

RESOLUTION NO. 16305

A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF REDWOOD CITY FINDING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN PROPERTY INTERESTS FOR THE PUBLIC PROJECT (US HIGHWAY 101/STATE ROUTE 84 - WOODSIDE ROAD INTERCHANGE IMPROVEMENT PROJECT), AUTHORIZING THE ACQUISITION THEREOF, AND DIRECTING THE CITY ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS.

(BMR-Bay, LP, APNs 054-062-120, -130, -140)

WHEREAS, the City of Redwood City (City), in cooperation with the California Department of Transportation (Caltrans), seeks to construct the US Highway 101/State Route 84 (Woodside Road) Interchange Improvement Project (Project), which consists of modifications to the existing interchange, freeway auxiliary lanes, and connecting roadways in the City; and

WHEREAS, the City and the State of California, acting through Caltrans, entered into a Cooperative Agreement (Agreement 04-2614) on October 11, 2017, which set forth the obligations of the parties in connection with the Project. Pursuant to Agreement 04-2614, Caltrans is the lead agency under the National Environmental Policy Act of 1969, as amended (Pub. L. 91-190, 42 U.S.C. 4321-4347, January 1, 1970, as amended by Pub. L. 94-52, July 3, 1975, Pub. L. 94-83, August 9, 1975, and Pub. L. 97-258, Section 4(b), Sept. 13, 1982) (NEPA) and under the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq. The City is the sponsor of the Project, and is the implementing agency for plans, specifications, estimates, and right-of-way activities; and

WHEREAS, pursuant to Agreement 04-2614, the parties agreed that the City is authorized to hear and adopt Resolutions of Necessity in connection with the Project and in accordance with applicable law; and

WHEREAS, it is desirable and necessary for the City to acquire certain real property specifically 68.34 linear feet in abutter's rights, including access rights, and a fee acquisition of 3,397 square feet, and a non exclusive temporary construction easement of 5,921 square feet located at 740 Bay Road in Redwood City, California, Assessor's Parcel Numbers 054-062-120, -130, -140 (Subject Property), for the Project; and

WHEREAS, the City is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19 of the Constitution of the State of California, Section 37350.5 and 40404 of the California Government Code, and Sections 1240.010-1240.050, 1240.110, 1240.120, 1240.150, 1240.220, 1240.410, 1240.610, and 1240.650 of the California Code of Civil Procedure; and

WHEREAS, pursuant to the provisions of Section 7267.2 of the California Government Code, the City made an offer to the owners of record to acquire the Subject Property described and depicted in **Exhibit A** (Legal description) for the amount which it established to be just compensation; and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure, written notice of the intent to consider the adoption of this resolution of necessity was sent on March 13, 2025, to BMR-Bay, LP, the owner of record of the Subject Property, and to BioMed Realty, providing them notice and granting them a reasonable opportunity to appear and be heard before the City Council at the Resolution of Necessity hearing held on April 28, 2025 on the following matters:

- a. Whether the public interest and necessity require the Project;

- b. Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- c. Whether the Subject Property described and depicted in **Exhibit A** (Legal description) are necessary for the Project; and
- d. Whether the offer required by Government Code Section 7267.2 has been made to all owners of record; and

WHEREAS, due consideration of all oral and documentary evidence introduced has been given; and

NOW, THEREFORE, be it, by vote of five (5/7) or more of its members, the City Council of the City of Redwood City found; and be it

RESOLVED: That the recitals contained herein are true and correct; and be it

FURTHER RESOLVED: That the public interest and necessity require the Project which is intended to reduce traffic congestion, improve local traffic circulation, and improve bicycle and pedestrian access across US 101; and be it

FURTHER RESOLVED: That the Project is planned or located in a manner that will be the most compatible with the greatest public good and the least private injury; and be it

FURTHER RESOLVED: That the taking of the Subject Property more particularly described and depicted in **Exhibit A** (Legal description) is necessary for the Project; and be it

FURTHER RESOLVED: That the offer to purchase required by California Government Code Section 7267.2 has been made to the record owner(s) of the Subject Property; and be it

FURTHER RESOLVED: That the necessary notice of hearing on this Resolution has been given as required by Code of Civil Procedure Section 1245.235; and be it

FURTHER RESOLVED: That the City has fully complied with the California Environmental Quality Act (CEQA) with respect to the Project, as The Final Initial Study/Mitigated Negative Declaration (IS/MND) (CEQA Approval) were obtained on December 16, 2016; and be it

FURTHER RESOLVED: That the City has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain (the "right to take") to acquire the abutter's rights and access thereto; and be it

FURTHER RESOLVED: That the City declares its intention to acquire the Subject Property in accordance with the provision of the laws of the State of California governing condemnation procedures; and be it

FURTHER RESOLVED: That the City finds that if any portion of the Subject Property that has been appropriated to some public use, the public uses to which it is to be applied by the City for the Project, as described above, are more necessary and paramount public uses, pursuant to Code of Civil Procedure Section 1240.610, or, alternatively, are compatible with those other uses pursuant to Code of Civil Procedure Section 1240.510; and be it

FURTHER RESOLVED: That the City is AUTHORIZED AND EMPOWERED:

1. To acquire in the name of the City of Redwood City, by condemnation, the Subject Property in accordance with the provisions of the eminent domain law, the Code of Civil Procedure, the Government Code, and the Constitution of California;
2. To prepare and prosecute in the name of the City of Redwood City, such proceedings in the proper court as are necessary for such acquisition; and
3. To deposit the probable amounts of compensation, based on appraisals, and to apply to said court for an order permitting the City of Redwood City to take immediate possession and use of the Subject Property for said public uses and purposes.

EXHIBIT A

Number
64071-1

Exhibit "A"

PARCEL 64071-1

All that certain real property situate in the City of Redwood City, County of San Mateo, State of California, being a portion of the lands described in the Grant Deed from RREEF America REIT II Corp. QQQ to BMR-BAY LP recorded March 1, 2013 as Document No. 2013-033216, Official Records of said County, specifically being a portion of PARCEL 3 as shown on that certain Parcel Map entitled "PARCEL MAP NO. 97-6" filed December 10, 1997, in Volume 70 of Parcel Maps at Pages 17-18, Official Records of said County, being more particularly described as follows:

BEGINNING at a point on the general westerly line of the parcel as described in the Indenture between the Southern Pacific Company and the State of California recorded November 5, 1963 in Volume 4584 at Page 569, Official Records of said County, said Point of Beginning lying 1.24 feet from the easterly terminus of the course described as "North 79°55'29" West, tangent to last described curve at last mentioned point, 6.97 feet" in said Indenture (North 79°55'27" West for purposes of this description); thence along said general westerly line and along the general westerly line of the parcel as described in the Grant Deed (Corporation) from Title Insurance and Trust Co. to the State of California recorded September 3, 1965 in Volume 5021 at Page 508, Official Records of said County, the following three (3) courses: 1) South 79°55'27" East 1.24 feet; 2) southeasterly, along the arc of a tangent curve to the right, concave to the southwest, having a radius of 29.00 feet, through a central angle of 110°53'45", an arc distance of 56.13 feet to a point of compound curvature; and 3) southwesterly, along the arc of a tangent curve to the right, concave to the northwest, having a radius of 850.00 feet, through a central angle of 25°37'27", an arc distance of 380.14 feet; thence departing last said lines, northeasterly, along the arc of a non-tangent curve to the left, concave to the northwest, to which a radial line bears South 36°08'24" East 881.16 feet, through a central angle of 15°53'03", an arc distance of 244.28 feet; thence northeasterly, along the arc of a non-tangent curve to the left, concave to the northwest, to which a radial line bears South 50°52'06" East 796.00 feet, through a central angle of 9°27'16", an arc distance of 131.35 feet to a point of compound curvature; thence northeasterly, along the arc of a tangent curve to the left, concave to the northwest, having a radius of 35.00 feet, through a central angle of 10°19'10", an arc distance of 6.30 feet; thence radially to last said curve, North 70°38'32" West 5.25 feet; thence northerly, along the arc of a non-tangent curve to the left, concave to the southwest, to which a radial line bears South 70°38'32" East 29.75 feet, through a central angle of 63°55'25", an arc distance of 33.19 feet to the **POINT OF BEGINNING**.


CONTAINING 3,397 square feet (0.078 acres), more or less.

This conveyance is made for the purpose of a freeway and grantor hereby releases and relinquishes to the grantee any and all abutter's rights including access rights, appurtenant to the grantor's remaining property, in and to said freeway.

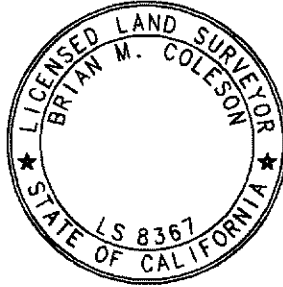
The bearings and distances used in the above description are based on the California Coordinate System of 1983 (CCS83) Zone 3, Epoch 2010.00. Multiply distances by 1.0000500 to obtain ground distances.

