

City of Sacramento

Legislation Text

File #: 2019-01630, **Version:** 1

Title:

Budgetary Adjustments and Resolution of Necessity for D.W. Babcock School Access Improvements Project (T15166200) [Two-Thirds Vote Required] {Noticed 11/7/2019}

File ID: 2019-01630

Location: Intersection of El Camino Avenue and Albatross Way, District 2

Recommendation:

Conduct a public hearing and upon conclusion adopt: 1) a Resolution authorizing the City Manager or the City Manager's designee to transfer \$85,000 (Major Street Construction, Fund 2007) from the expenditure budget of the State and Federal Grant Match Program (T15007200) to the expenditure budget of the D.W. Babcock School Access Improvements Project (T15166200); and 2) a Resolution of Necessity: a) determining that the public interest and necessity require the acquisition of certain real property interests within parcel 266-0381-023 by eminent domain for the D.W. Babcock School Access Improvements Project (T15166200); b) authorizing the City Attorney or the City Attorney's designee to commence eminent domain proceedings; and c) authorizing the City Attorney or the City Attorney's designee to file a motion for an order of prejudgment possession and deposit funds with the State Treasury Condemnation Fund in the amount determined by the court to be so deposited.

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Presenter: Adam Randolph, Senior Engineer, (916) 808-7803, Department of Public Works

Attachments:

- 1-Description/Analysis
- 2-Resolution - Budgetary Adjustments
- 3-Resolution of Necessity
- 4-Public ROW Easement Deed, Plat Map, and Legal Description

Description/Analysis

Issue Detail: The D.W. Babcock School Access Improvements Project (the "Project") proposes to

implement pedestrian and safety improvements near the D.W. Babcock Elementary School located at 2400 Cormorant Way in North Sacramento. Improvements include the installation of a new traffic signal at the intersection of El Camino Avenue at Albatross Way, and the reconstruction of curb, gutter, sidewalk, curb ramps, and pedestrian crossings along El Camino Avenue, Albatross Way, Woolley Way, and Cormorant Way.

The purpose of this Project is to improve safety and enhance pedestrian access near the elementary school. The high volume of vehicle traffic and relatively high speeds of vehicle travel on El Camino Avenue, along with the lack of sidewalks on connecting streets, renders the roadway a barrier for the community, particularly for students walking to and from school.

Construction of the Project requires the City to acquire a 262 square foot Right-of-Way Easement (“Easement”) at 1901 El Camino Avenue from Ramsin Eshaghmanesh (the “Property Owner”). The specific property interests to be acquired (the “Acquisition Property”) are described in greater detail below and in the Easement Deed, Legal Description, and Plat Map attached hereto and incorporated herein as Attachment 4. The Acquisition Property is located at the very edge of the parking lot surrounding the commercial business located at 1901 El Camino Avenue.

The Project will replace the existing curb ramp with an Americans with Disabilities Act (“ADA”) compliant curb ramp and provide adequate room for traffic signal equipment. The City must acquire an Easement from the Property Owner to provide adequate space for reconstruction of the curb ramp and erection of traffic signals. Neither the construction efforts nor permanent improvements will impair the parking or business operations of the property at 1901 El Camino Avenue. When the traffic signal is in operation, the 1901 El Camino Avenue property will experience improved access due to the protected turning movements on and off Albatross Way.

The City sent an offer letter to the Property Owner on July 22, 2019 regarding purchase of the Easement. The City has engaged in good faith negotiations with the Property Owner for over four months without Property Owner’s acceptance of the offer or submittal of a counteroffer. The City has made several attempts to correspond with the Property Owner, but the Property Owner has been unresponsive to the City’s efforts to negotiate. To enable the City to complete the Project, staff recommends that the City Council adopt a resolution of necessity to begin the eminent domain process.

Pursuant to California Code of Civil Procedure section 1245.235, the Property Owner was sent a notice on November 7, 2019 informing the Property Owner of the City’s intent to conduct a hearing regarding the proposed acquisition of the Acquisition Property by eminent domain.

Findings Required to Support Adoption of Resolution of Necessity

The City Council must adopt a Resolution of Necessity prior to exercising the power of eminent

domain. (California Code of Civil Procedure, § 1240.040.) Pursuant to California Code of Civil Procedure section 1245.230, a Resolution of Necessity must contain certain findings. These findings are supported as follows:

A. A general statement of the public use for which the property is to be taken and a reference to the statute that authorizes the public entity to acquire the property by eminent domain.

