

RESOLUTION NO. 19-51

Resolution Of The City Council Of The City Of Emeryville Approving And Authorizing The Expenditure Of \$410,000 To Union Pacific Railroad As A Deposit For Flagging Costs, Track Restoration Costs And Engineering Oversight Costs As Required In The Executed Pedestrian Overcrossing Agreement For The Construction Of South Bayfront Pedestrian And Bicycle Bridge And Horton Landing Park, Project No. EPW 17-112 (CIP No. 16475006 And CIP No. 17237003)

WHEREAS, the South Bayfront Pedestrian/Bicycle Bridge Project ("Bridge Project") and the Horton Landing Park Project ("Park Project")(collectively, the "Project") have been identified in the City's General Plan since 1987 and each were identified by the former Redevelopment Agency as fulfilling objectives set forth in the Implementation Plans of the 1976 Emeryville Redevelopment Plan and 1987 Shellmound Park Redevelopment Plan; and

WHEREAS, the City secured necessary construction access agreements with affected property owners (5616 Bay Street, LLC, Grifols, Novartis Vaccines & Diagnostics, Union Pacific Railroad); and

WHEREAS, the Pedestrian Overpass Crossing Agreement between the City and UPRR provides (i) a permanent aerial easement that spans the UPRR main line at an elevation of approximately 23'-6" above the rail tracks thereby providing the City with the right to construct, use and maintain a bridge structure within that air space parcel (the "Permanent Aerial Easement"), and (ii) a temporary license to utilize three (3) areas of UPRR property (the "TCE Area") for construction activities related to the Project; and

WHEREAS, the Agreement between the City and UPRR requires the payment of a Deposit Amount of \$360,000 for possible Flagging Costs and a Deposit Amount of \$30,000 for possible Track restorations costs following temporary construction work to place the bridge span on top of towers, and a Deposit Amount of \$20,000 for Engineering Oversight Costs for a total amount of \$410,000; now, therefore, be it

RESOLVED, by the City Council of the City of Emeryville hereby approves and authorizes payments to Union Pacific Railroad Company for Deposits related to the construction of the South Bayfront Pedestrian and Bicycle Bridge Project, Project No. EPW 17-112, CIP No. 16475006, including approval of payment of \$360,000 for possible Flagging Costs, \$30,000 for possible track restoration costs in the TCE Areas, and \$20,000 for possible UPRR Engineering Oversight Costs.



ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, May 21, 2019, by the following vote:

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| AYES: | <u>5</u> | Mayor Medina, Vice Mayor Patz, and Council Members Bauters, Donahue, and Martinez |
| NOES: | <u>0</u> | |
| ABSTAIN: | <u>0</u> | |
| ABSENT: | <u>0</u> | |


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY