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RESOLUTION NO 2011-33

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALBANY
FINALIZING THE PURCHASE OF
THE PIERCE STREET PROPERTY SITE FROM CALTRANS
AND AUTHORIZING A CERTIFICATE OF ACCEPTANCE OF THE DEED**

WHEREAS, the City Council of the City of Albany ("City") has been working for several years on the purchase of certain property currently owned by the California Department of Transportation ("CalTrans") as more particularly described in Exhibit A attached hereto (the "Property"); and

WHEREAS, the City Council approved Resolution 2011-7(a) on January 17, 2011 authorizing the Purchase and Sale Agreement of the Pierce Street Property; and

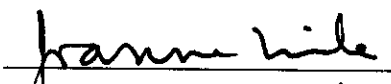
WHEREAS, the City Council wishes to finalize the purchase process, close the escrow, and to authorize a Certificate of Acceptance of the Deed transferring the property to the City;

NOW, THEREFORE BE IT RESOLVED that the City Council hereby finds and authorizes as follows:

1. The City Council determines that the purchase of the Property from Caltrans will be for a public purpose.
2. The City Council confirms it has authorized the purchase of the "Pierce Street Property" from Caltrans for the purchase price of \$1,900,000 and authorizes the City Manager to complete the purchase process.

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3. The City Manager is hereby authorized to execute all documents and take such further action as may be necessary or appropriate to finalize the purchase the property, including but not limited to signing all escrow related documents as may be required, signing and executing a Certificate of Acceptance, in a form substantially as set forth in Exhibit B attached hereto and incorporated by reference, and carrying out the City's obligations pursuant to this action.
4. The City Clerk shall certify to the adoption of this Resolution.
5. This Resolution shall take effect immediately upon adoption.



Farid Lavandel, Mayor *Chair*

EXHIBIT A TO RESOLUTION 2011-33

- **DIRECTORS DEED**
- **PARCEL MAP**

Space above this line for Recorder's Use

DIRECTOR'S DEED

District	County	Route	Post Mile	Number
4	Ala	80	7.6	DD-000019-02-01

The STATE OF CALIFORNIA, acting by and through its Director of Transportation, does hereby grant to

all that real property in the City of Albany, County of Alameda,

State of California, described as:

Please see EXHIBIT "A" attached.

MAIL TAX
STATEMENTS TO:

EXHIBIT "A"

Portions of Calhoun Street, Washington Avenue (now Bayview Street), Arthur Street, Pierce Street, and Blocks 1, 2, 3, and 4 of that "Amended Map of Sunset Terrace, Oakland Twp., Alameda County, California", filed April 8, 1907 in Book 22 of Maps, Page 68, Alameda County Records; and also, those portions of those certain parcels of land described in the deeds to the State of California recorded in the County of Alameda, State of California as follows:

<u>Recording Date</u>	<u>Book</u>	<u>Page</u>
December 24, 1934	3130	220
February 11, 1938	3569	404
December 17, 1943	4467	162
March 12, 1957	8309	311

and more particularly described as a whole as follows:

COMMENCING at the southerly terminus of that certain course described as "N. 21°17'15" W., 492.43 feet" in Parcel 6 in that certain instrument entitled "Relinquishment of State Highway in the City of Albany, Road IV-Ala-69, 7-Alb, Relinquishment No. 22036", recorded October 9, 1961 in Reel 425 at Image 832, Official Records of Alameda County; thence along the general westerly line of said Parcel 6, the following five (5) courses: (1) from a tangent that bears S. 21°17'15" E. along a curve to the right with a radius 483.00 feet, through an angle of 29°03'41", an arc length of 244.99 feet; (2) S. 07°46'26" W, 96.79 feet; (3) along a tangent curve to the left with a radius of 317.00 feet, through an angle of 21°04'28", an arc length of 116.60 feet; (4) S. 13°18'02" E., 237.80 feet; and (5) S. 11°24'17" E., 166.05 feet to the southeasterly corner of Lot 24 of said Block 3; thence leaving said general westerly line, S. 76°50'00" W. along the southerly line of last said Lot 24, a distance of 79.10 feet to a point in the northeasterly prolongation of the northwesterly line of the parcel of land described in deed (State Director's Deed No. 21-DD), recorded July 10, 1964 in Reel 1256, at Image 452, Official Records of Alameda County, said point being the most easterly corner of the parcel of land as described in the deed to State of California, recorded March 28, 1957 in Book 8324, Page 361, Official Records of said county; thence along said northeasterly prolongation and said northwesterly line S. 24°54'56" W., 317.59 feet to the northeasterly corner of Lot 11 of said Block 4; thence along the general easterly lines of said Lot 11, and Lots 10, 9, and 8 of last said Block, S. 13°10'00" E., 99.99 feet to the southeasterly corner of last said Lot 8; thence along the southerly line of last said Lot 8, S. 76°50'00" W., 103.00 feet to the easterly line of Cleveland Avenue (50 feet wide) of said Amended Map of Sunset Terrace; thence along said easterly line of said Cleveland Avenue, N. 10°26'30" W., 260.24 feet to the beginning of a non-tangent curve; thence from a tangent that bears N. 15°42'00" E., along said curve to the left with a radius of 4535.00 feet, through an angle of 8°19'10", an arc length of 658.48 feet to the beginning of a

-2-

compound curve; thence along last said curve to the left with a radius of 1885.00 feet, through an angle of $9^{\circ}11'25''$, an arc length of 302.36 feet; thence N. $48^{\circ}32'08''$ E., 107.61 feet to the point of commencement.

CONTAINING 4.453 acres, more or less.

EXCEPTING THEREFROM those portions of said Calhoun Street, Washington Avenue (now Bayview Street), Arthur Street, and Pierce Street, lying within the above described 4.453 acres parcel.

CONTAINING a net area of 3.704 acres, more or less.

TOGETHER with all right, title and interest of Grantor in and to those portions of said Calhoun Street, Washington Avenue (now Bayview Street), Arthur Street, and Pierce Street lying within said 4.453 acres parcel.

CONTAINING 0.749 acres, more or less.

RESERVING unto the State of California, an EASEMENT for maintenance purposes and incidents thereto upon, over, under and across a strip of land 2.00 feet wide, the westerly sideline being described as follows:

COMMENCING at the most westerly corner of the herein above described 4.453 acres parcel of land; thence along the general westerly line of last said parcel, from a radial line that bears S. $74^{\circ}18'00''$ E., along a curve to the left with a radius of 4535.00 feet, through an angle of $7^{\circ}06'35''$; an arc length of 562.74 feet.

The sidelines of said strip of land shall be prolonged or shortened so as to begin at the easterly line of said Cleveland Avenue.

CONTAINING 1,130 square feet, more or less.

It is hereby expressed, that the Grantee, their successors and assigns, shall have the right to fully use the surface of the above described easement parcel of land, provided, however, that no buildings or other structures shall be placed or erected thereon.

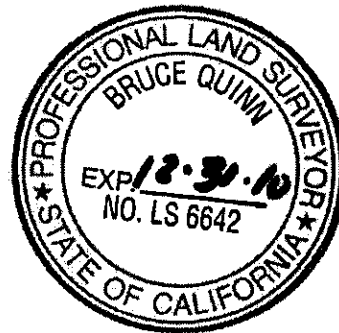
There shall be no abutter's rights of access appurtenant to the above-described real property in and to the adjacent State freeway.

The bearings and distances used in the above descriptions are on the California Coordinate System of 1927, Zone 3. Multiply the above distance by 1.0000683 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act

Mr. Quinn
Date *10.19.2010*

Licensed Land Surveyor



Subject to special assessments if any, restrictions, reservations, and easements of record.

This conveyance is executed pursuant to the authority vested in the Director of Transportation by law and, in particular, by the Streets and Highways Code.

