

RESOLUTION NO. 2009-064

Adopted by the Sacramento City Council

February 3, 2009

APPROVING THE SUPPLEMENTAL AGREEMENT: SACRAMENTO RAILYARDS PROJECT AND DESIGN OF OLD SACRAMENTO-CENTRAL SHOPS MULTI-USE TRAIL

BACKGROUND

- A. On December 11, 2007, the City Council approved Ordinance 2007-104 for a Development Agreement with S. Thomas Enterprises of Sacramento, LLC (Thomas Enterprises) and related entitlements for the Sacramento Railyards Project, a 244-acre mixed use redevelopment project. The Development Agreement included an attachment, the Funding Agreement Business Terms.
- B. On May 13, 2008, the City Council adopted Resolution No. 2008-290, approving a Funding Agreement for the Sacramento Railyards Project, to implement the Funding Agreement Business Terms. The Funding Agreement provided for City funding of specific infrastructure projects that would benefit the City and implement the Railyards Specific Plan.
- C. The Funding Agreement for the Sacramento Railyards Project, City Agreement 2008-0409 between the City and Thomas Enterprises, includes a Department of Parks and Recreation funding commitment of \$600,000 from Park Development Impact Fees, Fund 3204, to help fund the cost of design and construction of Market Plaza located within the Central Shops district, so that improvement of this plaza would be completed by the time access between the 5th Street garage and the Intermodal facility was needed.
- D. One of the first infrastructure improvements to be undertaken within the Railyards Specific Plan area will be the relocation of Union Pacific Railroad tracks within the City's Intermodal project site. The City and Thomas Enterprises entered into the Track Relocation and Finance Agreement on December 13, 2006, City Agreement Number 2006-1406, to provide for the design, construction, and financing of the Track Relocation project.
- E. Certain public facilities needed for the Sacramento Railyards Project must be constructed at the same time that the Union Pacific Railroad tracks are relocated. The City of Sacramento and Thomas Enterprises have successfully partnered to obtain state funding for the design and construction for the 5th, 6th, and 7th Street track crossings, but have thus far been unable to obtain state funding for the tunnel portion of the Old Sacramento-Central Shops Multi-Use Trail, linking the Old Sacramento State Historic Park to the Museum Plaza within the Central Shops area of the Railyards.

- F. The Old Sacramento-Central Shops Multi-Use Trail was included in the Railyards Specific Plan and Thomas Enterprises was obligated to construct this trail prior to filing of the final map for the Central Shops parcels that comprise the Rail Technology Museum and the Museum Park plaza.
- G. In order to keep the Track Relocation project on schedule, it is necessary to complete the design of all crossings of the relocated tracks at the same time, including the design of the west tunnel portion of the Old Sacramento-Central Shops Multi-Use Trail.
- H. Thomas Enterprises and the City are willing to allow use of a portion of the \$600,000 Market Plaza fund commitment for the design of the tunnel portion of the Old Sacramento-Central Shops Multi-Use Trail to serve Museum Plaza. It is estimated that the tunnel design cost is \$300,000. Thomas Enterprises remains responsible for completion of the design and construction of both the Market and Museum Plazas as part of the Railyards tentative map conditions and the Development Agreement, and will receive the remaining funding commitment for Market Plaza under a future park improvement agreement.

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

- Section 1. The First Amendment to the City Agreement 2008-0409 for the Sacramento Railyards Project with S. Thomas Enterprises of Sacramento, LLC to authorize use of the Market Plaza Park funding commitment for the design of the west pedestrian tunnel portion of the Old Sacramento-Central Shops Multi-Use Trail that serves the Museum Plaza is approved.
- Section 2. That \$300,000 is authorized for design of the west pedestrian tunnel portion of the Old Sacramento-Central Shops Multi-Use Trail under the direction of the City's Department of Transportation.
- Section 3. That \$300,000 is appropriated from the Park Development Impact Fees, Fund 3204, for the West Pedestrian Tunnel project T15029030 (CF41).

Adopted by the City of Sacramento City Council on February 3, 2009 by the following vote:

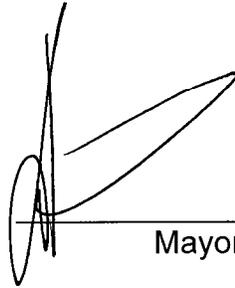
Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: None.

Attest:



Mayor Kevin Johnson

for Dawn Bullwinkel
Shirley Concolino, City Clerk