



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
December 4, 2013**

TO: Mayor and City Council
FROM: Tim Tucker, City Engineer
SUBJECT: Martinez Intermodal Facility, Phase 3
Memorandum of Understanding with East Bay Regional Park District
DATE: November 25, 2013

RECOMMENDATION:

Adopt Resolution authorizing the Mayor to enter into a Memorandum of Understanding with the East Bay Regional Park District to record a deed restriction on the Martinez Intermodal Facility, Phase 3 parcel that would prohibit permanent residential use in exchange for the reinstatement of access rights across Alhambra Creek to Berrellesa Street and an easement exchange for the Ferry Street Extension.

BACKGROUND:

The on-site parking lot improvements for the Martinez Intermodal Facility, Phase 3 Project (Project) is currently under construction and scheduled to be substantially complete by the end of the year. Other project elements that are yet to be constructed include; 1) a pedestrian bridge crossing the Union Pacific Railroad (UPRR) tracks and connecting to the Martinez Amtrak Train Station building; 2) realignment of the Ferry Street Extension; and 3) a vehicular and bicycle/pedestrian bridge crossing Alhambra Creek to Berrellesa Street. Attached is a Site Plan Exhibit of the Project improvements.

City Staff is currently working with UPRR and PG&E to obtain approvals and utility relocations for the construction of the pedestrian bridge. This bridge is scheduled to be completed in 2015.

Over the past two years, City staff and the staff from the East Bay Regional Park District (District) have met to discuss the goals and details of the Project. Moreover, the District/Martinez Joint Planning Agency met to discuss and review the Project on March 13, 2013 and on October 29, 2013.

In order to construct the realignment of the Ferry Street Extension and the vehicular and bicycle/pedestrian bridge crossing Alhambra Creek to Berrellesa Street, the City needs to enter into an agreement with the District to achieve the following; 1) reinstatement of access rights across Alhambra Creek to Berrellesa Street along with an access and utility easement for the bridge; and 2) an easement exchange for the Ferry Street Extension. The alignment of the bridge crossing Alhambra Creek is shown on the attached Site Exhibit, and the easement exchange is shown on both the attached Site Exhibit and in detail on the attached Proposed Easement Studies.

During discussions at the Joint Planning Agency meetings, the District has indicated a desire to prohibit permanent residential use on the Project parcel. In response, the City indicated general agreement with this restriction of land use in exchange for obtaining the necessary real property interests necessary to implement Project improvements.

DISCUSSION:

In 1974, the Martinez Waterfront Planning Agency commissioned the preparation of an in-depth study of the Martinez Waterfront for the purposes of assessing the suitability and potential for the development of a shoreline park. This study was approved in 1976 entitled “Martinez Waterfront Phase 2: Land Use Plan”. In this plan, the Ferry Street Extension is described as a park facility and any changes or amendments shall be reviewed and approved by the State Lands Commission.

In 1976, the City and District entered into the “Revised Master Regional Shoreline” agreement, which outlines various responsibilities of the City and the District in the joint operation of the Waterfront Park.

In 1977, the District entered into an agreement with the owners of the Alhambra Industrial Park (Zocchi Property) that quitclaimed access across Alhambra Creek to Berrellesa Street.

In 1994, the City initiated environmental clearance to begin the planning and design of the Martinez Intermodal Facility, and certified an Environmental Impact Report and a Final Environmental Assessment in 1996. The acquisition of the old railroad yard property followed.

In 1997, the first phase of the Martinez Intermodal Facility was implemented and included in the construction of the Alhambra Creek enhancement and parking lot improvements south of the railroad tracks. This work was followed by the replacement of the old Union Pacific railroad bridge that improved track capacity and flood protection. The City and District then entered into an agreement in 1998 outlining the exchange of real property interests necessary to implement the first two phases of the Martinez Intermodal Facility.

The Martinez Regional Shoreline Salt Marsh Enhancement Project was completed in 2001 as part of a cooperative effort between the District, City and Caltrans. In 2002, the Amtrak Station building, platforms, and two new tracks were completed as part of the second phase of the Martinez Intermodal Facility.

