

May 22, 2019

Mr. Nader Tamannaie - P.E.
California Infrastructure Consultancy
930 Alhambra Boulevard - Suite 220
Sacramento, California 95816

ORIGINAL BY E-MAIL:

ntamannaie@califstructure.com

Re: Right-of-Way Services - Scope of Work
Fairfax Bridges Project - Meadow Way Bridge - Town of Fairfax, California

Greetings Mr. Tamannaie,

It was a pleasure meeting with you to discuss the Fairfax Bridges Project. As requested, below is our associated scope and fee for the Meadow Way Bridge Rehabilitation Project.

PROJECT UNDERSTANDING

The Town of Fairfax is engaged in a multi-year project to rehabilitate five bridges, which provide transportation across San Anselmo Creek and Fairfax Creek. One of the bridges that is planned for rehabilitation is the Meadow Way Bridge. The Meadow Way Bridge provides transportation continuity across San Anselmo Creek. The bridge was constructed in the 1950s, and is a 70-Foot-Long structure with one, narrow 10-Foot-Wide traffic lane. It serves as the sole ingress-egress point for two-dozen residences.

The bridge spans an average-to-wide portion of San Anselmo Creek, and is located at a very sharp left-channel bend in the creek. The site's geometry, coupled with the channel bed soil and high creek flows, has created serious erosion and bridge foundation problems. In addition to foundation problems, the bridge suffers poor deck condition, functional limitations, and insufficient lane and sidewalk widths. Caltrans has designated this bridge as "functionally obsolete". Due to this, the Town of Fairfax has identified the Meadow Way Bridge as needing rehabilitation.

As part of this rehabilitation effort, right-of-way services will be required to make possible the proposed construction efforts.

We understand the following parcels are affected by this Project...

1. **APN 003-122-41**: 0.36-Acre Unimproved Single-Family-Residential Parcel
2. **APN 003-102-26**: 0.18-Acre Improved Single-Family-Residential Parcel
3. **APN 003-102-19**: 0.23-Acre Improved Single-Family-Residential Parcel
4. **APN 003-122-09**: 0.34-Acre Improved Single-Family-Residential Parcel
5. Gap Parcel of Undetermined Ownership: Located between Parcels 1 and 4

TASK 1 - RIGHT-OF-WAY PROJECT MANAGEMENT:

BRI will provide assistance and coordination. Services may include, but are not limited to:

- Oversight of the performance of Tasks involved in right-of-way delivery
- Attendance at meetings
- Status updates
- Making recommendations on right-of-way matters

Project Management Activities are based on a 4-Month Duration.

TASK 2 - PUBLIC OUTREACH AND PROPERTY OWNER POINT-OF-CONTACT:

BRI will provide right-of-way support to the Project's public outreach efforts, and Property Owner engagement activities. Services include, but are not limited to:

- Attendance at public outreach meetings
- One-on-one meetings with Property Owners and/or Project Staff / Service Area Providers
- Property Owner Point-of-Contact, to address Owners' questions and concerns regarding right-of-way and real-estate matters associated with the Project, at the Client's discretion

TASK 3 - RIGHT-OF-WAY PLANNING - ESTIMATING AND DATA SHEET:

As needed, BRI will provide right-of-way planning and estimating efforts including, but not limited to the creation of a Right-of-Way Data Sheet.

TASK 4 - RIGHT-OF-WAY PLANNING - PROJECT DEVELOPMENT:

As needed, BRI will provide right-of-way planning and project development services with regard to coordination with the Town and other Service Area Providers to assist with tasks related to right of way, including, but not limited to:

- Attendance at project planning meetings
- Review of Acquisition Areas and Project Impacts
- Drafting of the needed language for Easement Documents,

TASK 5A - RIGHT-OF-WAY APPRAISAL SERVICES:

For the parcels affected by the project, BRI will develop an appraisal of an opinion of fair market value for the Fee; Permanent Easement; and/or Temporary Construction Easement interests, as required from the properties. The Appraisal Reports will be narrative in format, and be prepared in conformance with, and subject to, the requirements of the Uniform Relocation Assistance and Real Property Acquisition Act, as amended; and fully incorporate the Uniform Standards of Professional Appraisal Practice (USPAP) of the Appraisal Foundation and the Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute. Hypothetical Conditions and /or Jurisdictional Exceptions may apply in some cases. Plats and Legal Descriptions for each of the properties to be appraised will be provided to BRI by the Principal Engineering Consultant.

Some items that may affect the appraisal process may include:

- Complexity of the valuation
- Impact of interests to be acquired (e.g. Fee; Permanent and/or Temporary Easement)
- Damage Analysis (Severance Damage, Cost to Cure, etc.)

The primary steps in completion of fair market value appraisals of the property rights to be acquired include, but are not limited to the following:

- Visual inspection of the comparable market data
- Study of community and neighborhood in which the subject is located
- Collection of data from appropriate governmental agencies
- Market investigation of vacant and improved comparable data
- Verification of data with sources knowledgeable with the pertinent details of the transaction
- Analysis of all appropriate data in before and after conditions to arrive at opinion of value
- Analysis of the proposed rights for acquisition - Easement Percentage of Fee
- Preparation of report
- Onsite physical inspection of the subject properties with the Owner (where possible)

TASK 5B - RIGHT-OF-WAY APPRAISAL REVIEW:

Where required by Caltrans, an Independent Appraisal Reviewer will conduct a formal review of each narrative appraisal, as required under provisions in the Federal Uniform Act. This activity is not required for valuations performed (Waiver Valuation) that have an opinion of value less than \$10,000 and where the Agency has established that an appraisal is not required.

TASK 5C - RIGHT-OF-WAY APPRAISAL - GAP PARCEL OF UNDETERMINED OWNERSHIP, as needed:

At the direction of the Client, or as required by Caltrans, the Gap Parcel of Unknown Ownership will be appraised to determine a fair market value. If required, an Independent Appraisal Reviewer will conduct a formal review of the appraisal report.

TASK 6 - RIGHT-OF-WAY ACQUISITION SERVICES:

BRI will lead the right-of-way negotiation-acquisition efforts to acquire the necessary real estate rights for construction of the project. BRI proposes to develop all necessary contracts, conveyance documents, and escrow instructions required to make offers in accordance with state and federal laws; and following the Town's processes, including preparation of an offer letter based on an amount established from the fair market value appraisal and what the Client believes to be Just Compensation. The offer must be equal to or greater than the opinion of market value. BRI will meet with the Owners and convey documents until acceptance or impasse is reached regarding necessary acquisitions and easements, contacting each Property Owner at least 6 times within the first 60 days of approval to proceed.

Steps within the acquisition process are outlined below and will be tailored to the Client's needs:

1. Review the project concept and design with staff and other consultants

2. Review appraisals, title reports, maps, and descriptions of the required parcels
3. Conduct field review of the project area
4. Prepare right-of-way purchase agreements, and other acquisition documents
5. Meet with the Property Owners to discuss the project in general; review of maps and legal descriptions; confirm information about occupants/owners and make the official First Written Offer
6. Negotiate with Owner until settlement, or impasse, is reached
7. Deliver signed Purchase Agreement Contract and signed and acknowledged documents for a closed transaction; or deliver a memorandum explaining impasse
8. If the Property Owner provides a counter-offer, BRI staff will prepare a recommendation to the Client to accept, reject, or modify the counter-offer.
9. If the client accepts the counter-offer, BRI will prepare an Administrative Settlement that complies with State and Federal guidelines.

TASK 6B - RIGHT-OF-WAY ACQUISITION SERVICES - GAP PARCEL OF UNDETERMINED OWNERSHIP:

Per direction of Project Legal Counsel and/or the Title Company, or Client, a Quit of Claim for the Acquisition Area of the Gap Parcel will be acquired from the Owners of Parcels 1 and 4. These Quits will be sought as part of the overall acquisition process with the Owners of Parcels 1 and 4. In addition to Quits from these Owners, a Quit of Claim may be required from the Owner of APN 003-122-45 - 315 Cascade Drive. Securing this Quit will include Property Owner contact, and negotiations.

TASK 7 - TITLE AND ESCROW SERVICES:

BRI will review the Project's previously-acquired title reports for each of the affected parcels. Once signed documents are secured, BRI will facilitate the closing of the transaction with the Property Owner, and oversee proper title clearance and recordation of documents.

Assumptions - Title Reports, Title Report Updates, and Closing Costs are a Direct Project Cost. All direct costs require a 10% markup.

TASK 8 - CONDEMNATION SUPPORT, as needed:

BRI's team of Appraisers and Acquisition Agents strive to provide tailored services with the goal to complete the transaction in the best interest of all parties involved while adhering to all applicable regulations and guidelines. However, even with the best intentions, some acquisitions will need to be completed through condemnation. BRI Staff will support the Town Staff by preparing staff reports and presentations, as needed, for the Resolution of Necessity (RON) Hearing. In addition, we will work with the Town's Legal Team to develop the minimum 15-day notice of hearing for the RON, and provide assistance in preparing any legal declarations in support of the court hearings. Our Appraisers are qualified and available to provide testimony during condemnation trials, and skilled in providing support to the condemnation Attorney.

TASK 9 - RIGHT-OF-WAY CERTIFICATION:

At the conclusion of the right-of-way phase of the project, BRI will prepare a Certification in accord with the Town's needs.

