

RESOLUTION NO. 2011-006

**BOARD OF DIRECTORS
CENTRAL CONTRA COSTA TRANSIT AUTHORITY
STATE OF CALIFORNIA**

* * *

**RESOLUTION OF ACCEPTANCE
ACCEPTING QUITCLAIM DEED FROM CONTRA COSTA COUNTY SANITARY
DISTRICT FOR SEWER LINE EASEMENT OVER 2477 ARNOLD INDUSTRIAL WAY
(APN 159-050-057)**

WHEREAS, the County of Contra Costa and the Cities of Clayton, Concord, the Town of Danville, Lafayette, Martinez, the Town of Moraga, Orinda, Pleasant Hill, San Ramon and Walnut Creek (hereinafter "Member Jurisdictions") have formed the Central Contra Costa Transit Authority ("CCCTA"), a joint exercise of powers agency created under California Government Code Section 6500 *et seq.*, for the joint exercise of certain powers to provide coordinated and integrated public transportation services within the area of its Member Jurisdictions; and

WHEREAS, during the original construction of CCCTA's administration and maintenance facilities on Arnold Industrial Way, a dedicated sewer line was installed, which serves CCCTA's administration building, fuel island and maintenance building; and

WHEREAS, once CCCTA occupied the facility, the sewer line at 2477 Arnold Industrial Way should have become CCCTA's property and responsibility, however, during the upgrade to the waste water separator at the fuel island in 2009, it was discovered that the Contra Costa County Sanitary District ("CCCSD") retained ownership and an easement to the sewer line; and

WHEREAS, it is CCCSD's policy to relinquish ownership and future maintenance responsibilities to the owners of the property on which sewer facilities exist; and

WHEREAS, on April 1, 2010, following public notice and a public hearing, the CCCSD Board of Directors adopted Resolution No. 2010-017, "Resolution of the Contra Costa County Sanitary District Ordering Relinquishment of Sewer Facilities to Central Contra Costa Transit Authority" and Resolution No. 2010-018, "A Resolution Authorizing Execution of a Quitclaim Deed to Central Contra Costa Transit Authority, District Job No. 3615 - Parcel 1, APN 159-050-057" in order to relinquish the sewer line and quitclaim the associated easement, attached as Exhibit A; and

WHEREAS, in order to finalize this transaction, CCCTA's Board of Directors must accept the quitclaim deed by resolution; and

WHEREAS, staff recommends, and the Operations & Scheduling Committee concurs, that the Board of Directors accept the Quitclaim Deed of the easement to the sewer line from CCCSD.

NOW, THEREFORE, BE IT RESOLVED by the Central Contra Costa Transit Authority Board of Directors, that the Central Contra Costa Transit Authority hereby consents to the acceptance of the Quitclaim Deed - Easement from the Contra Costa County Sanitary District, consisting of all rights, title, and interest that CCCSD may have in the particular easement situated in the City of Concord (unincorporated), County of Contra Costa, described in the Grant of Easement recorded August 9, 1982, as document number 82-88799 of Official Records of the County of Contra Costa, dated April 1, 2010, District Job No. 3616 - Parcel 1, Concord (APN 159-050-057); and

BE IT FURTHER RESOLVED that the Chair and the Secretary are authorized to execute a Certificate of Acceptance pertaining to the Quitclaim Deed for presentation to the Recorder of Contra Costa County.

Regularly passed and adopted this 16th day of September 2010, by the following vote.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

David E. Hudson, Chair, Board of Directors

ATTEST:

Janet Madrigal, Clerk to the Board

EXHIBIT A OF CCCTA RESOLUTION NO. 2011-006

RESOLUTION NO. 2010- 017

RESOLUTION OF THE CENTRAL CONTRA COSTA SANITARY DISTRICT
ORDERING RELINQUISHMENT OF SEWER FACILITIES
TO CENTRAL CONTRA COSTA TRANSIT AUTHORITY

DISTRICT JOB NO. 3616
2477 ARNOLD INDUSTRIAL WAY, CONCORD
(APN 159-050-057)

