

CITY OF SANTA ROSA  
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL  
FROM: JILL SCOTT, REAL ESTATE MANAGER  
REAL ESTATE SERVICES  
FOR TRANSPORTATION AND PUBLIC WORKS DEPARTMENT  
SUBJECT: TRANSFER OF REAL PROPERTY INTEREST ALONG YOLANDA  
AVENUE AND RELINQUISHMENT OF ABUTTERS' RIGHTS TO  
THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AS  
PART OF THE HEARN AVENUE INTERCHANGE AT HIGHWAY  
101 PROJECT

AGENDA ACTION: RESOLUTION

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RECOMMENDATION

It is recommended by Real Estate Services and the Department of Transportation and Public Works that the Council, by resolution, approve the transfer of a real property interest along Yolanda Avenue releasing and relinquishing any and all abutter's rights, including access rights, appurtenant to City's remaining property (except as otherwise stated) to the State of California Department of Transportation (Caltrans) and authorize the Director of Transportation and Public Works to execute all necessary and appropriate documents, including a grant deed of conveyance, to complete the transfer.

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EXECUTIVE SUMMARY

In February 1989 the City of Santa Rosa ("City") and California Department of Transportation ("State") entered into cooperative agreement 04-1038 to allow City to reconstruct the NB 101 on and off ramps at Hearn Avenue, including installation of a traffic control signal at the intersection of Santa Rosa Avenue and Yolanda Avenue ("Original Project"). As part of the Original Project, the City agreed to acquire all rights needed for right of way, including abutter's rights and, upon completion of construction, to convey fee title to those rights to the State. The required transfers never occurred so the City and State agreed that as part the modification and reconstruction of the Hearn Avenue interchange under the May 2017 cooperative agreement 04-2600 ("Project"), the parties would close out the remaining transfer obligations between the City and State from the Original Project. To facilitate satisfaction of the obligations under the Original Project, State has requested City transfer a portion of its real property interest along Yolanda Avenue and release and relinquish any and all abutter's rights, including access rights, appurtenant to City's remaining property.

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BACKGROUND

As part of the Hearn Avenue Interchange project at US Highway 101, the City hired Caltrans to perform the right of way activities and to help closeout the Original Project obligations. This includes preparing the mapping and deeds for the parcels that need to be transferred from the Original Project. The City acquired the right of way from the affected parcels back in 1989 when the NB Route 101 off/on ramps were relocated under the Original Project but existing deeds and maps from the Original Project showed that no abutters rights were purchased by the City in its acquisition of the necessary right of way. Purchasing abutters rights from the affected parcels today would be extremely costly. In order to complete the requirements of the Original Project, including a transfer of the acquired right of way to State with access controls required by State, City will transfer the necessary right of way to the State, less a one foot (1') offset which the City will retain between the transferred right of way and the private property line. City will then relinquish its abutter's rights, including access rights, along that 1' strip. The necessary conveyance documents have been prepared by State and reviewed by City. State is requesting that the City now transfer the fee parcel and relinquish adjoining abutters rights.

PRIOR CITY COUNCIL REVIEW

On February 28, 1989, the City and Caltrans entered into Cooperative Agreement No. 04-1038 for the reconstruction of the Hearn Avenue northbound on and off ramp at Highway 101, including installation of a traffic control signal at the intersection of Santa Rosa Avenue and Yolanda Avenue. The City Council approved this agreement by Resolution No. 19309.

In August 2005, the City and Sonoma County Transportation Authority (SCTA) entered into Cooperative Agreement No. M30806-05 approving the cooperative funding agreement for Measure M funds for Hearn Avenue Improvements Phase I, Phase II and a portion of Phase III.

On April 3, 2012, the City and Caltrans entered into Cooperative Agreement No. 04-2348 to develop the Project Initiation Document (PID). The City Council approved this agreement by resolution No. 28069.

On February 25, 2014, the City and Caltrans entered into Cooperative Agreement No. 04-2492 to complete the Project Approval and Environmental Document (PA&ED) phase. The City Council approved this agreement by resolution No. 28433.

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On April 18, 2017, the City Council, by Resolution No. RES-2017-056, approved Cooperative Agreement No 04-2600 for Caltrans' Independent Quality Assurance during the preparation of the Project Plans, Specifications and Estimate (PS&E) phase.

On June 20, 2017, the City Council, by motion, approved and authorized a project work order for the Plans, Specifications, and Estimate (PS&E) phase for the Hearn Avenue Interchange at US Highway 101.

### ANALYSIS

The City entered into a May 2017 Cooperative Agreement for the current Project that allows City to utilize Caltrans resources to advance the project through the design and right of way phases. The Cooperative Agreement established Caltrans as the Implementing Agency for right of way support and acquisition.

During the design stage of the Project, Caltrans discovered that certain land and abutters rights had never been quitclaimed to State following completion of the Original Project from 1989, as required by law. This transfer should have happened following completion of construction of the City project for Yolanda Avenue.

Following completion of construction, the City would have conveyed a piece of land in fee as required by Caltrans. The City and State agreed that as part of the current Project, that the parties would close out the remaining transfer obligations between the City and State from the Original Project. To facilitate satisfaction of the obligations under the Original Project, State has requested City transfer a portion of its real property interest along Yolanda Avenue, releasing and relinquishing any and all abutter's rights, including access rights, appurtenant the strip of property retained by the City adjacent to the existing private property. City staff from multiple Departments have reviewed this request and determined that this conveyance is a general benefit to the City.

### FISCAL IMPACT

Approval of this action does not have a fiscal impact on the General Fund.

### ENVIRONMENTAL IMPACT

For the Original Project:

In December 1988, Caltrans approved a Negative Declaration (ND) pursuant to the requirements of the California Environmental Quality Act (CEQA) for the Original Project. The proposed conveyance was contemplated as part of the Original Project.

For the Project:

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In December 2016, Caltrans approved a ND pursuant to the requirements of the California Environmental Quality Act (CEQA).

In December 2016, Caltrans approved a Finding of No Significant Impact pursuant to the requirements of the National Environmental Policy Act (NEPA).

The analysis for the Project contemplated that this conveyance would have occurred as part of the Original Project, and this conveyance was therefore analyzed as part of the environmental review for the Project. There are no changes proposed or new information provided, related to the Project, which would require revisions to the previously adopted ND. There will not be any new effects that were not anticipated and discussed in the ND, and no new mitigation measures are needed. As a result, staff has found that the proposed project is within the scope of the ND, and no further environmental review is necessary pursuant to CEQA Guidelines Section 15162.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not Applicable

NOTIFICATION

Not Applicable

ATTACHMENTS

- Resolution / Exhibit A

CONTACT

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