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Agenda Date: 11/13/2018

Agenda Placement: 6H

## NAPA COUNTY BOARD OF SUPERVISORS

### Board Agenda Letter

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**TO:** Board of Supervisors

**FROM:** Steven Lederer - Director of Public Works  
Public Works

**REPORT BY:** Graham Wadsworth, Engineering Supervisor - 259-8331

**SUBJECT:** Amendment No. 2 to Purchase And Sales Agreement No. 160123B - Acquisition of Property Rights and Temporary Construction Easement from Michael Hegarty for Devlin Road Segment E, RDS 11-06

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#### **RECOMMENDATION**

Director of Public Works requests the following:

1. Approval of and authorization for the Chair to sign Amendment No. 2 to Purchase And Sales Agreement No. 160123B and other documents with Michael Hegarty required for the extension of the temporary construction easement located on APN: 057-110-023 for the construction of Devlin Road Segment E, RDS 11-06 in Napa County; and
2. Approval of Budget Transfer No. DPW013 for the following (4/5 vote required):
  - a. Increasing appropriation by \$210,000 in the Traffic Mitigation-Airport Industrial Area Non-Operating Special Revenue Fund Budget (Fund 2440, Sub-Division 1220050) offset by the use of its available fund balance; and
  - b. Increase appropriation by \$210,000 in the Program 10002, Devlin Road Segment E project budget within the Road Capital Improvement Project budget (Fund 2040, Sub-Division 2040500) with offsetting revenues from the Traffic Mitigation-Airport Industrial Area Non-Operating Special Revenue Fund Budget.

#### **EXECUTIVE SUMMARY**

Devlin Road Segment E will be constructed from the existing Tower Road/Devlin Road intersection north through APN: 057-110-023-000 and through APN: 057-110-012-000 to the existing terminus of Devlin Road just north of Fagan Creek. It will also include a new bridge crossing over Fagan Creek located at APN: 057-110-012-000.

On April 22, 2014, the Board approved the Purchase and Sale Agreement for Michael R. Hegarty for \$427,800. The negotiated amount included \$21,606 for the Temporary Construction Easement (TCE) for a period of 18 months commencing at the time of close of escrow (ended December 2015). On May 10, 2016, the Board approved Amendment 1 for the extension of the TCE for 36 additional months. To complete the project, staff negotiated with the property owner for a maximum of 18 additional months as follows: at a rate of \$1,580 per month for the final 18 months. Staff believes this amount is a fair settlement and recommends the Board approve the Amendment.

### **FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	Traffic Mitigation-Airport Industrial and American Canyon Area Non-Operating Special Revenue Funds (TMF) Budget currently has approximately \$4.17 million in its available fund balance. The Fiscal Year 2018-19 Budget for the Devlin Road Segment E project included \$87,753. Additional \$210,000 transfer from the TMF to the project budget is requested to fund anticipated costs until the construction contract is awarded.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Staff and consultant expenses are required to prepare the project for bidding and a temporary construction easement is required for the road construction.
Is the general fund affected?	No
Future fiscal impact:	Construction is being funded by the Traffic Mitigation Fees, Industrial area and American Canyon (Fund 2040, Subdivision 1220050 and 1220051) and future maintenance will be funded by the Roads Fund.
Consequences if not approved:	The Devlin Road Segment E Project will not be constructed.
Additional Information:	Staff is evaluating additional funding strategies to supplement the available funds. These include potentially free or low cost import soil (available at the adjacent property); Tire Derived Aggregate Grant funding from Cal Recycle for permeable backfill material behind retaining wall, below the multiuse path, and below the bioretention facilities; value engineering; and phased construction.

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration Prepared and Board adopted the Mitigated Negative Declaration on January 29, 2013. According to the Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: Biological Resources. This project site is not on any of the lists of hazardous waste sites enumerated under Government code section 65962.5

## **BACKGROUND AND DISCUSSION**

### **Devlin Road Extension**

On July 29, 1986, the Board of Supervisors approved the Airport Industrial Area Specific Plan and Environmental Impact Report. The objectives of the traffic circulation policies detailed in the document are to substantially improve regional access to the planning area, organize the regional and local roadway system into a logical and integrated network, design roadways to adequately meet future cumulative traffic demands, and provide adequate vehicular access to each parcel. One component of these objectives is to enhance existing collector roads in the system, of which Devlin Road is a part. When completed, Devlin Road will extend all the way from Soscol Ferry Road, south of Napa, to Green Island Road in American Canyon.

On June 3, 2008, the Napa County Board of Supervisors adopted the June 2008 Napa County General Plan. Policy CIR-13 of the document states that the County seeks to provide a roadway system that maintains current roadway capacities in most locations and is both safe and efficient in terms of providing local access. One objective of Policy CIR-13 is to complete Devlin Road between Soscol Ferry Road and Green Island Road to serve as a reliever route to Highway 29. This objective is also consistent with the findings set forth in the Airport Industrial Area Specific Plan.

