



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Katy Allen

**SUBJECT: DOBERN AVENUE BRIDGE
PROPERTY EASEMENT
AGREEMENT**

DATE: 06-01-04

Approved

Date

Council District: 5
SNI: East Valley/680

RECOMMENDATION

Approval of an agreement with Pacific Gas and Electric Company for the purchase of a park trail easement over a portion of the property consisting of a lot on Bambi Lane located between the residential properties at 2499 Bambi and 2513 Bambi Lane in the amount of \$10 and authorization for the Director of Public Works to execute any additional documents necessary to complete the transaction.

CEQA: Negative Declaration and addenda thereto, PP03-11-352.

BACKGROUND

The City has identified the need to construct a pedestrian bridge to meet safety standards for crossing the Lower Silver Creek between Dobern Avenue and Bambi Lane and is working cooperatively with Santa Clara Valley Water District (District) to address this need. The District initiated the design and construction of flood protection facilities on Lower Silver Creek, encompassing the project area. The entire Lower Silver Creek project consists of trail construction, landscape improvements, and construction of a new pedestrian bridge across Lower Silver Creek between Dobern Avenue and Bambi Lane within property currently owned by Pacific Gas and Electric Company (PG&E) and two private landowners. A Cooperative Agreement with the District for construction of the pedestrian bridge was approved by the City Council on May 4, 2004.

ANALYSIS

This is the second of three properties consisting of five assessor parcels on which easements will be required for this project. Subsequent City Council action will be requested as agreements are negotiated.

On March 2, 2004, the City presented a purchase offer to PG&E including a copy of the supporting appraisal report in which the easement was valued at \$5,000. The offer indicated that the cost of future maintenance including grass and weed cutting, maintaining landscaping and removing illegally dumped trash to be assumed by the City over a 30 year period was approximately \$19,000. Subsequent discussions were held with PG&E and agreement was reached on all of the terms and conditions including the nominal purchase price of \$10. Upon approval and execution of the agreement by the City, the document will be submitted for approval and execution to PG&E. PG&E will in turn submit the agreement to the California Public Utility Commission for approval.

The subject property over which the City will acquire the subject easement consists of a rectangular-shaped lot which is vacant apart from some underground gas transmission lines and overhead high-voltage transmission lines encompassing approximately 9,741 square feet. An easement is required for placement of the bridge structure and associated trail.

PUBLIC OUTREACH

Community support for the Dobern bridge and trail connection has been extremely strong throughout the Neighborhood Revitalization Strategy (NRS) and Strong Neighborhoods Initiative (SNI) processes. The project is included as a community priority within the *Greenprint: 20-Year Strategic Plan for Parks and Community Facilities and Programs*. The status of this project is a routine agenda item during the ongoing Dobern-Capitol/Goss NRS and the East Valley/680 Communities Neighborhood Advisory Council (NAC) meetings. Partial funding for the project has been provided through the NRS process, as well as through a recent District grant, for which the NAC wrote a letter of support.

COORDINATION

This memorandum and agreement have been coordinated with the Departments of Planning, Building and Code Enforcement, the City Manager's Budget Office, Parks, Recreation, and Neighborhood Services and the City Attorney's Office.

COST IMPLICATIONS

The amount of \$10 is specified in the purchase agreement. In addition, there will be an additional cost of \$500 for the purchase of a title insurance policy. The total cost is anticipated to be approximately \$510.

Cost implications associated with the bridge and trail construction project will be discussed in future Council memorandum concerning those improvements.

BUDGET REFERENCE

Fund #	Appn. #	Appn. Name	RC #	Total Appn.	Amt. For Contract	2003-2004 Adopted Budget Page	Last Budget Action (Date, Ord. No.)
001	4013	Lower Silver Creek/Bicycle Bridge	118593	\$215,000		Adopted Capital Budget, Page 487	NA
001	2872	Neighborhood Revitalization Strategy	705001/ 705002	\$1,140,551*		Adopted Operating Budget, Page 698	04/27/04, Ord. No. 27133
		Total		\$ 1,355,551			

* This project was allocated \$285,000 from the overall fund balance.

CEQA

Negative Declaration and addenda thereto, PP03-11-352.

KATY ALLEN
Director, Public Works Department