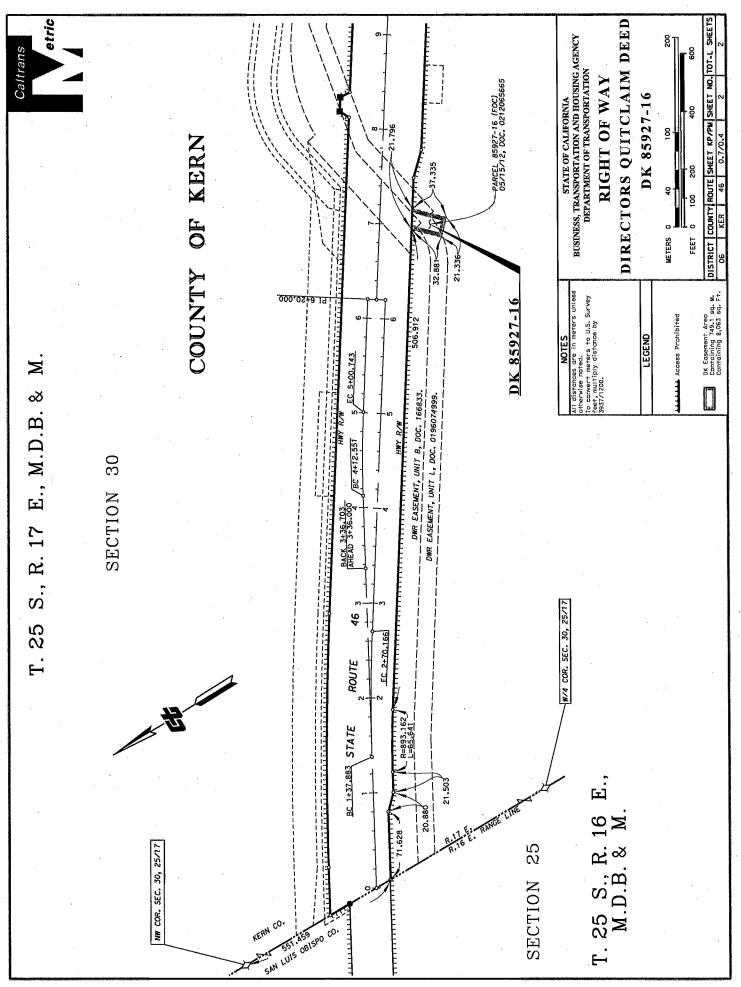


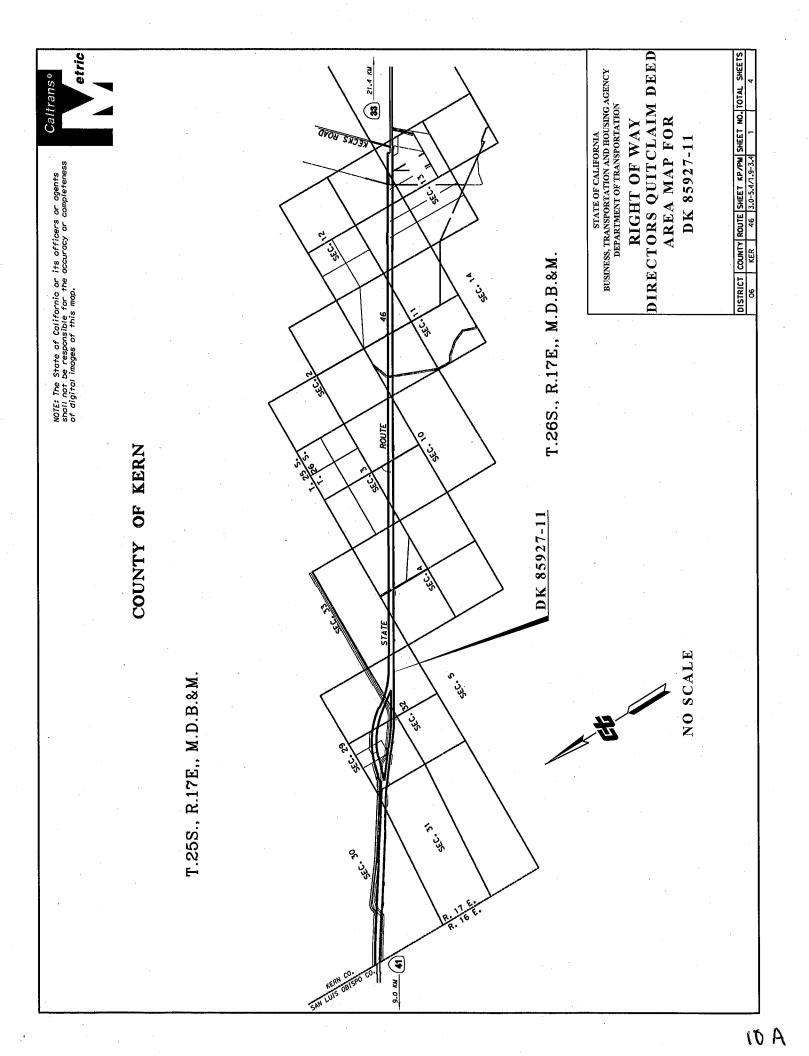
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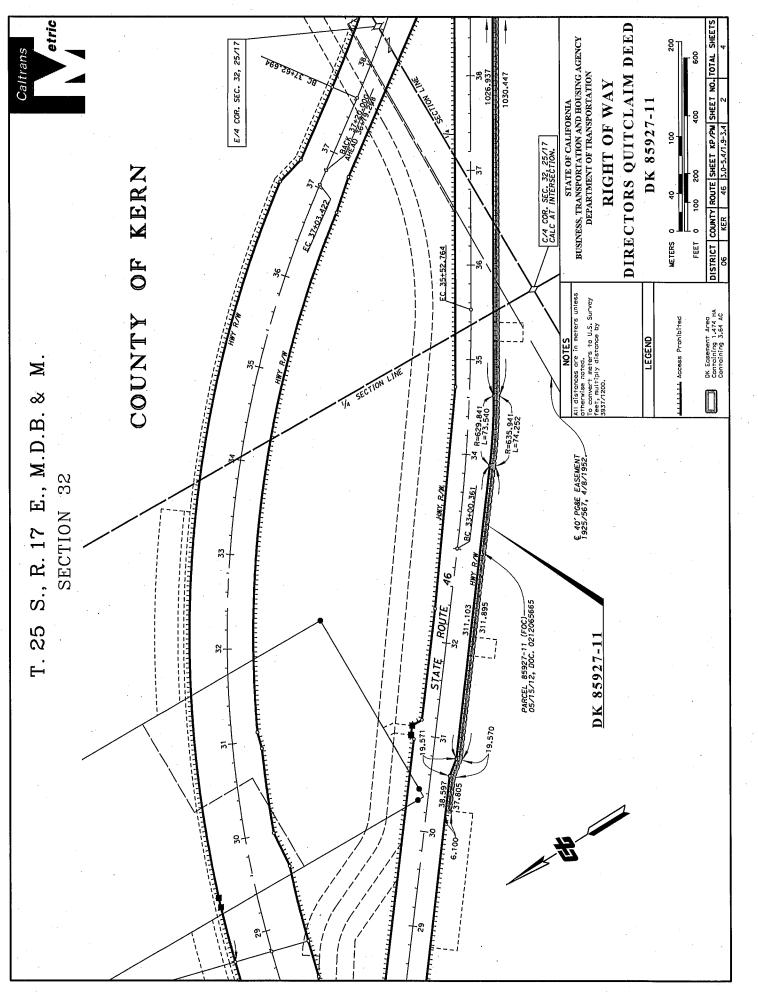


