

**EL DORADO COUNTY BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL
Meeting of December 12, 2006**

AGENDA TITLE: Conceptual Approval to the Proposed Amended Route for the Ray Lawyer Drive Extension South of Highway 50 in cooperation with the City of Placerville.

DEPARTMENT: Transportation

DEPT SIGNOFF:

CAO USE ONLY:

CONTACT: Janet Postlewait

DATE: 11-22-06

PHONE: 5993

DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION: The El Dorado County Department of Transportation (DOT) recommends the Board of Supervisors provide conceptual approval to the proposed amended route for the Ray Lawyer Drive Extension south of U.S. Highway 50 (US 50), in cooperation with and as presented by the City of Placerville.

CAO RECOMMENDATIONS: Recommend approval. Laure A. Hill 12/16/06

Financial impact? () Yes (X) No

Funding Source: () Gen Fund () Other

BUDGET SUMMARY:

Other:

Total Est. Cost \$0.00

CAO Office Use Only:

Funding

Budgeted \$0.00

New Funding \$0.00

Savings \$0.00

Other \$0.00

Total Funding \$0.00

Change in Net County Cost \$0.00

4/5's Vote Required () Yes (X) No

Change in Policy () Yes (X) No

New Personnel () Yes (X) No

CONCURRENCES:

Risk Management _____

County Counsel _____

Other _____

*Explain

BOARD ACTIONS:

Vote: Unanimous _____ Or

Ayes:

Noes:

Abstentions:

Absent:

I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors

Date: _____

Attest: Cindy Keck, Board of Supervisors Clerk

By: _____

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November 27, 2006

Board of Supervisors
330 Fair Lane
Placerville, California 95667

Title: Conceptual Approval to the Proposed Amended Route for the Ray Lawyer Drive Extension South of Highway 50 in cooperation with the City of Placerville.

Meeting Date: December 12, 2006

District/Supervisor: All Districts

Dear Members of the Board:

Recommendations:

The Department of Transportation (DOT) recommends the Board of Supervisors provide conceptual approval to the proposed amended route for the Ray Lawyer Drive Extension south of U.S. Highway 50, (US 50) in cooperation with and as presented by the City of Placerville.

Reasons for Recommendations:

The City of Placerville (City) has approached DOT with a proposal to jointly amend the route for the Ray Lawyer Drive extension south of US 50. This route was formally adopted by the City and the County in 1979 (see attached Exhibit A). As outlined in the attached staff report (Exhibit B) that was submitted to the Placerville City Council on November 13, 2006, this adopted route impacted several properties outside of the Placerville city limits and the County subsequently acquired several of these properties.

The purpose for a government entity to adopt a route alignment is to definitively fix the location and alignment of a roadway that has already been determined (in 1979) to be a necessary part of the circulation system. No immediate taking of property results, but an encumbrance upon private property when the route is delineated is shown on the affected assessors maps along the route. A no-building setback is established on each affected parcel that prohibits the property owner from building within that designated area. In this way, future right-of-way is protected so that structures are not built that would compromise the future roadway. Once the decision is made to construct the roadway, the right-of-way must then be acquired from the affected property owners in the standard manner.

In the late 1990's, the County reviewed several alternatives for an amended route to the Ray Lawyer Drive Extension to accommodate construction of the proposed comprehensive Justice Center on the County Jail site south of US 50. Due to the fact that the subject adopted alignment bisects the Jail site, a relocation further west on the site was explored at that time to allow room for a proposal that included the expansion of the jail, the relocation of juvenile hall,

new courtroom facilities and a parking garage. The amended route for Ray Lawyer Drive would maximize utilization of the site regardless of potential future County facilities.

The City is currently reviewing a commercial subdivision proposal on the property south of the jail site. The property owner considered several alternatives for their proposed professional office park and concluded that shifting the alignment to the west side of his property would more effectively serve their development proposal.

Process:

The process to formally adopt a route alignment requires compliance with the California Environmental Quality Act (CEQA). The tentative map for the new office park will incorporate the entire new route alignment into their overall CEQA document, including that portion on County owned property. The City is requesting conceptual approval at this time from the County Board of Supervisors before they proceed with the formal process. In the event the property owner does not move forward with the proposed project, City staff has indicated they may pursue the CEQA analysis and the detailed geometric alignment work in conjunction with the development of the City's Western Placerville Interchanges Project.

Fiscal Impact:

There is no fiscal impact to the County.

Net County Cost:

There is not net county cost as a result of this request.

Action to be Taken Following Approval:

The City of Placerville will proceed with the formal route adoption process and incorporate it into the tentative map process for the above mentioned development project in the City. At the conclusion of that process, and if the proposed development receives approval from the City Council, final design of this portion of Ray Lawyer Drive will be undertaken by the project engineers for the development project. At that point, a detailed legal description will be prepared that will allow the City Council and Board of Supervisors to take formal action adopting the amended alignment and rescind the affected portion of the original alignment.

Sincerely,



Richard W. Shepard, P. E.
Director of Transportation

RWS:jpg
Attachment(s)

**City of Placerville
M E M O R A N D U M**

DATE: November 13, 2006

TO: City Council

FROM: Randy Pesses, Public Works Director

cc: John Driscoll

**SUBJECT: CONCEPTUAL APPROVAL TO THE PROPOSED AMENDED
ROUTE FOR THE RAY LAWYER DRIVE EXTENSION SOUTH
OF HIGHWAY 50.**

RECOMMENDATION

1. That the City Council provide conceptual approval to the proposed amended route for the Ray Lawyer Dr. extension south of Highway 50; and,
2. Authorize city staff to present this proposed amendment to the El Dorado County Board of Supervisors for their conceptual approval.

