

# Alto Tunnel Study

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## Marin County Right-of-Way Research Summary

This document summarizes the right-of-way research conducted for the Alto Tunnel Corridor based on information available from the County of Marin, the Northwest Pacific Railroad Historic Society and other sources.

### *Research Work Summary*

This first phase of the Alto Tunnel Study includes detailed research and analysis of property records, including obtaining and reviewing title reports, recorded deeds, easements and maps. The County also contracted with BKF Engineers to provide field surveys of the Alto Tunnel corridor between Redwood Ave./Tamalpais Dr. in Corte Madera and Vasco Court in Mill Valley, and its adjacent connecting streets/facilities. The Marin County Real Estate Division conducted research and documentation of ownership interests and potential subsurface rights of property owners above the tunnel structure.

The process of collecting a complete set of data and documentation of rights and interests along this complex and lengthy corridor took much longer than anticipated due to changes in the title industry and the interpretation of some of the originally recorded title documents. The title industry has changed over the last several years, moving away from providing complex title research and reports unless they also issued title insurance. This change in turn significantly reduced their research title departments, impacting our need for reports along old rail corridors. This also created significant delays for the Marin County Real Estate Division to obtain reports on the railroad corridor. Real Estate negotiated with all available title companies serving Marin for reports and were rejected by them all. Real Estate negotiated with several private title research professionals and companies to provide similar reports and they also refused to do the work for the County.

After about 1.5 years of concerted effort to secure work with a title company or private researcher, we discovered one specialist working at a Bay Area title company who agreed to take on our task. We worked with this specialist to provide us with the title reports. The last report was delivered to the County of Marin on 9/22/2015 and forwarded on to our surveyor for completion of their mapping deliverables.

The current study included research of property along the Alto Tunnel corridor between Vasco Court in Mill Valley and Redwood Ave. in Corte Madera to clearly establish the chain-of-title and current ownership and rights pertaining to the tunnel and other portions of the route. Significant effort was required to collect, review, analyze, map, and summarize the pertinent ownerships and rights pertaining to the railroad route and its potential use as a trail or pathway for public use.

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## *Summary of Findings*

The following is a summary of the information and findings from the volumes of research and information reviewed. In the late 1800's, the railroad originally acquired the lands for the railway from private landowners. Currently, the County has almost all the rights it needs, except for three segments within the tunnel: 2 segments held by the NW Pacific RR (now Union Pacific RR) and one segment held by private parties at the south portal. On the northern end, a subdivision approved above the existing tunnel created six privately-held parcels (APNs 025-192-19, 025-192-18, 025-192-20, 025-192-28, 025-194-12, and 025-194-13) above the tunnel. The County verified that these privately-held parcels' title acknowledged the recorded easements for the tunnel below them in their current title reports. The owners of these easements within the tunnel are the County of Marin and Union Pacific Railroad (the current owner of all Northwest Pacific Railway's interests).

### ***Marin County's rights along Alto Tunnel Corridor***

Along the Alto Tunnel Corridor between Vasco Ct. in Mill Valley and Redwood Ave. in Corte Madera, the County holds all rights necessary on the surface lands to construct and operate a public pathway/trail along the old railroad corridor lands. It is currently in continuous use by the public and maintained as a multi-use pathway to the north and south of the Alto Tunnel.

The County acquired rights within the center section of the Alto Tunnel by Northwestern Pacific Railway per a quitclaim deed recorded December 30, 1983.

Based on any 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/town land based on agreements with the respective jurisdiction. The County also has the rights to build a trail on land that it retains as successor in interest to the railroad.

### ***Non-County Rights along the Alto Tunnel Corridor***

Along the Alto Tunnel Corridor between Vasco Ct. in Mill Valley and Redwood Ave. in Corte Madera, the County holds all rights necessary to construct and operate a public pathway/trail along the surface sections of the old railroad lands. However, there are three sections within the Alto Tunnel that the County does not currently hold rights to.

Northwestern Pacific Railway retains the rights to two sections within the tunnel:

1. Beginning at the north portal and extending inside the tunnel 490 feet
2. Beginning under the north end of Underhill Road and extending inside the tunnel 720 feet.

Private holding of one section within the tunnel:

3. In 1990, the North Pacific Coast Railroad Extension company appears to have transferred its holdings between Underhill Road and the south portal to a private individual.

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A process of negotiation for any necessary right-of-way acquisition, be it purchase of property in fee or by way of an easement, could be initiated to further define the cost of such acquisition, including negotiation, and drafting, amendment and recording of purchase/easement documents.

The process includes a number of steps starting with appraisals and 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 negotiations prove difficult, the process can be lengthy. After negotiations, 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.

