



Meeting Date: 08/02/17

Agenda Item: # _____

Mission Statement

To provide our growing dynamic community excellent municipal services to make Fernley a great place to live, work, and play. Together, we enhance the desirability, safety, friendliness, aesthetics and quality of life in our city.

CITY OF FERNLEY CITY COUNCIL MEETING STAFF REPORT

REPORT TO: Mayor & City Council
REPORT THRU: Daphne Hooper, City Manager
REPORT BY: Derek W. Starkey, PE, City Engineer
REVIEWED BY: Brandi Jensen, City Attorney
REVIEWED BY: Denise Lewis, Finance Director

AGENDA ITEM: Possible Action to approve the acquisition of the following Temporary Construction Easements (TCEs):

- a) APN: 020-061-22 (176 Hardie LN), Evans, in the amount of \$1,000
- b) APN: 020-061-21 (170 Hardie LN), Bridgewater Investments, LLC, in the amount of \$1,000
- c) APN: 020-061-20 (150 Hardie LN), Singh and Grewal, in the amount of \$1,000
- d) APN: 020-061-23 (180 Hardie LN), Bush and Donohue, in the amount of \$1,000
- e) APN: 020-041-64 (100 Hardie LN), Palmer, in the amount of \$2,000
- f) APN: 020-082-19 (355 Hardie LN), Sagar Energy Corp., in the amount of \$1,000

ACTION REQUESTED: Consent Ordinance Resolution Motion Receive/File

RECOMMENDED ACTION BY CITY COUNCIL

Staff recommends the following action:

"I move to approve the acquisition of the following Temporary Construction Easements (TCEs):

- a) APN: 020-061-22 (176 Hardie LN), Evans, in the amount of \$1,000
- b) APN: 020-061-21 (170 Hardie LN), Bridgewater Investments, LLC, in the amount of \$1,000
- c) APN: 020-061-20 (150 Hardie LN), Singh and Grewal, in the amount of \$1,000
- d) APN: 020-061-23 (180 Hardie LN), Bush and Donohue, in the amount of \$1,000
- e) APN: 020-041-64 (100 Hardie LN), Palmer, in the amount of \$2,000
- f) APN: 020-082-19 (355 Hardie LN), Sagar Energy Corp., in the amount of \$1,000"

Key Points:

1. These easements are necessary to complete proposed Hardie Lane Reconstruction Project improvements.
2. A TCE is being requested for each property listed above, to allow for grading and construction of driveway transitions. One of the six (6) properties listed also includes a TCE to allow for removal of a fire hydrant and water meter.
3. Property Owners have reviewed individual Summary Waiver Valuation Reports, and have executed proposed Agreements.
4. All proposed Hardie Lane Reconstruction Project acquisitions will be agendized for Council review.

POLICY REFERENCE

Nevada Statutes: NRS 625.050 Practice of Professional Engineering
 NRS 625.530 Section 3 Restrictions upon Public Works
 NRS 332.115.b

Fernley Municipal Code: N/A

Policies & Procedure Manual: City of Fernley Grants Policy, 2016 NDOT Right-of-Way Manual, 2010 NDOT LPA Manual

Community Assessment: Safe travel for kids, moving around town and sidewalks and bike paths, (pp. 12)

Other: City of Fernley Safe Routes to School Plan, adopted in 2011
 49 CFR, Part 24, Subpart B

SUPPORTING INFORMATION

Not all projects can be constructed within the limits of the existing right-of-way owned by either the Local Public Agency (LPA) or NDOT. In those cases, right-of-way must be acquired to accommodate the project.

Per the 2010 NDOT LPA Manual 6.3.5.1, "Appraisals shall be performed by state licensed appraisers under contract with the local public agency. Contract appraisers must be on the NDOT Approved Appraiser List maintained by the NDOT Right-of-Way Staff Specialist for Appraisals. Appraisals for property must follow the Uniform Standards of Professional Appraisal Practice and the Uniform Appraisal Standards for Federal Land Acquisition (Yellow Book). When differences occur between the two standards the Yellow Book shall be considered the prevailing authority.... **Where property acquisition is uncomplicated and value is estimated to be less than \$10,000 the local public agency may prepare a Waiver Valuation according to the guidelines found in the NDOT Right-of-Way Manual.**"

The valuation for the parcels listed above were determined to be uncomplicated and fair market value was estimated under the valuation limits set forth in 49 CFR, Part 24, Subpart B, therefore, a Waiver Valuation was prepared by the City's ROW Project Manager of Atkins North America, Inc. After review of the valuations NDOT ROW concurred that these six (6) Waiver Valuation Reports were prepared under the appropriate State laws, regulations, policies and procedures.

The property Owners have met with the City's Senior Right-of-Way Agent to review individual offers and execute Agreements. Council approval of acquisition terms and costs will allow Staff to move forward with the payment of fees and finalizing Agreements. The City will need to complete these acquisitions in order to submit documentation to NDOT for the ROW Certification process prior to the Project going out to bid for construction.

FINANCIAL INFORMATION

FISCAL IMPACT:

1. Is There A Fiscal Impact?	Yes
2. Is it Currently Budgeted?	<u>Yes</u>
3. If Budgeted, Which Line Item/Account?	
	100-475-745

FISCAL SYNOPSIS:

The FY 17/18 budget for the Project is \$5,524,100.00

BACKGROUND INFORMATION

Waiver Valuation Reports for the proposed acquisitions included in this Agenda Report were prepared by the City's ROW Project Manager of Atkins North America, Inc., using the NDOT ROW Manual guidelines. Additionally, the Appraisal Waiver process is set out in federal regulations 49 CFR, Part 24, Subpart B.

Just Compensation Memos, prepared by NDOT, outline the determination of the Just Compensation for the acquisition.

Just Compensation for the seven (7) proposed TCEs are summarized as follows:

APN: 020-061-22 (176 Hardie LN), Evans:

- Temporary Easement for Construction (TCE):
 - o 79 sq. ft., valued at approximately \$46.00, \$1,000 minimum applies

APN: 020-061-21 (170 Hardie LN), Bridgewater Investments, LLC:

- Temporary Easement for Construction (TCE):
 - o 62 sq. ft., valued at approximately \$36.00, \$1,000 minimum applies

APN: 020-061-20 (150 Hardie LN), Singh and Grewal:

- Temporary Easement for Construction (TCE):
 - o 759 sq. ft., valued at approximately \$440.00, \$1,000 minimum applies

APN: 020-061-23 (180 Hardie LN), Bush and Donohue:

- Temporary Easement for Construction (TCE):
 - o 172 sq. ft., valued at approximately \$132.00, \$1,000 minimum applies

APN: 020-041-64 (100 Hardie LN), Palmer:

- Temporary Easement for Construction (TCE1):
 - o 58 sq. ft., valued at approximately \$74.00, \$1,000 minimum applies
- Temporary Easement for Construction (TCE2):
 - o 207 sq. ft., valued at approximately \$260.00, \$1,000 minimum applies

APN: 020-082-19 (355 Hardie LN), Sagar Energy Corporation:

- Temporary Easement for Construction (TCE):
 - o 114 sq. ft., valued at approximately \$66.00, \$1,000 minimum applies

Section 5.378 of NDOT's (ROW) Manual requires the Minimum Allowable Payment for an acquisition to be \$1,000.00. Therefore, the TCE's listed above are rounded up to a value of \$1,000 each.

PRIOR COUNCIL ACTION/REVIEW

March 6, 2013, Possible action to award contract to Nichols Consulting Engineers, Chtd. for Hardie Lane Reconstruction project, Rachel Street to Main Street, survey, design, construction engineering, quality assurance inspection and material sampling and testing in an amount not to exceed \$216,662.00, Motion passed.

May 2, 2013, Discussion and possible action to staff regarding fiscal year 2013/2014 proposed budget including but not limited to; all funds and departments, budget process, timelines, existing budget, assessment and goals for next year, Motion passed.

July 17, 2013, Possible action to approve the Cooperative Local Public Agency (LPA) Agreement for the Hardie Lane Safe Routes to School Project, funded amount \$802,102, Motion passed.

April 24, 2014, Discussion and possible action to staff regarding fiscal year 2014/2015 proposed budget including but not limited to; all funds and departments, budget process, timelines, existing budget, assessment and goals for next year, Motion passed.

January 7, 2015, Possible action to approve Amendment A, to extend and incorporate additional scope of work for engineering services and associated fees, for the existing Hardie Lane Reconstruction Contract with Nichols Consulting Engineers, Chtd., in an amount not to exceed \$324,267.03, Motion passed.

March 18, 2015, Possible action to approve the Amendment of the Cooperative Local Public Agency (LPA) Agreement for the Hardie Lane Safe Routes to School Project, to extend the Project limits, include additional Project Scope and accept additional funding from the Transportation Alternatives Program, (TAP), in the amount of \$34,000, Motion passed.

May 7, 2015, Discussion and possible action to staff regarding fiscal year 2015/2016 proposed budget including but not limited to; all funds and departments, budget process, timelines, existing budget, assessment and goals for next year, Motion passed.

June 3, 2015, Possible action to approve Amendment B, to incorporate additional scope of work for engineering services and associated fees, in relation to NEPA compliance requirements, for the existing Hardie Lane Reconstruction Project Contract, to Nichols Consulting Engineers, Chtd., in an amount not to exceed \$17,761, Motion passed.

May 18, 2016, Discussion and possible action to staff regarding fiscal year 2016/2017 proposed budget including but not limited to; all funds and departments, budget process, timelines, existing budget, assessment and goals for next year, Motion passed.

August 3, 2016, Possible Action to approve Amendment No. 2 of the Cooperative Local Public Agency (LPA) Highway Agreement No. P511-13-063 for the Hardie Lane Safe Routes to School Project, Motion passed.

September 7, 2016, Presentation on the status of the City's current grant projects with the Nevada Department of Transportation.

December 07, 2016, Discussion and possible Action to approve Amendment C, to incorporate additional scope of work for the existing Engineering Services Contract for the Hardie Lane Reconstruction Project, to NCE, in an amount not to exceed \$208,633.57, Motion passed.

May 17, 2017, Discussion and possible action to staff regarding fiscal year 2017/2018 proposed budget including but not limited to; all funds and departments, budget process, timelines, existing budget, assessment and goals for next year, Motion passed.

July 5, 2017, Possible Action to approve the acquisition of two (2) Temporary Construction Easements (TCEs) and one (1) Permanent Easement (PE) located at APN: 020-041-65 (295 East Main Street), from T&N Fernley, LLC, in the amount of \$3,900. Motion passed.

ATTACHED INFORMATION

- 1) Public Highway Agreement, Project: MS-0019(023):
 - a) APN: 020-061-22 (176 Hardie LN), Evans
 - b) APN: 020-061-21 (170 Hardie LN), Bridgewater Investments, LLC
 - c) APN: 020-061-20 (150 Hardie LN), Singh and Grewal
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