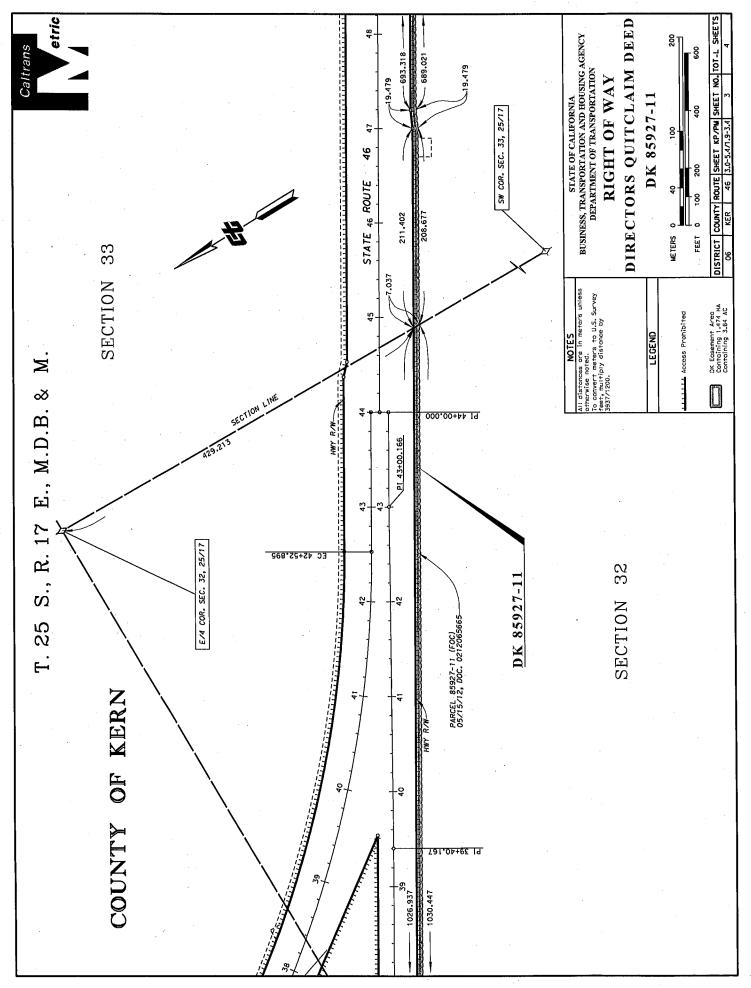


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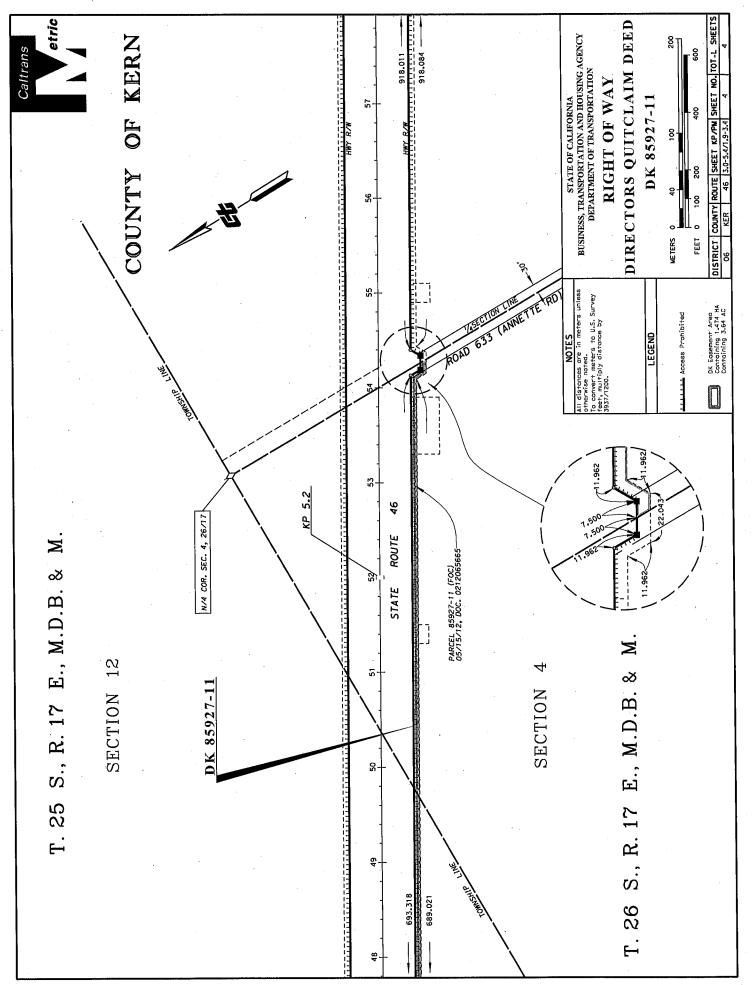




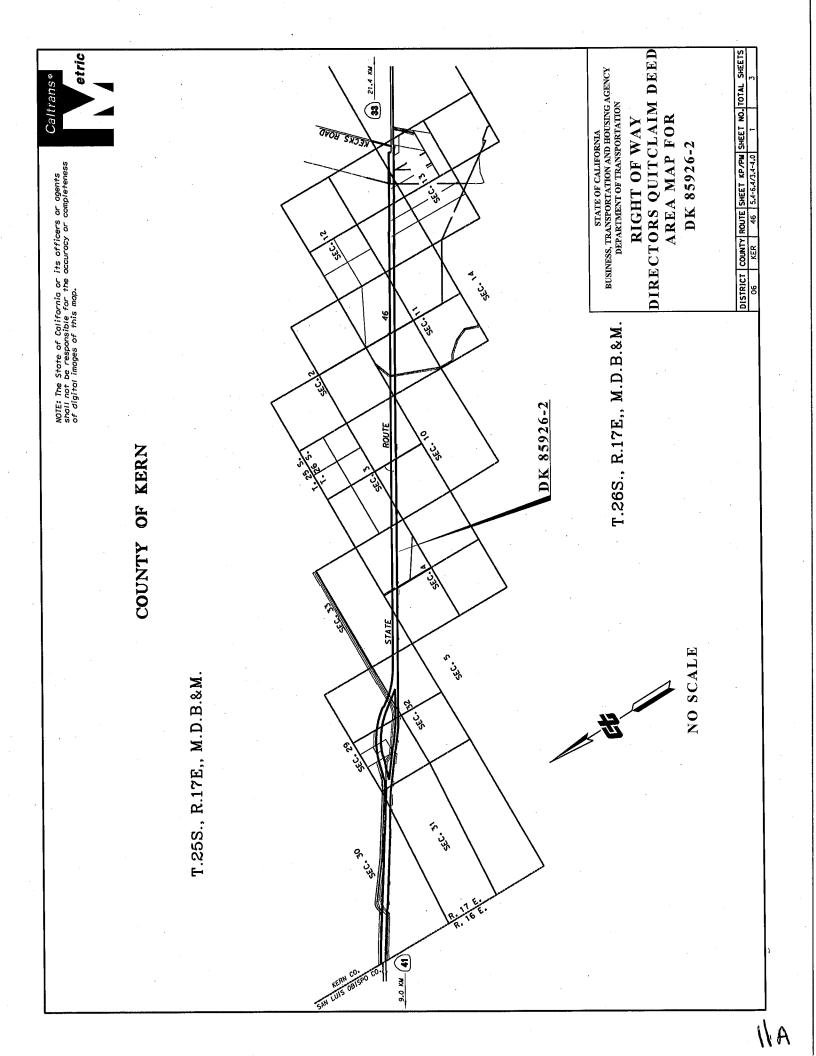


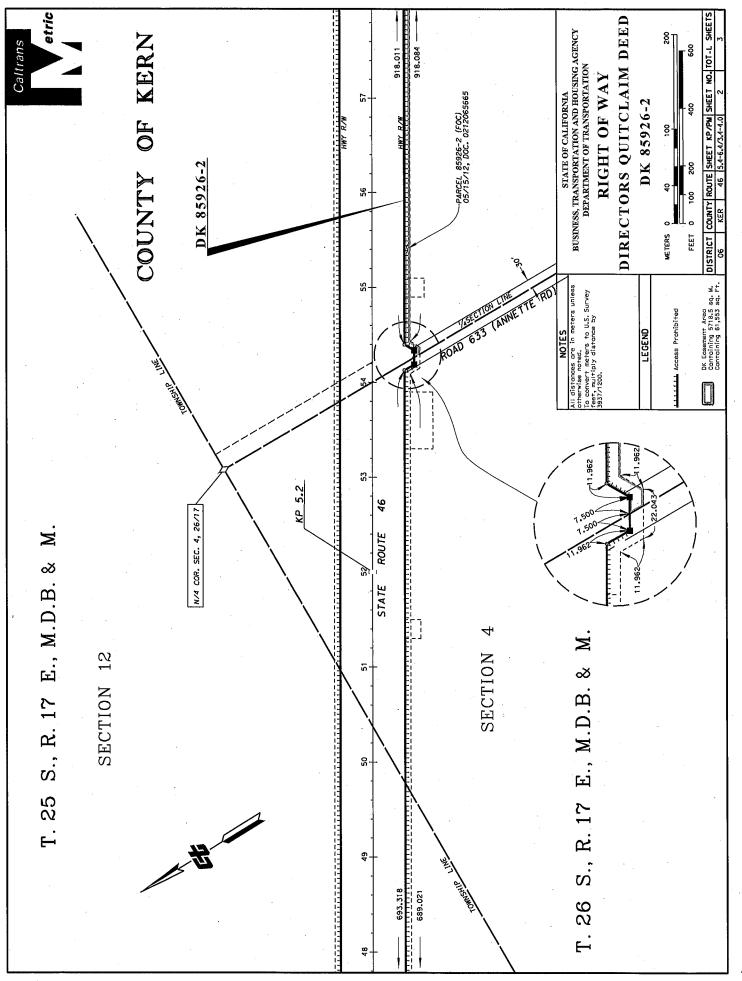


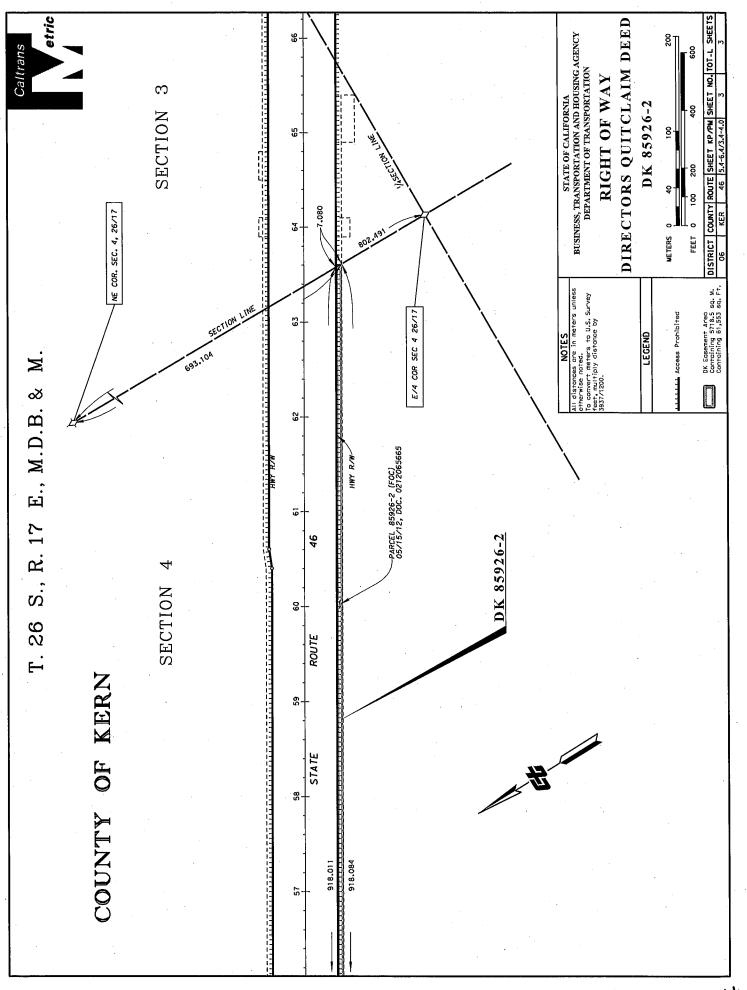
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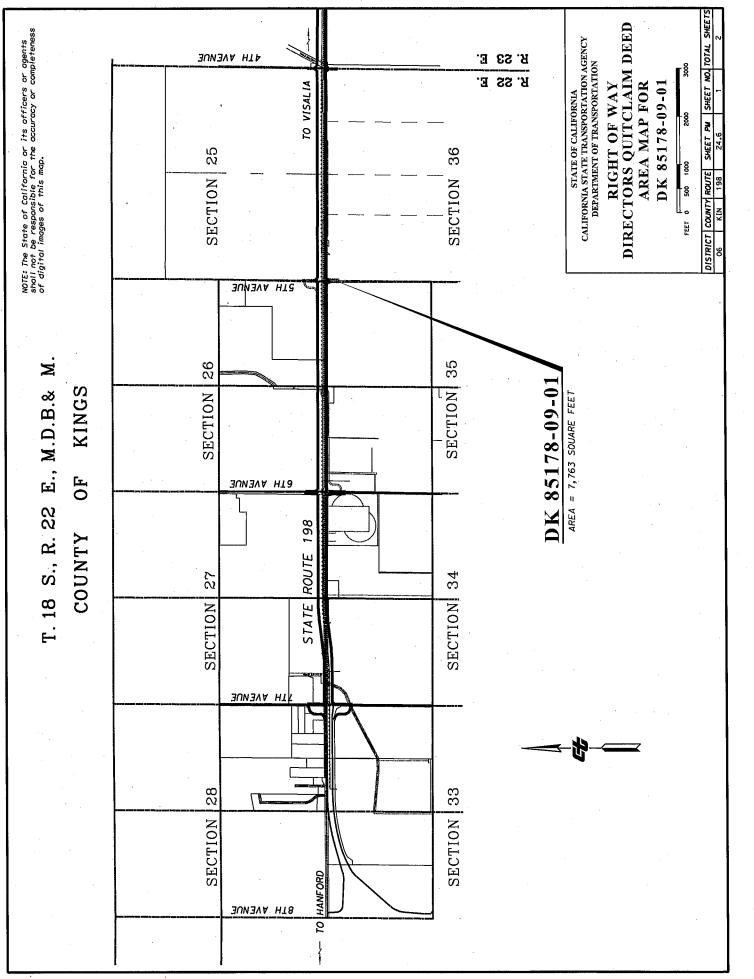
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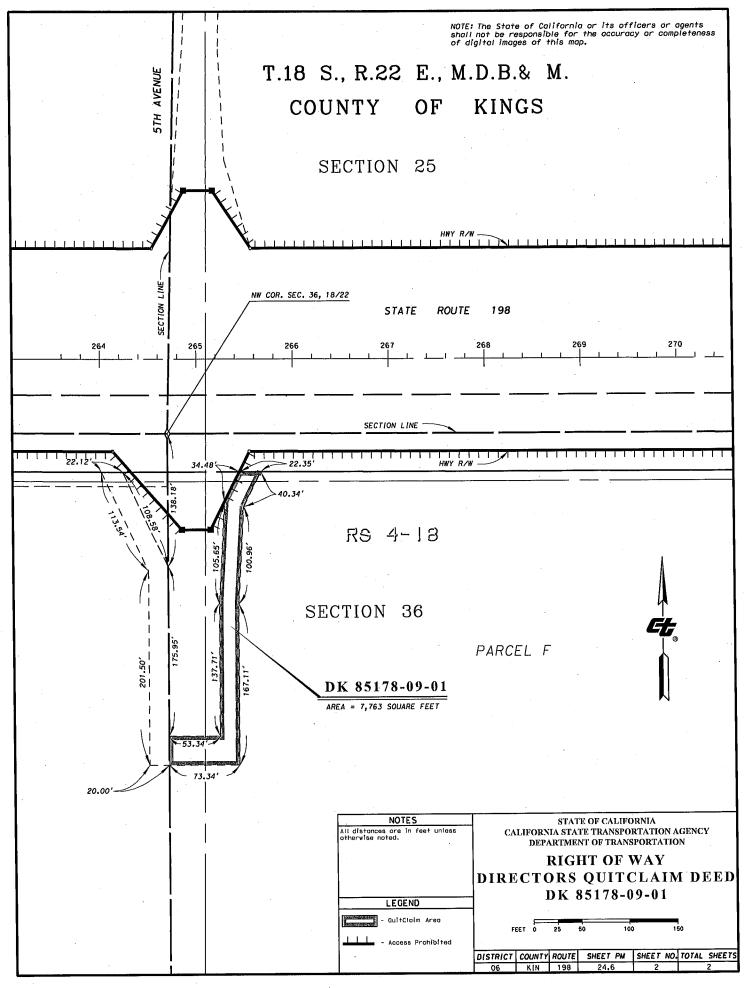




