

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

(1) DEPARTMENT Public Works	(2) MEETING DATE 6/16/2015	(3) CONTACT/PHONE Phil Acosta, Right of Way Agent (805) 781-5290	
(4) SUBJECT Submittal of right of way documents accepting conveyance from Burchfield Family Trust; Ernest J. Jensen and Marjorie M. Jensen Revocable Living Trust; and Mayfield Family Trust for the Primavera Lane Drainage Project, Nipomo. District 4.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> <li>1. Approve and execute the Burchfield Family Trust Right of Way Agreement and accept the accompanying Drainage Easement Deed Parcel No. 15-06 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</li> <li>2. Approve and execute the Jensen Revocable Living Trust Right of Way Agreement and accept the accompanying Drainage Easement Deed Parcel No. 15-07 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</li> <li>3. Approve and execute the Mayfield Family Trust Right of Way Agreement and accept the accompanying Drainage Easement Deed Parcel No. 15-08 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</li> <li>4. 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.</li> </ol>			
(6) FUNDING SOURCE(S) Road Fund	(7) CURRENT YEAR FINANCIAL IMPACT \$15,400.00	(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 David E. Grim			
(18) SUPERVISOR DISTRICT(S) District 4			

# 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: 6/16/2015

SUBJECT: Submittal of right of way documents accepting conveyance from Burchfield Family Trust; Ernest J. Jensen and Marjorie M. Jensen Revocable Living Trust; and Mayfield Family Trust for the Primavera Lane Drainage Project, Nipomo. District 4.

## **RECOMMENDATION**

It is recommended that the Board:

1. Approve and execute the Burchfield Family Trust Right of Way Agreement and accept the accompanying Drainage Easement Deed Parcel No. 15-06 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
2. Approve and execute the Jensen Revocable Living Trust Right of Way Agreement and accept the accompanying Drainage Easement Deed Parcel No. 15-07 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
3. Approve and execute the Mayfield Family Trust Right of Way Agreement and accept the accompanying Drainage Easement Deed Parcel No. 15-08 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
4. 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**

Primavera Lane is located atop the Nipomo Mesa overlooking the agricultural lands of the Santa Maria Valley. Subdivision development and intensive agricultural use on the Mesa has created significant drainage runoff which then must flow off the Nipomo Mesa into the valley below. Runoff over the sand bluff at this location has deposited significant sediments onto Riverside Road and nearby fields. Previously, the County had installed a drainage structure and basin to control runoff at this location, however, stormwater runoff this past winter had overwhelmed the existing drainage system.

County Road crews have addressed the system by enlarging the inlet facilities and stabilized the pipe placement at the top of the bluff. The improvement requires additional drainage easements from adjoining properties in order to maintain the system in the future.

Temporary Right of Entry Permits were obtained from three property owners for completion of the drainage repair project subject to the conveyance of permanent easements “after-the-fact.” The acquisition of the subject Drainage Easements from three property owners (two from Tract 285 on Primavera Lane, and one fronting Riverside Road) will perfect incomplete drainage easement dedications from Tract 285 (Map Book 6, page 95) and will also expand the drainage easement areas to encompass a more optimal area required for future maintenance of this hillside area.

Additional information regarding the “project” can be found in the Notice of Exemption filed January 7, 2015 with the County Clerk (ED-14-51, 40116373).

The attached Right of Way Agreements and Drainage Easement Deeds from Burchfield Family Trust; Ernest J. Jensen and Marjorie M. Jensen Revocable Living Trust; and Mayfield Family Trust will provide the County with the necessary rights to control and maintain this critical drainage facility and related slope and drainage features.

These acquisitions are based upon fair market value determined by staff appraisals. The approval and execution of the Right of Way Agreements and the acceptance of the related Drainage Easement Deeds, by execution of the attached Certificate of Acceptance, will allow the Department to complete the three conveyances and proceed with processing and payment pursuant to the Agreements.

**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 Notice of Exemption filed January 7, 2015 with the County Clerk (ED-14-51, 40116373).

**FINANCIAL CONSIDERATIONS**

The Right of Way Agreements provide for the following compensation:

Burchfield Family Trust	\$10,750.00
Ernest J. Jensen and Marjorie M. Jensen Revocable Living Trust	\$ 1,230.00
Mayfield Family Trust	<u>\$ 3,420.00</u>
<b>Total</b>	<b><u>\$15,400.00</u></b>

This project is within the Road Fund’s budgeted amount for this activity.

**RESULTS**

Approval of the recommended actions will result in the appropriation of property rights required for this completed project and for future maintenance requirements. Completion of the project has improved safety by repairing drainage deficiencies on a steep slope lying between Primavera Lane and Riverside Road.

File: 245R12B633 (NEW Primavera Lane Drainage Project)

Reference: 15JUN16-C-15

**ATTACHMENTS**

1. Vicinity Map
2. Right of Way Agreement (15-06 Burchfield)
3. Drainage Easement Deed (15-06 Burchfield)
4. Right of Way Agreement (15-07 Jensen)
5. Drainage Easement Deed (15-07 Jensen)
6. Right of Way Agreement (15-08 Mayfield)
7. Drainage Easement Deed (15-08 Mayfield)