In 2007, the City approved a Draft Initial Study, Proposed Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Plan for the Martinez Intermodal Facility, and acquired the Zocchi property to allow for the design and implementation of the Project improvements the following year. The City moved forward with the conceptual design in 2010 and final design in 2012.

During the final design phase, City staff met with District staff to discuss the goals and details of the Project and to obtain comments for consideration and inclusion into the design process. Moreover, the District/City Joint Planning Agency met twice over the past year to discuss, review and comment on the Project. At these meetings, the District indicated a desire to prohibit

permanent residential use on the Project parcel. In response, the City stated a willingness to agree to this desire in exchange for approval of the reinstatement of access rights and easement exchange discussed herein as necessary to complete the Project improvements. Furthermore, earlier this month City Staff submitted the Ferry Street Extension proposed realignment plans and easement exchange requirements to the State Lands Commission for review and approval.

FISCAL IMPACT:

None.

ACTION:

Adopt Resolution authorizing the Mayor to enter into a Memorandum of Understanding with the East Bay Regional Park District to record a deed restriction on the Martinez Intermodal Facility, Phase 3 parcel that would prohibit permanent residential use in exchange for the reinstatement of access rights across Alhambra Creek to Berrellesa Street and an easement exchange for the Ferry Street Extension.

Attachments:

- 1) Resolution
- 2) Draft MOU
- 3) Site Exhibit
- 4) Proposed Easement Study for Ferry Street Extension
- 5) Proposed Easement Study for Alhambra Creek

APPROVED BY:



Acting City Manager

RESOLUTION NO. 13

AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE EAST BAY REGIONAL PARK DISTRICT TO RECORD A DEED RESTRICTION ON THE MARTINEZ INTERMODAL FACILITY, PHASE 3 PARCEL THAT WOULD PROHIBIT PERMANENT RESIDENTIAL USE IN EXCHANGE FOR THE REINSTATEMENT OF ACCESS RIGHTS ACROSS ALHAMBRA CREEK TO BERRELLESA STREET AND AN EASEMENT EXCHANGE FOR THE FERRY STREET EXTENSION

WHEREAS, In June 1974, the Martinez Waterfront Planning Agency (Agency) commissioned the preparation of an in-depth study of the Martinez Waterfront for the purposes of assessing suitability and potential for the development of a shoreline park; and

WHEREAS, The Agency, and its ancillary entities, the City of Martinez (City) and East Bay Regional Park District (District), adopted the first phase of the in-depth study, Phase 1: Resource Analysis, in November 1974, and adopted the second and final phase of the in-depth study, Phase 2: Land Use Plan, in April 1976 (Plan); and

WHEREAS, the Ferry Street Extension is described as a facility in the Plan, and any changes or amendments to the Plan shall be reviewed and approved by the State Lands Commission in accordance with Chapter 815, Section 4(a) of the State Statutes; and

WHEREAS, The City and the District have previously entered into the "Revised Master Regional Shoreline" agreement, dated October 1, 1976, which outlines various responsibilities of the City and the District in the joint operation of this Park; and

WHEREAS, In 1977, the District entered into an agreement with the owners of the Alhambra Industrial Park that quitclaimed access across Alhambra Creek to Berrellesa Street; and

WHEREAS, In 1996 the City certified an Environmental Impact Report (CEQA) and a Final Environmental Assessment (NEPA) for the Martinez Intermodal Facility, and moved forward with property acquisition of the old Union Pacific railroad yard; and

WHEREAS, In 1997, the City constructed the parking lot and Alhambra Creek enhancements south of the railroad tracks as part of the first phase of the Martinez Intermodal Facility; and

WHEREAS, The City and District entered into an agreement "Martinez Intermodal-Memorandum of Understanding-East Bay Regional Park District-City of Martinez", on July 21, 1998, and amended in 2000, outlining the exchange of real property interests associated with the already completed first two phases of the Martinez Intermodal Facility; and

WHEREAS, In 2000, the old Union Pacific railroad bridge was replaced with a wider and higher bridge that allowed for the addition of two northerly tracks, and afforded an 100-year level of flood protection consistent with the goals of the Martinez Intermodal Facility; and

WHEREAS, In conjunction with the Martinez Intermodal Facility, the first two phases of the Martinez Regional Shoreline Salt Marsh Enhancement Project were completed in 2001 as part of a cooperative effort between the City, the District, and Caltrans; and

