

RESOLUTION NO. 2024-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD APPROVING AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, IN COORDINATION WITH THE CITY ATTORNEY, TO EXECUTE AN AGREEMENT FOR PURCHASE AND SALE OF EASEMENT RIGHTS, IN SUBSTANTIAL CONFORMANCE WITH THE ATTACHED AGREEMENT, WITH NUNN FAMILY (NO.2) LIMITED PARTNERSHIP, FOR A PORTION OF APNS 019-081-023 AND 019-081-024, TO ACQUIRE UTILITY EASEMENTS NECESSARY FOR CIP PROJECT NO. 336-31695, INNOVATION CENTER @ BRENTWOOD INFRASTRUCTURE, FOR \$193,904, AND AUTHORIZING EXECUTION OF OTHER DOCUMENTS AS NECESSARY TO COMPLETE THE RIGHT-OF-WAY TRANSACTION.

WHEREAS, on November 13, 2018, by Resolution No. 2018-159, the City Council adopted the Priority Area One Specific Plan (Innovation Center @ Brentwood) including a Circulation Network of public roadways and further updated the Plan October 25, 2022; and

WHEREAS, on December 14, 2021, by Resolution No. 2021-148, the City Council approved an Agreement for Right of Way and Title Services with Bender Rosenthal, Inc., for various Capital Improvement Projects; and

WHEREAS, on June 13, 2023, by Resolution No. 2023-80, the City Council adopted the 2023/2024 – 2027/2028 Capital Improvement Program, which included the Innovation Center @ Brentwood CIP Project; and

WHEREAS, acquiring easements is necessary for constructing and maintaining public utilities; and

WHEREAS, on December 12, 2023, the City Council provided to staff, parameters for negotiating with property owners to obtain Innovation Center @ Brentwood utility easements; and

WHEREAS, the Innovation Center @ Brentwood is intended to be predominately developed with a mixture of uses that generate jobs and is important to the City's future growth and economic development; and

WHEREAS, Brentwood General Plan Policy ED 1-7 provides: "Establish, as a high priority, the development of public facilities and infrastructure to service proposed major employment centers, including State Route 4 corridor improvements, eBART facilities, and water, sewer, and telecommunications infrastructure." The City's acquisition of portions of APNs 019-081-023 and 019-081-024, for the purpose of obtaining utility easements necessary for CIP Project No. 336-31695, is consistent

with this Policy, in that it will allow for the development of infrastructure to service The Innovation Center @ Brentwood; and

WHEREAS, a Purchase and Sale Agreement for easement rights will facilitate the City's acquisition of 26,613 square feet of Public Utility Easements and 14,744 square feet of Temporary Construction Easements for \$193,904.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Brentwood does hereby approve and authorize the City Manager, or designee, in coordination with the City Attorney, to execute an Agreement for Purchase and Sale of Easement Rights, in substantial conformance with the attached Agreement, with Nunn Family (No.2) Limited Partnership, for a portion of APNs 019-081-023 and 019-081-024, to acquire utility easements necessary for CIP Project No. 336-31695, Innovation Center @ Brentwood Infrastructure, for \$193,904, and authorize execution of other documents as necessary to complete the right-of-way transaction. The City Council further authorizes payment to Nunn Family (No. 2) Limited Partnership through escrow with First American Title Company.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Brentwood at a regular meeting held on the 14th day of May 2024 by the following vote: