



Legislation Details (With Text)

**File #:** 15-0378      **Version:** 1      **Name:** Right of Entry and Temporary Use Agreement with West Oak Development

**Type:** Agenda Item      **Status:** Approved

**File created:** 6/15/2015      **In control:** Public Works

**On agenda:** 6/23/2015      **Final action:** 6/23/2015

**Title:** Consider and take action on the approval of a “Right of Entry and Temporary Use Agreement” with West Oak Development for temporary access to The City’s Southwest Water Reclamation Facility (SWWRF) (Deputy City Manager)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Data Sheet, 2. Proposed Right of Entry and Temporary Use Agreement, 3. 2010 Right of Entry and Temporary Use Agreement, 4. Appraisal, 5. Aerial Map

Date	Ver.	Action By	Action	Result
6/23/2015	1	City Council	Approved	Pass

Consider and take action on the approval of a “Right of Entry and Temporary Use Agreement” with West Oak Development for temporary access to The City’s Southwest Water Reclamation Facility (SWWRF) (Deputy City Manager)

Approval of this agreement will temporarily extend the right of entry and use of the access road that crosses the West Oak Development property. This will provide access for operations equipment and material haulers to the City’s Southwest Water Reclamation Facility (SWWRF).

In April 2010, City Council approved a “Right of Entry and Temporary Use Agreement” with West Oak Development for purposes of gaining access associated with the construction of the SWWRF. The rights granted by that agreement was for a period of five years. This agreement was contingent upon the extension of Maple Leaf Drive to the SWWRF or the replacement of the bridges on McFarland Road. Five years has elapsed, and Maple Leaf Drive has not been extended to the designated length, as well as one load-rated bridge on McFarland Road which needs replacement.

Since the construction activity is complete and the purpose of the access road has changed to operations, the extension of Maple Leaf Drive to the south provides a shorter route across the West Oak Development property. Therefore, staff has negotiated a new agreement with West Oak Development. This new route will reduce the City’s limit of maintenance from approx. 6,800 linear feet of gravel roadway to approximately 2,500 linear feet of gravel roadway.

Based on an appraisal obtained by the City, the value of the property rights and temporary use of the 1.75 acres of land is \$5,950 annually. The Special Conditions listed in the new agreement will be satisfied utilizing wastewater operating funds.

**Attachments:**

- 1) Data Sheet
- 2) Proposed “Right of Entry and Temporary Use Agreement”
- 3) 2010 “Right of Entry and Temporary Use Agreement”
- 4) Appraisal
- 5) Aerial Map

CONTRACT ORIGINATION:Reviewed and approved by City Attorney

FUNDING

Funds are available in Act # 020-3221-694-5349 Wastewater Operations Budget

Requires Budget Amendment to transfer from Account # \_\_\_\_\_ to Account # \_\_\_\_\_