



# City of Palo Alto

## City Council Staff Report

(ID # 7812)

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**Report Type: Consent Calendar**

**Meeting Date: 3/20/2017**

**Summary Title: 101 Auxiliary Project Parcels Relinquishments Acceptance and Release of Parcels**

**Title: Authorize Acceptance of Relinquishment of One Parcel from the State of California (Caltrans) and the Release and Quitclaim of Nine Parcels to the State of California (Caltrans) for the 101 Auxiliary Project between the State Route 85 (SR 85) Interchange in Mountain View and the Embarcadero Road Interchange and the Replacement of the San Francisquito Creek Bridge**

**From: City Manager**

**Lead Department: Administrative Services**

**RECOMMENDATION:**

Staff recommends that Council:

1. Authorize the City Manager to release and quitclaim the following parcel to the State of California, Department of Transportation;

Parcel 62710-1 as shown on the attached Attachment "A"

2. Authorize the City Manager to release and quitclaim the following parcels to the State of California, Department of Transportation;

As shown on the attached Attachment "B"

Parcel 61920-1 as shown on the attached Exhibit "A-1",  
Parcel 61931-1 as shown on the attached Exhibit "A-2",  
Parcel 61932-1 as shown on the attached Exhibit "A-3",  
Parcel 61933-1 as shown on the attached Exhibit "A-4",  
Parcel 61934-1 as shown on the attached Exhibit "A-5",  
Parcel 61935-1 as shown on the attached Exhibit "A-6",  
Parcel 61936-1 as shown on the attached Exhibit "A-7",  
Parcel 61937-1 as shown on the attached Exhibit "A-8".

3. Authorize the City Manager to accept the Relinquishment of the following Parcel by the State of California, Department of Transportation to City of Palo Alto.

REL No. 56092 as shown on the attached Attachment "C"

### **EXECUTIVE SUMMARY**

Staff is seeking Council approval to transfer the ownership of nine parcels from the City of Palo Alto to the State of California, Department of Transportation (State) and to accept relinquishment of a parcel by the State of California to the City of Palo Alto. Section 83 of the Street and Highway Code of State of California gives the right to the State to use any public street or highway or portion thereof which is within the boundaries of a state highway, including a traversable highway adopted or designated as a state highway that constitute a part of the right of way of such state highway without compensation being paid. The State shall have jurisdiction over and responsibility for the maintenance of the parcels. The State took possession of the parcels from the City to use in the Highway 101 improvement and San Francisquito Creek Bridge projects. City Council approval of the transfer and acceptance of the parcels will finalize the process.

### **BACKGROUND**

#### ***History***

The Highway 101 Auxiliary Lane Project proposed to construct auxiliary lanes, extend existing second High Occupancy Vehicle (HOV) lanes, and undertake associated ramp improvements including ramp widening and installing/activating ramp metering in both directions of U.S. Route 101 (US 101) in Santa Clara County between the State Route 85 (SR 85) interchange in the City of Mountain View and the Embarcadero Road interchange in the City of Palo Alto. In conjunction with this project, Caltrans has been working on another project in this area for the purpose of replacing the bridge at San Francisquito Creek and incorporating an extra opening for flood control purposes.

The general purpose of these projects was to relieve existing and future traffic congestion at freeway on-ramp and off-ramp connections, improve safety along the US 101 corridor, and provide for improved local access over this segment of the US 101 corridor.

The majority of the project improvements were constructed within existing State right of way. However, some minor right of way acquisitions were needed at some locations as well as temporary construction easements. The project sponsor/requestor is the Santa Clara Valley Transportation Authority (VTA). Funding for project development, engineering, right of way, environmental documentation, construction and construction support for the project was from a combination of Corridor Mobility Improvement Account (CMIA) Program funds and VTA Local Program Reserve funds. There was no federal funding for this project. The Highway 101 Auxiliary Lane Project has been completed and the bridge project should be finished by October of 2017.

## **DISCUSSION**

On November 16, 2010, the Department of Transportation of State of California, notified the City of Palo Alto of plans for Highway 101 Auxiliary Lane Project (Attachment D) Route 101 in the City of Palo Alto was to be improved by the State Department of Transportation and Santa Clara Valley Transportation Authority (VTA). The Department had reviewed the project's right of way needs and it had identified a portion of right of way under the jurisdiction of the City of Palo Alto that required transfer to the State by Application of Section 83 of the Street and Highways Code (Attachment E). This transaction was to be consummated by quitclaim deeds from the City of Palo Alto to the State after the completion of the project. The Section 83 letter notifies City/State of the States' intension to incorporate the parcel(s) into the State Highway System. Also included is a quitclaim deed which includes final plats of the parcels involved. Both the quitclaim deed and plats have been reviewed and approved by Caltrans.

Caltrans also notified the City on May 20, 2013 by sending an additional Section 83 Right of Way (Attachment F) letter regarding further improvements to U.S. Route 101 in The City of Palo Alto for the purpose of the San Francisquito bridge replacement and construction of an extra opening for flood control. It was originally anticipated that the bridge would be widened to accommodate a proposed auxiliary lane on US 101. However after further studies, it was determined that the bridge, which was built in 1931, should be replaced due to its deteriorated condition. The new bridge will be larger and will carry five lanes of traffic in each direction on US 101. This letter transferred the use of parcel 62710-1 from jurisdiction of the City to Caltrans. Also included is a quitclaim deed, which includes the final plat of the subject parcel. Both the quitclaim deed and plats have been reviewed and approved by Caltrans.

In addition, a separate relinquishment document is required to transfer a portion of East Bayshore Road from the State to the City. On August 15, 2016, the City received a notice of relinquishment (Attachment G) that would transfer a portion of East Bay Shore Road along US 101 shown on the attached map to the City of Palo Alto to be used as City Streets. California Transportation Commission approved the relinquishment on December 7, 2016 by approving Resolution R-3971 (as was shown on Attachment C). This portion was acquired by Caltrans from Alviso Salt Company on October 30, 1931 according to official record. The segment contains 44,609 square feet and it will not be utilized in the use of 101 Freeway. Finally, the relinquishment document, which will transfer a portion of East Bayshore Road from Caltrans is attached for Council review and acceptance. The relinquishment area is part of the public right of way of East Bay Shore to be used as a public street.

The work on the US 101 Auxiliary Lanes Project in the City of Palo Alto has been completed. The transfer of land parcels (nine parcels) between the City of Palo Alto and State needs to be finalized by processing of the quitclaim deeds that are required to transfer right of way to the State by application of Section 83 of the Streets and Highways Code and the relinquishment of a parcel by the State and the acceptance by the City. The San Francisquito Creek bridge replacement work affecting parcel 62710-1 is still in progress. This parcel was transferred from

City of Palo Alto to the State of California by Section 83 of the Street and Highway Codes. The City will transfer the title to Caltrans to facilitate the administrative process prior to the completion of the project since the segment is now part of the Highway 101 freeway.

### **RESOURCE IMPACT**

The transfer of parcels and the relinquishment have no resource impact on the City of Palo Alto. Caltrans will continue to maintain the properties quitclaimed to the State. City will continue to maintain the relinquishment area which is part of the public right of way of East Bay Shore to be used as a public street.

### **POLICY IMPLICATIONS**

The recommendations of this report are consistent with Council's priorities to support transportation infrastructure project in the City of Palo Alto.

### **ENVIRONMENTAL REVIEW**

The land transfers approved here are not considered a project or projects for the purpose of the California Environmental Quality Act.

#### **Attachments:**

- Attachment A: Quitclaim Deed
- Attachment B: Quitclaim Deed & Exhibits A1-A8
- Attachment C: Relinquishment of Right of Way
- Attachment D: Section 83 Letter Caltrans To City HWY 101
- Attachment E: Street and Highway Codes - Section 70-86
- Attachment F: Section 83 Letter Caltrans to City 101 Bridge
- Attachment G: Relinquishment Letter Caltrans to City
- Attachment H: Resolution 101 Hwy Caltrans 101 Project

**RECORDING REQUESTED BY  
STATE OF CALIFORNIA**

-----  
**WHEN RECORDED RETURN TO  
DEPARTMENT OF TRANSPORTATION  
PO BOX 23440, MS-11A  
OAKLAND, CA 94623-0440  
Attn: Michael O'Callaghan**

Space above this line for Recorder's Use

**QUITCLAIM DEED  
(CORPORATION)**

District	County	Route	Postmile	Number
04	SCI	101	52.4	62710

The City of Palo Alto, a corporation organized and existing under and by virtue of the laws of the State of California, does hereby release and quitclaim to the State of California without any demand for monetary or other consideration, all that real property in the City of Palo Alto, County of Santa Clara, State of California, described as:

See Exhibit "A", attached.

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
62710

The GRANTOR further understands that the present intention of the STATE is to construct and maintain a public highway on the lands hereby conveyed and the GRANTOR, for itself and its successors and assigns, hereby waives any and all claims for damages to GRANTOR's remaining property contiguous to the property hereby conveyed by reason of the location, construction, landscaping or maintenance of the highway.

Dated: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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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 \_\_\_\_\_

**MALCOLM DOUGHERTY**  
Director of Transportation

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

Number
62710

**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 } SS  
County of \_\_\_\_\_

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.

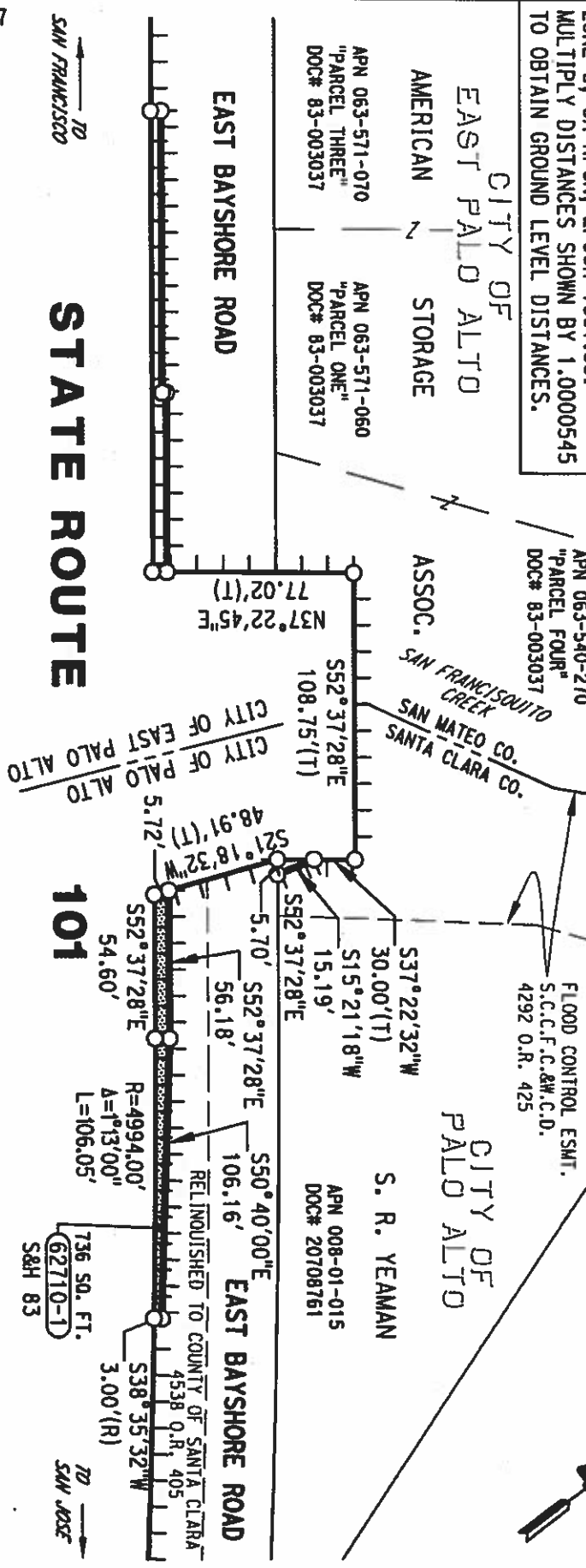
WITNESS my hand and official seal.

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

BEARINGS & DISTANCES SHOWN ARE ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 3, CA-HPGN, EPOCH 1991.35. MULTIPLY DISTANCES SHOWN BY 1.0000545 TO OBTAIN GROUND LEVEL DISTANCES.

**COUNTY OF SAN MATEO**

**COUNTY OF SANTA CLARA**



**STATE ROUTE 101**

**LEGEND**

- STREETS & HIGHWAYS CODE, SECTION 83 PARCEL - 736 SQ. FT.
- STATE RIGHT OF WAY LINE W/ ACCESS RESTRICTION DIMENSION POINT ONLY
- SAME OWNERSHIP
- EASEMENT
- OFFICIAL RECORDS ASSESSOR'S PARCEL NUMBER TOTAL
- DOCUMENT NUMBER



R-37.21, R-114.1, R-515.1 & R-516.1  
A-10498.1

S.C.C.F.C.&W.C.D. SANTA CLARA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

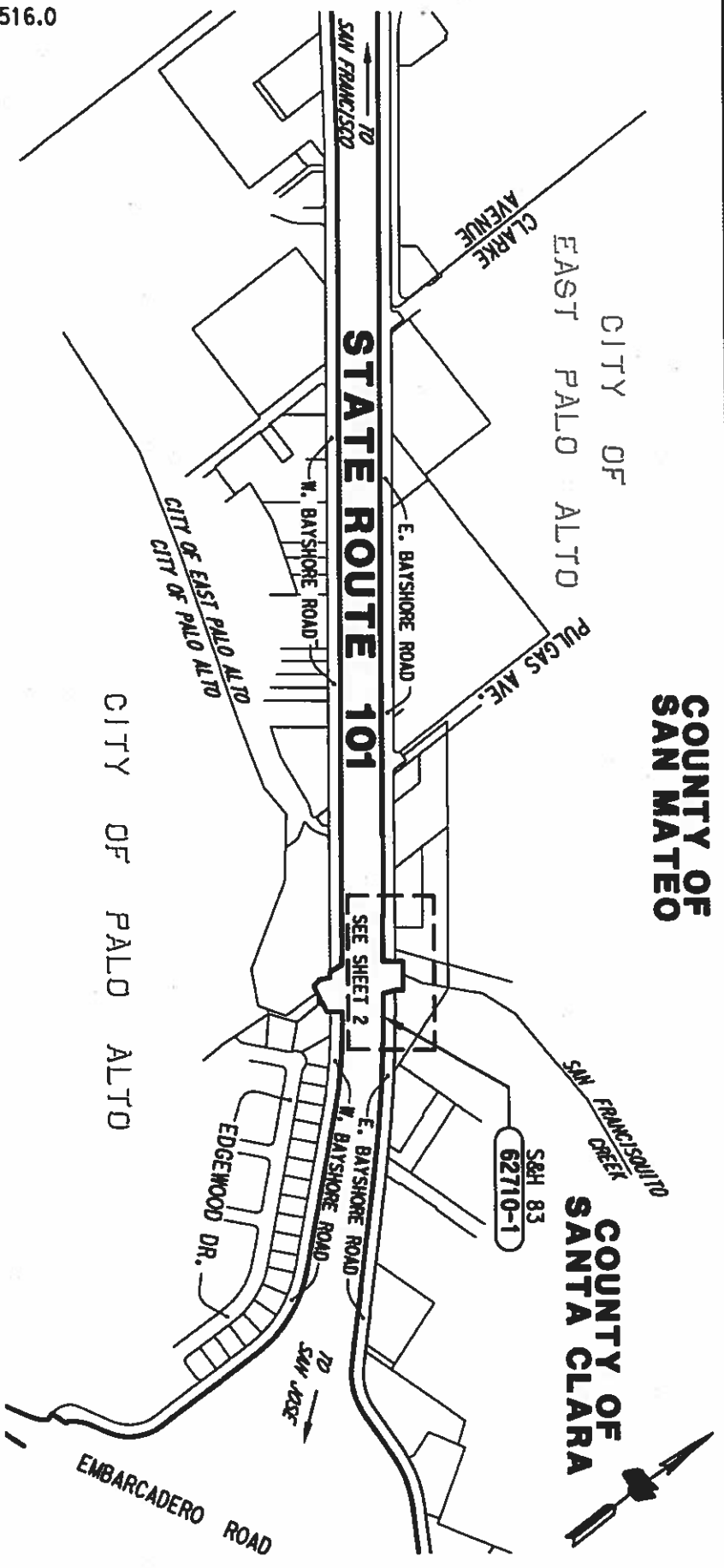
STATE OF CALIFORNIA  
BUSINESS, TRANSPORTATION  
AND HOUSING AGENCY  
DEPARTMENT OF TRANSPORTATION  
DISTRICT 4

**EXHIBIT "A"**  
**S&H 83**  
**62710-1**

DRAWN BY: SN	DATE: 5/14/13
CHECK BY: JZ	SCALE: 1"=60'
COUNTY ROUTE	P.M. DR.NO.
SCL 101	52.4 2 OF 2



R-37.00, R-114.0, R-515.0 & R-516.0  
A-10498.0



NOT TO SCALE

STATE OF CALIFORNIA BUSINESS, TRANSPORTATION AND HOUSING AGENCY DEPARTMENT OF TRANSPORTATION DISTRICT 4			
<b>EXHIBIT "A"</b>			
S&H 83 62710-1			
DRAWN BY:	SN	DATE:	5/14/13
CHECK BY:	JZ	SCALE:	N.T.S.
COUNTY	ROUTE	P.M.	DR.NO.
SCL	101	52.4	1 OF 2

RECORDING REQUESTED BY  
STATE OF CALIFORNIA

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

Space above this line for Recorder's Use

## QUITCLAIM DEED

District	County	Route	Postmile	Number
04	SCL	101	50.4 to 51.7	61920-1

(61931-1, 61932-1,  
61933-1, 61934-1,  
61935-1, 61936-1,  
61937-1)

City of Palo Alto, a Municipal Corporation, hereinafter called GRANTOR, hereby releases and quitclaims to the State of California, Department of Transportation, hereinafter called STATE, without any demand for monetary or other consideration, all that real property in City of Palo Alto, County of Santa Clara, State of California, described as:

Parcel 61920-1 as shown on the attached Exhibit "A-1",  
Parcel 61931-1 as shown on the attached Exhibit "A-2",  
Parcel 61932-1 as shown on the attached Exhibit "A-3",  
Parcel 61933-1 as shown on the attached Exhibit "A-4",  
Parcel 61934-1 as shown on the attached Exhibit "A-5",  
Parcel 61935-1 as shown on the attached Exhibit "A-6",  
Parcel 61936-1 as shown on the attached Exhibit "A-7",  
Parcel 61937-1 as shown on the attached Exhibit "A-8".

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
61920-1, 61931-1, 61932-1, 61933-1, 61934-1, 61935-1, 61936-1, 61937-1

This quitclaim deed is made for the purposes of a freeway and the undersigned hereby releases and relinquishes to the STATE any and all abutter's rights, including access rights, appurtenant to the remaining property in which the undersigned has some right, title or interest, in and to the freeway

It is understood that the present intention of the State of California is to construct and maintain a public highway on the lands hereinabove described, and the undersigned hereby waives any claim for any and all damages to the remaining property of which the above-described parcel is a part, by reason of the location, construction, landscaping or maintenance of said highway.

Dated: \_\_\_\_\_

City of Palo Alto

Signed: \_\_\_\_\_  
 Print Name:  
 Print Title:

Signed: \_\_\_\_\_  
 Print Name:  
 Print Title:

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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 \_\_\_\_\_

**MALCOLM DOUGHERTY**  
 Director of Transportation

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

Number
61920-1, 61931-1, 61932-1, 61933-1, 61934-1, 61935-1, 61936-1, 61937-1

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**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 } SS  
County of \_\_\_\_\_

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.

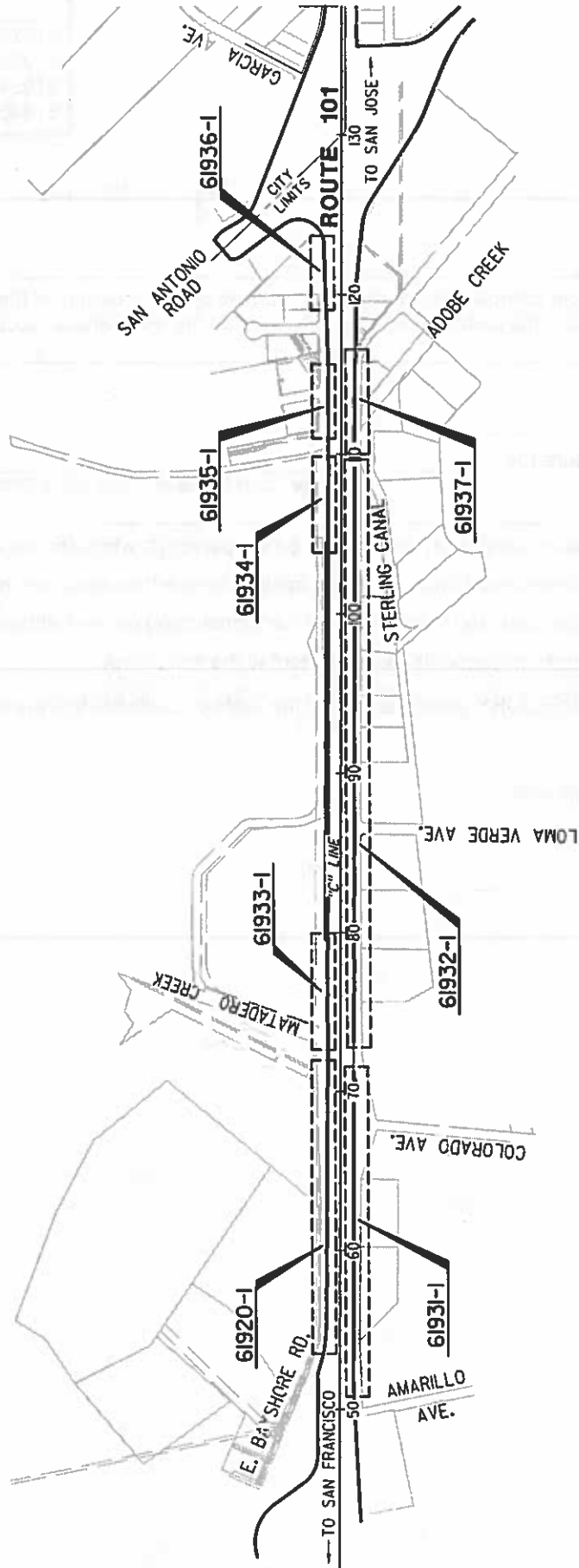
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

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

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# COUNTY OF SANTA CLARA CITY OF PALO ALTO



STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION DISTRICT 4	
<b>INDEX MAP EXHIBITS "A-1" THROUGH "A-8"</b>	
DR. BY: DSD	DATE: 7/29/16
CK. BY: HB	SCALE: 1"=1000'
CO. RTE. SCL 101	P.M. DR. NO. 50.4-51.6 1 of 10



THIS PLAT WAS PREPARED BY ME, OR  
UNDER MY DIRECT SUPERVISION:

*[Signature]* 07/29/16  
DATE

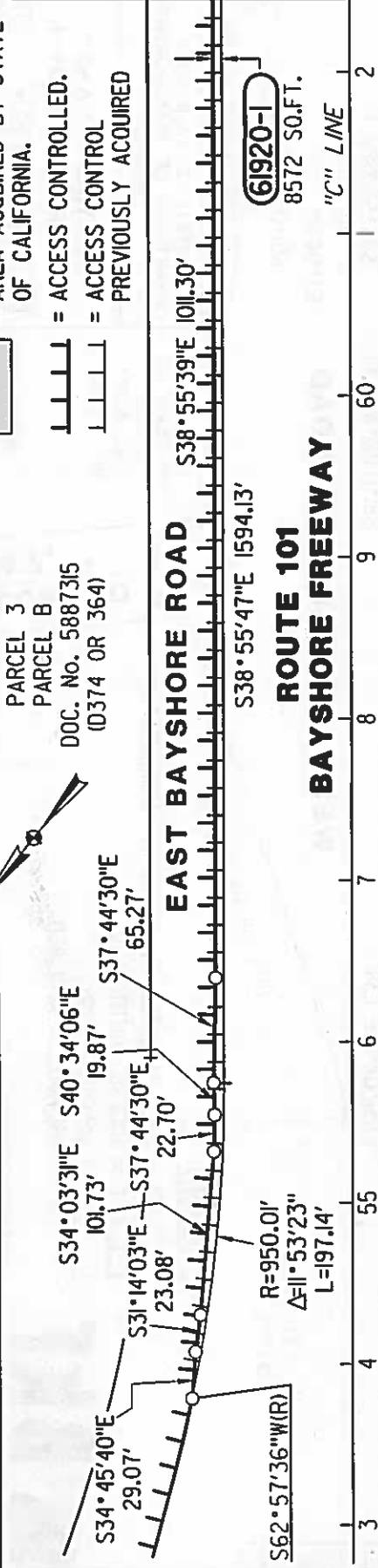
DAVIS THRESH

RECORD MAP REFERENCE: R-10449

Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-IPON, Epoch 1991.35. Distances are U.S. Survey Feet unless otherwise noted. Distances and stationing are grid distances. Multiply distances by 1.0000455 to obtain ground level distances.

