



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
December 3, 2008**

TO: Mayor and City Council
FROM: Tim Tucker, City Engineer
SUBJECT: H Street Storm Drain Replacement Project
DATE: November 21, 2008

RECOMMENDATION:

Adopt attached resolutions:

- 1) Accepting bids for the H Street Storm Drain Project and awarding the construction contract to Robert W. Tyson Construction for \$139,520; and
- 2) Authorizing the City Manager to accept an offer of a grant of easement across 3701 Serrano Street from (Pamela Seawel) for storm drain purposes and execute an approved Certificate of Acceptance.

BACKGROUND:

The “H Street Storm Drain Replacement Project” will repair two sections of failed storm drain pipe that were installed nearly 70 years ago. The storm drain system crosses Serrano Street and extends across the property at 3701 Serrano Street. The pipe carries storm water from a catch basin installed to capture runoff from the westerly side of Serrano Street and drainage from behind the homes on Sunrise Court. In 1975 the City obtained an easement and extended this storm drain pipe across the adjoining property at 210 H Street. From 210 H Street stormwater flows in an open channel along the rear property lines of the lots on the south side of H Street to the existing underground storm drain system in Canyon Way which continues along H Street to Alhambra Avenue. Please refer to the map that is included as part of this staff report as Attachment #1.

The corrugated metal pipe beneath 3701 Serrano Street is corroded and is causing a sink hole in the front yard of 3701 Serrano Street. The pipe from Canyon Way to Alhambra Avenue has also failed resulting in the manhole cover at Raap Avenue being lifted in large storm events. This project will replace the failed sections of storm drain pipe and will increase the capacity of the pipe from Canyon Way to Alhambra Avenue. The property owner of 3701 Serrano Street has offered, at no cost to the City, a grant of easement for the replacement and maintenance of the storm drain pipe across her lot.

Nineteen Bids were opened at 2:00 p.m. on Thursday, November 20, 2008 for the construction of the subject project. Robert W. Tyson Construction of Oroville, California, was the lowest responsible bidder. The following is a list of bids from the five lowest bidders:

<u>Contractor</u>	<u>Total Bid Amount</u>
Robert W. Tyson Construction	\$139,520
Bruce Carone Grading & Paving	\$139,756
Siteworks Construction	\$141,444
W.R. Forde Associates	\$142,996
Jonas & Associates	\$170,537

The low bid of \$139,520 is well below the engineer's estimate of \$182,685 and is within allocated funding. Robert W. Tyson Construction has successfully completed the construction of similar projects in Pinole and Sacramento. A check of their references provided favorable responses.

FISCAL IMPACT:

The H Street Storm Drain Improvement Project is budgeted under Account No. C3004. The project budget is sufficient to fully fund the project.

Previously Council Allocated Funding:

NPDES Funds	\$158,720
Zone 5 Drainage Funds	<u>\$60,000</u>
Total funding	\$218,720

Budget:

Design & Administration	\$20,000
Construction Contract	\$139,520
Contingency (25%)	\$35,000
Material Testing	\$9,200
Construction Management / Inspection	<u>\$15,000</u>
Total	\$218,720

Any funding remaining after this project is completed will be rolled into next year's annual storm drain project.

ACTION:

Adopt resolutions accepting bids for the H Street Storm Drain Project, awarding the construction contract to Robert W. Tyson Construction and accepting an offer of grant of easement for a storm drain pipe that crosses 3701 Serrano Street.

Attachments:

1. Project location map
2. Resolutions
3. Easement

APPROVED BY:


City Manager

APPROVED BY:


Assistant City Manager
Community & Economic Development

RESOLUTION NO. -08

**ACCEPTING BIDS FOR THE H STREET STORM DRAIN REPLACEMENT PROJECT
AND AWARDING A CONTRACT TO ROBERT TYSON CONSTRUCTION**

WHEREAS, the Council allocated funds for storm drain projects as part of the Five-Year Capital Improvement Program for Fiscal Years 2006/07 to 2010/11; and

WHEREAS, the City has maintained and accepted portions of the H Street storm drain system that cross private property; and

WHEREAS, the City advertised for bids from general engineering contractors; and

WHEREAS, on November 20, 2008, bids were publicly opened and the lowest responsible bid is within the funds allocated for this project; and

WHEREAS, it is deemed in the best interest of the public and the City to implement the H Street Storm Drain Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Martinez that the bid of Robert W. Tyson Construction is hereby accepted in an amount of \$139,520 when the required performance bond, labor and materials bond, insurance and other contract documents have been reviewed and approved by the City Attorney, and the City Manager is hereby authorized to execute a contract for said project with the contractor.

