

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works	(2) MEETING DATE 7/10/2012	(3) CONTACT/PHONE Phil Acosta, Right of Way Agent (805) 781-5290	
(4) SUBJECT Submittal of right of way documents accepting conveyance from the Hermreck Group, LLC and from Marsalek, LLC for the Willow Road Project, Nipomo (300142). District 4.			
(5) RECOMMENDED ACTION It is our recommendation that your Honorable Board:  1. Approve and execute both the Hermreck Group, LLC and Marsalek, LLC Right of Way Agreements; and a) Accept the accompanying Drainage Easement Deeds by execution of the attached Certificates of Acceptance; and b) Direct the Clerk to return the Agreements and Deeds to the Department of Public Works for processing; and  2. Authorize the Public Works Director, or his designee, to perform the following remaining duties associated with the acceptance of the real property interests; and a) Execute any remaining escrow related documents necessary to close the transactions associated with these real property interests; and b) Deliver original Easement Deeds upon final processing to the County Clerk's office for final recordation.			
(6) FUNDING SOURCE(S) Roads Fund; SLPP; STIP; Prop 1B; Nipomo RIF; Nipomo CSD; GF Loan	(7) CURRENT YEAR FINANCIAL IMPACT \$10,200.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Board Business (Time Est. _____)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A    Date	
(17) ADMINISTRATIVE OFFICE REVIEW  <i>Nikki J. Schmidt</i>			
(18) SUPERVISOR DISTRICT(S) District 4 -			

Reference: 12JUL10-C-4

## County of San Luis Obispo



TO: Board of Supervisors  
FROM: Public Works  
Phil Acosta, Right of Way Agent  
VIA: Dave Flynn, Deputy Director of Public Works  
DATE: 7/10/2012

SUBJECT: Submittal of right of way documents accepting conveyance from the Hermreck Group, LLC and from Marsalek, LLC for the Willow Road Project, Nipomo (300142). District 4.

### **RECOMMENDATION**

It is our recommendation that your Honorable Board:

1. Approve and execute both the Hermreck Group, LLC and Marsalek, LLC Right of Way Agreements; and
  - a) Accept the accompanying Drainage Easement Deeds by execution of the attached Certificates of Acceptance; and
  - b) Direct the Clerk to return the Agreements and Deeds to the Department of Public Works for processing; and
2. Authorize the Public Works Director, or his designee, to perform the following remaining duties associated with the acceptance of the real property interests; and
  - a) Execute any remaining escrow related documents necessary to close the transactions associated with these real property interests; and
  - b) Deliver original Easement Deeds upon final processing to the County Clerk's office for final recordation.

### **DISCUSSION**

During construction of the Willow Road Phase II Project, a 36" diameter culvert was installed to convey storm water from the north side to the south side of Willow Road, along its natural drainage course. The design consultant used the County Standards for the drainage design of the new road and sized the culvert accordingly.

However, the property owners on the south side of Willow Road expressed concern about the need for the culvert and its size. Their concerns are: 1) there was no prior run-off onto their parcels, and 2) the size of the culvert would allow the upstream area to develop and use the culvert to discharge increased flows onto their property which would cause substantial erosion on their properties.

To respond to these concerns, staff prepared a new drainage study to better evaluate pre and post construction conditions. The new drainage study determined that the road construction would impound the storm water run-off of the 100 year storm event, preventing flows to the parcels south of the roadway. An 18" minimum culvert would be needed only for overflow of a 100 year storm event. An 18" pipe was placed at an elevation to perpetuate the sump on the north side of Willow Road, storing the 100 year storm event run-off.

To protect the sump area from being filled or otherwise degraded, the two recommended drainage easements from adjoining parcels are needed.

### **OTHER AGENCY INVOLVEMENT/IMPACT**

County Counsel has reviewed the attached documents for legal form and effect.

The project has been reviewed with the South County Advisory Council Traffic Committee, who concurs with our recommendation to move forward with right of way acquisition.

### **FINANCIAL CONSIDERATIONS**

The Right of Way Agreements provide for the following compensation:

The Hermreck Group, LLC	\$10,200
Marsalek Group, LLC	\$ 1,700

This project is a multi-year project budgeted in the Roads Fund for FY 2011-12 (WBS 300142) in the amount of \$14,356,938. The project is funded by the Federal Surface Transportation Improvement Program (STIP), State and Local Partnership Program (SLPP), Nipomo Road Improvement Fees, Proposition 1B, Nipomo Community Services District, General Fund Loan and Road Funds.

Acquisition of these two easements is within the established budget.

### **RESULTS**

Approval of the recommended actions will result in the appropriation of property rights required for the completion of this budgeted project and the solution will lead to a safe and livable community.

File: R/W file Willow Rd 12-04 (Hermreck Group, LLC)  
R/W file Willow Rd 12-03 (Marsalek, LLC)

Reference: 12JUL10-C-4

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### **ATTACHMENTS**

1. Vicinity Map
2. Real Property Transfer Agreement - Hermreck Group, LLC
3. Drainage Easement Deed with Certificate of Acceptance - Hermreck Group, LLC
4. Real Property Transfer Agreement - Marsalek, LLC
5. Drainage Easement Deed with Certificate of Acceptance - Marsalek, LLC