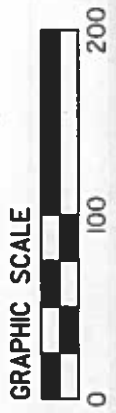
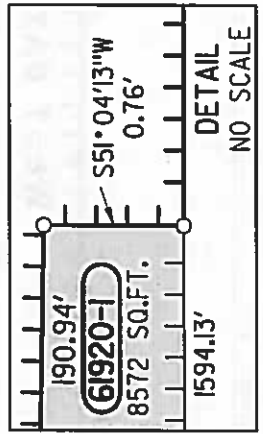
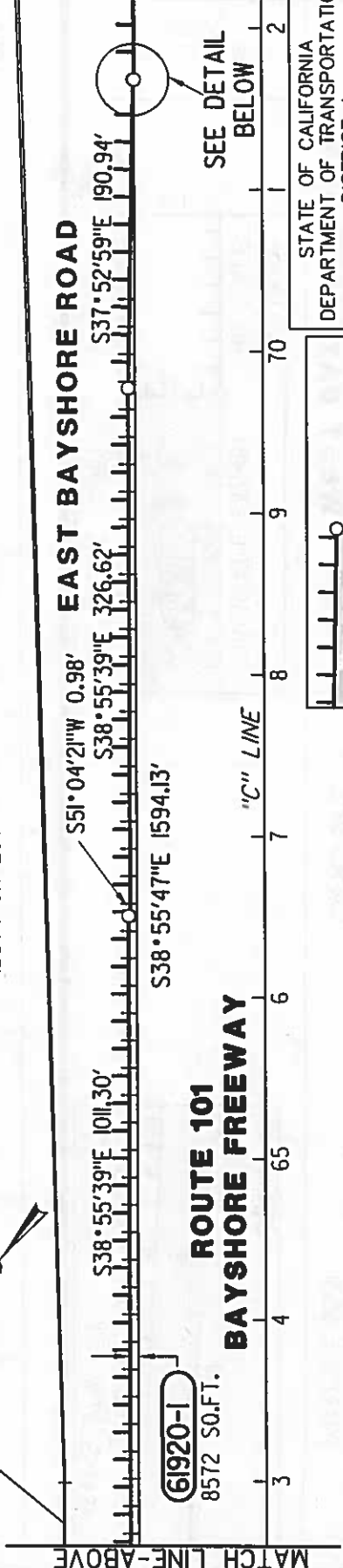
**COUNTY OF SANTA CLARA  
CITY OF PALO ALTO**

- LEGEND**
-  = AREA ACQUIRED BY STATE OF CALIFORNIA.
  -  = ACCESS CONTROLLED.
  -  = ACCESS CONTROL PREVIOUSLY ACQUIRED



CITY OF PALO ALTO  
DOC. No. 5887311  
(D374 OR 267)

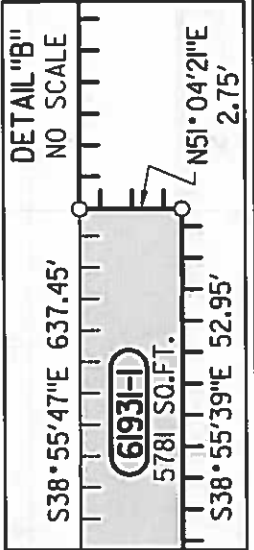
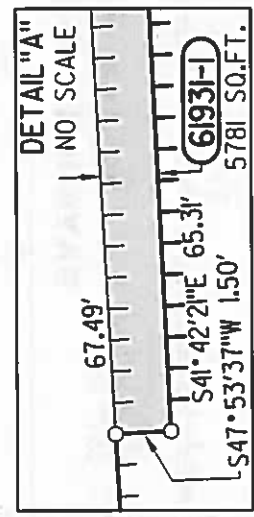
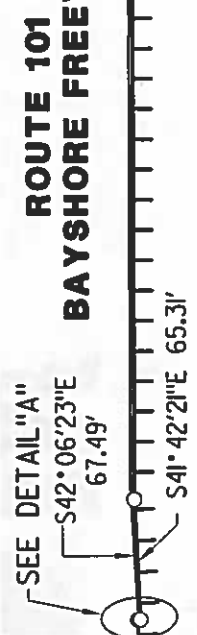
**COUNTY OF SANTA CLARA  
CITY OF PALO ALTO**



STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION DISTRICT 4	
<b>EXHIBIT "A-1"</b>	DR. BY: DSD DATE: 7/29/16
<b>PARCEL 61920-1</b>	CK. BY: HB SCALE: 1"=100'
CO. R.T.E. P.M. DR. NO.	CO. R.T.E. P.M. DR. NO.
SCL 101 51.6 2 of 10	SCL 101 51.6 2 of 10

**BKF**  
ENGINEERS / SURVEYORS / PLANNERS  
1730 N. FIRST ST., SUITE 600  
SAN JOSE, CA 95112  
(408) 467-9100

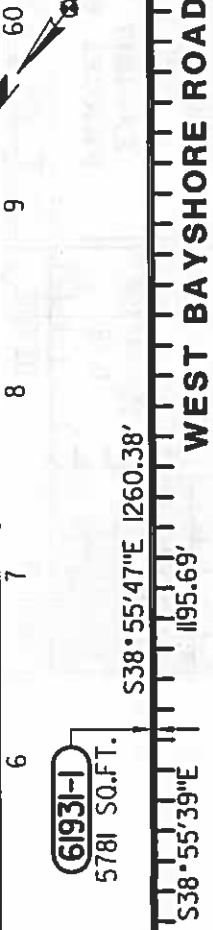
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COUNTY OF SANTA CLARA, CITY OF PALO ALTO

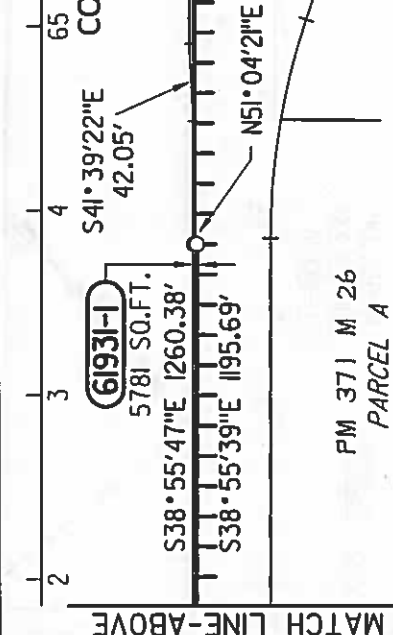
"C" LINE

60



PM 371 M 26  
PARCEL A

MATCH LINE-BELOW



"C" LINE

COUNTY OF SANTA CLARA  
CITY OF PALO ALTO

SEE  
DETAIL "B"



PM 371 M 26  
PARCEL A

MATCH LINE-ABOVE

**LEGEND**

- = AREA ACQUIRED BY STATE OF CALIFORNIA.
- = ACCESS CONTROLLED.
- = ACCESS CONTROL PREVIOUSLY ACQUIRED



**BKF**  
ENGINEERS | SURVEYORS | PLANNERS  
1730 N. First St., Suite 600  
SAN JOSE, CA 95112  
(408) 467-9100

R/S 283 M 52  
CITY OF  
PALO ALTO  
DOC. 3424631

AV.  
COLORADO

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION  
DISTRICT 4

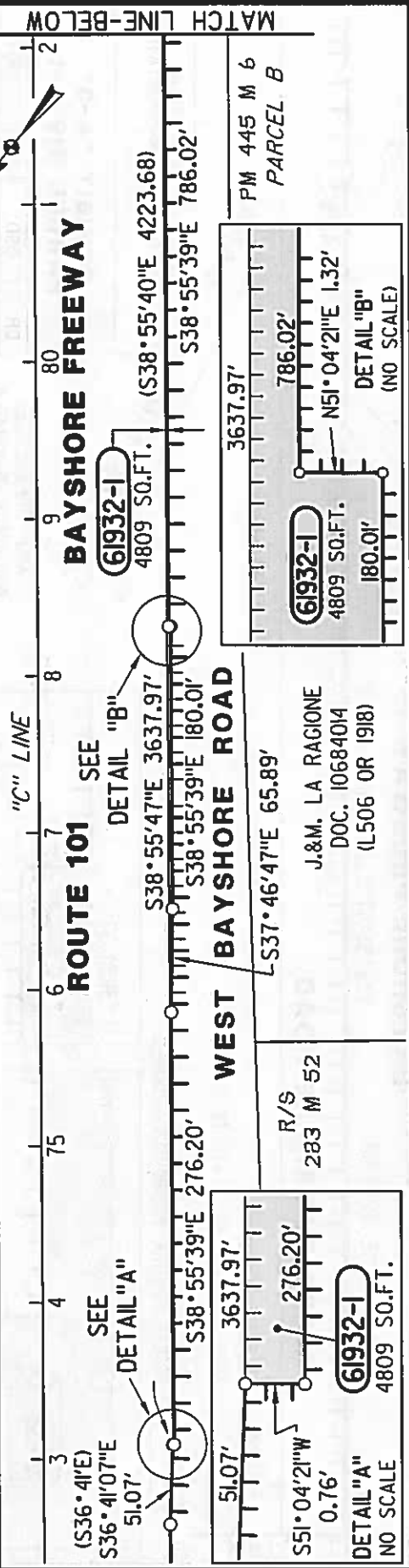
**EXHIBIT "A-2"**  
**PARCEL 61931-1**

DR. BY: DSD	DATE: 7/29/16
CK. BY: HB	SCALE: 1"=100'
CO. RTE.	P.M. DR. NO.
SCL 101	51.6 3 of 10

RECORD MAP  
REFERENCE:  
R-10449.1  
R-10449.2  
R-10449.3

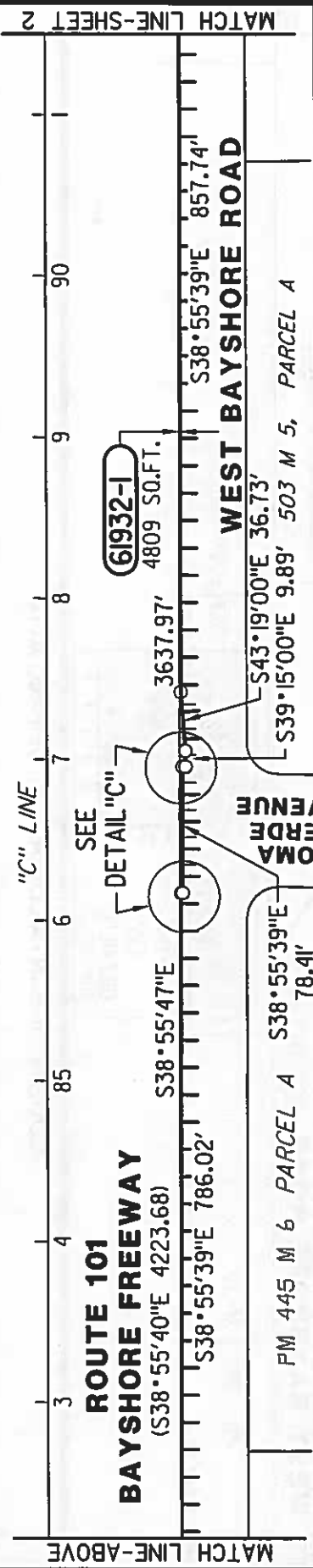
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COUNTY OF SANTA CLARA, CITY OF PALO ALTO



MATCH LINE-ABOVE

COUNTY OF SANTA CLARA, CITY OF PALO ALTO

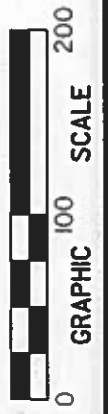
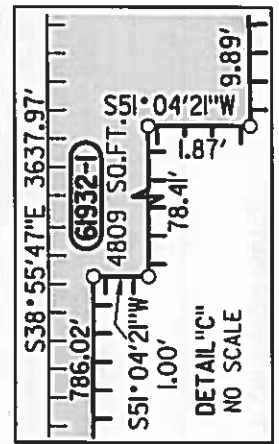


MATCH LINE-ABOVE

LEGEND

- = AREA ACQUIRED BY STATE OF CALIFORNIA.
- = PER CALTRANS RIGHT-OF-WAY MAP R-114.4
- = ACCESS CONTROLLED.
- = ACCESS CONTROL PREVIOUSLY ACQUIRED

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION DISTRICT 4	
<b>EXHIBIT "A-3"</b> <b>PARCEL 61932-1</b>	
DR. BY: DSD	DATE: 7/29/16
CK. BY: HB	SCALE: 1"=100'
CO.	R.T.E.
SCL 101	P.M. DR. NO.
	51.0 4 of 10



**BKF**  
ENGINEERS / SURVEYORS / PLANNERS  
1730 N. FIRST ST., SUITE 600  
SAN JOSE, CA 95112  
(408) 467-9100

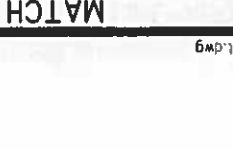
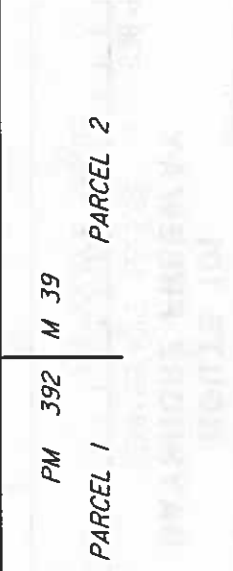
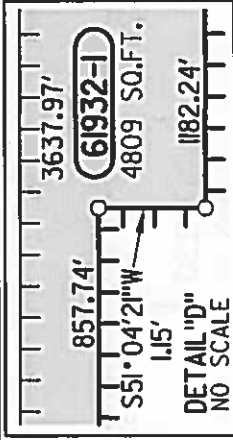
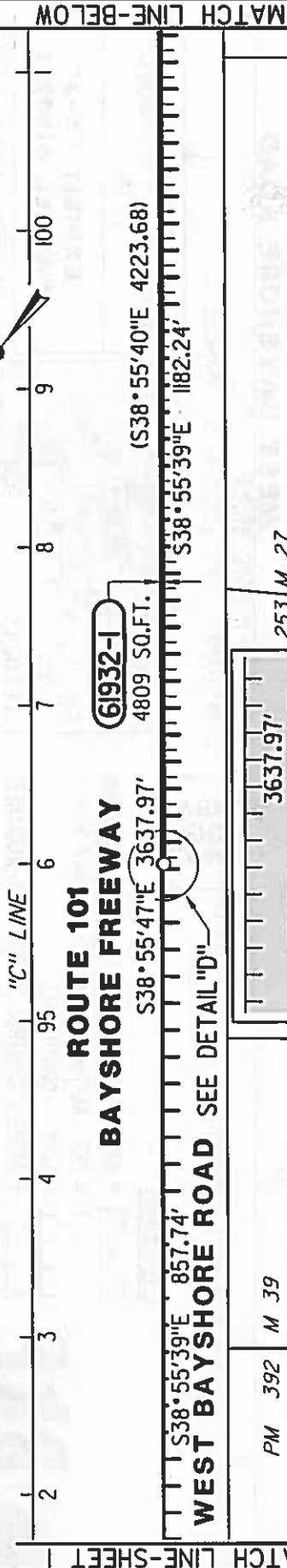
MAP REFERENCE: R-10449.3,  
R-10449.4, R-10449.5

SHEET 1 OF 2

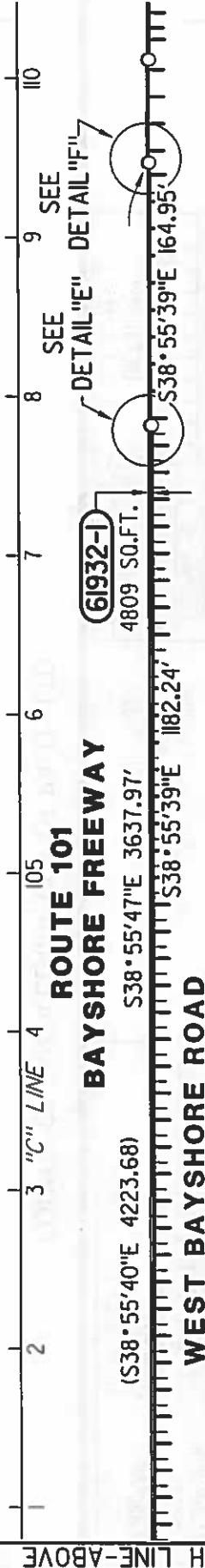


Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-HPCM, Epoch 1991.35. Distances are U.S. Survey Feet unless otherwise noted. Distances and stationing are grid distances. Multiply distances by 1.0000455 to obtain ground level distances.

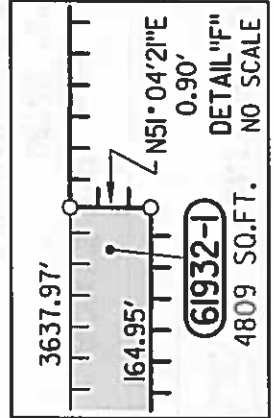
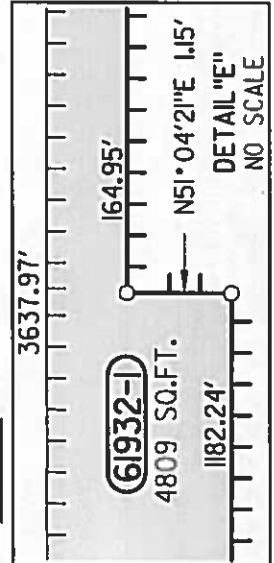
COUNTY OF SANTA CLARA  
CITY OF PALO ALTO



COUNTY OF SANTA CLARA, CITY OF PALO ALTO



**LEGEND**  
 = AREA ACQUIRED BY STATE OF CALIFORNIA.  
 = ACCESS CONTROLLED.  
 = ACCESS CONTROL PREVIOUSLY ACQUIRED.



3600 WEST BAYSHORE ROAD, LLC DOC. 15278570

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION  
DISTRICT 4

**EXHIBIT "A-3"**  
**PARCEL 61932-1**

DR. BY: DSD	DATE: 7/29/16		
CK. BY: HB	SCALE: 1"=100'		
CO.	RTE.	P.M.	DR. NO.
SCL	101	51.0	5 of 10

MAP REFERENCE:  
R-10449.3, R-10449.4,  
R-10449.5

SHEET 2 OF 2

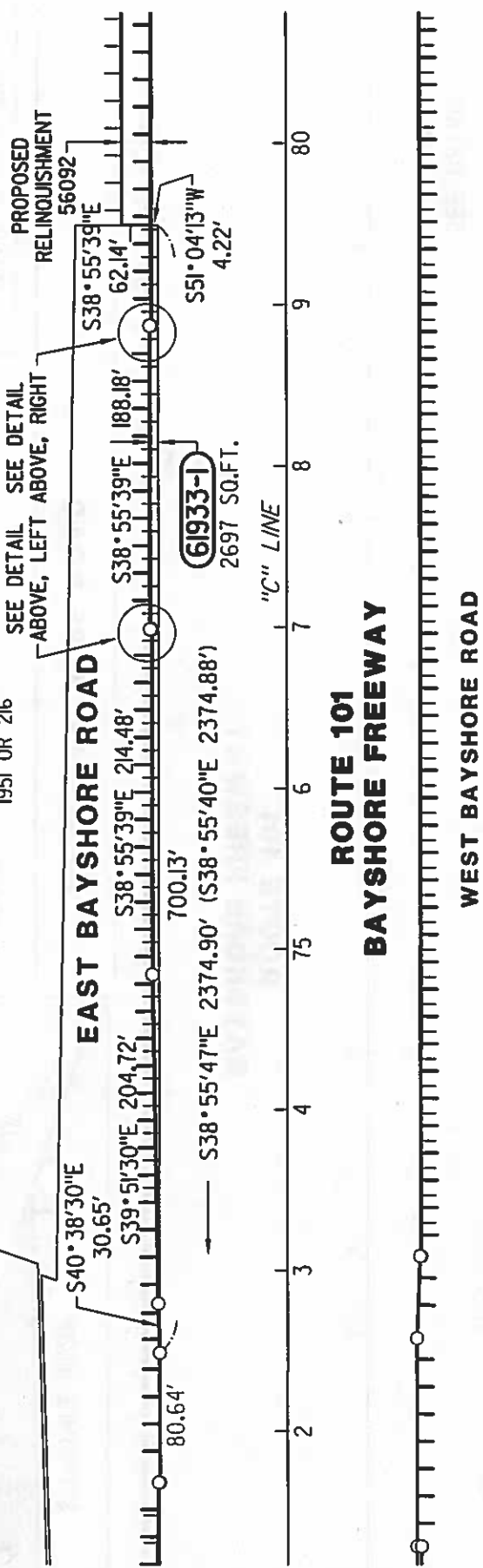
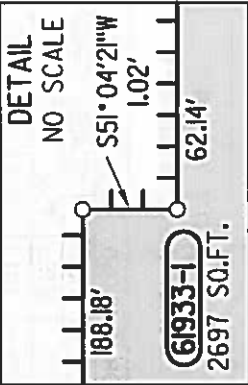
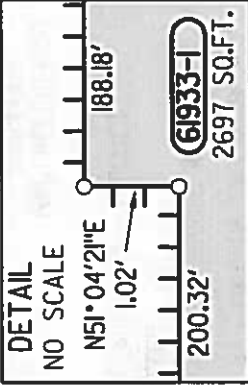
**STERLING**

Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-HPGN, Epoch 1991.35. Distances are U.S. Survey Feet unless otherwise noted. Distances and stationing are grid distances. Multiply distances by 1.0000455 to obtain ground level distances.

FLOOD CONTROL EASEMENT  
SCVWD  
DOC. NO. 5887313

COUNTY OF SANTA CLARA  
CITY OF PALO ALTO

CITY OF PALO ALTO  
1951 OR 216



**ROUTE 101  
BAYSHORE FREEWAY**

**WEST BAYSHORE ROAD**

CITY OF PALO ALTO, REAL ESTATE DIVISION  
DOC. 3424631

J.&M. LA RAGIONE DOC. 3424631 (L506 OR 1918)

PM 445 M 6  
PARCEL B

**LEGEND**

- = AREA ACQUIRED BY STATE OF CALIFORNIA.
- = PER CALTRANS RIGHT OF WAY RECORD MAP R-114.4
- = ACCESS CONTROLLED
- = ACCESS CONTROL PREVIOUSLY ACQUIRED



**BKF**  
ENGINEERS / SURVEYORS / PLANNERS  
1730 N. FIRST ST., SUITE 600  
SAN JOSE, CA 95112  
(408) 467-9100

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION  
DISTRICT 4

**EXHIBIT "A-4"  
PARCEL 61933-1**

DR. BY: DSD	DATE: 7/29/16
CK. BY: HB	SCALE: 1"=100'
CO. RTE.	P.M. DR. NO.
SCL 101	51.3 6 of 10

MAP REFERENCE: R-10449.3

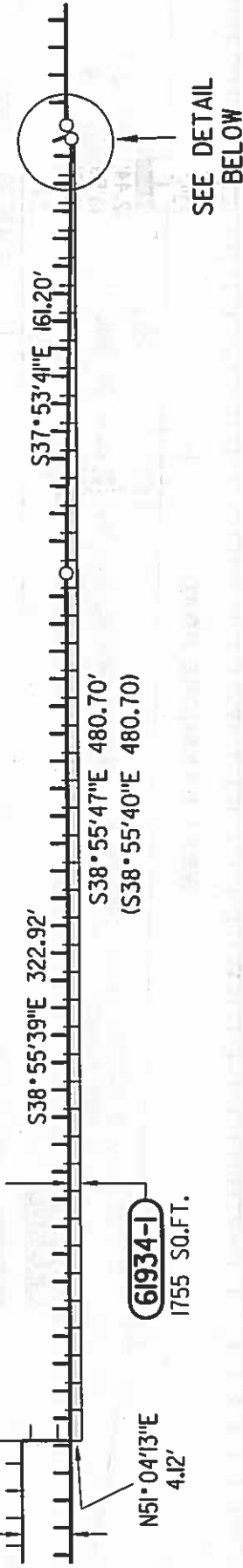
Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-HPGN, Epoch 1991.35. Distances are U.S. Survey Feet unless otherwise noted. Distances and stationing are grid distances. Multiply distances by 1.0000455 to obtain ground level distances.

COUNTY OF SANTA CLARA  
CITY OF PALO ALTO

CITY OF PALO ALTO  
1951 OR 216

PROPOSED  
RELINQUISHMENT  
56092

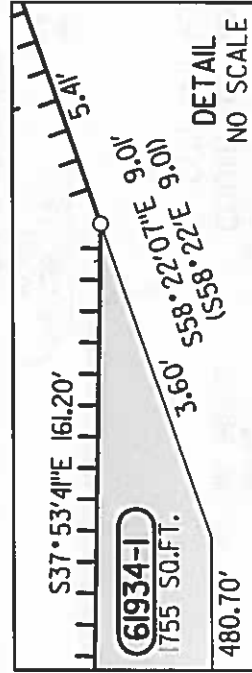
EAST BAYSHORE ROAD



"C" LINE

ROUTE 101  
BAYSHORE FREEWAY

WEST BAYSHORE ROAD



LEGEND

- = AREA ACQUIRED BY STATE OF CALIFORNIA.
- = PER CALTRANS RIGHT OF WAY RECORD MAP R-114.6
- = ACCESS CONTROLLED
- = ACCESS CONTROL PREVIOUSLY ACQUIRED

GRAPHIC SCALE



**BKF**  
ENGINEERS / SURVEYORS / PLANNERS  
1730 N. FIRST ST., SUITE 600  
SAN JOSE, CA 95112  
(408) 467-9100

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION  
DISTRICT 4

**EXHIBIT "A-5"**  
**PARCEL 61934-1**

DR. BY: DSD	DATE: 7/29/16	
CK. BY: HB	SCALE: 1"=60'	
CO.	P.M.	DR. NO.
SCL 101	50.7	7 of 10

MAP REFERENCE:  
R-10449.5

Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-120N, Epoch 1991.35. Distances are U.S. Survey Feet unless otherwise noted. Distances and stationing are grid distances. Multiply distances by 1.0000465 to obtain ground level distances.

