RESOLUTION NO. 2018-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKLIN
APPROVING AND ACCEPTING THE PURCHASE OF
FORMER UNION PACIFIC RAILROAD PROPERTY

The City Council of the City of Rocklin does resolve as follows:

WHEREAS, the Redevelopment Agency of the City of Rocklin purchased the real property along Railroad Avenue between Oak and Pine Streets, as more particularly described in Exhibit A (the "Railroad Property") in December of 2004 from the Union Pacific Railroad for the purchase amount of ten dollars ($10) pursuant to Redevelopment Agency of the City of Rocklin Resolution 2004-246 RDA.

WHEREAS, the Railroad Property was transferred to the Redevelopment Agency of the City of Rocklin by Quit Claim Deed ("Quit Claim Deed") by the Union Pacific Railroad which provides that the Railroad Property was acquired by Union Pacific's predecessor in interest pursuant to the Act of Congress ("Pacific Railway Act") of July 1, 1862 (12 Stats.489), as amended by the Act of July 2, 1864 (13 Stats. 356). The 2004 Quitclaim Deed recorded as Placer County Document No. 2004-0085400 is attached hereto as Exhibit B. The transfer of the Railroad Property to the Redevelopment Agency was restricted for such uses as consistent with the Pacific Railway Act. The Railroad Property acquired from the railroad is restricted for use for public purposes including public highway or street purposes and must remain in public ownership.

WHEREAS, the State of California passed legislation dissolving Redevelopment Agencies, and set forth statutes establishing a Successor Agency to the former Redevelopment Agency and an Oversight Board to oversee the dissolution of the former Redevelopment Agency.

WHEREAS, the City Council of the City of Rocklin became the Successor Agency to the Redevelopment Agency of the City of Rocklin by operation of law on February 1, 2012 (California Health & Safety Code subsection 34171 (j)), and the establishment of the Successor Agency to the Redevelopment Agency of the City of Rocklin was approved and ratified by unanimous vote of the City Council on January 10, 2012.

WHEREAS, by operation of law as set forth in California Health & Safety Code subsection 34175 (b), the Successor Agency was vested with all right, title and interest to the Redevelopment Agency including the Railroad Property.

WHEREAS, the Successor Agency to the Redevelopment Agency of the City of Rocklin is responsible for the winding up of the affairs of the former Redevelopment Agency and the disposition of real property pursuant to the Rocklin Long Range Management Plan (LRMP) approved by the Department of Finance on March 13, 2014;

WHEREAS, the LRMP provides for the sale of former Redevelopment Agency properties including the sale of the Railroad Property, which includes the public street identified as Railroad Avenue and unimproved lands;

WHEREAS, the Railroad Property must remain in public ownership and its future use is restricted to public purposes due to Federal law and the Quit Claim Deed from the Union Pacific Railroad to the Redevelopment Agency.

WHEREAS, the City of Rocklin is willing to purchase the property and use and maintain the property consistent with the requirements of Federal law and the Quit Claim Deed.

WHEREAS, the Successor Agency is willing to sell the Property to the City of Rocklin subject to the restrictions of Federal law and the Quit Claim Deed.

NOW THEREFORE, the City Council of the City of Rocklin does resolve as follows:

Section 1. The City Council hereby approves the purchase of the Railroad Property for the sum of ten dollars ($10) from the Successor Agency subject to approval of the Rocklin Oversight Board.

Section 2. The City Council acting as Successor Agency to the Redevelopment Agency of the City of Rocklin authorized and approved the transfer of all right, title and interest to the Railroad Property from the Successor Agency to the City of Rocklin.

Section 3. The City Manager is hereby authorized to take any and all necessary actions to carry out the purchase of the Railroad Property, including requesting approval by the Rocklin Oversight Board and including acceptance of the Quit Claim Deed in the form substantially similar to the Quit Claim Deed attached hereto as Exhibit C.

Section 4. The City Clerk is directed to record, or has recorded, the deed and all necessary and related documents in the office of the Placer County Recorder when fully executed and notarized.

PASSED AND ADOPTED this _____ day of April, 2018, by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

_____
Ken Broadway, Mayor

ATTEST:

_____
Barbara Ivanusich, City Clerk

Exhibit A

RAILROAD PROPERTY

LEGAL DESCRIPTION

A parcel of land, being a portion of Lots 1, 2, 3, 4, 5, 6, 7, & 8 of Block D, situated in the City of Rocklin, County of Placer, State of California, recorded in Book A of Maps, Page 28 on August 9, 1893 Official Records, Placer County Recorder. Said parcel of land also being a portion of the Northeast Quarter of Section 19, Township 11 North, Range 7 East. More particularly described as follows:

Being a portion of Lots 1, 2, 3, 4, 5, 6, 7, & 8 of Block D as shown on that map recorded in the Office of the Placer County Recorder's in Book A of Maps, Page 28. Said land being that portion of land that falls within the 400 foot right of way of the Central Pacific Railroad as established by the Congressional Grant of July 1862.

Exhibit B

QuitClaim Deed from Union Pacific Railroad Company
Placer County Recorded Document 2004-0085400

RECORDING REQUESTED BY
The Redevelopment Agency of the City of Rocklin, California

CMF.

05/30/2004,20040085400

RECORD WITHOUT FEE UNDER SECTION 6103
GOVERNMENT CODE OF THE STATE OF CALIFORNIA

AND AFTER RECORDING RETURN TO:

City of Rocklin
Redevelopment Agency
3970 Rocklin Road, Rocklin, CA
Attn: City Clerk 95677

(Space above for Recorder's use only)

Real Estate File Folder #2120-92

QUITCLAIM DEED

UNION PACIFIC RAILROAD COMPANY, a Delaware corporation (formerly known as Southern Pacific Transportation Company, a Delaware corporation), Grantor, in consideration of the sum of Ten Dollars ($10.00) and other valuable consideration to it duly paid, the receipt whereof is hereby acknowledged, does hereby REMISE, RELEASE and forever QUITCLAIM unto **The Redevelopment Agency of the City of Rocklin,** a California municipal corporation, Grantee, whose address is shown above, and unto its successors and assigns forever, all of Grantor's right, title, interest, estate, claim and demand, both at law and in equity, of, in, and to that certain real property situated in the City of Rocklin, County of Placer, State of California ("Property"), as more particularly described in **Exhibit A** attached hereto and hereby made a part hereof.

Grantee acknowledges that Grantor's predecessor in interest acquired the Property pursuant to the Act of Congress ("Pacific Railway Act") of July 1, 1862 (12 Stats. 489), as amended by the Act of July 2, 1864 (13 Stats.356); and agrees that Grantee shall use the Property only for such purposes as are consistent with such Act of July 1, 1862, as amended by the Act of July 2, 1864.

Except as may be otherwise provided in a written assignment or other written agreement between Grantor and Grantee, Grantor reserves all income (including, without limitation, rentals, license fees and royalties from any license and other rights to use the Property) granted by Grantor or Grantor's predecessors in interest. Grantee agrees that if Grantee receives any such income, Grantee will promptly forward the income to Grantor.

The Property is quitclaimed AS IS, WHERE IS, subject to all conditions, restrictions, reservations, easements and encumbrances whether recorded or otherwise applicable to the Property. Grantee assumes the risk of and agrees to indemnify and hold Grantor harmless, and to defend Grantor against and from any claims, costs, liabilities, expenses (including without limitation, court costs and attorney fees), or demands of whatsoever nature or source for any defects or environmental

problems, latent or obvious, discovered or undiscovered in the Property.

TO HAVE AND TO HOLD, subject to the aforesaid provisions, the Property unto the said Grantee and unto its successors and assigns.

IN WITNESS WHEREOF, Grantor has caused this deed to be duly executed as of the 23rd day of June, 2004.

Attest:

M. E. Heeman (Seal)
Assistant Secretary

UNION PACIFIC RAILROAD COMPANY,
a Delaware corporation

By: Tony K Love
Title: Business Manager-Real Estate

The undersigned Grantee hereby accepts this Quitclaim Deed, and agrees for itself, its successors and assigns to be bound by the covenants and conditions set forth herein.

GRANTEE
THE REDEVELOPMENT AGENCY OF THE CITY OF ROCKLIN

By: Carlos A Urrutia
Its: Executive Director

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On June 24, 2004, before me, a Notary Public in and for said County and State, personally appeared Tony K. Love and M E Heinan, General Manager – Real Estate and Assistant Secretary of UNION PACIFIC RAILROAD COMPANY, a Delaware corporation, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

GENERAL NOTARY-State of Nebraska
JILL C. BAZZELL
My Comm. Exp. FEB. 14, 2007

Jill C Bazzell
Notary Public

(SEAL)

Dated: 6-22-04

STATE OF CALIFORNIA)
) ss.
COUNTY OF PLACER)

On 29th June 2004 before me, the S. DAVIES, Notary Public in and for said County and State, personally appeared CARLOS A. URRUTIA

personally known to me ~~(or proved to me on the basis of satisfactory evidence)~~ to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity(~~ies~~), and that by his/~~her~~/~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

S. DAVIES
Commission # 1320237
Notary Public - California
Placer County
MyComm. Expires Sep 21, 2005

S. Davies
Notary Public in and for said County and State

(space above for official notarial area.)

