

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

(1) DEPARTMENT Public Works	(2) MEETING DATE 9/11/2012	(3) CONTACT/PHONE Phil Acosta, Right of Way Agent (805) 781-5290	
(4) SUBJECT Submittal of right of way acquisition documents accepting conveyance of 40.33 acres from Donald L. Andre et al, in fee title, for the Los Osos Wastewater Project, Los Osos. District 2.			
(5) RECOMMENDED ACTION It is our recommendation that your Honorable Board: <ol style="list-style-type: none"> 1. Approve and execute the Real Property Transfer Agreement; accept the accompanying Grant Deed by execution of the attached Certificate of Acceptance, and direct the Clerk to return to the Department of Public Works within 72 hours for escrow 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: <ul style="list-style-type: none"> • Execute any remaining escrow related documents necessary to close the transactions associated with these real property interests. • Deliver original Grant Deed upon final processing to the County Clerk's office for final recordation. 			
(6) FUNDING SOURCE(S) FC 430	(7) CURRENT YEAR FINANCIAL IMPACT \$725,000.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT { } Consent { } Presentation { } Hearing (Time Est. _____) {X} Board Business (Time Est. <u>60</u>)			
(11) EXECUTED DOCUMENTS { } Resolutions {X} Contracts { } Ordinances { } N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A { } 4/5th's Vote Required {X} N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY {X} N/A Date _____	
(17) ADMINISTRATIVE OFFICE REVIEW <i>Nikki J. Schmidt</i>			
(18) SUPERVISOR DISTRICT(S) District 2 -			

Reference: 12SEP11-BB-1

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: 9/11/2012

SUBJECT: Submittal of right of way acquisition documents accepting conveyance of 40.33 acres from Donald L. Andre et al, in fee title, for the Los Osos Wastewater Project, Los Osos. District 2.

RECOMMENDATION

It is our recommendation that your Honorable Board:

1. Approve and execute the Real Property Transfer Agreement; accept the accompanying Grant Deed by execution of the attached Certificate of Acceptance, and direct the Clerk to return to the Department of Public Works within 72 hours for escrow 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:
 - Execute any remaining escrow related documents necessary to close the transactions associated with these real property interests.
 - Deliver original Grant Deed upon final processing to the County Clerk's office for final recordation.

DISCUSSION

On September 20, 2006, Assembly Bill 2701 (Blakeslee) was approved and established the County's legislative authority to implement a wastewater project for the community of Los Osos. Several parcels and easements have already been acquired for project implementation, in two phases, including parcels transferred to the County from the Los Osos Community Services District (LOCSD) and five additional properties required for the collection systems. One property has also been secured for the treatment facilities phase of the project.

The remaining property acquisitions relating to the treatment facilities include the need to purchase an additional easement for roadway widening along the westerly boundary of the Andre property and an agricultural conservation easement over at least 35 acres of land in the Los Osos area. Purchase of the subject property in fee title (from a willing seller) will allow the County to record the necessary road easement and a +/- 35 acre conservation easement on the property.

The property will be managed as a project asset. Consequently, in the event that any proceeds are obtained in the future from the sale or lease of any portion of the property, then those revenues will benefit the rate payers of the project service area/assessment district.

The acquisition is based upon a statutory fair market value appraisal completed by the County's appraisal consultant. The execution of the Real Property Transfer Agreement and acceptance of the Deed by execution of the Certificate of Acceptance will allow the Department to proceed with processing and payment pursuant to the Agreement.

OTHER AGENCY INVOLVEMENT/IMPACT

The Office of County Counsel is providing legal guidance on all aspects of the Project and has reviewed and approved the Real Property Transfer Agreement, Grant Deed, and Certificate of Acceptance as to form and legal effect.

San Luis Obispo County Environmental Coordinator has provided the necessary environmental document for the project and has also confirmed that the subject property will satisfy the project's Agricultural Conservation requirements as discussed in the previous section. Many agencies and County departments have been involved with the project and the necessary project permits have been received from the Coastal Commission, County Planning & Building, and the Regional Water Quality Control Board. The County Tax Collector and Auditor-Controller will be involved during the issuance and collection of bonds.

Notice of the proposed conveyance has been published in accordance with Government Code Sections 25350 and 6063. Also, a General Plan Conformity Report has been filed in accordance with Government Code 65402.

FINANCIAL CONSIDERATIONS

The Real Property Transfer Agreement provides for compensation in the amount of \$725,000 for the real property interests to be transferred to the County by this transaction. The project is funded under a combination of Federal (USDA), State, and Local funds and assessments budgeted under the Los Osos Wastewater Project (WBS 300448).

RESULTS

The intended result of this recommendation is to secure real property interests required for the project. This project is a key element in the plan to address the wastewater issues of the prohibition zone. An additional result of the recommended action will be to improve water quality in this area as soon as possible.

File: Los Osos Wastewater Project WBS 300337

Reference: 12SEP11-BB-1

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ATTACHMENTS

1. Vicinity Map
2. Real Property Transfer Agreement
3. Grant Deed/Certificate of Acceptance