

Subject	SR4 (w) Gap Closure Project – Amendment No. 11 to Contract No. 87 with Contra Costa County for Right-of-Way Acquisition Services (Project 1501)
Summary	Contra Costa County has been providing right-of-way acquisition and closeout services for the SR4 (w) Gap Closure Project. All acquisitions have been completed, with the exception of the Asbury Graphite condemnation. A contract amendment is necessary to finalize the Asbury graphite acquisition and complete the remaining right of way close-out activities for the Gap Project.
Recommendations	Authorize the Chair to execute Amendment No. 11 to Agreement No. 87, which provides an additional \$ 55,500, including a property maintenance contingency of \$20,000. The revised not-to exceed amount of the agreement will be \$3,251,000.
Financial Implications Options	Adequate funding is programmed in the <i>2006 Strategic Plan</i> . The Authority could elect not to approve this request; however, remaining right-of-way transfer activities would be delayed.
Attachments (See APC Packet dated 6/7/07)	A. Amendment No. 11 to Agreement No. 87. B. Letter from Contra Costa County, dated May 25, 2007. C. Historical Summary of Contract Amendments.
Changes from Committee	<i>None</i>

Background

Agreement No. 87 provides for the necessary County staff resources (along with needed sub consultants) to conduct right-of-way acquisition and closeout efforts for the SR 4 (w) Gap Closure Project. Services under this agreement are very broad and include title reports, appraisals, negotiations with property owners, property demolition, relocation services, condemnation proceedings (including retention of outside legal counsel), construction of a wastewater system and leach field replacement, and final right-of-way transfer and documentation to the State.

Several tasks remain to be completed prior to transferring the right-of-way to the State. These activities include legal staff support for the Asbury Graphite property condemnation, and County staff time to prepare the transfer package and complete the documentation to satisfy terms of utility agreements.

Asbury Graphite Wastewater System

The Asbury Graphite condemnation proceedings involve outside legal counsel, County Counsel legal staff and real property division staff time. With the completion of the wastewater system, these proceedings have involved extended negotiation and discussion. These activities have exceeded the cost estimate approved by the CCTA in past amendments. The additional cost of these activities is approximately \$10,500.

Right of Way Transfer

The final right-of-way transfer to the State requires the real property staff to coordinate with Caltrans, the Title Company and survey staff and consultants to clear a variety of encumbrances on the

properties purchased by the County for the highway project. Title company fees are included in this activity. The estimated cost of these activities is approximately \$25,000.

This amendment also includes a contingency of \$20,000 to address unforeseen maintenance and repair costs associated with property ownership. Prior to transfer to Caltrans, weed abatement and other maintenance and repair activities are required. The use of the contingency funds for this type of use would require Authority staff approval.

Therefore, staff recommends an amendment to Contract No. 87 in the amount of \$55,500.