

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

(1) DEPARTMENT Public Works		(2) MEETING DATE 2/28/2012		(3) CONTACT/PHONE Phil Acosta, Right of Way Agent (805) 781-5290	
(4) SUBJECT Submittal of right of way documents accepting conveyance to the County of San Luis Obispo from BSR, a General Partnership, for the Los Osos Wastewater Project, Los Osos.					
(5) RECOMMENDED ACTION It is our recommendation that your Honorable Board: 1. Approve and execute the Real Property Transfer Agreement; accept the accompanying Easement Deed by execution of the attached Certificate of Acceptance, and direct the Clerk to return to the Department of Public Works for processing; and 2. 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 related documents necessary to close the transactions associated with these real property interests. • Deliver original Easement Deed upon final processing to the County Clerk's office for final recordation. 					
(6) FUNDING SOURCE(S) Los Osos Wastewater Project		(7) CURRENT YEAR FINANCIAL IMPACT \$50,000.00		(8) ANNUAL FINANCIAL IMPACT \$0.00	
(9) BUDGETED? Yes					
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation (Time Est. _____) <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Board Business					
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			(12) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(13) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A			(14) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		
(15) LOCATION MAP Attached		(16) BUSINESS IMPACT STATEMENT? No		(17) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date 1/10/12; Item 20	
(18) ADMINISTRATIVE OFFICE REVIEW					
(19) SUPERVISOR DISTRICT(S) District 2 -					

Reference: 12FEB28-C-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: 2/28/2012

SUBJECT: Submittal of right of way documents accepting conveyance to the County of San Luis Obispo from BSR, a General Partnership, for the Los Osos Wastewater Project, Los Osos.

RECOMMENDATION

It is our recommendation that your Honorable Board:

1. Approve and execute the Real Property Transfer Agreement; accept the accompanying Easement Deed by execution of the attached Certificate of Acceptance, and direct the Clerk to return to the Department of Public Works for processing; and
2. 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 related documents necessary to close the transactions associated with these real property interests.
 - Deliver original Easement Deed upon final processing to the County Clerk's office for final recordation.

DISCUSSION

On September 20, 2006, California State Governor Arnold Schwarzenegger signed Assembly Bill 2701 (Blakeslee) which allows the County, at the Board's discretion, to assume responsibility for development of a wastewater project for the community of Los Osos. The project requires the completion of a community wastewater collection system and a wastewater treatment facility. For project implementation, several parcels and easements will need to be acquired.

The subject real property interests proposed for conveyance to the County are as follows:

- a permanent easement required for a wastewater lift station and related facilities as further described and depicted in Exhibit "A" attached to the Easement Deed; and
- a Temporary Construction Easement for construction work and staging purposes as further described and depicted in Exhibit "B" attached to the Easement Deed; and

- a permanent easement for re-vegetation, open space and related purposes as further described and depicted in Exhibit "C" attached to the Easement Deed.

Previous offers to the property owner had not yielded any conclusion to the proposed acquisition. In order to facilitate the acquisition, and in light of the project schedule, your Board adopted a Resolution of Necessity for the parcel at a January 10, 2012 hearing. Subsequent to that action, the parties have reached a mutually acceptable settlement which is before you as today's item.

The acquisition of the described real property interests is based upon a statutory fair market value appraisal completed by the County's appraisal consultant. The execution of the Real Property Transfer Agreement and acceptance of the Deed by execution of the Certificate of Acceptance will allow the Department to proceed with processing and payment pursuant to the Agreement.

OTHER AGENCY INVOLVEMENT/IMPACT

The County Tax Collector and Auditor-Controller will be involved during the issuance and collection of bonds. The Office of County Counsel is providing legal guidance on all aspects of the Project and has reviewed and approved the Real Property Transfer Agreement, Easement Deed, and Certificate of Acceptance as to legal form and effect.

San Luis Obispo County Environmental Coordinator has provided the necessary environmental documents for the project. Many agencies have been involved with the project and the necessary project permits have been received from the following: Coastal Commission, County Planning & Building, and the Regional Water Quality Control Board.

FINANCIAL CONSIDERATIONS

The Real Property Transfer Agreement provides for compensation in the amount of \$50,000 for the interests encompassed by this conveyance. The project is funded under a combination of Federal (USDA), State, and Local funds and assessments budgeted under the Los Osos Wastewater Project (WBS 300448).

RESULTS

The intended result of this recommendation is to secure real property interests required for the project. Approval of the proposed transaction will allow the greatest opportunity for the project to be constructed on schedule. This project is a key element in the plan to address the wastewater issues of the community. An additional result of the recommended action will be to improve water quality in this area.

File: Los Osos Wastewater Project WBS 300448 (300337)

Reference: 12FEB28-C-4

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ATTACHMENTS

1. Vicinity Map
2. Real Property Transfer Agreement
3. Easement Deed/Certificate of Acceptance