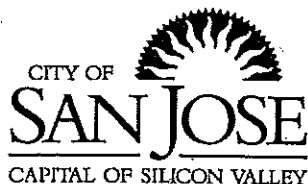


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# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Ed Shikada

**SUBJECT:** SEE BELOW

**DATE:** May 12, 2008

Approved

Date

5-14-08

**COUNCIL DISTRICT:** 6

## INFORMATION MEMO

**SUBJECT: UPDATE ON THE ACQUISITION OF UNION PACIFIC RAILROAD PROPERTIES BETWEEN LOS GATOS CREEK AND MINNESOTA AVENUE FOR THE WILLOW GLEN SPUR TRAIL PROJECT**

### BACKGROUND

On November 6, 2007, Council directed staff to move forward in negotiating a final price within the available project budget and purchasing the land that is for sale from Union Pacific Railroad (UPRR) between the boundary of Los Gatos Creek and Highway 87 that has been identified in the Greenprint for the Willow Glen Spur Trail. The status of the acquisition process can best be described by the two segments of the proposed trail on the western end of UPRR's property starting from Los Gatos Creek and extending to Minnesota Avenue (subject properties).

#### **Los Gatos Creek to Broadway Avenue**

UPRR is working with a private residential developer for the reach located between Los Gatos Creek and Broadway Avenue. Upon filing of a development application by the developer or their representatives, City staff will work with the developer to refine their proposed site plan and provide a public trail in conjunction with the residential development, recognizing that the City is interested in maximizing the trail width if less than City standard.

Subject to entitlement approvals, UPRR plans to convey the portions of property to be dedicated for trail use directly to the City, at no cost to the City. UPRR will construct the improved trail in conjunction with site remediation required by the Department of Toxic Substances Control (DTSC).

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To date, the developer has not filed a development application for preliminary review. Once this has been done, the City will work with the developer to the best of its ability to process the site plan for community input and entitlement approval. The City cannot however, provide any guarantees with regards to entitlement approval.

### **Broadway Avenue to Minnesota Avenue**

The City wishes to purchase the entire right-of-way between Broadway and Minnesota Avenues and is under negotiations with UPRR on the fair market value of the property based on the development potential of the subject properties. Staff recently engaged a consultant to prepare an analysis of the highest and best use of the properties.

#### *Critical steps that have been accomplished to date in developing a trail along this segment:*

- On April 18, 2006, UPRR submitted a Work Plan for an Environmental Investigation of the subject properties. The Work Plan was approved by DTSC on April 19, 2006.
- On September 15, 2006, UPRR completed an Environmental Investigation of the subject properties identifying contaminants and horizontal and vertical limits. The Environmental Investigation was approved by DTSC on November 21, 2006.

#### *Next steps involved in developing a trail along this segment:*

- UPRR to prepare a Removal Action Work Plan (RAW) and support DTSC, as needed, with DTSC's preparation of CEQA documents that would propose excavation and onsite consolidation of impacted soil under the hard surface provided for the trail; dependent upon volumes available under the trail, some excavated soil may require offsite disposal. The RAW must be approved by DTSC.
- UPRR to submit remediation construction plans and specifications for the City's approval.
- UPRR to remediate the site by excavating, consolidating impacted soils and constructing the trail.
- DTSC to issue Certificate of Completion for the remediation.
- UPRR to convey the portion of land dedicated for trail use directly to City.

The City and UPRR would be responsible for preparing any reports or studies necessary to complete their respective obligations at their own cost. Completed reports and studies would be provided to the other party.

Schedules for the majority of the listed activities are dependent on the submittals to be prepared by UPRR and the review time by DTSC. At this time, staff hopes to be able to complete the acquisition of Broadway to Minnesota Avenues by December 31, 2008.

### **COORDINATION**

This project and memorandum have been coordinated with the Departments of Parks, Recreation, and Neighborhood Services, Public Works, Planning, Building and Code Enforcement, Environmental Services, and the City Attorney's Office.

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Please feel free to contact me at (408) 535-8190 with any questions.



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ED SHIKADA

Deputy City Manager