## **RESOLUTION NO. 05-19**

A RESOLUTION OF THE ALBANY CITY COUNCIL AUTHORIZING THE

NEGOTIATION OF A PURCHASE PRICE FOR THE PARCEL OF LAND

PROPOSED FOR PIERCE STREET PARK.

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**WHEREAS**, In the 1980's the California Department of Transportation ("Caltrans") initiated work on operational improvements to the I-80 corridor, which included the City

WHEREAS, A construction component of the widening of Route I-80, in the City of

Albany was a sound-wall to mitigate freeway traffic generated noise, as required by federal environmental guidelines, and

WHEREAS, the "Caltrans" invited public input regarding three alternative designs for the sound-wall and conducted a survey in February 1993 to ascertain the community preference for one of the three alternatives; and

WHEREAS, the result of the survey indicated a strong preference for a modified soundwall design, which included provisions for a landscaped area (herein "mini-park") and a Cooperative Agreement between Caltrans and the City was executed in September 1994 for the freeway and sound-wall/mini-park construction; and

WHEREAS, subsequently in 1998, the City initiated discussions with Caltrans offering to exchange the sound-wall/mini-park construction for the State owned non-operating right of way adjacent to the reconstructed freeway upon which to develop a larger park site (herein "maxi-park"); and

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 4 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 Marlar-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. 11 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 Marlar-Johnson Act inapplicable; and 15 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 21 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 27 28 29

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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