

REGIONAL TRANSIT ISSUE PAPER

| Agenda Item No. | Board Meeting Date | Open/Closed Session | Information/Action Item | Issue Date |
|-----------------|--------------------|---------------------|-------------------------|------------|
| 4 | 02/27/12 | Open | Action | 02/17/12 |

Subject: Approving Right of Way Agreements for Northeast Corridor Project

ISSUE

Whether or not to Approve the First Amendment to the Possession and Use Agreement with Welch & Ryce and Ratify the Exchange Agreement with RJB Company for Northeast Corridor Project.

RECOMMENDED ACTION

- A. Adopt Resolution No. 12-02_____, Approving the First Amendment to the Possession and Use Agreement with Welch & Ryce for Northeast Corridor Project; and
- B. Adopt Resolution No. 12-02-_____, Ratifying the Exchange Agreement with RJB Company for Northeast Corridor Project.

FISCAL IMPACT

The right of way acquisitions will not result in any cash payments to or from RT and the property owners. The agreements are structured such that the compensation provided by RT to the property owners is another parcel of an equal or greater value. RT will be responsible for payment of any escrow and title fees to complete the transactions.

DISCUSSION

A study was completed to evaluate improvements needed to reduce travel times and increase passenger capacity along the Northeast Corridor (extending from downtown Sacramento to the terminus at Watt/I-80) and improve connections between bus and light rail service. The RT Board adopted a project scope that included Roseville Road to Watt/I-80 double tracking; double tracking and straightening of the Lumberjack curve; expansion of shop space for light rail vehicles, and expansion of Swanston Station for enhanced bus/light rail connections.

On May 12, 2008, the Board authorized the solicitation of bids for the Northeast Corridor Project: Lumberjack Realignment (Project). The Invitation to Bid was issued on May 19, 2008. On September 8, 2008, the Board awarded the contract to Granite Construction and the work was substantially complete in February 2010.

Right of way acquisitions from three property owners are necessary for the Project. Although only three property owners are involved in the acquisitions for the Project, the completion of the transactions is complicated by RT's desire to reduce the "out of pocket" costs for the project by exchanging property rights between the three owners and RT. Typically, right of way transactions are completed prior to the issuance of construction documents for bid. However, in this case, work proceeded with the consent of affected property owners given through possession and use

Approved:

Presented:

Final 2/22/12

General Manager/CEO

AGM, Engineering and Construction

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agreements.

On January 24, 2011, the Board approved the exchange contract between the State of California and RT. The terms of the contract cannot be fully satisfied until RT completes the transactions with the other two property owners, Welch and Ryce, and RJB Company, respectively. The RJB Company exchange will require Federal Transit Administration concurrence, as it involves the exchange of right of way originally purchased for the Starter Line system that was funded, in part, by federal funds.

RT completed negotiations with RJB Company in July 2011. Through a staff oversight, an Exchange Agreement was fully executed by both parties, with the General Manager/CEO signing for RT, without Board approval. To remedy this oversight, Staff is requesting that the Board ratify the Exchange Agreement executed by the General Manager/CEO.

After a several-month hiatus, Staff recently concluded negotiations with Welch & Ryce. At the request of counsel for Welch & Ryce, the property exchange will be completed through an amendment to the existing Possession and Use Agreement, rather than through a standalone Exchange Agreement.

Staff recommends the Board approve the First Amendment to the Possession and Use Agreement with Welch & Ryce, and ratify the Exchange Agreement with RJB Company and Joseph and Nancy Benvenuti. for the Northeast Corridor Project, and delegate authority to the General Manager/CEO to execute agreements and submit needed requests to the Federal Transit Administration for approval of the property exchange.

RESOLUTION NO. 12-02-_____

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

February 27, 2012

**APPROVING THE FIRST AMENDMENT TO THE POSSESSION AND USE
AGREEMENT WITH WELCH & RYCE FOR NORTHEAST CORRIDOR PROJECT**

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE
SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, the First Amendment to the Possession and Use Agreement for the Northeast Corridor Project between Sacramento Regional Transit District, therein referred to as "RT," and Welch and Ryce, therein referred to as "Owner," whereby the parties agree to the property exchanges set out in the attached Exhibit A, on the terms and conditions set forth therein, is hereby approved.

