

DATE: June 29, 2010

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Carlos Bee Boulevard Realignment: Summary Vacation of a Portion of Carlos Bee Boulevard; and Authorization for the City Manager to Award Project

RECOMMENDATION

That Council adopts the attached resolutions for the Carlos Bee Boulevard Realignment Project:

1. Summarily vacating a portion of Carlos Bee Boulevard no longer needed for street Purposes and;
2. Authorizing the City Manager to award the project.

BACKGROUND

In 2001, a City-wide traffic safety improvement study demonstrated that the section of Carlos Bee Boulevard from Mission Boulevard to Overlook Avenue is one of the worst locations in the City relative to the frequency of collisions. Drivers travelling in the westbound (downhill) direction encounter a steep grade of sixteen percent, which naturally causes increased speeds. Furthermore, just west of Overlook Avenue, there is a sharp curve with a crown section. During wet weather, a combination of excessive speed and the roadway conditions have resulted in drivers losing control of their vehicles and crashing into the existing crash cushions and guardrails. Between 1998 and 2007, there were a total of 144 collisions on this section, including seventy-six injuries and one fatality.

In early 2008, staff applied for federal Highway Safety Improvement Program (HSIP) funding and succeeded in receiving \$724,500 in funding to improve Carlos Bee Boulevard by realigning the roadway between Mission Boulevard and Overlook Avenue.

On April 27, 2010, Council approved the plans and specifications for the Carlos Bee Boulevard Realignment project and called for bids to be received on June 1, 2010. This federally-funded project, however, could not be advertised on that date because staff did not receive the necessary Authorization to Proceed with Construction from the State Department of Transportation (Caltrans), the agency responsible for processing approvals for the Federal Highway Administration.

DISCUSSION

The Carlos Bee Boulevard Realignment Project will address traffic safety concerns of vehicles running off the road, especially during wet weather. The road realignment will shift the roadway to the south creating an area on the north side that will no longer be needed for public street purposes. Caltrans owns adjacent parcels north and south of the realignment and has requested vacation of the area that the City will no longer need. The portion of street right-of-way to be vacated is approximately 8,533 square feet and is located behind the new sidewalk (see Attachment III). These parcels are also part of the Route 238 Bypass surplus property and the addition of this vacated right-of-way will potentially add to future revenue generated for the Route 238 Local Alternative Improvement Program (LATIP).

While the proposed improvements will stay within the existing street right-of-way on the south side, a temporary construction easement (TCE) was needed from Caltrans. During the process of obtaining the TCE, Caltrans requested vacation and quitclaim of the crescent area of the street right-of-way created by the roadway realignment to the adjacent parcels, as shown on the attached plat (see Attachment III). The vacation will eliminate any City interest in the area and will facilitate development of the adjoining parcels of land. For any future development, staff will critically evaluate any proposed driveway access directly onto Carlos Bee Boulevard from the adjacent parcels during the development application process. The proposed roadway vacation action qualifies as a summary vacation defined under the California Streets and Highways Code Section 8334 (a) because this portion of Carlos Bee Boulevard is no longer required for street purposes. Since there are existing aerial and underground utilities that will remain within this area, a public utility easement will be retained for the benefit of utility agencies.

Obtaining the TCE was a prerequisite to getting a right-of-way certification, which is required before the Authorization to Proceed with Construction (a process known as E-76) would be issued by Caltrans. As a result of significant processing delays in Caltrans' Real Estate Division, the right-of-way certification was not approved until May 26, 2010. The E-76 must still be approved by Caltrans and the Federal Highway Administration, a process that will likely take up to five weeks or until June 23, 2010. Such a late advertisement date would normally delay award of the contract into September, after the Council's break during August. Staff is, therefore, proposing a similar procedure used for the Stimulus projects, whereby authorization to award the construction is given to the City Manager, assuming an acceptable bid. In this way, the project can be started during the summer construction season.

Under the California Environmental Quality Act (CEQA) Guidelines, Section 15305, Class 5, Minor Alterations of Land Use Limitations and City Guidelines, the vacation of excess right-of-way is exempt from the application of CEQA.

FISCAL IMPACT

The estimated project costs are as follows:

Construction Contract	\$1,080,000
City Design and Administration	50,000
Consultant Design	125,000
Right of Way	35,000
Services by City Forces	25,000
Construction Staking, Inspection and Testing	108,000
Total	<u>\$1,423,000</u>

The FY 2011 Capital Improvement Program includes \$1,423,000 in the Street System Improvements Fund for the Carlos Bee Boulevard Realignment project. As noted above, the City will be reimbursed \$724,500 from the Highway Safety Improvement Program.

PUBLIC CONTACT

As noted in the April agenda report, a public informational meeting was held on April 8, 2010 to provide an opportunity to discuss the project. Once the project is awarded staff will provide residents information on the revised construction schedule.

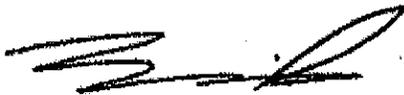
SCHEDULE

Open Bids	July 20, 2010
Award Contract	July 23, 2010
Begin Work	August 16, 2010
Complete Work	February 25, 2011

Prepared by: Morad Fakhrai, Deputy Director of Public Works

Recommended by: Robert A. Bauman, Director of Public Works

Approved by:



Fran David, City Manager

Attachments:

- Attachment I: Resolution Summary Vacation
- Attachment II: Resolution Authorization to Award
- Attachment III: Proposed Roadway Realignment

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 10-_____

Introduced by Council Member _____

RESOLUTION SUMMARILY VACATING A PORTION OF CARLOS BEE BOULEVARD

WHEREAS, Caltrans, the current owner of APN 445-170-34-1, has requested that the City vacate a portion of the street right-of-way on Carlos Bee Boulevard and quitclaim six individual lots; and

WHEREAS, the portion of the street right-of-way to be vacated is approximately 8,533 square feet located on the northerly side of Carlos Bee Boulevard behind the realigned back of the sidewalk and is no longer needed for public street purposes; and

WHEREAS, upon Council's approval of the vacation, the land would revert to Caltrans; and

WHEREAS, there are existing aerial and underground utilities located within the proposed vacation and a public utility easement will be retained for the benefit of utility agencies; and

WHEREAS, vacation of excess right-of-way is categorically exempt under section 15305, Class 5, Minor Alterations of Land Use Limitations of the California Environmental Quality Act (CEQA) Guidelines, and qualifies as a summary vacation as defined under the California Streets and Highways Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that, pursuant to California Streets and Highways Code Section 8334(a), it is hereby ordered that the portion of the street right-of-way of Carlos Bee Boulevard as more described in Attachment "I-a" attached hereto and made a part hereof, is hereby vacated and the City Clerk is authorized and directed to cause a certified copy of this resolution to be recorded in the office of the County Recorder of Alameda.

BE IT FURTHER RESOLVED that the City reserves an easement for the existing utilities within the right-of-way to be vacated.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2010

