

MUNICIPAL UTILITIES & ENGINEERING DEPARTMENT

MEMORANDUM

TO: Pat Gilbreath, Mayor

FROM: Rosemary Hoerning, Municipal Utilities & Engineering Director *RH.*

THROUGH: N. Enrique Martinez, City Manager
Dan McHugh, City Attorney

DATE: May 24, 2010

SUBJECT: Request for Mayor's Signature

Recommendation:

I am recommending the Mayor execute the attached Right-of Way Certification for Cycle 5 and Cycle 6 Safe Routes to School Projects.

Background:

The City received funding for both Safe Routes to School Cycle 5 and Cycle 6 Program Cycles. As part of the project administration, the City is required to provide an executed right-of-way certification for each project. To construct the ADA and Sidewalk improvement associated with these projects no additional right-of-way is required.

On April 20, 2010 the City Council adopted Resolution No. 6934 authorizing the Mayor or any City Council member to sign the Right-of-Way Certification.

ATTACHMENT:

- (1) Right-of Way Certification for Cycle 5
- (2) Right-of Way Certification for Cycle 6

RESOLUTION NO. 6934

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS AUTHORIZING THE MAYOR AND CITY COUNCIL MEMBERS TO EXECUTE STATE TRANSPORTATION PROGRAM DOCUMENTS REQUIRED FOR HIGHWAY PROJECTS AND RESCINDING RESOLUTION NO. 6845

WHEREAS, the City of Redlands (the "City") is eligible to receive State funding for certain transportation projects through the California Department of Transportation; and

WHEREAS, Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements and Right-of-Way Certifications with the California Department of Transportation must be executed by an authorized City representative before such funds can be obtained and expended by the City; and

WHEREAS, the City Council of the City wishes to authorize the Mayor or any Council Member to execute all Master Agreements, Programs Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements and Right-of-Way Certifications and any amendments thereto, with the California Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REDLANDS AS FOLLOWS:

Section 1. The City Council of the City of Redlands hereby authorizes the Redlands Mayor or any Redlands City Council Member to approve, execute and sign State documents required to receive State funding for various transportation projects, including but not limited to right-of-way certifications on behalf of the City. Such documents, when duly executed by the Mayor or any Redlands City Council Member shall be binding upon the City.

Section 2. Resolution No. 6845 of the City Council of the City of Redlands is hereby rescinded.

ADOPTED, SIGNED AND APPROVED this 20th day of April, 2010.



Mayor of the City of Redlands

ATTEST:



City Clerk

I, Sam Irwin, City Clerk of the City of Redlands, hereby certify that the foregoing Resolution No. 6934 was duly adopted by the City Council at a regular meeting thereof, held on the 20th day of April 2010, by the following vote:

AYES: Councilmembers Bean, Harrison, Gallagher, Aguilar; Mayor Gilbreath
NOES: None
ABSENT: None
ABSTAIN: None



Sam Irwin, City Clerk
City of Redlands, California

EXHIBIT 13-A No Right of Way Certification Local Assistance Project (Off State Highway System)

August 12, 2010

(Date Prepared)

**NO RIGHT OF WAY CERTIFICATION
LOCAL ASSISTANCE PROJECT
(OFF STATE HIGHWAY SYSTEM)**CITY OF Redlands

(OR)

COUNTY OF _____

FPN: STPL-HSR-5083(011)
EA: 08-825100 L
SAFE ROUTES TO SCHOOLS CYCLE 8**Please Note:**

This form is intended for use on local assistance projects off the State Highway System where federal funds are used and where no additional right of way or rights in real property are required and no utility relocations of any kind are required.

If any of the questions below are answered "Yes," this form should not be used. Instead, the Right of Way Certification Form (Exhibit 13-B) should be utilized.

PROJECT:Federal Program (if available)Cope, Moore and Clement Middle SchoolsProject LocationConstruct new sidewalks and ADA access ramps
around Cope, Moore and Clement Middle SchoolsGeneral Description

YES NO

- ☐ ☒ 1. **STATUS OF REQUIRED RIGHT OF WAY**
Is additional right of way required?
- ☐ ☒ 2. Is any work proposed by this project outside of existing right of way?

- ☐ ☒ 3. **STATUS OF AFFECTED RAILROAD OPERATING FACILITIES**
Are any railroad operating facilities affected by this project?

- ☐ ☒ 4. **MATERIAL SITE(S)**
Are material sites required for this project?

- ☐ ☒ 5. **DISPOSAL SITE(S)**
Are disposal sites that are not part of the contractor's responsibility to remove excess material required for this project?

- ☐ ☒ 6. **STATUS OF REQUIRED UTILITY RELOCATIONS**
Is there an adjustment/relocation of any utility facility, including those owned and operated by the sponsoring local public agency?

- ☐ ☒ 7. **RIGHT OF WAY CLEARANCE**
Are there improvements or obstructions located within the limits of this project?

- ☐ ☒ 8. **COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS**
Are there displacements for this project?

[] ☒

9

ENVIRONMENTAL MITIGATION

Are environmental mitigation parcels required for this project?

CERTIFICATION

I hereby certify the right of way on this project as conforming to 23 CFR 635.309(G), which states in part; "The acquisition of right of way is not required for this project." The project may be advertised with the contract award being made at any time.

I understand Caltrans will not be performing a review of the PS&E at this time but that all documents relating to this project are subject to review by FHWA and/or Caltrans in order to verify this certification. I also understand that if deficiencies are found in any subsequent review, the following actions will be considered:

1. Where minor deficiencies are found, the certification for future projects may be conditional or not accepted until the deficiencies are corrected.
2. Where deficiencies are of such magnitude as to create doubt that the policies and objectives of Title 23 of the Code of Federal Regulations (or other applicable federal and state laws) will not be accomplished by the project, federal funding may be withdrawn.

LOCAL AGENCY CERTIFICATION

CITY OF REDLANDS

(OR)

COUNTY
OF _____

By:



(Person must be authorized to
sign certification for local public
agency) Pat Gilbreath

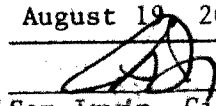
Title:

Mayor

Date:

August 19, 2010

ATTEST:


Sam Irwin, City Clerk

CALTRANS ACCEPTANCE

I have not personally inspected the subject project nor reviewed the PS&E package but I am aware of the scope of the project. I have reviewed the above "No Right of Way Certification" and I am satisfied with the form and content. Caltrans accepts this certification as proper in form and apparently complete in content. Caltrans also accepts this certification with the understanding that the local agency statement of compliance (above) has not been confirmed by Caltrans.

By: _____

Title _____

Date: _____

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