WHEREAS, The Amtrak Station building, platforms, and two new tracks were completed as part of the second phase of the Martinez Intermodal Facility in 2002; and

WHEREAS, The City approved a Draft Initial Study, Proposed Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Plan for the Martinez Intermodal Facility, Phase 3 Project on May 27, 2007; and

WHEREAS, The City acquired the Zocchi property (Alhambra Industrial Park) in 2008 to allow for the design and implementation of the Project improvements; and

WHEREAS, The City moved forward with the conceptual design phase in 2010, followed by the initiation of the preliminary and final design phase of the Project in 2012; and

WHEREAS, The City and District staff have met over the past two years to discuss the goals and details of the Project; and

WHEREAS, The District/City Joint Planning Agency met to discuss and review the Project on March 13, 2013 and on October 29, 2013; and

WHEREAS, In November 2013, the City made contact and submitted Project information to the State Lands Commission requesting review and approval of the proposed alignment of Ferry Street Extension; and

WHEREAS, The Project will provide the public with improved access and parking to and from the Martinez Regional Shoreline, San Pablo Bay and Carquinez Strait shorelines, and other parts of the East Bay; and

WHEREAS, The City has obtained the necessary permits from environmental regulatory agencies to construct Project improvements; and

WHEREAS, The City is now implementing the Project which requires access rights across Alhambra Creek to Berrellesa Street, and an easement exchange for the Ferry Street Extension; and

WHEREAS, The District has indicated a desire to prohibit permanent residential use on the Project parcel; and

WHEREAS, "Easement" shall mean easement, license, lease or quit claim.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Martinez authorizes the Mayor to enter into a Memorandum of Understanding with the District to record a deed restriction on the Martinez Intermodal Facility, Phase 3 parcel that would prohibit permanent residential use in exchange for the reinstatement of access rights across Alhambra Creek to Berrellesa Street and an easement exchange on Ferry Street Extension.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of the above resolution; and

BE IT FURTHER RESOLVED, that the Memorandum of Understanding may be modified in form subject to approval of the City Attorney and City Manager.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 4th day of December 2013 by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

DRAFT
MARTINEZ INTERMODAL FACILITY, PHASE 3
MEMORANDUM OF UNDERSTANDING
EAST BAY REGIONAL PARK DISTRICT
AND CITY OF MARTINEZ

This amendment is entered this ____ day of _____, 2014 by and between the East Bay Regional Park District, a California Special District (hereinafter “District”), and the City of Martinez (hereinafter “City”).

WHEREAS:

- A. The District is the Owner of the Martinez Regional Shoreline (“Park”), which was dedicated under Section 5540 of the California Public Resources Code.
- B. In June 1974, the Martinez Waterfront Planning Agency (Agency) commissioned the preparation of an in-depth study of the Martinez Waterfront for the purposes of assessing suitability and potential for the development of a shoreline park.
- C. The Agency, and its ancillary entities, the City and District, adopted the first phase of the in-depth study, Phase 1: Resource Analysis, in November 1974, and adopted the second and final phase of the in-depth study, Phase 2: Land Use Plan, in April 1976.
- D. Ferry Street Extension is described as a facility in the Plan, and any changes or amendments to the Plan shall be reviewed and approved by the State Lands Commission in accordance with Chapter 815, Section 4(a) of the State Statutes.
- E. The City and the District have previously entered into the “Revised Master Regional Shoreline” agreement, dated October 1, 1976, which outlines various responsibilities of the City and the District in the joint operation of this Park.
- F. In 1977, the District entered into an agreement with the owners of the Alhambra Industrial Park (Zocchi Property) that quitclaimed access across Alhambra Creek to Berrellesa Street.
- G. The City and District entered into an agreement “Martinez Intermodal-Memorandum of Understanding-East Bay Regional Park District-City of Martinez”, on July 21, 1998, and amended in 2000, outlining the exchange of real property interests associated with the already completed first two phases of the Martinez Intermodal Facility; and
- U. The City is now implementing the Martinez Intermodal Facility, Phase 3 Project (Project) which requires reinstatement of access rights and exchange of easements affecting portions of the Park for the Project’s completion.