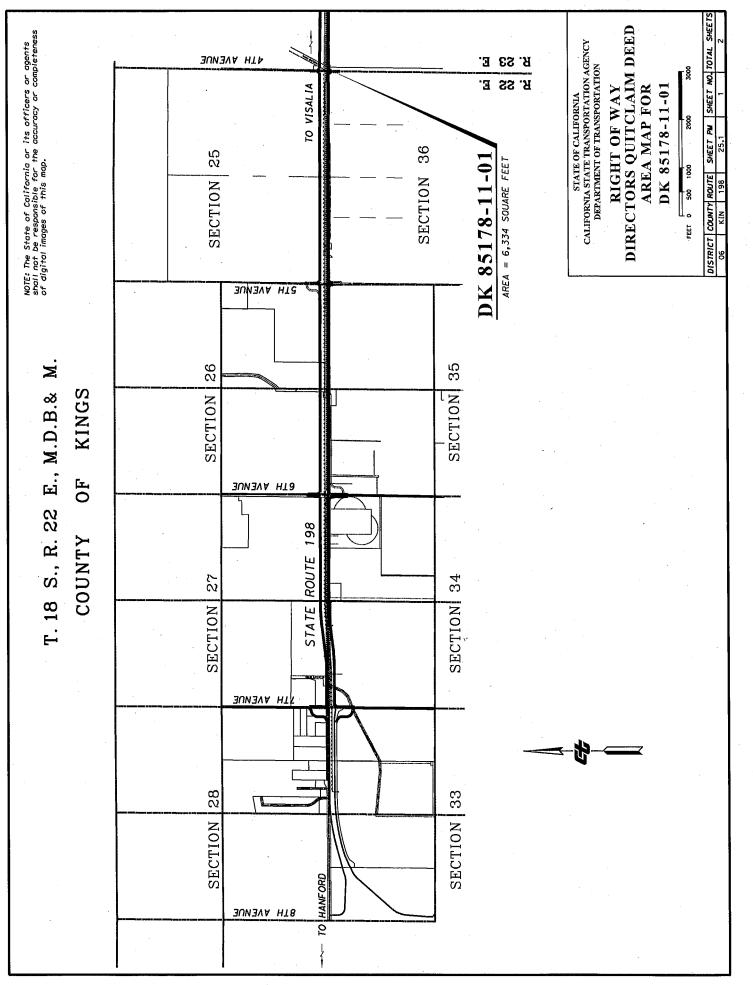
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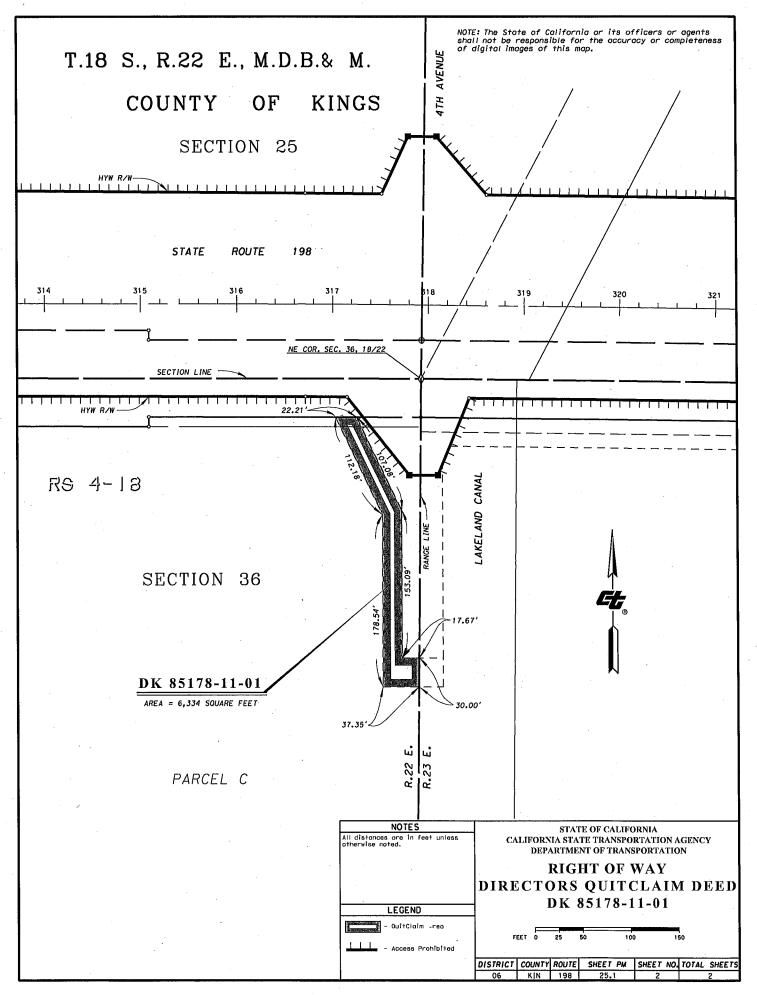


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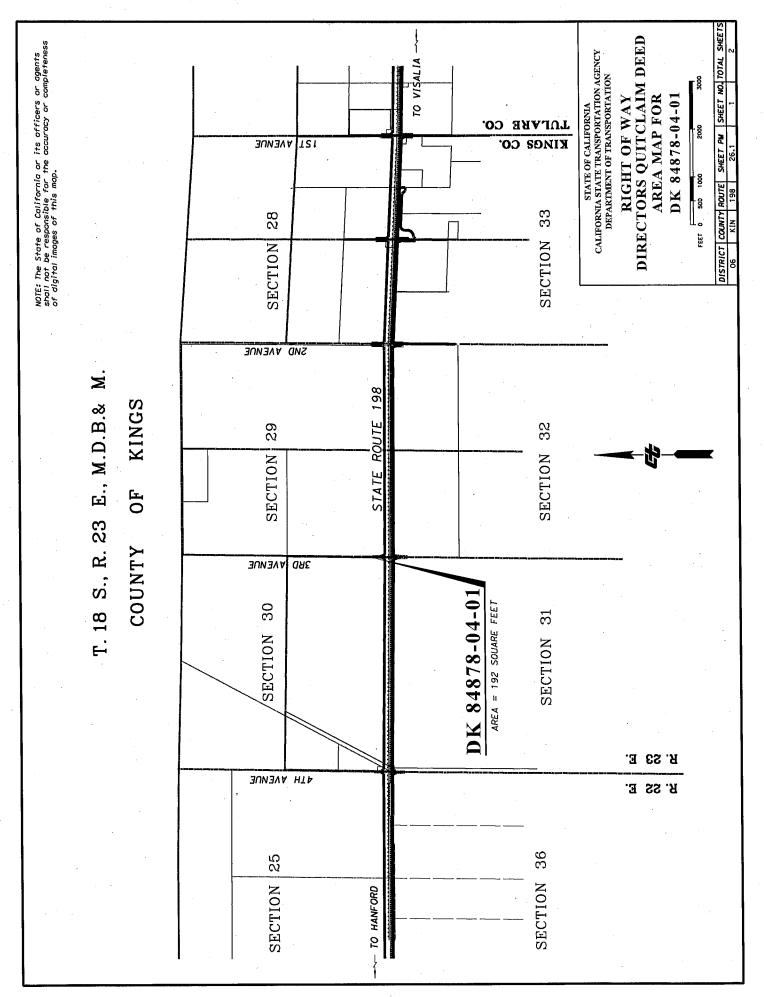


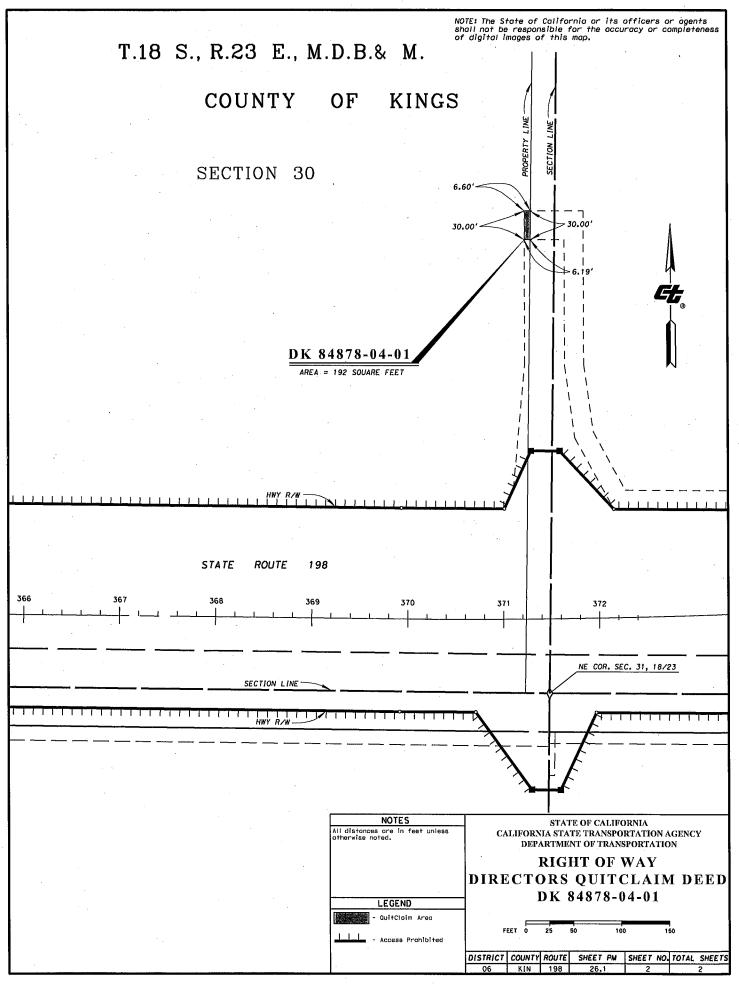
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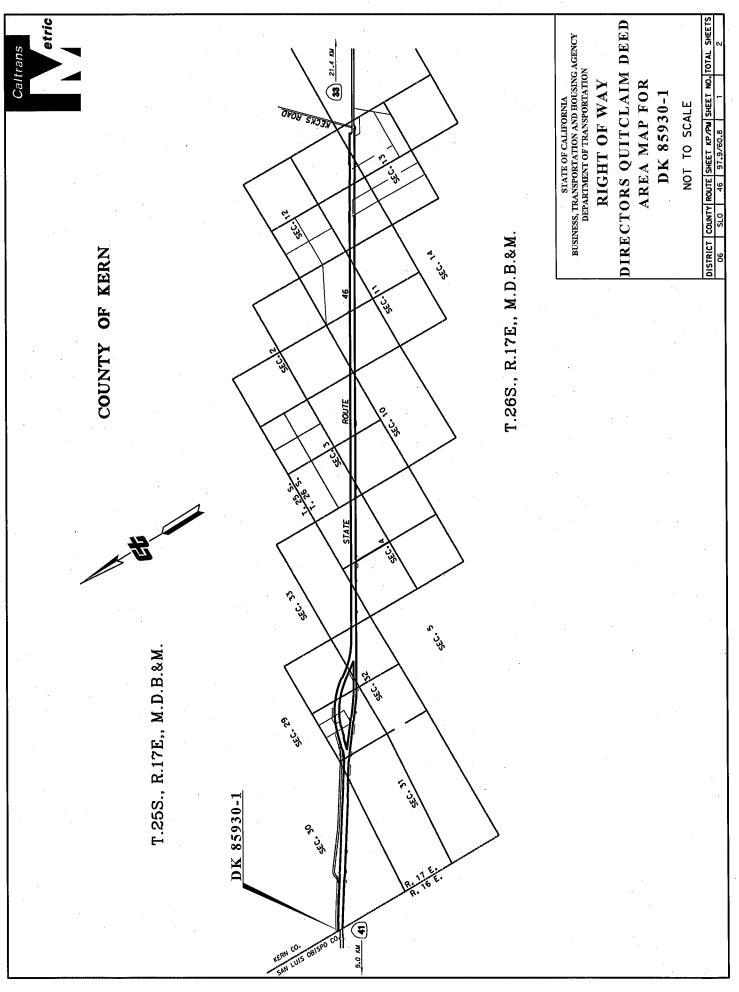


