

ATTACHMENT 2

MEMORANDUM

TO: City Council

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

BY: Jill McPeck, Capital Improvement Project Manager

SUBJECT: Consideration of Confirming the Environmental Determination, Acceptance of Grant of Temporary Construction License, Public Pedestrian Access Easement Deeds, and Approval of Construction Plans and Specifications for the 2022 Pedestrian Crossing Improvement

DATE: July 26, 2022

SUMMARY OF ACTION:

Confirming the environmental determination and acceptance of the right of way documents will allow the City to obtain allocated grant funding for the construction phase of the project and to advertise for construction bids for the 2022 Pedestrian Crossing Improvements Project.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

An allocation of \$205,000 of Highway Safety Improvement Program (HSIP) funds is included for the project in the FY 2022-23 Capital Improvement Program budget. It is estimated that approximately \$80,774 (\$45,000 HSIP funds and \$35,774 Regional State Highway Account (RSHA) funds) will be carried over from FY 2021-22 for a total available budget of approximately \$285,774 available for the bidding and construction phases of the project. Staff time will be necessary to provide direction and answer questions to prospective bidders.

RECOMMENDATION:

1) Find that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301(c) and direct staff to file a Notice of Exemption; 2) Accept the Grant of Temporary Construction License and Public Pedestrian Access Easement Deeds and direct staff to file the License and Deeds; and 3) Approve the construction plans and specifications for the 2022 Pedestrian Crossing Improvements Project, PW 2021-08, and authorize staff to advertise for construction bids pending approval of a funding allocation from the State.

Item 8.j.

City Council

Consideration of Confirming the Environmental Determination, Acceptance of Grant of Temporary Construction License, Public Pedestrian Access Easement Deeds, and Approval of Construction Plans and Specifications for the 2022 Pedestrian Crossing Improvement

July 26, 2022

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BACKGROUND:

In 2018, the City was successful in securing \$150,000 of RSHA funds through the San Luis Obispo Council of Government's (SLOCOG's) Safe Routes to School (SRTS) program for pedestrian improvements in the vicinity of Harloe Elementary School. As part of the 2018 Concrete Repairs project, \$50,000 of these funds were used to install sidewalks along Farroll Avenue between Gaynfair Terrace and Alder Street. The remaining \$100,000 was earmarked for sidewalk gap closures on South Halcyon Road and pedestrian crossing improvements at Sandalwood Avenue. During refinement of the preliminary design, it was estimated that \$100,000 would not be enough to fully construct the improvements as proposed in the grant application and staff pursued further grant funding opportunities.

In 2020, the City was successful in securing \$250,000 of State HSIP funds to install pedestrian crossing improvements at three intersections:

- South Halcyon Road at Sandalwood Avenue
- Farroll Avenue at South Halcyon Road
- East Grand Avenue at Alder Street

With both grant funding sources in place, staff began working with its design consultant in preparing construction documents for public bid. During design it was revealed that in order to make grades to meet current American with Disabilities (ADA) standards for the curb ramps at East Grand Avenue at Alder Street, additional right of way would be required. Staff has coordinated with the two property owners, who have executed Public Pedestrian Access Easement Deeds for the additional property needed for the project, as well as a Grant of Temporary Construction License to allow for some additional area needed to accommodate construction activities.

In order to bid the project and provide immunity to the City, the City Council is requested to approve the plans and specifications prior to the construction bidding process. In addition, the scope of work is proposed to be evaluated pursuant to CEQA prior to bidding.

Before the City can bid the project, the City must request an allocation of State funds from the HSIP program for the construction phase of the project. Both the environmental determination and right of way documents need to be completed before the City can request the allocation. Council's action of confirming the environmental determination and acceptance of the right of way documents will allow staff to submit the allocation request. Once the State approves the allocation, staff can advertise for construction bids.

