

RESOLUTION APPROVING RIGHT-OF-WAY CERTIFICATION FOR THE
ACTIVE TRANSPORTATION PROGRAM–UPPER LAKE SIDEWALK PROJECT–
FEDERAL AID NO. ATPL-5914(103)

WHEREAS, it is required that the County of Lake, submit a Right-of-Way Certification to the Department of Transportation (CALTRANS) for Federal Aid No. ATPL-5914(103) for the construction of the Active Transportation Program – Upper Lake Sidewalk 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 Certification 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 Certification for the construction of the Upper Lake Sidewalk Project, attached hereto, is approved and the Public Works Director is authorized to execute said Certification 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-B RIGHT OF WAY CERTIFICATION
LOCAL ASSISTANCE PROJECT (Off State Highway System)

Local Agency: COUNTY OF LAKE

Right of Way Certification No.: 1 Project ID: ATPL-5914(103)

Project Location: First Street, Government Street and Second Street, Upper Lake Calif.

General Project Description: See attached project description. This is a sidewalk project.

1. STATUS OF REQUIRED RIGHT OF WAY:

Right of Way (has been) acquired in accordance with applicable policy and procedure covering the acquisition of real property. Local Agency (has) legal and physical possession and right to enter on all lands as follows:

A. Total number of parcels required: 7

1. Parcels acquired (escrow closed or Final Order of Condemnation recorded): 7

(To add table rows below, set cursor to right of last column in empty table set, then press enter, additional table rows will populate.)

Parcel Number	Owner	Project R/W Required	Excess (Yes or No)	Close of Escrow/Final Order of Condemnation Date
027-193-15	Nancy Brier	Partial Acquisition, Fee and TCE	No	07/09/2018
027-197-14	Robert Simondi	Partial Acquisition, Fee and TCE	No	07/09/2018
027-193-06	Shannon Ford	Temporary Construction Easement	No	05/21/2018
027-197-15	Dutcher Trust	Temporary Construction Easement	No	06/21/2018
004-058-270	Edith Espinosa	Temporary Construction Easement	No	06/14/2018
004-058-40	Redwood Community Services, Inc.	Temporary Construction Easement	No	06/20/2018
004-058-38	Upper Lake Unified School	Temporary Construction Easement	No	06/06/2018

2. Parcels covered by Order for Possession:

0

Parcel Number	Owner	Project R/W Required ²	Effective Date of OP

3. Parcels covered by executed Right of Way Contract with Possession Clause:

0

Parcel Number	Owner	Project R/W Required ²	Effective Date	Date Funds Made Available to Owner/Deposited into Escrow

4. Parcels covered by Possession and Use Agreement only:

0

Parcel Number	Owner	Project R/W Required ²	Effective Date	Date Funds Deposited Into Escrow

5. Parcels covered by Right of Entry only (Requires HQs R/W and FHWA pre-approval):

0

Parcel Number	Owner	Project R/W Required	Effective Date	Date Funds Deposited into Escrow

6. Parcels Covered by Resolution of Necessity only:

0

Parcel Number	Owner	Project R/W Required	Local Agency Resolution Date	Anticipated OP Service Date (all parties)	Anticipated OP Effective Date

7. Parcels covered by other acquisition documents as follows:

0

Parcel Number or Location/ (P.M.)	Owner	Project R/W Required	Type of Document	Effective Date	Expiration Date	Date Funds Deposited into Escrow

8. Number of Parcels with a value in excess of \$500,000

0

Dual Appraisal for each parcel (recommended but not required)? ☐ Yes ☒ No

B. Construction Permits, other required permits:

0

2. STATUS OF ACCESS CONTROL:

Non-Interstate Access Controlled Highway (or other facility with full access control). Except as provided in the approved plans for the project, all rights of access to, or from the section of highway to be improved under the project and the abutting property either are prohibited by law, or have been acquired, or are being acquired in condemnation proceedings heretofore commenced and which will be prosecuted to completion.

3. STATUS OF AFFECTED RAILROAD OPERATING FACILITIES - Select appropriate statement/s and remove what does not apply:

None affected.

4. MATERIAL SITE(S) - Select appropriate statement; remove those that do not apply:

None required.

