



DATE: February 12, 2019

CATEGORY: Consent

DEPT.: Public Works

TITLE: **Approve Acquisition of Temporary Construction Easement from a Portion of 850 Leong Drive (APN 153-19-002)**

RECOMMENDATION

1. Approve the acquisition of a Temporary Construction Easement from a portion of 850 Leong Drive (APN 153-19-002) in the amount of \$146,475.
2. Authorize the City Manager or his designee to execute all documents and take all necessary actions related to the acquisition of a Temporary Construction Easement from a portion of 850 Leong Drive (APN 153-19-002).

BACKGROUND

The City acquired two parallel and adjacent sewer line easements across the 850 Leong Drive property, one in 1953 and one in 1960. The total width of the two easements is 30'. In 1973, the County Inn was constructed with one wing of the hotel located parallel and adjacent to the easement corridor. Leong Drive Water/Sewer Main Replacement Construction, Project 19-41, was adopted to replace certain water and sanitary sewers, including the sewer lines crossing the County Inn property. The project, which is scheduled to begin in spring 2019 and last approximately six weeks, will require using one of the County Inn parking lots for the staging of construction equipment and materials, the stockpiling of dirt from the excavation, and the placing of tanks to capture and store contaminated groundwater (see Figure 1). A Temporary Construction Easement is the appropriate legal document for securing the temporary use of the parking lot for staging. The two existing sewer line easements give the City the rights to access and replace the lines.

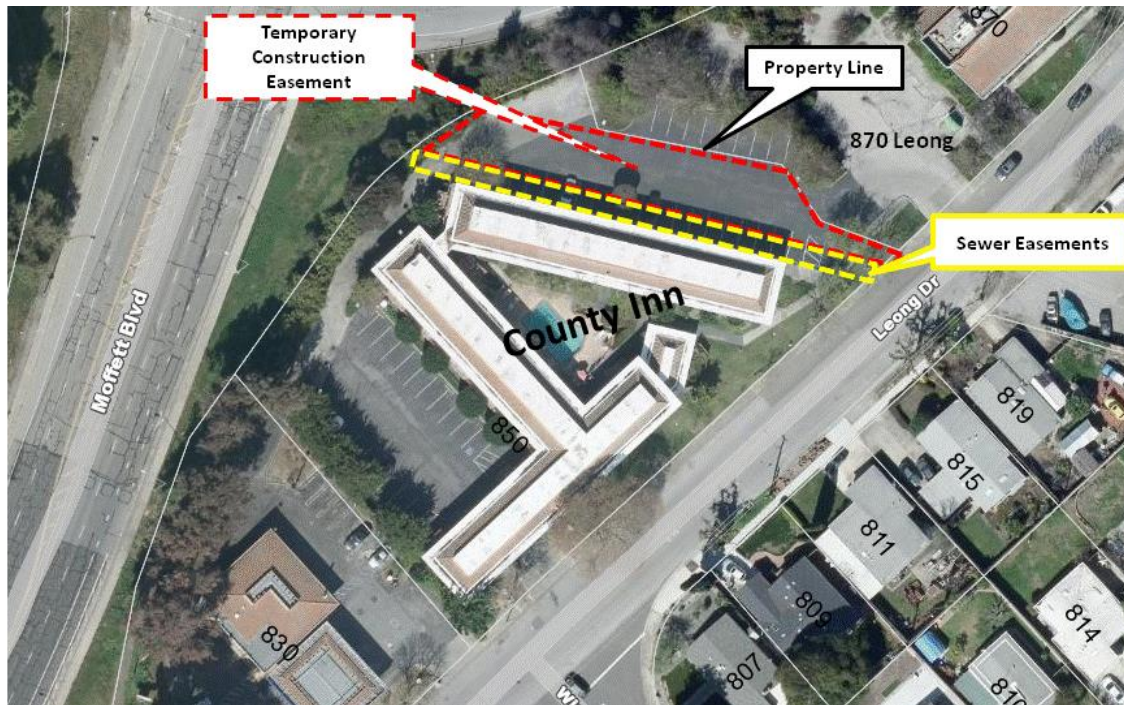


Figure 1

ANALYSIS

The County Inn property, and the adjacent property to the north (870 Leong Drive), are both known to have high concentrations of trichloroethylene (TCE) in both the soil and groundwater from the up-gradient MEW Superfund site. Because of the contamination, the Federal EPA has stated that workers would likely be required to wear protective clothing and respirators, and also advised that both floors of the wing of the County Inn next to the construction site be vacated during construction. The City will require the hotel rooms facing the construction area be vacated for the six-week duration of construction.

Acquiring a Temporary Construction Easement is the acquisition of a property right and, under State law, the City must offer fair market value. The City had the Temporary Construction Easement appraised, offered just compensation in accordance with the law, and negotiated an agreement with the property owner to acquire the Temporary Construction Easement for \$146,475, which reflects the rental of the parking lot and lost revenues from the loss of use of the rooms vacated during construction.

FISCAL IMPACT

Leong Drive Water/Sewer Main Replacement Construction, Project 19-41, is funded with \$8,500,000 from the Water and Wastewater Funds. There is sufficient funding in the Project for the recommended actions.

ALTERNATIVES

1. Council could disapprove the acquisition of the property.
2. Council could approve a different amount as compensation for the Temporary Construction Easement.

PUBLIC NOTICING

Agenda posting and a copy of the report to County Inn, L.P.

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DPD-DSC-MAF/TS/1/CAM
943-02-12-19CR

cc: County Inn, L.P.

APWD – Cameron, RPPA, PCE – Au