THAT, the Chair and General Manager/CEO are hereby authorized and directed to execute said First Amendment.

THAT, the General Manager/CEO is hereby authorized and directed to execute any documents or request any required approvals necessary to complete the property exchanges.

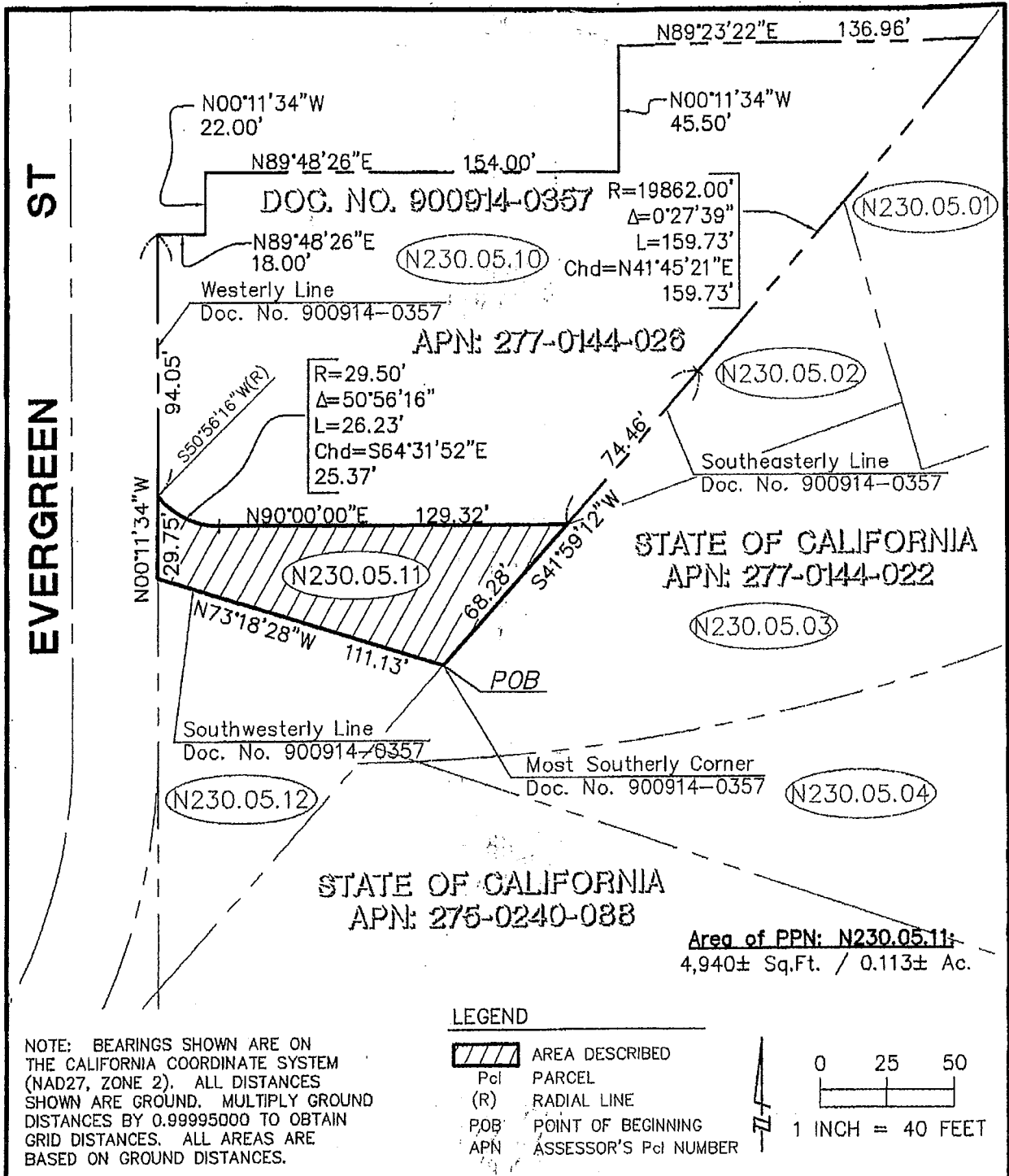
BONNIE PANNELL, Chair

A T T E S T:

