



Office of the City Manager

CONSENT CALENDAR  
September 14, 2021

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Liam Garland, Director, Public Works  
 Subject: Transfer of Two Property Parcels to the State of California for the Ashby-SanPablo Intersection Improvements Project

RECOMMENDATION

Adopt first reading of an Ordinance authorizing the City Manager to execute the attached Grant Deed for Parcel No. 63719 and Quitclaim Deed for easement on Parcel No. 63720-1 with the State of California, Department of Transportation (“Caltrans”) and any associated documents as necessary for the transfer of the property interests in these two parcels of property to Caltrans, for the Ashby-San Pablo Intersection Improvements Project (“Project”), Specification No. 18-11182-C.

FISCAL IMPACTS OF RECOMMENDATION

Although Ashby Avenue (State Highway 13) and San Pablo Avenue (State Highway 123) are owned by Caltrans, the City of Berkeley (“City”) is responsible for maintenance of the public infrastructure and receives reimbursement from Caltrans, as per the agreement, *Delegated Maintenance Agreement for Maintenance of State Highways in the City of Berkeley*. The City’s maintenance responsibilities will remain the same as a result of transferring these two parcels to Caltrans, and so any cost impacts to the City are anticipated to be negligible.

CURRENT SITUATION AND ITS EFFECTS

Ashby Avenue (also known as Highway 13), immediately east of San Pablo, has two lanes in each of the eastbound and westbound directions with no dedicated left- or right-turn lanes. This lane configuration results in congestion on Ashby and poses a safety issue, as visibility of vehicles is hampered by the lack of a left turn lane and corresponding signal phase at this location. The Project will address these issues by improving sightlines and providing queuing space and dedicated signal phasing for left-turning vehicles on westbound Ashby. This will be accomplished by widening approximately 100 feet of this portion of Ashby to fit a new, dedicated left turn lane in the westbound direction.

Parcel Nos. 63719 and 63720-1 are located along the south and north sides, respectively, of Ashby Avenue, in the area to be widened. Parcel No. 63719 will be conveyed to Caltrans via a grant deed because the City owns this parcel. The

easement on Parcel No. 63720-1, however, will be assigned to Caltrans with Walgreens retaining ownership of this parcel. The property interests in these parcels need to be transferred to Caltrans, as the current Caltrans property boundaries only cover the current roadway width and are too narrow to encompass the proposed roadway widening.

Although not specifically identified as a Strategic Plan Priority project, the Project has been a priority project for the City for over twenty years, and construction of this project will advance the City's goal to create a resilient, safe, connected, and prepared city.

### BACKGROUND

Over the years, the City has taken incremental steps to acquire interests in the two parcels, which will allow for the widening of Ashby Avenue, including a dedicated left turn lane in the westbound direction. In 1991, as a condition of the Walgreens development at 2995 San Pablo, an easement on a 10-foot-wide strip of land (Parcel No. 63720-1) was dedicated to the City on the north side of Ashby Avenue. In 2009, as part of the City's approval of the five-story mixed-use building at 1200 Ashby, a five-foot-wide strip of land (Parcel No. 63719) was dedicated to the City by the applicants of that development.

In order for the Project to proceed, the City will need to transfer property interests in these two parcels to Caltrans. Caltrans would then review the City's design of the Project and issue an encroachment permit, which would allow the City to begin construction.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The transfer of interests in these two parcels to Caltrans would help ensure successful completion of the Project. The work of the Project is intended to reduce the risk of collisions between motor vehicles, pedestrians, and bicyclists. It is also intended to improve the overall efficiency of the Ashby/San Pablo intersection, thereby reducing emissions from trips made by motor vehicles.

### RATIONALE FOR RECOMMENDATION

This is a Priority Project which has taken considerable staff resources over the past 20 years due to its complexity. The City will need to transfer property interests in the two parcels to Caltrans in order for the Project to proceed into the construction phase. The estimated completion date is late 2022/early 2023 and depends on Caltrans' review and approval of the design and issuance of an encroachment permit.

### ALTERNATIVE ACTIONS CONSIDERED

None.

### CONTACT PERSON

Farid Javandel, Transportation Manager, Public Works Department, (510) 981-7061

Kenneth Jung, Associate Civil Engineer, Public Works Department, (510) 981-7028  
Dionne Early, Community Development Project Coordinator, Public Works Department,  
(510) 981-6453

Attachments:

1: Ordinance

Exhibit A: Right of Way Acquisition Certificate of Sufficiency Exhibit –  
Parcels 63719 and 63720-1

Exhibit B: Grant Deed for Parcel No. 63719

Exhibit C: Quitclaim Deed for Parcel No. 63720-1

ORDINANCE NO. -N.S.