FEE FOR SERVICES

As discussed, Tasks 1 through 7, and 9 are core, right-of-way delivery activities. These items are components of the process to secure the necessary right of way for the Project. As identified, Item 8 is an as-needed service that can be provided at the direction of the Client / Town. Below, there are two Fee Tables which capture these Core and As-Needed Activities, accordingly.

Proposed Fee for Core Right-of-Way Delivery Activities, as follows...

| TASK | PARCELS | HOURS | RATE | COST |
|--|---------|---------------|--|------------------|
| Task 1 - Project Management - 4 months fr NTP | 5 | 8 | \$195 /hour | \$ 1,560 |
| Task 2 - Public Outreach and Owner Contact | 5 | 28 | \$145 /hour | \$ 4,060 |
| Task 3 - R/W Planning - Estimating | 5 | Lump Sum | \$3,500 | \$ 3,500 |
| Task 4 - R/W Planning - Project Development | 5 | 20 | \$170 /hour | \$ 3,400 |
| Task 5A - Appraisal Services: Linscott property Davis & Thompson property Horton property Wasserman property | 4 | Lump Sum | \$3,500 \$5,500 \$4,500 \$3,500 | \$ 17,000 |
| Task 5B - Appraisal Review | 4 | Lump Sum | \$1,500 | \$ 6,000 |
| Task 6 - Acquisition Services | 4 | Not To Exceed | \$4,200 /each | \$ 16,800 |
| Task 6B - Acquisition Services - Gap Parcel | 1 | Not To Exceed | \$1,200 /each | \$ 1,200 |
| Task 7 - Title & Escrow Services | 5 | Lump Sum | \$750 /each | \$ 3,750 |
| Task 9 - Right-of-Way Certification | 5 | Lump Sum | \$2,500 | \$ 2,500 |
| Direct Costs (Mailings/Travel) | — | — | — | \$ 950 |
| TOTAL | | | | \$ 60,720 |

Only time incurred will be billed to the Client. Tasks will be completed in the most timely manner possible. Budgets to be re-allocated with Client permission.

Proposed Fee for As-Needed, Right-of-Way Delivery Activities, as follows...

| TASK | PARCELS | HOURS | RATE | COST |
|---|---------|----------|---------|-----------------|
| Task 5C - Appraisal Services: Gap Parcel of Undetermined Ownership | 1 | Lump Sum | \$3,500 | \$ 3,500 |
| Task 5C - Appraisal Review | 1 | Lump Sum | \$1,500 | \$ 1,500 |
| Task 8 - Condemnation Support*** | *** | *** | *** | *** |
| Direct Costs (Mailings/Travel) | — | — | — | \$ 250 |
| TOTAL | | | | \$ 5,250 |

***If Condemnation Support is needed, a separate fee for such services will be developed at that time.



We appreciate this opportunity to provide right-of-way services. Should you have any questions regarding this proposal, please feel invited to let us know.

Sincerely,

BENDER ROSENTHAL, INC.

A handwritten signature in blue ink that reads 'Cydney Bender Reents'.

Cydney Bender Reents, MAI
CEO



2019 BILLING RATES

| | |
|--|------------|
| Cydney Bender Reents, MAI | \$425/hr.* |
| David Wraa, MAI, ARA, AI-GRS | \$330/hr.* |
| Principal Project Manager | \$250/hr. |
| Senior Project Manager | \$220/hr. |
| Project Manager | \$195/hr. |
| Senior Quality Control Auditor | \$175/hr. |
| Senior Project Controller | \$160/hr. |
| Quality Control Auditor | \$125/hr. |
| Project Controller | \$110/hr. |
| Sr. Designated Member (MAI/SRA/AI-GRS/ARA) | \$225/hr.* |
| Designated Member (MAI/SRA/AI-GRS/ARA) | \$180/hr.* |
| Appraiser III | \$165/hr. |
| Appraiser II | \$140/hr. |
| Appraiser I | \$110/hr. |
| Senior Right of Way Specialist | \$170/hr. |
| Senior Acquisition Agent | \$165/hr. |
| Acquisition Agent | \$125/hr. |
| Senior Relocation Agent | \$160/hr. |
| Relocation Agent | \$145/hr. |
| Senior Project Coordinator | \$135/hr. |
| Project Coordinator | \$105/hr. |
| Expert Land Consultant | \$170/hr. |
| Managing Land Agent | \$160/hr. |
| Principal Land Agent | \$140/hr. |
| Senior Land Agent | \$120/hr. |
| Land Agent II | \$105/hr. |
| Land Agent I | \$90/hr. |
| Administrative Support III | \$ 90/hr. |
| Researchers | \$ 85/hr. |
| Administrative Support II | \$ 75/hr. |
| Administrative Support I | \$ 60/hr. |

*NOTE: For court or briefing preparation, depositions, any pre-trial conferences, court appearances, and related activities, the hourly rate is \$450.

BRI does not mark up ODC's such as travel and shipping. These will be billed at cost.