

RESOLUTION NO. 2007-646

Adopted by the Sacramento City Council

September 4, 2007

CONVEYANCE OF PERMANENT AND TEMPORARY EASEMENTS TO THE FREEPORT REGIONAL WATER AUTHORITY

BACKGROUND

- A. Freeport Regional Water Authority (FRWA) is a joint powers authority that has been established to develop and implement the Freeport Regional Water Project (FRWP), involving construction of a new water diversion facility (intake facility) on the Sacramento River and pipeline alignments that traverse the City's jurisdiction between the Sacramento River and the Folsom South Canal.
- B. On October 11, 2005, the City, FRWA, and others, entered into that certain "Option Agreement for Acquisition of City Property for Freeport Regional Water Authority Intake Facility and County Property for City Water Supply Project" (City Agreement No. 2005-0147 and Resolution 2005-726), and that certain "Sales and Purchase Agreement Between the Freeport Regional Water Authority, the City of Sacramento, the East Bay Municipal Utility District, and the Sacramento County Water Agency (City Agreement No. 2005-0147A) dated for the purposes of identification October 11, 2005, hereinafter collectively referred to as the "Option and Sales Agreements."
- C. Pursuant to certain terms and conditions of the Option and Sales Agreements, on May 10, 2006 (Book 20060510, Page 1165), the City transferred to FRWA title to an approximate seven-acre site located approximately one mile north of the Town of Freeport lying between Freeport Boulevard and Interstate 5 ("City Site"), to be used for the intake facility.
- D. FRWA desires to exercise its remaining option under the Option and Sales Agreements, and acquire a number of permanent and temporary easements to be used in conjunction with the new intake facility.
- E. Conveyance of these easements is consistent with the Option and Sales Agreements already approved by the City, the City will receive fair market value for the easements, and the easements are necessary for implementation of the FRWP.

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

- Section 1. It is in the best interests of the City to enter into an agreement with the Freeport Regional Water Authority to convey easements necessary for the Freeport Regional Water Project without first calling for bids, and the sales price reflects the fair market value of the real property rights to be conveyed.
- Section 2. The City Manager is authorized and directed to execute the Sales and Purchase Agreement between the City of Sacramento and the Freeport Regional Water Authority in the form presently on file with the Office of the City Clerk for the amount of \$353,500.
- Section 3. The City Manager is authorized to execute such additional documents and to take such additional actions as necessary to implement the Agreement.
- Section 4. The City Manager is authorized to accept the payment of \$353,500 from the Freeport Regional Water Authority as Sewer Fund (Fund 414) revenue.

Adopted by the City of Sacramento City Council on September 4, 2007 by the following vote:

Ayes: Councilmembers Fong, McCarty, Pannell, Sheedy, Tretheway, Waters and Mayor Fargo.

Noes: None.

Abstain: None.

Absent: Councilmembers Cohn and Hammond.



Mayor Heather Fargo

Attest:



Shirley Concolino, City Clerk