IT IS FURTHER RESOLVED that should Robert W. Tyson Construction fail to deliver all contract documents, fully executed and filled out, so that they are in the hands of the City within ten calendar days after receipt of notice from the City of the City's acceptance of their bid, then the bid shall be deemed in violation of the contract documents and the bid shall be deemed non-responsive and rejected and the second lowest responsible bidder shall be awarded the contract to complete the project.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 3rd day of December, 2008 by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

RESOLUTION NO. -08

AUTHORIZING THE CITY MANAGER TO ACCEPT AN OFFER OF A GRANT OF EASEMENT ACROSS 3701 SERRANO STREET FOR STORM DRAIN PURPOSES AND EXECUTE AN APPROVED CERTIFICATE OF ACCEPTANCE

WHEREAS, Section 27281, Government Code, State of California, provides that a government agency may not have deeds or grants conveying interest in real estate recorded without consent evidenced by a certificate or resolution of acceptance; and

WHEREAS, it is in the interests of convenience and efficiency to authorize the City Manager to accept an offer of a grant of easement conveying an interest upon real estate to the City of Martinez for public drainage purposes; and

WHEREAS, an offer of a grant of easement has been prepared by the City of Martinez which will convey an easement for storm drain system purposes to the City of Martinez across 3701 Serrano Street; and

WHEREAS, the owner 3701 Serrano Street has offered the grant of easement at no cost to the City; and

WHEREAS, an approved Certificate of Acceptance shall be executed by the City Manager.

NOW, THEREFORE, BE IT RESOLVED that the City Manager is authorized by the City Council of the City of Martinez to accept the Offer of Grant of Easement across 3701 Serrano Street for storm drain purposes and execute an approved Certificate of Acceptance.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 3rd day of December, 2008 by the following vote:

AYES:

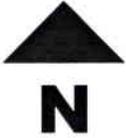
NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ



PROJECT LOCATION



REVISIONS		
NO.	DESCRIPTION	BY DATE

DESIGN BY
DRAWN BY
CHECKED BY
DATE
NOV 2008

CITY OF MARTINEZ

COMMUNITY DEVELOPMENT DEPARTMENT
222 HENRIETTA STREET
MARTINEZ, CALIFORNIA 94553

ATTACHMENT 1

**H STREET STORM DRAIN REPLACEMENT PROJECT
LOCATION MAP**

PROJECT NO C3004	
SHEET NO.	TOTAL SHEETS
1	OF 1

Recorded at the request of:

CITY OF MARTINEZ

After recording, return to:

City Clerk
CITY OF MARTINEZ
525 Henrietta Street
Martinez, CA 94553

OFFER OF GRANT OF EASEMENT
(for storm drain system purposes)

Location: APN 370-093-001
CA. 94553

Address: 3701 Serrano Street, Martinez,

WHEREAS, Pamela J. Seawell is the present owner of records of the following parcel of land situated in Contra Costa County, State of California as described in the attached **EXHIBIT "A"**.

NOW, THEREFORE, the undersigned, Pamela J. Seawell (Owner), of said parcel of land does hereby make an irrevocable offer of grant of easement to the City of Martinez, and its successor or assign, for City of Martinez storm drain system purposes, the real properties described in **EXHIBIT "B"** and delineated in **EXHIBIT "C"**, attached herein.

It is understood and agreed that the City of Martinez and its successor or assign shall incur no liability with respect to such offer of grant of easement, and shall not assume any responsibility for the offered parcel of land or any improvements thereon or therein, until such offer has been accepted by appropriate action of the City Council, its successor or assign, or by the City Manager on behalf of the City of Martinez.