The public use for which the Acquisition Property is to be taken is the following:

The Project will result in construction of a new signalized intersection at El Camino Avenue and Albatross Way, as well as constructing sidewalk and curb ramps along Albatross Way, Woolley Way, and Cormorant Way. These improvements will provide continuous pedestrian facilities, closing sidewalk gaps that impede walkability near the D.W. Babcock Elementary School at 2400 Cormorant Way in North Sacramento.

The following statutes and constitutional section authorize the City to acquire the Acquisition Property by eminent domain:

- Article I, Section 19 of the California Constitution.
- California Government Code sections 37350.5 and 40404.
- California Streets and Highways Code section 10102.
- California Code of Civil Procedure sections 1240.010, 1240.110, 1240.120, 1240.510 and 1240.610.

B. A description of the general location and extent of the property to be taken, with sufficient detail for reasonable identification.

The Acquisition Property consists of a portion of APN 266-0381-023 located at 1901 El Camino Avenue in Sacramento, California 95815. The Project requires the permanent acquisition of a 262 square foot (0.006 acre) Easement area on this parcel to accommodate proposed signal improvements including without limitation installing signal equipment, curb, gutter, and sidewalk facilities. The legal description and plat map depicting the Acquisition Property are set forth in Attachment 4 attached hereto. Access and parking for the business at 1901 El Camino Avenue will be maintained at all times.

C. A declaration that the governing body of the public entity has found and determined each of the following:

- (1) The public interest and necessity require the proposed project.

Traffic and Safety Concerns:

The Project will provide a safe pedestrian experience for all users and install safety improvements, including intersection improvements, traffic control devices, striping, signage, and dedicated turn lanes.

The Intersection of El Camino Avenue and Albatross Way has had 61 collisions recorded in the past ten years. The vast majority of identified causes for these collisions involve motorists driving at unsafe speeds, and vehicles making uncontrolled turning movements. By adding a traffic signal at the intersection, turning movements would be controlled by having protected signalized phases and vehicles would be stopped to allow pedestrians safe crossing.

The eastbound and westbound number of travel lanes and bike lanes shall remain the same as existing conditions. The existing two-way left-turn lane would be converted into dedicated left-turn pockets. Both roadway approaches of the existing Albatross Way would be modified to one left-turn lane, one right-turn lane, and one receiving lane at the intersection. The proposed Project design would allow the protected left and right turns from Albatross Way to be phased without conflict with pedestrians crossing El Camino Avenue.

The Project provides greater safety for pedestrians crossing El Camino Avenue, improves traffic operations efficiency, and reduces likelihood of collisions.

General Plan Consistency:

The Project supports the City's 2035 General Plan goals of improving the transportation system; expanding public safety; achieving sustainability through reduced dependence on the private automobile; enhancing livability and economic vitality; and eliminating "gaps" in roadways, bikeways, and pedestrian networks.

Due to the above-mentioned traffic and safety concerns that the Project will address and consistency with the City's General Plan, the public interest and necessity require the Project.

(2) The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

The Project provides significant public benefits including:

- Improved public safety by controlling motor vehicle, bicycle, and pedestrian movements with a new traffic signal.
- Improved facilities for alternate modes of transportation (i.e. bicycle and pedestrian).

In analyzing the public benefit versus private injury, City staff assessed whether the Property Owner would be injured in such a way that its injury outweighed the overall public benefit. In this circumstance, the resulting property impacts actually cause an apparent betterment to the Property Owner's property in addition to the overall benefit to the general public. The proposed Project will provide improved access to Property Owner's property by providing dedicated signal phases to turn on to and off of Albatross Way, without decreasing the existing parking capacity of the Property Owner's parking lot. Therefore, the public benefit of this Project, due to the enhancement of public safety by signaling the intersection and increasing safety to pedestrians and drivers outweighs any potential private injury to the Property Owner. Thus, the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

(3) The property described in the resolution is necessary for the proposed project.

The Project requires the acquisition of an Easement from the Property Owner's property to provide adequate room for the installation of traffic signal equipment while maintaining an adequate path of travel for pedestrians. The proposed Project's traffic and safety improvements cannot be installed without the City's acquisition of the Acquisition Property.

