



CITY OF SALINAS COUNCIL STAFF REPORT

DATE: JANUARY 7, 2020

DEPARTMENT: PUBLIC WORKS

FROM: DAVID JACOBS, PUBLIC WORKS DIRECTOR

THRU: RODGER A. OLDS, CITY ENGINEER

BY: EDA HERRERA, SENIOR CIVIL ENGINEER

TITLE: RIGHT OF WAY AGREEMENT FOR THE BARDIN ROAD PROJECT (CIP 9218) WITH THOMAS A. BENGARD, BARDIN E. BENGARD, TRACY M. PEZZINI AND THE BENGARD FAMILY PARTNERSHIP

RECOMMENDED MOTION:

A motion to approve a Resolution for the following actions:

- 1) Authorize the Mayor to execute the Right of Way Agreement to acquire right of way necessary to build and operate the Bardin Road Safe Routes to School (SRTS) Improvements.
- 2) Authorize the City Manager to take such other actions necessary to fulfill the agreement and acquire the Right of Way necessary to build and operate the Bardin Road Safe Routes to School (SRTS) Improvements.

RECOMMENDATION:

It is recommended that the City Council approve the attached resolution and authorize the Mayor to execute a Right of Way Agreement with Thomas A. Bengard, Bardin E. Bengard, Tracy M. Pezzini and The Bengard Family Partnership I, L.P. for the City's Bardin Road SRTS project for acquisition of 3,186.60 sf of property.

EXECUTIVE SUMMARY:

The Public Works Department began a rigorous community outreach and inclusive preliminary design process over two years ago, with the intent to help improve Bardin Road in front of Bardin Elementary School, (from Williams Road to Sconberg Parkway), to be safer for children, parents, school employees, and the general public using various modes of transportation.

Construction plans began in April 2017 with the approval of the design contract with Kimley Horn, and when that agreement was awarded, staff described four critical steps toward completion of the project: 1) project approval and environmental documents; 2) preparing the plans, specifications and estimates, (PS&E); 3) utility and right of way coordination, and; 4) construction. This staff report is part of Step 3- utility relocation and Right of Way (ROW) acquisition. After several meetings with Bardin Bengard, an agreement was reached between the City, Mr. Bengard, and his other family members who share ownership of the subject ROW. The agreement includes payment of \$1,000 for acquiring 3,186.60 square feet of an existing dirt road shoulder in fee, a combined 2,986.16 square feet in temporary construction easement, installation of a walkway in front of the property, and restoration of a driveway after construction is complete. This agreement is now being brought forth in this report for the City's approval.

BACKGROUND:

Bardin Elementary School is located at the south-eastern edge of the City, at a "T" shaped intersection between rural farming roads, the busy East Alisal Street arterial and a growing residential presence. Due to the increasing traffic in this area, unsafe driving conditions occur daily as parents drop-off and pick up school children, making illegal U-Turns, and traffic congestion. Access to the school by other modes of transportation have not been accommodated. These conditions make the project an excellent candidate for the "Active Transportation Program" grant program. In 2016, the California Transportation Commission (CTC) awarded the City \$4.3 million to design and build the project. Design began in earnest in April 2017 of the twin roundabouts to channel through traffic around the school and provide two lanes of right-of-way for parents to safely drop off and pick up their children. The design also provides new safe pedestrian and bicycle access from all directions.

The twin roundabouts require the public ROW to be widened. Along the southern edge of the project, the southwestern side of Alisal Street and Bardin Road, the necessary ROW was owned by the Hartnell Community College District. A smaller piece of property, the property that is the subject of the proposed agreement, along Sconberg Parkway, connecting the Montebella subdivision to Alisal Road is also necessary to complete the project as designed. Exhibit 1 illustrates the subject ROW acquisitions. The ROW that is the focus of this proposed agreement is shown in red.

In August, 2018, a ROW specialist was retained to appraise the land needed for the ROW and to help the City negotiate the acquisitions. There were no hazardous materials or other issues discovered during the City's due diligence, making the negotiations fairly simple.

The agreement between the City of Salinas and the Hartnell Community College District for the 33,859 square feet of ROW was approved on April 2, 2019.

The agreement for the subject ROW has been negotiated and agreed upon by Bardin Bengard, and his other family members who share ownership. The agreement includes payment of \$1,000 for acquiring 3,186.60 square feet of an existing dirt road shoulder in fee, a combined 2,986.16 square feet in temporary construction easement, installation of a walkway in front of the property, and

restoration of a driveway after construction is complete. This agreement was signed by all parties on November 21, 2019 and is now being brought forth in this report for the City's approval.

During the negotiations, the property owner requested an illustration of how this acquisition would impact the property. Below is a before and after illustration:



Existing Condition (Before)



Rendering of Property with Proposed Project Completed (After)

If approved by the City Council, the Agreement will be executed and included in the City's package to Caltrans to request approval from the State to move to the construction phase of the project as required by the grant. The City will be ready to bid the project in early 2020, pending the relocation of utilities.

CEQA CONSIDERATION:

The City of Salinas has determined that 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 existing facilities. A Notice of Exemption was filed by the City of Salinas on December 11, 2017.

Furthermore, the project does not qualify for any of the exceptions to the categorical exemptions found at CEQA Guidelines Section 15300.2.(a-f). The City's CEQA consultant, EMC Planning Group, conducted an independent review and evaluation of the proposed project, conducted independent research, and reviewed technical documentation prepared by the City. The documentation included a traffic analysis memo and technical inputs to the California Department of Transportation's Preliminary Environmental Study form. Based on its review, EMC planning group concluded that none of the exceptions listed in the above mentioned guidelines applied to the proposed project.

STRATEGIC PLAN INITIATIVE:

The Boronda Road project supports the Council initiatives Safe, Livable Community and Excellent Infrastructure.

DEPARTMENTAL COORDINATION:

This project has been shared with Community Development and the Alisal Vibrancy Plan effort. It is featured as one of the many projects that benefit from collaboration with the Finance Department to issue bonds for Measure X last spring and this fiscal year. This project relies upon many critical relationships in the community as well, including stakeholders related to the Alisal school District, Bardin Elementary School, surrounding property owners, Hartnell Community College District and their tenant, Bengard Ranch, PG&E, Alco Water and other utilities.

FISCAL AND SUSTAINABILITY IMPACT:

The purchase price of the Right of Way acquisition is \$1,000 and will be paid through the project CIP 9218 using Measure X funds.

ATTACHMENTS:

Resolution
Exhibit 1
Right of Way Agreement
Grant Deed