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(), 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