



MARK THOMAS

Nov 22, 2024

Art Cervantes
Engineering Manager
Engineering Services Department
City of Rialto
150 S. Palm Avenue
Rialto, CA 92736

RE: Locust Avenue Widening and Reconstruction, Additional Task – Additional Right of Way Acquisitions

Dear Art:

We are pleased to submit our scope of services and fee proposal to provide the engineering services for additional right of way acquisition. The scope of services for the additional right of way acquisition is an addendum to our original design contract. There are additional 11 parcels that have been identified that will require the acquisition of additional right of way since they do not meet the 44' right of way requirement. Below is the list of the parcels:

- **0239-192-01-0000**
- **0239-192-13-0000**
- **0239-193-07-0000**
- **0239-301-26-0000**
- **0239-301-64-0000**
- **0239-301-72-0000**
- **1133-041-03-0000**
- **1133-241-06-0000**
- **1133-091-19-0000**
- **1133-091-20-0000**
- **1133-091-21-0000**

A detailed scope, budget, and schedule to perform the additional services is shown below.

Scope of Work

We have attached a detailed scope of work, including optional tasks, for your review.

Schedule

Work will be completed within 9 months from Notice to Proceed.



Budget

We have prepared a fee estimate for these services, as detailed on the attached form. The total estimated cost is \$254,710. The project will be billed based on a Time and Material format, with a total not to exceed \$254,710.

Should you have any questions or comments, please do not hesitate to contact me at (805) 701-9427 or email at djohnson@markthomas.com or Ricky Chan at (310) 980-7704 or email at rchan@markthomas.com.

Sincerely,



MARK THOMAS

Darin Johnson, PE
Division Manager
Attachment(s)



Attachment A: Scope of Work

9.1 Right of Way Land Net Map and Right of Way Requirement Map

Mark Thomas will analyze the exiting record information to verify existing centerlines together with the necessary field survey ties to locate sufficient monuments to verify the alignment and right-of-way of Locust Avenue. Mark Thomas will obtain and review Preliminary Title Reports (PTR), as well as review supporting documents provided by the City, for use in determining property lines and easements that may impact acquisition for the 11 parcels identified in our preliminary design review. An ODC amount of \$1250 per PTR for 11 total PTRs has been budgeted. It is assumed that sufficient monumentation will be in place and no material discrepancies between record monuments and field monuments will be found. Additional survey work required to satisfy Monument Preservation is not included in this scope, nor is a preconstruction Record of Survey, if a Record of Survey is required the client will be notified and addition scope and fee will be negotiated.

Mark Thomas will analyze the title reports, record mapping, and found project control to establish existing street centerlines, rights of way, easements, and property lines of record using industry accepted boundary retracement practices. All resolved linework will be illustrated in an Existing Right of Way Base Map (Land Net) depicting found monuments/cadaster, pertinent notes on means/methods of retracement efforts, assessor's parcel numbers, ownership of record, and measured bearings/ distances. The Existing Right of Way Base Map (Land Net) will serve as the basis in identification of property interests (right of way, TCE, etc.) necessary to widen the Right of Way to 44' from the centerline.

During the course of this survey it is possible that evidence will be discovered requiring the filing of a Record of Survey under the California PLS Act. If such evidence is found, Mark Thomas will discuss such evidence with the City and negotiate a Record of Survey under a separate Scope & fee estimate.

Mark Thomas will prepare right of way requirements map depicting the acquisitions required for widening the Right of Way to 44' from centerline.

Mark Thomas will plan, organize, supervise, coordinate, and administer the various elements of the right-of-way scope of work with Monument, subconsultant and City.

9.2 Plats and Legal Descriptions

Up to Eleven (11) plats and legal descriptions to support permanent acquisition will be prepared and shall conform to California Land Surveyor's Act requirements. Plats and legal descriptions will be submitted to the CITY for review and one (1) round of comments and will be updated once based upon those comments. Additional rounds of review, revisions and changes to



configuration will be performed as supplemental service.

9.3 Right of Way Estimate

In the preparation of a right-of-way cost estimate, Monument will perform the following activities:

- Use publicly available data and other real estate resources to determine the ownership, land use, zoning, lot size, and improvements for each affected property.
- Calculate the fee and/or easement area that will need to be acquired for each impacted property using design data and assessor boundary information
- Perform a desktop and/or visual inspection of properties as appropriate to confirm the probable acquisition type (full, partial, temporary, etc.) including identifying existing uses to be relocated.
- Estimate the total capital cost of acquisition for all parcels including real estate costs, relocation assistance, severance damages, loss of goodwill, fixtures and equipment, demolition and clearance.
- Estimate the total support cost for all parcels including appraisal fees, condemnation costs, title and escrow fees, environmental fees, and consultant fees as necessary.
- Prepare a draft right of way requirements report detailing the required property and rights, as well as the estimated cost of acquisition.
- Update and finalize the Right of Way Requirements Report based on comments from the City.

