

RESOLUTION NO. 2021 –

**BOARD OF DIRECTORS, SAN MATEO COUNTY TRANSIT DISTRICT
STATE OF CALIFORNIA**

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AUTHORIZING THE QUITCLAIM AND RELEASE OF RIGHTS TO UNIVERSAL PARAGON CORPORATION FOR CERTAIN UNUSED EASEMENTS IN THE CITY AND COUNTY OF SAN FRANCISCO AND THE CITY OF BRISBANE IN EXCHANGE FOR RIGHTS FOR THE PENINSULA CORRIDOR JOINT POWERS BOARD TO ACCESS THE CALTRAIN RAIL CORRIDOR THROUGH PROPERTY OWNED BY UNIVERSAL PARAGON CORPORATION

WHEREAS, the Peninsula Corridor Joint Powers Board (JPB) is the owner of the Peninsula Corridor railroad right-of-way (the “Caltrain Corridor”), which it acquired from Southern Pacific Transportation Company (SPTC) in 1991 (the “Corridor Purchase”); and

WHEREAS, the San Mateo County Transit District (District) is co-owner of the Caltrain Corridor in San Mateo County; and

WHEREAS, as part of the Corridor Purchase, the JPB (and the District, in San Mateo County) acquired some, but not all, of the assets held by SPTC in and around the Caltrain Corridor, while SPTC retained other adjacent properties, including freight spurs and other interests; and

WHEREAS, Universal Paragon Corporation (UPC), through a number of affiliated entities, owns property in the City and County of San Francisco and the City of Brisbane that is adjacent to the Caltrain Corridor; and

WHEREAS, easement interests through UPC's properties, which were reserved by SPTC (the “SPTC Easements”) and were not part of the Corridor Purchase, have not been in use for several years; and

WHEREAS, UPC and the JPB have agreed, as evidenced by JPB Board of Directors Resolution No. 2021-19, and now the District agrees, that (a) the JPB and the District have never owned any rights in the SPTC Easements, and (b) the JPB and the

District will confirm that they have no interest in the SPTC Easements by quitclaiming and releasing any possible rights each entity may have; and

WHEREAS, a separate small easement was deeded to the JPB and the District as part of the Corridor Purchase for signal house purposes, but is no longer required by the JPB (the "Signal House Easement"); and

WHEREAS, the JPB has been using UPC's property to access the Caltrain Corridor for a number of years, primarily through areas outside of the SPTC Easements; and

WHEREAS, in exchange for the JPB and the District releasing any interest they might have in the SPTC Easements and Signal House Easement, UPC has agreed to provide a series of access easements, both temporary and permanent, to formally memorialize the JPB's rights to access the Caltrain Corridor through UPC's property; and

WHEREAS, in areas where temporary rights are granted, such rights will remain active until such time as a series of dedicated public streets are available to provide the JPB with actual and formal access to the Caltrain Corridor; and

WHEREAS, UPC, the JPB and the District wish to enter into an agreement whereby the JPB and the District will quitclaim and release their rights in the SPTC Easements and the Signal House Easement in exchange for UPC's granting to the JPB formal rights to access the Caltrain Corridor through UPC property as described above.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the San Mateo County Transit District hereby authorizes its Acting General Manager/CEO, or his designee, to execute all deeds and agreements necessary to enable the District to quitclaim and release its rights in the SPTC Easements and the Signal House Easement in exchange for UPC's grant to the JPB of formal rights to access the Caltrain Corridor across UPC property, all of which is described in more detail above.

BE IT FURTHER RESOLVED that the Board of Directors authorizes the Acting General Manager/CEO, or his designee, to take any actions necessary to implement the intent of this resolution.

Regularly passed and adopted this 2nd day of June, 2021 by the following vote:

AYES:

NOES:

ABSENT:

Chair, San Mateo County Transit District

ATTEST:

District Secretary