WITNESS my hand and the seal of the Department of Transportation of the State of California, this
_____ day of _____ 20_____.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

APPROVED AS TO FORM AND PROCEDURE

CINDY MCKIM
Director of Transportation

ATTORNEY
DEPARTMENT OF TRANSPORTATION

By _____
Attorney in Fact
R. A. MACPHERSON
Deputy District Director – Right of Way

STATE OF CALIFORNIA }
County of _____ } SS

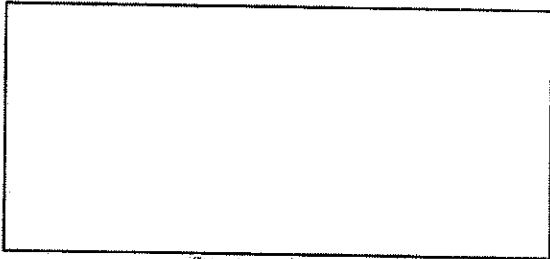
ACKNOWLEDGMENT

On _____ before me, _____
(here insert name and title of the officer)

personally appeared _____
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

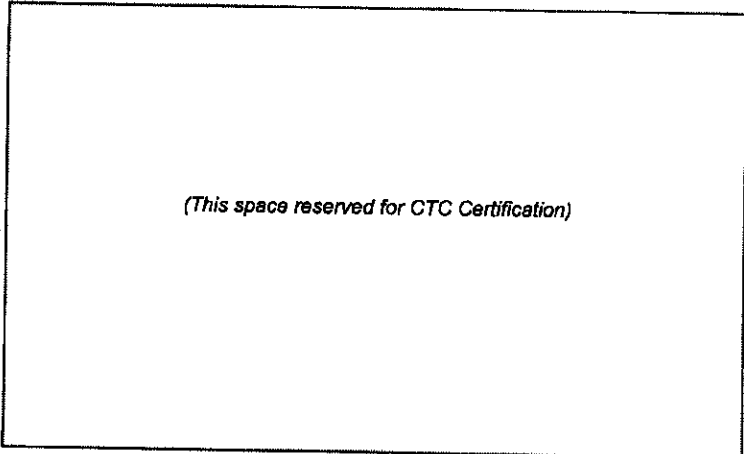
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



(for notary seal or stamp)

(Notary Public's signature in and for said County and State)



(This space reserved for CTC Certification)

COUNTY OF ALAMEDA

SAN FRANCISCO BAY

BERKELEY CITY LIMITS

GOLDEN GATE FIELDS GOLDEN GATE RACE TRACK

BUCHANAN ST EXTENSION

SAN FRANCISCO BAY

ALAMEDA COUNTY
CONTRA COSTA COUNTY

CITY OF BERKELEY

CITY OF ALBANY



SCALE: 1"=800'

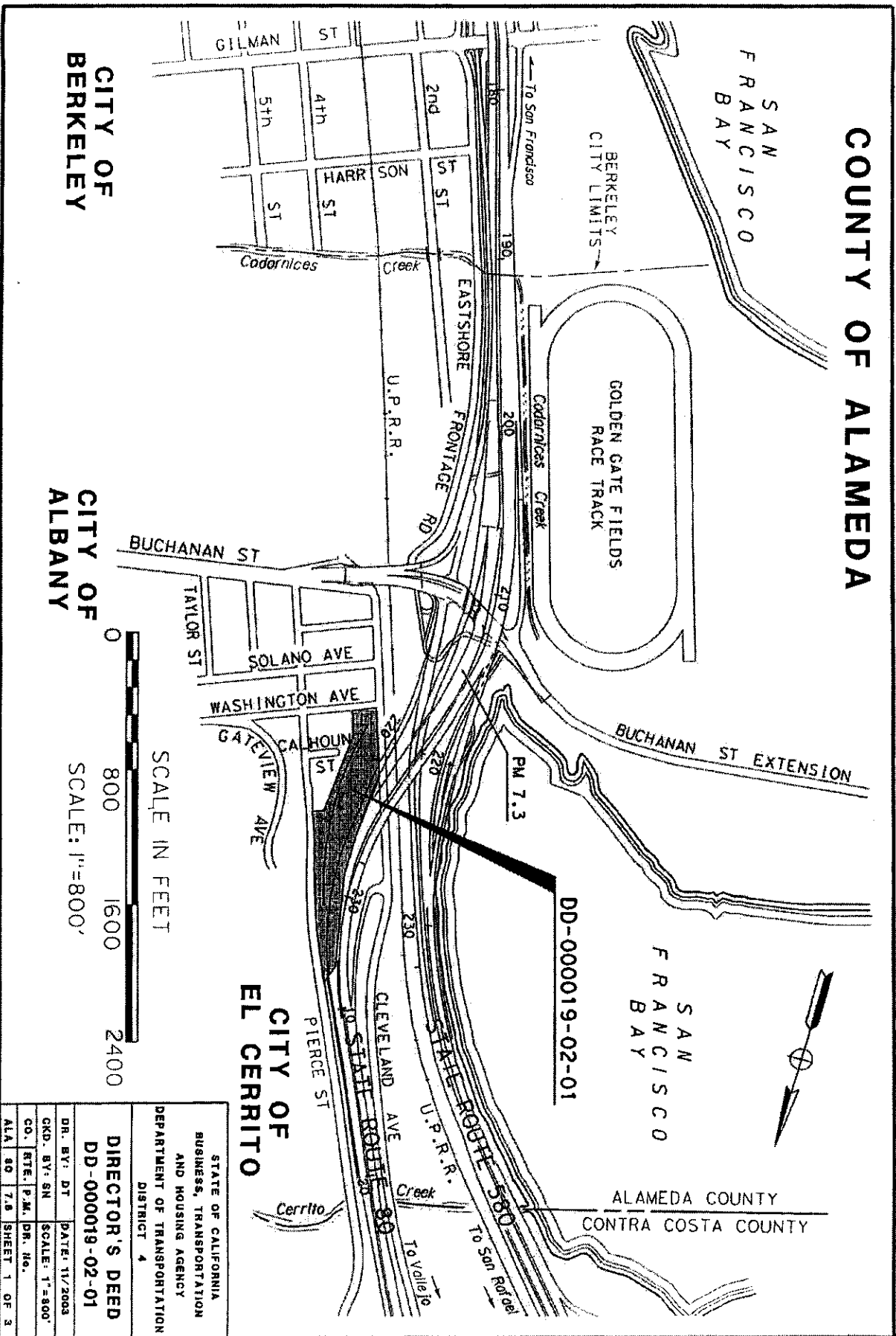
SCALE IN FEET

CITY OF EL CERRITO

STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION
AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION
DISTRICT 4

