

Mill Valley to Corte Madera
Bicycle and Pedestrian Corridor Study

Appendix G
Right-of-Way Conditions Analysis

Prepared by
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This section summarizes right-of-way conditions for the Alto Tunnel Route based on information available from the County of Marin, the Northwest Pacific Railroad Historic Society and other sources. This research serves as an overview of the conditions, issues, and potential solutions for the Mill Valley Corte Madera Bike and Pedestrian Corridor Study. The current study scope does not include detailed research and analysis of property records, such as obtaining or reviewing title reports or recorded deeds, easements or maps. This would be part of future work should a decision be made to proceed with a project, as outlined below.

According to parcel data available from Marin County, the Alto Tunnel passes through several parcels. Figure 1 shows the Tunnel, associated parcels, and Assessor Parcel Numbers (APNs). There are eleven parcels and three roads that overlay the tunnel's alignment. Table 1 below shows the affected parcels and the approximate length of overlap with the Alto Tunnel.

Some portions of the route, including the tunnel, are on/under private parcels, including one parcel that is still owned by the NW Pacific Railroad. Some portions are on/under property owned by the County as part of the railroad ROW purchase, or owned by the two cities as street ROW. Clearly, based on a decision to proceed, and subject to applicable environmental regulations, the County has the right to build a trail on land that is owned in fee by the County, or on city land based on agreements with the cities. On private land the right to build the trail may or may not currently exist.

A neighboring resident to the Alto tunnel has done significant research into the history of the tunnel, and the properties and easements associated with the route. He has identified properties with easements for the railroad dating from 1883 which state that the easement will be voided if the railroad use ceases.

The current study scope and budget does not include the extent of property and legal research that will be necessary to clearly establish the chain-of-title and current ownership and rights pertaining to the tunnel and other portions of the route. This will require an expert right-of-way agent and/or real estate research specialist attorney to collect, review, analyze, map, and summarize the pertinent ownerships and rights pertaining to the railroad route and its potential use as a trail. The title research and mapping will need to conform to Federal acquisition standards, since the acquisition would likely be funded with federal funds. The cost of this process cannot be precisely determined because it is by nature a process of discovery, but for budgeting purposes the research and documentation cost has been assumed to range between \$ 6,000 to \$12,000 for the parcels in Table 1. A title company, identifying all of the parcel owners, would perform this research. Research will go back to the 1800s when railroad property was originally identified and granted.

Based on the results of the right-of-way research, a process of negotiation for any necessary right-of-way acquisition could be initiated. The cost of such acquisition, including negotiation, and drafting, amendment and recording of purchase documents, can only be estimated after the acquisition research, and only precisely determined through the negotiation process.

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The process includes a number of steps starting with individual negotiations with property owners. If property owners are cooperative, the negotiation process can be completed quickly and with minimal expenditure of time. Conversely, if property owners prove difficult, the negotiation process can be lengthy. After negotiations, property appraisals, individual sale agreements, due diligence environmental review of the properties by the County, establishment of an escrow account, and local jurisdiction approval of the sales follow. For budgeting purposes, a cost range of \$500,000 to \$1.5 million has been assumed for parcel/right-of-way acquisition negotiation, documentation and purchase.

Table 1: Alto Tunnel Parcel Information

APN	Owner	Lineal Feet	Notes
033-102-43	County of Marin	60	South Portal
033-161-04	Private	145	
	City of Mill Valley - Underhill Road	48	
033-102-53	NW Pac Railroad Company	400	
033-102-50	County of Marin	425	
	City of Mill Valley - Camino Alto	90	
	City of Corte Madera - Corte Madera Road	163	
025-221-13	Private	306	
025-194-13	Private	230	Along west edge of parcel
025-194-12	Private	25	Along west edge of parcel
	City of Corte Madera - Stetson Avenue	48	
025-192-20	Private	35	Along east edge of parcel
025-192-18	Private	80	Along east edge of parcel
025-192-19	Private	58	Along east edge of parcel
025-192-01	County of Marin	60	North Portal