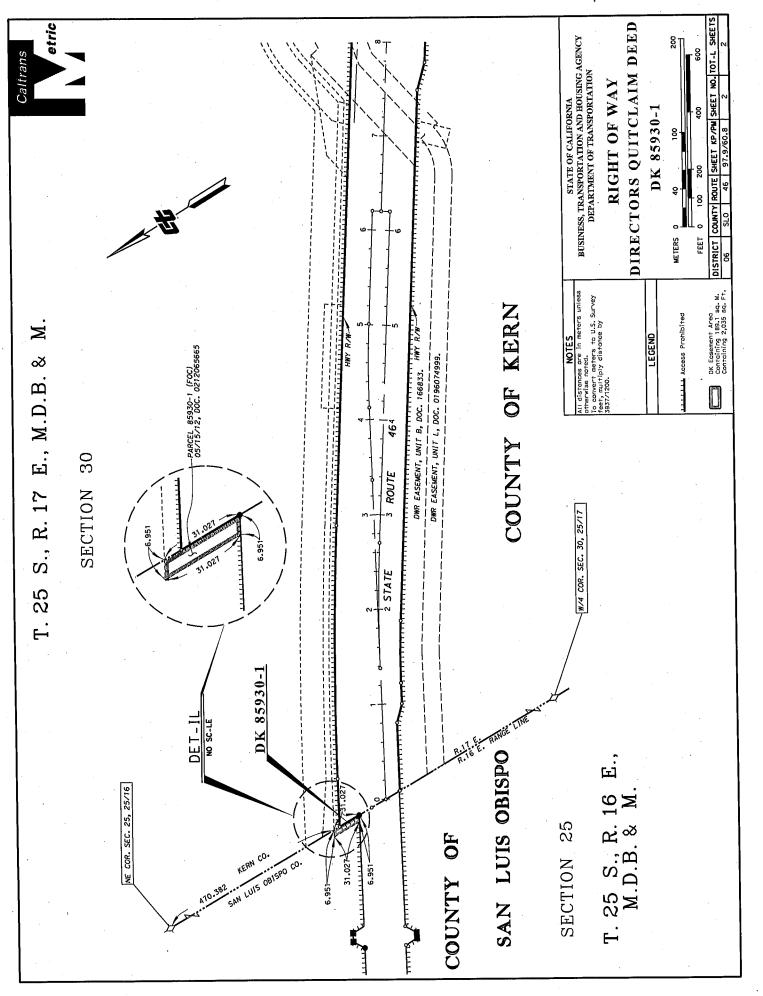


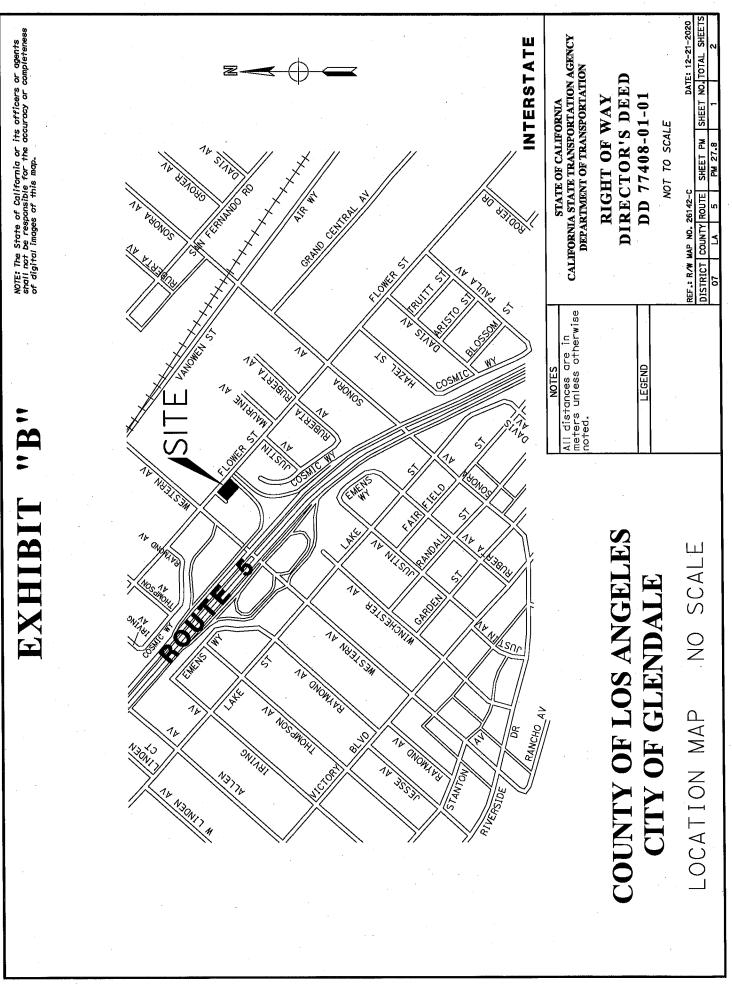
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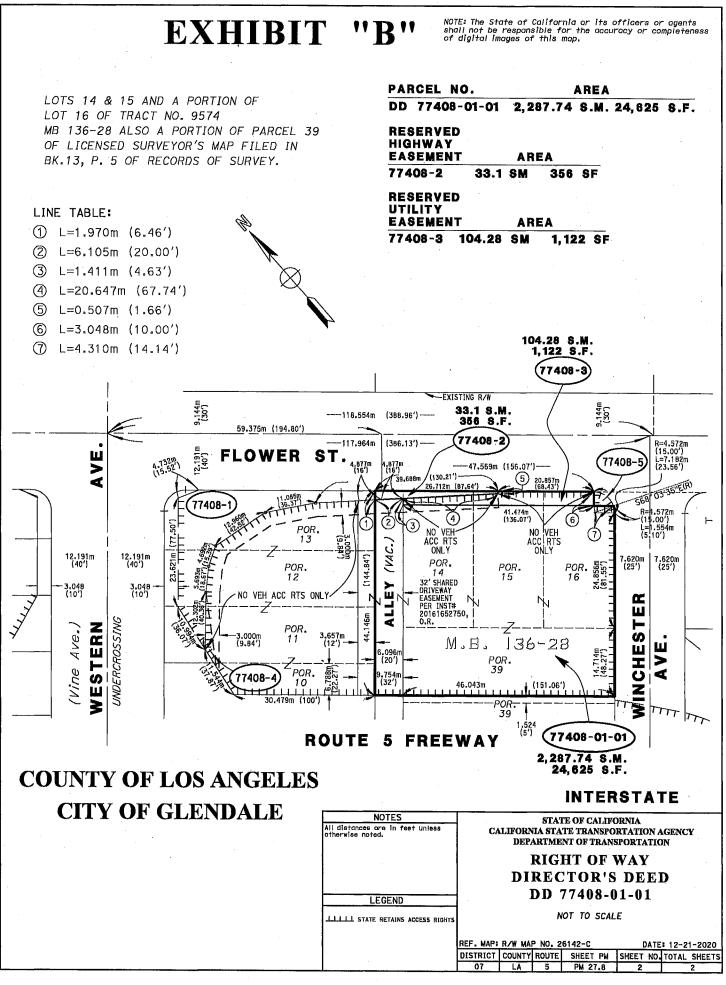


