

RESOLUTION NO. 2010 - 64

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

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**POLICY REGARDING THE PROCESSING OF REQUESTS FOR CONVEYANCE OF
PROPERTY INTERESTS INVOLVING PROPERTY OWNED BY THE DISTRICT AND
FEE SCHEDULE**

WHEREAS, the San Mateo Transit District (“District”), as owner of various properties, receives numerous requests for the use of said properties by various public and private parties; and

WHEREAS, on May 10, 2000, pursuant to Resolution 2000-36, the Board adopted a resolution “Amending Policy Regarding the Processing of and Action Upon Requests for Conveyance of Property Interests Involving the District;” and

WHEREAS, in order to respond to request to enter District property, including the Peninsula Corridor Right of Way, in an orderly fashion, staff has developed a new policy to govern such requests and a Fee Schedule that will allow the District to recoup costs associated with such requests; and

WHEREAS, on October 13, 2010, the District Board of Directors held a properly noticed public hearing to consider the revised Fee Schedule.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the San Mateo County Transit District hereby approves the attached “Policy Regarding Processing of Requests for Conveyance of Property Interests Involving Property Owned by the District Including The Peninsula Right Of Way”; and

BE IT FURTHER RESOLVED that the Board of Directors of the San Mateo County Transit District hereby approves the attached Fee Schedule; and

BE IT FURTHER RESOLVED that the General Manager/CEO is authorized to approve or deny requests in accordance with the attached policy.

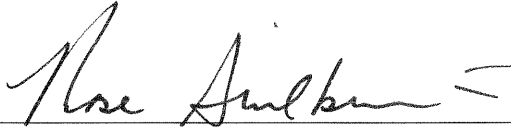
Regularly passed and adopted this 13th day of October 2010 by the following vote:

AYES: AHMAD, CHURCH, DEAL, KERSTEEN-TUCKER, LLOYD,
MATSUMOTO, GUILBAULT

NOES: NONE

ABSENT: HARRIS

ABSTAINED: TISSIER



Chair, San Mateo County Transit District

ATTEST:



District Secretary

SAN MATEO COUNTY TRANSIT DISTRICT

FEE SCHEDULE

FEES BY REAL ESTATE AGREEMENT TYPE

Note: The below agreement types are defined in the District's "Policy Regarding Processing of Requests for Conveyance of Property Interests Involving Property Owned by The District".

Right of Entry Permit Agreement

Real Estate Processing Fee: \$1500

Annual Permit Payment: \$1500 if work continues for more than 1 year.

License Agreement

For a Transverse Encroachment (perpendicular to right-of-way):

Real Estate Processing Fee: \$1500

Annual License Payment: \$1500

For a Longitudinal Encroachment (parallel to right-of-way), or for fiberoptics facilities:

Processing Fee of \$1500,

Annual Rent: fair market value (as determined by staff, not less than \$1500);

Encroachment Permit

Real Estate Processing Fee: \$500

Lease Agreement

Real Estate Processing Fee: None

Monthly Rent: fair market value (as determined by staff, not less than \$500/mo.)

Easement Agreement

Real Estate Processing Fee: \$1500.

Payment of lump sum fair market value of the easement as determined by staff

SERVICE AGREEMENTS AND ASSOCIATED FEES

Purpose

If staff determines that a request to access property will require more than 5 hours of staff time and/or more than 3 hours of the Attorney's time, which costs are covered by the various Real Estate Processing Fees above, the applicant shall enter into a Service Agreement with District. The Service Agreement sets forth the terms and conditions under which the applicant will reimburse the District for all actual costs of providing the services and materials required to support the applicant's proposed project (including applicable general and administrative overhead costs) and for costs associated with processing the Property Access Agreement. A Service Agreement does not convey property rights or right to use property.

Service Agreement Administrative Fee

A Service Agreement Administrative Fee will be assessed on an applicant requiring a Service Agreement to conduct work over District property. The purpose of Service Agreement

Administrative Fee is to recoup costs associated with project set-up, including those of Finance, Engineering and Risk Management. The amount of the Service Agreement Administrative Fee will depend on the value of the project over District property, as shown:

<u>Value of Project</u>	<u>Fee</u>
Less than \$20,000	\$250
\$20,001 and above	\$500

Amendment to Service Agreement Administrative Fee

When the applicant initiates an amendment to the Service Agreement (such as a change of scope), then an additional Service Agreement Administration Fee shall be assessed to recoup additional costs incurred by Finance, Engineering and Risk Management due to the project change. The amount of the Amendment to Service Agreement Administrative Fee will depend on the value of the project over District property, as shown above:

Exception

If the District initiates amendment(s), the Service Agreement Amendment Fee may be waived. The determination will be made by the General Manager or his designee.

Payment Policy

Service Agreements Valued under \$50,000:

Service Agreements with an estimated cost of less than \$50,000 or Service Agreements that will be completed in 120 days or less require full prepayment.

Service Agreements Valued over \$50,000:

If the Service Agreement has an estimated total project cost of more than \$50,000 or will last more than 120 days, a payment option may be pre-arranged on a case-by-case basis. A minimum 10% deposit with monthly progress billings or a deposit based on a cash flow analysis with monthly progress billings (whichever is greater) may be arranged and approved at the discretion of staff. Payments under a progress billing are due 30 days following the date of invoice. All overdue balances due to the District not contested in writing, by the due date shall bear interest at the rate of 1.5% per month, compounded monthly, from the due date. Additionally, the District may require that all work cease until all payments are received in full.

Service Agreement Payment Schedule

Total Project Cost	Service Agreement Duration	Payment Terms
< \$50,000	Any duration	Full Prepayment
Any amount	< 120 days	Full Prepayment
> \$50,000	> 120 days	Minimum 10% deposit with monthly progress billings or a deposit based on a cash flow analysis prepared by the District with monthly progress billings, whichever is greater (approved on a case-by-case basis).

REASON FOR FEES

The Purpose of the Real Estate Processing Fee and the Service Agreement Administrative Fee is to recoup costs associated with staff time to negotiate and draft the real estate document, legal time for review of documents and staff time to set up and monitor the project. The Annual License Payment and Annual Permit Payment represent the value of the encumbrance to the property created by the agreement.

FEE EXCEPTIONS IN GENERAL

Only the General Manager/CEO or his designee has the authority to waive any fee. The decision to waive the fee will be determined on a case-by-case-basis depending on the circumstances.

PRE-PAYMENT OF ANNUAL FEES

Any third party applicant may choose to pay a one-time fee in lieu of an Annual License Payment or Annual Permit Payment. This fee will be 10 times the Annual License Payment or Annual Permit Payment Annual Fee.

REGULAR REVIEW OF FEES

All fees shall be reviewed regularly by staff and updated as the District's cost of processing permits increases. Annual License Payments and Annual Permit Payments shall be reviewed regularly by staff and updated to reflect current property values.