



REPORT TO COUNCIL

City of Sacramento

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www.CityofSacramento.org

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CONSENT
June 13, 2006

Honorable Mayor and
Members of the City Council

Subject: Agreements and Environmental: Sheldon Road/SR99 Interchange Project

Location/Council District: Sheldon Road at State Route 99. Location Map - Exhibit A of Resolution. (District 8)

Recommendation:

Adopt a Resolution: 1) reviewing and considering the Environmental Impact Report along with the Mitigation, Monitoring and Reporting Program prepared and adopted by the City of Elk Grove; 2) approving and authorizing the City Manager to execute an agreement between the City of Sacramento and the City of Elk Grove concerning the acquisition of right of way necessary for the Sheldon Road at State Route 99 Interchange Project (the "Project") including terms that provide the City of Elk Grove will pay City of Sacramento right-of-way acquisition costs for the project; and 3) agreeing to hear the Resolutions of Necessity associated with the Project should that action become necessary at some future date; and 4) authorizing the City Attorney to enter into an agreement for legal services on terms acceptable to and approved by the City Attorney.

Contact: Tim Mar, Supervising Engineer, 808-7531

Presenters: None

Department: Department of Transportation

Division: Engineering Services

Organization No: 3434

Summary:

The Sheldon Road/SR 99 Interchange is one of the most congested interchanges in the region. The City of Elk Grove ("Elk Grove") is reconstructing the interchange to accommodate existing and future traffic demands. Elk Grove is the lead agency for the Project and is paying 100% of the project costs.

The northwest quadrant of the interchange is in the City of Sacramento ("City") limits and a portion of 10 parcels within the City's limits are required by the City of Elk Grove to reconstruct the interchange.

The Agreement between the City and Elk Grove requires Elk Grove to pay 100% of all City right-of-way acquisition costs for the 10 parcels including costs for appraisals, court costs, relocation costs, any and all payments to landowners, legal fees, and all City staff costs.

Committee/Commission Action: None.

Background Information:

The Sheldon Road/SR 99 Interchange provides access to residents in the southeast part of the City and Elk Grove. Elk Grove is reconstructing the interchange to accommodate existing and future traffic demands.

As a responsible agency under the California Environmental Quality Act (CEQA), the City of Sacramento must review and consider the Environmental Impact Report and Mitigation, Monitoring and Reporting Program adopted by Elk Grove for the Project. The EIR adopted by Elk Grove has been filed with the City Clerk and is available for review.

Elk Grove plans to award a construction contract in September of this year and complete construction by early Spring 2008.

Eminent domain may be necessary in order to maintain the Project schedule. State statute administered under the oversight of the State of California, Department of Transportation ("Caltrans") allows the City to hear and adopt Resolutions of Necessity for the acquisition of property needed for projects on the State Highway System. As a requirement, approval for the City to hear said Resolutions of Necessity must first be obtained from the Right-of-Way Division of Caltrans.

Recent procedural revisions imposed by Caltrans contained specifically in the Caltrans Right-of-Way Manual, Chapter 17 of Local Programs, regarding eminent domain and condemning authority, now require that a Local Public Agency (City of Sacramento) pass a resolution agreeing to "hear" the Resolution of Necessity for projects on the State Highway System in advance of the hearing and prior to seeking approval from Caltrans.

If an eminent domain action becomes necessary, the City Attorney is requesting Council authority to employ outside legal counsel on terms acceptable and approved by the City Attorney including the requirement that Elk Grove agrees to pay all outside counsel fees.

Financial Considerations:

The City is not contributing any funds towards this project.

Pursuant to the agreement, Elk Grove will reimburse the City for all costs incurred to acquire right-of-way from the 10 parcels within the City necessary for the project.

Environmental Considerations:

Elk Grove as the lead agency adopted the Environmental Impact Report and Mitigation, Monitoring and Reporting Program for the project on July 27, 2005 pursuant to the California Environmental Quality Act.

The City as a responsible agency under CEQA must review and consider the Environmental Impact Report and Mitigation, Monitoring and Reporting Program.

Policy Considerations:

The project is consistent with the City's goals for improving public safety and sustainability and livability.

