



Monterey County

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Board Report

Legistar File Number: A 16-008

January 26, 2016

Introduced: 1/8/2016

Version: 1

Current Status: Agenda Ready

Matter Type: BoS Agreement

- a. Approve the Temporary Construction Easement and Lease Agreement with Diana P. Spitzer, Trustee of the Phyllis L. Pitts Living Trust Dated May 8, 1984, as amended, Denise L. Andrews, individually and as Co-Trustee of The Phyllis L. Pitts Children's Living Trust I Dated November 5, 1984, and Diana P. Spitzer, as Executor of the Estate of Phyllis L. Pitts, deceased, in the amount of \$8,450 for APN 421-221-001 for the lease of 0.317 acres (13,809 sq. ft.) for a temporary construction easement necessary for the construction of the Peach Tree Road at Pancho Rico Bridge Replacement Project County Bridge No. 412, Project No. 2201, State Project No. EA 05-142284L, Federal Aid Project No. STPLZ-5944 (041);
- b. Authorize the Resource Management Agency Director to execute the Temporary Construction Easement and Lease Agreement.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve the Temporary Construction Easement and Lease Agreement with Diana P. Spitzer, Trustee of the Phyllis L. Pitts Living Trust Dated May 8, 1984, as amended, Denise L. Andrews, individually and as Co-Trustee of The Phyllis L. Pitts Children's Living Trust I Dated November 5, 1984, and Diana P. Spitzer, as Executor of the Estate of Phyllis L. Pitts, deceased, in the amount of \$8,450 for APN 421-221-001 for the lease of 0.317 acres (13,809 sq. ft.) for a temporary construction easement necessary for the construction of the Peach Tree Road at Pancho Rico Bridge Replacement Project County Bridge No. 412, Project No. 2201, State Project No. EA 05-142284L, Federal Aid Project No. STPLZ-5944 (041);
- b. Authorize the Resource Management Agency Director to execute the Temporary Construction Easement and Lease Agreement.

SUMMARY:

Approval of the Temporary Construction Easement and Lease Agreement (Agreement) will provide for the right-of-way and temporary construction easement required for the reconstruction of the Peach Tree Road Bridge Replacement Project, County Bridge No. 412, State Bridge No. 44C-0151, Federal Aid Project No. STPLZ-5944(041), Project No. 2201.

DISCUSSION:

On July 8, 2014, the Board of Supervisors adopted the Mitigated Negative Declaration for the Peach Tree Road at Pancho Rico Bridge Replacement Project County Bridge No. 412. Given the constraints of the existing road right-of-way, additional easements are needed to successfully complete the project. Approval of the Agreement in the amount of \$8,450 for APN 421-221-001 for the lease of 0.317 acres (13,809 sq. ft.) for a temporary construction

easement is necessary to construct the project.

The proposed project is the replacement of the existing seismically deficient bridge on Peach Tree Road over Pancho Rico Creek, which is located east of San Ardo in southern Monterey County. The proposed project involves the installation of a new single clear span bridge over Pancho Rico Creek with a structure that will meet current California Department of Transportation (Caltrans) seismic standards. The existing bridge was constructed in 1955, and is approximately 17 feet wide and 59 feet long and does not meet current design or seismic safety standards. The new bridge will be approximately 28 feet wide and 80 feet long and will clear-span Pancho Rico Creek. The new bridge will be supported by two (2) abutments, one (1) on each side of the creek, outside of the creek channel.

The value of the subject easement was determined by an appraisal performed by David B. Wraa, MAI. The appraisal indicates the compensation due as of the valuation date of February 17, 2014 was \$100 for the temporary easement. The right-of-way acquisition negotiations were conducted by Bill Silver of Bender Rosenthal, Inc and staff. After right-of-way negotiations, the Agreement was signed by the Trustees in the amount of \$8,450 to enable the temporary placement of a power pole to their property during construction and subsequent relocation of the pole to its original location at the end of the construction.

This Agreement and the settled amount is the result of two years of lengthy negotiations with the property owner and subsequent descendants. These negotiations resulted in additional costs associated with eminent domain discussions, engineering design changes, legal documents and surveys; coordination with P.G.&E. for relocation of the power poles and coordination with Caltrans for the preapproval to finance the purchase at above fair market value. All other right-of-way easements were acquired in a timely manner and without incident.

Following completion of all easement transactions with the property owners, the project will be submitted to Caltrans for right-of-way certification. The completed purchase of the easement and Caltrans right-of-way certification is required for authorization of the project prior to start of construction in the summer of 2016.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has reviewed and approved the Agreement as to form as revised. Caltrans supports moving forward with the temporary construction easement for this project rather than pursuing eminent domain.

FINANCING:

There is no financial impact to the General Fund. The right-of-way phase of the project is budgeted for \$169,996, of which includes \$25,000 consultant services, \$9,500 for easements and \$69,000 for P.G. & E utility relocation and \$66,496 staff engineering. The total estimated project cost, including project management, engineering, utility relocation and construction is \$2,810,610, which will be funded by Federal Highway Administration (FHWA) funds and State Seismic Fund. Additional funding from a variety of Federal, State and local revenue has been authorized for design, environmental, right-of-way and construction of the project. Due to the unanticipated increased costs related to the right-of-way acquisitions, the project is currently unfunded in the amount of \$34,021 which may impact the Road Fund (Fund 002, Unit 8195).

However, these costs are eligible for reimbursement under the Highway Bridge Program (HRP). Staff will request reimbursement from CalTrans for the additional costs. There are sufficient appropriations in the Road Fund (Fund 002, Unit 8195) to finance this Temporary Construction Easement and Lease Agreement.

Prepared by: Enrique M. Saavedra, RMA- Asst. Dir. of Public Works (Acting) (831) 755-8970

Approved by: Carl P. Holm, AICP, RMA Director

Dated: January 15, 2016

Attachments: Temporary Construction Easement and Lease Agreement; Project Budget; Location Map (Attachments on file with the Clerk of the Board)