DIRECTOR'S DEED
DD-000019-02-01

DR. BY: DT	DATE: 11/2003
GRD. BY: SN	SCALE: 1"=800'
CO. RTE. P.M. DR. No.	
ALA 80 7.8	SHEET 1 OF 3



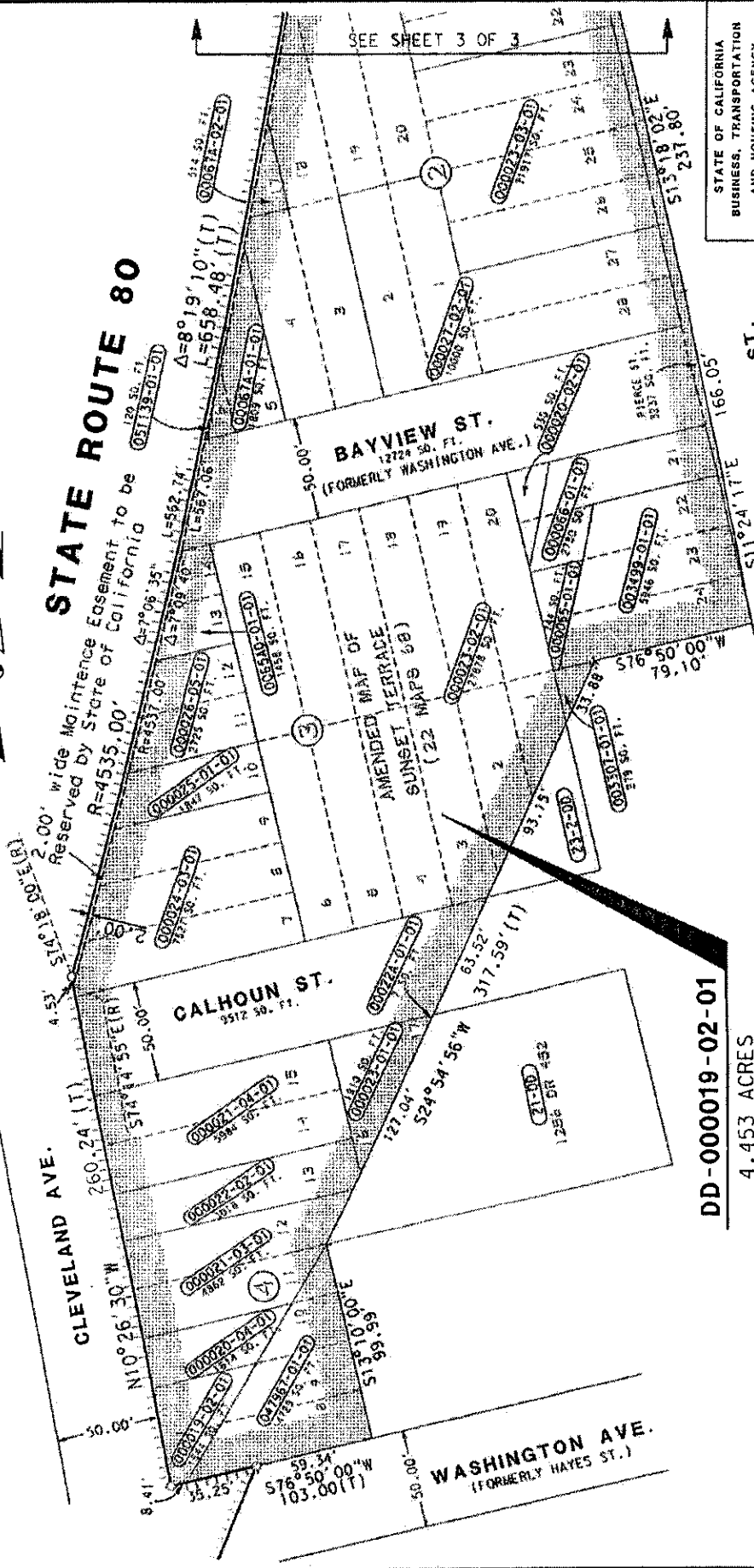
CITY OF ALBANY



STATE ROUTE 80

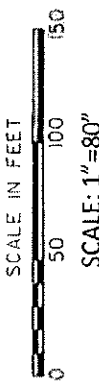
2.00' wide Maintenance Easement to be Reserved by State of California
 $R=4535.00'$

COORDINATE BEARINGS AND DISTANCES SHOWN ARE ON THE CALIFORNIA COORDINATE SYSTEM OF 1927. TO GET TRUE DISTANCES SHOWN BY 1.0000883 TO OBTAIN GROUND-LEVEL DISTANCES.



DD-000019-02-01

4.453 ACRES
 INCLUDING 0.749 ACRES
 OF STREET AREAS



SCALE: 1"=80'