TRANSFER OF TWO PARCELS TO THE STATE OF CALIFORNIA FOR THE  
ASHBY-SAN PABLO INTERSECTION IMPROVEMENTS PROJECT

BE IT ORDAINED by the Council of the City of Berkeley as follows:

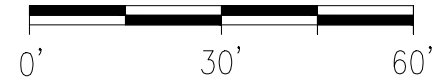
Section 1. That the City Manager and City Clerk or their designees are authorized and directed to make, execute, and deliver for and on behalf of the City of Berkeley, as its corporate act and under its corporate name and seal, a transfer of property interests in two parcels of property to the State of California, Department of Transportation (“Caltrans”) via a grant deed for Parcel No. 63719 and a quitclaim deed for the easement over Parcel No. 63720-1, a map and copies of which are attached hereto as Exhibits A, B, and C.

Section 2. That the City Clerk or his designee is authorized and directed to deliver the signed grant deed and quitclaim deed to Caltrans for execution and recording.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library, and the title shall be published in a newspaper of general circulation.

Exhibits

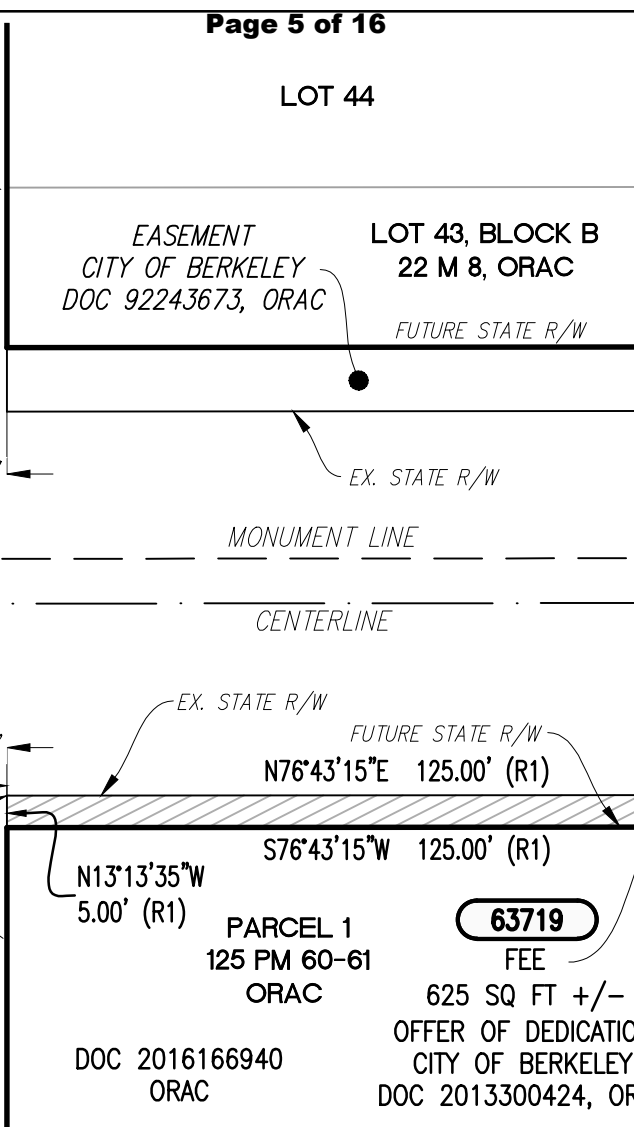
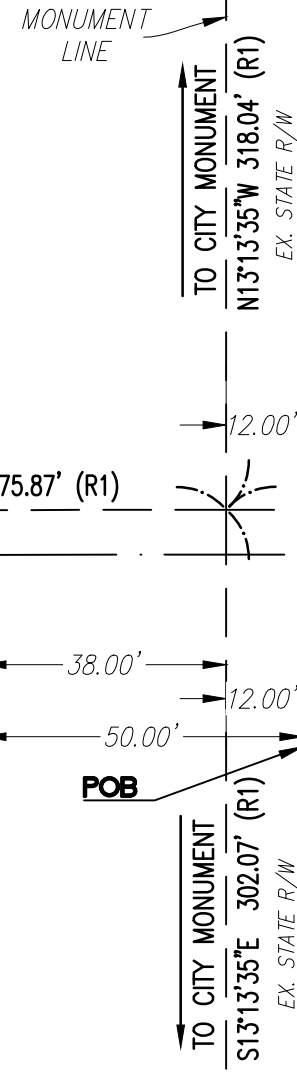
- A: Right of Way Acquisition Certificate of Sufficiency Exhibit –  
Parcels 63719 and 63720-1
- B: Grant Deed for Parcel No. 63719
- C: Quitclaim Deed for Parcel No. 63720-1