WHEREAS, pursuant to District Code Chapter 9.30, it may be necessary for the Central Contra Costa Sanitary District ("District"), in the best interest of the District and ratepayers, to relinquish ownership and maintenance responsibility for certain sewer facilities that exist on a single property or in a common area of a condominium property; and

WHEREAS, Central Contra Costa Transit Authority ("Owner"), the Owner of record of the property at 2477 Arnold Industrial Way, Concord, (APN 159-050-057) have requested that the District relinquish a public sewer within their property and quitclaim the associated easement as shown on Exhibit A, attached hereto and made a part hereof by this reference; and

WHEREAS, pursuant to District Code 9.30.020, a notice of determination of the District's intent to relinquish sewer facilities has been sent to the Owner of the subject property, and said Owner has been given a reasonable opportunity to appear and be heard before the Board of Directors of the District on this matter; and

WHEREAS, pursuant to District Code 9.30.030, a properly noticed hearing was held on April 1, 2010, at 2:00 p.m., in the Board Room of the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the District as follows:

THAT the public sewer identified by the District as District Job No. 3616, M2 to M4; lying within the parcel of land identified as Assessor's Parcel Number 159-050-057, commonly referred to as 2477 Arnold Industrial Way, Concord, is hereby relinquished to the Owner of said parcel of land.

THAT staff is authorized to record this Resolution of Relinquishment with the Contra Costa County Recorder.

Resolution No. 2010- 017
Relinquishment to CCCTA
District Job No. 3616

PASSED AND ADOPTED this 1st day of April 2010, by the Board of Directors of the District by the following vote:

AYES: Members: Hockett, Lucey, Menesini, Nejedly, McGill
NOES: Members: None
ABSENT: Members: None



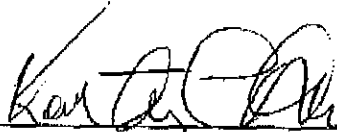
Michael R. McGill
President of the Board of Directors
Central Contra Costa Sanitary District
County of Contra Costa, State of California

COUNTERSIGNED:



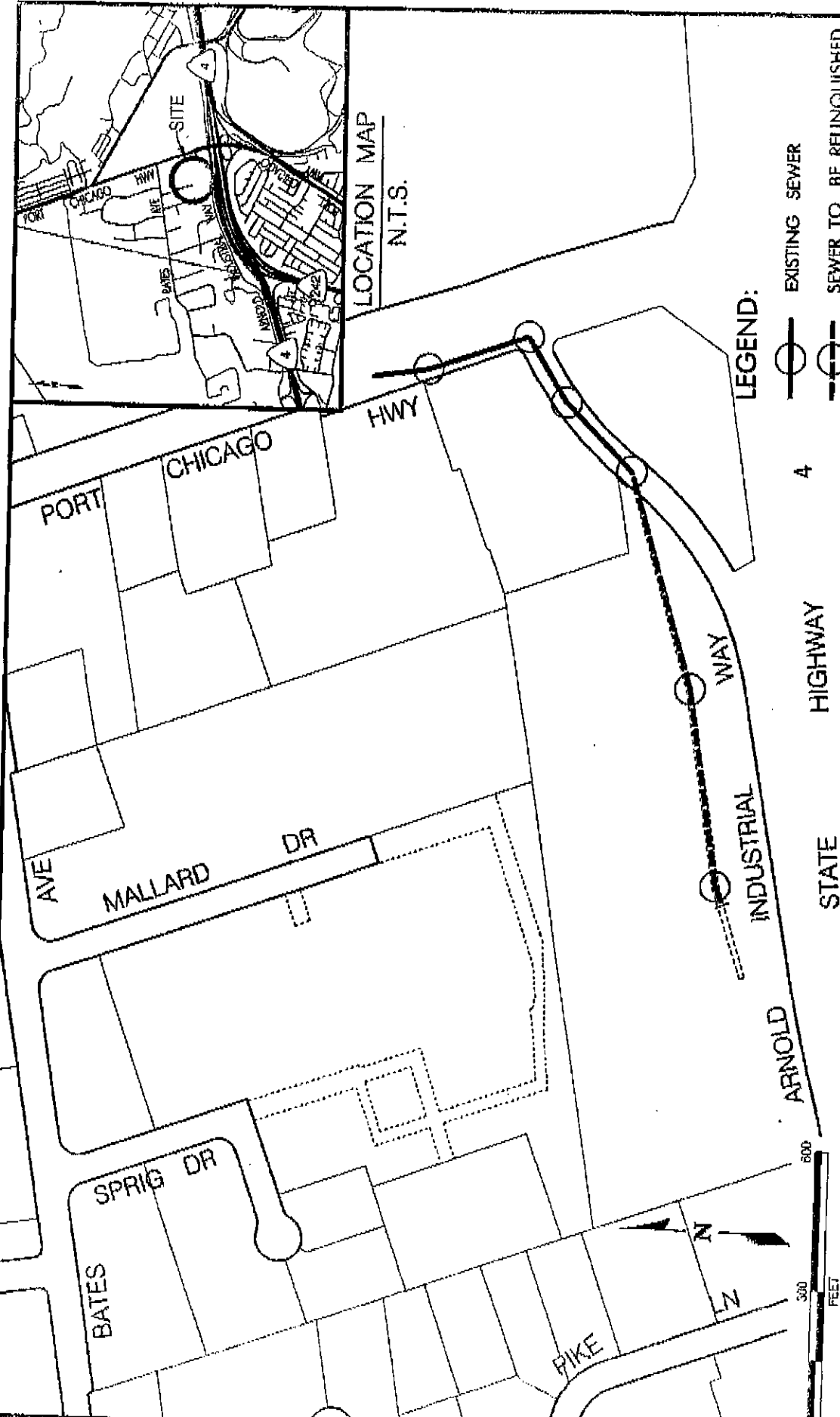
Elaine R. Boehme
Secretary of the Central Contra Costa Sanitary District
County of Contra Costa, State of California

Approved as to form:

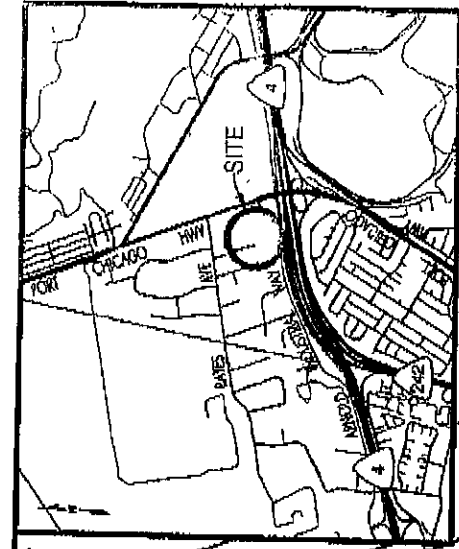


Kenton L. Alm
Counsel for the District

3-102-2310 8-52 4:\projects\Measurements\Abilities\m_Arnold\ehh1.dgn



LOCATION MAP
N.T.S.



LEGEND:

- EXISTING SEWER
- SEWER TO BE RELINQUISHED

4
HIGHWAY
STATE

Central Contra Costa
Sanitary District



Prepared by Engineering Support Section

CENTRAL CONTRA COSTA TRANSIT AUTHORITY
2477 ARNOLD INDUSTRIAL WAY, CONCORD
SEWER RELINQUISHMENT

Attachment

MAP
A

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Contra Costa

On 4/11/10 before me, Angela Taliani, Notary Public

personally appeared Michael Robert McGill and Elaine R. Boehme

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~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 Angela Taliani
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Resolution 2010-017

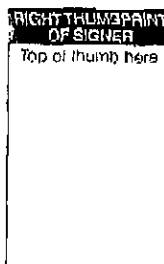
Document Date: 4/11/10 Number of Pages: 3