Of the objective to complete Devlin Road between Soscol Ferry Road and Green Island Road, the County's responsibility is for the segments between Airport Boulevard and Tower Road. Of these segments, the County built a segment from Airport Boulevard south to Aviation Way (Segment C) in 2013. In 2014/2015 a private developer built the next segment from Aviation Way south to just north of Fagan Creek (Segment D). The County's responsibility will then be complete with the construction of the segment from just north of Fagan Creek to Tower Road (Segment E). This last segment is the subject of this item.

### **Segment E (Tower Road to just north of Fagan Creek) property acquisition**

On July 1, 2008, the Board adopted a resolution approving of and authorizing the Chair to sign an agreement with the City of American Canyon implementing a voter-approved growth boundary consistent with the Napa County General Plan. Part III (Agreement Obligations) - Section H (Development of Parcels) of the agreement states that the County shall take the appropriate steps to ensure that the Devlin Road extension and Bridge are completed by 2018. The agreement was based on the assumption that several parcels in American Canyon, which would provide Traffic Mitigation Fees to the County, would have developed by now. Unfortunately, they have not. Given these funding constraints, the project was not completed prior to 2018.

The "Devlin Road Extension Project," RDS 11-06 adheres to policies envisioned in the General Plan and the Specific Plan and entails the construction of a proposed roadway that will be 1,100 feet in length, which will include a bridge over Fagan Creek. The proposed extension will enhance traffic circulation through the Napa Valley Business Park and provide improved emergency vehicle access through southern Napa County and the northern portion of the City of American Canyon. Devlin Road Segment E will be constructed from the existing Tower Road/Devlin Road intersection north through APN: 057-110-023-000 and through APN: 057-110-012-000 to the existing terminus of Devlin Road just north of Fagan Creek. It will also include a new bridge crossing over Fagan Creek located at APN: 057-110-012-000. The roadway segment is approximately 1,100 feet in length, with a 92 foot clear span bridge crossing Fagan Creek. This segment of Devlin Road is proposed to have three lanes, one northbound, one southbound and a center two-way left turn lane, totaling 40 feet (or 12 foot wide lanes and 2 foot shoulder), 6 ½ foot curb, gutter and sidewalk both on the east and west sides, and 10 foot wide Class I multi-use path for pedestrian and bicycle traffic on the east side. The project includes clearing and grubbing, demolition of two existing buildings, fences, and construction of new retaining walls, rock slope protection, utilities, bioretention

swales and wetland mitigations.

The Board adopted the Mitigated Negative Declaration on January 29, 2013 and a Notice of Determination was filed on March 8, 2013. Staff had to request an extension to the following permits, which were reissued this year:

- | California Department of Fish and Wildlife Streambed Alteration Agreement - 1600-2013-0317-R3
- | U. S. Army Corps of Engineer Section 404 Water Quality Certification - 2011-00202N
- | Regional Water Quality Control Board Section 401 Permit - 797498

Staff has completed the property acquisition process for fee simple areas and/or temporary construction easements from the following property owners:

- | Biagi APN 057-240-017 - Temporary construction easement
- | Barrel Ten Quarter Circle Land Company APN 057-240-026 - Temporary construction easement
- | Brown (APN 057-110-012 - Fee Simple Area and Temporary construction easement
- | Boral Stone Products LLC APN 057-110-070 - Fee Simple Area and Temporary construction easement
- | Hegarty APN 057-110-023 - Fee Simple Area and Temporary construction easement

On April 22, 2014, the County acquired from Michael Hegarty a Temporary Construction Easement (TCE) that is an irregular strip of land abutting the fee acquisition area and is an area of 22,249 square feet. On December 4, 2015, Amendment 1 to the Purchase and Sales Agreement extended the TCE an additional 36 months past December 4, 2015. Amendment 2 will add an additional TCE period not to exceed 18 months at a rate of \$1,580 per month for the construction of the project.

The next step in the project development process is completing the 100% construction documents. It is recommended that the Board of Supervisors approve a Budget Transfer to fund the payments to Michael Hegarty for the TCE, a contractor to remove tree limbs before the bird nesting season, biologist consultant services, hazardous materials consultant services, pre-award construction management services, and County staff time for project management. It is anticipated that full funding will be available and the Board of Supervisors will be asked to approve the bid documents and authorize the project to be advertised to bidders in early 2019. Construction is tentatively scheduled to start in Spring 2019 and to be complete in Spring 2020.

### **SUPPORTING DOCUMENTS**

A . Board appropriation request spreadsheet

CEO Recommendation: Approve

Reviewed By: Helene Franchi