



MEMORANDUM

TO: City Council

FROM: Bill Robeson, Assistant City Manager/Public Works Director

BY: Shannon Sweeney, City Engineer

SUBJECT: Consider Traffic Way Bridge Temporary Construction Easement Execution

DATE: June 25, 2024

RECOMMENDATION:

1) Authorize the City Manager to take all actions necessary to fully execute the final two, negotiated temporary construction easements (TCEs) and associated deeds for certain real property, more particularly described as Assessor Parcel Numbers 007-482-006 and 006-311-067, that are necessary for the Traffic Way Bridge Replacement Project; and, 2) Find that the public interest associated with approval of these TCEs outweighs any private benefit.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

The cost associated with these negotiated TCEs is \$64,300 for APN 007-482-006, and \$45,700 for APN 006-311-067. 88.53% of the cost for securing these TCEs is provided through the Highway Bridge Program, which is funding a majority of this project. Fully executing these TCEs plays a critical role in maintaining current funding and preserving the construction schedule.

BACKGROUND:

Traffic Way Bridge was first constructed over Arroyo Grande Creek in 1932. The Bridge is programmed for replacement in calendar year 2025.

On [July 24, 2018](#), the City Council approved agreements to allow the City to seek reimbursement from the Local Highway Bridge Program for the Project. This funding will cover 88.53% of the bridge replacement cost, with the balance coming from local funds.

Bridge replacement design and plans and specifications are at 95% completion level. These design plans confirm that TCEs across nine properties are needed to complete Project construction.

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On January 25, 2023, staff received notice from Caltrans that the Federal Highway Administration authorized right-of-way funding for the Project, which allowed the City to begin reimbursable work for the right-of-way phase of the Project.

On [September 26, 2023](#), the City entered into an agreement with Hamner, Jewell, and Associates. In March 2024, the consultant presented offers based on appraisals to all nine property owners with TCE offer letters.

On [May 14, 2024](#), the City Council fully executed TCEs with the six property owners that had signed agreements prior to that meeting. On [June 11, 2024](#), the City Council fully executed a TCE with an additional property owner that had signed an agreement prior to that meeting. The TCEs attached to this staff report represent the final two TCEs required to move forward with Caltrans certification and construction of this project.

ANALYSIS OF ISSUES:

The attached TCEs have already been signed by their respective property owners, and City is in the process of receiving final, notarized copies on the corresponding deeds that will be recorded with the County. Authorizing the City Manager to take all actions necessary to execute these two outstanding, negotiated TCEs allows City to submit for Caltrans certification and for access to equipment and materials necessary for staging the Traffic Way Bridge Replacement Project.

ALTERNATIVES:

The following alternatives are provided for the Council's consideration:

1. Authorize the City Manager to take all actions necessary to fully execute the attached TCEs and associated deeds and find that the public purpose outweighs any private benefit;
2. Do not authorize the City Manager to fully execute the attached TCEs; or
3. Provide other direction to staff.

ADVANTAGES:

Securing these TCEs allows access to the construction site and to the construction staging area for the Traffic Way Bridge Replacement Project. 88.53% of the cost for securing these TCEs is provided through the Highway Bridge Program, which is funding a majority of this project.

Fully executing these TCEs will maintain the City's current funding and construction schedule, including significant funding provided by Caltrans for the project, which furthers an important public purpose. Specifically, approval of these final, negotiated TCEs allows the City to move forward on a multi-million dollar construction project while avoiding costly legal fees associated with the City moving forward with an eminent domain action to ensure access to these property sites.

DISADVANTAGES:

No disadvantages have been identified.

ENVIRONMENTAL REVIEW:

On September 26, 2023, the City Council adopted an MND for the Traffic Way Bridge Replacement Project (SCH No. 2022060452). The MND analyzed the environmental impacts of the Project in compliance with the California Environmental Quality Act (CEQA). Securing these TCEs, which is part of an important and necessary step towards construction of the Project, will have no direct or indirect physical impacts and does not constitute a substantial change to the Project such that revisions to the previously adopted MND are required. In fact, this action is taken pursuant to, and in conformity with, the analysis contained within the previously adopted MND. Thus, none of the conditions requiring subsequent environmental review called out in State CEQA Guidelines section 15162 or Public Resources Code section 21166 are present, and no further environmental review is required.

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

ATTACHMENTS:

1. TCE Agreement and Temporary Deed and Easement Documents for APN 007-482-006
2. TCE Agreement and Temporary Deed and Easement Documents for APN 006-311-067