

RESOLUTION NO. 2010-704

Adopted by the Sacramento City Council

December 7, 2010

ESTABLISH THE 6TH STREET OVERCROSSING ROADWAY CIP AND AUTHORIZE EXECUTION OF AGREEMENTS FOR STATE HIGHWAY-RAILROAD CROSSING SAFETY ACCOUNT FUNDS AND ESCROW AGREEMENT WITH IA SACRAMENTO DEVELOPMENT, L.L.C.

BACKGROUND

- A. The City was awarded \$7.865 million in State Highway-Railroad Crossing Safety Account Funds (HRCSA) towards the 6th Street Overcrossing Roadway project (the "Project") and the construction cost is estimated at approximately \$15.73 million. The location of the Project is provided in the map attached as Exhibit A.
- B. The Baseline Agreement with the California Transportation Commission (CTC) and California Department of Transportation (Caltrans) for programming the funding for the Project needs to be executed to accept the grant award. Once the Project is ready to commence construction, the CTC and Caltrans would need to approve the Funding Agreement to release the grant funds.
- C. The new Railyards developer, IA Sacramento Development, L.L.C. ("Inland") has agreed to provide the required funding to match the HRCSA grant and to complete the Project design.
- D. The City is required pursuant to Proposition 1B requirements as part of the Baseline Agreement to certify that the funding sources listed for the Project are committed and available; the estimated costs represent full Project funding; the scope and description of the Project benefits is the best estimate possible; and funding for any additional costs would be secured by the City. The Escrow Agreement with Inland requires the parties to meet and confer to address reducing the Project scope or Inland paying the additional costs if the Project construction exceeds the total amount of the HRCSA grant and matching funds.

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

- Section 1. The 6th Street Overcrossing Roadway Project (T15116200) is established as a new Capital Improvement Project.
- Section 2. The City Manager or designee is authorized to execute the Baseline Agreement as provided in Exhibit B, and the Funding Agreement when received, with the California Transportation Commission and California Department of

Transportation allocating to the City \$7.865 million in HRCSA funds (Fund 3704) for the 6th Street Overcrossing Roadway Project (T15116200).

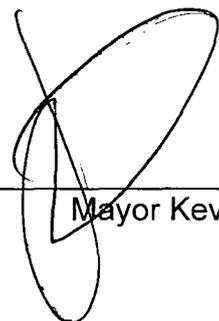
- Section 3. The City Manager or designee is authorized to execute the Escrow Agreement with IA Sacramento Development, L.L.C. as provided in Exhibit C, which provides \$7.865 million in funding for the HRCSA grant match.
- Section 4. The City hereby certifies that the Project funding sources listed in the HRCSA grant application are committed, expected to be available and provide for full funding for the Project construction; that the benefits listed in the grant application are anticipated to be achieved; and that funding for any additional costs in excess of the HRCSA grant and matching funds would be obtained by the City.
- Section 5. The Inland funding will be appropriated into the 6th Street Overcrossing Roadway Project (T15116200) and, upon approval of the Funding Agreement by the CTC, Caltrans and the City, the HRCSA funding (Fund 3704) will be similarly appropriated.
- Section 6. Exhibits A, B and C are incorporated into and made a part of this resolution.

Table of Contents:

- Exhibit A – Location Map
Exhibit B – Baseline Agreement
Exhibit C – Escrow Agreement

Adopted by the City of Sacramento City Council on December 7, 2010 by the following vote:

- Ayes: Councilmembers Ashby, Cohn, D Fong, R Fong, McCarty, Pannell, Schenirer, Sheedy, and Mayor Johnson.
- Noes: None.
- Abstain: None.
- Absent: None.



Mayor Kevin Johnson

Attest:


Shirley Concolino, City Clerk