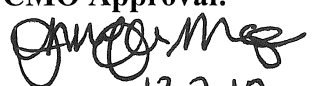


CITY COUNCIL ACTION REQUEST

Department(s): Office of Economic Development	CEQA: Exempt, File No. PP14-038, CEQA Guidelines Section 15302, Replacement or Reconstruction.	Coordination: City Attorney's Office, Dept. of Public Works and Budget Office	Dept. Approval: /s/ Kim Walesh
Council District(s): 7			CMO Approval:  12-7-17

SUBJECT: SECOND AMENDMENT TO THE TEMPORARY CONSTRUCTION EASEMENT FOR NORDALE SEWER PUMP STATION REPLACEMENT

RECOMMENDATION:

Adopt a resolution authorizing the City Manager or his designee to execute the Second Amendment to the temporary construction easement for Nordale Sewer Pump Station Replacement Project, between the City of San Jose and Bich L. Nguyen (Grantor), allowing for continued use of approximately 452 square feet of easement area to complete the project construction.

BASIS FOR RECOMMENDATION:

Nordale Sanitary Sewer Pump Station is a subterranean sewer pump station built in 1960 and is in need of replacement. As part of the City's Sanitary Sewer Master Plan, the 7029 – Nordale Sanitary Sewer Pump Station Replacement project consists of demolition of the existing pump station, sewage diversion and dewatering; construction of a new fiberglass-reinforced plastic wet well pump station, new pumps, electrical and control systems, surrounding fence; replacement of approximately 30 feet of 10-inch vitrified clay pipe and 20 feet of 6-inch ductile iron pipe; and replacement of curb, gutter, driveway, and sidewalk.

On November 6, 2015, the City and Grantor entered into that certain Temporary Construction Easement Agreement for the use of the Easement Area for twelve months through November 6, 2016.

Due to a delay in the project bidding process, the construction of the new pump station was delayed. On October 18, 2016, the City and Grantor agreed to amend the original agreement to extend the term for an additional twelve months through November 6, 2017, upon the same terms and conditions as set forth in the original temporary construction agreement. On November 15, 2016, Council awarded the construction contract for the 7029 – Nordale Sanitary Sewer Pump Station Replacement project allowing for the construction to proceed.

When the project construction bids were received, they exceeded the original project estimate which required that the project be re-bid resulting in a delay of the award of the contract and extending the period of the Temporary Construction Easement. The City and Grantor now desire to further amend the terms of the temporary construction easement agreement in order to continue the term until December 31, 2018, for a total of 36 months in order to complete the construction project. All other terms contained in the original agreement and First Amendment will continue in full force and effect.

COST AND FUNDING SOURCE:

There is no cost for the continued use of approximately 452 square feet of easement area other than the staffing cost required to complete the project.

FOR QUESTIONS CONTACT: Nanci Klein, Assistant Director, OED (408) 535-8184