



Legislation Details (With Board Report)

File #:	A 21-125	Name:	Nacimiento Lake Dr Bridge TCE Amend No. 1
Type:	BoS Agreement	Status:	Passed - RMA Administration
File created:	4/2/2021	In control:	Board of Supervisors
On agenda:	4/27/2021	Final action:	4/27/2021

Title: a. Approve an Amendment to the Agreement for Purchase of Real Property between the County of Monterey and the Greg and Lynn Brown Revocable Trust dated April 11, 2005 (APN 424-091-021), to amend the term the of the Temporary Construction Easement (TCE) to begin on May 1, 2020 for the construction of the Nacimiento Lake Drive Bridge Project, Project No. 2202; and
b. Authorize the Director of Public Works, Facilities and Parks to execute the Amendment to the Agreement for Purchase of Real Property on behalf of the County.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Location Map, 3. Attachment B - Project Budget, 4. Attachment C - Agreement for Purchase of Real Property, 5. Attachment D - (Proposed) Amendment No. 1 - to 2019 Agreement to Purchase of Real Property, 6. Attachment E - Temporary Construction Easement (New), 7. Attachment F - Temporary Construction Easement (Original), 8. Completed Board Order Item No. 33, 9. Fully Executed Agreement with Greg and Lynn Brown Revocable Trust Amendment No. 2

Date	Ver.	Action By	Action	Result
4/27/2021	1	Board of Supervisors	approved - rma administration	Pass

a. Approve an Amendment to the Agreement for Purchase of Real Property between the County of Monterey and the Greg and Lynn Brown Revocable Trust dated April 11, 2005 (APN 424-091-021), to amend the term the of the Temporary Construction Easement (TCE) to begin on May 1, 2020 for the construction of the Nacimiento Lake Drive Bridge Project, Project No. 2202; and
b. Authorize the Director of Public Works, Facilities and Parks to execute the Amendment to the Agreement for Purchase of Real Property on behalf of the County.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve an Amendment to the Agreement for Purchase of Real Property between the County of Monterey and the Greg and Lynn Brown Revocable Trust dated April 11, 2005 (APN 424-091-021), to amend the term of the Temporary Construction Easement (TCE) to begin on May 1, 2020 for the construction of the Nacimiento Lake Drive Bridge Project, Project No. 2202; and
- b. Authorize the Director of Public Works, Facilities and Parks to execute the Amendment to the Agreement for Purchase of Real Property on behalf of the County.

SUMMARY/DISCUSSION:

The County of Monterey Department of Public Works, Facilities, and Parks (PWFP) is working on the Nacimiento Lake Drive Bridge Project, Project No. 2202 (Project) to replace the existing single-lane Nacimiento Lake Drive Bridge with a new two (2) lane bridge. The Project site is located southwest of the community of Bradley, in southern Monterey County (Attachment A - Location Map). The existing bridge was determined to be seismically deficient. This Project will replace the existing bridge under the State Seismic Retrofit program.

On March 26, 2019 the Board of Supervisors approved an Agreement for Purchase of Real Property (2019 Purchase Agreement) between the County and the Greg and Lynn Brown Revocable Trust dated April 11, 2005 (Owner) (Attachment C - 2019 Purchase Agreement).

The 2019 Purchase Agreement included Section 3. PURCHASE PRICE AND TITLE as set forth below:

“3. PURCHASE PRICE AND TITLE:

The purchase price for the Permanent Roadway and Utility Easement to be purchased and TCE to be leased by GRANTEE minus the appraised value of the Right of Way to be relinquished by GRANTEE is **Ten Thousand Dollars (\$10,000)**. GRANTEE shall deliver the purchase price into escrow after the Agreement for Purchase of Real Property is approved by the Board of Supervisors and full execution and delivery of the Permanent Roadway and Utility Easement Deed, the Deed of Right of Way that will relinquish the GRANTEE’s Right of Way to GRANTOR, and the TCE Deed into escrow. GRANTOR shall, by Grant of Permanent Roadway and Utility Easement, grant to GRANTEE the Project Property, free and clear of tax liens that would render the Project Property unsuitable for the intended purposes.”

The 2019 Purchase Agreement included the use of a Temporary Construction Easement (TCE) by the County for the purpose of providing access, staging, use of equipment, and construction of the new bridge for the Nacimiento Lake Drive Bridge Replacement Project. A TCE was executed by the Owner on September 21, 2018 (Attachment D - 2018 TCE). Per the 2019 Purchase Agreement and 2018 TCE, the County’s use of the TCE was anticipated to begin on the date the County deposited the full purchase price into escrow, which was on April 30, 2019, and to continue for a two (2) year period to April 30, 2021. The proposed Amendment to the 2019 Purchase Agreement (Attachment E - [Proposed] Amendment to 2019 Purchase Agreement) will amend the term of the TCE to begin on May 1, 2020 and continue to May 1, 2022. The date scheduled to begin use of the TCE is May 1, 2021. The TCE will be necessary on or about May 1, 2021. Staff estimates that the portion of the Project which requires the subject TCE will be completed on or before May 1, 2022. Without approval of the proposed Amendment to the 2019 Purchase Agreement, the TCE would end on April 30, 2021 which is prior to the anticipated completion of the portion of the Project which requires the subject TCE.

The proposed Amendment to the 2019 Purchase Agreement will change the beginning date of the TCE from the date of the County’s deposit of the full purchase price into escrow of April 30, 2019, to May 1, 2020. Approval of the proposed Amendment to the 2019 Purchase Agreement will not result in a cost to the Project because the proposed Amendment consists of a schedule change only.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel-Risk Manager has reviewed and approved the proposed Amendment to the 2019 Purchase Agreement as to form.

FINANCING:

The total estimated Project cost, including engineering, environmental review, right-of-way, and construction is \$11,000,000. (Attachment B - Project Budget). The estimated cost to purchase the necessary right-of-way for the Project is \$475,858. The purchase price for the Permanent Roadway and Utility Easement, Deed of Right of Way, and use of the TCE was \$10,000. The Project is largely funded by the Federal Highway Administration (FHWA) Highway Bridge Program (HBP) in the amount of \$8,583,027. The Project is also funded by State Seismic Funds (\$983,032.), Measure X (\$941,391), and by the Road Fund (\$492,550). There are sufficient appropriations adopted in the FY 2020-21 Road Fund 002, Appropriation Unit RMA 012 budget to finance the portion of the construction phase planned for FY 2020-21. PWWP has included this project in the FY 2021-22 recommended budget based on the current project timeline. The FY 2021-22 budget is expected to be adopted by the Board of Supervisors in late June 2021.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The Project is to replace the existing seismically deficient Nacimiento Lake Drive Bridge with a new two (2) lane bridge that meets State standards. The recommended action supports the following Board of Supervisors' Strategic Initiatives:

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

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Reviewed by: Shawne Ellerbee, Assistant Director of Public Works, Facilities and Parks

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

Attachment A - Location Map

Attachment B - Project Budget

Attachment C - Agreement for Purchase of Real Property

Attachment D - [Proposed] Amendment No. 1 to 2019 Agreement to Purchase of Real Property

Attachment E - Temporary Construction Easement (New)

Attachment F - Temporary Construction Easement (Original)