

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

(1) DEPARTMENT Public Works	(2) MEETING DATE 10/7/2014	(3) CONTACT/PHONE Phil Acosta, Right of Way Agent (805) 781-5290	
(4) SUBJECT Submittal of correcting and superseding right of way documents accepting conveyance from Brothers Investment Company and Haruo and Rose Hayashi; and from Uncle Robert's Ranch, LLC for the Branch Mill Road Bridge Replacement Project, Arroyo Grande. District 4.			
(5) RECOMMENDED ACTION It is recommended that the Board: A. Approve and execute the attached Brothers Investment Company and Haruo and Rose Hayashi Right of Way Agreement and accept the accompanying Public Road and Slope Easement Deed Parcel No. 13-06 by execution of the attached Certificate of Acceptance and direct the Clerk to record the Deed and return a copy of the executed Agreement and recorded Deed to the Department of Public Works for completion of the transaction; and B. Order that the preceding action (A.) shall replace and supersede the Right of Way Agreement and Public Road and Slope Easement Deed Parcel No. 13-06 from Brothers Investment Company that was approved by your Board on August 26, 2014 (C-13, Recommendation A.); and C. Approve and execute the attached Uncle Robert's Ranch, LLC Right of Way Agreement and accept the accompanying Public Road and Slope Easement Deed Parcel No. 13-05 by execution of the attached Certificate of Acceptance and direct the Clerk to record the Deed and return a copy of the executed Agreement and recorded Deed to the Department of Public Works for completion of the transaction; and D. Order that the preceding action (C.) shall replace and supersede the Right of Way Agreement and Public Road and Slope Easement Deed Parcel No. 13-05 from John Hayashi, as Trustee of the Robert Hayashi Family Trust as approved by your Board on August 26, 2014 (C-13, Recommendation B.); and E. Authorize the Public Works Director, or his designee, to execute any remaining escrow and payment related documents or instructions necessary to close the transactions associated with these real property interests.			
(6) FUNDING SOURCE(S) Federal Highway Bridge Program, Federal Toll Credits, Road Fund	(7) CURRENT YEAR FINANCIAL IMPACT \$43,800.00	(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"/> 4/5 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: 8/16/14, # 13	
(17) ADMINISTRATIVE OFFICE REVIEW <i>Nikki J. Schmidt</i>			
(18) SUPERVISOR DISTRICT(S) District 4			

Reference: 14OCT07-C-3

## County of San Luis Obispo



TO: Board of Supervisors  
FROM: Public Works  
Phil Acosta, Right of Way Agent  
VIA: Dave Flynn, Director of Public Works  
DATE: 10/7/2014

SUBJECT: Submittal of correcting and superseding right of way documents accepting conveyance from Brothers Investment Company and Haruo and Rose Hayashi; and from Uncle Robert's Ranch, LLC for the Branch Mill Road Bridge Replacement Project, Arroyo Grande. District 4.

### **RECOMMENDATION**

It is recommended that the Board:

- A. Approve and execute the attached Brothers Investment Company and Haruo and Rose Hayashi Right of Way Agreement and accept the accompanying Public Road and Slope Easement Deed Parcel No. 13-06 by execution of the attached Certificate of Acceptance and direct the Clerk to record the Deed and return a copy of the executed Agreement and recorded Deed to the Department of Public Works for completion of the transaction; and
- B. Order that the preceding action (A.) shall replace and supersede the Right of Way Agreement and Public Road and Slope Easement Deed Parcel No. 13-06 from Brothers Investment Company that was approved by your Board on August 26, 2014 (C-13, Recommendation A.); and
- C. Approve and execute the attached Uncle Robert's Ranch, LLC Right of Way Agreement and accept the accompanying Public Road and Slope Easement Deed Parcel No. 13-05 by execution of the attached Certificate of Acceptance and direct the Clerk to record the Deed and return a copy of the executed Agreement and recorded Deed to the Department of Public Works for completion of the transaction; and
- D. Order that the preceding action (C.) shall replace and supersede the Right of Way Agreement and Public Road and Slope Easement Deed Parcel No. 13-05 from John Hayashi, as Trustee of the Robert Hayashi Family Trust as approved by your Board on August 26, 2014 (C-13, Recommendation B.); and
- E. Authorize the Public Works Director, or his designee, to execute any remaining escrow and payment related documents or instructions necessary to close the transactions associated with these real property interests.

