



TO: Michael C. Van Milligen, City Manager

FROM: Gus Psihoyos, City Engineer

SUBJECT: Bee Branch Railroad Culverts Project, Easement Acquisitions, Setting Fair Market Value, Resolution Amendments
CIP#2642769

DATE: August 29, 2018

INTRODUCTION

The purpose of this memo is to amend the previously adopted resolutions establishing the fair market value of certain permanent and temporary easements to be acquired through real property owned by HWY 151 & 61 Development, LLC, at East 16th Street and certain permanent and temporary easements to be acquired through certain real property owned by Canadian Pacific Railway at 506 Garfield. The easements are required for the Bee Branch Railroad Culverts Project (Phase 7 of the Bee Branch Watershed Flood Mitigation Project).

BACKGROUND

On August 6, 2018, the City Council passed Resolution No. 228-18 setting the fair market value of certain permanent and temporary easements to be acquired through real property owned by HWY 151 & 61 Development, LLC, at East 16th Street, property legally described as Lot 2 Riverview Plaza No. 3.

On August 6, 2018, the City Council passed Resolution No. 231-18 setting the fair market value of certain permanent and temporary easements to be acquired through real property through certain real property owned by Canadian Pacific Railway at 506 Garfield.

DISCUSSION

Resolution No. 228-18 inadvertently identified the acquisition of an easement described in "*Permanent Easement Exhibit B*" instead of "*Temporary Easement Exhibit B*."

Resolution No. 231-18 inadvertently identifying the acquisition of an easement described as "*Temporary Easement Exhibit B*" instead of "*Permanent Easement Exhibit B*." In addition, Resolution No. 231-18 neglected to reference "*Temporary Easement Exhibit E*" in the whereas section even though it was referenced elsewhere in the resolution.

Amending the resolutions will not change the easements or their values outlined in the adopted resolutions. It simply serves to correct erroneous references to the exhibits that were presented with the resolutions at the time of their consideration.

RECOMMENDATION

I recommend amending Resolution No. 228-18 such that the reference to "Permanent Easement Exhibit B" is changed to read "Temporary Easement Exhibit B."

I further recommend amending Resolution No. 231-18 such that the reference to "Temporary Easement Exhibit B" is changed to read "Permanent Easement Exhibit B."

Finally, I recommend amending Resolution No. 231-18 such that the reference to "Temporary Easement Exhibits C and D" is changed to read "Temporary Easement Exhibits C, D, & E."

ACTION TO BE TAKEN

I respectfully request that the City Council adopt the attached resolutions:

- (1) That all references to "Permanent Easement Exhibit B" in Resolution No. 228-18 are amended, nunc pro tunc, to read "Temporary Easement Exhibit B."
- (2) That all references to "Temporary Easement Exhibit B" in Resolution No. 231-18 are amended, nunc pro tunc, to read "Permanent Easement Exhibit B."
- (3) That the reference to "Temporary Easement Exhibits C and D" in Resolution No. 231-18 is amended, nunc pro tunc, to read "Temporary Easement Exhibits C, D, & E."

Prepared by Deron Muehring, Civil Engineer
cc: Crenna Brumwell, City Attorney
Barry Lindahl, Senior Corporation Counsel
Jenny Larson, Budget Director
Steve Sampson Brown, Project Manager
Deron Muehring, Civil Engineer

Attach.