STATE OF CALIFORNIA
 BUSINESS, TRANSPORTATION
 AND HOUSING AGENCY
 DEPARTMENT OF TRANSPORTATION
 DISTRICT 4

DIRECTOR'S DEED
DD-000019-02-01

DR. BY:	DATE: 11/2003
CKD. BY: SH	SCALE: 1"=80'
CO. RYE: P.M. DR. No.	
ALA. NO	7.6 SHEET 2 OF 3

LEGEND

ACCESS PROHIBITED

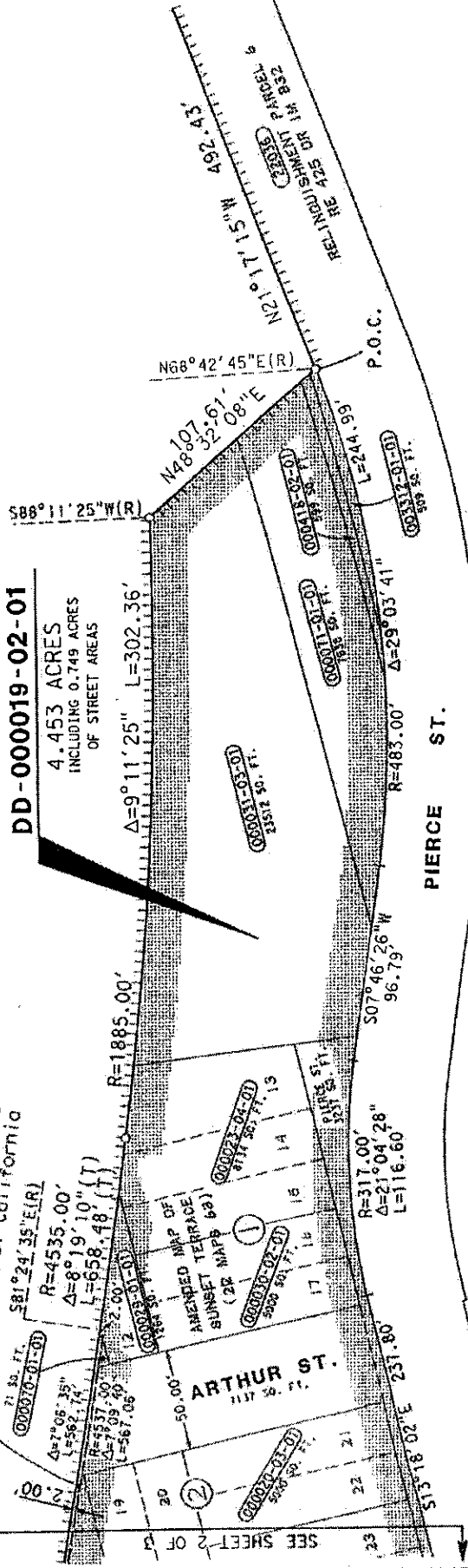
COORDINATES, BEARINGS AND DISTANCES SHOWN ARE ON THE CALIFORNIA COORDINATE SYSTEM. TO OBTAIN HORIZONTAL DISTANCES BY THE USE OF THIS MAP, DISTANCES BY 1.000083 TO OBTAIN HORIZONTAL DISTANCES.

CITY OF ALBANY

STATE ROUTE 80

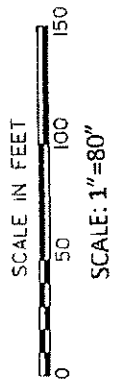
2.00' wide Maintenance Easement to be Reserved by State of California

DD-000019-02-01
4.453 ACRES
INCLUDING 0.749 ACRES
OF STREET AREAS



STATE OF CALIFORNIA BUSINESS, TRANSPORTATION AND HOUSING AGENCY	
DEPARTMENT OF TRANSPORTATION DISTRICT 4	
DIRECTOR'S DEED DD-000019-02-01	
DR. BY:	DATE: 11/2003
CKD. BY: SN	SCALE: 1"=80'
CD. RTE: P.M.	DR. No.
ALA: 80	7.8 SHEET 3 OF 3

LEGEND
ACCESS PROHIBITED
P.O.C. POINT OF COMMENCEMENT



R-89.20 & R-102.1b

EXHIBIT B

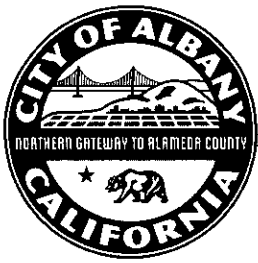
CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in the real property conveyed by the Director's Deed number DD-000019-02-01 from the State of California, Department of Transportation, to the City of Albany, a charter city, is hereby accepted by order of the City Council of the City of Albany, pursuant to its authority under its City Charter and authority conferred by Resolution 2011-33, as adopted on June 20, 2011, and the grantee consents to recordation thereof by its duly authorized officer.

By: Beth Pollard
Beth Pollard, City Manager
City of Albany

Date: 6-21-2011

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City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

RESOLUTION NO. 2011-33

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

this 20th day of June, 2011, by the following votes:

AYES: Council Members Atkinson, Lieber, and Wile

NOES:

ABSENT:

ABSTAINED: Council Members Thomsen and Mayor Javandel

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this
21st Day of June, 2011.

Eileen Harrington
DEPUTY CITY CLERK

The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of a diverse community, and providing a safe, healthy and sustainable environment.



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