

1 **WHEREAS**, the residents of the neighborhood, who had participated in the selection of
2 the mini-park alternative, were surveyed, and the proposed exchange was approved and
3 memorialized by a City Resolution (#00-54); and
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5 **WHEREAS**, in June 1999 Caltrans notified the City that it would approve the exchange
6 and apply project funds, which would have been expended on the sound-wall/mini-park,
7 to the development of the maxi-park, and Caltrans notified the City that the land to be
8 conveyed would be subject to the provisions of the Marljar-Johnson Act, State legislation,
9 which permits the leasing of State owned non-operating right of way to public
10 jurisdictions for park purposes; and.
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12 **WHEREAS**, subsequently in February 2000, without notice to the City, Caltrans
13 decertified the non-operating right of way and reclassified the parcel as State excess land
14 subject to sale, rendering the provisions of the Marljar-Johnson Act inapplicable; and
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16 **WHEREAS**, subsequently in June 2002, Caltrans and the City executed, and the City
17 Council approved a Cooperative Agreement (DA No. 4-1842-C) pertaining to the
18 construction of the maxi-park, and the Cooperative Agreement included a provision that
19 the excess land would be conveyed to the City for park purposes, subject to the
20 procedures governing the direct sale of State excess land to a public entity; and
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22 **WHEREAS**, pursuant to the terms of the Cooperative Agreement, the City engaged the
23 services of an appraiser approved by Caltrans to establish the fair market value of the
24 excess land, and the appraiser established the fair market value of the excess land in
25 accordance with the standards of the profession at \$580,000 and submitted the draft
26 appraisal to Caltrans for its approval; and
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1 **WHEREAS**, Caltrans rejected the appraised value of the subject parcel in September
2 2004, alleging an incomplete analysis and inaccurate application of appraisal
3 methodology; and
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5 **WHEREAS**, the City asserts that the estimate established by the appraisal represents its
6 fair market value and is prepared to acquire the property at that price.
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8 **NOW, THEREFORE BE IT RESOLVED**, that the City Council of the City of Albany
9 is prepared to authorize the acquisition of the 4.5-acre Pierce Street Park property from
10 CalTrans for purposes of a park at the appraised value as determined by Smith &
11 Associates in the appraisal dated June 30, 2004, not to exceed \$580,000.
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