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ANALYSIS OF ISSUES:

The general scope of work includes:

South Halcyon Road Pedestrian Crossing at Sandalwood Avenue

- Installation of bulbouts and replacement of the existing rectangular rapid flashing beacons (RRFBs) on each side of South Halcyon Road
- Installation of yield to pedestrian signs and yield lines on South Halcyon Road
- Installation of ADA curb ramps and yellow continental school crosswalks on South Halcyon Road and on Sandalwood Avenue

Farroll Avenue Pedestrian Crossing at South Halcyon Road

- Installation of ADA curb ramps and yellow continental school crosswalk on Farroll Avenue

South Halcyon Road Sidewalk Gap Closure

- Installation of sidewalk, curb and gutter and ADA curb ramps on the east side of South Halcyon Road between Cameron Court and Virginia Drive

East Grand Avenue Pedestrian Crossing at Alder Street

- Installation of rectangular rapid flashing beacons (RRFBs) on each side of East Grand Avenue
- Installation of yield to pedestrian signs, yield lines, and continental crosswalk on East Grand Avenue
- Installation of ADA curb ramps and continental crosswalk on Alder Street

The estimated construction cost of the project is \$270,100 and the proposed contract time is 60 working days. Pending approval of a funding allocation from the State and if successful bids are received and a construction contract is awarded, work is expected to be performed between October 2022 and January 2023. Plans and specifications are available for review at the Public Works Department.

ALTERNATIVES:

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

1. Approve staff's recommendations as proposed;
2. Do not approve staff's recommendations as proposed;
3. Modify staff's recommendation and approve; or
4. Provide other direction to staff.

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ADVANTAGES:

Installation of improvements at uncontrolled pedestrian crossings will address one of the main safety issues in the City (where fatal and severe injury pedestrian to vehicle collisions occur) as identified in the Local Road Safety Plan (LRSP). Installation of sidewalk where none currently exists will provide safe and continuous access for pedestrians in the vicinity of Harloe Elementary School. Confirming the environmental determination and acceptance of the right of way documents will allow the City to request funding for the construction phase of the project.

DISADVANTAGES:

There will be intermittent sidewalk closures during the project. These closures will be minimized as much as possible and the project specifications require the contractor to notify affected residents and businesses in advance. In addition, staff will work with Lucia Mar School District and Harloe Elementary School personnel to coordinate disruptions to parents and students accessing the school from Farroll Avenue.

ENVIRONMENTAL REVIEW:

The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Guideline Section 15301(c) for repairs and maintenance of existing streets, sidewalks, gutters and similar facilities.

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.

Attachment:

1. Notice of Exemption
2. Public Pedestrian Access Easement Deed (077-221-030)
3. Public Pedestrian Access Easement Deed (077-223-061)
4. Grant of Temporary Construction License (077-223-061)

Notice of Exemption

Appendix E

To: Office of Planning and Research
P. O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: City of Arroyo Grande
300 East Branch Street
Arroyo Grande, CA 93420
(805) 473-5400

County Clerk
County of: San Luis Obispo
1055 Monterey Street
San Luis Obispo, CA 93408

Project Title and Number: 2022 Pedestrian Crossing Improvements, PW 2021-08

Project Applicant: Jill McPeek, CIP Manager 300 East Branch Street, Arroyo Grande, CA 93420
Name Address
Email: jmcpeek@arroyogrande.org Phone: (805) 473-5444

Project Location – Specific:

East Grand Avenue at Alder Street, and South Halcyon Road at Sandalwood Avenue and Farroll Avenue, in the City of Arroyo Grande, California.

Project Location – City: Arroyo Grande Project Location – County: San Luis Obispo

Description of Nature, Purpose and Beneficiaries of Project:

Curb ramp reconstruction, new curb ramps, sidewalk infill, roadway paving, roadway striping, installation of signage and rapid flashing beacon systems, traffic control, and related items of work.

Name of Public Agency Approving Project: City of Arroyo Grande

Name of Person or Agency Carrying Out Project: Jill McPeek, CIP Manager

Exempt Status:

- Ministerial (Sec. 21080(b)(1); 15268);
 Declared Emergency (Sec. 21080(b)(3); 15269(a));
 Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
 Categorical Exemption, State type and section number: 15301(c)
 Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Section 15301(c) of the CEQA guidelines indicates that repair and maintenance of existing streets, sidewalks gutters, and similar facilities are exempt from CEQA review.