- V. The District and the City seek to exchange real property interests as outlined below, in compliance with Section 5540.5 of the California Public Resources Code.
- W. The District has indicated a desire to prohibit permanent residential use on the Project parcel.
- X. The City desires to reinstate access rights across Alhambra Creek to Berrellesa Street, and an easement exchange on Ferry Street Extension.

NOW THEREFORE, in consideration of the mutual promises set forth herein, the parties agree as follows:

- 1. Conveyances by the District:** The District shall convey to the City, or its assignee, the access rights and easements listed below. Conveyance shall be subject to any interest of the State of California in the affected property as it may exist in the deed giving District fee-title interest in the affected property.
 - a. A quitclaim deed reinstating the access rights across Alhambra Creek to Berrellesa Street that were previously quitclaimed in the Agreement between District and Alhambra Industrial Park, recorded on January 20, 1977, on Book 8172, Page 156.
 - b. A fifty-foot wide access and utility easement crossing the low flow channel of Alhambra Creek, substantially in the form shown in Exhibit "A-1", using the legal description to be provided by the City.
 - c. An access and utility easement to accommodate the realignment of Ferry Street Extension, having a width ranging between thirty and forty feet, substantially in the form shown in Exhibit "A-2", using the legal description to be provided by the City.
- 2. Conveyances to the District:** The City shall convey the following interests in real property to the District.
 - a. A deed restriction in the form of a quitclaim or similar document acceptable to the District restricting permanent residential use over the Project property.
 - b. Relinquish any excess portion of the existing easement for the Ferry Street Extension.
- 3. Intermodal Project, Phase 3 Construction Work within the Park:**
 - a. Reconstruction of Ferry Street and Joe DiMaggio Drive intersection to be realigned in a manner consisted with Exhibit "A-3".

- b. Realign Ferry Street Extension and restore and adjust the trail improvements in a manner consistent with Exhibit "A-4".
- c. The City shall landscape the affected areas of the Park (Ferry Street Extension) and along the north perimeter of the Project property in a manner substantially in conformance with the plans shown on Exhibit "A-5". Landscaping shall include appropriate irrigation and trail fence/rail improvements.
- d. Construct a vehicular and pedestrian/bicycle bridge thirty-four feet wide. This bridge to be owned and maintained by the City.
- e. Include a trail system along the westerly and southerly Project parcel boundaries that provides for a connection from Berrellesa Street (Bay Trail) to Ferry Street Extension consistent with Exhibit "A-6".
- f. Terms of Construction Work: Work shall be performed in compliance with a District Encroachment Permit, issued administratively subsequent to the MOU. Work shall be completed between 8:00 AM and 5:00 PM Monday through Friday, excluding holidays. No work shall be performed outside of these times without written permission of the District Encroachment Permit Department. It is understood that in no event shall the work prevent the public from having reasonable access to the Park. Should Park traffic become significantly congested, the City shall temporarily cease activity and do all things reasonably necessary to allow the public in or out of the Park. The Encroachment Permit shall specify how all parts of the subsection shall be implemented.

