



City Council Staff Report

From: City Manager

Report Type: CONSENT CALENDAR

Lead Department: Public Works

Meeting Date: December 18, 2023

Report #:2312-2313

TITLE

Approval of a Resolution Authorizing the City Manager to Negotiate and Execute Temporary Construction Easements and Compensation with the Property Owners at 475 Newell Road and 1761 & 1767 Woodland Avenue for the Newell Road/San Francisquito Creek Bridge Replacement Project CIP Program (PE-12011); CEQA - Environmental Impact Report for Newell Road/San Francisquito Creek Bridge (Resolution No. 9889)

RECOMMENDATION

Staff recommends that Council authorize the City Manager or their designee to negotiate and execute temporary construction easements and compensation in the amount of \$226,000 with the property owner at 475 Newell Road and \$122,400 with the property owner at 1761 & 1767 Woodland Avenue for the Newell Road/San Francisquito Creek Bridge Replacement Project CIP Program (PE-12011).

BACKGROUND

Replacement of the Newell Road Bridge is a key element of flood control for San Francisquito Creek. On June 1, 2020, Council approved the project and the Final Environmental Impact Report (EIR). The full background of the project's process and contract amendments can be found in the report for the Council action on June 22, 2021.¹ Additionally, Council approved a contract amendment for the right-of-way work on November 27, 2023.²

ANALYSIS

The Right-of-Way Appraisal and Acquisition process formally commenced in May 2023. The consultants conducted field inspections and prepared appraisal reports for each of the seven parcels needed to complete the project. The reports identified the areas within private property needed to construct improvements such as retaining walls, pathways, and

¹ City Council, June 22, 2021, Agenda Item #5; SR #12368

<https://www.cityofpaloalto.org/files/assets/public/v/2/agendas-minutes-reports/reports/city-manager-reports-cmr/year-archive/2021/id-12368.pdf>

² City Council, November 27, 2023, Agenda Item #x8 SR #2308-1944

www.cityofpaloalto.org/files/assets/public/v/1/public-works/engineering-services/cip-contracts/pe-12011-newell-road-bridge-nv5-contract-amendment-sr2308-1944-11.27.2023.pdf

driveway/parking areas. The reports include compensation amounts based on various factors including parcel area, project area within the parcel, the land use (multi-family, undeveloped, single family), and recent comparables. The appraisal reports were submitted to Caltrans and to the property owners for review. The project will need to acquire seven temporary construction easements and one permanent easement from a total of three property owners. The permanent easement, located within a privately owned parcel in the creek, is for the public access roadway and maintenance of the bridge. While Caltrans is reviewing and verifying that the language in the agreements meets the Highway Bridge Program requirements, staff and the City's consultants started negotiation discussions with the three owners. Five of the compensation amounts are within the City Manager's authority to execute, but two of them exceed \$85,000.

While proposed compensation for the easement agreements has been established by the appraisals, staff is still negotiating certain terms with the property owners. Therefore, staff requests Council approve a resolution (Attachment A) to authorize the City Manager to negotiate terms and execute easement agreements with compensation in the amounts of \$226,000 and \$122,400 for 475 Newell Road and 1761 & 1767 Woodland Avenue, respectively.

Key terms of the agreements include:

- The agreements will commence at the time a Right-of-Way Certification is executed by Caltrans and are for a 30-month duration.
- The term may be extended by an amendment and additional compensation based on fair market value at the time of extension, in the case of unforeseen delays in construction.
- The owner of 475 Newell agrees to construction and future maintenance of the improvements proposed within private property including, but not limited to, raising the driveway ramp, adding inlets to capture runoff, removal of one private tree, new fencing along the project frontage, and installation of retaining walls.
- The owner of 1761 and 1767 Woodland Avenue, in East Palo Alto, agrees to the construction and future maintenance of improvements proposed within private property including, but not limited to, ADA improvements, adding storm drain improvements to capture runoff, removal of one private tree, new fencing along Woodland Avenue, and installation of retaining walls.
- City of Palo Alto will provide all necessary engineering, inspection, and administrative services in connection with the project.
- The owners are responsible for the maintenance of the private improvements once these are constructed and the project is completed.

FISCAL/RESOURCE IMPACT

Funding for both of these agreements is available in the Fiscal Year 2024 Adopted Capital Improvement Program Newell Road/San Francisquito Creek Bridge Replacement project (PE-12011).

STAKEHOLDER ENGAGEMENT

Significant stakeholder engagement was done during the environmental review phase. Ongoing coordination with adjacent property owners is underway as part of the right-of-way phase.

ENVIRONMENTAL REVIEW

An Environmental Impact Report for the Newell Road/San Francisquito Creek Bridge Replacement Project was completed and certified by Council on June 1, 2020 (SR #11184) by adoption of Resolution No. 9889.³

ATTACHMENTS

Attachment A: Resolution of the Council of the City of Palo Alto Authorizing the City Manager to Negotiate and Execute Temporary Construction Easements in the Amount of \$226,000 with the Property Owner at 475 Newell Road, Palo Alto and \$122,400 with the Property Owner at 1761 & 1767 Woodland Avenue, East Palo Alto for the Newell Road/San Francisquito Creek Bridge Replacement Project.

APPROVED BY:

Brad Eggleston, Director Public Works/City Engineer

³ Resolution 9889, <https://www.cityofpaloalto.org/files/assets/public/v/1/city-clerk/resolutions/reso-9889.pdf?t=62904.01>