



Staff Report

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE CERTIFICATE OF ACCEPTANCE FOR THE INTERESTS IN REAL PROPERTY LOCATED AT 700 ISLAND PARKWAY (APN 040-360-400) CONVEYED FROM LUCAS TRUST PROPERTIES LLC, TO EXECUTE ANY DOCUMENTS FOR THE SALE OF EXCESS LAND (LOCATED BETWEEN APN 040-360-400 AND APN 040-360-480), AND ENTER INTO AN AGREEMENT WITH LUCAS TRUST PROPERTIES LLC FOR THE LEASE OF AIR SPACE UNDER THE ISLAND PARKWAY BRIDGE STRUCTURE

Honorable Mayor and Council Members:

Summary

The City has been in negotiations and has come to an agreement with Lucas Trust for the acquisition of real property, utility and maintenance easements for the new Island Parkway connection to Ralston Avenue, selling of the remnant parcel that has been created as the result of the new Island Parkway connection to Ralston Avenue and the leasing of the air space under the new Island Parkway bridge structure.

Background

The City of Belmont and Lucas Trust Properties LLC have been in negotiation for the City for the purchase of real property to facilitate the construction of the Island Parkway direct connection, for the City to sell the remnant parcel that is created as the result of the Island Parkway direct connection and the leasing of the air space under the new Island Parkway bridge structure.

Discussion

Island Parkway Right-of-Way Acquisition

The City of Belmont needed approximately 8,000 square feet of property owned by Lucas Trust to facilitate the construction of the Island Parkway connection to Ralston Avenue. The property included right-of-way and utility and maintenance agreements. Lucas Trust owns the land under Autobahn Motors and leases it to Sonic Motors who owns and operates the Autobahn Motors dealership.

The County of San Mateo was retained to be the Right-of-Way Agent. The property and easements were appraised at \$730,820. These funds are in an escrow account pending the two parties agreeing on the purchase price. The two parties have agreed on the purchase price of the property and easements associated with the construction and maintenance of the Island Parkway extension at the appraised value.

The City needs to certify the acceptance of the real property that is being conveyed by the Grant and Easement Deeds from Lucas Trust Properties LLC.

Sale of the Remnant Parcel

Lucas Trust Properties LLC has indicated an interest in purchasing the remnant parcel created as the result of the realigning of Island Parkway to connect directly to Ralston Avenue. The remnant parcel is an irregularly shaped triangle that is located between Lucas Trust Properties owned land on the east side of Island Parkway and the Caltrans right-of-way for the US 101 northbound on-ramp. The property is approximately 20,450 square feet and has been appraised at \$491,000.

The City and Lucas Trust Properties LLC have agreed on the sale price of \$491,000. The City will enter into escrow the subject property and execute the sale of the property upon approval from the Council.

Government Code Section 65402 requires the sale of public streets to have a determination of conformity with the General Plan. The Planning Commission held a hearing on October 4, 2005 and determined the sale of the remnant parcel is consistent with the General Plan.

Island Parkway Air Space

The construction of the Island Parkway extension to Ralston Avenue created a bridge structure between the driveway to Autobahn Motors and the Caltrans right-of-way to the south. There is approximately 30,500 square feet under the bridge structure.

The City and Lucas Trust Properties have agreed to lease all 30,500 square feet at a monthly rate of \$0.25 per square foot. The length and terms of the lease will be consistent with the existing lease that Lucas Trust Properties has with Sonic Motors for the Autobahn Motors site. It should be noted the lease agreement would have annual CPI adjustments as well as market rate adjustments to the lease rate every 5 years.

Fiscal Impact

The purchase of the right-of-way from Lucas Trust Properties LLC is already in escrow and the funds are part of the City of Belmont's \$2.2 million contribution to the construction of the Ralston Avenue Interchange Project.

The sale price of the remnant parcel is \$491,000. There are no restrictions as to where these funds may be allocated.

The lease price of the air space will generate approximately \$91,500 per year with annual escalation and market rate adjustment every 5 years. There are no restrictions as to where these funds may be allocated.

Public Contact

The Planning Commission held a hearing to determine that the sale of the remnant parcel is consistent with the General Plan, in addition to the posting of City Council Agenda.

Recommendation

It is recommended that the City Council approve:

1. Authorizing the City Manager to execute the Certificate of Acceptance for the interests in real property located at 700 Island Parkway (APN 040-360-400) conveyed from Lucas Trust Properties LLC.
2. Authorizing the City Manager to execute any documents for the sale of excess land (located between APN 040-360-400 and APN 040-360-480) with Lucas Trust Properties LLC.
3. Authorizing the City Manager to enter into an agreement with Lucas Trust Properties LLC for the lease of air space under the Island Parkway bridge structure.

