



A Tradition of Stewardship  
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Agenda Date: 7/10/2012

Agenda Placement: 7E

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors

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

**REPORT BY:** Janet Walker, CIVIL ENGINEER - 259-8383

**SUBJECT:** Acquisition of Property Rights for Highway 29 Undergrounding of PG&E facilities

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### **RECOMMENDATION**

Director of Public Works requests approval of and authorization for the Chairman to sign a Purchase and Sale Agreement and other documents with Napa Valley Wine Train required for the acquisition of public utility easements needed for the Highway 29 Undergrounding of existing overhead utilities, said easements being located on APN #s 027-450-008 & 024, 030-270-011, 009-120-002 & 012 & 027, and 009-110-001, between Mee Lane and Charter Oak Avenue.

### **EXECUTIVE SUMMARY**

The easements to be acquired are located across the Wine Train properties as it moves northerly from Mee Lane in Napa County to Charter Oak Avenue in the City of St. Helena. The easements are necessary to provide underground utility service to properties east of the railroad tracks as a precursor to a Caltrans project (Channelization) to widen the highway. The property has been appraised by a Caltrans certified appraiser, Associated Right of Way Services. County and City staff negotiated with the Wine Train and reached tentative agreement on a \$23,000 settlement amount. The County portion of the settlement amount is \$14,030, and the City portion is \$ 8,970. Staff believes this amount is a fair settlement and recommends the Board approve the Agreement.

### **FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes

Where is it budgeted?	Roads Department
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Easements are required before PG&E will begin construction. These easements will allow PG&E to bore under the railroad tracks to provide service to properties east of the tracks.
Is the general fund affected?	Yes
Future fiscal impact:	No construction or maintenance costs will be borne by the County.
Consequences if not approved:	The utilities cannot be placed underground and Caltrans will not be able to construct its 'Channelization Project' which will increase the width of Highway 29. No benefit will be realized from the many years of staff time of the various utilities, agencies, and local jurisdictions.

Additional Information:

### **ENVIRONMENTAL IMPACT**

**ENVIRONMENTAL DETERMINATION:** This project is subject to both the California Environmental Quality Act (CEQA) process and the National Environmental Policy Act (NEPA) process.

The CEQA and NEPA determinations are as follows:

- Categorical Exemption Class 2: It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Class 2 ("Replacement or Reconstruction") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15302.]
- Categorical Exclusion with Special Studies: an action which does not have a significant environmental effect. The project is Categorically Excluded from the National Environmental Policy Act in conformance with 23 CFR 771(d)4.

### **BACKGROUND AND DISCUSSION**

On May 15, 2007 the Board of Supervisors, with Resolution 07-60 and on April 25, 2006, the St. Helena City Council, with Resolution 2006-55, established utility undergrounding districts under California Public Utilities Commission 20A (Rule 20A) in conjunction with anticipated construction of the Caltrans State Route 29 Rehabilitation and Left Turn "Channelization Project."

The County's Underground Utility Project moves the utilities of Pacific Gas and Electric (PG&E), American Telephone and Telegraph (ATT), and Comcast from their existing location overhead to underground from Mee Lane, Napa County to Charter Oak Avenue, City of St. Helena. Essentially, the underground placement of utilities is a necessary precursor to Caltrans' Channelization Project which creates a left turn lane for the length of the project. Caltrans cannot widen Highway 29 with the overhead facilities of PG&E, ATT, and Comcast being so close to it. The main transmission lines will be placed underground in a joint trench within Caltrans Right of Way. Individual properties will be served by lateral service lines branching off the main line in the joint trench. If the lateral line provides service to only the parcel on which it is located, no easement is needed. However, if a lateral line provides service to a parcel(s) in addition to the one on which it is located, an easement is needed. An easement is also

needed at sites where transformers and junction boxes are located. It is estimated that the project will require approximately 60 easements on private parcels, in addition to 11 lateral easements needed to transmit the utilities to the east side of the Wine Train tracks before branching off to private parcels. In addition to the Wine Train, 45 easements from other property owners are the County's responsibility.

The County, in conjunction with the City, hired Associated Right of Way Services to complete an appraisal for 11 easements. The appraisal came in at a total fair market value of \$12,300 for all eleven easements. Janet Walker from County Public Works and Debra Hight from the City of St. Helena negotiated with Tony Giaccio, representative of Napa Valley Wine Train, and were able to agree to a total of \$23,000 for all the easements. The Wine Train specifically requested certain conditions in the easement language including railroad insurance requirements when work is being done on the railroad, advance notice to the Wine Train when such work is to be done, and limiting the easements to PG&E, ATT, and Comcast and successors in interest. These are standard provisions that were included in the same type of easement documents that the Flood District had with the Wine Train when the District constructed the Flood Project.

Staff believes this amount is a fair settlement and recommends the Board approve the settlement amount. City staff is going to be recommending that the City Council approve the \$23,000 settlement amount. The County portion of the settlement amount is \$14,030, and the City portion is \$ 8,970.

#### **SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Molly Rattigan