



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: August 31, 2011

FROM: John McDonough, City Manager

AGENDA ITEM: Right of Way Acquisition for Sidewalk Program Project, T-6010-9, Glenridge Sidewalks – Mt. Vernon Highway to Abernathy

MEETING DATE: For Submission onto the September 6, 2011, City Council Work Session Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum

APPROVAL BY CITY MANAGER: JFM APPROVED

_____ NOT APPROVED

PLACED ON AGENDA FOR: 9/6/11

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: [Signature]

REMARKS:



TO: John McDonough, City Manager

FROM: Kevin Walter, P.E., Public Works Director

DATE: August 18, 2011

SUBJECT: Right of Way Acquisition for Sidewalk Program Project, T-6010-9,
Glenridge Sidewalks – Mt. Vernon Highway to Abernathy

The City budgeted \$3.85M in the Fiscal Year 2010 budget for the Capital Sidewalk Program. Estimated design and construction costs of \$620K were included in that program build for the Glenridge Sidewalk from Mt. Vernon Highway to Abernathy. Design of this project is essentially complete after a protracted pause while the Glenridge frontage of the Mt. Vernon Presbyterian School campus underwent extensive permitting review. The next step with this project has been right of way acquisition based upon decisions made regarding the school frontage. To date, the City has acquired right of way reservations from the Mt. Vernon Presbyterian School for their portion of the needed right of way on Glenridge and has secured an agreement with the Northside Independent Methodist Church for construction of the project on both their Glenridge and Mt. Vernon Highway frontages. Agreements with three private property owners remain to complete right of way acquisition for 5 residential properties. All Three have indicated they are seeking compensation for loss of property and associated construction impacts. City staff is currently obtaining appraisals as a part of the negotiation process.

Based upon this current project status, the Mayor has requested the opportunity to review and discuss City policy on right of way acquisition for sidewalk projects with Council as a work session item at the September 6, 2011 City Council Meeting.

Additional Discussion Regarding Right of Way and this Project

There is currently insufficient right of way on all 5 of these parcels to construct sidewalk in as much as there is physically insufficient space for a contractor to construct a sidewalk without encroaching upon private property, regardless of the designed width of the walk (currently five feet). Recognizing that constraint, construction of retaining walls, because of necessary required area for installation and foundations, is also not an option here.

Discussion Regarding Current Policy on Right of Way Acquisition

Current policy on right of way for projects is to limit acquisition to only that needed to construct a safe and code compliant facility. Two site conditions generally trigger the need for right of way, insufficient space and the need to modify sloping terrain.

Insufficient Space: Where possible, we limit the width of walks and other features to stay within existing right of way. We regularly work with Community Development on variances, particularly to Streetscape Standards, so that we limit right of way acquisition to the minimum needed to ensure a useful and safe facility.

Sloping Terrain: New sidewalk projects in built out areas will, in many cases, require a significant amount of work to create a level road shoulder for sidewalk construction. We use slope easements (a property access agreement) as one tool to obtain space for road shoulder leveling. Property owners are entitled to compensation for those easements. Where there is an aggressive slope and sufficient space, we typically employ retaining walls, carrying the cost of the effort in construction of the wall vice acquisition of right of way or slope easements. Where there is an aggressive slope and limited right of way, we may need to acquire some right of way in order to build a retaining wall. A few parcels on Dalrymple required that solution to construct the recently completed sidewalk project on Dalrymple and Brandon Mill.

Current Policy Implementation

Based upon the two construction-related challenges discussed, staff currently works to first, minimize or eliminate the need to acquire right of way/slope easements. This not only eliminates acquisition costs but serves to reduce impacts and disruptions for adjacent property owners. When acquisition is needed, we encourage donation of the right of way/slope easement, stressing cooperation on the design solution with the impacted property owner to minimize their potential burden, both perceived and actual. When the property owner identifies the desire to be compensated for right of way, our Right of Way Agent works with the property owners and the City Attorney's office to establish a fair market price and secure the needed property. That is where we are now in execution/delivery of the Glenridge - Mt.Vernon Highway to Abernathy Sidewalk Project