Alternatives

1. Provide staff with alternative direction
2. Take no action

Attachments

- A. Resolution
- B. Planning Commission Agenda Item

Respectfully submitted,

Raymond E. Davis III, PE, PTOE
Public Works Director

Jack R. Crist
Interim City Manager

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE CERTIFICATE OF ACCEPTANCE FOR THE INTERESTS IN REAL PROPERTY LOCATED AT 700 ISLAND PARKWAY (APN 040-360-400) CONVEYED FROM LUCAS TRUST PROPERTIES LLC, TO EXECUTE ANY DOCUMENTS FOR THE SALE OF EXCESS LAND (LOCATED BETWEEN APN 040-360-400 AND APN 040-360-480), AND ENTER INTO AN AGREEMENT WITH LUCAS TRUST PROPERTIES LLC FOR THE LEASE OF AIR SPACE UNDER THE ISLAND PARKWAY BRIDGE STRUCTURE

WHEREAS, the City of Belmont has been in negotiations with Lucas Trust for the acquisition of real property at 700 Island Parkway, the selling of the remnant parcel that has been created as the result of the new Island Parkway connection to Ralston Avenue, and the leasing of air space under the new Island Parkway bridge structure; and,

WHEREAS, the City of Belmont and Lucas Trust Properties LLC have come to an agreement price.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Belmont approves:

1. Authorizing the City Manager to execute the Certificate of Acceptance for the interests in real property located at 700 Island Parkway (APN 040-360-400) conveyed from Lucas Trust Properties LLC.
2. Authorizing the City Manager to execute any documents for the sale of excess land (located between APN 040-360-400 and APN 040-360-480) with Lucas Trust Properties LLC.
3. Authorizing the City Manager to enter into an agreement with Lucas Trust Properties LLC for the lease of air space under the Island Parkway bridge structure.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on October 11, 2005 by the following vote:

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

CLERK of the City of Belmont

APPROVED:

MAYOR of the City of Belmont

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the interests in real property conveyed by the Grant and Easement Deeds dated _____, 2005, from Lucas Trust Properties LLC, as Successor Owner to the Lucas Living Trust dated December 14, 1989 to the CITY OF BELMONT, a municipal corporation, are hereby accepted by order of the CITY COUNCIL OF THE CITY OF BELMONT, on _____, 2005, and the Grantee consents to recordation thereof.

CITY OF BELMONT

By _____
INTERIM CITY MANAGER

ATTEST:

CITY CLERK

Attachment B

MEETING OF OCTOBER 4, 2005

AGENDA ITEM NO. 6A

Application I.D.:

Application Type: Determination of Conformity with General Plan-
Vacation a Portion of the Right-of-Way

Location: Adjacent to APN 040-360-480

Applicant: Ray Davis, Public Works Department

Owner: City of Belmont

Zoning: No Zoning for the Subject Parcel, Surrounding Property is Zoned
PD

General Plan
Designation: EB, East Belmont Mixed Use Area

Environmental
Determination: Categorically Exempt, Section 15303, Class 3 (c) & (e)

PROJECT DESCRIPTION

THE APPLICANT REQUESTS DETERMINATION THAT THE DISPOSAL OF THE PUBLIC RIGHT-OF-WAY ADJACENT TO AP#040-360-48 CONFORMS TO THE GENERAL PLAN (GOVERNMENT CODE SECTION 65402).

RECOMMENDATION

Staff recommends that the Planning Commission **approve** the Determination of Conformity to the General Plan.

GENERAL PLAN & ZONING CODE DESIGNATION

THE BELMONT GENERAL PLAN DESIGNATION FOR THE SUBJECT SITE IS EB, EAST BELMONT MIXED USE AREA. THE SITE CURRENTLY HAS NO ZONING BEING THAT IT IS PUBLIC RIGHT-OF-WAY. THE SURROUNDING PROPERTY IS ZONED PD, PLANNED DEVELOPMENT BY THE CITY OF BELMONT. STATE LAW REQUIRES THE PLANNING COMMISSION DETERMINE THE PROPOSED VACATION OF RIGHT-OF-WAY IS CONSISTENT WITH THE CITY'S GENERAL PLAN.

STAFF REPORT

RE: Island Parkway – Property Adjacent to APN 040 360 040

October 4, 2005

500-FOOT RADIUS MAP

THE ATTACHED MAP PROVIDES THE 500-FOOT RADIUS TO THE SUBJECT PARCEL.

SITE CONDITIONS

THE CURRENT USE OF THE SUBJECT PARCEL IS PUBLIC RIGHT-OF-WAY USED FOR A STREET THAT PROVIDES ACCESS TO THE ISLAND PARK AREA OF BELMONT.

