

# REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
6	07/24/17	Open	Action	07/12/17

Subject: Approving Right of Entry Agreement with Sacramento Regional County Sanitation District for Pre-Construction of Underground Water Pipeline

## ISSUE

Whether to approve a Right of Entry Agreement with Sacramento Regional County Sanitation District for installation of an underground water pipeline and delegate authority to the General Manager/CEO to execute an easement.

## RECOMMENDED ACTION

Adopt Resolution No. 17-07- \_\_\_\_\_, Approving a Right of Entry Agreement between the Sacramento Regional Transit District (SacRT) and the Sacramento Regional County Sanitation District for Installation of an Underground Water Pipeline within SacRT's Right of Way at 47<sup>th</sup> Avenue and Delegating Authority to the General Manager/CEO to execute an Easement.

## FISCAL IMPACT

The Right of Entry will be provided at no cost. RT will receive appraised value for the easement interest.

## DISCUSSION

The Sacramento Regional County Sanitation District (RegionalSan) is working collaboratively with Sacramento Municipal Utility District (SMUD) to convey recycled water to the Sacramento Power Authority (SPA) Cogen plant located at the former Campbell's soup site on 47<sup>th</sup> Avenue for use in its cooling towers. When implemented, the project would provide approximately 1,000 acre-feet per year, or one million gallons per day, of recycled water in lieu of current potable water use. The pipeline for the project is planned to go under RT's tracks within 47<sup>th</sup> Street.

While the project has been under consideration by RegionalSan since 2013, it was unclear until recently that a property interest would be required from SacRT for the project.

RegionalSan is currently in active construction on the project and any delays to the project could result in a claim from the construction contractor and potential loss of grant funding if there are construction delays.

Because RegionalSan has not yet conducted an appraisal of the required easement interest or obtained a legal description and plat map, the parties are unable to move forward with an easement at this time. To avoid delays to the project, RT and RegionalSan staff are proposing that the pipeline be installed pursuant to a Right of Entry with a 12-month term, with a requirement that the parties execute an easement document prior to expiration of the Right of Entry. If the Easement is not executed prior to the end of the 12-month period, RegionalSan would either need to: (1) pay liquidated damages in the amount of \$100 per day; or (2) remove the pipeline.

Approved:

Presented:

Final 07/19/17

General Manager/CEO

VP, Finance/CFO

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Staff recommends approval of the Right of Entry and delegation of authority to the General Manager/CEO to execute the ensuing Easement Agreement between SacRT and the Sacramento Regional County Sanitation District to install a recycled water pipeline within SacRT's right of way.

RESOLUTION NO. 17-07-\_\_\_\_\_

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

July 24, 2017

**APPROVING A RIGHT OF ENTRY AGREEMENT BETWEEN THE SACRAMENTO REGIONAL TRANSIT DISTRICT (SACRT) AND THE SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT FOR INSTALLATION OF AN UNDERGROUND WATER PIPELINE WITHIN SACRT'S RIGHT OF WAY AT 47<sup>TH</sup> AVENUE AND DELEGATING AUTHORITY TO THE GENERAL MANAGER/CEO TO EXECUTE AN EASEMENT.**

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

THAT, the Right of Entry Agreement between the Sacramento Regional Transit District therein referred as SacRT," and Sacramento Regional County Sanitation District, therein referred to as "Permittee," whereby SacRT grants a temporary and non-exclusive right of entry for the purpose of installing a 10" water pipeline within 47<sup>th</sup> Avenue, is hereby approved.

THAT, the General Manager/CEO is hereby authorized and directed to execute said Right of Entry Agreement.

THAT, the General Manager/CEO is authorized to execute an easement for the 10" water line to permanently remain within SacRT's property at 47<sup>th</sup> Avenue.

\_\_\_\_\_  
ANDREW J. MORIN, Chair

A T T E S T:

HENRY LI, Secretary

By: \_\_\_\_\_  
Cindy Brooks, Assistant Secretary