



Request for City Council Committee Action from the Department of Public Works

Date: September 24, 2013

To: Honorable Sandra Colvin Roy, Chair Transportation & Public Works Committee
Referral to: Honorable Betsy Hodges, Chair Ways and Means/Budget Committee

Subject: **Authorization of Proper City Officials to Execute a Right of Entry Agreement with Inland Quarry Retail, L.L.C.**

Recommendation:

- A. Authorize proper City Officials to execute a right of entry agreement with Inland Quarry Retail, L.L.C. to complete improvement to public multi-use path adjacent to 18th Ave NE.

Previous Directives:

- December 11, 2008 – 2008R-544, funding approved for 18th Ave NE bikeway, Monroe to Stinson.

Department Information:

Prepared by: Mackenzie Turner Bargaen, Traffic and Parking Services, 612-333-1358

Approved by: _____

Steven A. Kotke, P.E., Director of Public Works

Presenters in Committee: Mackenzie Turner Bargaen, PW-Traffic and Parking Services

Financial Impact

- No financial impact
- Action is within the Business Plan

Community Impact

- Neighborhood Notification: Public Works has conducted outreach to neighborhood organizations about these improvements and will maintain contact prior to construction.
- City Goals:
Livable Communities, Healthy Lives - Active lifestyles, walkable, bikable, swimmable.

- Comprehensive Plan:
 - Policy 2.1: Encourage growth and reinvestment by sustaining the development of a multi-modal transportation system.
 - Policy 2.2: Support successful streets and communities by balancing the needs of all modes of transportation with land use policy.
 - Policy 2.3: Encourage walking throughout the city by ensuring that routes are safe, comfortable, pleasant, and accessible.
 - Policy 2.5: Ensure that bicycling throughout the city is safe, comfortable and pleasant.
- Zoning Code: N/A

Supporting Information

Staff recommends execution of Right of Entry Agreement to make improvements to a public trail located on private property owned by Inland Quarry Retail, LLC.

The estimated cost of these improvements is approximately \$5,000 which is included in the project budget. This agreement will allow access to work on the trail by Public Works. The improvements include approximately 80 linear feet of new trail and some shrub removal.

The essential terms in the Right of Entry Agreement are as follows:

- City will be responsible for all work associated with construction of a path located on private property;
- Grantor will convey a right of entry allowing City and its contractors to occupy its property for construction activities;
- The work promotes the public's health, safety, and welfare;
- City will assume liability for any claims arising out of construction activities;
- City will not assume any liability for preexisting environmental conditions on the property;
- Grantor will continue to own and maintain the path following the work;
- Grantor will assume all liability associated with the ongoing existence and use of the path;
- City will restore Grantor's premises to its original condition following construction.