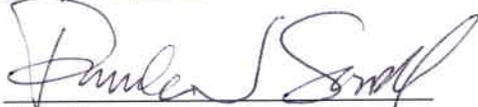
It is understood and agreed that the City of Martinez shall have the sole responsibility to maintain public storm drain facilities installed within said easement by the City of Martinez. Surface improvements shall be maintained by Owner.

Owner shall indemnify and hold harmless City of Martinez against and from any and all claims of damages or injury arising from Owner's use of the property or from any activity, work, or thing done, permitted, or suffered by Owner in or about the property and shall further indemnify and hold harmless City of Martinez against and from any and all claims arising from any act or omission of Owner or any of its agents, employees, invitees, or licensees and against and from all costs, attorney's fee, expenses, and liabilities incurred in or about any claim or any action or proceeding brought hereon, and in case any action or proceedings be brought against City of Martinez by result of any such claim.

The provisions hereby shall inure to the benefit of and be binding upon the heirs, successor, assigns, and personal representatives of the respective parties hereto.



IN WITNESS WHEREOF, the title owners hereto have executed this instrument on Oct 31, 2008.



Title Owner
[Attach Notarial Acknowledgment(s)]

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Contra Costa }

On 10-31-08 before me, Mercy G. Cabral, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Pamela J. Seawell
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal Above

Signature Mercy Cabral
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Offer of Grant Easement

Document Date: 10-31-08 Number of Pages: 6

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Exhibit "A"

All that certain real property situate in the County of Contra Costa, State of California, described as follows:

(City of Martinez)

Portion of Lots 28 and 29, Map of Alta Loma, filed March 22, 1938, Map Book 22, Page 660, Contra Costa County Records, described as follows:

Beginning on the North line of said Lot 29 at the northwest corner of the parcel of land described in the deed to Julius G. Hanson, et ux, recorded December 11, 1940, Book 538, Page 423, Official Records; thence from said point of beginning along the exterior line of said Lot 29 as follows: North $82^{\circ} 30'$ West, 44.44 feet; thence westerly and southerly along the arc of a curve to the left with a radius of 20 feet, tangent to the last course, an arc distance of 36.59 feet and South $7^{\circ} 20''$ East, tangent to said curve, 81.44 feet to the South line of said Lot 29; thence along said South line and along the South line of said Lot 28, South $82^{\circ} 30'$ East, 47.35 feet to the West line of said Hanson Parcel, 538 OR 423; thence northerly along said West line to the point of beginning.

Assessor's Parcel Number **370-093-001**

Seawell
3701 Serrano Street
A.P.N. 370-093-001

EXHIBIT "B"

LEGAL DESCRIPTION
For Storm Drain Easement

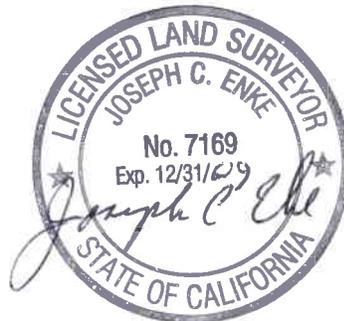
Real property in the City of Martinez, County of Contra Costa, State of California,
described as follows:

Portion of Lots 28 and 29 of the Alta Loma Subdivision filed on the 22nd day of March,
1938 in the office of the Recorder, Contra Costa County, California in Book 22 of Maps
at page 660, further described as follows:

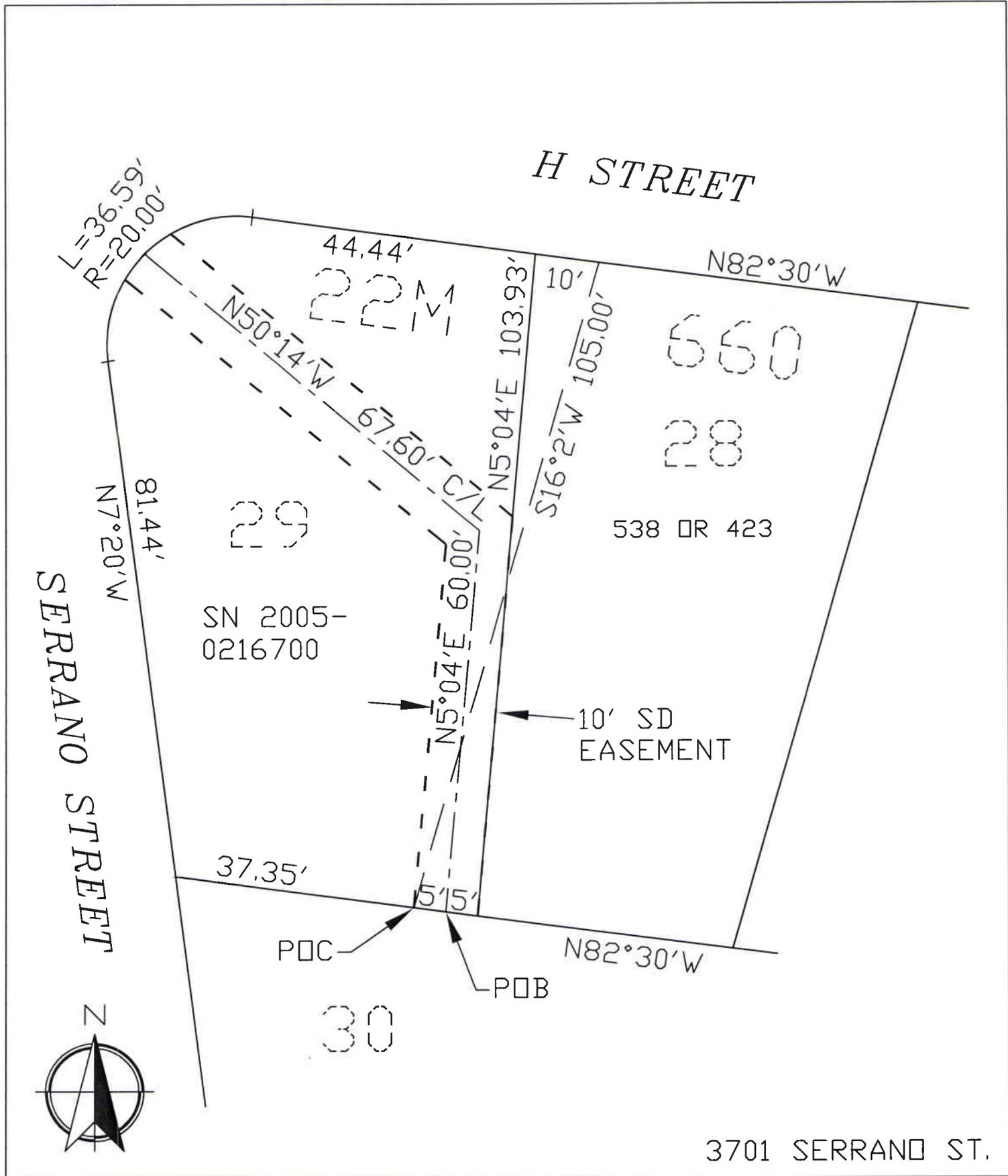
A strip of land, 10 feet in width, the centerline of which is described as follows:

Commencing at the southerly corner of said Lots 28 and 29 (22 M 660); thence South 82°
30' East, 5.00 feet along the southerly line of said Lot 28 to the Point of Beginning of the
herein described centerline; thence North 5° 04' East, 60.00 feet along a line parallel with
and 5 feet westerly of the east line of the parcel of land described in the deed to Pamela
Seawell, recorded June 15, 2005, Series Number 2005-0216700, Official Records; thence
North 50° 14' West, 67.60 feet more or less to the northwesterly line of said Lot 29; the
sidelines of said 10 feet wide strip shall be lengthened or shortened to extend entirely
across said Lot 29.

Attached hereto is a plat entitled Exhibit "C" and by this reference made a part hereof.



9-22-08



3701 SERRANO ST.

SCALE: 1"=20'
DATE: 9-08
APN. 370-093-001

EXHIBIT "C"
PLAT MAP for
 STORM DRAIN EASEMENT
 CITY OF MARTINEZ

