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RESOLUTION
of the
BOARD OF DIRECTORS
of
NORTH COAST RAILROAD AUTHORITY

IN THE MATTER OF:
A Resolution Setting a Public Hearing
to Declare Certain Real Property
Surplus, Making a Preliminary
Declaration of Surplus, and
Authorizing Staff to Take Such
Necessary Steps As Are Appropriate
to Dispose of Such Surplus Property.

Resolution No. 2009-01

WHEREAS, NORTH COAST RAILROAD AUTHORITY ("NCRA") is created by the North Coast Railroad Authority Act, Stats. 1989, C. 1085 §1 effective September 30, 1989, codified at Government Code §§ 93000, *et seq.* for the purpose of preserving railroad service on the Northwestern Pacific Line extending from Samoa in Humboldt County to Lombard in Napa County, traversing the counties of Humboldt, Mendocino, Del Norte, Sonoma and Napa;

WHEREAS, NCRA as a municipal corporation is a "local agency" within the meaning of Government Code § 53899;

WHEREAS, NCRA is the owner of certain real property located in Ukiah, California collectively referred to as the Ukiah Depot Property, which property is comprised of the land described in that certain Preliminary Title Report issued by Fidelity National Title Company bearing No. 06-230101882-CT, attached hereto as Schedule A and incorporated herein by this reference;

WHEREAS, a portion of the Ukiah Depot Property, hereinafter referred to as the "Mainline Parcel" consists of a strip of land approximately 100 feet in width containing the mainline tracks extending from the Western limit of the rail right of way to the Western

1 boundary of NCRA's property in the vicinity of Perkins Street in Ukiah, California as more
2 particularly depicted in Schedule A-1 attached hereto and incorporated herein by this
3 reference;

4 WHEREAS, NCRA also holds a Surface Easement and Inchoate Right, hereinafter the
5 "Surface Easement" in approximately five (5) acres consisting of the Eastern half of the prior
6 ownership of the Southern Pacific Railroad Co. adjacent to the Ukiah Depot, all of which
7 rights are described in the Surface Easement referred to in the Preliminary Report as
8 Exception No. 11 and more particularly described in Schedule B attached hereto and
9 incorporated herein by this reference;

10 WHEREAS, the purpose of this Resolution is to call to the attention of all interested
11 persons the intention of the Board of Directors to consider proposals for disposing of all of
12 the Ukiah Depot Property, with the exception of the Mainline Parcel, together with all of
13 NCRA's rights arising by reason of the Surface Easement.

14 NOW THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE
15 NORTH COAST RAILROAD AUTHORITY as follows:

- 16 1. The Board of Directors makes the following findings:
- 17 A. Southern Pacific as the prior operator of the Northwestern Pacific Railroad Line did
18 not use any portion of the Ukiah Depot Property or the Surface Easement other than
19 the Mainline Parcel at the time Southern Pacific leased the Property to California
20 Northern Railroad in approximately 1993;
- 21 B. California Northern Railroad did not use any portion of the Ukiah Depot Property or
22 the Surface Easement other than the Mainline Parcel, and occasional use of the Ukiah
23 Depot;
- 24 C. From and after the acquisition of the Ukiah Depot Property by NCRA, no use was
25 made different than that of California Northern Railroad;
- 26 D. NCRA's prior operator, Northwestern Pacific Railway Company, advised the
27 management of NCRA that it had no intention to utilize any portion of the Ukiah
28 Depot Property or the Surface Easement, other than the Mainline Parcel and the

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Depot;

- E. NCRA's current operator has determined that it has no potential use of the Ukiah Depot Property or the Surface Easement other than the Mainline Parcel;
- F. There is no reasonable expectation of the Ukiah Depot Property or the Surface Easement, other than the Mainline Parcel, being utilized for railroad purposes at anytime in the foreseeable future.

2. The NCRA hereby makes a preliminary determination that the Ukiah Depot Property and the Surface Easement, with the exception of the Mainline Parcel, is surplus to the reasonable needs for railroad operations.

3. This preliminary determination shall be communicated to the following public entities prior to the April 8, 2009 meeting of the Board of Directors: the California Department of Transportation; the County of Mendocino; the County of Mendocino Department of Parks; the City of Ukiah; the City of Ukiah Redevelopment Agency; the Mendocino Transit Authority; and the State Department of Lands.

4. The Staff of NCRA is directed to procure an opinion from the Department of Transportation as to any prohibitions, procedures, or demands it has with respect to the sale of the Ukiah Depot Property within ninety (90) days.

5. The adoption of a Resolution of Intention to Dispose of the Ukiah Depot Property shall be noticed for public hearing at the April 8, 2009 meeting of the Board of Directors of NCRA in Ukiah.

Introduced and adopted this 22nd day of January, 2009 at a regular meeting of the Board of Directors of North Coast Railroad Authority by the following vote:

AYES:

NOES:

ABSENT:

ALLAN HEMPHILL
Chairman of the Board of Directors
NORTH COAST RAILROAD AUTHORITY

1 Approved as to form:

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MITCH STOGNER
Secretary to the Board of Directors
NORTH COAST RAILROAD AUTHORITY

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