PROJECT ANALYSIS

THE CITY OF BELMONT HAS BEEN NEGOTIATING WITH LUCAS TRUST TO SELL THE REMNANT PARCEL OF LAND CREATED BY THE CONSTRUCTION OF THE DIRECT ACCESS OF ISLAND PARKWAY TO RALSTON AVENUE. THE CONSTRUCTION OF THE NEW ISLAND PARKWAY DIRECT ACCESS CREATES AN IRREGULAR TRIANGULAR PARCEL THAT IS 20,451 SQUARE FEET IN SIZE THAT HAS NO ACCESS FROM THE CITY OF BELMONT. THE PROPERTY IS PART OF THE ISLAND PARKWAY RIGHT-OF-WAY, LOCATED ADJACENT TO APN 040-360-480, LOCATED BETWEEN THAT PARCEL AND THE NEW ISLAND PARKWAY RIGHT-OF-WAY AND RIGHT-OF-WAY FOR US 101.

THE PLANNING COMMISSION'S REVIEW OF THIS REQUEST IS LIMITED TO DETERMINING IF VACATING THE RIGHT-OF-WAY CONFORMS TO THE GENERAL PLAN. STAFF HAS REVIEWED THE GENERAL PLAN AND CONCLUDED THAT THE FOLLOWING GOALS AND POLICIES ARE RELEVANT TO THE REQUEST:

GENERAL GOALS 10. TO PROVIDE FOR SAFE AND EFFICIENT MOVEMENT OF PEOPLE AND GOODS WITHIN THE COMMUNITY AND BETWEEN THE COMMUNITY AND OTHER AREAS OF THE REGION WITH A MINIMUM OF DISRUPTION AND ADVERSE ENVIRONMENTAL EFFECTS.

GENERAL POLICY 4-G. SAFE ACCESS TO THE PUBLIC ROAD SYSTEM OF THE COMMUNITY SHALL BE PROVIDED.

CIRCULATION ELEMENT- GOAL 1. TO PROVIDE A TRANSPORTATION SYSTEM CONSISTENT WITH THE RESIDENTIAL, SMALL CHARACTER AND PHYSICAL SETTING OF BELMONT.

CIRCULATION ELEMENT- TRAFFICWAYS POLICY 5. STREETS AND ROADS SHOULD BE DESIGNED FOR SAFE TRAVEL AT MODERATE SPEEDS AND FOR LOW MAINTENANCE COSTS.

STAFF HAS REVIEWED THE REQUEST IN LIGHT OF THE ABOVE OBJECTIVES AND DETERMINED THAT NO ADVERSE ENVIRONMENTAL EFFECTS WOULD RESULT

STAFF REPORT

RE: Island Parkway – Property Adjacent to APN 040 360 040

October 4, 2005

FOR THE VACATION. FURTHER, NO IMPACTS ON THE LOCAL, RESIDENTIAL TRAFFIC PATTERN OR CHARACTER WOULD RESULT.

THE VACATED PORTION (20,451 SF) WILL BECOME PART OF THE LAND AREA ADJACENT TO ISLAND PARKWAY (APN 040-360-480). THE LOT CURRENTLY CONTAINS 51,225 SF AND THE ADDITIONAL AREA FROM THE PROPOSED VACATION WILL INCREASE THE SIZE TO 71,676 SF.

CONCLUSION AND RECOMMENDATION

Based on this analysis, Staff recommends that the Planning Commission determine that the request conforms to the City of Belmont General Plan. A resolution based on staff's recommended action is attached

ATTACHMENTS

- I. Resolution determining General Plan conformance
- II. 500 foot radius map of project site
- III. Parcel Map
- IV. Additional Exhibit

Respectfully submitted,

Ray Davis
Public Works Director

Carlos de Melo
Interim Community Development Director

CC: Applicant/Owner

RESOLUTION NO. 2005 _____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT
DETERMINING THAT A REQUEST TO VACATE RIGHT-OF-WAY ADJACENT TO
APN 040-360-480 CONFORMS TO THE BELMONT GENERAL PLAN

WHEREAS, the City of Belmont proposes to vacate and sell the property adjacent to APN 040-360-480 and Island Parkway; and,

WHEREAS, the State of California Government Code, Section 65402 requires that the Planning Commission review any request to vacate right-of-way to determine if such request conforms to the City's General Plan; and,

WHEREAS, the Planning Commission has received and reviewed a staff report (dated October 4, 2005), and hereby adopts said report as its own findings of fact; and,

WHEREAS, on October 4, 2005, the Planning Commission conducted a public meeting at which time it received public testimony on the subject proposal to vacate public right-of-way.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission hereby determines that the request to vacate right-of-way adjacent to APN 040-360-480 conforms to the City of Belmont General Plan.

I hereby certify that the foregoing resolution was passed and adopted at a meeting of the Planning Commission of the City of Belmont held on October 4, 2005.

AYES,
COMMISSIONERS: _____

NOES,
COMMISSIONERS: _____

ABSENT,
COMMISSIONERS: _____

ABSTAIN,
COMMISSIONERS: _____

RECUSED,
COMMISSIONERS: _____

Carlos de Melo
Interim Planning Commission Secretary