Parcel Agreement No.	Owner	Document Effective Date	Expiration Date

5. DISPOSAL SITE(S) - Select appropriate statement; remove those that do not apply:

None required.

Parcel Agreement No.	Owner	Document Effective Date	Expiration Date

6. STATUS OF REQUIRED UTILITY RELOCATIONS:

All utility work has been or will be completed in accordance with applicable policy and procedure covering the adjustment of utility facilities. All utility notices have been issued and arrangements have been made with the owners of all conflicting utility encroachments remaining within the right of way, so that adequate control of the project right of way will be achieved. If applicable, federal participation has been determined.

(AND)

All necessary arrangements have been made for remaining utility work to be completed as required for proper coordination with project construction. The special provisions in the contract provide for the coordination (see schedule below).

☐

Project specific utility agreement(s) is (are) fully executed and include(s) the Buy America language.

☒

Buy America compliance is not applicable for utility relocations as Utility Agreements are not required.

(AND when applicable)

The following utilities are located within the project Rights of Way but require no relocation:

Company	Type Facility
PG&E	Overhead
AT&T	Overhead
Mediacom	Overhead

The following utilities are in conflict with the project and require relocation as follows: (If applicable)

R/W Notice and Notice Date	Company	Type of Facility	Liability % (Owner=O) (Local Agency=C)	Utility Agreement Date	Federal Participation (yes/no)	Relocation Date & End Concurrent with construction (or) Bid Item/s listed below
07/13/2018	Upper Lake County Water District	Under ground	O	N/A	NO	Concurrent with construction
07/13/2018	Lake County Special Districts	Under ground	O	N/A	NO	Concurrent with construction

7. RIGHT OF WAY CLEARANCE

There were no improvements or obstructions located within the limits of this project

Parcel No.	Location/ P.M.	Description	Salvable/ Non Salvable		Method of Disposal ¹	Date Site Available to Construction Contractor

8. AIRSPACE AGREEMENTS:

There are no airspace lease properties within the limits of this project.

9. COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS

Compliance was not required as there were no displacements for this project.

10. COOPERATIVE AGREEMENTS:

None required

11. ENVIRONMENTAL MITIGATION:

No environmental mitigation parcels are required for this project.

12. INDEMNIFICATION BY LOCAL AGENCY

The Local 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. The Local Agency 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 Local Agency for the orderly performance of the project work.

13. CERTIFICATION:

I hereby certify the right of way on this project as conforming to 23 CFR 635.309(b) **and** (c) (1). The project may be advertised with contract award being made at any time.

Local Agency: COUNTY OF LAKE

Project ID: ATPL-5914(103) As Authorized by Resolution No.: _____

By: _____
SCOTT De LEON
Public Works Director
Date _____

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 Federal Uniform Act and this Certificate is accepted on their behalf.

Accepted as to form and content:

By: _____
ROBERT CLOSE, Senior Right of Way Agent
Project Delivery Branch, Eureka
Date _____

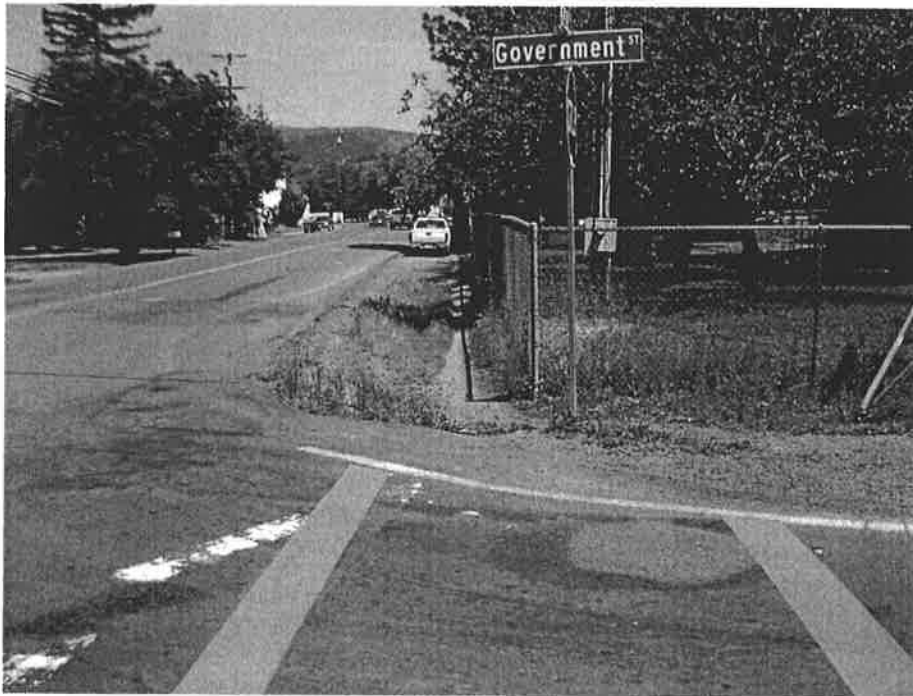
- Distribution:
- 1) Local Agency completes and sends to DLAE for approval.
 - 2) DLAE approves and returns to Local Agency.
 - 3) Local Agency retains approved original in project files.