Lead Agency

Contact Person: Andrew Perez, Planning Manager Area Code/Telephone/Extension: (805) 473-5425

Email: aperez@arroyogrande.org

Address: 300 East Branch Street, Arroyo Grande, CA 93420

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Andrew Perez Date: 7/27/22 Title: Planning Manager

Signed by Lead Agency Signed by Applicant

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

City of Arroyo Grande
Attn: City Clerk
300 East Branch Street
Arroyo Grande, CA 93420

APN: 077-221-030

No Recording Fee pursuant to Gov. Code sec. 6103

PUBLIC PEDESTRIAN ACCESS EASEMENT DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **Larry D. Rodkey** ("Grantor"), owner of the property located at 1007 East Grand Avenue in the City of Arroyo Grande, County of San Luis Obispo, State of California (APN: 077-221-030) ("Grantor's Property"), hereby GRANTS to the City of Arroyo Grande, a municipal corporation ("Grantee"), the following described interest in Grantor's property: a perpetual easement over that portion of the Grantor's property described and depicted in Exhibit A and A-1, respectively, attached hereto and incorporated herein by reference ("Pedestrian Access Easement"), for public sidewalk, pedestrian access and right of way purposes.

GRANTOR:



Larry D. Rodkey

Date

7/14/22

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO)

On July 14, 2022, before me, Sarah L J Lansburgh,
Notary Public, personally appeared Larry Dale Rodkey,
who proved to me on the basis of satisfactory evidence to be the person(s) whose
name(s) is/are subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized capacity(ies), and that by
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California
that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Sarah L J Lansburgh
Signature of Notary Public

(Seal)

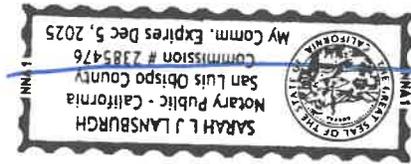


EXHIBIT A

Legal Description

That portion of Lot 4 of the Folsom Tract, in the city of Arroyo Grande, County of San Luis Obispo, State of California as shown on map filed in Book B of Maps at page 75, records of San Luis Obispo County, California described as follows;

Beginning at a point along the Southerly right of way of Grand Avenue, also being the northerly line of said Lot 4, distant North $89^{\circ}56'00''$ West 113.61 feet from the Northeasterly corner of said Lot 4, said point of beginning being the northwesterly corner of the land described in the deed to the County of San Luis Obispo, recorded December 18, 1947 in book 464, page 106 of Official Records in the office of said county; thence

- 1) Along the Northerly line of said Lot 4 and the Southerly Right of Way of Grand Avenue, North $89^{\circ} 56' 00''$ West a distance of 7.91 feet; thence
- 2) Leaving the Southerly right of way of Grand Avenue and the Northerly line of Lot 4, South $46^{\circ} 04' 36''$ East a distance of 10.98 feet to the Westerly right of way of Alder Street; thence
- 3) Along said westerly right of way of Alder Street and westerly line of the land described in the deed to the County of San Luis Obispo, recorded December 18, 1947 in book 464, page 106 of Official records, North $0^{\circ} 04' 00''$ East a distance of 7.62 feet, to the Point of Beginning.

The above-described parcel is graphically shown on Exhibit A-1 attached hereto and made a part hereof.

