

Real Estate Acquisition Management Plan



Vine Transit Maintenance Facility



NAPA VALLEY TRANSPORTATION AUTHORITY

Real Estate Acquisition Management Plan

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This Real Estate Acquisition Management Plan (RAMP) is being provided so that the public has access to the process the Napa Valley Transportation Authority (NVTA) will use for its real estate acquisition needs. This process is consistent with state and federal laws.

At the time of posting of this RAMP, NVTA does not have complete information regarding every component of the plan. Further information will be posted as it becomes available.

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1 Introduction

The Real Estate Acquisition Management Plan (RAMP) serves as a guide for implementing the real estate requirements of NVTA's Vine Transit Maintenance Facility project (the "PROJECT"). It defines the roles and responsibilities of the NVTA's property acquisition team, describes the acquisition process, and lists applicable federal, state, and local requirements. These regulations are further described in Section 1.3.

This RAMP presents the issues associated with the appraisal and acquisition of real estate required for construction of the PROJECT. NVTA is planning to develop the PROJECT with the cooperation and financial assistance of multiple agencies at federal, regional, state and local levels. Acquisitions of real property will be undertaken by NVTA in a cooperative approach to reach mutually agreeable purchases with property owners with property required for the PROJECT.

NVTA's intention is to preserve its ability to solicit federal and state funds through grants or reimbursements.

NVTA will adhere to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (the Uniform Act), applicable Federal Transit Authority (FTA) and California Transportation Commission (CTC) Guidelines; in addition to applicable state laws and regulations when acquiring real estate. As such, this RAMP is intended to assist NVTA in planning the PROJECT by:

- Providing an overview of the acquisition process;
- Establishing a schedule for timely acquisition of real property;
- Outlining the appraisal and acquisition, in compliance with the Uniform Act;
- Coordinating the acquisitions with the procedural requirements that the relevant federal authority imposes on Grantees as a condition of reimbursement of associated costs, as needed;
- Presenting preliminary budget estimates and the basis of the cost estimate;
- Defining the membership and roles of NVTA's Property Acquisition Team staff and their coordination with other agencies, staff and consultants;
- Outlining acquisition priorities and strategies;
- Defining property rights to be acquired;
- Defining tasks necessary to advance through the acquisition process;
- Describing the reports and tracking systems to monitor the progress of the acquisitions; and
- Providing a framework to advance through the acquisition.

The overall goal and focus of this RAMP is to assist team members to secure the real property rights required and to ensure fair treatment of property owners impacted by the PROJECT, consistent with state and federal regulations.

1.1 PROJECT Description

NVTA's transit services arm - Vine Transit - has a need for a new transit maintenance Facility. The present facility at 720 Jackson Street in Napa has an inadequate number of bus maintenance bays, does not have adequate parking spaces for all of Vine vehicles and lacks space for a modern bus wash.

NVTA proposes constructing a transit maintenance Facility located in Napa County. When complete, the PROJECT will span at least eight (8) acres, including:

- Parking and storage for up to ninety-three (93) public transit vehicles of various sizes
- Administration building
- Maintenance building with up to eight (8) bays
- Seventy-five (75) visitor and employee parking
- Compliance with all building and design standards and regulations including ADA.

Recognizing the complexity of implementing a major capital project involving the collective efforts of numerous entities, NVTA has adopted an integrated team approach for management of the PROJECT. This approach requires the formation of a dedicated project management team, empowered with the responsibility and resources to successfully execute the PROJECT.

The Project team, consisting of NVTA staff and professional consultants, will be responsible for overall management, implementation, administration, reporting and liaison related to the appraisal, acquisition and relocation processes, as follows:

- Coordinating, monitoring and overseeing all right-of-way (ROW) activities among NVTA staff, the team and associated public agencies
- Selecting qualified consultants to conduct appraisals and negotiate property purchases (NVTA will use the guidelines set forth in the California Department of Transportation (Caltrans) Consultant Qualifications and Selection Criteria's Chapter 17.06.00.00 of the Caltrans Right of Way Manual to assist in its selection of qualified consultants)
- Obtaining title reports, real and personal property appraisal reports, making offers to purchase and conducting negotiations to acquire property rights, escrow closures and property certifications
- Developing and revising the real estate acquisition schedule
- Coordinating the ROW budget in support of the full funding grant approval process
- Coordinating the development of agreements with legal counsel/real estate consultants
- Identifying issues and possible solutions related to real estate acquisition
- Conducting real estate acquisition/coordination meetings

1.2 Property Acquisition Process

NVTA will administer the right-of-way acquisition process pursuant to applicable local, State of California and Federal regulations, including the California Relocation and Real Property Acquisition Guidelines (CCR Title 25, Chapter 6), CTC's Guidelines for Caltrans Right of Way Review Process for Rail Projects and the Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs; Final Rule (49 CFR Part 24), as well as the applicable procedural requirements of any potential federal funding partners, including the Federal Transit Administration (FTA). The acquisition process will consist of the following components:

- Title search of the affected properties
- Preparation of appraisal maps, legal descriptions and plat maps
- Appraisal and appraisal review process
- Written offers to purchase required real property interests
- Negotiation with the affected property owners
- Settlement/Closing processes

NVTA is developing ROW plans utilizing information contained in title reports, field surveys, assessor parcel maps and historical records for Cultural Resources Information of the impacted areas. The real property interests to be acquired will be identified on a parcel-by-parcel basis. NVTA will strive to acquire property rights through negotiated agreements with mutually acceptable terms, thereby avoiding litigation.

NVTA staff will solicit, select, and award consultant contracts in accordance with the guidelines provided in the NVTA Administrative Code and any applicable State and Federal laws and guidelines and NVTA's Project Management Plan (PMP). Staff will write scopes of work and prepare solicitation and contract documents; advertise contracts; evaluate, select, and contract with qualified professionals adhering to Federal Procurement guidelines and procedures, State CTC guidelines and NVTA's guidelines for contracting services. NVTA Staff will also direct and manage the activities of consultants; monitor consultants' progress and payments; and coordinate activities among the various disciplines.

Services required for the acquisition program include surveys, environmental site assessment consultants, appraisers, acquisition consultants, environmental/ biological consultants, and title and escrow services. Consultant contracts for various disciplines are grouped by function and the qualities of each proposed acquisition such as land use, occupancy, and projected difficulty of acquisition. The contracts and consultant teams will be structured in order to expedite the acquisition process, retain flexibility, and maintain quality in the acquisition process.

1.3 Legal Requirements/ Guiding Documents

NVTA will administer the right-of-way acquisition process pursuant to applicable Federal, State of California, and local regulations, including:

1. 49 CFR Part 24 as amended January 4, 2005: Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs: Final Rule and Notice (Uniform Act).
2. FTA Circular C 5010.1D, Grant Management Requirements Chapter IV, pertaining to Real Estate Project Management.
3. Applicable statutes regulating environmental aspects of acquisition, such as site inspection, survey of prior owners and uses, etc., include 42 USC Subsections 9601-9675 and Washington Administrative Code (WAC) 468-100-008.

