



DATE: July 19, 2021

TO: Mayor and Members of the City Council

VIA: Peter Pirnejad, City Manager

FROM: Dante Hall, Assistant City Manager/Acting Parks & Recreation/Public Works Director

SUBJECT: APPROVING AND AUTHORIZING STAFF TO ISSUE THE REQUEST FOR PROPOSAL FOR PROFESSIONAL PROPERTY INTEREST ACQUISITION SERVICES FOR THE LEVEE PROTECTION PLANNING AND IMPROVEMENTS (CIP 327-657)

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution authorizing staff to issue the attached Request for Proposal (RFP) for professional property interest acquisition services for the Levee Protection Planning and Improvements Project (CIP 327-657).

EXECUTIVE SUMMARY

The City is currently executing right of entry agreements to perform the work on private lands within which portions of the public access improvements required by the Bay Area Conservation Commission (BCDC) in connection with the BCDC permit, are to be constructed. Property interest acquisition services are necessary to assist in the land acquisition process for the final property line delineations following construction of these permanent improvements on private land. The attached RFP is seeking a qualified consulting firm to provide professional property interest acquisition and related services for the Levee Protection Planning and Improvements Project (CIP 327-657).

The attached resolution authorizes staff to issue the RFP and initiate the consultant selection process. Staff anticipates requesting approval for the award of the agreement for professional property interest acquisition services from the City Council in

September 2021.

BACKGROUND

On November 21, 2019 BCDC issued Permit Number 2018.005.00.00 authorizing construction of the Levee Protection Planning and Improvements Project subject under certain conditions. These conditions included the construction of certain public access and amenity improvements, portions of which the City has determined fall on private property, which the City currently does not have the right to enter or improve. Permission from the owners and property interest acquisition from these private properties are required to install any permanent improvements.

City staff has been in discussions with the impacted private property owners since Fall of 2020 and is currently executing Right of Entry Agreements with the various property owners to allow entry onto the properties to perform the required improvements.

The property line delineations between City land and private lands may need to be adjusted based on the location and extent of the final levee pathway improvements. This may be accomplished by either (1) a grant of a perpetual easement to the City by the property owners to maintain and repair the final improvements that encroach onto private property, or (2) a conveyance of the land encroached on by City improvements via a lot line adjustment (property acquisition). Consequently, the public access locations with permanent improvements that fall on private property will need to be appraised by a qualified consulting firm and negotiations opened to initiate this process. There are potentially 11 locations that may require property interest acquisition proceedings associated with the construction of the permanent improvements. These locations include single family homes, subdivisions, commercial property, and Caltrans excess/non-operational property and are listed below:

- 712 Gateshead Court (Single Family Home)
- 719 Gateshead Court (Single Family Home)
- Alden Park (Subdivision)
- Bayfront Court (Subdivision)
- Lantern Cove (Subdivision)
- Nantucket Cove (Subdivision)
- Schooner Bay (Subdivision)
- Williams Landing (Subdivision)
- Port Royal Master Association (Subdivision)
- Tishman-Speyer (Commercial)
- Caltrans (Excess/Non-operational Property)

ANALYSIS

The attached RFP addresses the City's need for professional property interest acquisition services for the Levee Protection Planning and Improvements Project that include the following tasks:

1. Appraisal Services – Appraisal services include research on sales and listings of comparable properties, performance of a survey of the property, preparation of plat and legal descriptions, and preparation of all documents necessary for property acquisition.
2. Property Interest Acquisition and Negotiations – Acquisition services include all contact with the property owners for the purpose of negotiating the acquisition of the real property interests.
3. Title and Closing Services – This includes working with the property owners and title company to prepare all documents required for closing.
4. Final Accounting Services – This includes the preparation of the final accounting package for the property acquisition.

To accomplish these goals, the City will request proposals from qualified firms to provide professional property interest acquisition services. The selected consultant would be required to have completed similar projects and possess experience in the services mentioned above.

With the City Council's approval of the attached resolution, staff will issue the RFP and proceed with the consultant selection process. Upon evaluation of the proposals, staff will negotiate a reasonable fee amount with the selected consultant. It is anticipated that a consultant agreement will be submitted to the City Council for approval in September 2021.

FISCAL IMPACT

The current approved budget for CIP 327-657 includes \$350,000 for professional property interest acquisition services including the costs estimated for the land acquisition.

CITY COUNCIL VISION, MISSION, AND VALUE/PRIORITY AREA

The Levee Project is in alignment with the City Council's adopted Vision and Mission statements. This item is related to the "Facilities and Infrastructure" Value/Priority Area. The key outcome is to make substantial progress toward and improved levee on time and budget to protect the community and critical infrastructure from storms and high tide.

Attachments:

- Attachment 1 - Resolution
- Attachment 2 - Request for Proposal