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

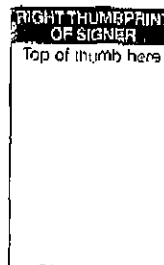
- Individual
- Corporate Officer -- Title(s): _____
- Partner -- Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer -- Title(s): _____
- Partner -- Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

RESOLUTION NO. 2010- 018

A RESOLUTION AUTHORIZING EXECUTION OF A QUITCLAIM DEED TO
CENTRAL CONTRA COSTA TRANSIT AUTHORITY
DISTRICT JOB NO. 3616 – PARCEL 1
APN 159-050-057

BE IT RESOLVED by the Board of Directors of the Central Contra Costa Sanitary District ("District") as follows:

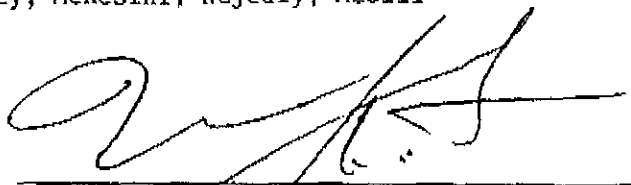
THAT the District hereby consents to the execution of a "QUITCLAIM DEED" dated April 1, 2010, to Central Contra Costa Transit Authority, District Job No. 3616 – Parcel 1, Concord (APN 159-050-057); and

THAT the President of the Board of Directors and the Secretary of the District are hereby authorized to execute said document for and on behalf of the Central Contra Costa Sanitary District; and

THAT District staff is authorized to record said document in the office of the Recorder of Contra Costa County.

PASSED AND ADOPTED this 1st day of April 2010, by the Board of Directors of the District by the following vote:

AYES: Members: Hockett, Lucey, Menesini, Nejedly, McGill
NOES: Members: None
ABSENT: Members: None



Michael R. McGill
President of the Board of Directors
Central Contra Costa Sanitary District
County of Contra Costa, State of California

COUNTERSIGNED:



Elaine R. Boehme
Secretary of the Central Contra Costa Sanitary District
County of Contra Costa, State of California

Approved as to form:



Kenton L. Alm
Counsel for the District

I, Elaine R. Boehme, Secretary of the Central Contra Costa Sanitary District, of the County of Contra Costa, State of California, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 2010-018 passed and adopted by said District Board on April 1, 2010.

Dated: 4/2/10



Elaine R. Boehme
Secretary of the District

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Contra Costa }

On 4/1/10 before me, Angela Taliani Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Michael Robert McGill and Elaine R. Boehme
Name(s) of Signer(s)

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: Angela Taliani
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____

Corporate Officer — Title(s): _____ Corporate Officer — Title(s): _____

Individual Individual

Partner — Limited General Partner — Limited General

Attorney in Fact Attorney in Fact

Trustee Trustee

Guardian or Conservator Guardian or Conservator

Other: _____ Other: _____

Signer Is Representing: _____ Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

WHEN RECORDED RETURN TO:
 Central Contra Costa Sanitary District
 Environmental Services Division
 5019 Imhoff Place
 Martinez, CA 94553


QUITCLAIM DEED - EASEMENT


APN 159-050-057 **DISTRICT PROJECT 3616 - PARCEL 1**

Central Contra Costa Sanitary District ("District"), a California special district, does hereby quitclaim to Central Contra Costa Transit Authority, all rights, title, and interest the District may have in that particular easement situated in the city of Concord (unincorporated), county of Contra Costa, state of California, described in the Grant of Easement recorded August 9, 1982, as document number 82-88799 of Official Records of said county.

IN WITNESS WHEREOF, the undersigned officers of the District have executed this instrument as duly authorized by the District Board of Directors this 1st day of April, 2010.

CENTRAL CONTRA COSTA SANITARY DISTRICT

By 
 Michael R. McGill
 President of the Board of Directors
 Central Contra Costa Sanitary District
 County of Contra Costa, State of California

By 
 Elaine R. Boehme
 Secretary of the District
 Central Contra Costa Sanitary District
 County of Contra Costa, State of California