These references will guide NVTA's acquisition procedures. California state law and Federal regulations provide general guidance to the acquisition process and also govern property owner rights.

The Uniform Act and regulations, FTA circulars on right of way acquisition, Caltrans right of way guidelines provide general guidance to the acquisition process. State and Federal law governs property owner rights.

While these documents are too voluminous for inclusion within this plan, all are available for review in NVTA's offices at 625 Burnell St Napa, CA 94559. The RAMP outlines policies and procedures for implementing the program to acquire real property. To the extent the RAMP is inconsistent with state or federal law, the provisions of state and/or federal law shall prevail.

Requirements of the Uniform Act are contained in the Caltrans Right of Way Manual in Chapters 7 through 14. The web page link to the Caltrans manual is <http://www.dot.ca.gov/hq/row/rowman/manual> . Please reference this web link as the manual is updated on a regular basis. NVTA's policies and procedures for completing NVTA's Appraisals, Acquisitions, Property Management, Demolition and Clearance, Utility Relocation, and Project Certification are configured in the Caltrans Right of Way Manual. The applicable Caltrans Right of Way Procedures will be incorporated as NVTA's Standard Operating Procedures. NVTA has also authorized its Executive Director or designee to sign Right-of-Way Certification forms for local, state and federally-funded projects by Board Authorization.

Additional guiding requirements are outlined in Title VI Compliance (Sec. 601) of the Civil Rights Act; and further outlined in the Federal Advisory Assistance Payment Program and the Relocation Assistance Payment Program (49 CFR 24). As stated earlier, all properties must be acquired in accordance with the Uniform Relocation and Real Property Act (42 USC 4061 et seq.) and its regulations (49 CFR Part 24), prior to the Right of Way being certified.

Certification of the Right of Way must be obtained prior to NVTA advertising the construction bid.

1.4 Property Acquisition Schedule

Construction of the PROJECT is currently scheduled to commence in 2018. Completion is projected by summer 2020, with operations starting in the fall 2020, assuming funding and required approval and delivery mechanisms are in place to support this timeframe. This schedule is dependent on availability of funding and a final funding strategy. See “8 Appendices” for the proposed implementation schedule.

To facilitate management and coordination of real estate acquisition activities, NVTA will utilize efficient record keeping for documentation of property acquisitions. NVTA will schedule the real estate acquisitions and occupant relocations in a manner that will assure legal entry onto the needed properties prior to advertising for the construction contracts. A detailed Property Acquisition Schedule for all real estate activities will be tracked and updated on a regular basis, comparing baseline schedules with current activities. Schedule revisions will be made as required based on the effectiveness of negotiations with property owners and the need to acquire properties through the eminent domain process.

Construction phasing will be coordinated with a variety of other public and private development projects. Inter-agency agreements will allow for some adjustments in the sequence and timing of the implementation program; in addition, changing market conditions may necessitate some degree of scheduling flexibility.

1.5 Property Appraisal

NVTA will retain the services of qualified California state-licensed appraiser(s) according to the Caltrans Consultant Qualifications and Selection Criteria’s Chapter 17.06.00.00 of the Caltrans Right of Way Manual. The appraisal consultants will be asked to estimate the fair market value of the rights to be acquired. NVTA will exercise care in selecting the appraisal consultants in order to match the appraiser’s expertise to the complexity of the appraisal problem.

Where appraisers are required to value the goodwill of a property, they will be Accredited Senior Members of the American Society of Appraisers and will follow the California Eminent Domain Law.

When improvements pertaining to realty are involved, machinery and equipment appraisers with the designation of Accredited Senior Member of the American Society of Appraisers will be used.

In accordance with 49 CFR Part 24.104, all appraisal reports will be reviewed by a qualified California state-licensed appraiser meeting Caltrans requirements, including a Certified General designation and at least two years’ experience in performing review appraisals. The review appraiser will develop an opinion of the quality of the appraisal and for compliance with the requirements of the Uniform Standards of Professional Appraisal Practice, the Uniform Act.

1.6 Property Acquisition

NVTA will schedule the property acquisition in a manner that will provide legal entry onto the required property prior to the advertising for the construction contracts for that property. NVTA will coordinate with utility companies and identify replacement locations for utility relocations. Authority to acquire right-of-way for the PROJECT will be achieved with the necessary state or federal environmental certifications as needed.

Preparatory work to be done in anticipation of the environmental certifications may involve retaining real estate consultants and developing task orders and/or work directives.

1.7 Utility Relocations

Chapter 13 of the Caltrans Right of Way Manual provides procedures and detailed instruction for the relocation of public utilities physically located within the footprint of the PROJECT or public utilities that are impacted by the PROJECT. Preliminary assessment shows that very little utility relocation will be required for the PROJECT.

Public utilities are defined as those utilities whether publicly, cooperatively or privately owned that provide a product or service, either directly or indirectly, to the public for a fee.

1.8 Vine Transit Maintenance Facility Overview

The proposed Vine Transit Maintenance Facility has the ability to service up to 100 vehicles covering NVTA's space needs for the next 20 years and beyond. Plans call for a 22,000 sq. ft. maintenance building with 8 bays reducing the bus to bay ratio to 12 buses per bay. A new administrative office of approximately 3,900 sq. ft. would be built to accommodate the 159 employees. Electricity used by the facility would be largely offset by the planned solar canopies over bus, employee and guest parking areas as well as on the roofs of the maintenance and administrative buildings.

1.9 History and Background

The Napa Valley Transportation Authority (NVTA) is a joint powers authority established in June of 1998 with members including the cities of American Canyon, Calistoga, Napa, St. Helena, the Town of Yountville, and the County of Napa. The work activities of NVTA are defined by the joint powers agreement and overseen by the Board of Directors made up of elected officials from the respective member agencies, and an ex-officio member from the Paratransit Coordinating Council (PCC).

NVTA serves as the countywide transportation planning body for the incorporated and unincorporated areas within Napa County and is responsible for programming State and Federal funding for transportation projects within the county. NVTA is charged with coordinating short and long term planning and funding within an intermodal policy framework in the areas of highways, streets and roads, transit and paratransit, and bicycle improvements. NVTA also provides fixed route and on demand transit services in Napa County including Napa Vine, American Canyon Transit, Calistoga Shuttle, Yountville Trolley, Saint Helena Shuttle, and

Vine Go paratransit. The Vine also operates commuter services to BART, Solano County, including connections to Amtrak/Capital Corridor and Greyhound Bus Lines, the San Francisco Ferry at the Vallejo Ferry Terminal, and Sonoma County. The Vine and its ancillary services operate 75 vehicles with an estimated annual ridership of 1,000,000.

1.10 Funding

Funding will be provided by various sources. Primary funding will come from Transportation Development Act funds as well as a potential loan from the California Infrastructure and Economic Development Bank. Secondary funding will be provided by Federal Transit Administration grants.

