



ORANGE COUNTY TRANSPORTATION AUTHORITY


Authority to Acquire Right-of-Way, Amend a Cooperative Agreement, and Program Funding Changes for the Interstate 5 High-Occupancy Vehicle Improvement Project Between Avenida Pico and San Juan Creek Road

Staff Report



March 5, 2012

To: Regional Planning and Highways Committee

From: Will Kempton, Chief Executive Officer 

Subject: Authority to Acquire Right-of-Way, Amend a Cooperative Agreement, and Program Funding Changes for the Interstate 5 High-Occupancy Vehicle Improvement Project Between Avenida Pico and San Juan Creek Road

Overview

The Orange County Transportation Authority is implementing the Interstate 5 High-Occupancy Vehicle Improvement Project between Avenida Pico and San Juan Creek Road. The construction phase of the project is expected to start in late 2013. The project requires acquisition of property rights from public and private parties adjacent to the existing freeway and city streets. An amendment to a cooperative agreement with the California Department of Transportation to prepare the final contract documents, advertise, award, and approve the construction contracts is required. Reprogramming of federal funds with Measure M2 funds between phases of this project is required to fully utilize federal funding.

Recommendations

- A. Authorize the Chief Executive Officer to execute agreements with property owners for the acquisition of the specified interests in real property for the Interstate 5 High-Occupancy Vehicle Improvement Project between Avenida Pico and San Juan Creek Road.
- B. Authorize the Chief Executive Officer to execute Amendment No. 1 to Cooperative Agreement No. C-1-2887 with the California Department of Transportation, in an amount not to exceed \$1,308,000, for the California Department of Transportation to prepare the final contract documents, advertise, award, and approve the construction contracts for all three segments of the Interstate 5 High-Occupancy Vehicle Improvement Project between Avenida Pico and San Juan Creek Road.

- C. Authorize the reprogramming of \$1,172,500 in federal Interstate Maintenance Discretionary funds which are currently programmed for design of the northernmost project segment (from south of Highway 1 to San Juan Creek Road) to be used for the construction phase of the southernmost project segment (from south of Avenida Pico to south of Avenida Vista Hermosa).
- D. Authorize staff to process all necessary amendments to the Federal Transportation Improvement Program to reflect the programming actions above.

Background

The acquisition of public and private properties is often required to implement transportation projects, even though extensive efforts are made during the design process to avoid or minimize the impacts to public and private properties. The Orange County Transportation Authority (OCTA) right-of-way (ROW) policies and procedures will be employed to ensure federal and state laws and regulations are followed and that there is an orderly and effective process for implementing the acquisition and relocation assistance process.

Cooperative Agreement No. C-1-2887 between OCTA and the California Department of Transportation (Caltrans) was approved by the Board of Directors (Board) on August 8, 2011, and defined the roles and responsibilities of OCTA and Caltrans for final design and ROW acquisition for the three distinct contract segments of the Interstate 5 (I-5) High-Occupancy Vehicle (HOV) Improvement Project between Avenida Pico and San Juan Creek Road (Project). OCTA is the lead implementing agency for final design and ROW acquisition, and Caltrans is providing independent quality assurance at state cost. OCTA will use Caltrans state highway construction contracting authority to advertise, award, and approve the construction contract. This requires an amendment to the cooperative agreement to reimburse Caltrans for the packaging of final contract documents, advertisement, award, and approval for the construction contracts for all three segments, at a cost not to exceed \$1,308,000.

Discussion

The Project scope includes widening I-5 in both directions for the HOV lane extension, and reconstructing the Avenida Pico interchange. The environmental document and project report were approved by Caltrans on October 26, 2011. Final design of all three segments is currently underway and approximately 35 percent complete.

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The Project will affect ten properties consisting of nine separate ownerships. The ten acquisitions include eight commercial properties, one public property, and one residential property. The real property requirements are comprised of a combination of full fee acquisition, access control acquisition, temporary construction easement acquisition, partial fee, temporary construction easements, and permanent easements.

The property and ownership interests required for the Project are described and shown in Attachment A. Aerial photo location maps and information regarding the properties to be acquired are provided in Attachment B.

OCTA will be acquiring the property interests in accordance with federal and state laws and regulations, as well as OCTA's ROW policies and procedures. Offers for purchase will be made for the amount established as just compensation, which shall be determined through the appraisal process; however, if the property owner presents a counteroffer, staff may consider the counteroffer and its justification for higher compensation and may reach an agreement through an administrative settlement consistent with OCTA's ROW policies and procedures. OCTA will then execute a purchase and sale agreement with the property owner. In cases where a settlement cannot be reached, staff will request the Board to adopt a resolution of necessity and proceed with eminent domain. As part of this acquisition, relocation assistance will be provided if required.

