

RESOLUTION NO. 73-18

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND
ACCEPTING THE OFFICER BRADLEY A. MOODY MEMORIAL UNDERPASS
PROJECT AS COMPLETE AND PERMANENTLY VACATING THE FORMER AT-
GRADE PUBLIC CROSSING RAILROAD AT MILE POST .80 - SEAVER AVENUE
INDUSTRIAL LEAD (DOT No. 912 002H)**

WHEREAS, the City Council of the City of Richmond (the "City Council") adopted the Amended and Restated Redevelopment Plan for the Merged Project Area, adopted by Ordinance No. 17-10 N.S., dated May 4, 2010 (the "Redevelopment Plan"). The Redevelopment Plan set forth a plan for redevelopment of the Merged Project Area (the "Project Area"); and

WHEREAS, the former Richmond Community Redevelopment Agency and the California Department of Transportation entered into the Trade Corridors Improvement Fund Project Baseline Agreement ("TCIF Baseline Agreement") on May 4, 2009. The TCIF Baseline Agreement required the Agency to provide funds for the design and construction of a railroad grade separation in place of the existing grade crossing on Marina Bay Parkway between Meeker Avenue and Regatta Boulevard (the "Officer Bradley A. Moody Memorial Underpass"); and

WHEREAS, in compliance with HSC Section 34177(l), the Successor Agency to the Richmond Community Redevelopment Agency adopted a Recognized Obligation Payment Schedule for the period January 2013 to June 2013 ("ROPS III"), at its regular meeting of September 11, 2012, to allow the Successor Agency to make payments on debts and obligations listed on ROPS III; and

WHEREAS, the obligation to construct the Officer Bradley A. Moody Memorial Underpass was included on ROPS III as "Bradley A. Moody Memorial Underpass Project", line item Nos. 58 and 61; and

WHEREAS, by its letter of September 17, 2012, the California Department of Finance approved the Officer Bradley A. Moody Memorial Underpass Project as an enforceable obligation; and

WHEREAS, a Public Highway Underpass Crossing Agreement among the City of Richmond, Union Pacific Railroad and Richmond Pacific Railroad ("Agreement") was executed on February 2, 2013, to grant the City and Successor Agency rights to construct the Officer Bradley A. Moody Memorial Underpass and to permanently vacate the then at-grade public crossing Railroad Mile Post .80 - Seaver Avenue Industrial Lead (Opposite Railroad Mile Post 10.45 - Martinez Subdivision - DOT No. 912 002H); and

WHEREAS, the Agreement establishes the scope of work to be performed by Union Pacific Railroad and Richmond Pacific Railroad forces for the Officer Bradley A. Moody Memorial Underpass, and provides for the City's payment of costs associated with these rights and activities; and

WHEREAS, the Successor Agency budgeted the necessary funds for the Officer Bradley A. Moody Memorial Underpass in its Fiscal Year 2012-2013 budget as line item "Officer Bradley A. Moody Memorial Underpass"; and

WHEREAS, the Successor Agency, after a public bid process executed a Construction Agreement with Gordon N. Ball, Inc. on June 17, 2013, for all other (non-railroad) work for the Officer Bradley A. Moody Memorial Underpass; and

WHEREAS, Gordon N. Ball, Inc. has also completed all of its obligations for the construction of the Officer Bradley A. Moody Memorial Underpass,

NOW, THEREFORE, BE IT RESOLVED, that the City Council finds the above recitals are true and correct, and have served together with the agenda report in support of this Resolution as the basis for the findings and approvals set forth in this Resolution.

BE IT FURTHER RESOLVED, that the City Council designates the City Clerk as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the City Clerk at the Richmond City Hall, 450 Civic Center Plaza, Richmond, California 94804.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held September 11, 2018, by the following vote:

AYES: Councilmembers Beckles, Choi, Martinez, Myrick, Recinos, Vice Mayor Willis, and Mayor Butt.
NOES: None.
ABSTENTIONS: None.
ABSENT: None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

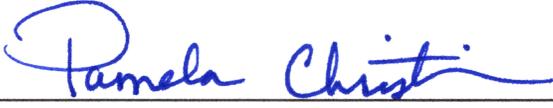
TOM BUTT
Mayor

Approved as to form:

BRUCE GOODMILLER
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 73-18**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on September 11, 2018.



Pamela Christian, Clerk of the City of Richmond