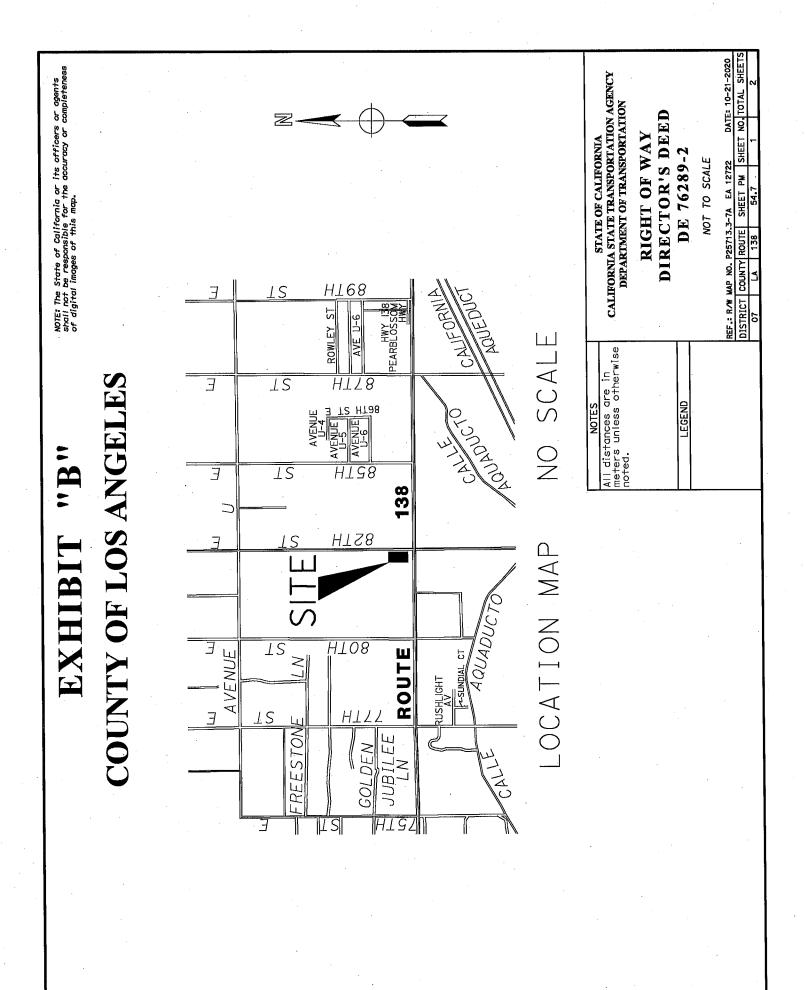


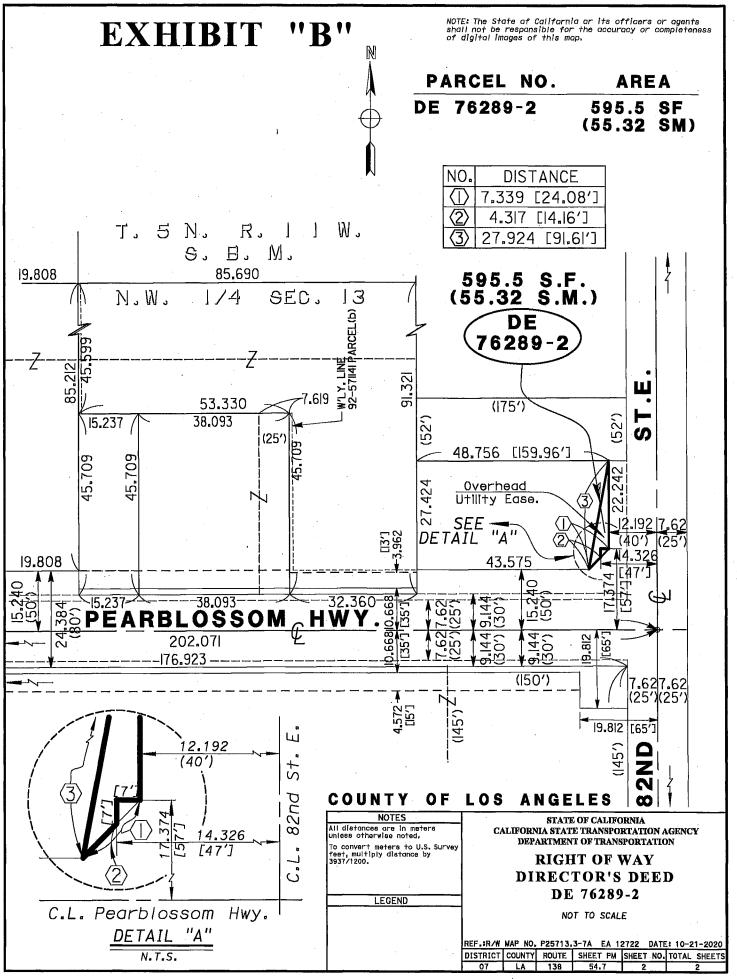




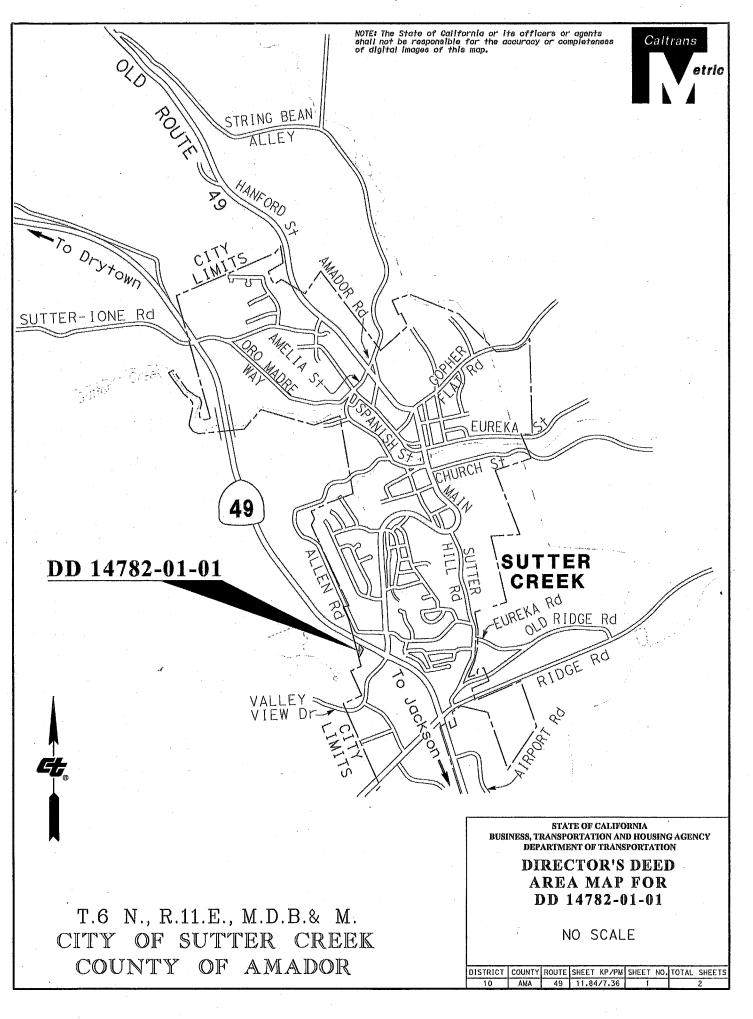


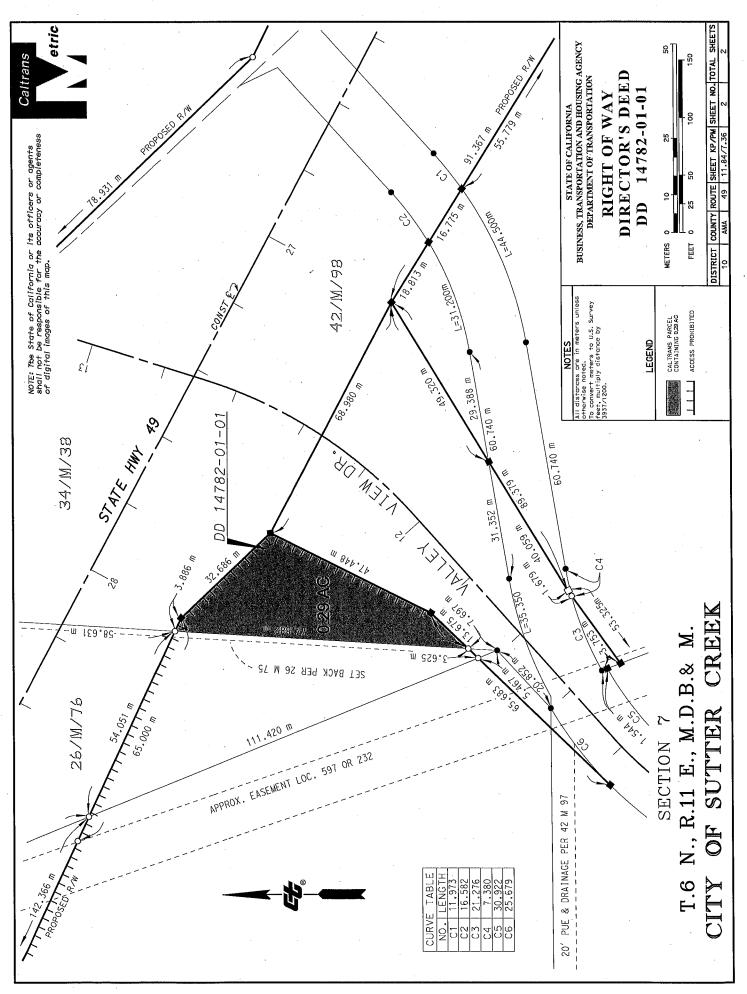




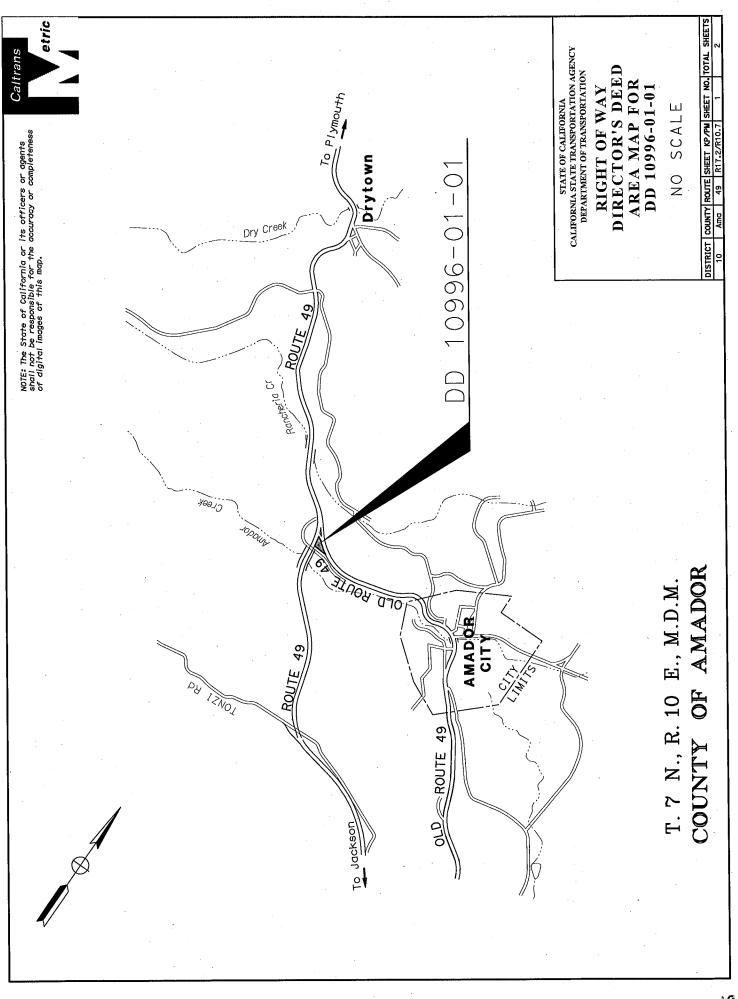


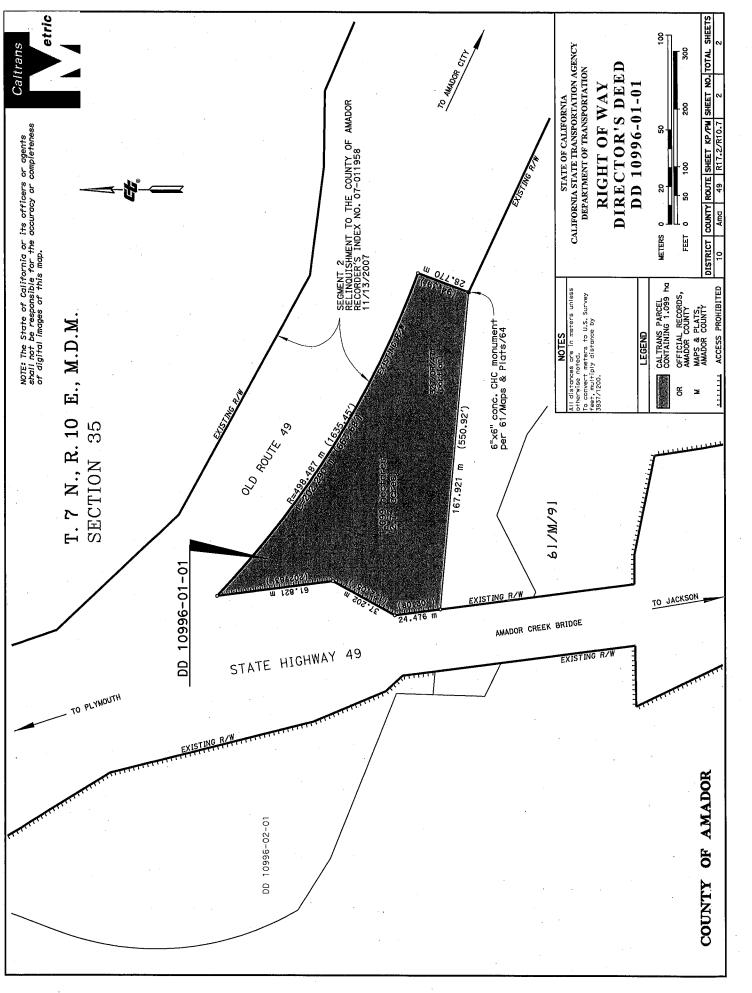
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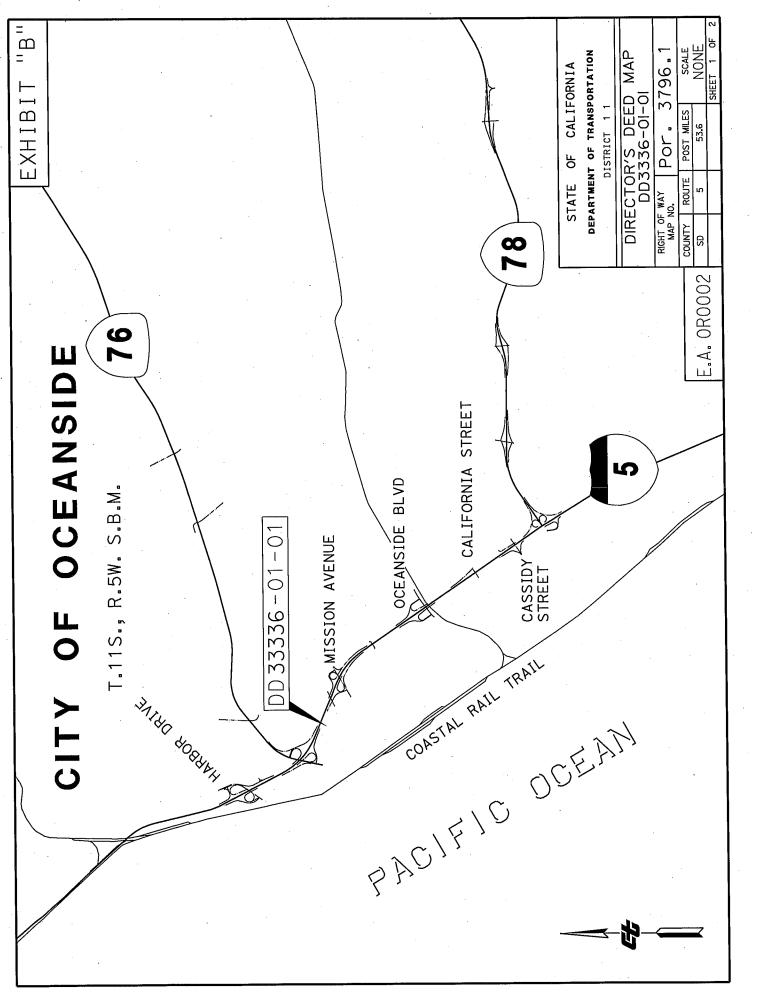


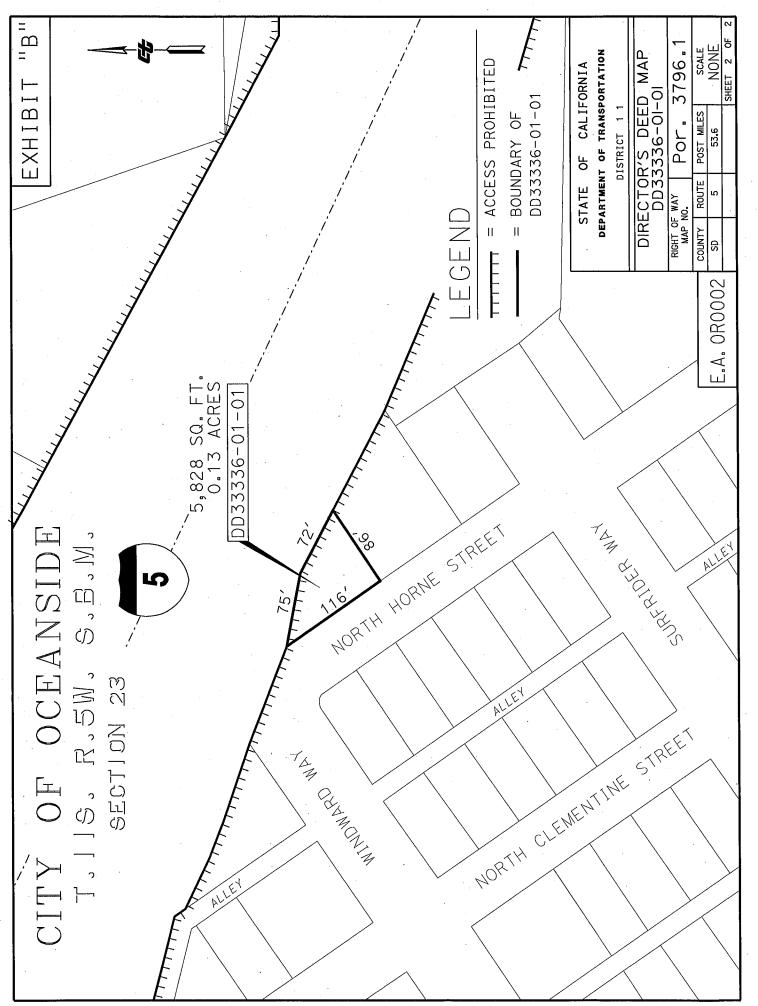
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