In 2010, professional, licensed engineers prepared conceptual level cost estimates for projects identified in the Mill Valley to Corte Madera Corridor Study. These engineers have experience preparing cost estimates for tunnels and utilized the construction budget information for the recent Calpark Tunnel reconstruction project between San Rafael and Larkspur to inform the unit cost and line items for the Alto Tunnel conceptual level cost estimate. As part of this overall cost estimate, one line item includes an estimate for right-of-way acquisition. “Acquisition” could include purchasing the property in “fee” (i.e. buying the property from the owner) or with an “easement” by negotiating specific rights to use a portion of a property. The previous study provided a cost estimate range of \$500,000 to \$1,500,000 for parcel/right-of-way acquisition negotiation, documentation, and purchase. The geotechnical evaluation phase of the Alto Tunnel Study will re-evaluate the cost estimates provided in the Mill Valley to Corte Madera Corridor Study for the Alto Tunnel project and provide refined cost estimates based on any additional information available.

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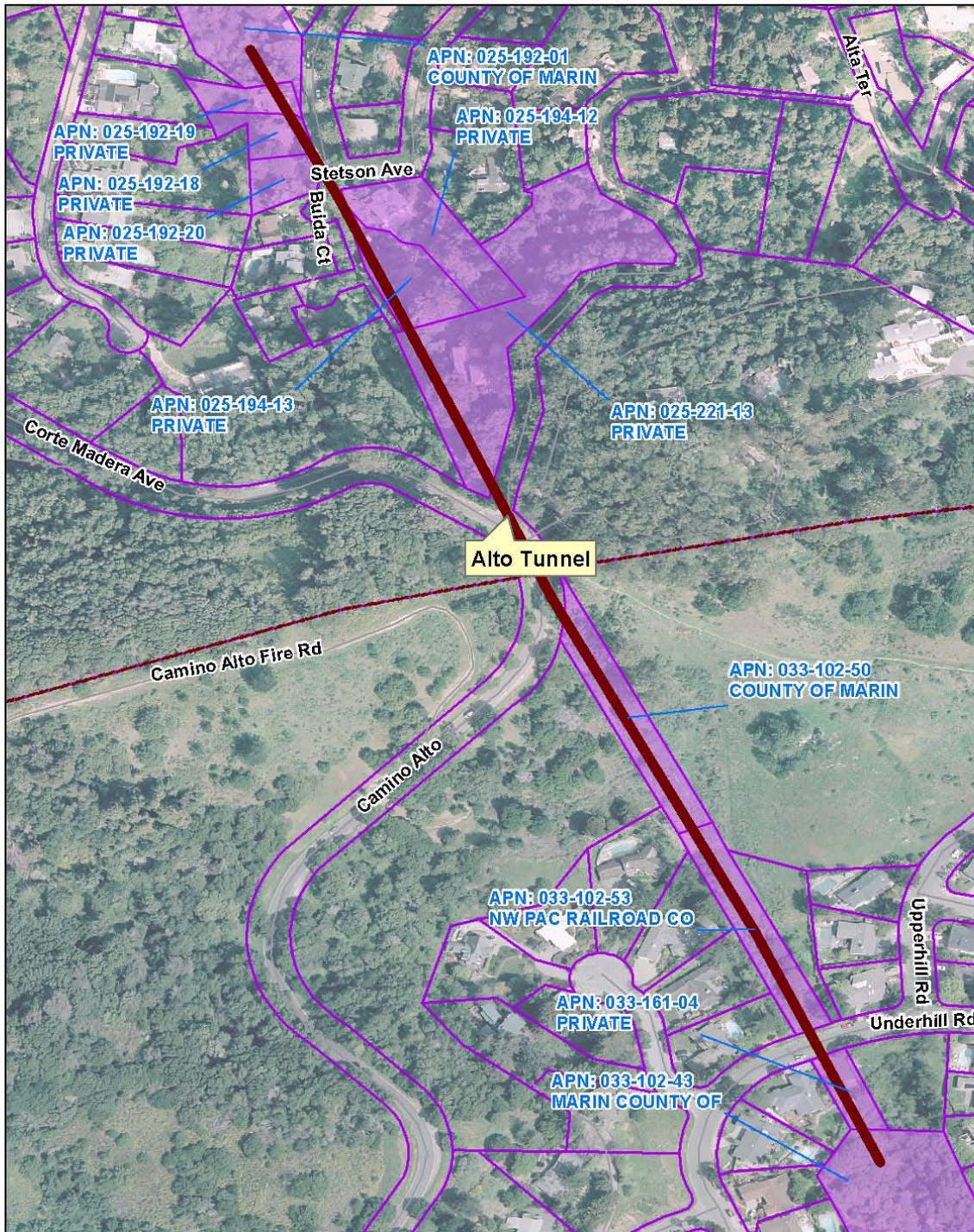


Figure 1: - Alto Tunnel Route Parcels

Source: Mill Valley-Corte Madera Bicycle and Pedestrian Corridor Study 2010