*Data based on MarinMap GIS, 2009

2173

Total

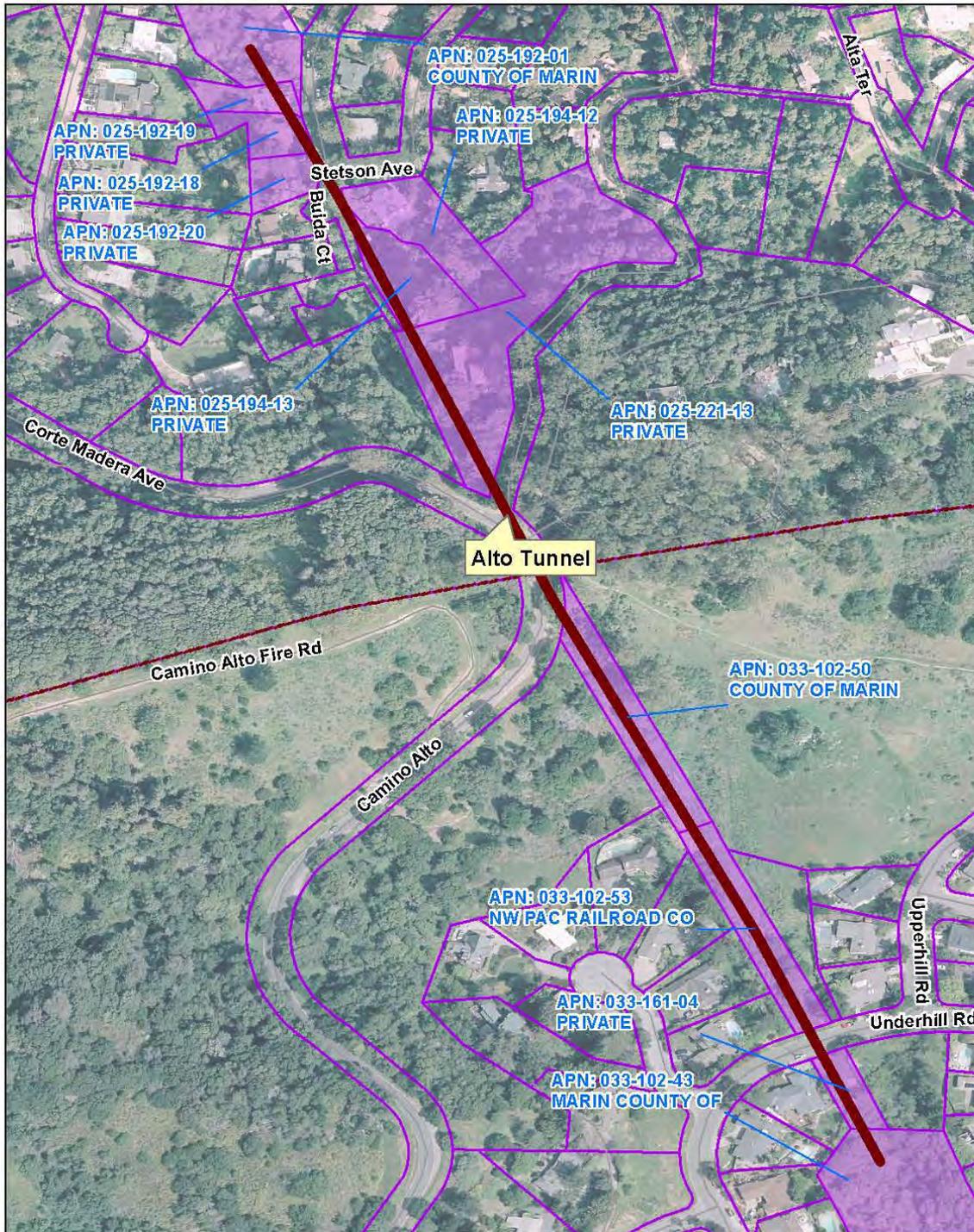


Figure 1: - Alto Tunnel Route Parcels