



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 6/2/2015

Agenda Placement: 6K

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Steven Lederer - Director of Public Works
Public Works

REPORT BY: Steven Lederer, DIR OF PUB WKS/DIST ENGINEER - 259-8228

SUBJECT: Greenwood Avenue - Acquisition of Temporary Construction and Roadway Easement

RECOMMENDATION

Director of Public Works requests approval of and authorization for the Chair to sign an agreement with Richard Battaini (APN 017-210-014) for the acquisition of a Temporary Construction and Roadway Easement on the aforementioned parcel to provide temporary vehicular access for residents of Greenwood Avenue until that portion of Greenwood Avenue over the Napa River can be re-opened through the completion of the Greenwood Avenue Culvert Replacement Project, RDS 14-21.

EXECUTIVE SUMMARY

The easement to be acquired is located on the property of Richard Battaini (APN 017-210-014). The property is located on Greenwood Avenue just west of Myrtdale Road and abuts the Napa River where a culvert failed on December 11, 2014 that cut off vehicular access to residents on a portion of Greenwood Avenue. The easement is over a pre-existing driveway, which along with a temporary access route constructed over two properties to the northwest of this easement, provides vehicular access for residents on the affected portion of Greenwood Avenue via Tubbs Lane. Staff negotiated an agreement with Richard Battaini to purchase the necessary temporary construction and roadway easement for a term of December 12, 2015 through December 31, 2015 for \$6,750. The agreement also provides the County with the option to continue to use the property for up to another year at \$250 per month. Staff recommends the Board authorize the Chair to sign the Temporary Construction and Roadway Easement Agreement and accept the easement.

FISCAL IMPACT

Is there a Fiscal Impact? Yes

Is it currently budgeted?	Yes
Where is it budgeted?	Public Works Projects Budget - Fund 1000, Subdivision 12205-00, Program 11013, Napa River TMDL Implementation. The project is paid out of Program 11013 but the cost of this easement will be reimbursed from the Roads fund.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The acquisition of this property interest allows the County to continue to provide vehicular access to residents, emergency responders, and other third parties to properties on Greenwood Avenue impacted by the failure of the roadway over the Napa River on Greenwood Avenue.
Is the general fund affected?	No
Future fiscal impact:	The property interest for the remainder of 2015 will be acquired by this action will be charged against this year's budget along with the cost of the anticipated improvements to the driveway as part of its temporary use as an access route via Tubbs Lane. The maximum fiscal impact in future years for ongoing use of the easement will be \$1,500 in 2015-16 and \$1,500 in 2016-17, but those costs will only be necessary if the bridge over the Napa River on Greenwood Avenue cannot be completed in 2015.
Consequences if not approved:	If this agreement is not approved and the easement is not accepted, the County will not be able to acquire the property interest necessary to complete the connection from Tubbs Lane to Greenwood Avenue and any claims against the County by the property owner will remain unresolved.
Additional Information:	The project is funded by \$175,000 from the US Environmental Protection Agency, \$400,000 from the State Coastal Conservancy, \$150,000 from Napa County Measure "A" funds and \$1,255,000 from the local Roads fund.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: In 2014, in planning for the Project, the County conducted an initial study under CEQA and issued a Mitigated Negative Declaration ("MND") regarding Project impacts. A Notice of Determination was issued as to the Project on November 21, 2014 and no challenges or adverse comments were received. No substantial changes have been made in the Project since the time of the MND, no substantial changes have occurred in the circumstances under which the Project is being undertaken, and no new information of substantial importance to the Project which was not known or could not have been known when the MND was prepared and issued has become known in relation to the Project or this proposed condemnation action.

BACKGROUND AND DISCUSSION

On December 11, 2014, a significant rain event resulted in the failure of a large culvert and roadway over a portion of the Napa River that carries traffic to the western end of Greenwood Avenue (the "Roadway Failure"), including most of the parcels west of Myrtledale Road. Due to the Roadway Failure, vehicular access, including vehicular access of residents, first responders, and other service providers, was cut off to at least eight (8) residences.

The easement to be acquired is located on the property of Richard Battaini (APN 017-210-014). The property is located on Greenwood Avenue just west of Myrtle Dale Road and the easement is over a pre-existing driveway on the property which, along with a temporary access route constructed over two properties to the northwest of this easement, provides temporary vehicular access for residents on the affected portion of Greenwood Avenue via Tubbs Lane. Staff negotiated an agreement with Richard Battaini to make certain improvements to the driveway and to purchase the necessary temporary construction and roadway easement for a term of December 12, 2015 through December 31, 2015 for \$6,750. The agreement also provides the County with the option to continue to use the property for up to another year at \$250 per month. Staff recommends the Board authorize the Chair to sign the Temporary Construction and Roadway Easement Agreement and accept the easement.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Molly Rattigan