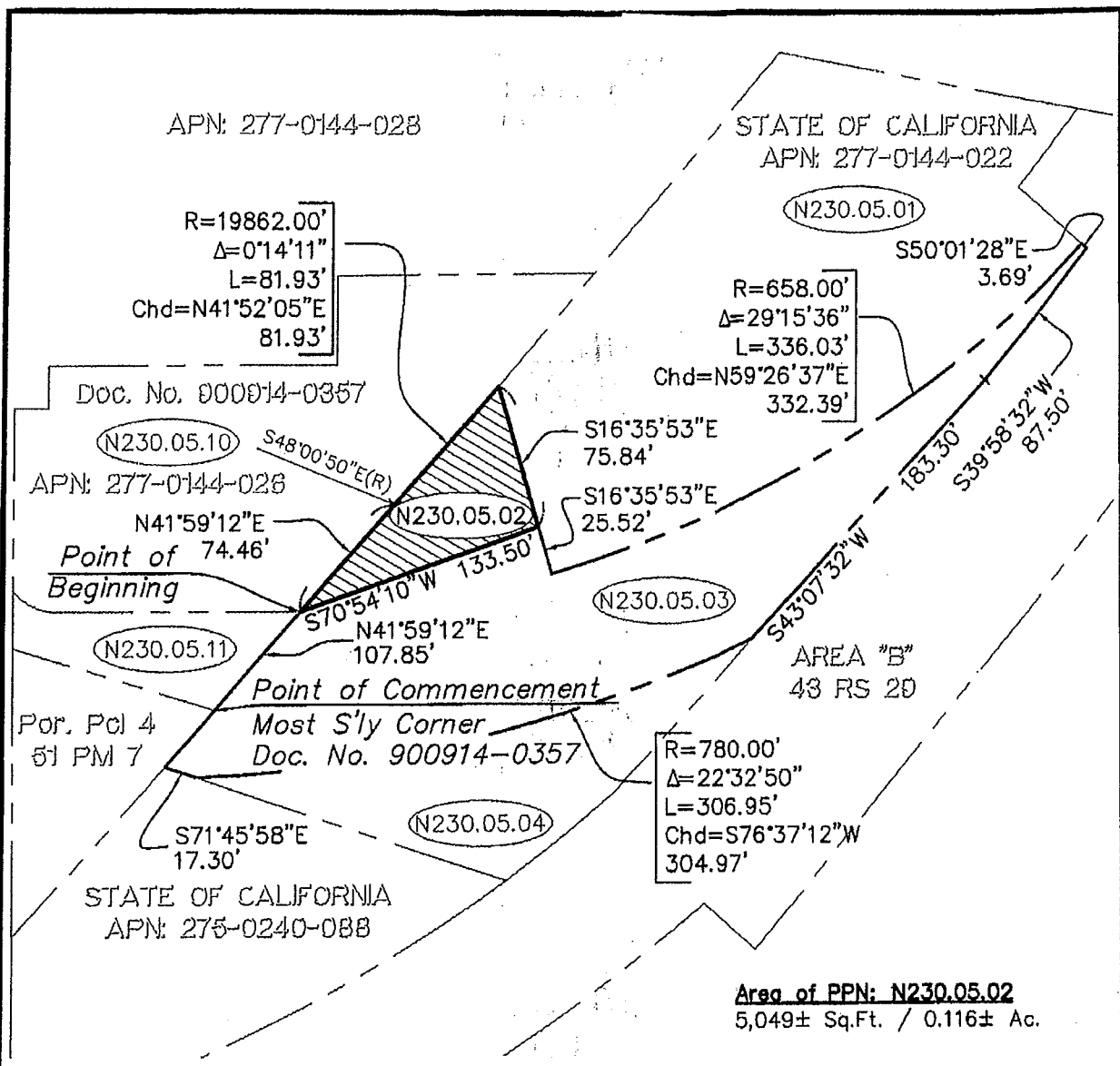
MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary

EXHIBIT A



| | | |
|-------------------------------------|-----------------|--------------------|
| WELCH & RYCE | | REGIONAL |
| PORTION OF APN: 277-0144-026 | | |
| DATE: 02/20/2007 | SCALE: 1" = 50' | TRANSIT |
| DRAWN BY: AJE | CHECKED BY: SAB | |
| SHEET 1 OF 1 | PPN: N230.05.11 | |

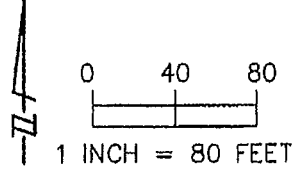


Area of PPN: N230.05.02
 5,049± Sq.Ft. / 0.116± Ac.