1.11 Vine Transit Maintenance Facility Components

The Vine Transit Maintenance Facility project is composed of several elements. Briefly, the main elements are:

A. Land Acquisition

NVTA will purchase the land and improvements at APN 057-250-025 and APN 057-250-036. The maintenance Facility and bus parking will be place on APN 057-250-025. The administrative offices, dispatch, and employee and visitor parking will be placed on APN 057-250-036.

B. New Office Space

NVTA will construct new maintenance and administrative buildings to facilitate the continued operation of Vine Transit.

C. Bus Washer

A new water efficient bus washing facility with a water recycling system will be constructed at the maintenance Facility to better serve the requirements of the bus fleet and provide increased labor productivity.

D. Photovoltaic Power

A photovoltaic energy system will be provided to offset as much energy usage as possible.

E. Environmental Mitigation

NVTA will implement environmental compliance and mitigation measures identified in the Final Environmental Impact Report (FEIR) and the Environmental Impact Study (EIS). These measures if any have yet to be identified.

F. Engineering, Bid Documents and Staff Support

Final engineering and preparation of all construction bid documents will be provided for the PROJECT. As engineering plans develop, the number and composition of components of the PROJECT will be more clearly identified.



2 Management and Coordination

NVTA's acquisition program is presented in this section to demonstrate its technical capacity and capability to manage the acquisition program for the PROJECT. The PROJECT is being developed with local and federal financial assistance and with potential California Investment Bank assistance. Local support and cooperation will be provided by MTC and Transportation Development Act funds as well as possible partnership with the City of Napa. Support will also be provided by NVTA's consultant teams. For any land acquisitions required from governmental agencies, NVTA will execute interagency agreements that include provisions for property use or conveyances.

2.1 NVTA Organizational Structure

In seeking financial assistance from FTA for the Vine Transit Maintenance Facility project, NVTA will coordinate with FTA Region XI for program requirements. If other federal agencies participate in the PROJECT, NVTA will coordinate directly with the designated representative of such agency or agencies.

As shown in **Figure 2-1** NVTA Organizational Chart, NVTA is the lead agency and sponsor (grantee) for the Vine Transit Maintenance Facility project. If NVTA becomes a federal grantee, NVTA is the direct point of contact for the appropriate federal agency and is the agency ultimately responsible for the success of the PROJECT.

Figure 2-2 shows the Project Support Organization and the functional reporting organization relationship for the Project Manager.

Figure 2-1 – Napa Valley Transportation Authority Staffing Organization (Approved 7/20/2016)

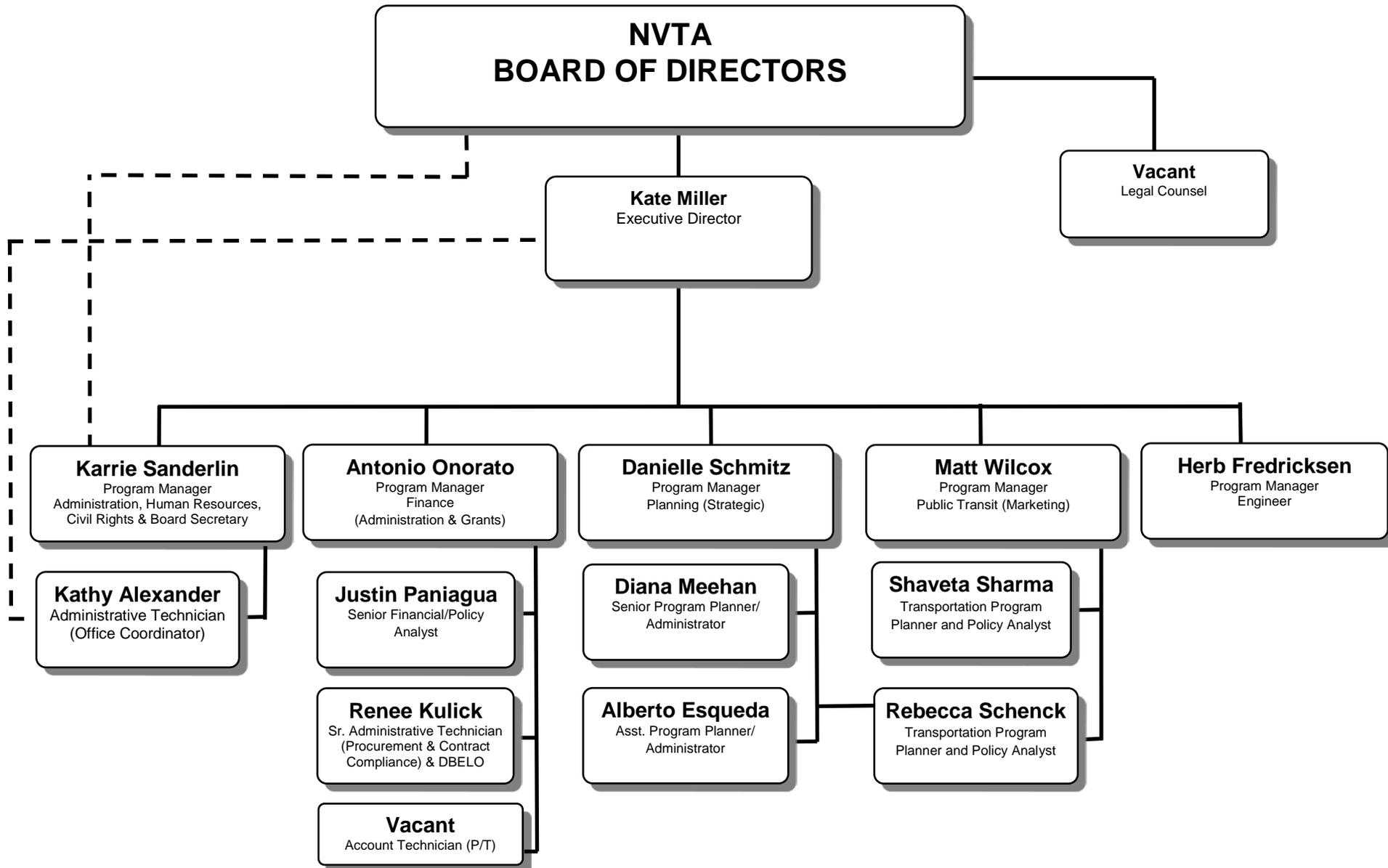
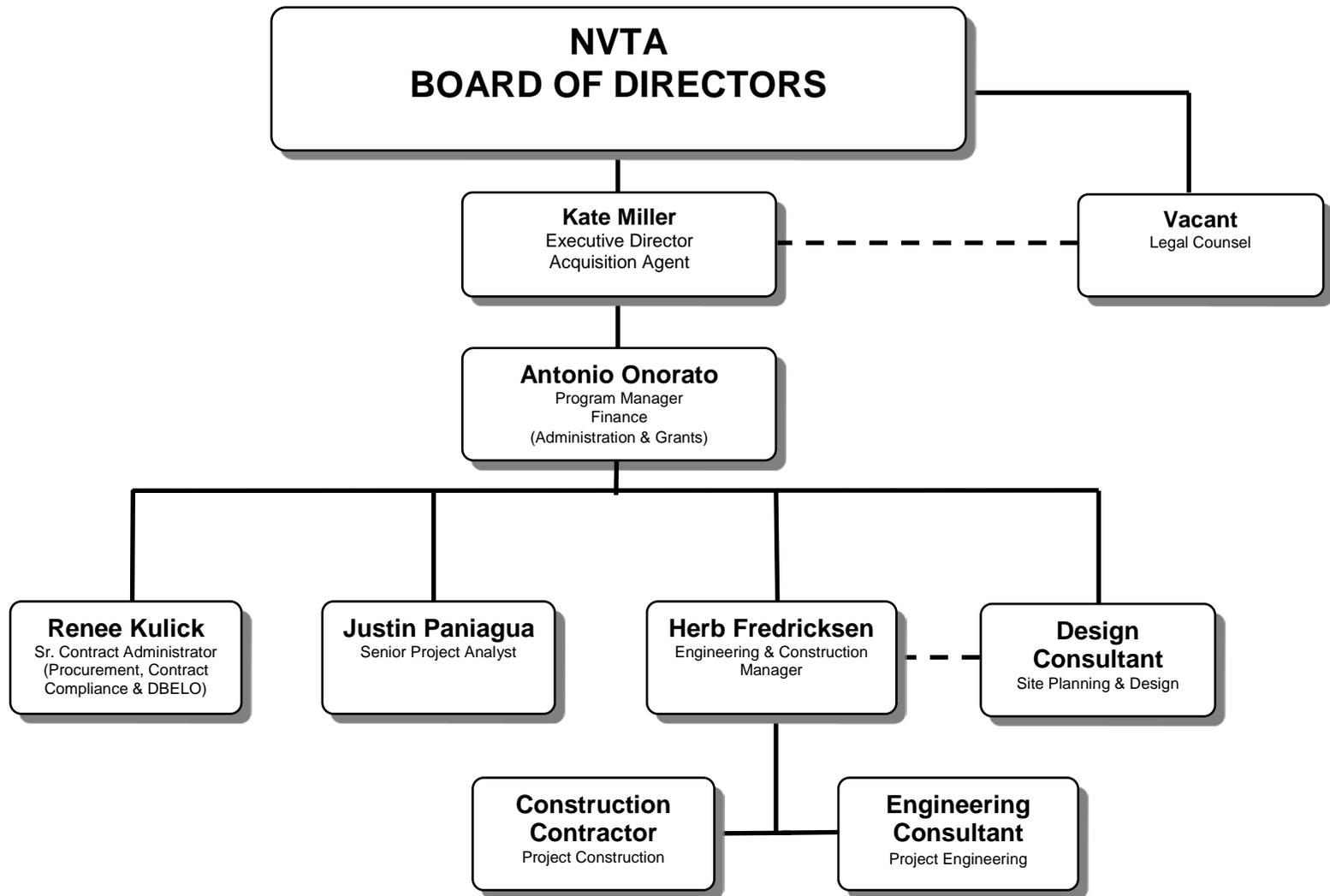


