

RESOLUTION NO. RES-2020-214

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE CONVEYANCE OF REAL PROPERTY INTEREST ALONG YOLANDA AVENUE AND RELINQUISHMENT OF ABUTTERS' RIGHTS TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AS PART OF THE HEARN AVENUE INTERCHANGE AT HIGHWAY 101 PROJECT

WHEREAS, on February 28, 1989, the City of Santa Rosa ("City") and California Department of Transportation ("State") entered into cooperative agreement 04-1038 to allow the City to reconstruct the NB 101 on and off ramps at Hearn Avenue, including installation of a traffic control signal at the intersection of Santa Rosa Avenue and Yolanda Avenue ("Original Project"); and

WHEREAS, in the 1989 cooperative agreement, the City agreed to acquire all property rights needed for the Original Project, including abutters rights, and upon completion and acceptance of the Original Project construction contract by City, to convey fee title for those rights to the State; and

WHEREAS, City acquired the property rights needed by State for the Original Project with the exception of the abutter's rights, but City did not transfer the land to the State as contemplated in the 1989 cooperative agreement; and

WHEREAS, on May 23, 2017, the City and State entered into cooperative agreement 04- 2600 to allow the City to modify and reconstruct the Hearn Ave Interchange ("Project") and to close out the remaining transfer obligations from the Original Project; and

WHEREAS, in the 2017 cooperative agreement, State agreed to be the implementing agency and perform the right of way activities on behalf of City, including preparing the mapping and conveyance documents necessary to transfer the necessary property rights from the Original Project from City to State, less a one foot buffer between State and private land to be retained by the City for purposes of allowing for a relinquishment of abutter's rights by the City to the State; and

WHEREAS, in December 2016, Caltrans approved a Negative Declaration which analyzed the proposed conveyance; staff has found that the proposed project is within the scope of the Negative Declaration, and no further environmental review is necessary pursuant to CEQA Guidelines Section 15162; and

WHEREAS, the necessary conveyance documents are now prepared and State needs City to authorize by resolution, the transfer of the applicable property rights to State, and release and relinquish to State any and all abutter's rights, including access rights, appurtenant to City's remaining property except as set forth therein.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa hereby approves the conveyance of a fee interest in that certain real property along Yolanda Avenue as described in that certain Grant Deed attached hereto as Exhibit A, to the State of California Department of Transportation, and the release and relinquishment of any and all abutter's rights, including access rights, appurtenant to City's remaining property except as set forth in such Grant Deed, and hereby authorizes the Director of Transportation and Public Works to execute all necessary and appropriate documents, including the Grant Deed of conveyance to complete the transfer.

IN COUNCIL DULY PASSED this 8th day of December, 2020.

AYES: (7) Mayor Schwedhelm, Vice Mayor Fleming, Council Members Dowd, Olivares, Rogers, Sawyer, Tibbetts

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM:

City Attorney

Exhibit A – Grant Deed