LEGEND

NOTE: BEARINGS SHOWN ARE ON THE CALIFORNIA COORDINATE SYSTEM (NAD27, ZONE 2). ALL DISTANCES SHOWN ARE GROUND. MULTIPLY GROUND DISTANCES BY 0.99995000 TO OBTAIN GRID DISTANCES. ALL AREAS ARE BASED ON GROUND DISTANCES.

- AREA DESCRIBED
- APN ASSESSOR'S Pcl NUMBER
- Pcl PARCEL
- Por. PORTION
- (R) RADIAL LINE



| | | |
|-------------------------------------|-----------------|--|
| SRTD | | REGIONAL TRANSIT |
| Portion of APN: 277-0144-022 | | |
| DATE: 02/20/2007 | SCALE: 1" = 80' | PSOMAS 1075 Creekside Ridge Drive, Suite 200 Roseville, CA 95678 (916) 788-8122 (916) 788-0600 (FAX) |
| DRAWN BY: AJE | CHECKED BY: SAB | |
| SHEET 1 OF 1 | PPN: N230.05.02 | |

✓ sab 2/20/07

RESOLUTION NO. 12-02-_____

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

February 27, 2012

**RATIFYING THE EXCHANGE AGREEMENT WITH RJB COMPANY FOR
NORTHEAST CORRIDOR PROJECT**

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE
SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, the Exchange Agreement dated July 28, 2011 for the Northeast Corridor Project by and between Sacramento Regional Transit District, therein referred to as "RT," and RJB Company, therein referred to as "Owner," whereby the parties agreed to the property exchanges set out in the attached Exhibit A on the terms and conditions set forth therein, is hereby ratified.

THAT, the General Manager/CEO is hereby authorized and directed to execute any documents and request any approvals required to complete the property exchanges.

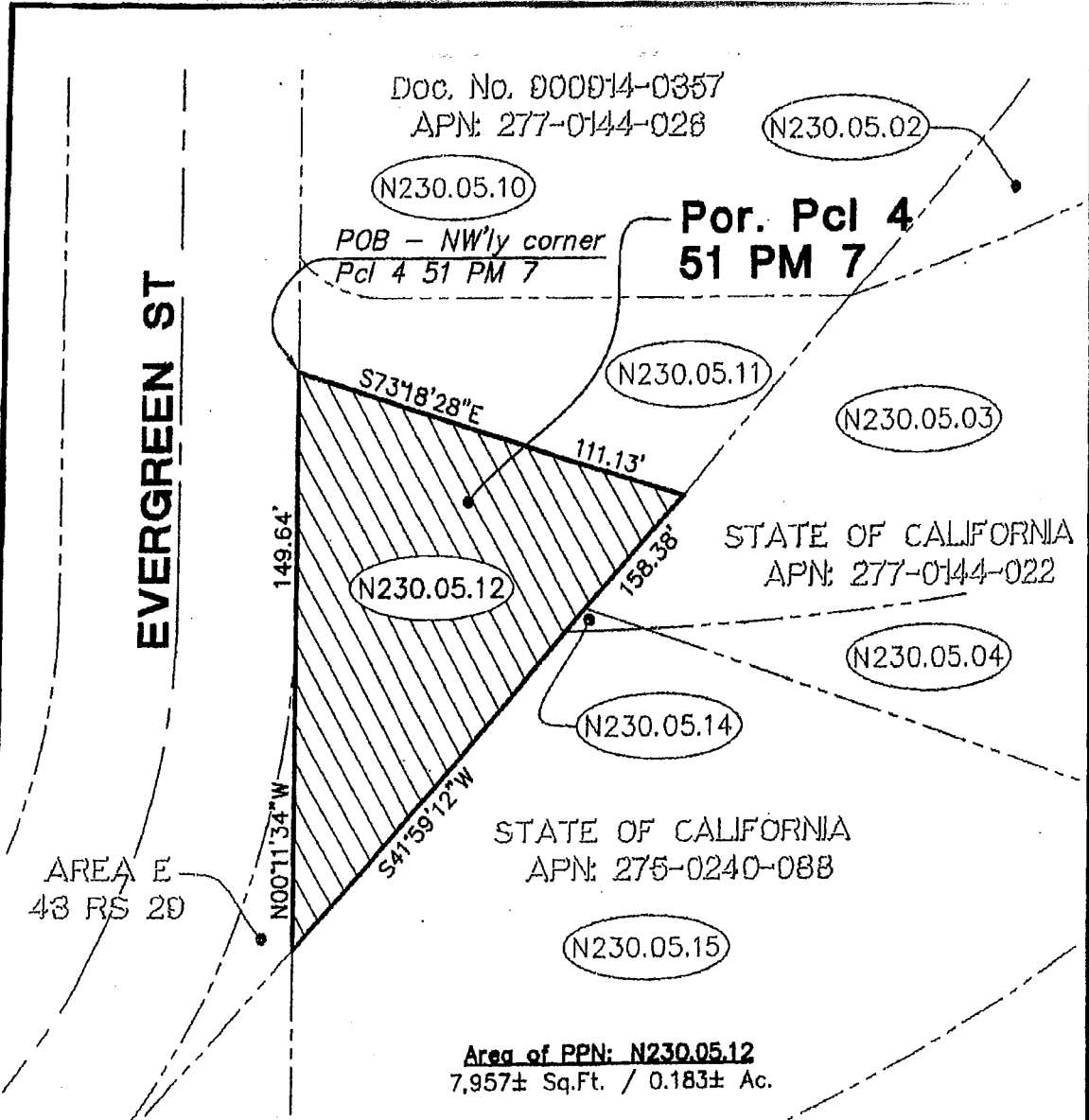
BONNIE PANNELL, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary


By: _____
Cindy Brooks, Assistant Secretary

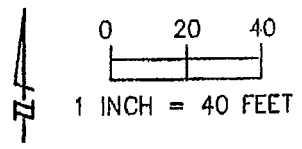
EXHIBIT A




NOTE: BEARINGS SHOWN ARE ON THE CALIFORNIA COORDINATE SYSTEM (NAD27, ZONE 2). ALL DISTANCES SHOWN ARE GROUND. MULTIPLY GROUND DISTANCES BY 0.99995000 TO OBTAIN GRID DISTANCES. ALL AREAS ARE BASED ON GROUND DISTANCES.

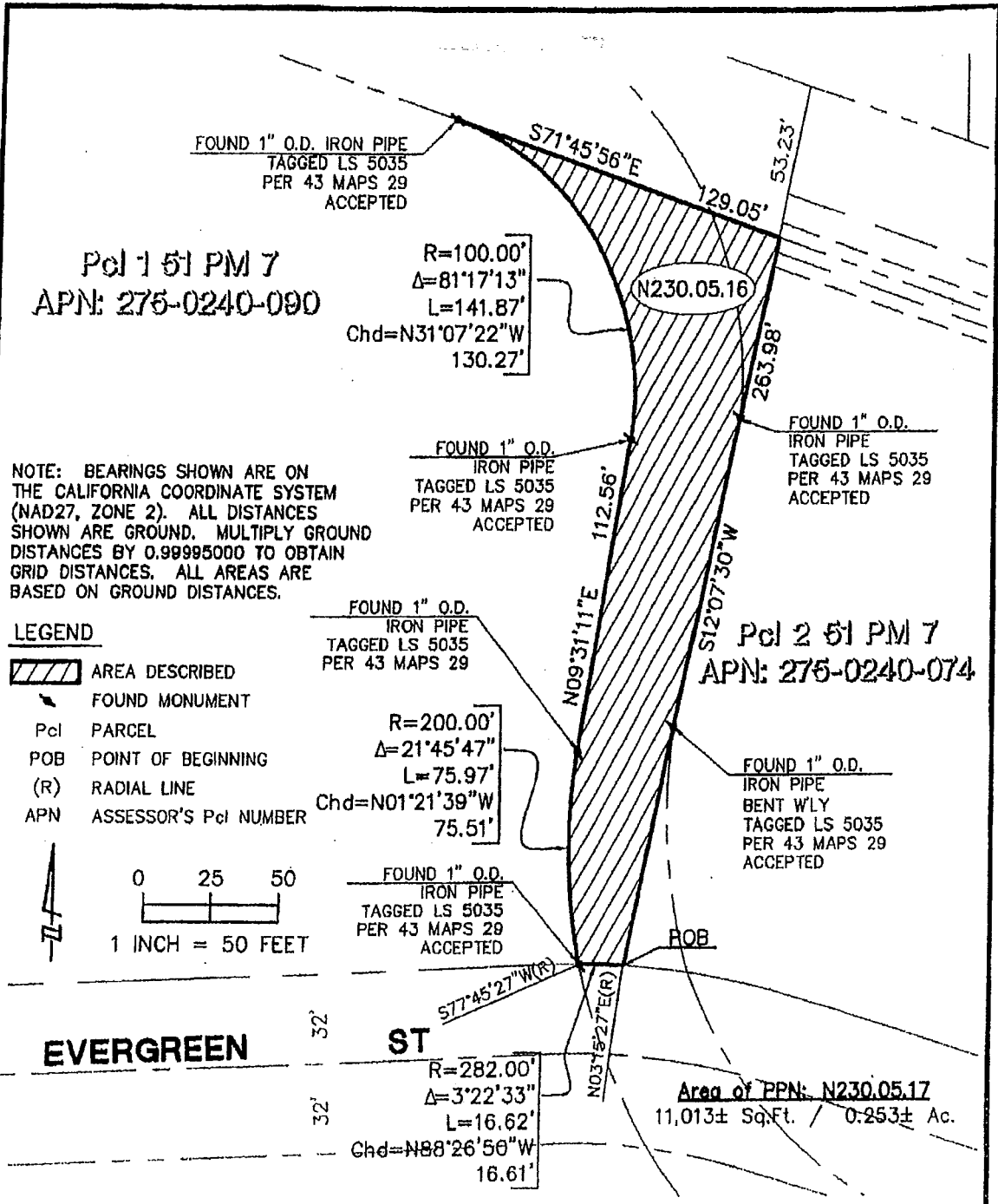
LEGEND

-  AREA DESCRIBED
- APN ASSESSOR'S Pcl NUMBER
- Pcl PARCEL
- Por. PORTION



| | | |
|---|-----------------|--|
| JB MANAGEMENT APN: 277-0144-010 | | REGIONAL  TRANSIT |
| DATE: 02/20/2007 | SCALE: 1" = 40' | PSOMAS 1075 Creekside Ridge Drive, Suite 200 Roseville, CA 95678 (916) 788-8122 (916) 788-0600 (FAX) |
| DRAWN BY: AJE | CHECKED BY: SAB | |
| SHEET 1 OF 1 | PPN: N230.05.12 | |