Figure 2-2 - Napa Valley Transportation Authority Vine Transit Maintenance Project Structure



2.2 Policies and Procedures

The acquisition process is complex and governed by laws and regulations that are intended to ensure that property owners are treated in an equitable and uniform manner. NVTA will make information available to property owners and other interested parties throughout the acquisition process.

The Vine Transit Maintenance Facility project may be funded in part through a grant administered by federal sources. As a potential federally-assisted Project, NVTA will conduct its property acquisition activities in compliance with the following applicable laws and regulations:

- The Uniform Relocation Assistance and Real Property Policies Act, as amended, and the regulations which implement the Act, 49 CFR Part 24, Final Rule
- FTA Circular 5010.1D, Chapter IV – Project Management

2.3 Roles and Responsibilities

- **NVTA Board of Directors**

The NVTA Board of Directors ultimately is responsible for ensuring that the PROJECT has a high priority at NVTA. As well as ultimate authority over authorization of capital expenditures, ROW purchase and contract approval.

- **NVTA Executive Director**

The Executive Director designates the project team, independent access to him or her concerning project matters and ensures the Project Manager has sufficient resources to implement the DBE program in compliance with the provisions of 49 CFR Part 633.5.

- **Acquisition Agent**

The Acquisition Agent is the Executive Director as designated by the NVTA Board of Directors and is responsible for becoming familiar with the real estate appraisal, inspecting the subject property and the comparable sales, and preparing the offer package that includes but is not limited to the following: Agreement for Purchase, Deed(s), Offer Letter, Parcel Diary (record of negotiations), Appraisal Summary Statement, and a list of comparable sales. When the offer documents are complete, the Acquisition Agent will submit them to the NVTA Project Manager for review. Once approved, the Acquisition Agent will present the written offer to the property owner.

Every effort will be made to acquire the property through negotiation.

- **Project Management Team**

The Project Management Team consists of the Project Manager, Design Consultant, Contract Administrator and Sr. Project Analyst. The Project Manager, under direction of the Executive Director, develops and monitors processes to validate implementation of design requirements applicable to ROW, and impacts on private property and the surrounding community. The Project Manager develops interface procedures between engineering, construction, and NVTA staff to provide coordinated and timely processing of all required steps before site possession. The manager prepares periodic progress reports and identifies and addresses potential problem areas; coordinates with the Engineering and Construction Management Team to optimize requirements; and recommends and prioritizes possible solutions to identified issues. The Project Manager aids the Engineering and Construction Management team in developing accurate plans. The Project Manager attends engineering meetings where real property requirements are discussed and maintains a list of parcels required to fulfill the ROW needs of the Project. The Project Manager also provides coordination and assistance to other team members regarding real property issues.

The Project Manager provides ongoing guidance and assistance to NVTA management and legal counsel on technical issues related to implementation of federal and state acquisition laws and regulations. The Project Manager establishes and monitors real estate acquisition strategies and long-range schedules. To support the NVTA Project Management Team, the Project Manager will retain qualified consultants. These qualified consultants will have responsibilities for the appraisal, appraisal review, machinery and equipment appraisals, loss of goodwill appraisals and property survey, under the direction of the Project Manager.

- **Engineering and Construction Management Team**

The function of the NVTA Engineering and Construction Management Team is to provide a clear description of the real property required for the PROJECT, including updating the descriptions as design changes are made. The Engineering Manager has oversight of the engineering and construction consultant to ensure proper implementation of the PROJECT design. The manager reviews design documents and validates design assumptions in the field; identifies and documents potential logistical, constructability and environmental issues affecting real estate acquisition; identifies and documents potential design issues between design requirements and ROW constraints. The Engineering and Construction Team will work closely with the Project Manager and design consultants to ensure the requirements of the project fit within the acquired ROW. NVTA staff, as well as consultants, performs these functions.

- **Legal Counsel**

NVTA Legal Counsel provides legal support to the Project team, including review of legal documents and advice on statutory and contractual rights and obligations.