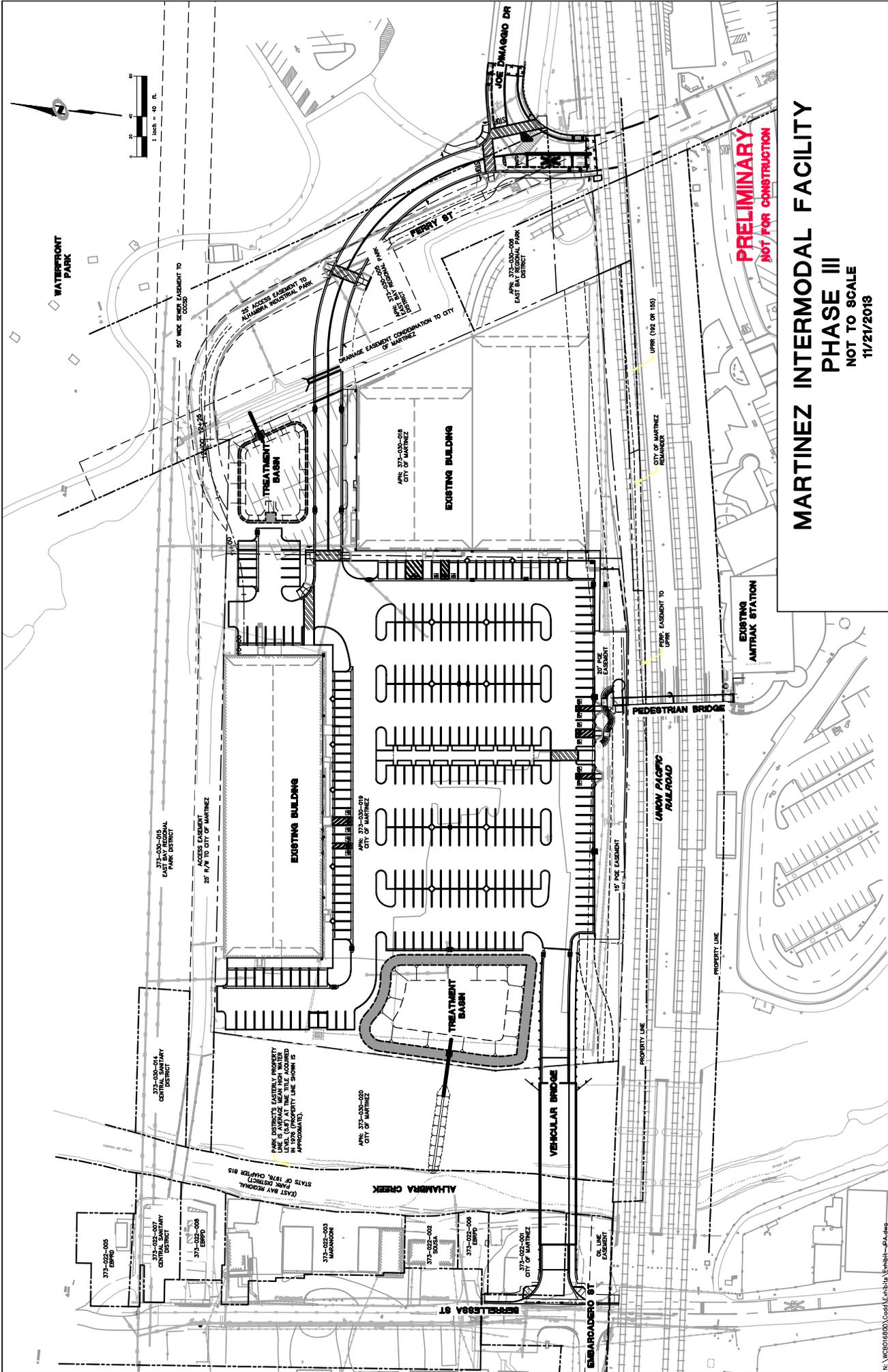
IN WITNESS WHEREOF, parties have signed and delivered this Agreement on the date above first written.

CITY OF MARTINEZ

EAST BAY REGIONAL PARK DISTRICT

By: _____
Mayor

By: _____
General Manager



MARTINEZ INTERMODAL FACILITY

PHASE III

NOT TO SCALE

11/21/2013



SCALE 1"=50'
10/15/2012

ATTACHMENT #4

EXISTING EASEMENT

APN 373030005
(EBRPD)

25'

PROPOSED EASEMENT

31'

Existing Drainage
Easement for City
of Martinez

STORM DRAIN
CULVERT EASEMENT
- NOT INCLUDED IN
CALCULATIONS

APN 373030007
(EBRPD)

**MARTINEZ INTERMODAL FACILITY - PHASE III
Proposed Easement Study**

EBRPD Land (APN 373030005) = 174,240 SF
(APN 373030007) = 755,766 SF

Area(Percentage) of Existing Easement = 19,130± SF (2.06%)

Area(Percentage) of Proposed Easement = 17,050± SF (1.83%)

