

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

(1) DEPARTMENT Public Works	(2) MEETING DATE 1/6/2015	(3) CONTACT/PHONE Phil Acosta, Right of Way Agent (805) 781-5290	
(4) SUBJECT Submittal of right of way documents accepting conveyance from Apple River & Company, LP for the Buckley Road Widening Project, San Luis Obispo. District 3.			
(5) RECOMMENDED ACTION It is recommended that the Board: A. Approve and execute the Right of Way Agreement and accept the accompanying Easement Deed and Restrictive Covenant No. 14-04 from Apple River & Company, LP by execution of the attached Certificate of Acceptance, and direct the Clerk to return a copy of the executed Agreement and the <u>original</u> Certificate of Acceptance to the Department of Public Works for completion of the transaction; and B. Authorize the Public Works Director, or his designee, to execute any remaining escrow and payment related documents or instructions necessary to close the transaction associated with this real property interest.			
(6) FUNDING SOURCE(S) HSIP, Road Fund	(7) CURRENT YEAR FINANCIAL IMPACT \$106,000.00	(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"/> 4/5 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 3			

Reference: 15JAN06-C-6

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: 1/6/2015

SUBJECT: Submittal of right of way documents accepting conveyance from Apple River & Company, LP for the Buckley Road Widening Project, San Luis Obispo. District 3.

RECOMMENDATION

It is recommended that the Board:

- A. Approve and execute the Right of Way Agreement and accept the accompanying Easement Deed and Restrictive Covenant No. 14-04 from Apple River & Company, LP by execution of the attached Certificate of Acceptance, and direct the Clerk to return a copy of the executed Agreement and the original Certificate of Acceptance to the Department of Public Works for completion of the transaction; and
- B. Authorize the Public Works Director, or his designee, to execute any remaining escrow and payment related documents or instructions necessary to close the transaction associated with this real property interest.

DISCUSSION

Buckley Road is an urban arterial located south of the City of San Luis Obispo, along the southerly boundary of the San Luis Obispo County Regional Airport, between Vachell Lane and Highway 227. Due to traffic collision history, the County was awarded a \$900,000 Federal Highway Safety Improvement Program (HSIP) grant to improve an existing curve and access along Buckley Road. The project will widen the road between Thread Lane and Buttonwood Way to increase recovery zones and add a center turn lane through a commercially zoned area.

The attached Right of Way Agreement and Easement Deed and Restrictive Covenant from Apple River & Company, LP will provide the County and its contractors with the final real property interests required to construct the proposed widening project.

This acquisition represents a negotiated settlement initiated upon a fair market value staff appraisal

and supported by a review of additional market data with consideration given to Code of Civil Procedure No. 1263.320.

Approval and execution of the Right of Way Agreement and acceptance of the related Easement Deed and Restrictive Covenant, by execution of the attached Certificate of Acceptance, will allow the Department to proceed with processing and payment pursuant to the Agreement.

Public Works will submit a copy of the executed Right of Way Agreement and the original Certificate of Acceptance to First American Title - Escrow Services for completion of the transaction. The original of the executed Right of Way Agreement is to remain with the County Clerk following the recommended Board action. The portion of the Easement Deed and Restrictive Covenant containing the Grantor's original signature is currently being held in escrow pending receipt of the original Certificate of Acceptance. The County's payment will then be issued into escrow to complete the transaction. The original Easement Deed and Restrictive Covenant is to remain with the County Clerk upon recordation at close of escrow.

Project construction is expected in the 2015/16 fiscal year.

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 Categorical Exemption Filed in Official County Records September 4, 2013.

Staff have conducted Public Outreach meetings and sent Project Updates to the affected and adjacent properties.

Caltrans is providing FHWA oversight due to Federal funding.

FINANCIAL CONSIDERATIONS

The Right of Way Agreement provides for the following compensation:

Apple River & Company, LP	\$106,000
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This project is a multi-year project budgeted in Road Fund for FY 2014-15 WBS 300490 in the amount of \$841,527. The project will receive funds from Federal Highway Safety Improvement Program (HSIP) and the Road Fund.

RESULTS

Approval of the recommended actions will result in the appropriation of the last of the new property rights required for this budgeted project. Completion of the project will provide for a safer and healthier community.

Reference: 15JAN06-C-6

ATTACHMENTS

1. Vicinity Map
2. Right of Way Agreement, Parcel 14-04
3. Easement Deed and Restrictive Covenant, and Certificate of Acceptance, Parcel 14-04