



County of Monterey

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: 23-225

March 21, 2023

Introduced: 3/7/2023

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

Adopt a Resolution of Necessity Finding and determining that:

- a. The Public Interest and Necessity Require the Davis Road Bridge Replacement and Road Widening Project (Project).
- b. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- c. The property sought to be acquired is necessary for the Project.

California Environmental Quality Act Action: Environmental Impact Report certified by the Board of Supervisors on July 11, 2016.

Project Location: Davis Road between Blanco Road and Reservation Road, south of the City of Salinas.

Property Owners of Record: Susan E. Linscott, Christopher George Davis, Eric Lee Davis (AKA Eric Verskusky), Lisa Marie Linscott, Heirs and devisees of George L. Davis, Successor trustees and beneficiaries of the Will of George T. Davis, et al.

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a Resolution of Necessity Finding and determining that:

- a. The Public Interest and Necessity Require the Davis Road Bridge Replacement and Road Widening Project (Project).
- b. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- c. The property sought to be acquired is necessary for the Project.

SUMMARY/DISCUSSION:

The Department of Public Works, Facilities, and Parks (PWFP) is proposing the DAVIS ROAD BRIDGE REPLACEMENT AND ROAD WIDENING PROJECT, COUNTY BRIDGE NO. 208, STATE PROJECT NO. 44C-0068, FEDERAL AID PROJECT NO. BRLS-5944 (068) (Project). The Project consists of replacing the existing two-lane, low-level Davis Road Bridge (Bridge No. 44C-0068) over the Salinas River with a longer bridge that meets current American Association of State Highway and Transportation Officials (AASHTO) requirements. The existing Davis Road Bridge is located approximately two (2) miles south of the City of Salinas. The Project also proposes to widen Davis Road from two (2) lanes to four (4) lanes for approximately 2.1 miles between Blanco Road on the north and Reservation Road on the south.

The Project's primary purpose is to construct an all-weather crossing over the Salinas River on Davis Road. The current river crossing is a low-level crossing that is overtopped during larger flows of the Salinas River. The concept of widening Davis Road to four-lanes resulted from the need to provide further carrying capacity between the Salinas area and the Monterey Peninsula. The need for widening was further articulated in the Regional Transportation Plans developed by the Transportation Agency for Monterey County (TAMC) for the region and the Fort Ord Reuse planning documents. Furthermore, on June 24, 2015, the TAMC Board adopted the Marina-Salinas Multimodal Corridor Conceptual Plan that included the all-weather crossing and the widening of Davis Road to four lanes between Reservation Road and Blanco Road. To further the multimodal aspect of the corridor, the Project proposes to provide Class II (striped) bike lanes along Davis Road, and a bus queue-at the intersection of Blanco and Davis Roads. The Project will also reconstruct the intersections of Reservation Road/Davis Road by replacing the existing signal with a roundabout. The Reservation Road/Davis Road intersection improvements are mitigation requirements to offset the additional traffic from the East Garrison Development.

Permanent Roadway Easements and Temporary Construction Easements are needed from sixteen (16) adjacent properties to construct the Project. Permanent Roadway Easements and Temporary Construction Easements from three (3) of the sixteen (16) properties have been approved and the corresponding Permanent Roadway Easements have been recorded with the County Recorder. Additional easements from three (3) parcels have been signed by the property owners and are in the approval process.

However, there have been challenges with obtaining the needed Permanent Roadway Easement and Temporary Construction Easement from parcel APN 207-041-006 (hereafter "subject property" or "parcel") owned by Susan E. Linscott, Christopher George Davis, Eric Lee Davis, (AKA Eric Verskusky), Lisa Marie Linscott, Heirs and devisees of George L. Davis, Successor trustees and beneficiaries of the Will of George T. Davis, et. al (owners) because of the difficulty in identifying, locating and getting all of the property owners of record to respond to our communications regarding property ownership and/or purchase amount offer.

The County has retained the services of Overland Pacific & Cutler, LLC., (OPC) to perform the appraisals and conduct the right-of-way negotiations for the easements. OPC staff, in consultation with Caltrans Local Assistance staff has recommended that Monterey County adopt a Resolution of Necessity pursuant to California Code of Civil Procedure Section 1240.030 et seq. to timely secure the Project funding in light of unexpected Project delays.

