

City of Needles, California

☒ CITY COUNCIL ☐ UTILITY BOARD ☐ NPUA ☐ RDA ☒ Regular ☐ Special

Meeting Date: August 8, 2023

Title: Resolution 2023-48 authorizing the Mayor or her designee to execute right-of-way certifications for the City of Needles Obernolte Water Service Replacement and Street Improvements project.

Background: Section 635.309 of Title 23 of the Code of Federal Regulations provides in part that as a condition precedent to advertising bids for construction of projects funded in whole or in part with Federal Highway Administration (FHWA) administered funds, the State must certify to the FHWA as the status of right-of-way acquisitions, utility relocations and railroad operating facilities for such projects

City of Needles Obernolte Water Service Replacement and Street Improvements Project is funded with Federal Highway Administration (FHWA) administration funding under the Community Project Funding/Congressionally Directed Spending (CPFCDs) program, which is funded by in part with Caltrans administered funds and with SBCTA & TDA Article 3 Funding, and for which Caltrans requires a Right-of-Way Certification, in order to discharge Caltrans oversight obligations to the City.

Caltrans has a requirement to have an authorized person to execute right-of-way certifications for the City of Needles, if the case should be we need to acquisition any right-of-way for this project. Currently the project will not require any acquisition of any properties. All work will be completed within the existing rights-of-way.

Fiscal Impact: None

Recommendation: Adopt Resolution 2023-48 authorizing the Mayor or her designee to execute right-of-way certifications for the City of Needles Obernolte Water Service Replacement and Street Improvements project.

Submitted By: Kathy Raasch, Project Manager

City Management Review: 

Date: 8-3-2023

Approved: ☐ **Not Approved:** ☐ **Tabled:** ☐ **Other:** ☐

AGENDA ITEM: 22

RESOLUTION NO. 2023-48

A RESOLUTION OF THE NEEDLES CITY COUNCIL OF THE CITY OF NEEDLES, CALIFORNIA, AUTHORIZING THE MAYOR OR HER DESIGNEE, TO EXECUTE RIGHT-OF-WAY CERTIFICATIONS FOR THE CITY OF NEEDLES OBERNOLTE WATER SERVICE REPLACEMENT AND STREET IMPROVEMENT PROJECT

WHEREAS, Section 635.309 of Title 23 of the Code of Federal Regulations provides in part that as a condition precedent to advertising bids for construction of projects funded in whole or in part with Federal Highway Administration (FHWA) administered funds, the State must certify to the FHWA as the status of right-of-way acquisitions, utility relocations and railroad operating facilities for such projects; and

WHEREAS, San Bernardino County Transportation Commission (sometimes referred to herein as the "Commission") projects receiving funding administered by the FHWA must provide the California Department of Transportation (Caltrans) with certifications of the right-of-way acquisitions, utility relocations and railroad operating facilities (Right-of-Way Certification) for such projects prior to advertising bids for construction of such projects; and

WHEREAS, the City of Needles Obernolte Water Service Replacement and Street Improvements Project ("Project") is funded with Federal Highway Administration (FHWA) administered funds under the Community Project Funding/Congressionally Directed Spending (CPFCDs) program, which is funded in part with Caltrans administered funds and with Commission and Transportation Development Act Article 3 Funding, for which Caltrans requires a Right-of-Way Certification in order to discharge Caltrans' oversight obligations to the City; and

WHEREAS, the Needles City Council desires to delegate authority to the Mayor or her designee to execute the Right-of-Way certifications for the project and Right-of-Way certifications required by Caltrans for the Project.

NOW, THEREFORE, BE IT RESOLVED by the City of Needles City Council as follows:

SECTION 1. The Mayor or her designee, is authorized to execute on behalf of the City of Needles Right-of-Way certifications required for the Project.

SECTION 2. The Mayor or her designee is authorized to execute on behalf of the City of Needles any Caltrans-required City certificates of the right-of-way acquisitions, utility relocations and/or railroad operating facilities for the Project, and to include in such certifications Caltrans-required indemnification language in the following form or such form required by Caltrans from time-to-time:

"The City of Needles and The San Bernardino County Transportation Commission (Commission) agree to indemnify, defend, and hold harmless the Department of Transportation (Caltrans) from any and all liabilities which may result in the event the right-of-way for this project is not clear as certified. City shall pay from its own nonmatching funds, any costs which arise out of delays to the construction of the project because utility facilities have not been removed or relocated, or because rights of way have not been made available to City for the orderly performance of the project work."

SECTION 3. This Resolution shall take effect upon adoption.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 8th day of August 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST: _____
City Clerk

Approved as to Form

City Attorney