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SBCAG STAFF REPORT

SUBJECT: Highway 101 HOV: Right of Way Capital Expenditures – Segment 4C

MEETING DATE: June 20, 2019

AGENDA ITEM: 40

STAFF CONTACT: Fred Luna

RECOMMENDATION:

Adopt Resolution 19-29 authorizing the Executive Director to execute Agreements for the acquisition of temporary rights of way as required to complete the Highway 101: Segment 4C project. Executive Director's authority for such Agreements shall extend through June 30, 2021 and no single Agreement shall exceed \$50,000. Total compensation for such agreements in aggregate shall not exceed \$3,660,000 pursuant to Caltrans Cooperative Agreement 05-0341. Funding must be appropriated and prior to execution. Agreements must be reviewed by legal counsel.

DISCUSSION:

Staff is recommending approval by the SBCAG board of Resolution 19-29 to authorize the Executive Director to be able to sign and approve agreements to compensate property owners for temporary use of the property (temporary easements) associated with the Highway 101 HOV Segment 4C. Resolution 19-29 would delegate limited approval authority to the Executive Director to expedite settlement of right of way agreements to meet the needs of the project schedule. The delegated authority is limited to these temporary easements and compensation for any one single Agreement cannot exceed \$50,000. In addition, Resolution 19-29 provides the authority until June 30, 2021, which is anticipated to be sufficient time both during pre-construction to settle currently identified temporary rights and any new rights that may be needed during the early stages of construction. The maximum aggregate compensation is limited to \$3,600,000 which was the budget authorized by the SBCAG board for right of way capital expenditures which was approved via Caltrans Cooperative Agreement 05-0341.

Initial offers for right of way compensation will be made in July 2019. SBCAG is working toward early delivery of Segment 4C that would allow construction to begin in Summer of 2020 and thus would need all right of way matters certified by early February 2020, which is approximately seven months away. This resolution is expected to facilitate expedited settlements.

COMMITTEE REVIEW: None.

ATTACHMENTS:

A. Resolution 19-29

ATTACHMENT A
RESOLUTION OF THE
SANTA BARBARA COUNTY ASSOCIATION OF GOVERNMENTS

AUTHORIZE THE EXECUTIVE DIRECTOR OF SBCAG TO EXECUTE AGREEMENTS FOR ACQUISITION OF RIGHTS OF WAY IN ACCORDANCE WITH CALTRANS COOPERATIVE AGREEMENT 05-0341 PURSUANT TO FUNDING SBCAG HAS APPROPRIATED FOR THE HWY 101 PROJECT, SEGMENT 4C.

RESOLUTION NO. 19-29

WHEREAS, the Santa Barbara Association of Governments (SBCAG) is the designated Local Transportation Authority (LTA) for Santa Barbara County and thus administers all funds collected as a result of the passage of the "Road Repair, Traffic Relief and Transportation Safety Measure for Santa Barbara County" Transportation Investment Plan (Measure A);

WHEREAS, included in Measure A Investment Plan is a project called "Highway 101 Widening Carpinteria to Santa Barbara;"

WHEREAS, on March 16, 2017, the SBCAG Board approved implementation recommendations for Highway 101 including integration of the Highway 101 HOV Project with the Highway 101 rehabilitation improvements, collectively referred to as the Highway 101: Carpinteria to Santa Barbara Project (HWY 101 PROJECT). The HWY 101 PROJECT has been divided into five Segments 4A through 4E for implementation purposes;

WHEREAS, on August 17, 2017, the SBCAG Board approved a Memorandum of Understanding (MOU) with the California Department of Transportation (CALTRANS) for work to be done on the HWY 101 PROJECT and identified the need for the execution of future Cooperative Agreements to define roles, responsibilities and funding including CALTRANS' role to provide oversight for segments of Phase 4 of the HWY 101 PROJECT;

WHEREAS, on January 17, 2019, the SBCAG Board approved Cooperative Agreement 05-0341 with CALTRANS defining SBCAG's lead role and financial contributions in implementing the plans, specifications and estimate (PS&E) and right of way (ROW) phases of the Highway 101: Carpinteria to Santa Barbara Project – Segment 4C (HWY 101 4C);