2.4 Consultant Roles and Responsibilities

- ***Real Estate Appraiser and Review Appraiser***

The NVTA Project Manager selects and contracts with the appraiser or appraisal firm. NVTA has contracted with a qualified real property appraiser developed through the RFQ process. NVTA and the appraiser developed and agreed to a scope of work based on the complexity of the appraisal assignment, and NVTA authorized work under a formal contract.

The Uniform Act requires that a qualified review appraiser examine the real property appraisal to ensure that it meets the appraisal requirements established by the Uniform Act and the Uniform Standards of Professional Appraisal Practice (USPAP). The review appraiser may seek corrections or revisions prior to accepting the appraisal. The review appraiser delivers a report on each property to the Project Manager and identifies each appraisal report as one of the following:

- Recommended as the basis for the establishment of the amount believed to be just compensation; Accepted (meets all of the requirements but is not selected as recommended or approved); or Not accepted.

- ***Goodwill Appraisers***

The California Code of Civil Procedure, Section 1263.510 provides that the owner of a business conducted on property acquired by a public agency, or on the remainder if such property is part of a larger parcel, shall be compensated for loss of goodwill if the owner proves, among other things, that the loss is caused by the taking of the property or the injury to the remainder.

If the business owner provides NVTA with certain financial information, NVTA will contract with a qualified goodwill appraiser to evaluate whether a “loss of goodwill” has occurred as a result of NVTA’s acquisition of a property interest. The Project Manager will provide information received from the business owner to the goodwill appraiser, to assure there is no duplication of payment. The goodwill appraisal will be reviewed by a review appraiser and approved by NVTA Executive Director before it is used in negotiation with the business owner.

- ***Escrow Services and Title Insurance***

NVTA will utilize the services of title companies to provide escrow services and policies of title insurance. Escrow will be used when NVTA acquires property through negotiation and intends to purchase a policy of title insurance. NVTA will obtain a policy of title insurance for all acquisitions excepting acquisitions that consist solely of small sized and short term temporary easements, including property acquired through

negotiation as well as property acquired through condemnation. NVTA's Project Manager may grant exceptions to this policy.

- ***Environmental Support Services Consultant***

NVTA has consulting contracts with firms capable of performing the environmental site assessments required for the PROJECT. This information assists the NVTA team in identifying those areas in which soil or groundwater contamination is likely to be a concern. A NEPA document will be prepared by NVTA with the assistance of the Environmental Support Services Consultants if needed for the PROJECT.

A Phase I Environmental Site Assessment (ESA) is performed on all properties proposed for acquisition in fee, after which a Phase II ESA may be performed, depending on the outcome of the Phase I assessment. The NVTA Project Manager decides whether to advance these properties to a Phase II assessment. Where easement acquisitions are proposed, the decision of whether to perform a Phase I assessment will be made on a case-by-case basis, depending on the nature of the easement and the extent of environmental concern.

2.5 Authorities

- ***Federal Concurrence on High-Valued Properties When Needed***

In accordance with Section 2.d of Chapter IV of FTA Circular 5010.1D, in addition to appraisal reviews of required properties, FTA concurrence as to value and authorization to proceed with acquisition of properties valued at more than \$500,000 is required for properties purchased with federal participation.

- ***Authority to Establish Amount of Just Compensation***

Before the initiation of negotiations, NVTA shall establish the amount which it believes is just compensation for the real property. The amount will not be less than the approved appraisal of the fair market value of the property, taking into account the value of allowable damages or benefits to any remaining property. Promptly thereafter, NVTA will make its written offer to the owner to acquire the property for the full amount believed to be just compensation.

- ***Authority to Approve Property Purchase Agreement***

The NVTA Board of Directors (Board) must approve all property purchase agreements. The Board may by resolution delegate the authority to the Executive Director to execute real property purchase agreements and possession and use agreements.

- ***Authority to Approve Administrative Settlements***

Administrative settlements are made for the purpose of concluding negotiations for amounts considered reasonable, prudent and in the public interest, after reasonable efforts to negotiate agreements and the approved offers have failed. When federal or State funds pay for or participate in acquisition costs, a written justification will be prepared which indicates that available information including trial risks supporting such a settlement. Administrative settlements will not be used for the purpose of correcting errors or omissions in an appraisal.

2.6 Documentation of Property Acquisition Activities

NVTA staff and contracted consultants having contact with property owners or their representatives as part of the acquisition process are required to document their contacts in written form. The written documents are to be retained within the parcel file for the Project's permanent record and will be available to FTA upon request, if the FTA becomes a funding source for the PROJECT. Notes and recorded acquisition events will be available to support consultation and testimony during and after completion of acquisitions.

- ***Multiple Governmental Agency Acquisition Process***

NVTA is the lead agency for the Vine Transit Maintenance Facility Project; however, the PROJECT affects properties in another local jurisdiction. NVTA may enter into Memorandums of Understanding (MOU) with this jurisdiction for certain purposes. If needed, these MOUs will be the vehicle used to define the relationship between NVTA and the jurisdiction and the responsibilities of each party.

As indicated elsewhere in this RAMP, the acquisition procedures that will be followed for this Program are based upon the federal laws and regulations and State of California guidelines. These procedures will be adhered to in all acquisitions to the extent that they apply to NVTA.

3 Acquisition Schedule

The overall goal of the property acquisition process is to obtain possession of the property required for the Vine Transit Maintenance Facility project, and to provide certification. NVTA will attempt to acquire the necessary property interests through a process of fair market negotiation, without resorting to the use of condemnation.

PROJECT construction will generally occur within the purchased right of way. However, temporary use of adjacent right of way public or private may be necessary.

3.1 Property Acquisition Process and Schedule

NVTA will schedule the property acquisition in a manner that will provide legal entry onto the needed property prior to the advertising for the construction contracts.

NVTA will coordinate with utility companies and identify replacement locations for utility relocations. NVTA will obtain easements, or other rights, such as licenses and permits, as part of the PROJECT's ROW acquisition program. NVTA will acquire these rights and subsequently transfer them to the appropriate utility company. The ROW required for utility relocation will be part of early acquisition activities. Additional properties may be required for new utility service.

Authority to acquire right-of-way for the Project will be achieved with the necessary State or Federal environmental certifications. Preparatory work to be done in anticipation of the environmental certifications may involve retaining the real estate consultants and developing task orders and/or work directives.

Properties that involve relocation of complex businesses and residential occupants will be acquired first, to allow for a longer lead time to complete the relocation.

In order to meet construction schedule demands, NVTA may require multiple acquisitions being processed simultaneously with several appraisers and acquisition agents working concurrently. NVTA will coordinate the acquisition efforts in the most efficient manner possible. For example, where the same landowner owns multiple adjoining parcels, NVTA will attempt to make one single offer.

The process for acquisition of property is shown in Figure 3-1 on the page following, and the activities related to the acquisition of property are reflected in Table 3-1 Property Acquisition, and in their approximate order of occurrence.

