

**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 EASEMENTS, IN SUBSTANTIAL CONFORMANCE WITH THE ATTACHED AGREEMENT, WITH MELRINA A. HOUSER, AS TRUSTEE OF THE HOUSER FAMILY SURVIVOR'S TRUST, AS TO AN UNDIVIDED 37.5% INTEREST; WILLIAM P. MAGGIORA AND JOYCE K. YANO-MAGGIORA, HUSBAND AND WIFE, AS JOINT TENANTS, AS TO AN UNDIVIDED 37.5% INTEREST; AND DEBRA R. MAGGIORA, A MARRIED WOMAN AS HER SOLE AND SEPARATE PROPERTY AS TO AN UNDIVIDED 25% INTEREST, FOR A PORTION OF APNS 019-081-009 AND 019-081-020, TO ACQUIRE UTILITY EASEMENTS NECESSARY FOR CIP PROJECT NO. 336-31695, INNOVATION CENTER @ BRENTWOOD INFRASTRUCTURE, FOR \$84,500, 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**, on May 14, 2024, by Resolution No. 2024-51, the City Council approved a Purchase and Sale Agreement for Easement Rights with Nunn Family (No.2) Limited Partnership for utilities at the Innovation Center @ Brentwood; 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 019-081-009 AND 019-081-020, 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 Easements will facilitate the City's acquisition of 10,314 square feet of Public Utility Easements and 5,423 square feet of Temporary Construction Easements for \$84,500.

**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 Easements, in substantial conformance with the attached agreement, with Melrina A. Houser, as Trustee of the Houser Family Survivor's Trust, as to an Undivided 37.5% Interest; William P. Maggiora and Joyce K. Yano-Maggiora, Husband and Wife, as Joint Tenants, as to an Undivided 37.5% Interest; and Debra R. Maggiora, a married woman as her sole and separate property as to an Undivided 25% Interest, for a portion of APNs 019-081-009 and 019-081-020, to acquire utility easements necessary for CIP Project No. 336-31695, Innovation Center @ Brentwood Infrastructure, for \$84,500, and authorize execution of other documents as necessary to complete the right-of-way transaction. The City Council further authorizes payment to the property owners 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 23rd day of July 2024 by the following vote: