



Meeting Date: 09/20/17
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 one (1) Temporary Construction Easement (TCE) located at APN: 020-061-19 (275 E. Cedar ST), in the amount of \$7,000.**

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 one (1) Temporary Construction Easement (TCE) located at APN: 020-061-19 (275 E. Cedar ST), in the amount of \$7,000."

Key Points:

1. This easement is necessary to complete proposed Hardie Lane Reconstruction Project improvements.
2. The TCE is being requested to accommodate dirt grading in conjunction with the Hardie Lane Roadway Reconstruction Project. In addition, it will be necessary to remove two trees and several lilac bushes during construction that will not be replaced. The loss of these trees and bushes were assessed as damages with additional compensation due to the Owner.
3. The City hired a qualified appraiser to determine the worth of the proposed easement. Per NDOT ROW requirements, a qualified appraiser performed a review appraisal for the proposed acquisition. The property Owners have reviewed the appraisal and have agreed to the terms of the easement.
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
 NRS 37

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 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.... Appraisals shall be reviewed by appraisers on the NDOT Approved Appraisers List. The NDOT Right-of-Way Division will review the appraisal reports and set just compensation before the local public agency can begin making offers to the property owners."

The property Owner has met with the City's Senior Right-of-Way Agent to review the offer and execute the Agreement. Council approval of the acquisition terms and costs will allow Staff to move forward with the escrow process, payment of fee and finalizing the Agreement. The City will need to complete this acquisition 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

The Appraisal Report for this property was prepared by Reese Perkins of Johnson/Perkins/Griffin Real Estate Appraisers and Consultants dated, April 14, 2017. The Appraisal Review Report was completed by Robert E. Schiffmacher of Real Property Consultant dated April 17, 2017. An arborist appraisal was conducted on March 27, 2017 to assess compensation for damages due to loss of two (2) trees and eight (8) lilac bushes. The City received the Just Compensation Memo from NDOT on June 05, 2017. The City received the executed Agreement from the Project Senior ROW Agent of Atkins North America, Inc. on September 01, 2017.

The Just Compensation Memo, prepared by NDOT, outlines the determination of the Just Compensation for the acquisition. Just Compensation for the proposed TCE is summarized as follows:

- Temporary Construction Easement (TCE):
 - o 545 sq. ft.
 - Valued at approximately \$350.00
- Damages:
 - o Ash Tree
 - Valued at \$1,200.00
 - o Mulberry Tree
 - Valued at \$4,650.00
 - o Lilacs (8 total)
 - Valued at \$800.00 (total)

The total recommended Just Compensation for the acquisition is \$7,000.00.

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.

August 2, 2017, 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, Motion passed.

August 2, 2017, Possible Action to approve the acquisition of one (1) Right-of-Way Take (ROW Take), one (1) Permanent Easement (PE) and one (1) Permission to Construct (PTC) located at APN: 020-131-02 (450 Hardie LN), from Lyon County School District, in the amount of \$60,300, Motion passed.

ATTACHED INFORMATION

- 1) Public Highway Agreement, Project: MS-0019(023), APN: 020-061-19