

## **RESOLUTION NO. 2006-934**

Adopted by the Sacramento City Council

December 12, 2006

### **APPROVING A TRACK RELOCATION AND FINANCING AGREEMENT FOR RELOCATION OF THE MAIN LINE AND PASSENGER STATION RAIL TRACKS IN THE VICINITY OF THE INTERMODAL STATION**

#### **BACKGROUND**

- A. S. Thomas Enterprises of Sacramento, LLC is in escrow to buy the Sacramento Railyards property from the Union Pacific Railroad.
- B. The City of Sacramento has identified the Sacramento Valley Station-Intermodal Transportation Facility as its number one priority capital improvement project.
- C. The City of Sacramento has identified the relocation of the rail lines as important for the development of the expanded Intermodal Facility and the first phase of the Sacramento Railyards development project.
- D. S. Thomas Enterprises of Sacramento, LLC wants a financial commitment from the City to relocate the existing rail lines and to purchase the expanded Intermodal site prior to closing escrow on their purchase of the Railyards property.
- E. In the Purchase and Sale Agreement (PSA) being approved concurrently with this Track Relocation and Financing Agreement (TRFA) acquisition of Parcel A is exempt from provisions of the California Environmental Quality Act (CEQA) pursuant to Sections 15300 and 15301 because the facility on Parcel A is an existing use and the City is not expanding the use of the existing facility.
- F. The relocation of the tracks contemplated by this TRFA, acquisition of Parcel B under the PSA, which is the location for the relocated tracks, and the related potential development of an expanded Intermodal Transportation Facility (ITF) are not exempt from provisions of CEQA and would require environmental review prior to moving forward with any of those activities.
- G. After a full environmental analysis is completed a subsequent discretionary action must be taken by the City Council prior to the implementation of this Track Relocation and Financing Agreement.

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

- Section 1. The Track Relocation and Financing Agreement with S. Thomas Enterprises of Sacramento, LLC is approved and implementation of various provisions of the agreement is subject to completion of the full environmental analysis and subsequent City Council discretionary action.
- Section 2. The City Manager is hereby authorized to execute the agreement and any necessary implementing documents with the contingencies, conditions and other provisions as stated therein.
- Section 3. The City Manager is authorized to execute a note for the City's share of track relocation costs. This note will be payable two years after its authorization.
- Section 4. The City Manager is further authorized to extend the terms and conditions of this agreement by thirty days beyond the December 29, 2006 termination date.
- Section 5. Staff is directed to return to the City Council for its further consideration of the implementation of the Track Relocation and Financing Agreement in conjunction with appropriate environmental review and after consultation with State and Federal agencies relative to the status of federal funding for the future Intermodal transportation project

Adopted by the City of Sacramento City Council on December 12, 2006 by the following vote:

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

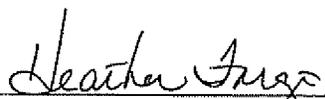
Noes: Councilmember McCarty.

Abstain: None.

Absent: None.

Attest:

  
Shirley Concolino, City Clerk

  
Mayor, Heather Fargo