



DATE: November 12, 2019

CATEGORY: Consent

DEPT.: Public Works

TITLE: **Approve the Acquisition of Fee Title from a Portion of 917/943 North Shoreline Boulevard (APN: 153-16-045) for the Shoreline Boulevard Reversible Transit Lane Project, Project 18-47**

RECOMMENDATION

1. Approve the Acquisition of Fee Title, together with a Temporary Construction Easement, from a portion of 917/943 North Shoreline Boulevard (APN: 153-16-045), owned by Harry K. Wong and Rosemary T. Wong, husband and wife, in the amount of \$235,000, and dismissal of the eminent domain proceedings against the property once acquired.
2. Authorize the City Manager or his designee to execute all documents and take all necessary actions related to the acquisition of fee title and a Temporary Construction Easement from portions of 917/943 North Shoreline Boulevard (APN: 153-16-045) for the Shoreline Boulevard Reversible Transit Lane Project, Project 18-47.

BACKGROUND

The Shoreline Boulevard Reversible Transit Lane Project is the first step in transforming Shoreline Boulevard into a multi-modal corridor as envisioned in the "Shoreline Boulevard Corridor Study" approved by the Mountain View City Council in November 2014. The Study provided for a phased program of transportation improvements to accommodate anticipated increases in employment and development in the North Bayshore Area.

The scope of the project includes a dedicated, center-running, reversible bus lane to reduce transit travel time and improve transit efficiency and reliability. A new 12' wide dedicated bus lane with a 2' wide raised buffer separating it from adjacent lanes will be installed in the center of Shoreline Boulevard between Middlefield Road and Pear Avenue. The new lane will replace the existing two-way left-turn lane or landscaped median. It will not eliminate any existing vehicle through-lanes. The bus lane will

operate northbound in the morning peak hours and southbound in the afternoon peak hours on weekdays. Bus stops are planned at Terra Bella Avenue and Pear Avenue.

The project also includes protected bicycle lanes on Shoreline Boulevard from Middlefield Road to Plymouth Street/Space Park Way to enhance safety and increase ridership for bicyclists of all riding skills. The bike lanes between Terra Bella Avenue and Pear Avenue will be enhanced with other safety measures such as high-visibility green bike lane treatment at certain locations.

Pedestrian improvements will include sidewalks varying from 5' to 8' wide, protective sidewalk improvements at the Middlefield Road intersection, and modifications to crosswalks at the Highway 101 interchange.

The project requires the acquisition of right-of-way from nine parcels between West Middlefield Road and Highway 101 to keep the buffer and sidewalk widths to acceptable minimums. The amount of additional right-of-way required for the project ranges from 3' to 8' in width along the frontages of the affected properties.

ANALYSIS

California law (California Government Code §7267, *et seq.*) requires public agencies to appraise the fair market value of property it intends to acquire and to offer no less than the approved appraised fair market value as "fair and just compensation."

The City had the acquisition parcels appraised by a qualified, independent real estate appraiser, made formal offers of fair and just compensation as required by State law, and commenced negotiations with all of the property owners. Negotiated agreements were reached early on with four of the nine property owners affected by the project. On May 23, 2019, the Council approved the adoption of five Resolutions of Necessity to initiate eminent domain proceedings against the remaining five properties. Complaints in Condemnation and requests for Orders of Possession have been filed with the Superior Court to allow the project to proceed on schedule and funds in the amount of the fair market value for each property were deposited with the State Treasurer's Office as required by law. Negotiations have continued with the five remaining property owners and agreements have been reached with two of those property owners, including the owners of 917/943 North Shoreline Boulevard, which is the subject of this report.

Staff recommends approval of a Purchase and Sale and Settlement Agreement with the owners of 917/943 North Shoreline Boulevard in the amount of \$235,000. Approval

will enable the City to acquire the rights from this property necessary for the project and allow the City to dismiss the eminent domain proceedings against this property.

FISCAL IMPACT

In adopting the Fiscal Year 2017-18 Capital Improvement Program, Council approved Shoreline Bus Lane Property Acquisition, Project 18-47, and appropriated \$4,260,000 for right-of-way acquisition. There is sufficient funding remaining in the Project for this acquisition.

ALTERNATIVES

1. Do not approve the acquisition.
2. Direct staff to renegotiate the price and terms of the acquisition.
3. Provide other direction.

PUBLIC NOTICING

Agenda posting. A copy of this report was also provided to the property owners.

Prepared by:

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Approved by:

Audrey Seymour Ramberg
Assistant City Manager/
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cc: RPPA, APWD – Cameron