Figure 3-1 Property Acquisition Process

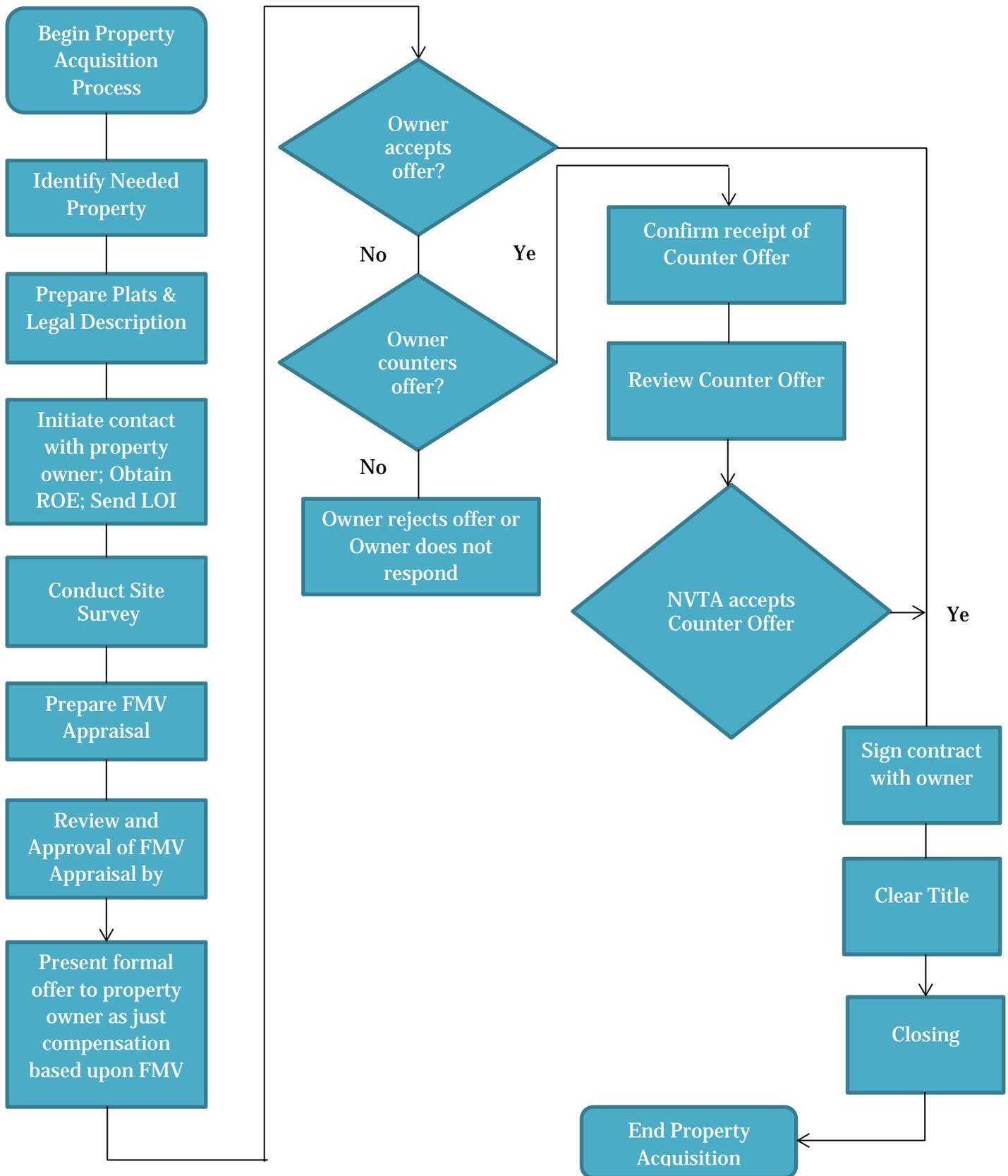


Table 3-1 Property Acquisition

Prepare Appraisal Maps, Legal Descriptions and Plats.
Prepare and Send Notice of Decision to Appraise to Property Owner.
Prepare Parcel Appraisal.
NVTA Review and Comment on Appraisal.
Dual appraisals for complex or high valued acquisitions.
Potential Federal Review and Comment on Appraisal (as needed).
NVTA Incorporate Changes and Prepare Offer to Property Owner.
NVTA Schedules Appointment and Presents Offer to Owner.
Owner Receives Offer.
Property Owner Considers NVTA Offer.
Property Owner and NVTA Reach Agreement.
NVTA Prepares Contract for Purchase.
NVTA Board of Directors Approve Purchase Contract
Property Owner and NVTA Sign Contract.
NVTA Opens Escrow.
Property Vacated upon Close of Escrow and Payment of Settlement Amount.

4 Cost Estimates

Current capital costs for the Project were prepared in house using general design information from the Bus Maintenance Facility and Fueling Facility Feasibility Study prepared by Kimley Horn in 2013. The estimated costs for ROW acquisition are based on current market conditions for industrial property within the size requirements set forth in the Bus Maintenance Facility and Fueling Facility Feasibility Study. The estimate for the fueling facility construction comes directly from an estimate included in the Bus Maintenance Facility and Fueling Facility Feasibility Study. The following figures are in 2016 dollars.

Table 4-1 Summary of Estimated Costs

NVTA Maintenance Facility Capital Expenditure Plan			
<i>Estimated Project Costs</i>			
	<u>Right of Way</u>		
1	Appraisal	\$	14,000
2	Environmental Study		175,000
3	Design/ Engineering		2,000,000
4	Lot Purchase		2,595,000
	<u>Improvements</u>		
5	Site Prep/Grading		500,000
6	Paving		1,000,000
7	Utilities (electric/water/sewer)		100,000
8	Bus Washer		500,000
9	Phase 1 Program Manager		105,000
	<u>Phase 2 Facilities Improvements</u>		
10	Maintenance and Admin Building		12,500,000
11	Parking & Building Solar Panels/Canopy		1,300,000
12	General Office Equipment		500,000
13	Phase 2 Program Manager		750,000
14	Contingency (12% of construction)		2,150,000
15	Total ROW & Maintenance Facility	\$	24,875,000

	<u>Financing</u>	
16	I-Bank Financing Cost	6,600,000
17	CA PUC Solar Financing Cost	176,000
18	Final Estimated Total Project Cost	\$ 31,665,000

4.1 Update of Cost Estimate

The Project team will maintain a current forecast of Project costs, based on changes to Project scope, design, and schedule, which will be updated regularly. Project real estate costs will be updated as new Cost Reports are received, and the updated costs will be in the Cost Report.

4.2 Comparison of Actual Costs as Program Progresses

Actual costs for property or easement acquisitions will be recorded in the real property database as they are incurred, and the actual cost will be reflected as a comparison to the initial cost estimates for real property acquisitions.

5 Acquisition Process

5.1 Right-of-Way Engineering

Right-of-way engineering identifies the required ROW for public transportation projects. The ROW engineering effort starts with the identification of properties impacted and continues through the preparation of appraisal maps, legal descriptions and plats. The process of ROW engineering involves:

- Obtaining aerial surveys and associated planimetrics to assist in the EIR/EIS and conceptual engineering phase
- Requesting necessary preliminary title reports from title companies under the direction of NVTA and associated encumbrance documents to assist the surveyor in identifying key property lines
- Performing field surveys to resolve key ROW boundaries and property lines in support of the design development
- Utilizing the ROW Plan information to develop appraisal maps and prepare legal descriptions and plats of the property rights to be acquired

5.2 Design and Acquisition Interface

NVTA Staff in cooperation with design consultants determine ROW needs based on the Bus Maintenance Facility and Fueling Facility Feasibility Study. Potential ROW available for acquisition is found using the criteria from the feasibility study.