Number
64071-1

This real property description has been prepared by me, or under my direction, in conformance with the California Professional Land Surveyors' Act.



Brian M. Coleson, LS 8367 01/21/2025
Date



Number
64071-3

Exhibit "A"

PARCEL 64071-3

All that certain real property situate in the City of Redwood City, County of San Mateo, State of California, being a portion of PARCEL 3 as shown on that certain Parcel Map entitled "PARCEL MAP NO. 97-6" filed December 10, 1997, in Volume 70 of Parcel Maps at Pages 17-18, Official Records of said County, as said PARCEL 3 is identified in the Grant Deed from RREEF America REIT II Corp. QQQ to BMR-BAY LP recorded March 1, 2013 as Document No. 2013-033216, Official Records of said County, being more particularly described as follows:

A temporary easement to terminate June 30, 2029 for construction purposes and incidents thereto, in and to those portions of said PARCEL 3, described as follows:

BEGINNING at a point on the general westerly line of the parcel as described in the Indenture between the Southern Pacific Company and the State of California recorded November 5, 1963 in Volume 4584 at Page 569, Official Records of said County, said Point of Beginning lying 1.24 feet from the easterly terminus of the course described as "North 79°55'29" West, tangent to last described curve at last mentioned point, 6.97 feet" in said Indenture (North 79°55'27" West for purposes of this description); thence departing said general westerly line; southerly, along the arc of a non-tangent curve to the right, concave to the west, to which a radial line bears North 45°26'03" East 29.75 feet, through a central angle of 63°55'25", an arc distance of 33.19 feet; thence radially to last said curve, South 70°38'32" East 5.25 feet; thence southwesterly, along the arc of a non-tangent curve to the right, concave to the northwest, to which a radial line bears South 70°38'32" East 35.00 feet, through a central angle of 10°19'10", an arc distance of 6.30 feet to a point of compound curvature; thence southwesterly, along the arc of a tangent curve to the right, concave to the northwest, having a radius of 796.00 feet, through a central angle of 9°27'16", an arc distance of 131.35 feet; thence southwesterly, along the arc of a non-tangent curve to the right, concave to the northwest, to which a radial line bears South 52°01'27" East 881.16 feet, through a central angle of 15°53'03", an arc distance of 244.28 feet to a point on the general westerly line of the parcel as described in the Grant Deed (Corporation) from Title Insurance and Trust Co. to the State of California recorded September 3, 1965 in Volume 5021 at Page 508, Official Records of said County; thence along last said line the following two (2) courses: 1) southwesterly, along the arc of a non-tangent curve to the right, concave to the northwest, to which a radial line bears South 33°24'15" East 850.00 feet, through a central angle of 0°06'21", an arc distance of 1.57 feet; and 2) South 56°42'06" West 24.62 feet; thence departing last said line, North 33°17'26" West 7.09 feet; thence northeasterly, along the arc of a non-tangent curve to the left, concave to the northwest, to which a radial line bears South 34°26'47" East 873.16 feet, through a central angle of 8°00'51", an arc distance of 122.13 feet; thence radially to last said curve, North 42°27'37" West 2.00 feet; thence northeasterly, along the arc of a non-tangent curve to the left, concave to the northwest, to which a radial line bears South 42°27'37" East 871.16 feet, through a central angle of 9°34'14", an arc distance of 145.52 feet; thence northeasterly, along the arc of a non-tangent curve to the left, concave to the northwest, to which a radial line bears South 50°51'40" East 786.00 feet, through a central angle of 9°00'26", an arc distance of 123.56 feet; thence North 07°50'41" East 10.30 feet; thence North 82°09'19" West 21.01 feet; thence North 09°01'47" East 20.41 feet; thence North 80°58'13" West 108.92 feet; thence South 08°01'11" West 14.31 feet; thence southerly, westerly, and northerly along the arc of a non-tangent curve to the right, concave to the north, to which a radial line bears South 60°34'54" East 5.85 feet, through a central angle of 157°08'28", an arc distance of 16.04 feet; thence North 12°11'02" East 23.37 feet to a point on the


Number
64071-3

southerly line of Bay Road, as said Road is shown on that certain Parcel Map entitled "PARCEL MAP NO. 97-6" filed December 10, 1997, in Volume 70 of Parcel Maps at Pages 17-18, Official Records of said County; thence along said southerly line, and along the general southerly line of REMAINDER LOT 3 as shown upon that certain map entitled "PARCEL MAP 2019-005" filed September 17, 2020, in Volume 85 of Parcel Maps at Pages 57-60, inclusive, Official Records of said County, and along first said general westerly line, South 79°55'27" East 136.43 feet to the **POINT OF BEGINNING**.

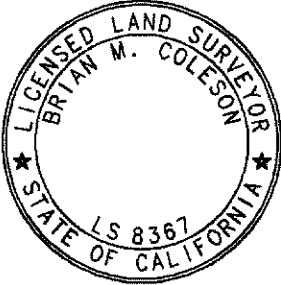
CONTAINING 5,921 square feet (0.136 acres), more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983 (CCS83) Zone 3, Epoch 2010.00. Multiply distances by 1.0000500 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the California Professional Land Surveyors' Act.



Brian M. Coleson, LS 8367 01/21/2025
Date



COUNTY OF SAN MATEO
REDWOOD CITY

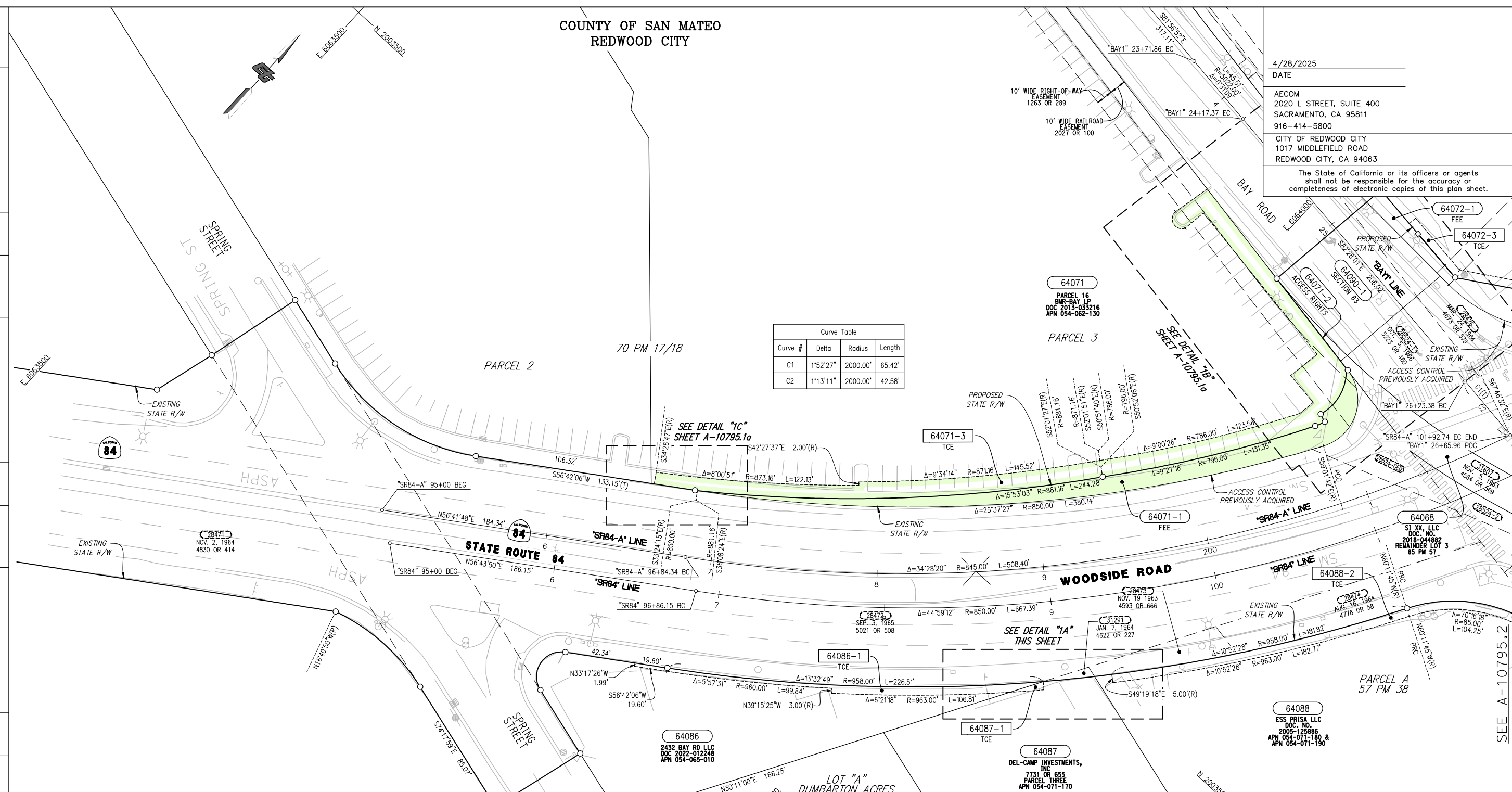
4/28/2025
DATE

AECOM
2020 L STREET, SUITE 400
SACRAMENTO, CA 95811
916-414-5800

CITY OF REDWOOD CITY
1017 MIDDLEFIELD ROAD
REDWOOD CITY, CA 94063

The State of California or its officers or agents shall not be responsible for the accuracy or completeness of electronic copies of this plan sheet.

Curve Table			
Curve #	Delta	Radius	Length
C1	1°52'27"	2000.00'	65.42'
C2	1°13'11"	2000.00'	42.58'



PARCEL#	TITLE CODE	GRANTOR	AREAS (square feet or as noted)				REMARKS	RECORDATION		
			TOTAL	REQUIRE ⁽¹⁾ [UF]	EXCESS ⁽¹⁾ [UF]	REMAINDER		TYPE ⁽³⁾	DATE	DOC.# ⁽⁴⁾
64071-1	F+F	BMR-BAY, LP	123,331	3,397		119,934	INCLUDES 26 sq. ft. EX. RAILROAD ESMT; INCLUDES 242 sq. ft. EX. RIGHT-OF-WAY ESMT			
64071-2	A	BMR-BAY, LP					68.34 LINEAR FEET OF ACCESS RIGHTS			
64071-3	TCE	BMR-BAY, LP					5,921 sq. ft. TEMPORARY CONSTRUCTION ESMT, EXPIRES JUN 30, 2029			

GRANTOR NOTES	NOTES
① Areas shown do not include underlying fee, unless indicated. A=Acres	Coordinates and bearings are on CCS 83 Zone 3, Epoch 2010.00. Distances and stationing are grid distances. Multiply by 1.0000500 to obtain ground distances. All distances are in feet unless otherwise noted.
② Indicates Underlying Fee (UF) Area	
③ Indicates Indeterminate UF	
TITLE CODES:	LEGEND
A=Access Rights Only	Access Prohibited
F=Fee	Access Opening Point Only