BACKGROUND

The route for the Ray Lawyer Drive extension south of Highway 50 was developed in the 1970s, culminating with a formal route adoption approved jointly by the City of Placerville and the County of El Dorado in 1979. At that time, most of the properties South of Highway 50 along this route were vacant. However, the adopted route impacted several properties outside of Placerville city limits to the degree that the property was fully impacted, so those properties were acquired at that time by the County of El Dorado. Within the City limits, only two properties were affected by the route adoption; the first is owned by the County of El Dorado and the second is owned by Mfi Financial Corporation and Malvern Company, Inc.

Subsequent to the route adoption, a preliminary plan was prepared for an interchange at Highway 50 with Ray Lawyer Drive. In the mid-1990s, the Ray Lawyer Drive over-crossing was constructed over Highway 50 as the first step towards this complete interchange.

In the 1980s, the new county jail was constructed on County owned property south of Highway 50, through which the Ray Lawyer Drive adopted route extends. The original configuration for the county jail worked around the proposed alignment for Ray Lawyer Drive; however, in the late 1990s, the County began planning for a comprehensive

Justice Center on the property that included courtroom facilities, an expansion to the county jail, juvenile hall facilities, and a parking structure to provide parking space for the users of the facilities. Although the County elected not to move forward with the project at that time, it became apparent during the preliminary design that the adopted location for Ray Lawyer Drive would interfere with the effective utilization of the Justice Center facility. During those preliminary design studies, it was determined that the best solution was for the alignment of Ray Lawyer Drive to shift westerly towards the western boundary of the County property.

In 2003, the City, in coordination with the El Dorado County Transportation Commission, undertook the task of project development for the Western Placerville Interchanges Project, which includes the Ray Lawyer Drive interchange. In 2005, the City Council certified the Environmental Impact Report and approved the Project Report for the Western Placerville Interchanges Project and selected the project alternative that configured Ray Lawyer Drive as the continuous thoroughfare, and held Forni Road as discontinuous with offset intersections. The alternative, as adopted, also requires that the alignment of the Ray Lawyer Drive extension be shifted westerly from the adopted alignment.

On an independent but somewhat parallel track, the property owner of the property immediately south of the County's Justice Center facility (the only other property within the city affected by the Ray Lawyer Drive route adoption) elected to proceed with a tentative subdivision map to develop a professional office park on that property. In developing the land plan for the proposed office park, the property owner independently concluded that shifting the alignment of Ray Lawyer Drive westerly from its adopted location would better meet their needs with respect to the proposed lotting configuration and intended land use. The property owner has submitted a tentative map application for this proposed project that incorporates this westerly shift of Ray lawyer Drive. This tentative map is currently in process with City staff, with an expectation that it will come before the Planning Commission and the City Council in early 2007.

DISCUSSION

The action to formally adopt the route by both the City Council and the County Board of Supervisors serves to definitively fix the location and alignment of this future roadway. It does not result in the immediate taking of property, but it imposes an encumbrance upon private property when the route is delineated upon the affected assessor's maps, and it effectively establishes a no-building setback zone that prohibits the property owner from building within that designated area. Once the government entity (in this case either the City or the County) decides to proceed with the actual construction of the roadway, the actual right-of-way must be acquired from the affected properties in the conventional manner. By preserving the future right-of-way through the route adoption process, the government entity can make sure that no structures are built on the location of the future roadway and that the abutting property owners are provided with constructive notice as to the future existence of the planned roadway.

As mentioned above, in some instances the formal adoption of the roadway alignment restricts individual properties to the point that no viable useful remainder exists. In those circumstances, the government entity is obligated to acquire the affected properties at the time the route adoption occurs.

Because the adopted route for Ray Lawyer Drive exists by virtue of a formal action taken in 1979 by both the City Council and the County Board of Supervisors, to change the alignment of the adopted route will require a subsequent formal action by both bodies whereby they rescind their prior action in the area affected, and formally adopt the new route along the amended alignment.

As a first step in this process, City staff retained Dokken Engineering to produce an exhibit map that incorporates input from the County Justice Center Project, the City's Western Placerville Interchanges Project, and the proposed office park development project to establish the conceptual layout for the amended Ray Lawyer Drive alignment. This conceptual amended alignment is being presented to the City Council for consideration and approval. If approved by the City Council, staff requests authority to present this amended alignment to the County Board of Supervisors for their consideration as well.

Because a formal action amending the adopted route for Ray lawyer Drive requires compliance with CEQA, staff is requesting a conceptual approval of the amended alignment at this time so that the CEQA analysis may be incorporated into the tentative map process for the above mentioned development project. It is appropriate that this environmental analysis occur in conjunction with this development project because this segment of Ray Lawyer Drive is a component of the development proposal, in that it will provide the access to the development project.

At the conclusion of the CEQA process, and if the proposed development project receives approval from the City Council, final design of this portion of Ray Lawyer Drive will be undertaken by the project engineers for the development project. At that point, the new alignment for Ray Lawyer Drive will be sufficiently well-defined such that a detailed legal description can be prepared that will allow the City Council and Board of Supervisors to take formal action adopting the amended alignment and rescinding of the affected portion of the original alignment.

Should a circumstance occur where the property owner does not move forward with the proposed development project, City staff would recommend that the CEQA analysis and the detailed geometric alignment work be performed as an independent process, either in conjunction with the development of the County's Justice Center Project or in conjunction with the City's Western Placerville Interchanges Project.

FISCAL IMPACTS:

There are no fiscal impacts associated with this action.

Prepared by:

Randy Pesses
Director of Public Works

**Reviewed for Recommendation
And Approved for Agenda**

Reviewed for Financial Impact

John Driscoll
City Manager/ City Attorney

Dave Warren
Director of Finance