

RESOLUTION NO. _____ (N.C.S.)
RIGHT OF WAY AGREEMENT BETWEEN
THOMAS A. BENGARD, BARDIN E. BENGARD, TRACY M. PEZZINI AND THE
BENGARD FAMILY PARTNERSHIP I, L.P. AND CITY OF SALINAS

WHEREAS, in 2016, the City Council accepted a \$4.43 million Active Transportation Grant (ATP) for the Safe Routes to School (SRTS) program to improve Bardin Road from Williams Road to past Bardin Elementary School to Sconberg Parkway; and

WHEREAS, on October 12, 2016, a Request for Proposals (RFP) was advertised seeking a qualified firm to design the improvements, and on April 4, 2017, the Council adopted Resolution 21145 awarding the design to Kimely Horn and Associates; and

WHEREAS, on December 11, 2017 the project's Notice of Exemption was filed by the City of Salinas as the project is exempt from the California Environmental Quality Act (CEQA) Guidelines (Section 15301(c) "Existing Facilities, Class 1) because the project proposes to repair, maintain and alter minor existing facilities; and

WHEREAS, as planned, and on schedule, the 100% design was completed in July 2019, and is being prepared for Cal Trans submittal and approval; and

WHEREAS, part of the Cal Trans submittal includes proof that the City has secured 37,046 square feet (.85 acres) of Right of Way (ROW) necessary to build the project, and this involves a property transfer from two property owners: 3,187 square feet from Bengard Ranch at the south east corner of Alisal Street and Sconberg Parkway, and 33,859 square feet from Hartnell Community College District, who's grant deed has been filed, on the south western side of Alisal Street and Bardin Road; and

WHEREAS, on April 2, 2019 the City Council and Hartnell College Board of Trustees agreed to sign and execute the Property Transfer Agreement for 33,859 square feet of ROW to the City of Salinas.

NOW, THEREFORE, BE IT RESOLVED that the Salinas City Council does agree with and hereby finds that the staff report accompanying this Resolution, and the Recitals of this Resolution are true and correct.

BE IT FURTHER RESOLVED that the City Council approves this Resolution and authorizes the Mayor to execute the attached Right of Way Agreement with Thomas A. Bengard, Bardin E. Bengard, Tracy M. Pezzini and The Bengard Family Partnership I, L.P. on behalf of the City and that it become effective immediately; and

BE IT FURTHER RESOLVED, that the City Council authorizes the City Manager to take such other actions and execute such other documents as are appropriate to effectuate the intent of this Resolution.

PASSED AND APPROVED this 10th day of September 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Joe Gunter, Mayor

ATTEST:

Patricia M. Barajas, City Clerk