E=Easement (Ease)	Dimension Point Only
TCE=Temp Construction Ease	AE Access Easement
TO=Other Temp Ease (see Remarks)	EE Electric Easement
O=Other (see Remarks)	HG Highway Grant
TYPE:	ME Maintenance Easement
GD=Grant deed	PERM UE Permanent Utility Esmt
ED=Easement deed	(R) Public Utility Easement
QC=Quitclaim	R/W Radial Bearing
DD=Director's deed	SE Right of Way
DE=Director's easement deed	HE=Highway Easement
DK=Director's quitclaim deed	REL=Relinquishment
FOC=Final Order of Condemnation	VAC=Vacation
HE=Highway easement deed	JUA=Joint use agreement
REL=Relinquishment	CUA=Consent to common use agreement
VAC=Vacation	
JUA=Joint use agreement	
CUA=Consent to common use agreement	
④ Document of Instrument number	

STATE OF CALIFORNIA
CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY APPRAISAL MAP A-10795.1

FOR PREVIOUS R/W INFORMATION SEE MAP(S) H-10795.1, R-164.4, S-103.4

SCALE: 1" = 30'

FEET 0 15 30 60 90

TO DESIGN: EA(s):04-23536 FA#:
DRAFTED BY:BMC CHECKED BY:BMC

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
04	SM	84	25.35		
04	SM	101		2	26

BY	DATE	REVISIONS
J. HARMON	4/28/25	

Passed and adopted by the Council of the City of Redwood City at a
Joint City Council/Successor Agency Board/Public Financing Authority Meeting
thereof held on the 28th day of April 2025 by the following votes:

AYES: Chu, Gee, Howard, Padilla, Sturken, Vice Mayor Eakin,
and Mayor Martínez Saballos

NOES: None

ABSENT: None

ABSTAINED: None

RECUSED: None



Elmer Martínez Saballos
Mayor of the City of Redwood City

Attest:



Yessika Castro, CMC, CPMC
City Clerk of Redwood City

I hereby approve the foregoing resolution this
28th day of April 2025.



Elmer Martínez Saballos
Mayor of the City of Redwood City