Emerging Small Business Development (ESBD):

Most of the services are being provided by City staff or consultants already retained by the City of Elk Grove. Also, the firm selected to provide the City Attorney with legal services is unlikely to be an ESBD firm.

Respectfully Submitted by: Tim Manfor
Nicholas Theocharides
Engineering Services Manager

Approved by: Karen Shipley
for: Jerry Way
Interim Director, Department of Transportation

Recommendation Approved:

Mat Kerridge
RAY KERRIDGE
City Manager

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RESOLUTION NO.

Adopted by the Sacramento City Council

CONSIDERING AND REVIEWING THE ENVIRONMENTAL IMPACT REPORT AND MITIGATION, MONITORING AND REPORTING PROGRAM FOR THE PROJECT WHICH WAS ADOPTED BY THE CITY OF ELK GROVE; APPROVING AN AGREEMENT BETWEEN THE CITY AND THE CITY OF ELK GROVE CONCERNING THE ACQUISITION OF RIGHT OF WAY NECESSARY FOR THE SHELDON ROAD AT STATE ROUTE 99 INTERCHANGE PROJECT INCLUDING PAYMENT OF CITY RIGHT-OF-WAY ACQUISITION COSTS FOR THE PROJECT BY ELK GROVE; AGREEING TO HEAR THE RESOLUTIONS OF NECESSITY ASSOCIATED WITH THE SHELDON ROAD/SR99 INTERCHANGE PROJECT SHOULD THAT ACTION BECOME NECESSARY AT SOME FUTURE DATE AND AUTHORIZING THE CITY ATTORNEY TO EMPLOY OUTSIDE LEGAL COUNSEL ON TERMS ACCEPTABLE AND APPROVED BY THE CITY ATTORNEY INCLUDING THE REQUIREMENT THAT ELK GROVE AGREE TO PAY ALL OUTSIDE COUNSEL FEES

BACKGROUND

- A. The Sheldon Road/SR 99 Interchange is one of the most congested interchanges in the region. It provides access to residents in the southeast part of the City and Elk Grove. Elk Grove is reconstructing the interchange to accommodate existing and future traffic demands. Elk Grove is the lead agency for the project and is paying 100% of the project costs.
- B. Elk Grove as the lead agency adopted an Environmental Impact Report and Mitigation, Monitoring and Reporting Program for the project on July 27, 2005 pursuant to the California Environmental Quality Act.
- C. Elk Grove plans to award a construction contract in September of this year and complete construction by early Spring 2008.
- D. The northwest quadrant of the project lies within the City limits and Elk Grove has requested that the City obtain right-of-way from 10 parcels in the City for the project.
- E. Eminent domain may be necessary in order to maintain the project schedule. State statute administered under the oversight of the State of California, Department of Transportation (Caltrans) allows the City to hear and adopt Resolutions of Necessity for the acquisition of property needed for projects on

the State Highway System. As a requirement, approval for the City to hear said Resolutions of Necessity must first be obtained from the Right-of-Way Division of Caltrans.

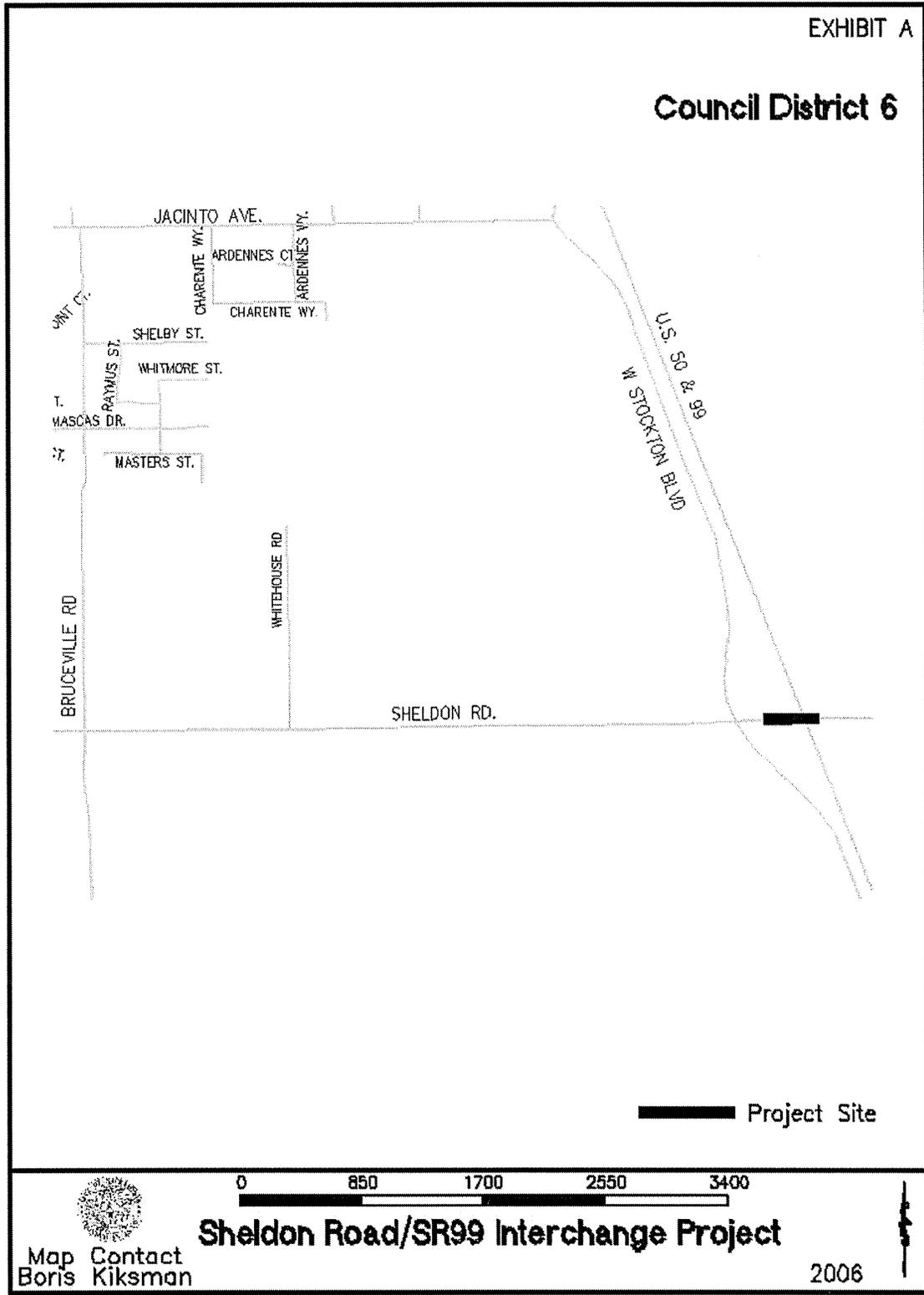
- F. Recent procedural revisions imposed by Caltrans contained specifically in the Caltrans Right-of-Way Manual, Chapter 17 of Local Programs, regarding eminent domain and condemning authority, now require that a Local Public Agency (City of Sacramento) pass a resolution agreeing to “hear” the Resolution of Necessity for projects on the State Highway System in advance of the hearing and prior to seeking approval from Caltrans.
- G. If an eminent domain action becomes necessary, the City Attorney is requesting authority to hire outside legal counsel provided Elk Grove agrees to pay all outside counsel fees.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The City Council has reviewed and considered the information contained in the Environmental Impact Report and Mitigation, Monitoring and Reporting Program prepared and adopted by the City of Elk Grove in accordance with the City’s responsibilities as a responsible agency under the California Environmental Quality Act.
- Section 2. The City Manager is authorized and directed to execute an Agreement with the City of Elk Grove concerning the acquisition of right of way necessary for the Sheldon Road at State Route 99 Interchange Project (the “Project”) including payment by the City of Elk Grove of City right-of-way acquisition costs for the project.
- Section 3. The City Council agrees to hear the Resolutions of Necessity associated with the Sheldon Road/SR99 Interchange Project should that action become necessary at some future date.
- Section 4. The City Attorney is authorized to hire outside counsel on terms and conditions acceptable to the City Attorney provided Elk Grove agrees to pay all outside counsel fees.

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Exhibit A: Map of Sheldon Road/SR99 Interchange Project



Map of Council District 6