

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

(1) DEPARTMENT Public Works	(2) MEETING DATE 10/1/2013	(3) CONTACT/PHONE Phil Acosta, Right of Way Agent (805) 781-5290	
(4) SUBJECT Submittal of a resolution declaring certain County real property interests in the Willow Road Interchange as surplus property and authorizing conveyance to adjoining owner, Nipomo. District 4.			
(5) RECOMMENDED ACTION It is our recommendation that your Honorable Board: <ol style="list-style-type: none"> 1. Adopt the resolution declaring surplus portions of the County's real property interests acquired in conjunction with the Willow Road Interchange Project totaling 0.04 acre and authorize the conveyance of said surplus real property to adjoining owner; and 2. Approve and Execute the accompanying Quitclaim Deed and Maintenance Covenant (Deed), and direct the Clerk of the Board to record the Deed and return a certified copy to the Department of Public Works for further processing; and 3. Authorize the Public Works Director, or his designee, to execute any remaining escrow documents or procedures necessary to close the transactions associated with these real property interests. 			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT N/A	(8) ANNUAL FINANCIAL IMPACT N/A	(9) BUDGETED? N/A
(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 checked="" 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: 11/8/11; A-3	
(17) ADMINISTRATIVE OFFICE REVIEW <i>Nikki J. Schmidt</i>			
(18) SUPERVISOR DISTRICT(S) District 4 -			

Reference: 13OCT01-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: 10/1/2013

SUBJECT: Submittal of a resolution declaring certain County real property interests in the Willow Road Interchange as surplus property and authorizing conveyance to adjoining owner, Nipomo. District 4.

RECOMMENDATION

It is our recommendation that your Honorable Board:

1. Adopt the resolution declaring surplus portions of the County's real property interests acquired in conjunction with the Willow Road Interchange Project totaling 0.04 acre and authorize the conveyance of said surplus real property to adjoining owner; and
2. Approve and Execute the accompanying Quitclaim Deed and Maintenance Covenant (Deed), and direct the Clerk of the Board to record the Deed and return a certified copy to the Department of Public Works for further processing; and
3. Authorize the Public Works Director, or his designee, to execute any remaining escrow documents or procedures necessary to close the transactions associated with these real property interests.

DISCUSSION

A conveyance of County surplus real property has previously been made to the adjoining property owned by Michael J. Cavaletto Ranches, LLC, pursuant to Quitclaim Deed recorded December 2, 2011, as Document No. 2011061077 in Official County Records. This prior conveyance has been found to be deficient as it did not convey sufficient real property to assure that certain guard-rail and drainage improvements, constructed by the County for the Willow Road Interchange Project, and in support of the adjoining Cavaletto property, will lie entirely upon and within said adjoining property.

The proposed Quitclaim Deed and Maintenance Covenant are presented to supplement the previous conveyance to Cavaletto, to assure that the noted guard-rail and drainage improvements will lie entirely upon and within the adjoining property, and to assure that said drainage improvements are adequately maintained.

The surplus rights of way lie outside of the defined boundaries of the County's project and they are not otherwise feasible for or required for use by the County. They are each too small for independent development and would be landlocked due to their location adjacent to the access controlled State freeway (SR101). The highest and best use of these remnant properties is as plottage to the adjoining larger parcel owned by Michael J. Cavaletto Ranches, LLC. A County Surplus Real Property Exhibit map is attached for further clarification.

The County also previously acquired right of way from Cavaletto for the Willow Road Interchange Project including a right of ingress and egress over the Cavaletto property to facilitate maintenance (Final Order of Condemnation, Recorded Doc# 2011061078, 12/02/2011). The proposed conveyance of surplus and the maintenance covenant eliminate the need for, and the right of, ingress and egress over Cavaletto. Caltrans (as successor to County) also wishes to avoid any risk associated with ingress and egress over the Cavaletto Property which is currently improved with an organic nursery requiring decontamination procedures for each entry of persons and vehicles.

This tentative commitment to convey the proposed surplus real property rights is subject to the approval of your Board of Supervisors.

OTHER AGENCY INVOLVEMENT/IMPACT

Caltrans has reviewed and approved the proposed Quitclaim Deed and Maintenance Covenant, and related Exhibits. Upon completion of this correctory conveyance, Public Works will diligently pursue the final transfer to Caltrans of the Willow Road/Highway 101 Interchange rights of way.

County Counsel has reviewed and approved the attached resolution, and accompanying Quitclaim Deed and Maintenance Covenant as to legal form and effect.

The County Planning Director has previously determined that the proposed surplus land conveyance is in conformance with the County General Plan and a Conformity Report was received and filed by the Planning Commission at its meeting on September 22, 2011.

The County Environmental Coordinator has previously determined that this transaction has no potential for significant environmental effect and is, therefore, Categorically Exempt pursuant to Section 15206 (b) (4).

FINANCIAL CONSIDERATIONS

County Staff has estimated the value of the County's surplus real property conveyance at a nominal amount not exceeding \$1,000. Non-monetary consideration to be received from the adjoining owner, in lieu of cash, includes the assumption of maintenance and liability for the guard rail and drainage improvements previously noted and the elimination of risk associated with the right of ingress included in the transaction. There is no financial impact resulting from this transaction.

No budget adjustment is necessary.

RESULTS

The recommended action will enable the County to complete a transfer of the Willow Road Interchange to the State Department of Transportation (Caltrans) pursuant to the Willow Road interchange Co-operative Agreement resulting in a well governed community.

File: R/W File Willow Rd 08-15-L (Cavaletto)

Reference: 13OCT01-C-1

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ATTACHMENTS

1. Vicinity Map
2. County Surplus Real Property Exhibit
3. Quit Claim Deed and Maintenance Agreement
4. Resolution Declaring Surplus Interest in Unusable Remnants with Legal Descriptions and Maps