



STATE PUBLIC WORKS BOARD
January 4, 2017

PROPOSED MINUTES

PRESENT:

Ms. Eraina Ortega, Chief Deputy Director, Department of Finance
Mr. Jeff McGuire, Chief Deputy Director, Department of General Services
Mr. Kome Ajise, Director, Department of Transportation

CALL TO ORDER AND ROLL CALL:

Ms. Eraina Ortega, Chairperson of the Board called the meeting to order at 10:00 a.m.
Ms. Patrice Coleman, Executive Assistant for the Board, called the roll. A quorum was established.

ACTION ITEMS:

Ms. Ortega stated that there are no Consent items on the Agenda today so the first order of business is to hear the Action Items. Ms. Lukenbill reported that there is one action item today and if approved, the requested action would approve acquisition of property and property rights over 2 adjacent properties for the High Speed Rail project.

The Board has adopted a resolution delegating acquisition authority to designated staff for certain HSTS acquisitions that conform to a Board-approved standard contract. The three Right-of-Way contracts for the properties and property rights that are listed below are interrelated agreements that fall outside the scope of this delegation because they contain non-standard clauses substantively different from the standard contract. Therefore, Board approval is required for the acquisitions.

Ms. Lukenbill presented a summary of the issues surrounding each acquisition:

Quad 7, L.P. Property:

The requested action would authorize the acquisition of an easement and a portion of Quad 7, L.P.'s property. This property is intended to be used for the HST corridor and an overpass over Avenue 12. This acquisition will create a land locked parcel on a remainder of Quad 7, L.P.'s property (approximately 6.963 acres). As a result, under this Right-of-Way contract the High Speed Rail Authority (HSRA) will provide Quad 7, L.P. with an access easement over adjacent property owned by Everspring Alliance or will purchase the land-locked remainder.

41MB 8ME All Rights, Title and Interest:

The requested action will authorize the acquisition of 41MB 8ME's rights to an easement over the portion of the Quad 7, L.P. property being acquired by the State intended to be used for the HST corridor and an overpass over Avenue 12. In exchange, HSRA will grant a license and encroachment agreement to 41MB 8ME over the same portion of the Quad 7,

L.P. property on which the easement was located and to construct a conduit crossing. In addition, this agreement will secure 41MB 8ME's consent to the acquisition of the Everspring Alliance Property by HSRA and to the access easement to Quad 7. This consent is necessary because 41MB 8ME has an easement over the same portion of the Everspring Alliance property that is necessary to provide Quad 7, L.P. the access easement described above. The easement granted to 41MB 8ME by Everspring Alliance prohibits Everspring Alliance from conveying its Property to HSRA without 41MB 8ME's consent.

Everspring Alliance Property:

The requested action will authorize the acquisition of an easement and a portion of Everspring Alliance's property. This property is intended for the HSTS "S" Line and for the Avenue 12 road widening necessary to construct a bridge over the proposed HST corridor. The acquisition includes the rights necessary to provide the access easement to Quad 7, L.P. to its land locked remainder.

Ms. Lukenbill noted that staff and counsel reviewed the contracts in their present form and recommended approval. She further noted that the contracts represent settlements that will protect the business interests of the property owners while minimizing exposure to the all parties related to ongoing litigation.

Ms. Lukenbill acknowledged the complexity of these transactions and stated that CalTrans and PWB legal Counsel were available for questions.

Ms. Ortega stated that although this would be a very brief meeting, she wanted to acknowledge the many hours of staff, board counsel, and HSR time spent on this item. Mr. Ajise followed-up by stating that he appreciated the time spent on the item and the briefing.

Ms. Ortega asked if there were any comments from the public on the item. There were none.

A motion was made by Ms. Ortega and seconded by Mr. Ajise to approve the Action Item. The Action Item was approved by a 3-0 vote (Ms. Ortega, Mr. Ajise, and Mr. McGuire all voting aye).

NEXT MEETING:

Ms. Ortega stated the next Board meeting is scheduled for Friday, January 13 at 10:00 a.m. in Room 113 at the State Capitol.

Ms. Ortega asked if there were any comments or questions from the Board or the public. Seeing none, the meeting was adjourned at 10:05 a.m.