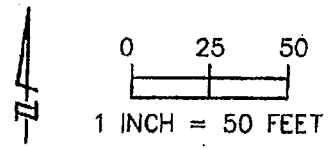
✓ SAB 2/20/07



NOTE: BEARINGS SHOWN ARE ON THE CALIFORNIA COORDINATE SYSTEM (NAD27, ZONE 2). ALL DISTANCES SHOWN ARE GROUND. MULTIPLY GROUND DISTANCES BY 0.99995000 TO OBTAIN GRID DISTANCES. ALL AREAS ARE BASED ON GROUND DISTANCES.

LEGEND

- AREA DESCRIBED
- FOUND MONUMENT
- Pcl PARCEL
- POB POINT OF BEGINNING
- (R) RADIAL LINE
- APN ASSESSOR'S Pcl NUMBER



| | | |
|--------------------------|-----------------|--|
| SRTD | | REGIONAL |
| APN: 275-0240-091 | | |
| DATE: 02/20/2007 | SCALE: 1" = 50' | PSOMAS 1075 Creekside Ridge Drive, Suite 200 Roseville, CA 95678 (916) 788-8122 (916) 788-0800 (FAX) |
| DRAWN BY: FRF | CHECKED BY: SAB | |
| SHEET 1 OF 1 | PPN: N230.05.16 | |
| TRANSIT | | |