

## **RESOLUTION NO. 2009-085**

Adopted by the Sacramento City Council

February 17, 2009

### **APPROVING AGREEMENT BETWEEN THE CITY OF SACRAMENTO AND THE CALIFORNIA DEPARTMENT OF PARKS AND RECREATION FOR THE DOCKS RIVERFRONT PROMENADE PROJECT – PHASE I**

#### **BACKGROUND**

- A. In July 2003, the City Council of the City of Sacramento accepted the Sacramento Riverfront Master Plan (Master Plan). The Master Plan includes the Docks Area as an opportunity site. The original concept for the Docks Area included a mixed-use neighborhood and a riverfront promenade.
- B. The City of Sacramento (City) engaged in an extensive community planning process between 2005 and 2008 to further define the Docks Area plan. The Docks Area community planning process resulted in a draft Specific Plan for a high-density, mixed-use neighborhood for the redevelopment of the Docks Area with a riverfront promenade along the Sacramento River. An environmental impact report has been prepared and the EIR and the Specific Plan are scheduled to be presented for approval later this year.
- C. The City also undertook development and design of a separate multi-phased public works project known as the Docks Riverfront Promenade Parkway Project, which fronts the Sacramento River between O Street and Miller Park. A Mitigated Negative Declaration was prepared and approved and the City filed a Notice of Determination on July 15, 2008 with the County Recorder and the State Clearinghouse (SCH# 2008022059) giving notice of the project's approval. The City finds that there is no new information or changed circumstances requiring any additional environmental review for the Docks Riverfront Parkway Promenade Project – Phase I.
- D. The City has approved construction of the first phase of this project, known as the Docks Riverfront Parkway Promenade Project - Phase I ("Project"), which includes the portion of the Promenade from O Street to R Street and development of the Pioneer Landing Park. The City Council approved the construction contract for the Project on February 3, 2009, with commencement of the work conditioned on approval of the Agreement with the State to relocate its Railroad.

- E. The City own parcels of real property that encompass a portion of the land upon which the Project will be developed and has obtained a right of entry from the Redevelopment Agency of the City of Sacramento ("Agency") to allow construction of the Project to commence. The Agency is willing to transfer title of its property to allow for City ownership of the Promenade.
- F. The State of California owns certain right of way and operates and maintains an interpretive railroad along the prior Sacramento Southern Pacific Railroad tracks ("Railroad") that traverses the Project site.
- G. In order to facilitate development of the Project, the City needs to relocate the Railroad, accept the State's Railroad right of way interest and transfer to State an easement over the new rail track alignment and construct two new pedestrian rail crossings to allow for access between the Promenade and the Docks Area. The new rail crossings will require approval by the Public Utilities Commission (PUC).

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

- Section 1 After due consideration of the evidence presented, the findings, including the environmental findings regarding this action as stated in the staff report that accompanies this Resolution, are approved.
- Section 2 The Agreement between the City of Sacramento and the California Department of Parks and Recreation to allow for the construction of the Docks Promenade – Phase I Project, transferring property interests for the railroad realignment, and creation of two new rail crossings is hereby approved. The City Manager or his designee is authorized to enter into the Agreement, to accept and transfer the property interests as described therein, to execute and submit to the PUC the documents and fees required for approval of the new rail crossings, and to take other actions as necessary for the implementation of the Agreement.
- Section 3 The City Manager or his designee is authorized to accept the real property (APN 006-0104-007) ("Property") from the Redevelopment Agency of the City of Sacramento needed for the Project at no cost and to execute all documents necessary for the completion of the Property transfer.

**Table of Contents:**

- Exhibit A Agreement between the City of Sacramento and the California Department of Parks and Recreation for the Docks Riverfront Parkway Promenade Project – Phase I

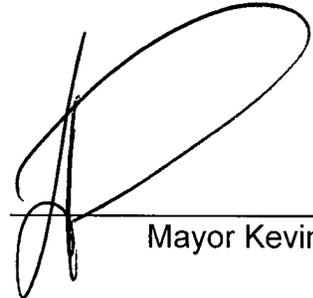
Adopted by the City of Sacramento City Council on February 17, 2009 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

Noes: None.

Abstain: None.

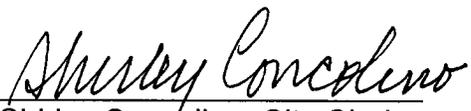
Absent: None.



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Mayor Kevin Johnson

Attest:

  
Shirley Concolino, City Clerk