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

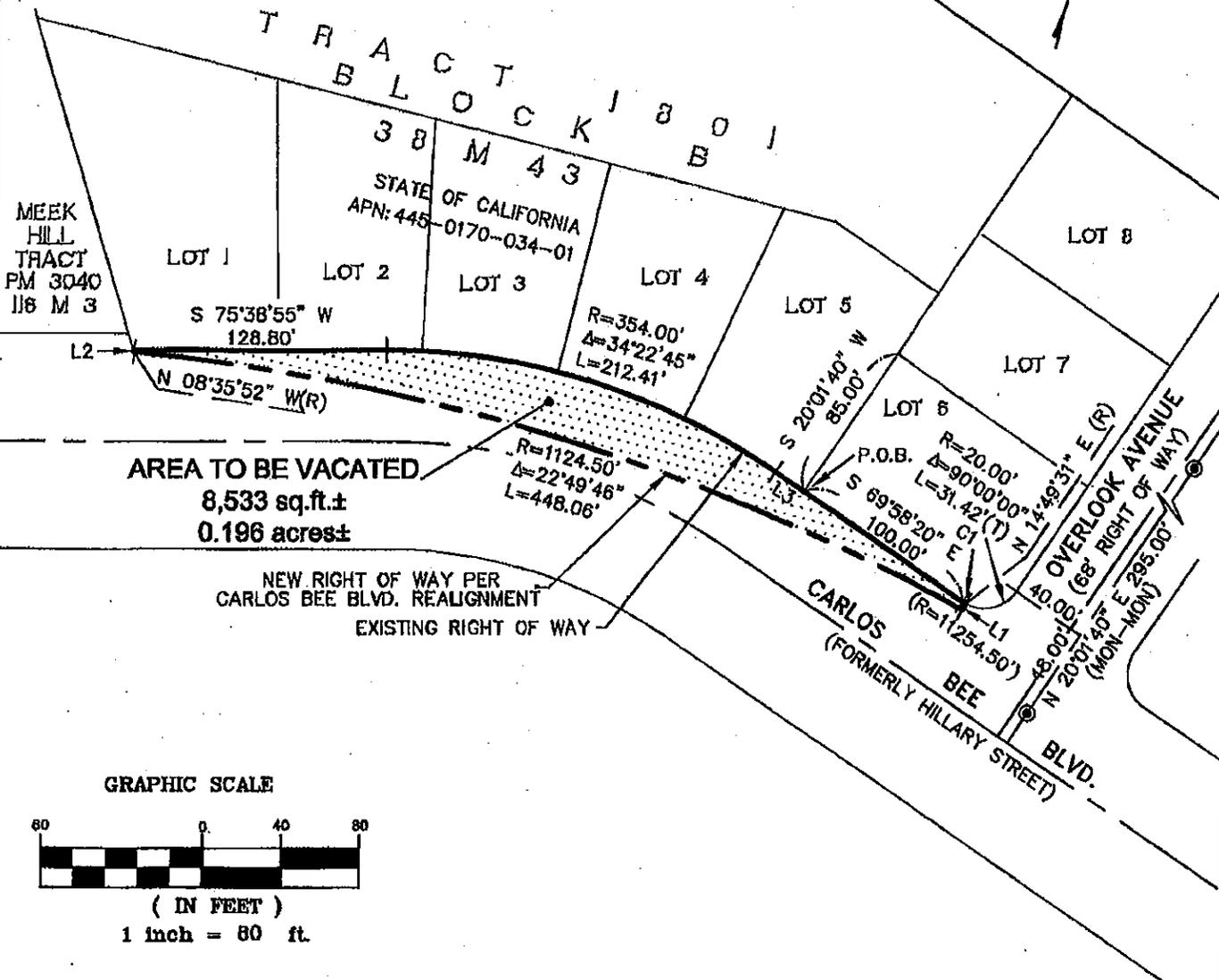
City Attorney of the City of Hayward

- LEGEND**
- APN - ASSESSOR PARCEL NUMBER.
 - M - MAP
 - MON - MONUMENT
 - P.O.B. - POINT OF BEGINNING
 - (R) - RADIAL
 - (T) - TOTAL
 - ⊙ - MONUMENT

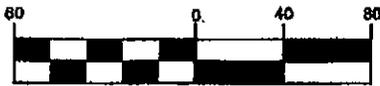
CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	20.00'	51'2'09"	1.82'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 14°13'54" W	3.53'
L2	N 30°45'35" W	0.90'
L3	S 69°58'20" E	17.50'

BASIS OF BEARING:
 THE BEARING "NORTH 20°01'40" EAST BETWEEN TWO FOUND MONUMENTS ON OVERLOOK AVENUE AS SHOWN ON THAT CERTAIN MAP ENTITLED "TRACT 1801", FILE ON SEPTEMBER 12, 1957 IN BOOK 38 OF MAPS AT PAGE 43, IN THE OFFICE OF THE RECORDER OF ALAMEDA COUNTY WAS USED AS THE BASIS OF BEARING FOR THIS DESCRIPTION.



GRAPHIC SCALE



(IN FEET)
 1 inch = 80 ft.



4670 WILLOW RD
 SUITE 250
 PLEASANTON, CA 94588
 925-396-7700
 925-396-7799 (FAX)

Subject **EXHIBIT "B"**
AREA TO BE VACATED

Job No. 20107064-50

By RL Date 06/02/10 Chkd. WS

SHEET 1 OF 1

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 10-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO
AWARD CONTRACT IN ORDER TO EXPEDITE
CONSTRUCTION FOR THE CARLOS BEE REALIGNMENT
PROJECT, PROJECT NO. 5105

WHEREAS, the Carlos Bee Realignment Project, Project No. 5105, will improve safety of the roadway between Mission Boulevard and Overlook Avenue; and

WHEREAS, the City of Hayward required a temporary construction easement from Caltrans because the roadway realignment will shift the roadway to the south; and

WHEREAS, the City of Hayward will receive \$724,500 in funding from the Federal Highway Safety Improvement Program (HSIP); and

WHEREAS, it is the intent of the HSIP that federal funds be expended on safety projects that can be designed and constructed expeditiously; and

WHEREAS, due to delays in Caltrans' right-of-way certification and the amount of time needed by Caltrans for the issuance of the Authorization to Proceed with Construction, the award of the contract would be delayed into September after the Council's August recess; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that, in order to expedite start of construction of the Carlos Bee Realignment Project this summer, the City Manager is hereby authorized to award the project after receipt of an acceptable bid.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2010

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward