THE CITY OF SAN DIEGO

# REPORT TO THE CITY COUNCIL

DATE ISSUED: April 20, 2011 REPORT NO: 11-064

ATTENTION: Land Use and Housing Committee Chairman and Committee Members
Agenda of April 27, 2011

SUBJECT: Right Of Way Certification Authorization

## REQUESTED ACTION:

Authorizing the Mayor, or his designee to execute Right-of -Way Certifications pertaining to City projects funded by the State or Federal government.

## STAFF RECOMMENDATION:

Authorize the requested action.

## BACKGROUND:

This action pertains to all City right of way projects that involve State or Federal funding. A Right of Way Certificate is verification to the State (Caltrans) that all necessary real estate required for the proposed project has been secured. The State requires that a resolution be adopted by the governing body for each individual Certification or that a resolution be adopted authorizing a responsible official to execute Right of Way Certifications. This action would eliminate the necessity of returning to Council for every individual certification.

This is primarily a routine process that can involve projects as minor as basic street improvements. This action would eliminate the necessity of returning to Council for projects that have already been previously approved.

## FISCAL CONSIDERATIONS:

N/A

## COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:
The City would be able to expedite the certification process for all right of way projects.

James F. Barwick, Director
Real Estate Assets Department

Jay M. Goldstone
Chief Operating Officer

| REQUEST FOR COUNCIL ACTION<br>CITY OF SAN DIEGO | | CERTIFICATE NUMBER<br>(FOR COMPTROLLER'S USE ONLY) |
|---|---|---|
| TO:<br>CITY COUNCIL | FROM (ORIGINATING DEPARTMENT):<br>Real Estate Assets | DATE:<br>04/08/2011 |

SUBJECT: RIGHT OF WAY CERTIFICATION AUTHORIZATION

| PRIMARY CONTACT (NAME, PHONE): | SECONDARY CONTACT (NAME, PHONE): |
|---|---|
| Lane MacKenzie,236-6050 | April McCusker, 236-6987 |

COMPLETE FOR ACCOUNTING PURPOSES

| | | | | | |
|---|---|---|---|---|---|
| FUND | | | | | |
| DEPT / FUNCTIONAL AREA | | | | | |
| ORG / COST CENTER | | | | | |
| OBJECT / GENERAL LEDGER ACCT | | | | | |
| JOB / WBS OR INTERNAL ORDER | | | | | |
| C.I.P./CAPITAL PROJECT No. | | | | | |
| AMOUNT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

| | | | | | |
|---|---|---|---|---|---|
| FUND | | | | | |
| DEPT / FUNCTIONAL AREA | | | | | |
| ORG / COST CENTER | | | | | |
| OBJECT / GENERAL LEDGER ACCT | | | | | |
| JOB / WBS OR INTERNAL ORDER | | | | | |
| C.I.P./CAPITAL PROJECT No. | | | | | |
| AMOUNT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

COST SUMMARY (IF APPLICABLE): N/A

ROUTING AND APPROVALS

| CONTRIBUTORS/REVIEWERS: | | APPROVING AUTHORITY | APPROVAL SIGNATURE | DATE SIGNED |
|---|---|---|---|---|
| | | ORIG DEPT. | Barwick, James | 4/11/2011 |
| | | CFO | | |
| | | DEPUTY CHIEF | | |
| | | COO | | |
| | | CITY ATTORNEY | Bevier, Debra | |
| | | COUNCIL PRESIDENTS OFFICE | | |

PREPARATION OF: ☒ RESOLUTIONS ☐ ORDINANCE(S) ☐ AGREEMENT(S) ☐ DEED(S)

1)Authorizing the Mayor, or his designee to execute Right-of -Way Certifications pertaining to City projects involving funding by the State and Federal government.

STAFF RECOMMENDATIONS:
Approve The Resolution

SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION)

| | |
|---|---|
| COUNCIL DISTRICT(S): | N/A |
| COMMUNITY AREA(S): | N/A |
| ENVIRONMENTAL IMPACT: | N/A |
| CITY CLERK INSTRUCTIONS: | Return documents to Real Estate Assets Department, Attention: B. Lane MacKenzie, M.S. 51A, for further handling. |

# COUNCIL ACTION
# EXECUTIVE SUMMARY SHEET
## CITY OF SAN DIEGO

DATE: 04/08/2011
ORIGINATING DEPARTMENT: Real Estate Assets
SUBJECT: RIGHT OF WAY CERTIFICATION AUTHORIZATION
COUNCIL DISTRICT(S): N/A
CONTACT/PHONE NUMBER: Lane MacKenzie/236-6050

DESCRIPTIVE SUMMARY OF ITEM:
This action pertains to all City right of way projects that involve State or Federal funding. A Right of Way Certificate is a verification to the State (Caltrans) that all necessary real estate required for the proposed project has been secured. The State requires that a resolution be adopted by the governing body for each individual Certification or that a resolution be adopted authorizing a responsible official to execute Right of Way Certifications.

This is primarily a routine process that can involve projects as minor as basic street improvements. This action would eliminate the necessity of returning to Council for projects that have already been previously approved.

STAFF RECOMMENDATION:
Approve The Resolution
EXECUTIVE SUMMARY OF ITEM BACKGROUND:
This action pertains to all City right of way projects that involve State or Federal funding. A Right of Way Certificate is a verification to the State (Caltrans) that all necessary real estate required for the proposed project has been secured. The State requires that a resolution be adopted by the governing body for each individual Certification or that a resolution be adopted authorizing a responsible official to execute Right of Way Certifications. This action would eliminate the necessity of returning to Council for every individual certification.

This is primarily a routine process that can involve projects as minor as basic street improvements. This action would eliminate the necessity of returning to Council for projects that have already been previously approved.

FISCAL CONSIDERATIONS:N/A

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):N/A

PREVIOUS COUNCIL and/or COMMITTEE ACTION (describe any changes made to the item from what was presented at committee): This item to be docketed for April 27, 2011 LU & H Committee.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:N/A

Barwick, James
Originating Department

_____
Deputy Chief/Chief Operating Officer

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE RIGHT-OF-WAY CERTIFICATIONS FOR PROJECTS TO BE SUBMITTED TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION.

WHEREAS, the California Department of Transportation (CalTrans) requires that a "Right-of-Way Certification" be submitted to CalTrans for each City project submitted for acceptance and/or approval; and

WHEREAS, CalTrans also requires that the each Right-of-Way Certification be accompanied by a resolution adopted by the City Council which authorizes a city official to execute the Right-of-Way Certification; and

WHEREAS, pursuant to CalTrans Right-of-Way Manual Chapter 17, Section 17.08.14.11, one option for compliance with the requirement that each Right-of-Way Certification be accompanied by a resolution, is to have a resolution adopted by the City Council giving a responsible City official the blanket authority to execute Right-of-Way Certifications; and

WHEREAS, CalTrans has given official notice to the City that, without an individual resolution for each project or a blanket resolution, CalTrans will no longer accept and/or approve future Right-of-Way Certifications for City projects that are either on the Street Highway System or those off-system projects with federal funding (preliminary engineering, right-of-way, or construction); nor will such projects be allowed to be advertised without having properly submitted Right-of-Way Certifications; and

WHEREAS, a blanket authority resolution would eliminate the necessity of obtaining a separate resolution for each project to be submitted to CalTrans and would allow City staff to timely file the necessary Right-of-Way Certifications; NOW, THEREFORE,

BE IT RESOLVED, by the San Diego City Council that the Mayor, or his designee, is authorized to execute Right-of-Way Certifications for submittal to the California Department of Transportation, and take all other actions necessary to facilitate the timely filing of such certifications, for City of San Diego projects that are either on the State Highway System or those off-system projects with federal funding.

APPROVED: JAN I. GOLDSMITH, City Attorney

By _____
Debra J. Bevier
Deputy City Attorney

DJB: mm
00/----
Cert.No:
Or.Dept:
R-2011-

I hereby certify that the foregoing Resolution was passed by the Council of the City of Diego, at its meeting of _____.

ELIZABETH S. MALAND, City Clerk

By _____
Deputy City Clerk

Approved: _____ _____
(date) JERRY SANDERS, Mayor

Vetoed: _____ _____
(date) JERRY SANDERS, Mayor

DRAFT

State of California

Business, Transportation and Housing Agency

# Memorandum

To : **PEDRO ORSO-DELGADO**
District Director

WILLIAM S. VALLE
Deputy District Director
Project Support

Attention:
District Office Engineer

Date:

File: 11-SD-163
K.P. 13.5/14.4
E.A. 241501
Const. Fed-Aid No:_____
R/W Fed-Aid No:_____

From : **City of San Diego**

Subject: RIGHT OF WAY CERTIFICATION NO. _____ FOR THE PROJECT IN SAN DIEGO COUNTY IN SAN DIEGO FROM 0.6 KM SOUTH TO 0.3 KM NORTH OF CLAIREMONT MESA BOULEVARD OVERCROSSING

PROJECT TYPE: FREEWAY INTERCHANGE RECONSTRCUTION INCLUDES WIDENING OF TWO BRIDGES

1. STATUS OF REQUIRED RIGHT OF WAY:

The acquisition of right of way was not required. All work proposed is within existing right of way acquired for a previous construction project.

A. Total number of parcels required ..... 0

1. Parcels acquired (*escrow closed or Final Order of Condemnation recorded*) ..... 0
2. Parcels covered by Order of Possession ..... 0
3. Parcels covered by Right of Entry (RE) ..... 0
4. Parcels covered by a Right of Entry executed prior to appraisal ..... 0
5. Parcels covered by Resolution of Necessity only ..... 0
6. Parcels covered by other acquisition documents as follows ..... 0

B. Construction Permits, etc. required ..... 2

| Location (KP/PM) | Owner | Type Document | Effective Date | Expiration Date |
|---|---|---|---|---|
| KP 13.5/14.4 | Caltrans | Encroachment | 10/05 | 4/07 |
| KP 13.5/14.4 | City of San Diego | Right of Entry | 10/05 | 4/07 |

2. STATUS OF AFFECTED RAILROAD OPERATING FACILITIES

None affected.

3. MATERIAL SITE

None Required

DISPOSAL SITE

Commercial/Public (The project includes disposal of ADL contaminated soil to a Class 1 Hazardous Waste Facility)

5. STATUS OF REQUIRED UTILITY RELOCATION

None required.

The following utilities are located within the project rights of way but require no relocation:

| Company | Type/Facility |
|---|---|
| San Diego Gas & Electric | Electrical |
| San Diego Gas & Electric | Natural Gas |
| Pacific Bell | Telephone |
| City of San Diego | Water |
| City of San Diego | Sewer |

The following utilities are in conflict with the project and require relocation as follows: N/A

None identified.

6. RIGHT OF WAY CLEARANCE

There are no improvements or obstructions located within the limits of this project.

7. AIRSPACE AGREEMENTS

There are no airspace lease properties within the limits of this project.

8. COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS

Compliance was not required as there were no displacements for this project.

9. COOPERATIVE AGREEMENTS

| Agency | Agreement No. |
|---|---|
| State of California & City of San Diego | 11-0618 |

10. ENVIRONMENTAL MITIGATION

No environmental mitigation parcels are required for the project.

11. CERTIFICATION

I hereby certify the right of way on this project as conforming to Paragraph 23 CFR 635.309(C)( 1, 2 ). The project may be advertised with contract award being made at any time.

I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(3). The project may be advertised at any time. Approvals are attached for the work-around. Appropriate notification has been included in the Bid Documents. An updated Certification No. 3 will be provided by (Date).

I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(3). The project has been advertised and the contract may be awarded. Approvals are attached for the work-around. I have confirmed that all appropriate notifications have been included in the Bid Documents concerning said work-around.

**CITY OF SAN DIEGO**

By:_____ Date: _____

Reviewed and Approved:

By:_____ Date: _____

Local Programs Coordinator
Right of Way Division