9.4 Right of Way Project Coordination

Monument's Project Manager and key staff will be responsible for the technical and administrative functions required to provide right-of-way services on the Project. The management team will plan, organize, supervise, coordinate, and administer the various elements of the right-of-way scope of work.

- Monument will meet with relevant parties regarding proposed Project to identify acquisition issues, and/or to discuss project status, procedural issues, budget, and schedules.
- Participate in in-person Project coordination meetings (up to three) with the City and design team to communicate project updates, coordinate right-of-way issues and make recommendations to the City on policy development, risk mitigation and general project consultation.



- Prepare and deliver written progress status reports for acquisition cases.
- Create, monitor and update project schedules.
- Schedule regular internal meetings with all Monument staff to ensure that project deliverables and services stay on schedule and within budget.
- Prepare and maintain a Quality Assurance/Quality Control (QA/QC) plan throughout the duration of the Project. The QA/QC plan is intended to ensure that the appraisals, maps, reports, plans, studies, estimates, offer documents, agreements and other documents submitted under this Scope of Work are complete, accurate, checked, and proofread to meet professional standard practices.
- Finalize all work product, provided services and prepare and deliver presentations to City staff and key stakeholders, as appropriate.
- Prepare a Construction Binder at the conclusion of the acquisition phase which will be included with the construction bid package. The binder will include copies of redacted property agreements and conveyance deeds and a summary table that itemizes specific construction obligations and limitations for each property.

9.5 Fee Appraisal

A fee appraisal will be prepared for 9 partial acquisitions (11 parcels, 9 owners). Monument and/or it's appraiser will perform the following services:

- The appraisal will be prepared by individuals licensed with the State of California, Office of Real Estate Appraisers, as a Certified General Real Estate Appraiser. Our appraisers both retain the requisite qualifications and experience necessary to competently complete appraisals in a competent and professional manner, in accordance to applicable laws and policies.
- Prepare the Notice of Decision to Appraiser letter for each property, advising the property owner of the proposed project, introducing the appraiser, enclosing an Acquisition Brochure describing the City's acquisition process, and contract information to answer questions and concerns.
- The appraisal report will comply with laws that are applicable to the specific appraisal assignment and the Uniform Standards of Professional Appraisal Practice (USPAP).
- Afford the property owner or the owner's designated representative the opportunity to accompany the appraiser on the inspection of the property.
- Perform an inspection of the subject property. The inspection should be appropriate for the appraisal problem, and the Scope of Work should address:
 - The extent of the inspection and description of the neighborhood and proposed project area,



- The extent of the subject property inspection, including interior and exterior areas,
- The level of detail of the description of the physical characteristics of the property being appraised (and, in the case of a partial acquisition, the remaining property).
- In the appraisal report, identify the highest and best use. If highest and best use is in question or different from the existing use, provide an appropriate analysis identifying the market-based highest and best use.
- Present and analyze relevant market information.
- In developing and reporting the appraisal, disregard any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project.
- Report the appraiser's analysis, opinions, and conclusions in the appraisal report.
- When applicable, waiver valuations may be completed in accordance with applicable laws and policies.

9.6 Partial Acquisitions

Monument will provide right-of-way delivery services required for the City to purchase the 9 proposed partial acquisitions (11 parcels, 9 owners) required for the Project.

Monument will provide the following services under the direction of the City staff:

- Provide the Acquisition and Negotiations Services to acquire the property interests required for the Project in a timely, efficient manner and at a reasonable cost. Work shall be performed in accordance with the City's Policies and Procedures and applicable Federal, State and local regulations.
- Coordinate and manage the acquisition process with the City, legal counsel, design team, property owners, and tenants along with the title company, appraisers and other consultants to insure effective cross-discipline communications.
- Review right-of-way plans, appraisal reports, title reports, appraisal maps and legal descriptions and all other pertinent documents.
- Prepare acquisition offer packages consisting of the City's written purchase offer, appraisal summary statement, acquisition brochure, acquisition agreement, conveying instruments (Grant Deed, Permanent and/or Temporary Easements, etc.), Certificate of Acceptance, recommendation of Amount of Just Compensation, plat maps and legal descriptions, and Title VI Information.
- Negotiate personally in good faith with each property owner, his/her agent or representative and discuss appraisal and valuation of the property interests, gather



information from the property for consideration and address any questions or concerns that may arise during the acquisition process.

- Establish and maintain an acquisition file for each property owner or property interest acquired and maintain a file checklist pursuant to the City's specifications.
- Promptly transmit executed documents (acquisition agreements, executed deeds, rental agreements, statements of information, offset statements, and the like) to the City for acceptance and processing. A report summarizing the pertinent information relative to the transaction will be included.
- Prepare and submit a Letter of Recommendation to the City for any proposed administrative settlements with property owners. The letter will include a chronology of the negotiation efforts, provide supporting evidence and documentation and an explanation of the benefits and rationale behind the recommendation.
- Escrow Coordination - Coordinate opening of escrows with direction from the project manager, assist the escrow company in obtaining additional documentation as necessary to provide clear title to the City, supervise and review the closing of escrows, and review closing statements for completeness and accuracy. We will serve as liaison between the title company, escrow holder, and the City. Upon closing of escrow, tax cancellation letters will be prepared for City signature, as necessary, for fee interest acquisitions.
- Recommend condemnation action when negotiations have reached an impasse. The required justification will be submitted in writing to the City. Our primary goal will be to reach an acceptance of the offer with each property owner. We will work with the City in recommending solutions to achieve acceptance of the offer.
- Eminent Domain Support – If requested, coordinate with City's condemnation counsel, as required, to support the condemnation activities until the Resolution of Necessity is adopted and possession is granted by the courts. Litigation support after the hearing for the Resolution of Necessity, such as depositions, mediation appearances and expert testimony, can be provided on a time-and-materials basis.
- Perform any other normal procedures and processes to implement the acquisition assignment and provide any other supporting information and/or correspondence required by the City.
- Provide bilingual acquisition agents, if necessary.
- Prepare all applicable forms, secure property owner's approval and signature and submit the forms to the City for review and acceptance.

Upon completion of the acquisition process for each property or property interest, or at project completion, Monument will provide the City with the original acquisition file as well as electronic copy of files for future audit purposes.




Acquisition Assumptions:

- The Project Manager will participate in up to 12 monthly PDT or right of way coordination meetings.
- The Project does not anticipate or involve federal funding for any phase of the project nor does the Project include the implementation of the Caltrans Local Assistance Procedures Manual.
- Legal descriptions, plat maps and preliminary title reports will be provided by the Project Engineer from Mark Thomas. The Project Engineer will update the preliminary title reports if older than one year.
- Any modification to the legal descriptions and property requirements after the appraisal process has been initiated will result in a change to the above scope of work and fee.
- Assumes 60 days of good faith negotiations following the presentation of the City's purchase offer to the property owner.
- The City will initiate condemnation action after 60 days of negotiations for any parcel where a settlement has not been reached.
- It is assumed no partial acquisition will result in the displacement of any occupant or personal property.

DELIVERABLE(S): Plat and Legal Descriptions for fee take acquisitions (2 hard copies and PDF format), Right of Way Cost Estimate including detailed spreadsheet of all cost categories considered, Eleven (11) Fee Appraisal, and Eleven (11) Partial Acquisitions



COST PROPOSAL FOR PROJECT SCOPE: Rialto- On-Call - Locust Avenue Additional R/W Acquisition

	ENGINEERING/PROJECT MANAGEMENT/OVERSEEING											SURVEYING		PROJECT SUPPORT		Subconsultants	TOTAL COST
	Sr. Technical Lead	Technical Lead	Design Engineer II	Design Engineer I	Survey Manager II	Project Surveyor II	Survey Technician III	#2-Person Crew (OE 12)	Project Accountant	Project Coordinator	Total Hours	Total MT Cost	MONUMENT				
9.0 ADDITIONAL RIGHT OF WAY ACQUISITION																	
9.1 Right of Way Land Net Map and Right of Way Requirement Map	4	4	12	48	32	100	140	30	2	8	380	\$82,390	2,500	\$84,890			
9.2 Plats & Legal Descriptions (11)		16	8	24	16	66	88				218	\$44,190	2,500	\$46,690			
9.3 Right of Way Estimate		8	8								16	\$3,400	10,920	\$14,320			
9.4 Right of Way Project Coordination		4	8								12	\$2,300	10,110	\$12,410			
9.5 Fee Appraisal		8	24								32	\$5,800	25,500	\$31,300			
9.6 Partial Acquisitions (11)		8	24								32	\$5,800	44,400	\$50,200			
Subtotal Phase 9	4	48	20	136	48	166	228	30	2	8	690	\$143,880	\$95,930	\$239,810			
TOTAL HOURS	4	48	20	136	48	166	228	30	2	8	690						
OTHER DIRECT COSTS												\$14,200	\$700	\$14,900			
TOTAL COST	\$1,280	\$13,200	\$3,600	\$20,400	\$14,160	\$39,010	\$37,620	\$13,050	\$320	\$1,240		\$158,080	\$96,630	\$254,710			

Please note that the rates shown are for estimating purposes only. See Rate Schedule (A-1) for Actual Rates/Ranges.