Area Relinquish Back to EBRPD = **2080± SF**

39.5'±

JOE DIMAGGIO
DRIVE

FERRY
STREET

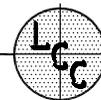
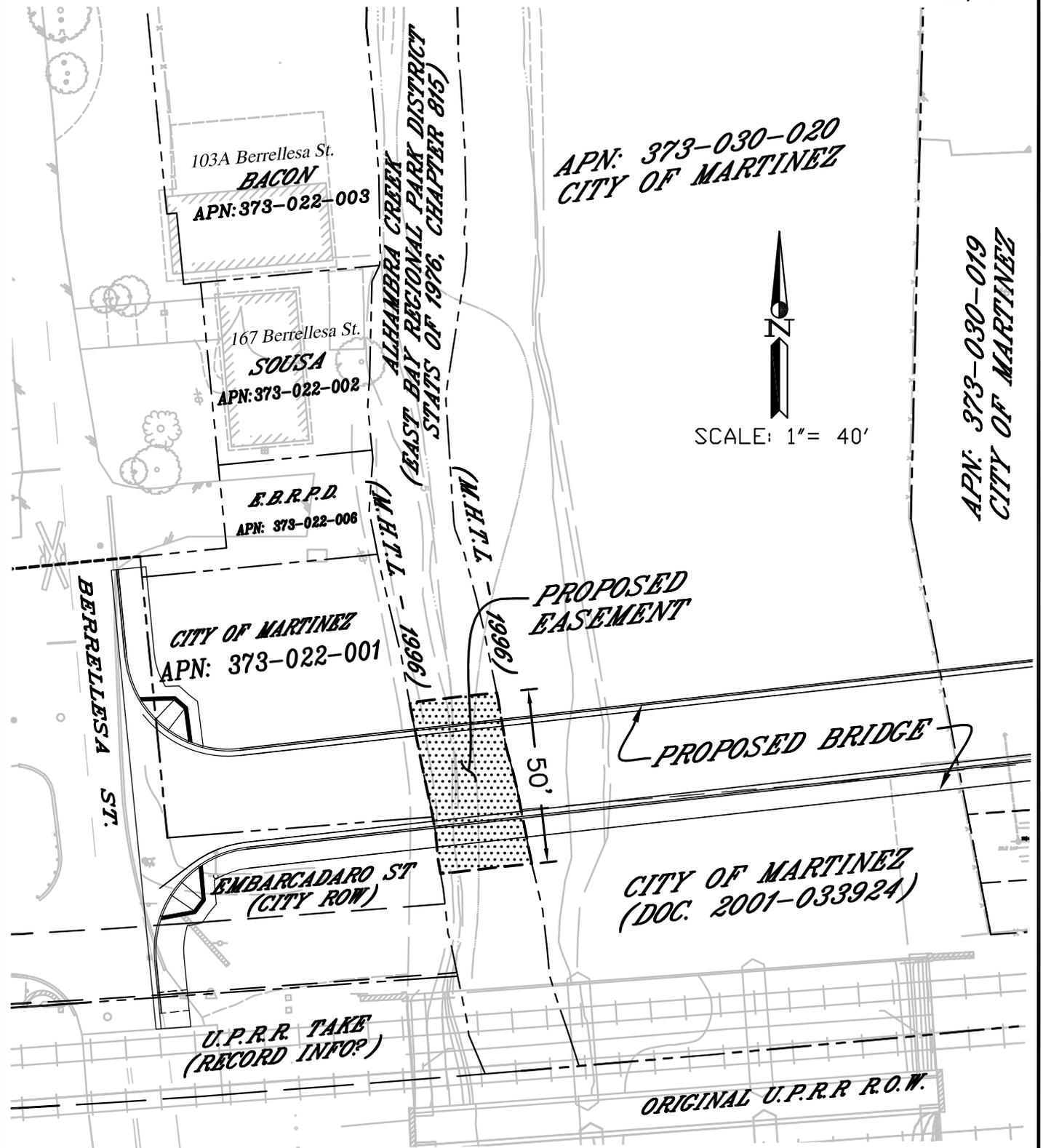
38'±

APN 373030006
(EBRPD)

EXHIBIT

PROPOSED BRIDGE EASEMENT

PORTION OF
ALHAMBRA CREEK
E.B.R.P.D. PARCEL
MARTINEZ, CA.



Leptien, Cronin, Cooper, Morris & Poore, Inc.

dba LCC, Inc.

Civil Engineering - Land Surveying

NOV. 2013

LCC JOB No. 2012.015.00