

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

RESOLUTION NO. _____

RESOLUTION APPROVING RIGHT OF WAY CERTIFICATION FOR THE
HSIP CYCLE 8 UPGRADE WARNING SIGNS & STRIPING PROJECT –
STATE AGREEMENT NO. HSIPL – 5914 (113)

WHEREAS, it is required that the County of Lake, submit a Right-of-Way Certificate with the Department of Transportation (CALTRANS) on State Agreement No. HSIPL – 5914 (113) for the construction of the HSIP Cycle 8 Upgrade Warning Signs & Striping Project, in the unincorporated area of the County of Lake, in order that funds for the project may be approved; and

WHEREAS, the attached Right of Way Certificate has been prepared by the County of Lake, Department of Public Works for approval by the Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED that:

1. The Right of Way Certificate for the construction of the HSIP Cycle 8 Upgrade Warning Signs & Striping Project, attached hereto, is approved and the Public Works Director is authorized to execute said Certificate on behalf of the County of Lake; and
2. The County of Lake agrees to hold the State of California harmless for any liability which may result in the event the Right of Way is not clear as certified. If the State is named in litigation as a result of the Right-of-Way not being clear as certified, the County of Lake agrees that, at the request of the State, it will assume full responsibility for the conduct of

the defense or provide such assistance as the State may require in connection with the defense.

This Resolution was passed by the Board of Supervisors of the County of Lake at a regular meeting thereof held on _____, 2018, by the following vote:

AYES:

NOES:

ABSENT OR NOT VOTING:

ATTEST: CAROL J. HUCHINGSON
Clerk of the Board

Chair, Board of Supervisors

By: _____

APPROVED AS TO FORM:
ANITA L. GRANT
County Counsel



**EXHIBIT 13-A SHORT FORM RIGHT OF WAY CERTIFICATION
LOCAL ASSISTANCE PROJECT
(Off-State Highway System Project)**

County of Lake – Public Works Department
NAME OF THE LOCAL PUBLIC AGENCY

NOTE:

This form is intended for projects that do NOT require R/W acquisition, relocation assistance, have NO railroad involvement, and the **ONLY Utility Relocation** involvement is limited to utility cover adjustments.

For each item below, except Item 5, select the ONE option most suitable to your project. If the chosen option directs you to use Exhibit 13-B, please stop. This Short Form is not applicable to your project.

HSIPL-5914(113)

Project ID

Big Valley Rd., Hartmann Rd., Highland Springs Rd., Lakeshore Blvd., Morgan Valley Rd., Pt. Lakeview Rd., Riggs Rd., Spruce Grove Rd. & Sulphur Bank Road

Project Location

Upgrade warning signs, centerlines & edgelines

General Description

RIGHT OF WAY CERTIFICATION No. 1

1. STATUS OF REQUIRED PROPERTY RIGHTS

- No acquisition of right of way is required. All proposed work is within existing right of way.
- Right of way has been acquired in accordance with applicable policy and procedure covering the acquisition of real property. LPA has legal and physical possession, right to enter, and required permits. **If this box is checked, please use Exhibit 13-B.**

2. STATUS OF AFFECTED OPERATING RAILROAD FACILITIES

- None affected.
- The _____ Railroad has approved the proposed work, which is within their Right of Way but does not require the adjustment of railroad facilities. The necessary clauses will be placed in the contract special provisions. **If this box is checked, please use Exhibit 13-B.**
- The _____ Railroad (and when needed, the Public Utilities Commission) has approved the proposed work, which is within the railroad right of way and does require the adjustment of railroad facilities. The railroad, or its contract forces, will provide the necessary labor, materials and/or equipment to adjust their facilities. The necessary clauses will be placed in the contract special provisions. **If this box is checked, please use Exhibit 13-B.**

3. MATERIAL SITE(S)

- None required.
- Material site(s) required. **If this box is checked, please use Exhibit 13-B.**

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4. DISPOSAL SITE(S)

- None required.
- Disposal site(s) required. **If this box is checked, please use Exhibit 13-B.**

5. STATUS OF REQUIRED UTILITY RELOCATION (Check all that apply)

- No relocation required, therefore Buy America requirements do not apply. Existing utilities located within project limits are shown on Project Plan.
- Project is not covered by NEPA document; therefore, Buy America requirements do not apply.
- Utility Agreements are not required on this project; therefore, Buy America requirements do not apply.
- Utility involvement is limited to adjusting UTILITY COVERS (manhole cover, water valve cover, and box lids) to grade and said work is compliant with all terms and conditions under MAP-21 including Buy America requirements. **If this box is checked, please complete page 5 of this form entitled "Utility Cover Adjustment Summary" and provide a copy of the Specific Authorization if federally participating.**
- All utility work (other than the adjustment of utility covers) has been completed. **If this box is checked, please use Exhibit 13-B.**
- All utility work (other than the adjustment of utility covers) will be completed by a stated date prior to award of the contract. **If this box is checked, please use Exhibit 13-B.**
- All necessary arrangements have been made for the completion of all remaining utility work (other than the adjustment of utility covers) required to be coordinated with project construction. Arrangements have been made with the owners of all utility encroachments which will remain within the right of way of the project so that adequate control of the right of way will be achieved. **If this box is checked, please use Exhibit 13-B.**
- Utility facilities (other than the adjustment of utility covers) will be relocated by the Project's Contractor under bid items. **If this box is checked, please use Exhibit 13-B.**