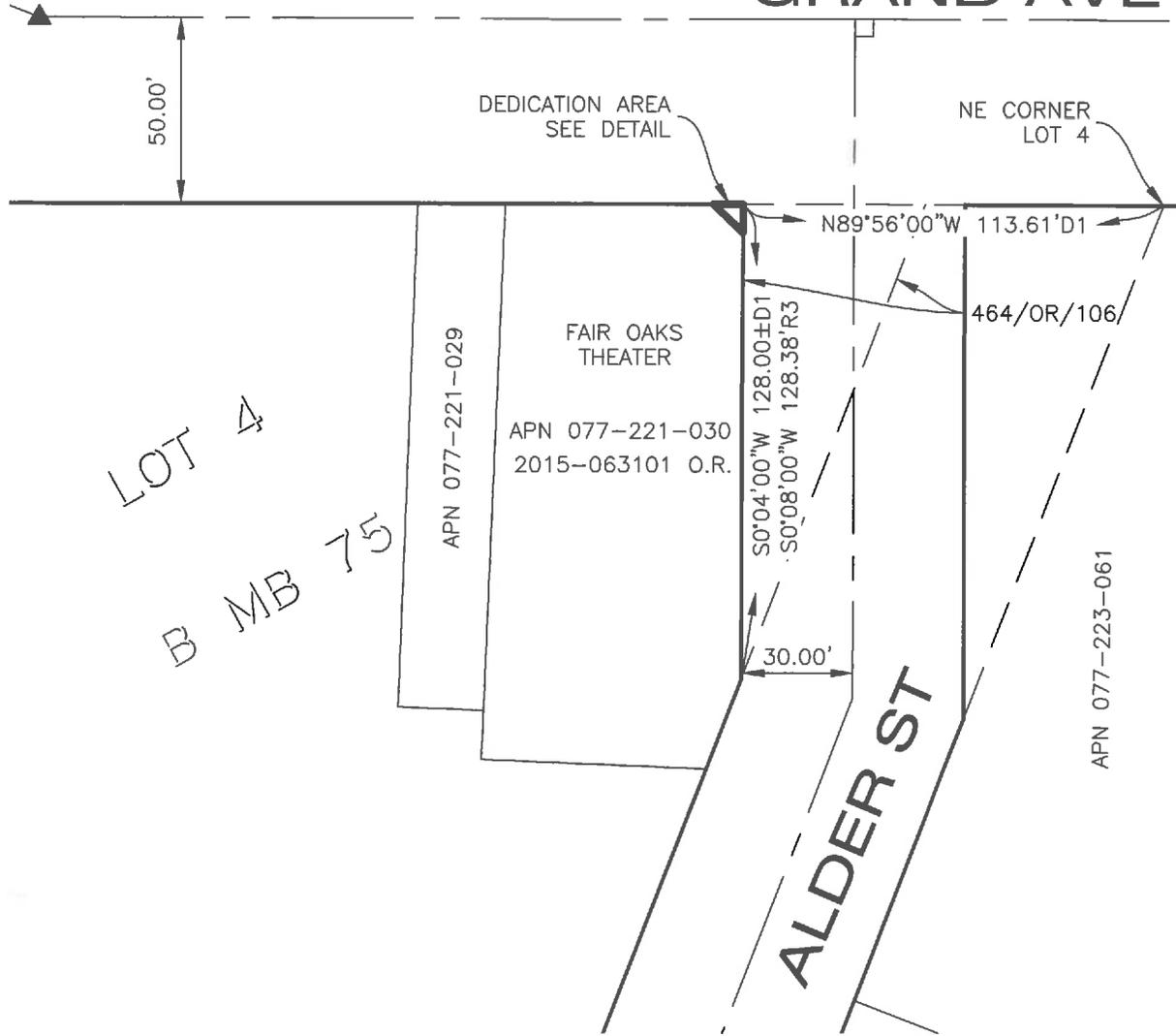
The above-described parcel contains 30.12 square feet more or less.

* * *



EXHIBIT "A-1"

GRAND AVE



REFERENCES

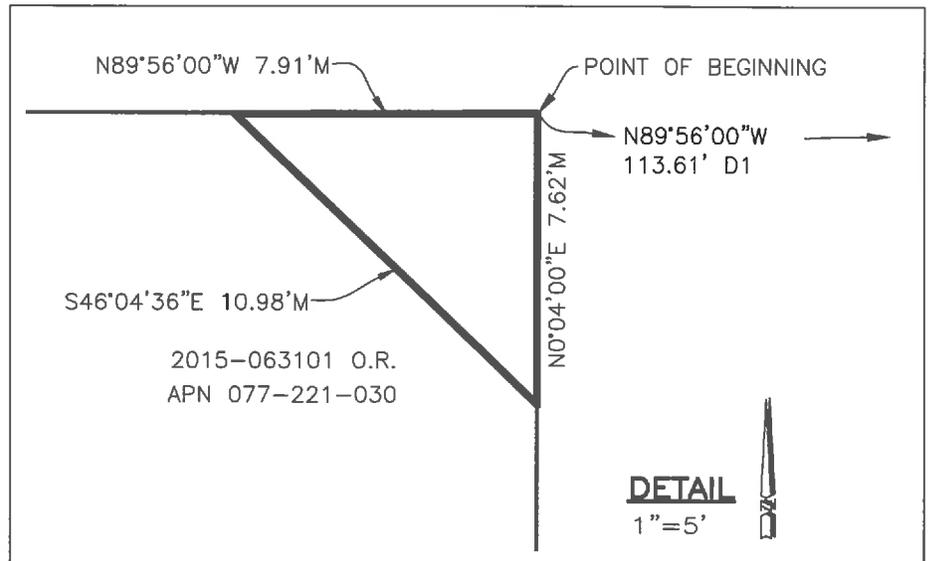
- D1 2015-063101 O.R.
- R1 13 RS 120
- R2 9 PM 53
- R3 8 RS 6



SCALE



1 inch = 50 ft.