(4) That either the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner cannot be located with reasonable diligence.

The City made a written offer dated July 22, 2019, as required by Government Code section 7267.2, to the Property Owner for acquisition of an Easement over the Acquisition Property. The offer was based on an appraised value for the Acquisition Property obtained from an independent appraiser and was made in accordance with Government Code section 7267.2. The Property Owner has been unwilling to participate in negotiations to enter into an agreement for the City's acquisition of the Acquisition Property.

Policy Considerations: The actions requested herein are consistent with the City's goals of improving and expanding public safety, creating walkable communities, and enhancing overall livability. Specific goals the Project addresses are as follows:

M1.2.1 - Multimodal Choices: The City shall develop an integrated, multimodal transportation system that improves the attractiveness of walking, bicycling, and riding transit over time to increase travel choices and aid in achieving a more balanced transportation system and reducing air pollution and greenhouse gas emissions.

M1.3.2 - Eliminate Gaps: The City shall eliminate "gaps" in roadways, bikeways, and pedestrian networks.

This Project is also consistent with the City's Vision Zero efforts, the goal of which is to eliminate traffic fatalities and serious injuries (Resolution No. 2017-0032). El Camino Avenue is on the High Injury Network.

Proposed Project improvements will enhance pedestrian safety and mobility in the community surrounding D.W. Babcock Elementary School.

Economic Impacts: None

Environmental Considerations:

California Environmental Quality Act (CEQA): The Project is exempt from CEQA pursuant to CEQA Guidelines Sections 15301 and 15302. The City filed a Notice of Exemption on August 9, 2018. The Project is covered by CEQA Guidelines Section 15301 because the Project consists of the operation, repair, and minor alteration of existing public street, sidewalk, gutter, and curb structures and facilities and would result in negligible or no expansion of the existing use. The Project is also covered by CEQA Guidelines Section 15302 because the Project consists of the replacement or reconstruction of existing street, sidewalk, gutter, and curb structures and facilities, and the new facilities will be located on the same site as the facilities replaced and will have substantially the same purpose and capacity as the facilities replaced with negligible or no expansion of capacity. There are no unusual circumstances that might lead to a significant effect on the environment, and any cumulative effects of the Project have been evaluated in the City's Master Environmental Impact Report ("EIR") which was prepared for the 2035 General Plan.

Because the Project has federal funding, the Project was reviewed for National Environmental Policy Act ("NEPA") compliance by the California Department of Transportation ("Caltrans"), and was issued a categorical exclusion on August 3, 2018.

Sustainability: The Project is consistent with the City's General Plan, increasing travel choices, achieving a more balanced transportation system, and reducing air pollution and greenhouse gas emissions.

Commission/Committee Action: None

Rationale for Recommendation: The City received federal grant funds for the Project. The scope of the Project includes installing a traffic signal at the intersection of El Camino Avenue and Albatross Way and providing pedestrian improvements to close gaps along the path of travel and improve walkability for students and families to D.W. Babcock Elementary School. The high traffic volumes and relatively high speeds on El Camino Avenue, along with the lack of sidewalks on connecting streets, renders the roadway a barrier for the community, particularly for students living north of El

Camino Avenue within the school attendance boundary.

Acquisition of the Easement is necessary to install the traffic signal at El Camino Avenue and Albatross Way and to complete the Project. Contract bidding and construction cannot take place until the City has obtained the Acquisition Property mentioned in this report.

Financial Considerations: The City must provide just compensation to the Property Owner for the City's acquisition of the Acquisition Property.

The estimated cost to complete design and right-of-way activities for the D. W. Babcock School Access Improvements Project (T15166200) is approximately \$698,000. Upon approval of the transfer of \$85,000 (Major Street Construction, Fund 2007) from the State and Federal Grant Match Program (T15007200) to the expenditure budget of the D.W. Babcock School Access Improvements Project (T15166200), there will be sufficient funding available to cover the remaining design work and right-of-way activities, including funding of the total compensation identified in the independent appraisal for the Easement at 1901 El Camino Avenue. There are no General Funds planned or allocated for this Project.

There is sufficient funding within the State and Federal Grant Match Program (T15007200) to complete the transfer of \$85,000 (Major Street Construction, Fund 2007) to the D. W. Babcock School Access Improvement Project (T15166200).

Local Business Enterprise (LBE): Not applicable.