The current estimated cost to acquire all of the specified interests in real property is \$6,335,000. In the event appraisal information reflects costs significantly higher than this estimate, staff will report to the Board on the circumstances and necessary actions.

Amendment No. 1 to Cooperative Agreement No. C-1-2887 with Caltrans is necessary to arrange for Caltrans to prepare the final contract documents, advertise, award, and approve the construction contracts for all three segments, at a cost not to exceed \$1,308,000.

In addition, staff will update the funding tables in the cooperative agreement to include the federal Congestion Mitigation and Air Quality funds that were approved by the Board on November 14, 2011, and upon approval, will shift \$1.173 million in federal Interstate Maintenance Discretionary (IMD) funds to the southernmost Project segment (from south of Avenida Pico to south of Avenida Vista Hermosa) for the construction phase of that segment. Caltrans has discovered a technical error with the listing for the IMD funds for the Project in its records which makes the IMD funds unusable in the design

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phase. Shifting the IMD funds will offset Measure M2 (M2) funds that will, in turn, be used in the design phase.

Fiscal Impact

The project is included in OCTA's Fiscal Year 2011-12 Budget, Capital Programs Division, Account 0017-9081-FC101-F17. The funding sources for this project are federal Congestion Mitigation and Air Quality and M2 funds.

Summary

Staff requests Board authorization for the Chief Executive Officer (CEO) to execute agreements with property owners for the acquisition of the appropriate interest in real property for the Project; authorization for the CEO to execute Amendment No. 1 to Cooperative Agreement No. C-1-2887, for Caltrans to prepare the final contract documents, advertise, award, and approve the construction contracts for all three Project segments, at a cost not to exceed \$1,308,000; and authorization of the reprogramming of \$1,172,500, in federal IMD funding from the design phase of the Project to the construction phase of the southernmost Project segment (from south of Avenida Pico to south of Avenida Vista Hermosa), offsetting M2 funds that will, in turn, be used in the design phase.

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Attachments

- A. Interstate 5 High-Occupancy Vehicle Improvement Project Between Avenida Pico and San Juan Creek Road Parcel List
- B. Aerial Photo Exhibit
- C. California Department of Transportation Cooperative Agreement No. C-1-2887 Fact Sheet

Prepared by:



Rose Casey
Director, Highway Programs
(714) 560-5729

Approved by:



Jim Beil, P.E.
Executive Director, Capital Programs
(714) 560-5646



Virginia Abadessa
Director, Contracts Administration and
Materials Management
(714) 560-5623



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Attachment A

**Interstate 5 High-Occupancy Vehicle Improvement Project Between Avenida Pico and San Juan Creek Road
Parcel List**

Parcel ID	APN	Owner	Property Address	Area Needed (SF/LF)	Current Use	Interest to be Acquired
1	679-041-09	Saint Andrew's by the Sea Methodist Church	2001 Calle Frontera San Clemente, CA 92673	6,740 SF	Commercial	Partial Fee
				11,235 SF		Permanent Easement
				69 LF		Access Control
2	692-351-08	California Crescent Contractors, Inc.	530 Calle De Industrias San Clemente, CA 92672	302 SF	Commercial	Partial Fee
				3 LF		Access Control
3	057-013-09	Nora C. Maurer, et al	530 East Avenida Pico San Clemente, CA 92672	16,500 SF	Commercial	Full Fee
4	057-013-10	Nora C. Maurer, et al	524 East Avenida Pico San Clemente, CA 92672	1,690 SF	Commercial	Partial Fee
				38 LF		Access Control
5	057-013-11	United States Postal Service	520 East Avenida Pico San Clemente, CA 92674	630 SF	Public	Partial Fee
				656 SF		Temporary Construction Easement
6	057-012-22	Chopra Holdings, LLC	529 East Avenida Pico San Clemente, CA 92672	215 SF	Commercial	Partial Fee/ Easement
				26 LF		Access Control
7	057-012-20	Victoria Land Partners	525 East Avenida Pico San Clemente, CA 92672	50 SF	Commercial	Partial Fee/ Easement
8	679-042-02	Karen E. Unfried, Trust	600 Avenida Pico San Clemente, CA 92673	104 LF	Commercial	Access Control
9	123-392-01	Faith Lutheran Church of Capistrano Beach, California	34381 Calle Portola Dana Point, CA 92624	2,821 SF	Commercial	Temporary Construction Easement
10	123-173-14	Kathryn D. Bickle, Trust	26465 Via California Dana Point, CA 92624	830 SF	Residential	Temporary Construction Easement

SF = Square Feet

LF = Linear Feet

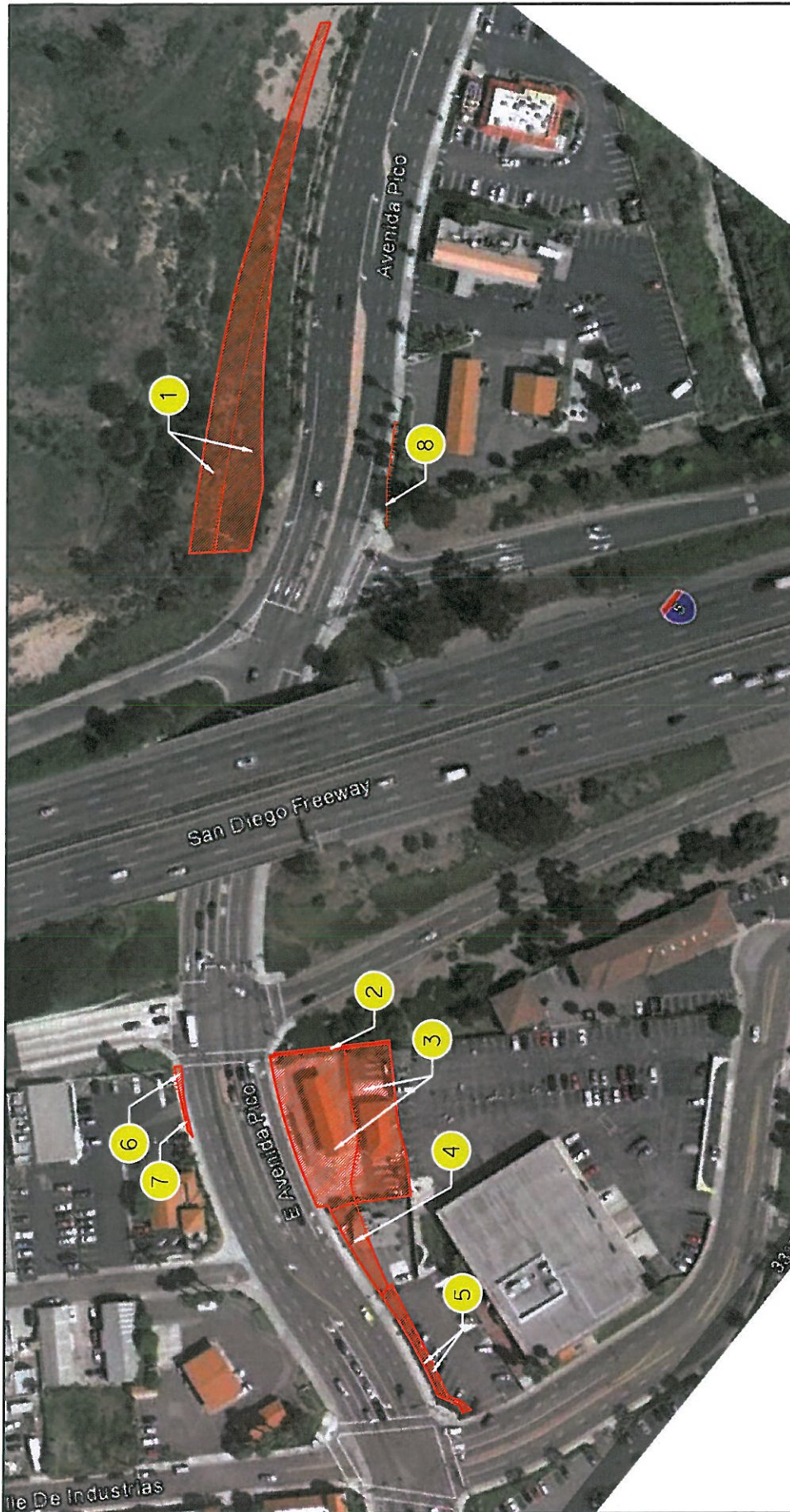


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Attachment B

Aerial Photo Exhibit



0 25 50 100 150
FEET

RIGHT OF WAY MAP I-5 HOV IMPROVEMENTS - SEGMENT 1

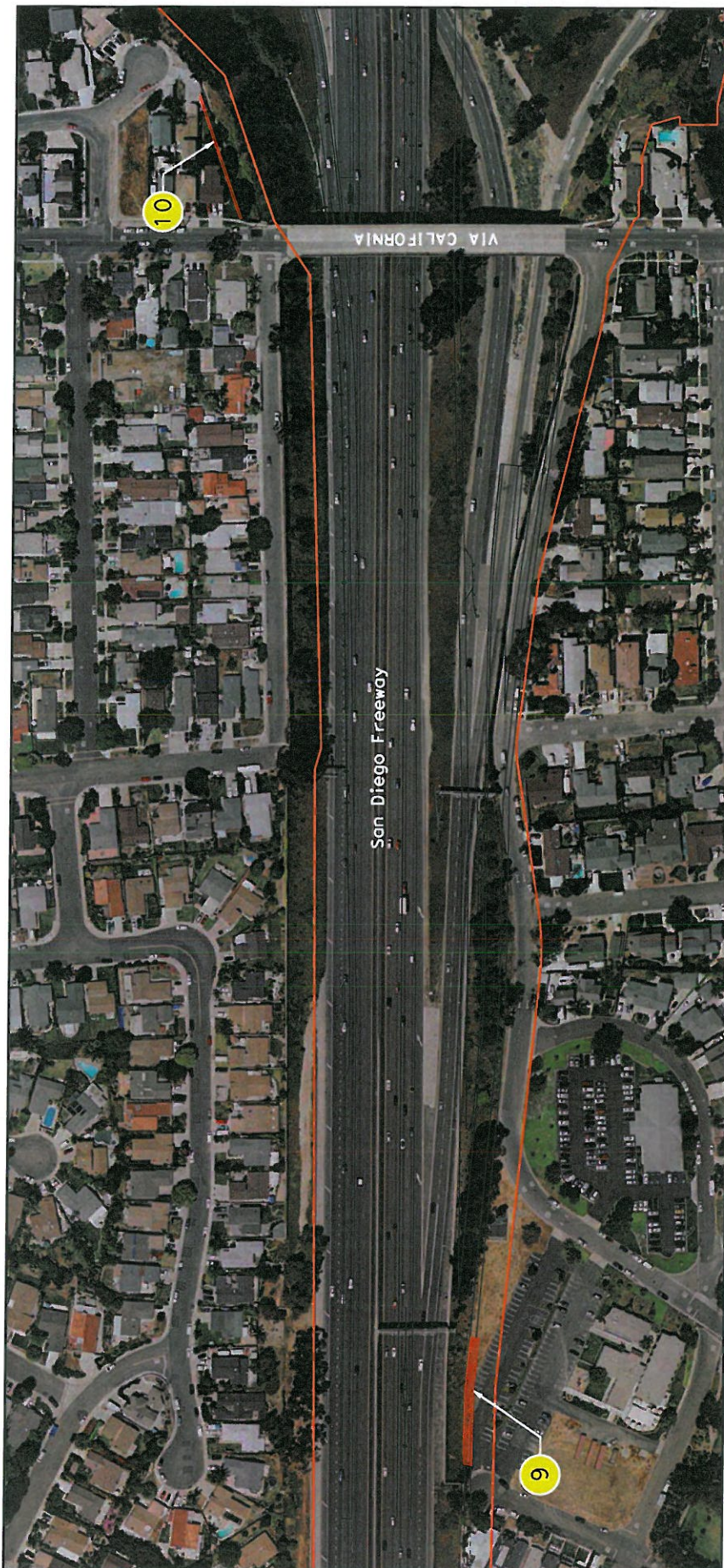
PERMANENT RIGHT-OF-WAY, TEMPORARY CONSTRUCTION EASEMENT, LOSS OF ACCESS

OCTA

ORANGE COUNTY TRANSPORTATION AUTHORITY

PARSONS

2201 DUPONT DRIVE, SUITE 200
IRVINE, CA 92612



RIGHT OF WAY MAP
I-5 HOV IMPROVEMENTS - SEGMENT 3
 TEMPORARY CONSTRUCTION EASEMENT

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 ORANGE COUNTY TRANSPORTATION AUTHORITY