MICHAEL B. STANTON, PLS 5702
3559 SOUTH HIGUERA ST.
SAN LUIS OBISPO, CA 93401
805-594-1960

**GRAND AVE. & ALDER ST.
S.W. RETURN DEDICATION**

June 13, 2022

JOB #22-009

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

City of Arroyo Grande
Attn: City Clerk
300 East Branch Street
Arroyo Grande, CA 93420

APN: 077-223-061

No Recording Fee pursuant to Gov. Code sec. 6103

PUBLIC PEDESTRIAN ACCESS EASEMENT DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **Grace Church of San Luis Obispo** ("Grantor"), owner of the property located at 995 East Grand Avenue in the City of Arroyo Grande, County of San Luis Obispo, State of California, described as Parcel A of Parcel Map AG-72-251 (Grantor's Property"), hereby GRANTS to the City of Arroyo Grande, a municipal corporation ("Grantee"), a perpetual easement over that portion of the Grantor's property described and depicted in Exhibit A and A-1 respectively, attached hereto and incorporated herein by reference ("Pedestrian Access Easement"), for public sidewalk, pedestrian non-vehicular access and right of way purposes, including right to maintain, repair and replace the same. All of the terms, conditions, covenants and easements set forth herein shall run with the land and shall inure to the benefit of and be binding upon the parties hereto, and their heirs, successors, transferees and assigns.

Grantee shall be responsible for all maintenance, replacement and repairs to the Pedestrian Easement Area improvements installed by Grantee.

Grantee hereby agrees to indemnify and hold Grantor harmless from and against any and all claims, liabilities, costs, losses, damages and expenses ("Claims") that may arise from use of Pedestrian Access Easement and improvements installed on or made thereto by Grantee, its invitees, employees, successors and/or assigns, including death or injury to persons or loss or damage to the Pedestrian Access Easement area, except such loss or damage as is caused by or arises out of the negligence or willful misconduct of Grantor, its officers, employees, or agents.

GRANTOR:

Grace Church of San Luis Obispo



Wayne Brown, Elder Chairman

7/21/22

Date

[Signatures on following page. All signatures must be acknowledged.]

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO)

On July 21, 2022, before me, Deborah L. Johnston,
Notary Public, personally appeared Wayne R. Brown,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)
is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~
executed the same in his/~~her~~/~~their~~ authorized capacity(ies), and that by his/~~her~~/~~their~~
signature(s) on the instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California
that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Deborah L. Johnston
Signature of Notary Public

(Seal)

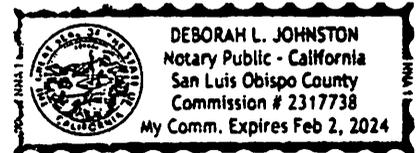


EXHIBIT A

Legal Description

A portion of Parcel A of Parcel Map AG-72-251 as shown on map filed in Book 9 of Parcel Maps at page 53, records of San Luis Obispo County, California described as follows;

Beginning at the Northwest corner of Parcel "A", also being the Right of Way intersection of the southerly right of way of Grand Avenue and the easterly right of way of Alder Street; thence

- 1) South 0° 04' 00" West along said easterly right of way a distance of 3.24 feet; thence
- 2) North 38° 49' 57" East a distance of 4.16 feet to the Southerly right of way of Grand Avenue; thence along said right of way
- 3) North 89° 56' 00" West a distance of 2.60 feet to the Point of Beginning

The above-described parcel is graphically shown on Exhibit A-1 attached hereto and made a part hereof.