6. RIGHT OF WAY CLEARANCE

- There are no improvements or obstructions located within the limits of this project.
- All right of way clearance work has been completed and there are no improvements or obstructions remaining within the right of way area required for construction. **If this box is checked, please use Exhibit 13-B.**
- All necessary arrangements have been made for remaining right of way clearance work to be undertaken and completed as required for proper coordination with the construction schedule. **If this box is checked, please use Exhibit 13-B.**

7. AIRSPACE AGREEMENTS

- There are no airspace lease properties within the limits of this project.
- All necessary arrangements have been made with airspace lessee(s) and/or in Contract Provisions to minimize conflicts between lessee's activities and contractor's operations. **If this box is checked, please use Exhibit 13-B.**
- Airspace lease has been cancelled. **If this box is checked, please use Exhibit 13-B.**
- Other (**If this box is checked, please use Exhibit 13-B**)

8. COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS

- Compliance was not required as there were no displacements for this project.
- Occupants who have not yet moved from the right of way will be protected against unnecessary inconvenience and disproportionate injury or any action coercive in nature. **If this box is checked, please use Exhibit 13-B.**
- LPA has complied with all the steps relative to the relocation advisory assistance and payments as required by applicable policy and procedure, and no person has been required to relocate without at least a 90 day written notice. If residential relocation was involved, all individuals and/or families have been relocated to decent, safe and sanitary housing, or the LPA has made replacement housing available to the displacees. **If this box is checked, please use Exhibit 13-B.**

9. COOPERATIVE AGREEMENTS

- None Required.
- Agency Agreement No. **(If checked, please attach a copy)**

10. ENVIRONMENTAL MITIGATION

- No environmental mitigation parcels are required for this project.
- All environmental mitigation parcels on this project have been acquired. **If this box is checked, please use Exhibit 13-B.**
- Acquisition of environmental mitigation parcels is ongoing. **If this box is checked, please use Exhibit 13-B.**

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11. CERTIFICATION

I hereby certify the right of way on this project as conforming to 23 CFR 635.309(c)(1) and all terms and conditions under MAP-21, including Buy America requirements. The project may be advertised with contract award being made at any time.

12. INDEMNIFICATION BY LOCAL AGENCY

This Local Public Agency agrees to indemnify, defend, and hold harmless the Department of Transportation (Caltrans) from any and all liabilities which may result in the event the right of way for this project is not clear as certified. LPA shall pay from its own non-matching funds, any costs which arise out of delays to the construction of the project because utility facilities have not been removed or relocated, or because rights of way have not been made available to LPA for the orderly performance of the project work.

LOCAL PUBLIC AGENCY

Project ID: HSIPL-5914(113)

Authorized Resolution No.:

Dated:

By: _____
SCOTT DE LEON

Title: _____
Public Works Director

Date: _____

CALTRANS ACCEPTANCE

The undersigned Caltrans Official has reviewed this Right of Way Certification as to form and content. Based on the review of the documents submitted, the Certificate is accepted on behalf of the local public agency. It remains the sole responsibility of the local public agency to ensure compliance with the Uniform Act.

Accepted as to form and content:

By: _____
ROBERT CLOSE

Title: _____
Senior Right of Way Agent
Project Delivery Branch, Eureka

Date: _____

- Distribution:**
- 1) Local agency completes this form, signs and sends it to the DLAE.
 - 1) DLAE sends a copy to District Right of Way Local Programs Coordinator, keeps a copy for his/her files, and sends the signed original back to the local agency.

UTILITY COVER ADJUSTMENT SUMMARY

Items to be disclosed on this summary include: Covers of utility facilities, either **publicly owned** (by City/County and other public agencies, including the project sponsoring agency) or **privately owned** that services the general population. Utility covers of facility that directly services the street/roadway operation (such as an electric pull box, which services streetlight and traffic signals) do not require disclosure on this form.

a) PHYSICAL COVER ADJUSTMENTS PERFORMED BY OWNER

Notice # & Notice Date	Utility Agreement Date	Owner	Liability % Owner/LPA	Type of Facility	Encroachment Permit #	Federal Participation Yes (Y)* No (N)

*Include copy of Specific Authorization

b) UTILITY COVER ADJUSTMENTS WILL BE PERFORMED BY PROJECT CONTRACTOR

Bid Item #	Notice # & Notice Date	Utility Agreement Date	Owner	Liability % Owner/LPA	Type of Facility	Federal Participation Yes (Y)* No (N)

*Include copy of Specific Authorization

c) FEDERAL PARTICIPATION

<input type="checkbox"/> Yes <input type="checkbox"/> No	The adjustments comply with the 23 CFR 645.119 and the R/W Utility Relocation process in Chapter 14 of the Local Assistance Procedures Manual (LAPM)
<input type="checkbox"/> Yes <input type="checkbox"/> No	These adjustments are required as the direct result of the proposed construction activities and the local agency is legally liable to pay for the adjustment
<input type="checkbox"/> Yes <input type="checkbox"/> No	Adjustments specified for Federal participation have received FHWA Specific Authorization (Exhibit 14-C, LAPM) approval? If "no", not federally participating.

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