

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

(1) DEPARTMENT Public Works	(2) MEETING DATE 10/23/2012	(3) CONTACT/PHONE Phil Acosta, Right of Way Agent (805) 781-5290	
(4) SUBJECT Submittal of right of way documents accepting conveyance from the James and Janet Bahringer 2006 Trust and from Linn's Farm, et al for the Main Street Bridge Replacement Project, Cambria, CA, (WBS 300180). District 2.			
(5) RECOMMENDED ACTION It is our recommendation that your Honorable Board: <ol style="list-style-type: none"> 1. Approve and execute the Bahringer Right of Way Agreement and accept the accompanying Easement Deed No. 08-09 by execution of the attached Certificate of Acceptance. Direct the Clerk to return the executed Right of Way Agreement, Easement Deed, and Certificate of Acceptance to the Department of Public Works within 48 hours for escrow processing; and 2. Approve and execute the Linn Right of Way Agreement and accept the accompanying Quitclaim Deed No. 08-09 QC by execution of the attached Certificate of Acceptance. Direct the Clerk to return the executed Right of Way Agreement, Quitclaim Deed, and Certificate of Acceptance to the Department of Public Works within 48 hours for escrow processing; and 3. Authorize the Public Works Director, or his designee, to execute any remaining escrow and payment related documents necessary to close the transactions associated with these real property interests. 			
(6) FUNDING SOURCE(S) Roads Fund, FHWA	(7) CURRENT YEAR FINANCIAL IMPACT \$31,000.00	(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 type="checkbox"/> N/A Date 9/11/2012, #20	
(17) ADMINISTRATIVE OFFICE REVIEW <i>Nikki J. Schmidt</i>			
(18) SUPERVISOR DISTRICT(S) District 2 -			

Reference: 12OCT23-C-7

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: 10/23/2012

SUBJECT: Submittal of right of way documents accepting conveyance from the James and Janet Bahringer 2006 Trust and from Linn's Farm, et al for the Main Street Bridge Replacement Project, Cambria, CA, (WBS 300180). District 2.

RECOMMENDATION

It is our recommendation that your Honorable Board:

1. Approve and execute the Bahringer Right of Way Agreement and accept the accompanying Easement Deed No. 08-09 by execution of the attached Certificate of Acceptance. Direct the Clerk to return the executed Right of Way Agreement, Easement Deed, and Certificate of Acceptance to the Department of Public Works within 48 hours for escrow processing; and
2. Approve and execute the Linn Right of Way Agreement and accept the accompanying Quitclaim Deed No. 08-09 QC by execution of the attached Certificate of Acceptance. Direct the Clerk to return the executed Right of Way Agreement, Quitclaim Deed, and Certificate of Acceptance to the Department of Public Works within 48 hours for escrow processing; and
3. Authorize the Public Works Director, or his designee, to execute any remaining escrow and payment related documents necessary to close the transactions associated with these real property interests.

DISCUSSION

The existing Cambria Main Street Bridge (Bridge #49C0337), located over Santa Rosa Creek, was constructed in 1922 and has been found to be functionally obsolete. The bridge qualified for Federal replacement funding under the Federal Highway Bridge Program (Federal project number BRLO-5949(065)). The proposed project will replace the existing bridge with a single clear span over the creek and improve the width to support bike lanes and vehicular travel.

On September 11, 2012, your Board adopted a resolution of necessity for the subject properties. Staff subsequently continued negotiations with the property owners and the recommended actions will complete these real property transactions.

The attached Right of Way Agreement and Easement Deed, from James and Janet Bahringer 2006 Trust, will provide the County and its contractors with a Public Road and Slope Easement required for construction and maintenance of the replacement bridge and roadway related improvements on the proposed new alignment. A Temporary Construction Easement is also being acquired to support construction related activities including materials and equipment staging.

The attached Right of Way Agreement and Quitclaim Deed from Linn's Farm, et al will clear the subordinate real property interest owned by the Linns from the County's Easement to be acquired from Bahringer. The Linns real property interest arises out of the "Off-Premise" outdoor advertising sign that they own and maintain on the Bahringer property pursuant to State Outdoor Advertising Permit No. 34403. The Right of Way Agreement with Linn provides for the sign to be relocated (by Linn) out of the County's Public Road and Slope Easement area and onto an adjacent portion of the Bahringer property. The County has provided for the Project construction contractor to work around the sign once it is relocated into the County's Temporary Construction Easement area.

The Bahringer transaction is a negotiated acquisition originating upon a fair market value staff appraisal. The Linn transaction is based upon a fair market value staff appraisal. The execution of the documents, as requested, will allow the Department to proceed with escrow processing and payment pursuant to the right of way documents.

OTHER AGENCY INVOLVEMENT/IMPACT

The existing Cambria Main Street Bridge (Bridge #49C0337), located over Santa Rosa Creek, was constructed in 1922 and has been found to be functionally obsolete. The bridge qualified for Federal replacement funding under the Federal Highway Bridge Program (Federal project number BRLO-5949(065)). The proposed project will replace the existing bridge with a single clear span over the creek and improve the width to support bike lanes and vehicular travel.

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The Bahringer transaction is a negotiated acquisition originating upon a fair market value staff appraisal. The Linn transaction is based upon a fair market value staff appraisal. The execution of the documents, as requested, will allow the Department to proceed with escrow processing and payment pursuant to the right of way documents.

FINANCIAL CONSIDERATIONS

The Right of Way Agreements provide for the following compensation:

James and Janet Bahringer 2006 Trust	\$30,000
Linn's Farm, et al	<u>\$ 1,000</u>
Total	\$31,000

This project is a multi-year project budgeted in the Roads Fund for FY 2012-13 (WBS 300180) in the amount of \$4,613,179. The project will be funded by the Federal Highway Administration's Highway Bridge Program, Federal Toll Credit Program, and Road Funds.

RESULTS

Approval of the recommended actions will result in the appropriation of property rights required for this budgeted project. Ultimately, the completed project will provide a new bridge over Santa Rosa Creek, as well as enhanced safety and property access.

File: WBS 300180.05 (Cambria Main Street Bridge Replacement)

Reference: 12OCT23-C-7

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ATTACHMENTS

1. Vicinity Map
2. Right of Way Agreement (Bahringer)
3. Public Road and Slope Easement Deed No. 08-09 and Certificate of Acceptance (Bahringer)
4. Right of Way Agreement (Linn)
5. Quitclaim Deed No. 08-09 QC and Certificate of Acceptance (Linn)