



# County of Monterey

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

## Board Report

---

**File #:** A 21-533, **Version:** 1

---

- a. Adopt Plans and Special Provisions for the River Road Emergency Repair at Fairview Road, Project No. 7210 (Project);
- b. Authorize the Director of Public Works, Facilities & Parks to advertise the “Notice to Bidders” in the Monterey County Weekly;
- c. Ratify and accept the donation as reflected in the Agreement for Purchase of Real Property for a Permanent Drainage Easement and a Temporary Construction Easement between County of Monterey and John M. Peterson Jr. and Lynn P. Peterson, Trustees of The Peterson Revocable Trust dated July 1, 2010 (APN 216-021-005) for the construction of River Road Emergency Repair at Fairview Road project, Project No.7210;
- d. Ratify and accept the donation as reflected in the Agreement for Purchase of Real Property for a Permanent Drainage Easement and a Temporary Construction Easement between County of Monterey and Edward Silva Jr. and Evelyn Silva, Trustees of The Silva Family Living Trust dated February 9, 1996 (APN 216-023-013) for right-of-way for the construction of River Road Emergency Repair at Fairview Road project, Project No.7210; and
- e. Authorize the Director of Public Works, Facilities & Parks to execute future amendments to these Agreements where the amendments do not significantly alter the scope or cost of the approved Agreements for Purchase of Real Property for Permanent Drainage Easements, and Temporary Construction Easements.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Adopt Plans and Special Provisions for the River Road Emergency Repair at Fairview Road, Project No. 7210 (Project);
- b. Authorize the Director of Public Works, Facilities & Parks to advertise the “Notice to Bidders” in the Monterey County Weekly;
- c. Ratify and accept the donation as reflected in the Agreement for Purchase of Real Property for a Permanent Drainage Easement and a Temporary Construction Easement between County of Monterey and John M. Peterson Jr. and Lynn P. Peterson, Trustees of The Peterson Revocable Trust dated July 1, 2010 (APN 216-021-005) for the construction of River Road Emergency Repair at Fairview Road project, Project No.7210;
- d. Ratify and accept the donation as reflected in the Agreement for Purchase of Real Property for a Permanent Drainage Easement and a Temporary Construction Easement between County of Monterey and Edward Silva Jr. and Evelyn Silva, Trustees of The Silva Family Living Trust dated February 9, 1996 (APN 216-023-013) for right-of-way for the construction of River Road Emergency Repair at Fairview Road project, Project No.7210; and
- e. Authorize the Director of Public Works, Facilities & Parks to execute future amendments to these Agreements where the amendments do not significantly alter the scope or cost of the approved agreements for Purchase of Real Property for Permanent Drainage Easements, and Temporary Construction Easements.

### SUMMARY/DISCUSSION:

During the Winter Storms of 2021, several county roads were affected by the heavy rains, excessive storm water flows, and debris/mud flows. The River Road Emergency Repair at Fairview Road (Project) is one of those projects resulting from the 2021 Winter Storms, located southwest of the City of Gonzales along River Road at Fairview Road. This section of River Road is directly downhill of the 2020 River Fire burn scar. After an emergency declaration by the State, this Project became eligible for disaster-relief funding. The Project consists of installing two (2) 48-inch diameter culverts, in place of the existing single 60 inch diameter culvert, that failed as a result of the immense amount of sediment and runoff that washed down the hillside from the 2021 Winter Storms. The Project will also require clearing and grubbing around the inlet and outlet of the culvert, stabilization of the damaged slopes and traffic control consisting of temporary lane closures during work hours to establish safe work zone. A complete road closure will be necessary to perform a portion of the work and will be limited to three-week period in the middle of the construction season accompanied with a traffic detour, for each direction, which will also be maintained during nonwork periods.

In compliance with the California Environmental Quality Act (CEQA), Monterey County Public Works, Facilities & Parks (PWFP) filed a Notice of Exemption on February 5<sup>th</sup>, 2021. The Project was determined to be a Declared Emergency pursuant to the California Environmental Quality Act (CEQA) because it is to perform repair and maintenance of existing streets and similar facilities, which involves no expansion of an existing use (See California Code of Regulations [CCR] § 21080(b)(3); 15269(a)). Caltrans, as the designated lead for the National Environmental Policy Act (NEPA), determined that the Project is categorically excluded from having to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). Caltrans approved the NEPA Categorical Exemption/Categorical Exclusion Determination on June 2, 2021.

The bid opening is set for January 14, 2022 at 2:00 p.m., in the Board of Supervisors' Conference Room 1032, County Administration Building, Government Center, 168 West Alisal Street, 1st Floor, Salinas, California 93901. Project construction is scheduled to begin in April 2022.

Adopting the Plans and Special Provisions and authorizing PWFP to advertise the Project, will allow PWFP to proceed with the construction phase of the Project and solicit construction bids. PWFP will return to the Board after opening bids and determining the lowest responsible and responsive bidder to award the Project.

Temporary construction easements (TCE) are required to construct the Project. Bender Rosenthal, Inc. (BRI) performed the appraisal and conducted the right-of-way negotiations for Monterey County. The proposed Agreements for the Purchase of Real Property between the County and the Trustees of the Peterson Revocable Trust and the Trustees of the Silva Family Living Trust are required for the County to complete the right-of-way phase of the Project. BRI informed the Trustees regarding their right to compensation for the easements. However, the Trustees opted to donate the necessary easements to the County of Monterey to expedite the construction of the Project. The terms of the donations are reflected in the respective Purchase and Sale Agreements. The Trustees were informed of the right to compensation for the subject properties, which have been donated and conveyed to the County by the Trustees pursuant to conveyance Document No. 216-021-0105 (By Grantor: The Peterson Revocable Trust) and Document No. 216-021-013 (By Grantor: Silva Living Trust DTD February 9, 1996) which are on file with the County Recorder. The County shall pay all costs for recording fees incurred in these transactions.

#### OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel-Risk Management and the Auditor-Controller have reviewed and approved the Special Provisions as to form, insurance and indemnification provisions, and fiscal provisions, respectively. The Purchase and Sale Agreements which reflect the terms of the donations have been approved as to form by

the Office of the County Counsel.

**FINANCING:**

The total estimated Project cost including engineering design, environmental documentation and permitting, right-of-way, and construction is \$2,253,600.

The Project is funded mostly through the Federal Highway (FHWA) Permanent Restoration Program \$1,996,014 and a SB 1 match of \$257,586. See Attachment B for further details on the Project budget. There are currently sufficient appropriations in the amount in the adopted FY 2021-22 Road Fund 002, Appropriation Unit PFP 004 budget to finance the construction phase of the Project.

**BOARD OF SUPERVISORS STRATEGIC INITIATIVES:**

The Project will replace the existing corrugated metal pipe underneath River Road at Fairview Road with two 48” pipes to provide a safe passage of water and debris under River Road. The recommended action supports the following Board of Supervisors’ Strategic Initiative:

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

Prepared by: Kyle Oyama, EIT, Project Manager II, (831) 755-5090

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

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

Attachments on file with the Clerk of the Board:

Attachment A - Location Map

Attachment B - Project Budget

Attachment C - Specifications Book 1 & Book 2

Attachment D - Purchase Agreement with John and Lynn Peterson, Easement Deed, Temporary Construction Easement

Attachment E - Purchase Agreement with Edward and Evelyn Silva, Easement Deed, Temporary Construction Easement