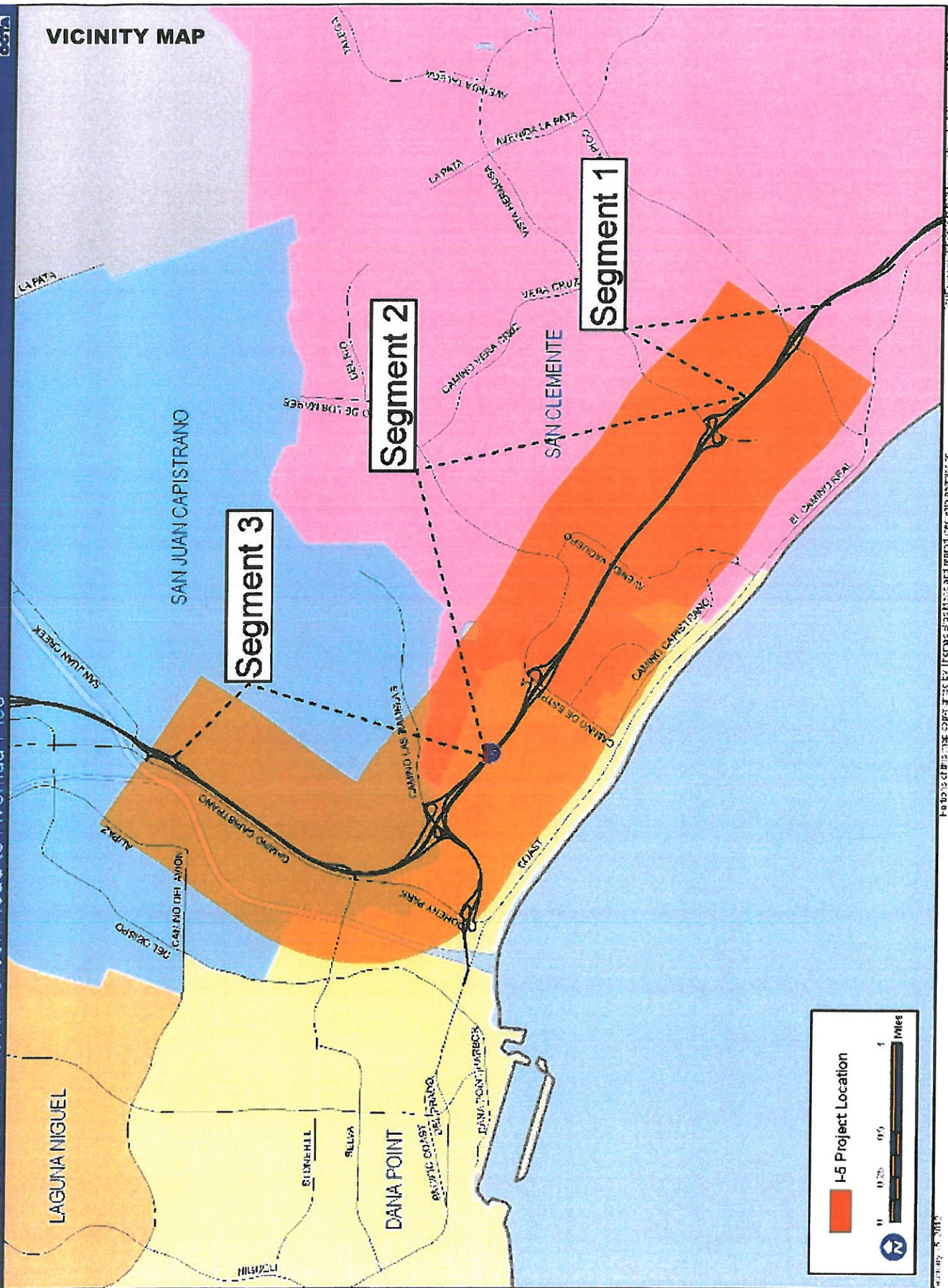
TRC
 123 TECHNOLOGY DRIVE
 IRVINE, CA 92618

Interstate 5 Widening

1 Mile South of San Juan Creek Road to Avenida Pico



VICINITY MAP





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Attachment C

**California Department of Transportation
Cooperative Agreement No. C-1-2887 Fact Sheet**

1. August 8, 2011, Cooperative Agreement No. C-1-2887, \$0, approved by the Board of Directors (Board).
 - To define the terms, conditions, and funding responsibilities between the Orange County Transportation Authority (OCTA) and the California Department of Transportation (Caltrans) for extension of the high-occupancy vehicle lane from San Juan Creek Road to Avenida Pico, including the new Avenida Pico interchange.
2. March 12, 2012, Amendment No. 1 to Cooperative Agreement No. C-1-2887, \$1,308,000, pending Board approval.
 - Caltrans to prepare the contract documents, advertise, award, and approve the construction contracts for all three segments of the project.
 - Allow OCTA to execute acquisition agreements with property owners, authorize relocation assistance and benefits to persons, businesses, or personal property.
 - Update the funding table to reflect the addition of Congestion Mitigation and Air Quality funds, approved by the Board on November 14, 2011, and also move Interstate Maintenance Discretionary funds to a later phase of the project.

Total committed to Caltrans after approval of Amendment No. 1 to Cooperative Agreement No. C-1-2887: \$1,308,000.