Adoption of a Resolution of Necessity is a step in the eminent domain process for acquiring the easements for the subject property. Pursuant to California Government Code sections 7260 et seq., 7267.2 and 37350.5, and, California Code of Civil Procedure Section 1230.010 et seq. and Section 19, Article I of the California Constitution, and other applicable authorities, the County is authorized to acquire the property by eminent domain, provided certain procedural steps are followed.

County and OPC staff have been in contact with some of the owner's representative over the past four years trying to engage the owners to sign the easement purchase agreement. However, based on communications with the representatives of some of the property owners of record, and challenges

related to identifying and locating all of the property owners of record, in consultation with Caltrans and OPC, we have determined that the eminent domain process is the most viable option to timely obtain the right of way easements needed to meet Caltrans and Federal Highway Administration (FHWA) Program funding deadlines. Adoption of the Resolution of Necessity is needed to initiate the eminent domain process and timely secure grant funding for the construction of the Project. Caltrans and FHWA Program staff are requiring adoption of a Resolution of Necessity for the subject property and other properties for which the necessary right of way easements have not been acquired prior to programming the estimated \$41.5 Million in Project construction funding.

On March 1, 2022, the Board of Supervisors adopted a Resolution of Necessity (RON) for this parcel. However, upon further communication with the representative for some of the property owners of record, and further research regarding the chain of title, it was determined that there are other parties and potential heirs that may have an ownership interest in the subject property. Therefore, to provide notice and due process to all property owners of record, a revised RON, with notice of hearing to all property owners of record and a hearing on the proposed RON is required to proceed with the eminent domain action. A revised RON, which includes the updated ownership information will need to be considered and adopted by the Board of Supervisors to proceed with the eminent domain action.

On July 11, 2016, the Board of Supervisors certified the Environmental Impact Report (EIR) for the Project and directed the former Resource Management Agency (RMA) to proceed with the Project's final design and related activities to be able to construct the Project. An EIR Addendum for the Project was prepared to amend the Project design details to incorporate design modifications following the Value Analysis Study Report prepared in 2017. The EIR Addendum was filed and approved by Caltrans on May 8, 2020. The Project is scheduled to begin construction in the Spring of 2024, provided the funding is secured and the easements are obtained.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has reviewed and approved the RON as to form.

FINANCING:

The Project's estimated total cost, including engineering, environmental, right-of-way and construction, is \$77.7 million. The Project is currently unfunded in the amount of \$23.6 million. Staff is actively pursuing additional funding sources to fully fund the Project before initiating the construction phase. If full funding is not obtained for the Project by the time final design has been completed, staff will analyze options for phasing the Project's construction.

Funding from a various Federal, State and local revenue has been authorized for the design and right-of-way portion of the Project. Sufficient appropriations of \$6,554,715 are available for this Project phase in the Public Works FY 23 Annual Work Program for Road Fund, Fund 002, Unit 8558. Therefore, there is no planned General Fund contribution for this Project.

The total estimated Project cost for the right-of-way phase of the Project is estimated at \$6.9 million. This phase of the Project is largely funded by the Federal Highway Administration (FHWA) Highway Bridge Program (HBP) in the amount of \$3,183,841. The Project is also funded by Local Funds

Legistar File Number: 23-225

comprised of funds from the Regional Surface Transportation Program (RSTP) and development impact fees. There are sufficient appropriations adopted in the FY 2022-23 Road Fund 002 to finance the right of way phase of the Project.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The Project will replace the existing seismically deficient Davis Road Bridge with a new four (4) lane bridge that meets AASHTO and Caltrans Design Standards and widen the road to four-lanes to meet the traffic needs. The recommended action supports the following board of Supervisors' Strategic Initiative:

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Enrique Saavedra, PE, Chief of Public Works, (831) 755-8970

Reviewed by: Tom Bonigut, PE, Assistant Director of Public Works, Facilities, and Parks

Approved by: Randell Ishii, MS, PE, TE, PTOE, Director of Public Works, Facilities, and Parks

DocuSigned by:
Randell Ishii
C09779208FE94F3...

Attachments:

- Attachment A - Project Budget
- Attachment B - Location Map
- Attachment C - Resolution of Necessity
- Attachment D - Linscott Easement