

Sonoma-Marin Area Rail Transit District

Agenda Item 10 – Resolution of Necessity



Resolution of Necessity to Acquire Easement Interests for Pathway Project

- Pathway Project Overview
- Background
- Resolution of Necessity Findings
- Staff Analysis
- Staff Recommendation

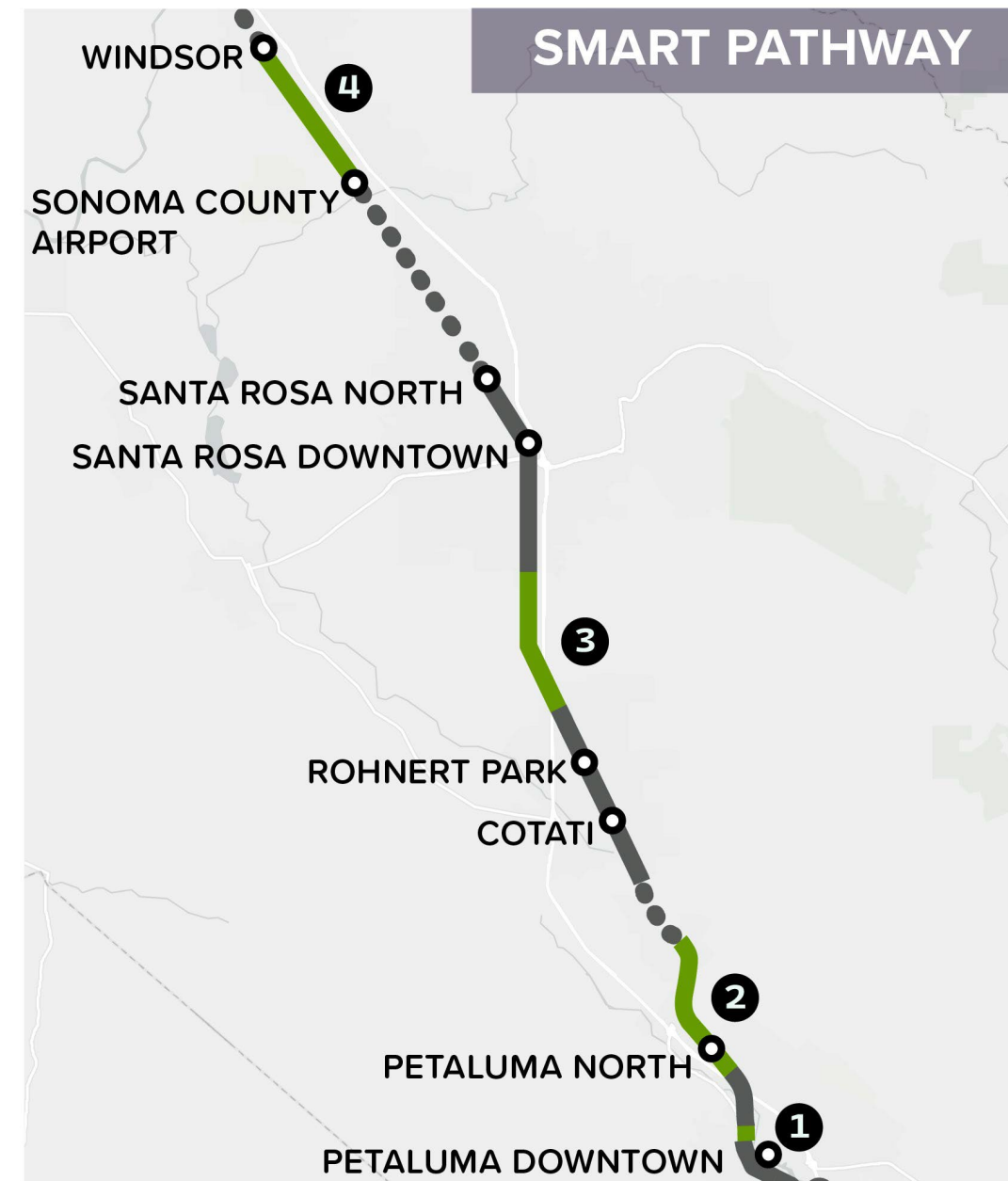
SMART's Pathway Project Overview

- SMART's enabling legislation, AB 2224, authorizes the construction and operation of complementary bicycle and pedestrian pathway within SMART's active rail corridor, as part of its rail transit system
- SMART's Bicycle and Pedestrian Pathway is being completed in phases and is designed to accommodate walking, bicycling, and other non-motorized uses within the boundaries of SMART's existing active rail corridor



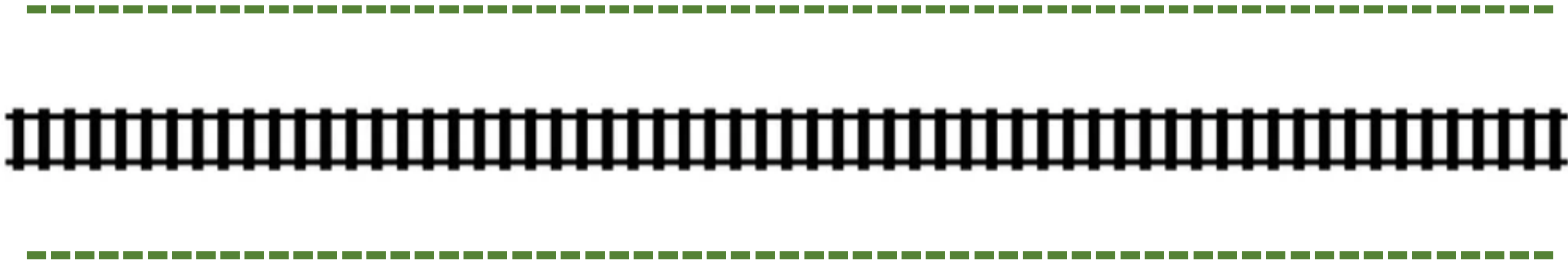
SMART's Pathway Project Segments Include:

1. Lakeville to Payran Street
2. Southpoint Blvd. to Main Street
3. Golf Course Dr. to Bellevue Ave.
4. Airport Blvd. to Windsor River Rd.



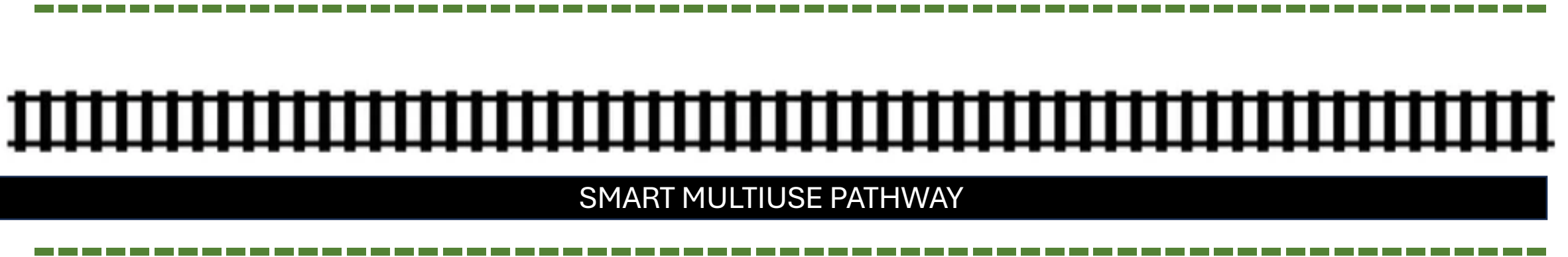
SMART Active Rail Corridor

Rail Corridor is typically 60-80'



SMART Active Rail Corridor

- Pathway is 8' paved with 2' gravel shoulders
- Built within SMART's existing active rail corridor
 - No additional property required outside existing rail corridor



Before and After Photos

Laguna de Santa Rosa, looking north

Before



After



Before and After Photos

Andy's Unity Park, West Robles Avenue, looking north

Before



After



Before and After Photos

North of Corona Road, looking north

Before



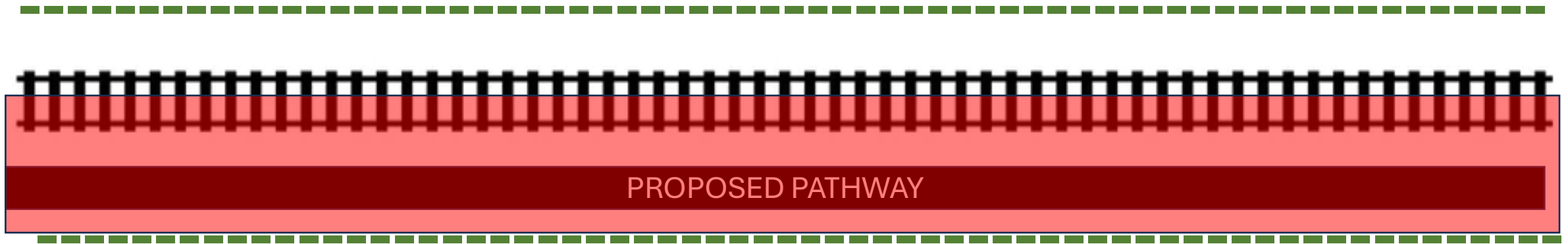
After



Background

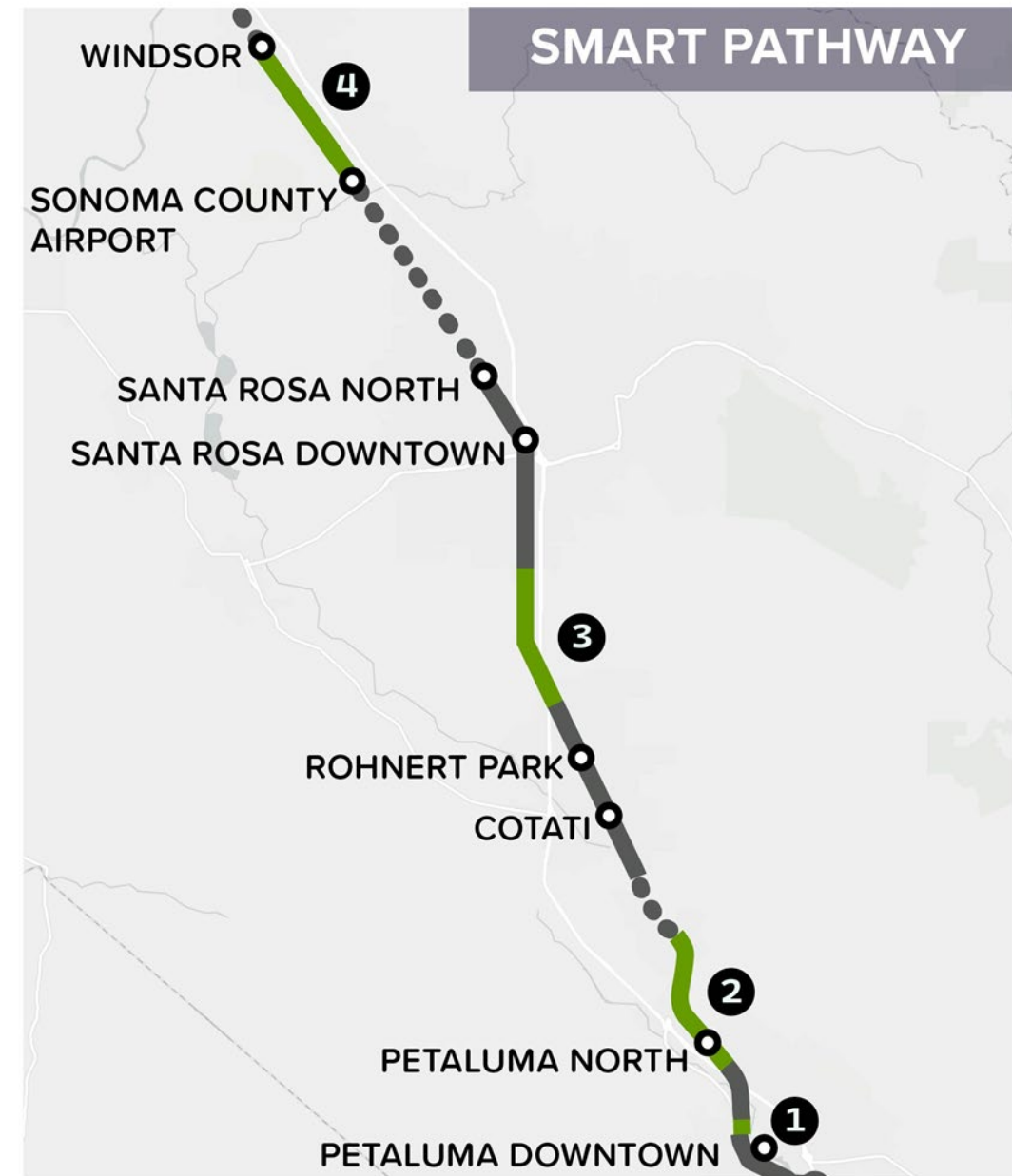
- SMART believes it currently owns the fee interest in the property necessary for the Project and/or owns a railroad easement that encompasses the right to construct, operate, and maintain the Project.
- Out of state law firm argues adjacent property owners own the fee interest to the centerline of the track if property is not used for “Railroad Purposes”
 - Claims and litigation are ongoing

Note: None of the adjacent property owners have provided documentation indicating they own to the centerline of the track



Background

- SMART made offer to purchase a pathway easement
 - Offer letters mailed in July and August
- SMART attempted to negotiate agreements
- Agreements not yet reached with owners of 45 adjacent properties
- Staff recommends Board adopt a Resolution of Necessity for these properties.



Findings Required for Resolution of Necessity

1. Public interest and necessity require the Project
2. Project is planned or located in the manner most compatible with greatest public good and least private injury
3. Property in the Resolution is necessary for the Project
4. An offer of just compensation has been made to the property owner(s)

*** Amount of compensation is not a consideration before the Board**

Resolution of Necessity - Staff Analysis

1. Public interest and necessity require the Project

- Pathway is authorized by SMART's enabling legislation, AB 2224
- Facilitates safe/convenient travel along the rail corridor
- Mitigates trespassing on the active rail corridor
- Enhances appearance and livability of the neighborhood and community.

2. Project is planned or located in the manner most compatible with greatest public good and least private injury

- Pathway project is located within SMART's existing rail corridor
- Pathway location minimizes the need for additional property acquisition

3. Property in the Resolution is necessary for the Project

- SMART believes it owns the property in fee or an easement which permits pathway construction
- Easements required to clear title, protect the public asset, and minimize litigation expense

4. An offer of just compensation has been made

- Independent appraisals concluded fair market value of the pathway easements was nominal
 - Any property interests within the active rail transit corridor deemed unusable for any other purpose
- SMART offered adjacent property owners \$1,000 for an easement

Staff's Recommendation

- Receive public testimony
- Adopt the Resolution of Necessity No. 2025-27 by at least two thirds vote
- Authorize staff to proceed with a quiet title action, and eminent domain proceedings necessary to acquire pathway easements



Questions?