SCALE: 1" = 30'

**SAN PABLO AVENUE  
(ROUTE 123)  
100' WIDE**

CENTERLINE



LOT 42

**LOT 44**  
**LOT 43, BLOCK B**  
**22 M 8, ORAC**

EASEMENT CITY OF BERKELEY DOC 92243673, ORAC  
FUTURE STATE R/W

**ASHBY AVENUE (ROUTE 13)  
60' WIDE**

**PARCEL 1**  
**125 PM 60-61**  
**ORAC**  
**DOC 2016166940**  
**ORAC**

**63719**  
FEE

625 SQ FT +/-  
OFFER OF DEDICATION  
CITY OF BERKELEY  
DOC 2013300424, ORAC

**LEGEND**

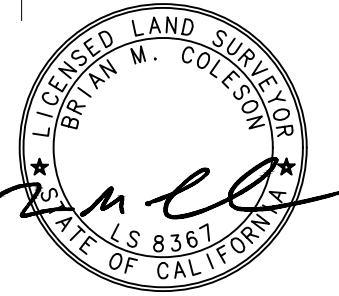
- = AREA TO BE CONVEYED
- DOC = DOCUMENT
- EX. = EXISTING
- ORAC = OFFICIAL RECORDS OF ALAMEDA COUNTY
- POB = POINT OF BEGINNING
- R/W = RIGHT OF WAY
- = CITY MONUMENT

**DOC REFERENCE**

- (R1) = DOC 2013300424, ORAC
- (R2) = DOC 92243673, ORAC

**EXHIBIT "A"**

**RIGHT OF WAY ACQUISITION  
CERTIFICATE OF SUFFICIENCY  
EXHIBIT - PARCEL 63719**



Aug 02, 2018 - 6:34pm c:\survey2\2018\2018-25 San Pablo Ashby COB\5000 Technical\5200 CAD\5230 DWG\Boundary\2018-25 San Pablo Ashby COB.dwg



2300 Clayton Road, Ste 1400  
Concord, CA 94520  
(925) 446-3800

PARCEL NO.	GRANTOR	ACQ. CODE	AREAS IN SQUARE FEET					EASEMENT TYPE	REMARKS
			TOTAL	R/W	REM	EXCESS	EASEMENT		
63719	CITY OF BERKELEY	F	625	625	0				

DR. BY: BMC				DATE: 8/2/2018	
CHK. BY: BMC				SCALE: 1" = 30'	
DIST.	CO.	RTE.	POST MILE	SHEET	TOTAL
04	ALA	13/123	13.18/1.93	1	2

**SAN PABLO AVENUE  
(ROUTE 123)  
100' WIDE**

CENTERLINE

MONUMENT LINE

TO CITY MONUMENT  
N13°13'35"W 318.04' (R1)  
EX. STATE R/W

LOT 44

**63720**

DOC 2004511819  
ORAC

**63720-1**

EASEMENT

1,000 SQ FT +/-  
CITY OF BERKELEY  
DOC 92243673, ORAC

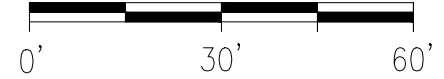
LOT 43, BLOCK B  
22 M 8, ORAC

LOT 42

N76°43'15"E 100.03' (R2)

FUTURE STATE R/W

S13°14'35"E  
10.00' (R2)



SCALE: 1" = 30'



N13°14'51"W  
10.00' (R2)

POB

S76°43'15"W 100.03' (R2)

EX. STATE R/W

EX. STATE R/W

N76°43'15"E 75.87' (R1)

MONUMENT LINE

N76°43'15"E 851.26' (R1)

TO CITY MONUMENT

N13°14'39"W  
3.33' (R1)

CENTERLINE

**ASHBY AVENUE (ROUTE 13)  
60' WIDE**

EX. STATE R/W

50.00'

38.00'

12.00'

EX. STATE R/W

FUTURE STATE R/W

PARCEL 1  
125 PM 60-61  
ORAC

OFFER OF DEDICATION  
CITY OF BERKELEY  
DOC 2013300424, ORAC

**LEGEND**



= AREA TO BE CONVEYED

DOC = DOCUMENT

EX. = EXISTING

ORAC = OFFICIAL RECORDS OF ALAMEDA COUNTY

POB = POINT OF BEGINNING

R/W = RIGHT OF WAY

● = CITY MONUMENT

**DOC REFERENCE**

(R1) = DOC 2013300424, ORAC

(R2) = DOC 92243673, ORAC

**EXHIBIT "A"**

**RIGHT OF WAY ACQUISITION  
CERTIFICATE OF SUFFICIENCY  
EXHIBIT - PARCEL 63720-1**



**AECOM**

2300 Clayton Road, Ste 1400  
Concord, CA 94520  
(925) 446-3800

PARCEL NO.	GRANTOR	ACQ. CODE	AREAS IN SQUARE FEET					EASEMENT TYPE	REMARKS
			TOTAL	R/W	REM	EXCESS	EASEMENT		
63720-1	CITY OF BERKELEY	E					1,000	PUBLIC R/W	

DR. BY: BMC				DATE: 8/2/2018		
CHK. BY: BMC				SCALE: 1" = 30'		
DIST.	CO.	RTE.	POST MILE	SHEET	TOTAL	
04	ALA	13/123	13.18/1.93	2	2	

RECORDING REQUESTED BY  
STATE OF CALIFORNIA

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WHEN RECORDED RETURN TO  
DEPARTMENT OF TRANSPORTATION  
PO BOX 23440, MS-11A  
OAKLAND, CA 94623-0440  
Attn: Qin Phu

Space above this line for Recorder's Use

# GRANT DEED

District	County	Route	Postmile	Number
04	ALA	13	13.16	63719

City of Berkeley, Alameda County, a political subdivision of the State of California, hereinafter called GRANTOR, hereby grants to the State of California, Department of Transportation, hereinafter called STATE, all that real property in the City of Berkeley, County of Alameda, State of California, described as follows:

See Exhibits "A", attached hereto.

Transfer Tax Not Applicable: R & T Code 11922

STATE BUSINESS: Free

This is to certify that this document is presented for recordation by the State of California under Government Code 27383 and is necessary to complete the chain of title of the State to property acquired by the State of California.

DISTRICT DIRECTOR

BY \_\_\_\_\_

MARK L. WEAVER  
Deputy District Director  
Right of Way and Land Surveys

Number
63719

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 202\_\_

CITY OF BERKELEY

Date: \_\_\_\_\_

By \_\_\_\_\_  
DEE WILLIAMS-RIDLEY  
City Manager

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This is to certify that the State of California, acting by and through the Department of Transportation (according to Section 27281 of the Government Code), accepts for public purposes the real property described in this deed and consents to its recordation.

Dated \_\_\_\_\_

ADETOKUNBO OMISHAKIN  
Director of Transportation

By \_\_\_\_\_  
MARK L. WEAVER, Attorney in Fact  
Deputy District Director  
Right of Way and Land Surveys



Number
63719

**ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }  
 County of \_\_\_\_\_ } SS

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.

Signature \_\_\_\_\_ (Seal)

Number
63719

**ACKNOWLEDGMENT**

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State of California }  
 County of \_\_\_\_\_ } SS

On \_\_\_\_\_ before me, \_\_\_\_\_ ,  
*Here insert Name and Title of the Officer*

personally appeared \_\_\_\_\_ ,

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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.

Signature \_\_\_\_\_ (Seal)

Number
63719

EXHIBIT "A"

**Parcel 63719**

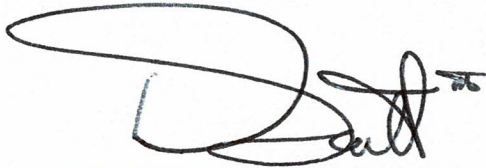
The parcel of land described in the Corrective Offer of Dedication to the City of Berkeley, Alameda County, a political subdivision of California, recorded September 6, 2013 as Document Number 2013300424, Official Records of Alameda County, California, described as follows:

"Real property in the City of Berkeley, Alameda County, California.

Being the northern 5 feet of Parcel 1, Parcel Map 3423, filed on March 30, 1981, Map Book 125, Pages 60-61, in the Office of the County Recorder of Alameda County, more particularly described as follows:

Beginning at the northwest corner of said Parcel 1; thence along the northern line of said Parcel 1, said line also being the southern line of Ashby Avenue, North 76° 43' 15" East, 125.00 feet, to the northeast corner of said Parcel 1; thence along the eastern line of said Parcel 1, South 13° 13' 35" East, 5.00 feet, thence along a line parallel to the northern line of said Parcel 1, South 76° 43' 15" West, 125.00 feet, to the western line of said Parcel 1, said line also being the eastern line of San Pablo Avenue; thence along said line, North 13° 13' 35" West, 5.00 feet to the Point of Beginning."

CONTAINING an area of 625 square feet, more or less.



Dan S. Scott III, PLS 7840

December 8, 2020

Date



RECORDING REQUESTED BY  
STATE OF CALIFORNIA

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WHEN RECORDED RETURN TO  
DEPARTMENT OF TRANSPORTATION  
PO BOX 23440, MS-11A  
OAKLAND, CA 94623-0440  
Attn: Qin Phu

Space above this line for Recorder's Use

# QUITCLAIM DEED

District	County	Route	Postmile	Number
04	ALA	13	13.16	63720-1

City of Berkeley, Alameda County, a political subdivision of the State of California, hereinafter called GRANTOR, hereby releases and quitclaims to the State of California, Department of Transportation, hereinafter called STATE, all right, title and interest in and to that real property in the City of Berkeley, County of Alameda, State of California, described as follows:

See Exhibits "A", attached hereto.

Transfer Tax Not Applicable: R & T Code 11922

STATE BUSINESS: Free

This is to certify that this document is presented for recordation by the State of California under Government Code 27383 and is necessary to complete the chain of title of the State to property acquired by the State of California.

DISTRICT DIRECTOR

BY \_\_\_\_\_  
MARK L. WEAVER  
Deputy District Director  
Right of Way and Land Surveys

Number
63720-1

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 202\_\_

CITY OF BERKELEY

Date: \_\_\_\_\_

By \_\_\_\_\_  
DEE WILLIAMS-RIDLEY  
City Manager

---

This is to certify that the State of California, acting by and through the Department of Transportation (according to Section 27281 of the Government Code), accepts for public purposes the real property described in this deed and consents to its recordation.

Dated \_\_\_\_\_

ADETOKUNBO OMISHAKIN  
Director of Transportation

By \_\_\_\_\_  
MARK L. WEAVER, Attorney in Fact  
Deputy District Director  
Right of Way and Land Surveys

Number
63720-1

**ACKNOWLEDGMENT**

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State of California }  
 County of \_\_\_\_\_ } SS

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.

Signature \_\_\_\_\_ (Seal)

Number
63720-1

**ACKNOWLEDGMENT**

<p>A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.</p>
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State of California }  
County of \_\_\_\_\_ } SS

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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.

Signature \_\_\_\_\_ (Seal)

Number
63720-1

EXHIBIT "A"

**Parcel 63720-1**

An easement for public right of way purposes described in the Grant of Easement to the City of Berkeley, a political subdivision of California, recorded July 28, 1992 as Document Number 92243673, Official Records of Alameda County, California, described as follows:

"All that certain real property situated in the City of BERKELEY, County of Alameda, State of California described as follows:

THE SOUTH 10 FEET OF LOT 43 OF BLOCK B, MAP NO. 2 "SAN PABLO PARK" FILED DECEMBER 4, 1906, IN BOOK 22 OF MAPS AT PAGE 8, DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHERLY LINE OF ASHBY AVENUE (60 FEET WIDE) AND THE EASTERLY LINE OF SAN PABLO AVENUE (100 FEET WIDE); THENCE FROM SAID POINT OF BEGINNING NORTH 13° 14' 51" WEST, 10.00 FEET ALONG SAID EASTERLY LINE OF SAN PABLO AVENUE; THENCE NORTH 76° 43' 15" E 100.03' TO THE EASTERLY LINE OF SAID LOT 43 (22 M 8); THENCE SOUTH 13° 14' 35" EAST 10.00 FEET ALONG THE EASTERLY LINE OF SAID LOT 43 TO THE NORTHERLY LINE OF SAID ASHBY AVENUE; THENCE SOUTH 76° 43' 15" WEST, 100.03 FEET ALONG SAID NORTHERLY LINE OF ASHBY AVENUE TO THE POINT OF BEGINNING.

CONTAINING 1,000 SQUARE FEET MORE OR LESS."



Dan S. Scott III, PLS 7840

December 8, 2020

Date

