



**Agreement No. 87  
With  
Contra Costa County  
For  
State Route 4 West Gap Closure Project  
Right-of-Way Services**

**April 19, 2017**

**AMENDMENT No. 16**

**WHEREAS**, the Contra Costa Transportation Authority and Contra Costa County Real Property Division (CONSULTANT) entered into Agreement No. 87 on August 1, 1998; and

**WHEREAS**, the parties entered into Amendment No. 1 to the Agreement on January 20, 1999 to increase the maximum compensation to \$250,000; and

**WHEREAS**, the parties entered into Amendment No. 2 to the Agreement on May 19, 1999 to increase the maximum compensation to \$455,000; and

**WHEREAS**, the parties entered into Amendment No. 3 to the Agreement on June 16, 1999 to reflect a change in salary rates charged by CONSULTANT; and

**WHEREAS**, the parties entered into Amendment No. 4 to the Agreement on June 16, 1999 to increase the maximum compensation to \$728,000; and

**WHEREAS**, the parties entered into Amendment No. 5 to the Agreement on June 21, 2000 to reflect additional right-of-way services which were not originally envisaged and increase the Total Agreement Value to \$1,153,000; and

**WHEREAS**, the parties entered into Amendment No. 6 to the Agreement on September 19, 2001 to increase maximum compensation to \$1,653,000; and

**WHEREAS**, the parties entered into Amendment No. 7 to the Agreement on June 19, 2002 to increase maximum compensation to \$2,623,000; and

**WHEREAS**, the parties entered into Amendment No. 8 to the Agreement on March 17, 2003 to increase maximum compensation to \$2,923,000; and

**WHEREAS**, the parties entered into Amendment No. 9 to the Agreement on March 16, 2005 to increase maximum compensation to \$3,098,000; and

**WHEREAS**, the parties entered into Amendment No. 10 to the Agreement on April 6, 2006 to increase maximum compensation to \$3,195,500; and

**WHEREAS**, the parties entered into Amendment No. 11 to the Agreement on June 20, 2007 to increase maximum compensation to \$3,251,000; and

**WHEREAS**, the parties entered into Amendment No. 12 to the Agreement on March 19, 2008 to increase maximum compensation to \$3,314,000; and

**WHEREAS**, the parties entered into Amendment No. 13 to the Agreement on March 18, 2009 to increase maximum compensation to \$3,418,000; and

**WHEREAS**, the parties entered into Amendment No. 14 to the Agreement on December 16, 2009 to increase maximum compensation to \$3,468,000; and

**WHEREAS**, the parties entered into Amendment No. 15 to the Agreement on July 18, 2012 to increase maximum compensation to \$3,493,000; and

**WHEREAS**, the parties now wish to further amend the Agreement; now therefore be it

**MUTUALLY AGREED:**

- (1) That the compensation is increased by \$20,000 (which includes a \$5,000 contingency), for a new Total Agreement Value of \$3,513,000; and
- (2) That all other items and conditions of the Agreement shall remain in effect.

In witness whereof, the parties hereto have executed this Amendment to the Agreement as of the 19<sup>th</sup> of April 2017.

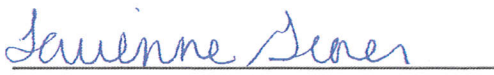
**COUNTY OF CONTRA COSTA**

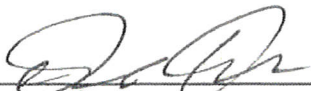
  
Chair, Board of Supervisors

ATTEST: David Twa  
Clerk of the Board of  
Supervisors and County  
Administrator

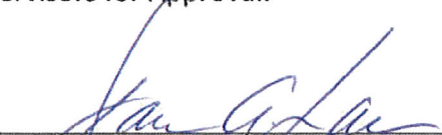
**CONTRA COSTA  
TRANSPORTATION AUTHORITY**

  
Tom Butt, Chair

ATTEST:  
  
Tarienne Grover, Clerk of the Board


By:   
County Administrator  
Clerk of the Board of Supervisors

Recommended to the County Board of  
Supervisors for Approval:

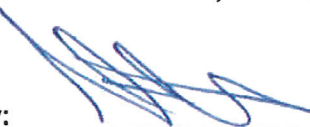
By:   
Principal Real Property Agent

By:   
Public Works Director

Approved as to form:

  
Malathy Subramanian, Authority Counsel

Approved as to Form:  
Sharon L. Anderson, County Counsel

By:   
Deputy

**Contra Costa County**  
**Historical Summary of Contract Amendments**  
**CT87**

Date	Contract Amendment	Amount of Amendment	Total Contract Amount	Description
Aug 1, 1998	Original Contract	\$ -	\$ 138,000	Contract as originally written covered right of way acquisition services to perform appraisals, negotiations with property owners, land rights document preparation, relocation and/or supervision of independent contractors providing such services for project as originally envisioned.
Jan 20, 1999	Amendment No. 1	\$ 112,000	\$ 250,000	This amendment provides an increase of \$35,000 for additional appraisal services caused by progression of original design and to cover additional parcels for ultimate project; \$53,000 for assessment of septic system impacts for two parcels and \$24,000 for increased relocation assistance for the Danlos Kennels complex.
May 19, 1999	Amendment No. 2	\$ 205,000	\$ 455,000	This amendment provides an increase of \$75,000 for administration of demolition contract for Hallissey residence; \$100,000 for additional investigation of septic system for two impacted parcels and \$30,000 additional appraisal effort for Tosco acquisition.
Jun 16, 1999	Amendment No. 3	\$ -	\$ 455,000	Amendment modifies original contract language to reflect a change in salary rates from a single hourly rate to a range of hourly rates, per employee, by classification, and to make it clear that Authority staff may request assistance from other County Departments.
Jun 16, 1999	Amendment No. 4	\$ 273,000	\$ 728,000	This amendment provides an increase of \$160,000 for condemnation activities not previously budgeted for in contract; \$68,000 for additional County staff time for various demolition, septic system impacts and right of way acquisition activities and \$45,000 for additional appraisals to support condemnation processes.
Jun 21, 2000	Amendment No. 5	\$ 425,000	\$ 1,153,000	This amendment provides an increase of \$310,000 for increased condemnation activities; \$100,000 for additional appraisal work for Hallissy parcel and \$15,000 for file close-out and right of way transfer to the State activities.

**Contra Costa County**  
**Historical Summary of Contract Amendments**  
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Sep 19, 2001	Amendment No. 6	\$ 500,000	\$ 1,653,000	This amendment provides an increase of \$500,000 for additional acquisition services for Tosco condemnation process, Asbury Graphite septic system issues, transfer of surplus property to EBRPD, file closures and transfer of right of way to State.
May 14, 1900	Amendment No. 7	\$ 970,000	\$ 2,623,000	This amendment provides an additional \$970,000 to cover the following activities: \$650,000 for completion of design and construction of Asbury Graphite replacement septic systems; \$200,000 for additional legal counsel and expert witness charges for the Tosco trial and \$120,000 for additional County staff time to transfer Hallisy parcel to EBRPD, complete agreement with Muir Heritage Land Trust and transfer right of way to State.
Mar 17, 2004	Amendment No. 8	\$ 300,000	\$ 2,923,000	This amendment provides an additional \$300,000 to cover the following activities: \$150,000 for additional legal counsel for the remaining work to finalize the Asbury graphite acquisition and to cover Tosco litigation overruns and \$150,000 for additional County staff time to complete the transfer of right of way to State.
Mar 16, 2005	Amendment No. 9	\$ 175,000	\$ 3,098,000	This amendment provides an additional \$175,000 to complete construction management and consultant design activities for the Asbury Graphite wastewater system, for wastewater system construction, legal fees and funds to complete the right of way transfer to the State.
Apr 16, 2006	Amendment No. 10	\$ 97,500	\$ 3,195,500	This amendment provides an additional \$97,500 to complete construction activities for the Asbury Graphite wastewater system, legal fees for the Asbury Graphite wastewater system, legal fees for the Asbury Graphite condemnation, funds to complete the right of way transfer to the State and a contingency for property maintenance.
Jun 20, 2007	Amendment No. 11	\$ 55,500	\$ 3,251,000	This amendment provides an additional \$55,500 to complete the Asbury Graphite condemnation, funds to complete the right-of-way transfer to the State and a contingency for property maintenance.

**Contra Costa County**  
**Historical Summary of Contract Amendments**  
**CT87**

Mar 19, 2008	Amendment No. 12	\$ 63,000	\$ 3,314,000	This amendment provides an additional \$23,000 for additional right-of-way closeout and transfer services and \$40,000 for fence reconstruction and coordination at the Muir Heritage Land Trust goldfields site.
Mar 18, 2009	Amendment No. 13	\$ 104,000	\$ 3,418,000	This amendment provides an additional \$104,000 for additional right-of-way closeout and transfer services, wastewater repair, and Asbury Graphite settlement.
Dec 16, 2009	Amendment No. 14	\$ 50,000	\$ 3,468,000	This amendment provides an additional \$50,000 for extra costs to complete the Asbury Graphite settlement agreement and leach field repairs, additional right-of-way closeout activities, and to finalize the overall transfer of project property from the County to the State.
Jun 18, 2012	Amendment No. 15	\$ 25,000	\$ 3,493,000	This amendment provides an additional \$25,000 for additional right-of-way closeout activities and to finalize the overall transfer of project property from the County to the State. Tasks include review of Memorandum of Settlements, Review of Board of Supervisors Orders, attendance at meetings, management of Temporary Use Permits at the environmental mitigation site, maintenance of the mitigation site until transfer to MHLT or State, review of miscellaneous survey plat maps, coordination with utility companies for necessary easement rights, and title insurance required for the transfer of project right-of-way to the State.
Apr 19, 2017	<i>Proposed</i> Amendment No. 16	\$ 20,000	\$ 3,513,000	This amendment provides an additional \$20,000 (which includes \$5,000 in contingency), for additional right-of-way closeout activities and to finalize the overall transfer of project property from the County to the State. Tasks include review of Memorandum of Settlements, Review of Board of Supervisors Orders, attendance at meetings, resolution of access control issues required for the transfer of project right-of-way to the State.



## Administration and Projects Committee **STAFF REPORT**

Meeting Date: April 6, 2017

<b>Subject</b>	<b>State Route 4 (SR4) West Gap Closure (Project 1501/2200) – Authorization to Execute Amendment No. 16 to Agreement No. 87 with the Contra Costa County (County) for Right-of-Way (ROW) Services</b>
<b>Summary of Issues</b>	The County has been providing ROW acquisition and closeout services for the SR4 West Gap Closure project. Property transfer to the California Department of Transportation (Caltrans) is underway. A contract amendment is necessary to cover additional services to support closeout of the project ROW in order to complete project property transfer to Caltrans.
<b>Recommendations</b>	Staff seeks authorization for the Chair to execute Amendment No. 16 to Agreement No. 87 with the County in the amount of \$20,000 (which includes \$5,000 in contingency), for a new total agreement value of \$3,513,000, to provide additional ROW services and actions by the County Board of Supervisors.
<b>Financial Implications</b>	Sufficient funds for this proposed amendment are included in the <i>2011 Measure C Strategic Plan</i> .
<b>Options</b>	The Authority could elect to not approve this request. However, the remaining ROW activities are required for Caltrans to accept the property transfer and the transfer would be delayed.
<b>Attachments (See APC Packet dated 4/6/17)</b>	A. Amendment No. 16 to Agreement No. 87 B. Historical Summary
<b>Changes from Committee</b>	<i>None</i>

**Background**

Agreement No. 87 provides for the necessary County staff resources (along with needed sub-consultants) to conduct ROW acquisition and closeout efforts for the SR4 West Gap Closure project. Services covered under this agreement are very broad and include obtaining title reports, appraisals, negotiation with property owners, property demolition, relocation services, condemnation proceedings including retention of outside legal counsel, construction of a wastewater system and leach field replacement, temporary management of the Contra Costa Goldfields (environmental mitigation site), actions by the County Board of Supervisors, and final ROW transfer and documentation to Caltrans. The majority of work is done and the current focus is on the final steps for the project ROW transfer to the State.

County staff has been working with the Authority, Caltrans, and the consultant surveyor-of-record, the title company, outside vendors, and multiple utility companies to perform and facilitate the numerous intractable activities and actions necessary to properly assign utility easement rights previously acquired by the County for the project, maintain the environmental mitigation site, and facilitate the project ROW transfer to the State.

The project ROW transfer to the State will not be formally accepted by the State until Caltrans staff is fully satisfied with all actions, documentation, mapping, legal descriptions, plat maps, utility Consent to Common Use Agreements (CCUAs), utility Joint Use Agreements (JUAs), access control, and all applicable actions associated with the jurisdictional approvals associated with the required environmental mitigation site (Contra Costa Goldfields).

Effort is now focused on the final transfer of project ROW to Caltrans. This will include resolving all outstanding title and access control issues. This additional budget provides resources for the County to undertake the necessary work to complete the final transfer of project ROW.

Amendment No. 16 will increase the budget for ROW services by \$20,000 (which includes a \$5,000 contingency), for a new total agreement value of \$3,513,000.