PM 255 M 7

COUNTY OF SANTA CLARA  
CITY OF PALO ALTO

PARCEL 1

CITY OF PALO ALTO  
DOC No. 3001664

ELWELL COURT

PM 478 M 13

PARCEL 2

EAST BAYSHORE ROAD

S39°57'36"E  
60.93'

S39°03'00"E 233.50'  
344.75'

S41°45'00"E  
19.93'

S38°55'31"E  
16.02'

S36°06'11"E 19.88'  
S36°59'30"E  
14.79'

SEE DETAIL BELOW

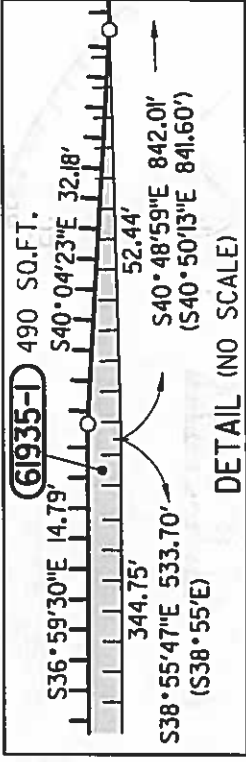
S40°48'59"E 842.01'  
(S40°50'13"E 841.60')

(61935-1)  
490 SQ.FT.

S38°55'47"E 533.70'  
(S38°55'40"E 533.70')

"C" LINE

ROUTE 101  
BAYSHORE FREEWAY

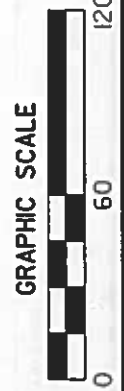


STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION  
DISTRICT 4

EXHIBIT "A-6"  
PARCEL 61935-1

DR. BY: DSD	DATE: 7/29/16
CK. BY: HB	SCALE: 1"=60'
CO. RTE.	P.M. DR. NO.
SCL 101	50.6 8 of 10

- LEGEND
- [Solid Line] = AREA ACQUIRED BY STATE OF CALIFORNIA
  - ( ) = PER CALTRANS RIGHT OF WAY MAP R-14.6
  - [Dashed Line] = ACCESS CONTROLLED.
  - [Dotted Line] = ACCESS CONTROL PREVIOUSLY ACQUIRED



**BKF**  
ENGINEERS / SURVEYORS / PLANNERS  
1730 N. FIRST ST., SUITE 600  
SAN JOSE, CA 95112  
(408) 467-9100

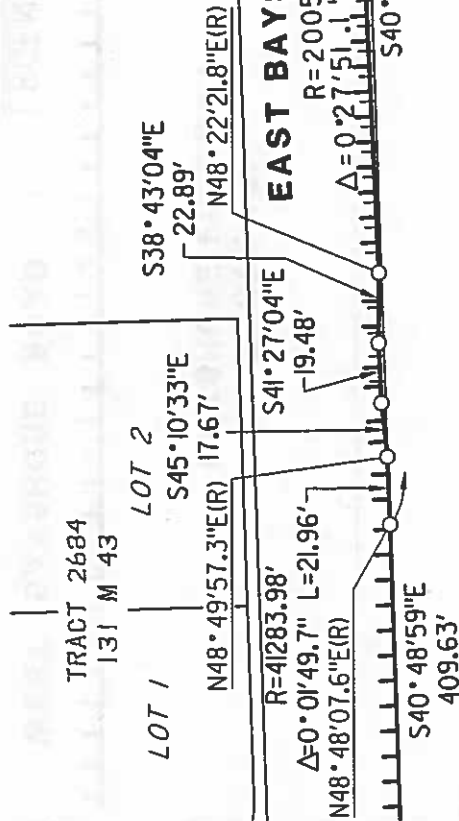
MAP REFERENCE:  
R-10449.6

Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-IPON, Epoch 1981.05. Distances are U.S. Survey Feet unless otherwise noted. Distances and stationing are grid distances. Multiply distances by 1.0000455 to obtain ground level distances.




COUNTY OF SANTA CLARA  
CITY OF PALO ALTO

R/S 92 M 38

R/S 80 M 4



**LEGEND**

-  = AREA ACQUIRED BY STATE OF CALIFORNIA.
-  = ACCESS CONTROLLED
-  = ACCESS CONTROL PREVIOUSLY ACQUIRED

GRAPHIC SCALE



**BKF**  
ENGINEERS / SURVEYORS / PLANNERS  
1730 N. FIRST ST., SUITE 600  
SAN JOSE, CA 95112  
(408) 467-9100

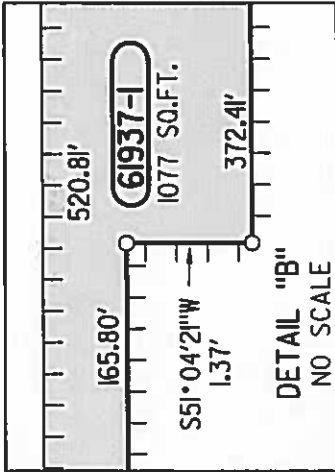
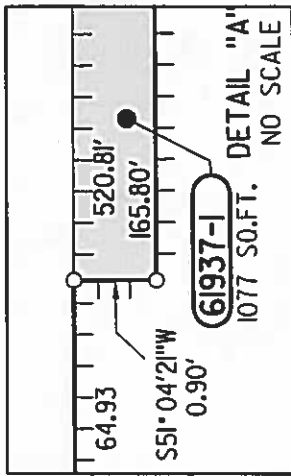
STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION  
DISTRICT 4

**EXHIBIT "A-7"**  
**PARCEL 61936-1**

DR. BY: DSD	DATE: 7/29/16		
CK. BY: HB	SCALE: 1"=60'		
CO.	RTE.	P.M.	DR. NO.
SCL	101	50.4	9 of 10

MAP REFERENCE:  
R-10449.6, R-10449.7

Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-HPGN, Epoch 1991.35. Distances are U.S. Survey Feet unless otherwise noted. Distances and stationing are grid distances. Multiply distances by 1.0000455 to obtain ground level distances.



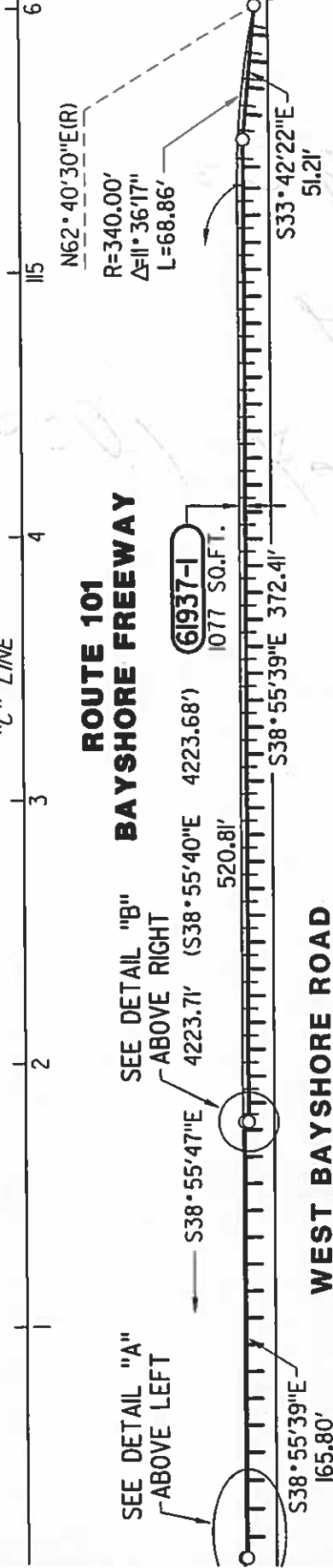
COUNTY OF SANTA CLARA  
CITY OF PALO ALTO

ELWELL  
COURT

EAST BAYSHORE ROAD



"C" LINE



3600 WEST BAYSHORE ROAD, LLC  
DOC. NO. 15278570

ADOBE  
CREEK

R/S 264 M 10  
PARCEL 20

LEGEND

- = AREA ACQUIRED BY STATE OF CALIFORNIA.
- = PER CALTRANS RIGHT OF WAY RECORD MAP R-114.6
- = ACCESS CONTROLLED
- = ACCESS CONTROL PREVIOUSLY ACQUIRED

GRAPHIC SCALE



ENGINEERS / SURVEYORS / PLANNERS  
1730 N. FIRST ST., SUITE 600  
SAN JOSE, CA 95112  
(408) 467-9100

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION  
DISTRICT 4

EXHIBIT "A-8"  
PARCEL 61937-1

DR. BY: DSD	DATE: 7/29/16
CK. BY: HB	SCALE: 1"=60'
CO. RTE.	P.M. DR. NO.
SCL 101	50.6 10 of 10

MAP REFERENCE: R-10449.6

1942

BRIDGE OVER

WATER

WATER

TRUCK

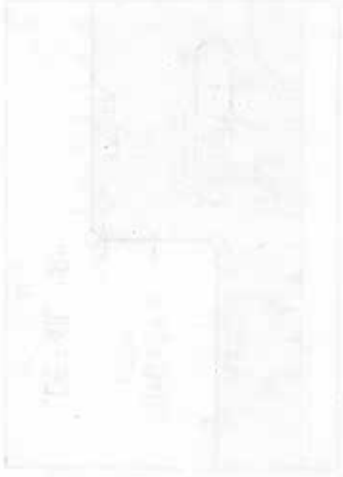
TRUCK

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GOV. CODE 27383

NO FEE

RECORDING REQUESTED BY  
STATE OF CALIFORNIA

-----  
WHEN RECORDED - RETURN TO  
DEPARTMENT OF TRANSPORTATION  
PO BOX 23440  
OAKLAND CA 94623-0440

Attn. ALICE ZHONG  
R/W ENGINEERING

23553028

Regina Alcomendras  
Santa Clara County - Clerk-Recorder

01/09/2017 11:58 AM

Titles: 1 Pages: 4

Fees: \$0.00  
Taxes: \$0  
Total: \$0.00



RELINQUISHMENT OF HIGHWAY RIGHT OF WAY IN THE  
CITY OF PALO ALTO, ROAD 04-SCL-101-PM 50.7/51.2  
Request No. 56092

WHEREAS, by letter signed September 12, 2016, the City of Palo Alto waived the 90-day notice requirement and agreed to accept title to State highway right of way, upon relinquishment thereof to said City by the State of California; and

WHEREAS, the State of California has acquired right of way for and has constructed the above-mentioned collateral facilities in the City of Palo Alto along State Route 101, on East Bayshore Road; and

WHEREAS, this Commission has found and determined, and does hereby find and determine, that it is desirable and in the public interest that said collateral facilities be relinquished to the City of Palo Alto for use as city streets.

NOW, THEREFORE, IT IS VOTED by the California Transportation Commission that it relinquish, and it does hereby relinquish, to the City of Palo Alto, effective upon the

TRANSPORTATION COMMISSION  
RESOLUTION No. R-3971

PASSED BY  
**CTC**  
DEC 07 2016  
CALIFORNIA  
TRANSPORTATION COMMISSION



recordation of a certified copy hereof with the Recorder of Santa Clara County, all of the State of California's right, title and interest in and to said collateral facilities in said City, together with the right of way and appurtenances thereof, described as follows:

THIS IS TO CERTIFY that the foregoing resolution was duly passed by the California Transportation Commission at its meeting regularly called and held on the 7th and 8th days of December 2016 in the city of Riverside and that the foregoing is a full and correct copy of the original resolution. Dated this 7 day of December 2016.

  
\_\_\_\_\_  
SUSAN BRANSEN, Executive Director  
CALIFORNIA TRANSPORTATION COMMISSION

**SEGMENT 1**

All that certain real property situate in the City of Palo Alto, County of Santa Clara, State of California, being a portion of that certain 10.86 acre parcel of land described in the Grant Deed (State Parcel No. 13) from Alviso Salt Company to the State of California recorded October 30, 1931 in Book 592 of Official Records at page 17, Santa Clara County Records described as follows:

COMMENCING at a point in the southeasterly line of Parcel 3 as described in Relinquishment No. 22151 from the State of California to the City of Palo Alto, recorded November 2, 1961 in Book 5351 of Official Records at page 91, Santa Clara County Records at the intersection thereof with the northeasterly line of said 10.86 acre parcel; thence from said POINT OF COMMENCEMENT, along said northeasterly line  $S38^{\circ}55'47''E$ , 2500.02 feet to the intersection thereof with the northwesterly line of Parcel 4 as described in said Relinquishment No. 22151; thence leaving said northeasterly line, along said northwesterly line  $S51^{\circ}04'13''W$  18.17 feet; thence leaving said northwesterly line  $N38^{\circ}55'39''W$ , 139.03 feet; thence  $N36^{\circ}03'55''W$ , 10.01 feet; thence  $N38^{\circ}55'39''W$ , 764.35 feet; thence  $N51^{\circ}04'21''E$ , 0.98 feet; thence  $N38^{\circ}55'39''W$ , 207.65 feet; thence  $S51^{\circ}04'21''W$ , 1.48 feet; thence  $N38^{\circ}55'39''W$ , 1378.99 feet to a point in said southeasterly line of said Parcel 3; thence along said southeasterly line  $N51^{\circ}04'13''E$ , 18.07 feet to the POINT OF COMMENCEMENT.

EXCEPTING AND RESERVING to the State of California any and all rights of ingress to and egress from the highway hereby relinquished in and to the adjacent and adjoining freeway, except at such points as now are or may be established by resolution of this Commission.

Bearings and distances used in the above descriptions are on the California Coordinate System of 1983, Zone 3, Epoch 1991.35. Multiply distances shown by 1.0000455 to obtain ground level distances.

This description was prepared by me or under my direct supervision:



*Davis Thresh, PLS*  
*BKF Engineers, San Jose, CA*

7/22/2016  
*date*



This is to certify that this is a  
true copy of the document  
on file in this office.

ATTEST:

*Regina Alcomendres* JAN 09 2017

COUNTY CLERK-RECORDER  
SANTA CLARA COUNTY, CALIFORNIA

**DEPARTMENT OF TRANSPORTATION**



111 GRAND AVENUE  
P. O. BOX 23440  
OAKLAND, CA 94623  
PHONE (510) 286-5400  
FAX (510) 286-5366  
TTY (800) 735-2929

*Flex your power!  
Be energy efficient!*

November 16, 2010

File: 04-SCL-101 PM 49.0-52.2  
Proj # 0400001126 (EA 4A330)  
Parcel Numbers: 61920-1, 61931-1,  
61932-1, 61933-1, 61934-1, 61935-1,  
61936-1, and 61937-1.

Ms. Martha Miller, Real Property Manager  
City of Palo Alto  
250 Hamilton Avenue  
Palo Alto, CA 94301

Subject: SCL-101 Auxiliary Lanes Project— Section 83 Right of Way Transfer

Dear Mr. Roberts:

Route 101 in the City of Palo Alto will be improved by the State Department of Transportation (The Department) and Santa Clara Valley Transportation Authority. The Department has reviewed the project's right of way needs and has identified a portion of right of way under your jurisdiction that requires transfer to the State by application of Section 83 of the Streets and Highways Code.

Please accept this letter as the Department's notice of our intention to transfer the real property shown on the attached plat from City to the State of California. The transaction will be consummated by quitclaim deed at a later date. This letter satisfies the Right of Way Certification requirements.

The State ACKNOWLEDGES that existing public utility facilities may lie within the Section 83 area shown on the attached plat. Said public utility facilities will either be allowed to remain or be relocated as part of the State's highway project.

If you have any questions or need further information, please call Linda Emadzadeh at 510-286-5400.

Sincerely,

Handwritten signature of Paul P. Mai in cursive.

Paul Mai  
District Office Chief, Design Santa Clara B

Handwritten signature of Linda Emadzadeh in cursive.

Linda Emadzadeh  
Office Chief, Right of Way

c: R/W Records Branch, PMai, HNikzac, CPineda, KSchober,  
Attachment

# Memorandum

*Flex your power!  
Be energy efficient!*

To : Allison Paich  
District Office Chief  
R/W Project Management  
& Relocation Services

Date : September 26, 2011

File :

Project: 101 Aux. Lane Project btwn. SR 85 I/C  
& Embarcadero Rd. I/C

E.A. 4A330 (UPDATE)

From : DEPARTMENT OF TRANSPORTATION -- District 4  
R/W Local Public Agency Services "D"

Subject: REVIEW OF CERTIFICATION -- Project involving the State Highway System

This project has not been field reviewed by Local Public Agency Services. This project has been approved by Caltrans and the right of way was acquired in accordance with Caltrans policies and procedures.

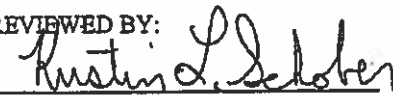
I verify the certification of this project as conforming to requirements of 23 CFR 635.309.

(C) (1) All necessary rights of way, including control of access rights when pertinent, have been acquired including legal and physical possession. Trial or appeal of cases may be pending in court but legal possession has been obtained. There may be some improvements remaining on the right of way but all occupants have vacated the lands and improvements and the (Project Sponsor) has physical possession and the right to remove, salvage, or demolish these improvements and enter on all land.

(C) (2) Although all necessary rights of way have not been fully acquired, the right to occupy and to use all rights of way required for the proper execution of the project has been acquired. Trial or appeal of some parcels may be pending in court and on other parcels full legal possession has not been obtained but right of entry has been obtained, the occupants of all lands and improvements have vacated and the (Project Sponsor) has physical possession and right to remove, salvage, or demolish these improvements.

X (C) (3) The acquisition or right of occupancy and use of all parcels has been fully acquired. However at this time a Certification No. 3 with a Work-Around is required because the VTA does not have physical possession of two parcels. While legal possession was effective on February 10, 2011, due to a City of Mountain View project, the VTA will take physical possession of parcels 61927-1 & 61928-1 on January 1, 2012 (by mutual agreement between Caltrans, the City of Mountain View and VTA).

REVIEWED BY:

  
KRISTIN L. SCHOBER  
Senior Right of Way Agent  
Local Public Agency Services "D"

  
LINDA EMADZADEH  
District Office Chief  
R/W Airspace, Excess Land Sales and LPA Services

9-26-11  
Date

cc: Design, Office of Permits, Project Sponsor, File

## **STREETS AND HIGHWAYS CODE SECTION 70-86**

70. (a) The California Highway Commission is hereby abolished, and the California Transportation Commission succeeds to, and is vested with, all the duties, powers, purposes, responsibilities, and jurisdiction of the California Highway Commission.

(b) Any reference in any law or regulation to the California Highway Commission shall be deemed to refer to the California Transportation Commission.

(c) The California Transportation Commission shall have the possession and control of all licenses, permits, leases, agreements, contracts, orders, claims, judgments, records, papers, equipment, supplies, bonds, moneys, funds, appropriations, buildings, land and other property, real or personal, held for the benefit, use, or obligation of the California Highway Commission.

70.2. It is hereby declared to be the policy of the Legislature to provide for advance planning and continuity of fiscal policy in the construction and improvement of the state highway system and in the administration of the expenditures from the State Highway Account. The commission shall follow such policy in so far as possible.

71. The commission may alter or change the location of any State highway if in the opinion of the commission such alteration or change is for the best interest of the State.

72. (a) The department shall do all of the following with respect to Route 480 in the City and County of San Francisco, commonly known as the Embarcadero Freeway, if approval for the use of federal emergency relief funds for that purpose is received from the appropriate federal agency:

(1) Remove the earthquake-damaged structure as quickly as possible.

(2) Retain that portion of the right-of-way that is necessary for new ramps and transfer to the City and County of San Francisco the remaining portions of the Route 480 right-of-way.

(3) Jointly agree with the City and County of San Francisco on a system of ramps and city streets that would essentially provide motorists with accessibility comparable to that provided by Route 480.

(b) The City and County of San Francisco shall do both of the following:

(1) Construct the system of ramps and city streets and utilize the Route 480 right-of-way or the proceeds from sales of that right-of-way for the sole purpose of constructing an alternate system of local streets pursuant to paragraph (3) of subdivision (a).

(2) Upon the transfer of that right-of-way pursuant to this section, accept all obligations and liabilities associated with that right-of-way.

(c) The total amount of state and federal funds to be expended by the state for the purposes of this section shall not exceed the amount of state and federal funds which would have been expended to repair and reopen the segment to traffic as a state highway.

(d) Nothing in this section or Section 253.8 shall be construed to prohibit the selection, development, and operation of a project pursuant to Section 143.

72.1. (a) For purposes of this section, the following terms have the following meanings:

(1) "Central Freeway Replacement Project" is the department and city designated alternative transportation system to the damaged Central Freeway.

(2) "City" is the City and County of San Francisco.

(3) "Freeway Project" includes demolition of the existing commonly known Central Freeway, construction of a new freeway between Mission Street and Market Street, and construction of ramps to, and from, the new freeway.

(4) "Octavia Street Project" is the improvement of Octavia Street from Market Street north as a ground level boulevard.

(b) The Legislature finds and declares all of the following:

(1) That portion of Route 101 located in the city and commonly known as the Central Freeway was severely damaged in the 1989 Loma Prieta earthquake. This damage to the Central Freeway caused and continues to cause significant traffic congestion.

(2) Following the Loma Prieta earthquake, the department and the city, with substantial public involvement, selected the Central Freeway Replacement Project as an alternative transportation system to the damaged Central Freeway. The Central Freeway Replacement Project includes the Freeway Project consisting of the demolition of the existing Central Freeway, construction of a new freeway between Mission Street and Market Street, and the construction of ramps to, and from, the new freeway, and the Octavia Street Project, consisting of improvement of Octavia Street from Market Street north as a ground level boulevard. The Central Freeway Replacement Project will remediate traffic congestion problems and allow the city to reclaim unnecessary rights-of-way for beneficial public uses.

(3) The implementation of an alternative transportation system is in the best interests of the people of the State of California.

(4) No portions of Route 101 north of Fell Street and south of Turk Street are needed for the Central Freeway Replacement Project or for the proposed alternative project to be placed before the voters as Proposition J in the general municipal election of November 1999.

(c) (1) The Legislature recognizes that the Central Freeway Replacement Project adopted by the city's voters, as local measure Proposition E in November 1998 qualifies for the statutory exemption under Section 180.2.

(2) The Legislature further recognizes that the proposed alternative project included in Proposition J also qualifies for the statutory exemption under Section 180.2.

(3) Notwithstanding paragraph (1), any development of property transferred to the city pursuant to this section may, to the extent required by applicable law, require subsequent environmental analysis by the city at the time at which the specific proposals for the use of that property are developed.

(d) That portion of Route 101 between Market Street and Turk Street is not a state highway, except that if the proposed alternative to the Octavia Street Project is approved by the voters in the general municipal election of November 1999, only that portion of Route 101 between Fell Street and Turk Street is not a state highway.

(e) The department shall retain jurisdiction over the portion of Route 101 that is between Mission Street and either Market Street or Fell Street, depending on which project is approved by the voters in



the general municipal election of November 1999, and shall promptly transfer to the city any portion of Route 101 that is not a state highway under subdivision (d).

(f) The following shall apply if the voters do not approve the alternative project in the general municipal election of November 1999:

(1) The city shall utilize any proceeds from the disposition or use of excess rights-of-way for the purpose of designing, constructing, developing, and maintaining the Octavia Street Project until the city's share of the costs of that project are paid in full or funded from other sources. Upon the full funding of the city's share of the Octavia Street Project, the city shall utilize any remaining proceeds from the sale of excess rights-of-way solely for the transportation and related purposes authorized under Article XIX of the California Constitution.

(2) Upon notification to the department by the San Francisco County Transportation Authority that the city is prepared to implement an interim traffic management plan, the department shall proceed expeditiously with demolition of the portion of Route 101 between Fell and Mission Streets. The department shall design and construct the Freeway Project, and the city shall design and construct the Octavia Street Project, and each project shall be consistent with the Central Freeway Replacement Project.

73. The commission shall relinquish to any county or city any portion of any state highway within the county or city that has been deleted from the state highway system by legislative enactment, and the relinquishment shall become effective upon the first day of the next calendar or fiscal year, whichever first occurs after the effective date of the legislative enactment. It may likewise relinquish any portion of any state highway that has been superseded by relocation. Whenever the department and the county or city concerned have entered into an agreement providing therefor, or the legislative body of the county or city has adopted a resolution consenting thereto, the commission may relinquish, to that county or city, any frontage or service road or outer highway, within the territorial limits of the county or city, which has a right-of-way of at least 40 feet in width and which has been constructed as a part of a state highway project, but does not constitute a part of the main traveled roadway thereof. The commission may also relinquish, to a county or city within whose territorial limits it is located, any nonmotorized transportation facility, as defined in Section 887, constructed as part of a state highway project if the county or city, as the case may be, has entered into an agreement providing therefor or its legislative body has adopted a resolution consenting thereto.

Relinquishment shall be by resolution. A certified copy of the resolution shall be filed with the board of supervisors or the city clerk, as the case may be. A certified copy of the resolution shall also be recorded in the office of the recorder of the county where the land is located and, upon its recordation, all right, title, and interest of the state in and to that portion of any state highway shall vest in the county or city, as the case may be, and that highway or portion thereof shall thereupon constitute a county road or city street, as the case may be.

The vesting of all right, title, and interest of the state in and to portions of any state highways heretofore relinquished by the commission, in the county or city to which it was relinquished, is

hereby confirmed.

Prior to relinquishing any portion of a state highway to a county or a city, except where required by legislative enactment, the department shall give 90 days' notice in writing of intention to relinquish to the board of supervisors, or the city council, as the case may be. Where the resolution of relinquishment contains a recital as to the giving of the notice, adoption of the resolution of relinquishment shall be conclusive evidence that the notice has been given.

The commission shall not relinquish to any county or city any portion of any state highway that has been superseded by relocation until the department has placed the highway, as defined in Section 23, in a state of good repair. This requirement shall not obligate the department for widening, new construction, or major reconstruction, except as the commission may direct. A state of good repair requires maintenance, as defined in Section 27, including litter removal, weed control, and tree and shrub trimming to the time of relinquishment.

Within the 90-day period, the board of supervisors or the city council may protest in writing to the commission stating the reasons therefor, including, but not limited to, objections that the highway is not in a state of good repair, or is not needed for public use and should be vacated by the commission. In the event that the commission does not comply with the requests of the protesting body, it may proceed with the relinquishment only after a public hearing given to the protesting body on 10 days' written notice.

73.01. (a) The commission may relinquish to a county transportation commission created pursuant to Chapter 1 (commencing with Section 130000) of Division 12 of the Public Utilities Code, a joint powers authority formed for purposes of providing transportation services, a transit district, or a regional transportation planning agency, a park-and-ride lot within their respective jurisdictions, on terms and conditions that the commission finds to be within the best interests of the state, if the department enters into an agreement with the county transportation commission, joint powers authority, the transit district, or regional transportation planning agency providing for that relinquishment.

(b) The county transportation commission, joint powers authority, the transit district, or regional transportation planning agency requesting the relinquishment shall agree to maintain, at a minimum, the number of parking spaces provided by the department in the lot at the time of relinquishment. The relinquishment shall become effective on the date following the county recorder's recordation of the relinquishment resolution containing the commission's approval of the terms and conditions of the relinquishment.

73.1. The commission may relinquish State Route 275, the Tower Bridge, to one or more cities in which it is located, upon agreement of the city or cities to accept it and pursuant to those terms the commission finds to be in the best interest of the state. A relinquishment under this section shall become effective upon the first day of the next calendar or fiscal year, whichever occurs

first, after the effective date of the commission's approval of the terms.

73.2. (a) State Route 275, the Tower Bridge, shall be deemed to be in a state of good repair for purposes of relinquishment pursuant to Section 73.1, provided that the bridge is not structurally deficient and is rated as satisfactory pursuant to the National Bridge Index.

(b) This section shall become inoperative on July 1, 2016, and, as of January 1, 2017, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2017, deletes or extends the dates on which it becomes inoperative and is repealed.

73.3. Upon determination by the commission that it is in the best interest of the state to do so, the commission may, upon terms and conditions approved by it, relinquish State Route 224 from post mile 0.0 to post mile 1.7 to a city in which that segment of the highway is located, if the city has agreed to accept the relinquishment. The relinquishment shall be effective on the day immediately following the date of the approval of the terms and conditions by the commission.

73.5. Whenever any area has been or may hereafter be constituted a National park or be added to any existing National park and jurisdiction thereover has been ceded by the Legislature to the United States, any lands within such area acquired for highway purposes may be conveyed by the department to the United States on such terms as the commission shall approve.

74. Any city or county aggrieved by any decision of the department, under the provisions of Division 3 (commencing with Section 2004.5) or under the provisions of Sections 186.3 and 186.5, may, within 30 days after such decision, petition the commission for a hearing. If a petition is filed, the commission shall hear the petition as soon as conveniently possible and after reasonable notice to such city or county. The commission shall make its order allowing or disallowing the petition, in whole or in part, and the commission's order shall be final and conclusive.

74.5. The planning commission and legislative body of a city or county shall, prior to recommending the adoption of a state highway route by the Legislature or the selection of a state highway location by the commission, conduct a public hearing on the subject.

75. Except as otherwise provided by law, the commission at any time and from time to time may:

(a) Select, adopt, and determine the location for State highways on routes authorized by law.

(b) Allocate, from the funds available therefor, moneys for the construction, improvement or maintenance of the various highways or portions thereof under the jurisdiction of the department. The commission may determine in each case the maximum sum of money that shall be made available therefor.

(c) Authorize preliminary surveys to determine the advisability of including in or excluding from the State highway system any highway or portion thereof.

75.9. Upon the selection, adoption, and determination of the

location for a state highway or freeway, the commission shall notify all planning agencies and legislative bodies having responsibility pursuant to Section 65300 of the Government Code for the adoption of the general plan or plans in the area affected by such commission action. Within 90 days after receipt of such notice, all such planning agencies and legislative bodies shall revise the circulation element of their general plans to reflect such commission action.

76. There is hereby delegated to the commission by the Legislature of the State of California full power and authority to request or accept on behalf of the State of California any grant or grants or modifications of grants made by any executive agency of the United States whereby rights-of-way for the extension, maintenance or operation of state roads or bridges across property of the United States of America are desired or have been granted to the State of California or to any political subdivision thereof.

77. The commission may accept, by appropriate resolution, a grant or modification of a grant of right-of-way for any of the roads mentioned in Section 76 across property of the United States of America.

77.5. Notwithstanding any other provision of law, the Governor of the State of California is authorized to accept any retrocession of legislative jurisdiction offered by the United States of America over real property upon which an easement for a right-of-way or any other interest for highway purposes has been granted by the federal government to the State of California.

The execution and delivery of acceptance of retrocession of legislative jurisdiction by the Governor of California shall be recorded in the office of the county recorder where the land is located and in the office of the State Lands Commission. The State Lands Commission shall maintain a permanent public record of such acceptances as part of the index relating to jurisdiction of the United States of lands in the State of California required by Section 127 of the Government Code.

78. Any of the said grants received by the State of California and accepted by the commission, or relocations of such rights of way so received in any military reservation, shall by the acceptance thereof become a part of the system of public highways of the State.

79. This delegation of power to the commission shall not be deemed exclusive, but any of the powers herein enumerated may continue to be exercised by the Legislature itself while in session.

80. The commission shall act by resolution or by vote or order entered in its minutes.

81. Except as is provided in Section 2109, whenever there exists between the termini of, and approximately on, any route included in the state highway system a traversable highway, the commission shall adopt the same as the state highway between such termini. The commission may adopt a portion of any such road if it determines that such portion is constructed to adequate standards and if such portion is contiguous to a portion of the state highway system presently being maintained by the department. If more than one such

traversable highway exists, the commission shall determine and designate which of such highways shall constitute the state highway. The traversable highways thus selected and adopted shall be state highways in all respects the same as if originally constructed or acquired by the state, subject to all laws applicable to state highways. All acts and actions of the commission and the department with respect to the taking over and maintenance of such highways heretofore taken are hereby approved and ratified.

82. Whenever a traversable highway is adopted as a state highway as provided in Section 81, written notice of such action shall be given to the board of supervisors of each county and to the city council of each city within which such highway or any portion thereof is located. The filing of a certified copy of the resolution or order of the commission with the local authority shall be a sufficient notice of the action of the commission.

83. Any public street or highway or portion thereof which is within the boundaries of a state highway, including a traversable highway adopted or designated as a state highway, shall constitute a part of the right of way of such state highway without compensation being paid therefor, and the department shall have jurisdiction thereover and responsibility for the maintenance thereof.

84. Before the department commences the construction of any state highway or of any bridge, viaduct, conduit, pipe, trestle, or other obstruction in connection therewith across any cove, bay, or inlet of the ocean in this state, the department shall submit the plans of the proposed project, insofar as they might affect the use of such cove, bay, or inlet as a small boat harbor, to the Department of Boating and Waterways and shall consider any suggestions made with respect to the integration of the proposed highway project with any proposed plan for the development of a small boat harbor.

84.5. During the design hearing process relating to state highway projects that include the construction by the department of a new bridge across a navigable river, there shall be included full consideration of, and a report on, the feasibility of providing a means of public access to the navigable river for public recreational purposes.

85. In order to provide the commission with an independent evaluation of routing proposals as the commission may desire from time to time, the commission may contract with specialists, including, but not limited to, persons trained and experienced in engineering, economics, landscape and design architecture, fish and wildlife management, park and recreation management, history and sociology, agriculture, and urban and regional planning. The commission is authorized to expend any funds in the State Highway Account to carry out the provisions of this section.

86. The commission may delegate to the department any ministerial or administrative power, duty, responsibility, or function of the commission. The delegations authorized herein shall be upon such conditions and terms as the commission deems appropriate.

**DEPARTMENT OF TRANSPORTATION**

111 GRAND AVENUE  
P. O. BOX 23440, MS-11A  
OAKLAND, CA 94623-0440  
PHONE (510) 286-5406  
FAX (510) 286-5379  
TTY (711)



*Flex your power!  
Be energy efficient!*

May 20, 2013

04-SCL-101 PM 52.4  
E.A. 235622  
Project No. 04 0000 0678  
Parcel 62710-1

Mr. Hamid Ghaemmaghani  
Manager of Real Property  
City of Palo Alto  
250 Hamilton Avenue  
Palo Alto, CA 94301

Subject: San Francisquito Creek bridge replacement – Section 83 Right of Way Transfers

Dear Mr. Ghaemmaghani:

U.S. Route 101 in the City of Palo Alto will be improved by the State Department of Transportation (The Department) as part of the project to replace the bridge at San Francisquito Creek. The Department has reviewed the project's right of way needs and has identified a portion of right of way under your jurisdiction that requires transfer to the State by application of Section 83.

Please accept this letter as the Department's notice of intention to transfer the real property shown on the attached plat from the City of Palo Alto to the State of California. This letter satisfies the Right of Way Certification requirements.

The State ACKNOWLEDGES that existing public utility facilities may lie within the Section 83 area shown on the attached plat according to Sections 680 or 703 of Streets & Highways Code or relocated according to design plats. Said public utility facilities will either be allowed to remain or relocated as part of the utility relocation agreement that may be in effect at the time of relocation.

If you have any questions or need further information, please call Michael O'Callaghan at 510-286-5381.

Sincerely,

ALLISON G. PAICH  
District Office Chief  
R/W Acquisition and Project Management Services

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 4  
OFFICE OF DESIGN EAST  
P.O. BOX 23660, MS 9A  
OAKLAND, CA 94623-0660  
PHONE (510) 286-5633  
FAX (510) 622-5122  
TTY 711  
www.dot.ca.gov



*Serious drought.  
Help save water!*

August 15, 2016

File: 04-SCL-101-PM 50.7/51.2  
Relinquishment No. 56092

Mr. Mike Sartor  
Director, Public Works Department  
City Of Palo Alto  
250 Hamilton Ave  
Palo Alto, CA 94301

**Attn:** Mr. Hamid Ghaemmaghani

Dear Mr. Sartor:

The State wishes to relinquish a portion of East Bayshore Road along US 101 shown on the attached maps to the City of Palo Alto. Please review the proposed relinquishment.

If the relinquishment is acceptable to the City, please provide either:

A letter of resolution from the City Council accepting the relinquishment. In addition to save time, we would prefer the resolution include a waiver of the 90-day notice of "Intention to Relinquishment" requirement, or

A letter of acceptance, preferably containing a waiver of the 90-day notice of "Intention to Relinquish" requirement, signed by the City personnel delegated to accept the relinquishment. For convenience, the City may respond to this offer by filling out the attached form. Please return the signed form along with the resolution of the City Council authorizing the City to waive the ninety (90) days' notice of "Intention to Relinquish" requirement as soon as possible.

If you have any questions, please call me at (510) 622-0767.

Sincerely,

A handwritten signature in black ink, appearing to read "Hassan Nikzad".

HASSAN NIKZAD  
District Branch Chief

Design South-Santa Clara

Mr. Mike Sartor  
August 15, 2016  
Page 2

Enclosure  
**STATE OF CALIFORNIA**  
**DEPARTMENT OF TRANSPORTATION**  
111 GRAND AVENUE  
OAKLAND, CA 94612  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 286-5633

04-SCL-101-PM 50.7/51.2  
RELINQUISHMENT  
No. 56092  
Date: August 15, 2016

ATTN: HASSAN NIKZAD

The City of Palo Alto has reviewed your offer to accept that portion of State Right of Way to be relinquished as per letter dated August 15, 2016, the maps and:

Please Check One:

- Yes, we are willing to accept the Relinquishment. Please proceed with preparing the final submittal.
- No, we are not interested in accepting the Relinquishment.  
(Please list your reasons why)

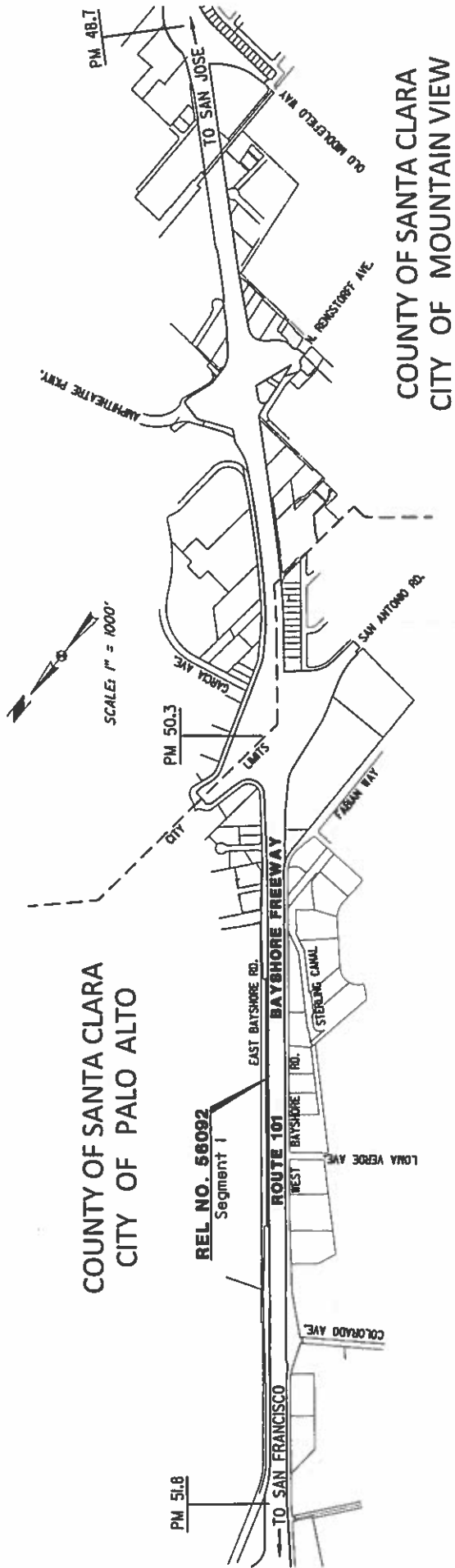
Please Check One:

- Yes, we agree to waive the ninety (90) days' notice of "Intention to Relinquish" requirement contained in Section 73 of the Streets and Highways Code.
- No, we do not agree to waive the ninety (90) days' notice of "Intention to Relinquish" requirement contained in Section 73 of the Streets and Highway Code.

BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
DATE: \_\_\_\_\_



Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 1, California. Each 1/32" distance are US Survey Feet unless otherwise noted. Distances and bearings are given in decimals. Utility distances by 1/32nds. To match grade level drawings.



COUNTY OF SANTA CLARA  
CITY OF PALO ALTO

COUNTY OF SANTA CLARA  
CITY OF MOUNTAIN VIEW

REL NO. 58092  
Segment 1

ROUTE 101



LEGEND  
 = AREA TO BE RELINQUISHED TO CITY OF PALO ALTO



THIS PLAT WAS PREPARED BY ME  
OR UNDER MY DIRECT SUPERVISION:  
  
 DAVIS THRESH, PLS 6868 DATE 7/22/2016

**BKF**  
 BUREAU OF KINEMATIC SURVEYING  
 1650 TECHNOLOGY DR., SUITE 650  
 SAN JOSE, CA 95110  
 (408) 487-9100

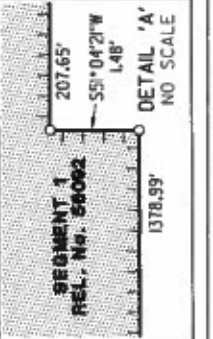
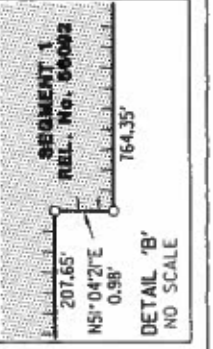
M-1606

STATE OF CALIFORNIA  
 CALIFORNIA STATE TRANSPORTATION AGENCY  
 DEPARTMENT OF TRANSPORTATION  
**RIGHT OF WAY**  
**RELINQUISHMENT**  
 REL NO. 56092  
 TO THE CITY OF PALO ALTO  
 ROAD 04-6CL-101-P.M. 50.77 51.2

DATE: 7-22-16 FILE: 4A3302 CONTRACT NO: 4A3304  
 DRAWN BY: D. DARLING CHECKED BY: D. THRESH  
 DISTRICT COUNTY ROUTE SHEET PM SHEET NO.  
 4 SCL 101 50.77 51.2 1 OF 2

APPRAISAL	M A P	R E F E R E N C E S	RECORD	MONUMENT
A-10449.3, A-10449.4, A-10449.5		R-10449.3, R-10449.4, R-10449.5		S 7L4, S 7L5

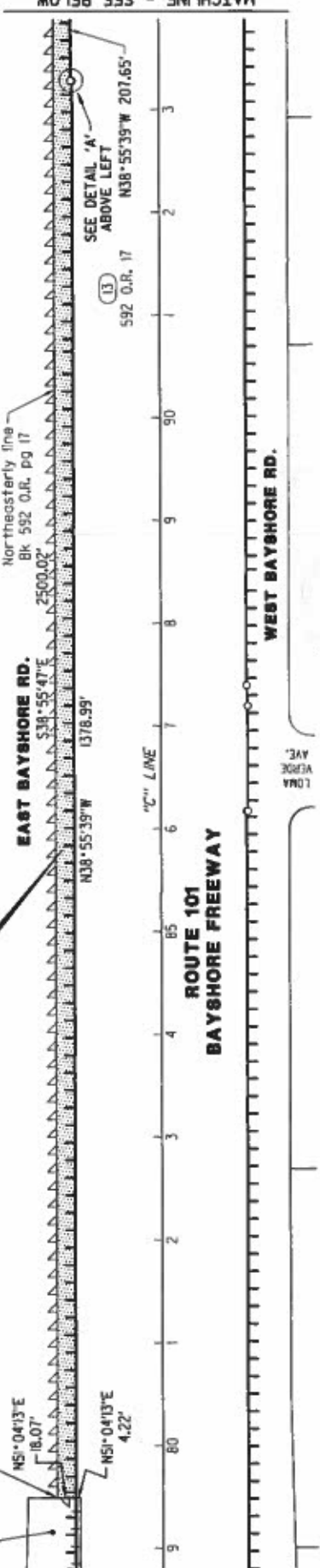
Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 10, California, Epoch 1983. Distances are U.S. Survey Feet unless otherwise noted. Distances by US2000 are to station ground level datum.



COUNTY OF SANTA CLARA  
CITY OF PALO ALTO  
**SEGMENT 1**  
REL. No. 56092

(8324)  
CITY OF PALO ALTO  
1951 O.R. 26

RELINQUISHMENT #22151  
PARCEL 3, 5351 OR 91  
P.O.C.

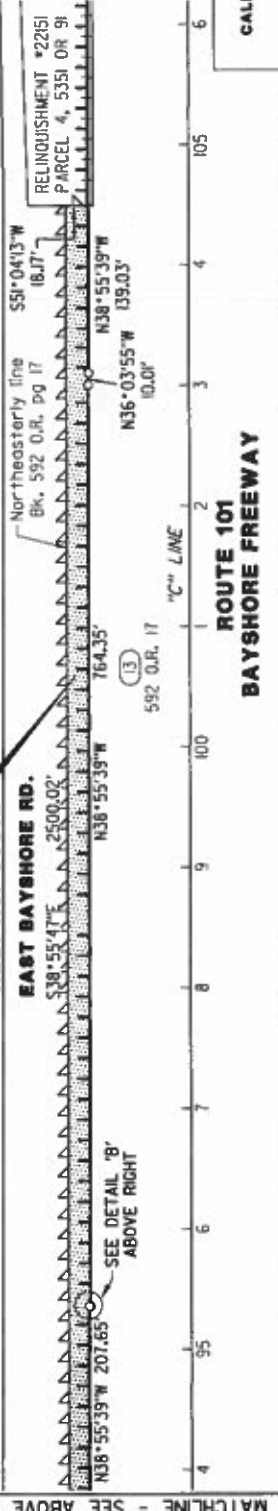


**LEGEND**  
 L L L L = ACCESS CONTROLLED  
 O = DIMENSION POINT  
 [Hatched Box] = AREA TO BE RELINQUISHED TO CITY OF PALO ALTO  
 [Dashed Box] = ACCESS RIGHTS TO BE RELINQUISHED TO THE CITY OF PALO ALTO  
 (XXX) = STATE PARCEL NUMBER  
 P.O.C. = POINT OF COMMENCEMENT

COUNTY OF SANTA CLARA  
CITY OF PALO ALTO  
**SEGMENT 1**  
REL. No. 56092

(8324)  
CITY OF PALO ALTO  
1951 O.R. 26

RELINQUISHMENT #22151  
PARCEL 4, 5351 OR 91  
P.O.C.



**BKF**  
 BENTON & BOWEN / Planning  
 1650 TECHNOLOGY DR., SUITE 650  
 SAN JOSE, CA 95110  
 (408) 967-1100



STATE OF CALIFORNIA  
 CALIFORNIA STATE TRANSPORTATION AGENCY  
 DEPARTMENT OF TRANSPORTATION  
**RIGHT OF WAY**  
**RELINQUISHMENT**  
**REL. No. 56092**  
 TO THE CITY OF PALO ALTO  
 ROAD 04-SCL-101-P.M. 80.77 61.2

DATE: 7/22/16 EA: 4A3302 CONTRACT No: 4A3304  
 DRAWN BY: D. DARLING CHECKED BY: D. THRESH  
 DISTRICT COUNTY ROUTE SHEET NO. SHEET NO.  
 4 4 SCL 101 50.7/ 61.2 2 OF 2

M A P	R E F E R E N C E S	R E C O R D	M O N U M E N T
A-0449.3, A-0449.4, A-0449.5	R-0449.3, R-0449.4, R-0449.5	S 7L4, S 7L5	

M-1806

Attachment H

\*\*\*NOT YET APPROVED\*\*\*

Resolution No. XXXX

Resolution of the Council of the City of Palo Alto approving quitclaiming  
nine right of way parcels to the State of California and acceptance of a  
right of way parcel from the State of California

RECITALS

A. Caltrans embarked on the Highway 101 Auxiliary Lane Project to construct auxiliary lanes, extend existing second High Occupancy Vehicle (HOV) lanes, and undertake associated ramp improvements including ramp widening and installing/activating ramp metering in both directions of U.S. Route 101 (US 101) in Santa Clara County between the State Route 85 (SR 85) interchange in the City of Mountain View and the Embarcadero Road interchange in the City of Palo Alto. In conjunction with this project, Caltrans has been working on another project in this area for the purpose of replacing the bridge at San Francisquito Creek and incorporating an extra opening for flood control purposes.

B. Section 83 of the Street and Highway Code of State of California gives the right to the State to use any public street or highway or portion thereof which is within the boundaries of a state highway, including a traversable highway adopted or designated as a state highway that constitute a part of the right of way of such state highway without compensation being paid therefor.

C. On November 16, 2010, the Department of Transportation of State of California, notified the City of Palo Alto of plans for Highway 101 Auxiliary Lane Project Route 101 in the City of Palo Alto was to be improved by the State Department of Transportation and Santa Clara Valley Transportation Authority (VTA). The Department had reviewed the project's right of way needs and it had identified a portion of right of way under the jurisdiction of the City of Palo Alto that required transfer to the State by Application of Section 83 of the Street and Highways Code. This transaction was to be consummated by quitclaim deeds from the City of Palo Alto to the State after the completion of the project. The Section 83 letter notifies City/State of the State's intention to incorporate the parcel(s) into the State Highway System. Also included is a quitclaim deed which includes final plats of the involved. Both the quitclaim deed and plats have been reviewed and approved by Caltrans.

D. Caltrans notified the City on May 20, 2013 by sending an additional Section 83 Right of Way letter regarding improvements to U.S. Route 101 in The City of Palo Alto for the purpose of the San Francisquito bridge replacement and construction of an extra opening for floor control.

E. On August 15, 2016, the City received a notice of relinquishment that would transfer a portion of East Bay Shore Road along US 101 shown on the attached map to the City of Palo Alto to be used as City Streets. California Transportation Commission approved the relinquishment on December 7, 2016 by approving Resolution R-3971. The segment contains 44,609 square feet and it will not be utilized in the use of 101 Freeway.

Attachment H  
\*\*\*NOT YET APPROVED\*\*\*

The Council of the City of Palo Alto RESOLVES as follows:

SECTION 1. The City Manager hereby is authorized to execute quitclaim deeds to transfer the following parcels from the City of Palo Alto to State of California

Parcel 62710-1 as shown on the attachment "A"

As shown on the attached attachment "B"

Parcel 61920-1 as shown on the attached Exhibit "A-1",  
Parcel 61931-1 as shown on the attached Exhibit "A-2",  
Parcel 61932-1 as shown on the attached Exhibit "A-3",  
Parcel 61933-1 as shown on the attached Exhibit "A-4",  
Parcel 61934-1 as shown on the attached Exhibit "A-5",  
Parcel 61935-1 as shown on the attached Exhibit "A-6",  
Parcel 61936-1 as shown on the attached Exhibit "A-7",  
Parcel 61937-1 as shown on the attached Exhibit "A-8".

SECTION 2. The City Manager is authorized to accept parcel REL No. 56092 as shown on the attached attachment "C" that has been relinquished by State of California.

SECTION 3. The City Council hereby finds that the grant of right of way parcels to the State of California and acceptance of the relinquishment of a right of way parcel from the state is not a project under the California Environmental Quality Act (CEQA).

SECTION 4. Effective Date: This resolution shall take effect immediately following adoption.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

APPROVED:

Attachment H  
\*\*\*NOT YET APPROVED\*\*\*

---

City Clerk

---

Mayor

APPROVED AS TO FORM:

---

City Manager

---

Senior Asst. City Attorney

---

Director of Planning and  
Community Environment