PROJECT DESCRIPTION

Upper Lake Pedestrian Improvements

This project will provide for the construction of sidewalks at two locations (First St./Government St. and Second Street) within the town of Upper Lake and in close proximity to all of the Upper Lake school's facilities.

The First St./Government segment of this project will close the gap in sidewalks between the Upper Lake Schools and Melody Lane subdivision (30 lots), which is the largest residential subdivision within the town of Upper Lake. Students living within this subdivision and along First Street currently share the road with motorists while walking to school within the roadway. There are no curb ramps at either end of the existing school crosswalk at the Government Street/First Street intersection.



This project will provide a continuous, accessible route for students and residents from Melody Lane to the Upper Lake School's facilities which is likely to encourage more students to walk to school.

The Second Street segment of this project will also close the gap between existing sidewalks. Existing sidewalk near the Upper Lake Elementary School extends west

towards Main Street but terminates approximately 250 feet east of Washington Street.



Second Street-Sidewalk ends 250 feet east of Washington Street.

The proposed sidewalk along Second Street will begin at this location and continue west to an existing curb ramp on Main Street where sidewalks, curb ramps and crosswalks exist along both sides of the Upper Lake business district. New curb ramps and a new marked crosswalk will be constructed at the Washington Street intersection. These pedestrian improvements along Second Street will provide a continuous, accessible route from the Upper Lake School facilities to the downtown Upper Lake area which is likely to encourage more students to walk to school.

Footnote Instructions

1. Parcels listed in items A1 – A7 on pages 1 and 2 should total the number shown on line A above.
2. For sections A1 – A7 list as full acquisition, partial acquisition, fee, permanent easement (including type), temporary construction easement, etc. Detail should be added showing expiration dates of documents with fixed termination dates, i.e., temporary easements.
3. Funds must be deposited into an escrow account and be made available (able to withdraw), as legally permissible, to the grantor, as a condition of use of a possession clause in a right of way contact.
4. Funds must be deposited into an escrow account and be made available (able to withdraw) as legally permissible, to the grantor as a condition of use.
5. Rights of Entry must only be used in emergencies, or extremely unusual/extraordinary circumstances. All Rights of Entry must be pre-approved by the Division of HQs RW&LS and approved by FHWA. Funds must be deposited into an escrow account and be made available (able to withdraw), as legally permissible, to the grantor, as a condition of using a right of entry.
6. RON parcels are the minimum requirement for the use of a Certification #3, which is rarely used. The Resolution of Necessity must be adopted with the Order for Possession served, but not yet effective.
7. This section covers acquisitions where the document is a license, permit etc., not otherwise covered by A1 – A6 above. Examples include Licenses from State Lands Commission, Flood Control Districts, and Letters of Consent from the US Forest Service.
8. These permits are not counted as parcels, are not appraised, recorded, or do not require payment (e.g. Permits to Enter).
9. A copy of Specific Authorization to Relocate Facility Utilities Memorandum must be attached for each facility relocation item.
10. Additional information is required for each bid item if highway contractor will complete work as part of highway contract.
11. Demolition Contract, Construction Contractor, or Owner.
12. Residential, Business, Farm, Nonprofit Organization, or Personal Property only.