

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

(1) DEPARTMENT Public Works	(2) MEETING DATE 6/18/2013	(3) CONTACT/PHONE Phil Acosta, Right of Way Agent (805) 781-5290	
(4) SUBJECT Submittal of right of way documents accepting conveyance from Sandee L. McLaughlin and Joann A. Chavez; from Kendra Santos and R.D. Karney; and from the Clarence E. and Allene F. Elder Living Trust for the La Panza Road Widening Project, Creston. District 5.			
(5) RECOMMENDED ACTION It is our recommendation that your Honorable Board: <ol style="list-style-type: none"> 1. Approve and execute the McLaughlin-Chavez Right of Way Agreement and accept the accompanying Public Road and Slope Easement Deed by execution of the original Certificate of Acceptance attached to a copy of the Deed; and direct the Clerk to return a copy of the executed Right of Way Agreement and the original Certificate of Acceptance as attached to a copy of the Easement Deed (unrecorded) to the Department of Public Works within five (5) days for escrow processing; and 2. Approve and execute the Santos-Karney and the Elder Right of Way Agreements, accept the accompanying Public Road and Slope Easement Deeds by execution of the attached Certificate of Acceptance; and direct the Clerk to record the Santos and the Elder Public Road and Slope Easement Deeds and return a copy of the executed Right of Way Agreements and copy of the recorded Deeds to the Department of Public Works within five (5) days for completion of the transactions; and 3. 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 or payment related documents necessary to close the transactions associated with these real property interests. • Deliver original McLaughlin-Chavez Grant Deed upon final processing to the County Clerk's office for final recordation. 			
(6) FUNDING SOURCE(S) HSIP, Prop 1B, Road Fund	(7) CURRENT YEAR FINANCIAL IMPACT \$64,750.00	(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 5 -			

Reference: 13JUN18-C-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: 6/18/2013

SUBJECT: Submittal of right of way documents accepting conveyance from Sandee L. McLaughlin and Joann A. Chavez; from Kendra Santos and R.D. Karney; and from the Clarence E. and Allene F. Elder Living Trust for the La Panza Road Widening Project, Creston, District 5.

RECOMMENDATION

It is our recommendation that your Honorable Board:

1. Approve and execute the McLaughlin-Chavez Right of Way Agreement and accept the accompanying Public Road and Slope Easement Deed by execution of the original Certificate of Acceptance attached to a copy of the Deed; and direct the Clerk to return a copy of the executed Right of Way Agreement and the original Certificate of Acceptance as attached to a copy of the Easement Deed (unrecorded) to the Department of Public Works within five (5) days for escrow processing; and
2. Approve and execute the Santos-Karney and the Elder Right of Way Agreements, accept the accompanying Public Road and Slope Easement Deeds by execution of the attached Certificate of Acceptance; and direct the Clerk to record the Santos and the Elder Public Road and Slope Easement Deeds and return a copy of the executed Right of Way Agreements and copy of the recorded Deeds to the Department of Public Works within five (5) days for completion of the transactions; and
3. 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 or payment related documents necessary to close the transactions associated with these real property interests.
 - Deliver original McLaughlin-Chavez Grant Deed upon final processing to the County Clerk's office for final recordation.

DISCUSSION

La Panza Road is a rural collector located east of Creston between State Routes 41 and 58. The project will improve a portion of the road from Ryan Road to Hord Valley Road by constructing four foot (4') paved shoulders and relocating an adjacent drainage ditch. The project's objective is to improve road safety by having a recoverable shoulder and eliminating or reducing roadside obstacles. The current project has been developed from a study of multiple design alternatives and various environmental, budgetary, and regulatory parameters to achieve the best solution for the project location.

The attached Right of Way Agreements and Public Road and Slope Easement Deeds from Sandee L. McLaughlin and Joann A. Chavez; Kendra Santos and R.D. Karney; and the Elder Living Trust will provide the County and its contractors with a portion of the real property rights required to construct the proposed widening project and related slope and drainage features.

The Santos-Karney and the Elder acquisitions are based on 'Just Compensation' determined by staff appraisals. The approval and execution of the Right of Way Agreements and the acceptance of the related Public Road and Slope Easement Deeds, by execution of the attached Certificates of Acceptance, will allow the Department to proceed with processing and payment pursuant to the pertinent Agreements.

Overall Right of Way Requirements for the Project

Your Board has previously accepted documents for eight (8) La Panza right of way transactions. The acceptance of these three right of way transactions will now enable closure of eleven (11) of the total twelve (12) right of way transactions required for the project. Public Works is diligently proceeding with the necessary actions required to secure possession of the one remaining property.

As a safety project, the La Panza Road project was awarded a \$900,000 Highway Safety Improvement program (HSIP) grant from the Federal Highway Administration. Caltrans oversees the delivery of HSIP projects and holds agencies to a strict performance standard for program delivery of needed safety projects pursuant to Federal Highway Administration regulations. Should the project be delayed or deferred from its fiscal year delivery, the County will have a high exposure to becoming ineligible to apply for future Federal HSIP grants. As a result, obtaining the right of way on adjoining properties is critical for both the project's safety purpose and for maintaining the County's future eligibility on other safety grant projects. The project's funding deadline is to receive all right of way and permit clearances by early September in order to allocate the Federal Construction funds this fall for Construction in 2014.

OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel has reviewed and approved the attached documents as to legal form and effect. The San Luis Obispo County Environmental Coordinator has provided necessary clearance for this project by Mitigated Negative Declaration approved by your Board on June 5, 2012 (Item 22).

Caltrans is providing oversight due to the Federal funding for the project.

FINANCIAL CONSIDERATIONS

The Right of Way Agreement provides for the following compensation in accordance with the pertinent title vesting(s):

McLaughlin-Chavez Property	\$55,000.00
Santos-Karney Property	\$ 7,000.00
Elder Living Trust	\$ <u>2,750.00</u>
Total	\$64,750.00

This project is a multi-year project budgeted in Road Fund for FY 2012-13 WBS 300397 in the amount of \$2,031,852. The project will receive funds from Federal Highway Safety Improvement Program (HSIP), Proposition 1B and Road funds.

RESULTS

Approval of the recommended actions will result in the appropriation of property rights required for this budgeted project. Completion of the project will improve safety by allowing more recovery room for vehicles along La Panza Road.

File: WBS 300397.05 (La Panza Road Widening Project)

Reference: 13JUN18-C-1

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ATTACHMENTS

1. Vicinity Map
2. Right of Way Agreement (McLaughlin-Chavez)
3. Public Road and Slope Easement Deed (McLaughlin-Chavez)
4. Right of Way Agreement (Santos-Karney)
5. Public Road and Slope Easement Deed (Santos-Karney)
6. Right of Way Agreement (Elder)
7. Public Road and Slope Easement Deed (Elder)