## **DISCUSSION**

The Branch Mill Road Bridge project is located southeast of the City of Arroyo Grande near the intersection with Huasna Road. The bridge is being replaced under the Federal Highway Bridge Program (HBP) due to creek scour and on-going maintenance costs.

To construct the project, Right of Way Agreements and Public Road and Slope Easement Deeds for real property required from three 'Hayashi Family' entities for the 'Branch Mill Road Bridge Replacement Project' were approved by your Board for approval on August 26, 2014 (C-13). Reference is made to the Staff Report for this previous item for project and transaction details that are not addressed in this Staff Report.

Following the Board's approval, but prior to execution and recording of right of way documents, it was discovered that the title vesting for Brothers Investment Company, the title vesting for John Hayashi, as Trustee of the Robert Hayashi Family Trust, et al required corrections as follows:

### Parcel No. 13-06 Brothers Investment Co.:

In preparation for County payment, a title review revealed that the Preliminary Title Report was incorrect and did not show the complete vested ownership. A corrected title report was ordered to assure correct title vesting for the pertinent real property. The Clerk was requested to suspend completion of the Board's action of August 26, 2014 (C-13, Recommendation A.) pending execution of corrected documents with the vested owner(s) and this submittal to correct that portion of the transaction.

### Parcel No. 13-05 John Hayashi, as Trustee of the Robert Hayashi Family Trust:

In preparation for County payment, a title review revealed that the owner had conveyed title into a new entity and did not advise County staff during negotiations. A corrected title report was ordered to assure correct title vesting for the pertinent real property. The Clerk was requested to suspend completion of the Board's action of August 26, 2014 (C-13, Recommendation B.) pending execution of corrected documents with the vested owner(s) and this submittal to correct that portion of the transaction.

The attached Right of Way Agreements and Public Road and Slope Easement Deeds are intended to correct and supersede the corresponding documents as noted above. The remaining portions of the Board's action of August 26, 2014 (C-13, Recommendations C. and D.) are unchanged.

Project construction is expected to begin in the spring of 2015.

## **OTHER AGENCY INVOLVEMENT/IMPACT**

County Counsel has reviewed and approved the attached documents as to legal form and effect.

Caltrans Office of Local Assistance oversees funding by agreement with FHWA to utilize funds under the Federal Highway Bridge Program.

The County has secured the necessary permits to begin construction.

## **FINANCIAL CONSIDERATIONS**

The Right of Way Agreements provide for the following compensation:

Brothers Investment Company	(Parcel No. 13-06)	\$37,000.00
Uncle Roberts Ranch LLC	(Parcel No. 13-05)	<u>\$ 6,800.00</u>
	<b>Total</b>	<b>\$43,800.00</b>

This project is a multi-year project budgeted in Road Fund for FY 2014-15 WBS 300385 in the amount of \$3,552,216. The project will be funded from Federal Highway Bridge Replacement Program, Federal Toll Credit Program and the Road Fund.

## **RESULTS**

Approval of the recommended actions will result in the appropriation of property rights required for this budgeted project. Completion of the project will replace the structurally deficient bridge on Branch Mill Road, thereby contributing to a safe and prosperous community.

File: WBS 300385.05 (Branch Mill Road at Tar Spring Creek Bridge Replacement Project)

Reference: 14OCT07-C-3

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## **ATTACHMENTS**

1. Vicinity Map
2. Right of Way Agreement, Parcel No. 13-06
3. Public Road and Slope Easement Deed and Certificate of Acceptance, Parcel No. 13-06
4. Right of Way Agreement, Parcel No. 13-05
5. Public Road and Slope Easement Deed and Certificate of Acceptance, Parcel No. 13-05