

# **FITZGERALD & ASSOCIATES**

LAND SURVEYORS

CIVIL ENGINEERS

CONSULTING LAND PLANNERS

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June 14, 2007

Job No. 07-1214

(revised typo in 'C', 'D', page 1, 11/12/07)

City of Petaluma  
Craig Spaulding, C.E.  
City Engineer  
11 English Street  
Petaluma, CA 94952

## **Downtown Trestle City Project No. C-200804-3900**

On June 8, 2007, I was requested by the Department of Public Works to review and then make an oral presentation of my findings on the following questions regarding the Railroad Trestle located in the turning basin. Furthermore, the deadline for this report was set as June 14, 2007.

Questions presented by the Department of Public Works:

- A. Identify the owner who holds fee title to the property where the trestle is located.
- B. Determine if any easements exist in the trestle location.
- C. Determine if any right-of-way exists in the trestle location.
- D. Report any findings of interest during your research.

On Wednesday, June 13, 2007 at 3:30, I made the oral presentation to senior staff of the Department of Public Works. Following is a written summary of that report, as requested.

References used in my review:

1. Official Map of the City – Stratton 1865 \*
2. Gates Map of the City, 1882 \*
3. State Land Commission Survey 1966 – “State Owned Lands in the City of Petaluma” \*
4. Certain worksheets and maps from the personal files of John FitzGerald, P.L.S.
5. Sheet #2 of 4 of Plans entitled “Sanitary Sewer replacement ...”, City Project #9869, 2002 \*
6. Sheet #C-3 of Plans entitled “Petaluma River Trail”, 2004 \*
7. Petaluma & Santa Rosa Railroad “Right of Way Map”, known as ‘V-Maps’ \*
8. Misc. Deeds obtained from the Sonoma County Recorder \*
9. Misc. photographs and conversations with persons knowledgeable of railroad property and operations.

Note: portions of items marked \* have been included with this letter.

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Question A: Who holds fee title to the property where the trestle is location?

The trestle itself was built by the Petaluma & Santa Rosa Railroad. The successor to P&SR/RR and present owner is Sonoma Marin Area Rail Transit (SMART).

Based on references 1, 2, 3, and 4, it is my opinion that the trestle structure lies beyond the line surveyed by Stratton (Reference #1) defining the upland limit of the City blocks between Water Street and First Street. In other words the structure is within State Lands (owned by the Citizens of California) which would fall under the jurisdiction of the State Lands Commission.

There may be very small areas where the trestle decking encroaches into private lands. However these encroachments would be covered by a 1942 easement deed (refer to Reference #8).

References 5 and 6 were presented as examples of the placement of the approximate location of the Stratton line by other City consultants.

Questions B & C: Are there any "easements" or "right-of-ways" in the trestle location?

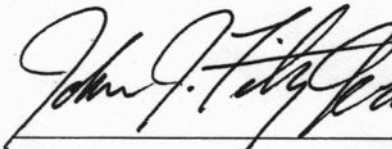
The Railroad has a right to operate within the streets of the City by virtue of a franchise from the State of California and by a license from the City of Petaluma. This would cover the trackage in Water, 'B', 'C', and First Streets. The trestle lies within an implied easement as it traverses State owned lands.

Question D: Report any finding of interest during your research.

I found it interesting that McNear grants an easement to the Petaluma & Santa Rosa Railroad in 1942 (Reference #8) approximately 20 years after the industry track was extended to First Street.

Also it's an interesting fact that there is no deed reference on the V-Map for 1922. Reference #7 - Entry #50.

I hope that the information presented will be of help to City staff. If there are any questions, please contact me at 794-0667



John J. Fitzgerald, P.L.S.

(Lic. Ren. 9-30-09)

Enclosures