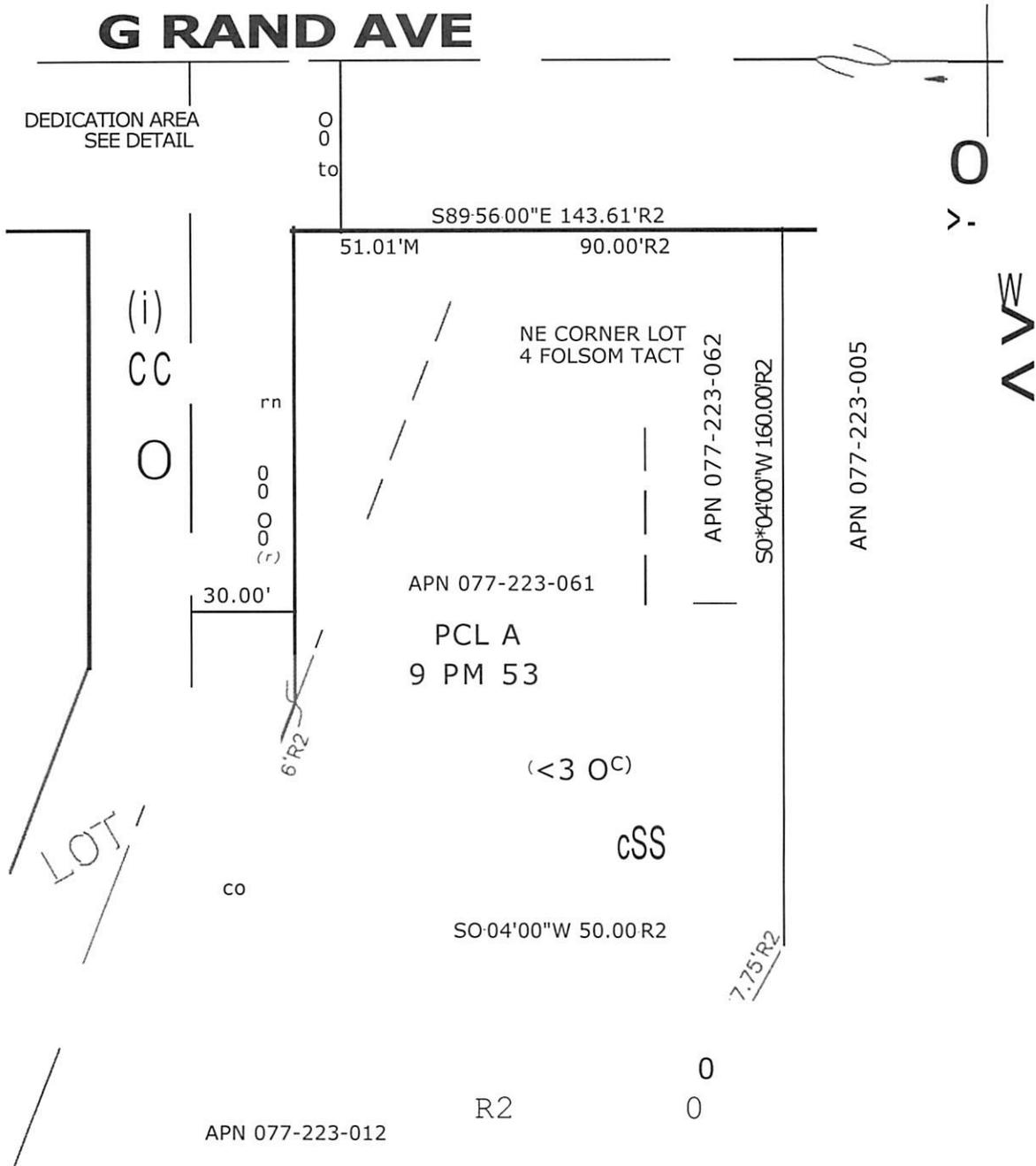
The above-described parcel contains 4.22 square feet more or less.

* * *



EXHIBIT "A-1"

G RAND AVE

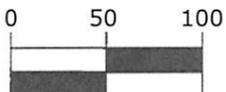


REFERENCES

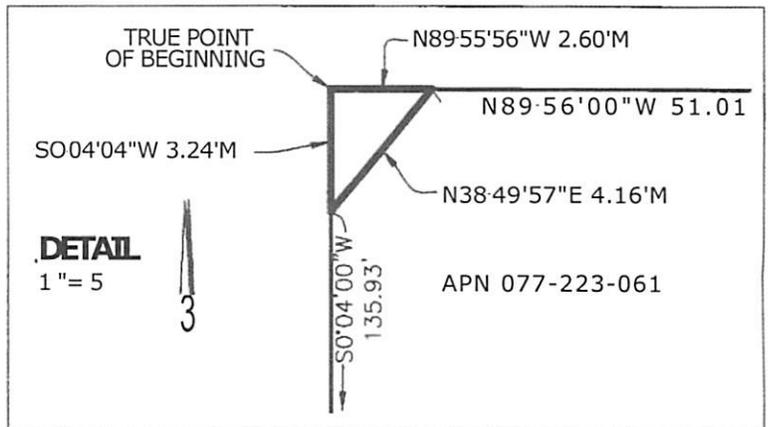
- R1 13 RS 120
- R2 9 PM 53



SCALE



1 inch = 50 ft.



MICHAEL B. STANTON, PLS 5702
3559 SOUTH HIGU ERA ST.
SAN LUIS OBISPO, CA 93401
805-594-1960

**GRAND AVE. & ALDER ST.
S.E. RETURN DEDICATION**

June 13, 2022

JOB #22-009

RECORDING REQUESTED BY AND WHEN RECORDED RETURN TO:

City of Arroyo Grande
Attn: City Clerk
300 East Branch Street
Arroyo Grande, CA 93420

No Recording Fee pursuant to Gov. Code sec. 6103

GRANT OF TEMPORARY CONSTRUCTION LICENSE

This Grant of Temporary Construction License (“License”) is made by Grace Church of San Luis Obispo (“Grantor”), to the City of Arroyo Grande, a municipal corporation (“Grantee”).

A. Grantor is the owner of the real property located at 995 East Grand Avenue in Arroyo Grande, California, described as Parcel A of Parcel Map AG-72-251 (the “Property”);

B. Grantee seeks a temporary construction license in order to complete a portion of Grantee’s 2022 Pedestrian Crossing Improvements Project; and Grantor has agreed to grant such License.

FOR VALUABLE CONSIDERATION, Grantor hereby grants to Grantee the following license:

A temporary, non-exclusive license to construct Americans With Disabilities Act compliant sidewalk and associated pedestrian right-of-way access improvements consistent with the Grantee’s 2022 Pedestrian Crossing Improvements Project (“Project”), over, in, on, under, along and across the Property as depicted in Exhibit A, attached hereto and incorporated herein by this reference (“Licensed Area”), for the benefit and use by Grantee and its contractors.

At all times during the term of the License, Grantee shall maintain the Licensed Area in a secure, safe, clean, and protected condition. Grantee shall indemnify, defend, and hold harmless Grantor and its officers, directors employees and agents against any and all claims, liabilities, losses, damages, suits, actions, expenses, and demands of any kind or nature, resulting from or arising out of Grantee’s use of the Licensed Area (collectively “Claims”), including entries by Grantee’s officers, employees, agents or contractors, except such loss or damage as is caused by or arises out of the negligence or willful misconduct of Grantor, its officers, employees or agents.

Grantee accepts the condition of the Licensed Area as-is and acknowledges that:
i) Grantor is under no obligation to provide any additional preparations or improvements to the Licensed Area prior to use by Grantee, and ii) its use of the Licensed Area is entirely at its own risk.

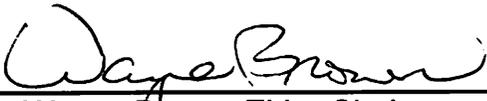
This License shall commence on October 1, 2022 and shall automatically terminate upon completion of Grantee's construction, or on March 31, 2023, whichever occurs first. Simultaneously with execution of this License, Grantor has granted Grantee an easement for access and for the associated improvements to be installed pursuant to this License, which will govern the maintenance, repair and replacement after installation.

Except for slopes, upon completion of the construction of Grantee's Project, the License area will be generally restored by Grantee to the condition that existed before construction.

This License may be executed in any number of identical counterparts and each counterpart shall be deemed to be an original document and, when combined shall constitute one and the same agreement.

[Signatures on following page. All signatures must be acknowledged.]

GRACE CHURCH OF SAN LUIS OBISPO:


By: Wayne Brown, Elder Chairman

Date: 7/21/22

APPROVED:

Bill Robeson, Assistant City Manager/
Director of Public Works
City of Arroyo Grande

Date: _____

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO)

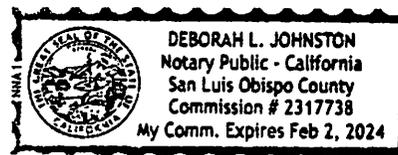
On July 21, 2022, before me, Deborah L. Johnston,
Notary Public, personally appeared Wayne R. Brown,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)
is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/they
executed the same in his/~~her~~/their authorized capacity(ies); and that by his/~~her~~/their
signature(s) on the instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California
that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Deborah L. Johnston
Signature of Notary Public

(Seal)



ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO)

On _____, 2022, before me,
Notary Public, personally appeared
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)
is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/they
executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their
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I certify under PENALTY OF PERJURY under the laws of the State of California
that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Seal)