WHEREAS, on January 17, 2019, the SBCAG Board approved resolution 19-04 that acknowledged SBCAG had appropriated Measure A funding for use to offset anticipated expenditures in implementing PS&E and ROW phases of the HWY 101 4C;

WHEREAS, on May 16, 2019, the SBCAG Board approved Amendment No. 1 to Cooperative Agreement 05-0341 refining SBCAG's intended financial contribution both in the amount and the source of funds for the PS&E and ROW phases for the HWY 101 4C;

WHEREAS, SBCAG has identified the need to acquire temporary rights from property owners in the form of easements through the approval of ROW agreements and amendments (ROW CONTRACTS) in order to construct the HWY 101 4C;

WHEREAS, SBCAG desires to have flexibility to negotiate final compensation for temporary easements to maintain the schedule for the HWY 101 4C;

WHEREAS, SBCAG has recently completed appraisals for temporary easements required for HWY 101 4C and is prepared to make offers to property owners;

WHEREAS, the HWY 101 4C is currently programmed for construction funding in FY 20/21 for Senate Bill 1 (SB1) funding and thus SBCAG and CALTRANS will need to request an allocation of those funds by the California Transportation Commission (CTC) no later than June 2021;

WHEREAS, to prevent delays in acquisition of rights of way, the SBCAG Board wishes to delegate authority to the SBCAG Executive Director to execute ROW CONTRACTS;

WHEREAS, to retain adequate safeguards the SBCAG Board wishes to restrict the SBCAG Executive Director's authority to approve and execute ROW CONTRACTS to the period of June 20, 2019 through June 30, 2021 unless otherwise ordered by the Board;

WHEREAS, to retain adequate safeguards the SBCAG Board wishes to restrict the SBCAG Executive Director's authority to approve and execute ROW CONTRACTS to those based on an appraised value, and, no single ROW CONTRACT and associated amendments shall exceed \$50,000; such amount must be appropriated by the Board under the OWP prior to execution unless otherwise ordered by the Board;

WHEREAS, to retain adequate safeguards the SBCAG Board wishes to ensure that prior to execution of each ROW CONTRACT it will be reviewed and approved as to form by legal counsel; and

WHEREAS, the Executive Director shall annually submit executed Agreements and/or Amendments to the SBCAG Board to be received and filed as part of the OWP.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT the SBCAG Board authorizes the Executive Director of SBCAG to execute ROW CONTRACTS as required pursuant to Caltrans Cooperative Agreement 05-0341 for the HWY 101 4C;

BE IT FURTHER RESOLVED THAT the SBCAG Executive Director's authority to approve and execute ROW CONTRACTS for the HWY 101 4C is for the period of June 20, 2019 through June 30, 2021 unless otherwise ordered by the Board;

BE IT FURTHER RESOLVED THAT the SBCAG Executive Director's authority to approve and execute ROW CONTRACTS for the HWY 101 4C must be based on an appraised value, and, no single ROW CONTRACT and associated amendments shall exceed \$50,000; such amount(s) must be appropriated by the Board under the OWP prior to execution unless otherwise ordered by the Board;

BE IT FURTHER RESOLVED THAT prior to the SBCAG Executive Director's execution of each ROW CONTRACT for the HWY 101 4C it will be reviewed and approved as to form by legal counsel; and

BE IT FURTHER RESOLVED THAT the Executive Director shall annually submit executed ROW CONTRACTS for the HWY 101 4C to the SBCAG Board to be received and filed as part of the OWP.

PASSED AND ADOPTED this 20th day of June 2019 by the following vote:

AYES:

NOES:

ABSENT:

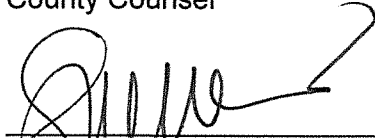
ABSTAIN:

ATTEST:

Marjie Kirn
Executive Director

Alice Patino, Chair
Santa Barbara County
Association of Governments

APPROVED AS TO FORM:
Michael C. Ghizzoni
County Counsel



Deputy County Counsel