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

Grantee at address above

City of Rocklin - Redevelopment Agency 3970 Rocklin Road, Rocklin, CA 95677

Name Street Address City & State

S. DAVIES
Commission # 1320237
Notary Public - California
Placer County
MyComm. Expires Sep 21, 2005

EXHIBIT A

OAK STREET TO PINE STREET
RAILROAD PROPERTY ACQUISITION

LEGAL DESCRIPTION

A parcel of land, being a portion of Lots 1, 2, 3, 4, 5, 6, 7, & 8 of Block D, situated in the City of Rocklin, County of Placer, State of California, recorded in Book A of Maps, Page 28 on August 9, 1893 Official Records, Placer County Recorder. Said parcel of land also being a portion of the Northeast Quarter of Section 19, Township 11 North, Range 7 East. More particularly described as follows:

Being a portion of Lots 1, 2, 3, 4, 5, 6, 7, & 8 of Block D as shown on that map recorded in the Office of the Placer County Recorder's in Book A of Maps, Page 28. Said land being that portion of land that falls within the 400 foot right of way of the Central Pacific Railroad as established by the Congressional Grant of July 1862.

Larry M. Wing
05-12-2004

Exhibit C

Quit Claim Deed to the City of Rocklin

NO FEE DOCUMENT
Government Code §6103 & §27383

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

City Clerk
CITY OF ROCKLIN
3070 Rocklin Road
Rocklin, CA 95677

The Above Space For Recorder's Use Only

Project Name:

THIS TRANSACTION IS EXEMPT FROM CALIFORNIA DOCUMENTARY TRANSFER TAX PURSUANT TO SECTION 11922 OF THE CALIFORNIA REVENUE AND TAXATION CODE. THIS DOCUMENT IS EXEMPT FROM RECORDING FEES PURSUANT TO SECTIONS 6103 and 27383 OF THE CALIFORNIA GOVERNMENT CODE.

QUITCLAIM DEED

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, the **SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF ROCKLIN,** Grantor, hereby REMISES, RELEASES AND FOREVER QUITCLAIMS to the **CITY OF ROCKLIN**, a municipal corporation, Grantee, all of Grantor's right, title, interest, estate, claim and demand, both at law and in equity, of, in, and to that certain real property situated in the City of Rocklin, County of Placer, State of California ("Property"), as more particularly described in Exhibit A attached hereto and hereby made a part hereof.

Grantee acknowledges that Grantor's predecessor in interest, Union Pacific Railroad Company and its predecessor's in interest, acquired the Property pursuant to the Act of Congress ("Pacific Railway Act") of July 1, 1862 (12 Stats. 489), as amended by the Act of July 2, 1964 (13 Stats. 356); and agrees that Grantee shall use the Property only for such purposes as are consistent with such Act of July 1, 1862, as amended by the Act of July 2, 1864.

Grantee acknowledges that Union Pacific Railroad Company, and its predecessors in interest, reserved certain income (including, without limitation, rentals, license fees and royalties from any license and other rights to use the Property) granted by Grantor's predecessors in interest. Grantee agrees that if Grantee receives any such income, Grantee will promptly forward the income to Union Pacific Railroad Company. .

Executed this _____ day of _____, 2018.

GRANTOR: Successor Agency to the Redevelopment Agency

By: _____

Print name: Ricky A. Horst

Title: Executive Director to the Successor Agency and City Manager

The undersigned Grantee hereby accepts this Quitclaim Deed, and agrees for itself, its successor and assigns to be bound by the covenants and conditions set forth herein.

GRANTEE: The City of Rocklin

By: _____

Print name: Ricky A. Horst

Title: City Manager

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF PLACER)

On _____, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature:

_____

My commission expires: _____ *This area for official notarial seal*

Notary Name: _____

Notary Reg. Number: _____

EXHIBIT A

OAK STREET TO PINE STREET
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