



City of Rialto

Legislation Details (With Text)

File #: 22-715 **Version:** 1 **Name:**
Type: Agreement **Status:** Agenda Ready
File created: 7/27/2022 **In control:** City Council
On agenda: 8/9/2022 **Final action:**
Title: Request City Council to (1) Approve a Temporary Construction Easement Agreement with Robert D. Wilson for the property located at 1193 W. Merrill Avenue, Rialto, CA 92376 (APN:0128-161-10); and (2) Authorize the City Manager to Execute all Documents.
Sponsors:
Indexes:
Code sections:
Attachments: 1. Attachment 1 - TCE.pdf

Date	Ver.	Action By	Action	Result
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For City Council Meeting [August 9, 2022]

TO: Honorable Mayor and City Council

APPROVAL: Marcus Fuller, City Manager

FROM: Marcus Fuller, Acting City Engineer

Request City Council to (1) Approve a Temporary Construction Easement Agreement with Robert D. Wilson for the property located at 1193 W. Merrill Avenue, Rialto, CA 92376 (APN:0128-161-10); and (2) Authorize the City Manager to Execute all Documents.

BACKGROUND:

The City of Rialto is scheduling construction of the 1193 W. Merrill Avenue Widening Project, City Project No. 210812. At the time the initial Merrill Avenue Widening project was designed and constructed, the 98 feet wide parcel at 1193 W Merrill Avenue was not included in the project due to the lack of public right-of-way.



Staff completed negotiations with the property owner to acquire the required right-of-way and to establish a temporary construction easement for material and equipment storage. The property owner has agreed to grant right-of-way and the temporary construction easement to complete the street widening improvements in exchange for the City completing various improvements on their property.

ANALYSIS/DISCUSSION:

On February 9, 2021, the City Council awarded a professional services agreement to Huitt-Zollars, Inc. in the amount of \$46,500 for design of the Merrill Avenue Widening Project, City Project No. 210812. Huitt-Zollars has completed the plans, specifications, and documentation pertaining to the right-of-way acquisition and temporary construction easement.

A copy of the Temporary Construction Easement is included as **Attachment 1**.

ENVIRONMENTAL IMPACT:

Section 21084 of the California Public Resources Code requires that the guidelines for implementation of the California Environmental quality (CEQA) include a list of classes of projects that have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. In response to that mandate, the Secretary for Resources identified classes of projects that do not have a significant effect on the environment and are declared categorically exempt from the requirement for the preparation of environmental documents. In accordance with 14 CCR Section 15301 "Existing Facilities", Class 1 projects consist of the repair, maintenance, or minor alteration of existing structures and facilities; therefore, the Merrill Widening Project, City Project No. 210812 is considered categorically exempt from CEQA. A Notice of Exemption has been filed for the project.

GENERAL PLAN CONSISTENCY:

This action is consistent with Guiding Principle 3A in the General Plan:

Our City government will lead by example, and will operate in an open, transparent, and responsive manner that meets the needs of the citizens and is a good place to do business.

Approval of this action also complies with the following City of Rialto General Plan Goals and Policies:

Goal 4-1: Provide transportation improvements to reduce traffic congestion associated with regional and local trip increases.

Policy 4-1.1: Establish and maintain standards for a variety of street classifications to serve both local and regional traffic, including Major Arterial Highways, Major Arterials, Secondary Arterials, Collector Streets, and Local Streets.

LEGAL REVIEW:

The City Attorney has reviewed and supports the staff report, Temporary Construction Easement Agreement, and Resolution.

FINANCIAL IMPACT:

Operating Budget Impact

The proposed action will not affect the Operating Budget.

Capital Improvement Budget Impact

The costs to perform the work and complete improvements related to 1193 W. Merrill Ave. are included in the budget previously appropriated by the City Council for this capital project.

Licensing:

A Business License application and payment of a Business License tax is not required for this action.

RECOMMENDATION:

Staff recommends that City Council:

- (1) Approve a Temporary Construction Easement Agreement with Robert D. Wilson for the property located at 1193 W. Merrill Avenue, Rialto, CA 92376 (APN:0128-161-10); and
- (2) Authorize the City Manager to Execute all Documents