Appraisal maps, legal descriptions and plats are provided to NVTA staff, which is responsible for managing the appraisals, acquisition, relocation plans and relocation assistance effort.

5.3 Preliminary Title Reports

NVTA will contract with title companies (or make requests through its Acquisition Agent/Consultant) to provide title services including issuing preliminary title reports and underlying vesting and encumbrance documents, issuing policies of title insurance, and providing escrow services. As parcels are identified as being impacted by the PROJECT, title reports will be ordered by NVTA Project Manager.

Preliminary reports provide ownership information, five-year sales history, legal description for the property, and information on existing encumbrances including easements. A summary of each original and updated preliminary report will be prepared by NVTA staff. If it is an updated report, the summary notes any changes since the last

preliminary report was issued. A parcel file will be established for each property (ownership).

5.4 Right-of-Way Plans

The Project Manager will submit ROW plans, which define ROW requirements, as a part of engineering submittals. ROW plans will be updated and reissued as design developments change. The Engineering Department will also help to clarify property descriptions during the development phase. Information on the ROW plans is critical to the subsequent development of legal descriptions and appraisal maps.

Both before and after the ROW plans are issued, surveyors refine and resolve property boundary lines, relying upon field surveys to locate property corners and ROW record monuments. They conduct office research of record maps, deeds, preliminary reports, etc., in order to correct historical deviations in the recorded information or provide new information not considered earlier in design development. Existing easements, which are shown schematically during conceptual design, may need a higher level of accuracy for engineering and property acquisition purposes. The existing easements are plotted on the appraisal maps. This work is performed by consultants managed by the Project Manager.

5.5 Identification of Property Interests to be Acquired

The Property Acquisition List identifies the type of interest to be acquired, the area of this interest and details regarding ownership and use of the property. As plans are developed and refined, Figure A will be updated on a continual basis to reflect the current status.

5.6 Appraisal Maps

The map accompanying the appraisal illustrates the parcel metes-and-bounds, partial or whole property takes, any residual parcel, temporary or permanent easements required, and encumbering easements that exist. The appraisal map assists the Appraiser and the Acquisition Agent in discussions with the property owner at initiation of the appraisal process. Appraisal maps will also be used for documenting the acquisition, including grantor name, deed/agreement type, and County Recorder's Information. This work will be performed as needed by consultants managed by the Project Manager.

Designers will review the appraisal maps, legal descriptions and plats prior to appraisal, to ensure that the design requirements have been accurately described as shown.

5.7 Legal Descriptions and Plats

The legal descriptions describe the property interests to be acquired using the metes-and-bounds method. The plat map graphically illustrates this description. The legal descriptions and plat maps are used in the conveyance documents including purchase agreements and/or deeds. Consultants managed by the Project Manager, prepare the legal descriptions and plat maps.

5.8 Initiation of Acquisition Activities

Once authorized by NVTA, all affected property owners will be provided a letter notifying them that NVTA intends to proceed to appraise the property and that they will be given the opportunity to accompany the appraiser during the site inspection.

5.9 Environmental Site Assessments

NVTA retains consultants to perform Environmental Site Assessments (ESA) on property interests to be acquired in fee simple title. Easements are evaluated on a case-by-case basis as to whether an environmental characterization is required.

- **Phase I Environmental Site Assessments**

Phase I ESAs are conducted to confirm a property's usage and history. Environmental Site Assessments will include entering the Property to perform site reconnaissance in accordance with the American Society of Testing Materials (ASTM), Standard Practice for Environmental Site Assessment; Phase 1 Environmental Site Assessment Process Designation 1527-05 and newly adopted federal regulations pursuant to 40 Code of Federal Regulation, Part 312 – Standards and Practices for all Appropriate Inquires. In addition to performing a physical reconnaissance of the property, NVTA will inspect the property to verify and supplement information obtained through the records reviews, interview people knowledgeable about the property and evaluate potential Phase II environmental assessment sampling areas. NVTA will invite the property owner to meet and discuss his/her knowledge of past contamination.

- **Phase II Environmental Site Assessments**

Phase II ESAs, complying with ASTM E1903-97, Standard Guide for Environmental Site Assessments, are performed to determine if existing site conditions require further environmental action, such as monitoring or clean-up and remediation. If contamination is determined to be present on a property, the Regional Water Quality Control Board (RWQCB) may require that a remediation plan be developed.

5.10 Property Appraisals

Notifications will be sent to advise property owners of NVTA's intent to appraise and to provide the opportunity for the property owner to accompany the appraiser during the property inspection, as required by the Uniform Act.

Appraisals will be performed in compliance with the Uniform Act and the Uniform Standards of Professional Appraisal Practice (USPAP).

Individuals performing appraisals will be appropriately licensed and meet the competency provision of USPAP. Review appraisers must be similarly licensed and possess a licensing status within the scope of the review appraisal assignment.

The appraisal and review appraisal will be approved at the Real Estate Property Manager level or above and used to determine just compensation for the basis of the offer amount to the property owner.

NVTA may request dual real estate appraisal reports for unusually complicated parcels or parcels exceeding \$500,000 in value, in NVTA's discretion. A dual appraisal will be used in such instances to ensure the owner receives a fair market value offer, and so that large or complicated appraisals are documented and conclusions supported. Dual appraisals are separate, and fully independent in calculations, analysis and conclusions. This gives a better basis for determining market value and helps ensure a sound offer.

The appraisers and the Real Estate Property Manager are responsible for maintaining the fact, spirit and appearance of this independence. Exceptions to this policy are appropriate in specific instances when the safeguards are demonstrated as unnecessary.

5.11 Negotiation with Property Owners

Negotiations will be initiated by the presentation of the offer to the owner. The following activities may precede the negotiation:

- Required State or Federal environmental certifications
- ESA Phase II studies will be completed and estimated remediation costs determined

- NVTA consultants and/or staff will send the Notice of Intent to Appraise letter
- Appraisers will complete appraisals
- Review appraisers will review the appraisals
- NVTA will establish the amount of just compensation
- FTA concurrence will be sought as applicable and if just compensation exceeds the threshold that may be agreed upon by FTA and NVTA, if the FTA is a funding source for the acquisition.

Specific dates for initiating negotiations will vary depending upon the priorities for acquiring specific parcels in the construction schedule. The date for earliest negotiations will be initiated shortly after NVTA receives the necessary federal and state environmental certifications. For parcels requiring relocation or displacement, NVTA will not begin the negotiation process until adequate relocation planning has occurred.

In acquiring property, NVTA will:

- Make all reasonable efforts to personally contact each property owner or the designated representative
- Explain the acquisition process and make all information on the PROJECT available, including design details
- Present the written offer and summary statement of just compensation based on the approved appraised value
- Give the property owner a reasonable amount of time to consider the offer
- Attempt to obtain a signed disclaimer from the property owner for tenant-owned improvements
- Maintain adequate record of each negotiation session. The record will be completed within a reasonable time after each contact with the property owner or designated representative. The information recorded for each contact should include, but is not limited to, the date and place of contact, parties of interest contacted, offers made, reasons settlement could not be reached, counter offers, and any other pertinent data. This report will be signed and dated by the negotiator and kept in the property file.
- Assemble the above records (paper and electronic) into file form to be retained by NVTA

In accordance with the requirements of the Uniform Act, FTA Circular 5010.D, Chapter IV, and California law and guidelines, NVTA will make an offer to purchase property based on the fair market value and pay just compensation for all parcels in private ownership that need to be acquired. NVTA will make every effort to acquire property rights through a negotiated agreement with mutually acceptable terms, and avoid future litigation.

6 Scheduling, Reporting, and Recordkeeping

6.1 Scheduling

The NVTA Project Manager and Engineer are responsible for developing and maintaining a schedule of projected dates for various stages of property acquisitions as determined by construction deadlines. The schedule will be updated regularly. This schedule information will also be coordinated with legal and finance staff to determine the timing of expenditures for financial control and reporting purposes.

6.2 Reporting

Periodic reports summarizing the status of real estate acquisition activities will be prepared for internal use. Summary reports for Board review or other management review will be prepared as required. The FTA monthly reports will contain a section documenting the current acquisition and relocation program status.

6.3 Document Control

Files will be stored for a period of five (5) years and will include:

- Title search of the property
- Letter of Intent
- Appraisal Notification
- Appraisal Report
- Appraisal Review
- Offer of Just Compensation
- Diary of Owner Contacts
- Correspondence from Property Owner Accepted Offer to purchase
- Construction or other easements
- Closing Statement
- Copy of settlement and obligation summary
- Purchase Memo documenting information for settlement payment

All project acquisition files will be maintained as outlined in 49 CFR 24.9 and in Chapter 1 Section 16 of the FTA Circular 5010.1C.

7 Management of Real Property Following Acquisition

Maintenance, management and protection of occupied property acquired by NVTA will be provided under the direction of the Project Manager utilizing a team of staff with possible support from consultants and maintenance contractors. This includes property that continues to be occupied by the previous owners or tenants, as well as subsequent occupants who rent the property after NVTA's acquisition. NVTA staff will maintain a listing of the properties that it manages.

NVTA will arrange for the sale, demolition or disposal of any improvements or personal property acquired from displaced businesses before construction.

The NVTA and its designees will be responsible for all maintenance issues for vacant property acquired by NVTA, including weed abatement, debris removal, hazardous materials remediation, security and demolition.

NVTA will own all of the improvements, facilities and equipment purchased for the PROJECT.

7.1 Easement, Lease and License Agreements

Existing utilities or other facilities that cross NCTA property will be documented in engineering drawings. Easements or other crossing rights will be identified during the appraisal and title search phase of acquisition. Additionally, utilities and temporary easements will be identified and documented as part of final design. Any agencies or companies with facilities on property to be acquired by NVTA will be contacted to inform them of the change of ownership.

7.2 Disposal of Excess Property

NVTA policy is to preserve all opportunities for future expansion of passenger bus service on its property. However, should any acquired real property for the PROJECT no longer is needed; it would be disposed of in accordance with FTA and NVTA property disposition policies. Use and disposal of acquired properties would be examined in conjunction with surrounding area development and joint development efforts of the PROJECT to determine whether there are opportunities for use of NVTA property in a development project.

7.3 Special Federal Provisions

To the extent that FTA participation is involved, the following provisions may apply.

FTA may approve use of the property for other purposes. This may include use in other Federal grant programs or in non-Federal programs that have consistent purposes with those authorized for support by FTA. When real property is no longer needed for the originally authorized purpose, NVTA will request disposition instructions from the FTA.

- Following are the allowable alternative dispositions methods:
 - Sell and Reimburse FTA. Comprehensively market and sell the real property and pay FTA its share of the fair market value of the property. This is the percentage of FTA participation in the original grant times the best obtainable price, net of reasonable sales costs.
 - Offset. Sell property and apply the net proceeds from the sale to the cost of replacement property under the same program. Return any excess proceeds to FTA [Common Rule CFR49 part 18.31].
 - Sell and Use Proceeds for Capital Projects. Sell property and use the proceeds to reduce the gross project costs of another FTA eligible capital transit project [49 U.S.C., 5334(g)(4)]. The grantee is expected to record the receipt of the proceeds in the grantee's accounting system, showing that the funds are restricted for use in a subsequent capitol project, and reduce the liability as the proceeds are applied to one or more FTA approved capital projects. The subsequent capital grant application should contain information showing FTA that the gross Project costs have been reduced with proceeds from the earlier transaction.
 - Sell and Keep Proceeds in Open Project. If the grant is still open, the grantee may sell excess property and apply the proceeds to the original cost of the total real property purchased for that project.
 - Transfer to Public Agency for Non-Transit Use. Follow the procedures for publication in Federal Register to transfer property (land and equipment) to public agency with no repayment to FTA. This is a competitive process and there is no guarantee that a particular public agency will be awarded the excess property [49.U.S.C., 5334(g)(1)].
 - Transfer to Other Project. Transfer property to another FTA eligible project. The Federal interest continues.

- Retain Title with Buyout. Compensate FTA by computing percentage of FTA participation in the original cost. Multiply the current fair market value of the property by this percentage. The grantee must document the basis for value determination; typically this is an appraisal or market survey.

Sales procedures shall be followed that provide for competition to the extent practicable and result in the highest possible return or at least payment of appraised fair market value.

In addition to Federal requirements for disposition of excess real property, for state requirements under certain circumstances, NVTA may be obligated to offer the former owner a right of first refusal to purchase the property. If the owner declines to purchase the property, it may be sold or held for development projects.

NVTA will prepare and keep up-to-date an excess property utilization plan for all property that is no longer needed to carry out the originally intended purpose. NVTA will also notify the necessary State or Federal agencies when property is removed from the use it was intended for at grant approval and put to additional or substitute uses. NVTA's plan will identify and explain the reason for excess property or substitute use.

The inventory will include property location, summary of any conditions on title, original acquisition cost, FTA grant number if applicable, appraised value and date, a brief description of improvements, current use of the property, and the anticipated disposition or action proposed

8 Appendices

Proposed Implementation Schedule

	Begin	End	Status
1 Environmental & Siting	March 2016	August 2016	<i>Pending</i>
2 Appraisal	March 2016	April 2016	<i>Completed</i>
3 Engineering & Design	November 2016	December 2017	
4 Construction	January 2018	June 2020	
5 In Service	August 2020		



**Napa Valley Transportation Authority
Vine Transit Maintenance Facility
Real Estate Acquisition Management Plan**

nvta.ca.gov
vinetransit.com