



## Legislation Details (With Text)

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**File created:** 7/20/2021      **In control:** Board of Supervisors

**On agenda:** 7/19/2022      **Final action:** 7/19/2022

**Title:** Department of Transportation recommending the Board consider the following for acquiring right of way for the Diamond Springs Parkway Phase 1B, Capital Improvement Program Project number 72334 / 36105011:

- 1) Approve and authorize the Chair to sign the Acquisition Agreement for Public Purposes and the Certificate of Acceptance accepting Grant Deed, Grant of Slope and Drainage and Public Utility Easement, and Grant of Temporary Construction Easement with Placerville Mini Storage, LLC, a California limited liability company, for Assessor's Parcel Number 327-270-018. The Fee and Easement acquisitions provide the right-of-way necessary to construct the Project, at a cost of \$2,055,000;
- 2) Approve and authorize the Chair to sign the Certificates of Acceptance accepting the Grant Deed and Easements from Seller;
- 3) Authorize the Department of Transportation Director or designee to execute the escrow instructions and any other related escrow documents pertaining to the transaction, including payment of title and escrow fees, which are estimated to be \$2,500;
- 4) Authorize the Department of Transportation Director or designee to extend the date of closure of escrow upon mutual agreement of both parties, if necessary; and
- 5) Authorize the Department of Transportation Director, or designee, to approve separate payments to the tenants who have been displaced and relocated due to the partial acquisition of this property.

**FUNDING:** Master Circulation and Funding Plan (MC&FP) (88%), and Traffic Impact Mitigation Fees - Zone 1-7 (12%).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Approved Contract Routing Sheet, 2. B - Acquisition Agreement, 3. C - Grant Deed + Certificate of Acceptance, 4. D - Grant of SDE & PUE + Certificate of Acceptance, 5. E - Grant of TCE + Certificate of Acceptance, 6. F - Project Vicinity Map, 7. Executed Acquisition Agreement

Date	Ver.	Action By	Action	Result
7/19/2022	1	Board of Supervisors	Approved	Pass

Department of Transportation recommending the Board consider the following for acquiring right of way for the Diamond Springs Parkway Phase 1B, Capital Improvement Program Project number 72334 / 36105011:

- 1) Approve and authorize the Chair to sign the Acquisition Agreement for Public Purposes and the Certificate of Acceptance accepting Grant Deed, Grant of Slope and Drainage and Public Utility Easement, and Grant of Temporary Construction Easement with Placerville Mini Storage, LLC, a California limited liability company, for Assessor's Parcel Number 327-270-018. The Fee and Easement acquisitions provide the right-of-way necessary to construct the Project, at a cost of \$2,055,000;
- 2) Approve and authorize the Chair to sign the Certificates of Acceptance accepting the Grant Deed and Easements from Seller;
- 3) Authorize the Department of Transportation Director or designee to execute the escrow

instructions and any other related escrow documents pertaining to the transaction, including payment of title and escrow fees, which are estimated to be \$2,500;

4) Authorize the Department of Transportation Director or designee to extend the date of closure of escrow upon mutual agreement of both parties, if necessary; and

5) Authorize the Department of Transportation Director, or designee, to approve separate payments to the tenants who have been displaced and relocated due to the partial acquisition of this property.

**FUNDING:** Master Circulation and Funding Plan (MC&FP) (88%), and Traffic Impact Mitigation Fees - Zone 1-7 (12%).

## **DISCUSSION / BACKGROUND**

The two-phase Diamond Springs Parkway Project (Project) was approved as part of the Master Circulation and Financing Plan in December of 1998 and will provide improved traffic circulation and safety through and around the historic town of Diamond Springs. Phase 1A has completed construction and was the first of two phases necessary to complete the entire Project.

Construction of Phase 1A began in June of 2019 and was completed in February 2022. Construction of Phase 1B is anticipated to begin in 2023.

The Project is included in the Department of Transportation's (Transportation) 2022 Capital Improvement Program (CIP).

Phase 1B will include: constructing a new connector road from Missouri Flat Road to State Route (SR) 49, signalization of three new intersections, necessary changes to turn lane capacity, sidewalk improvements for pedestrian mobility, and construction of a new parking lot adjacent to the El Dorado Trail. The Project's right-of-way phase for 1B will impact 25 parcels held by 13 property owners.

Negotiations on this acquisition began with the previous owner, Missouri Flat Self Storage, LLC dba Gold Key Storage Placerville. The property was sold on October 27, 2021, and negotiations resumed with the new owner, Placerville Mini Storage, LLC (Seller).

Due to the acquisition of this property for the Project, several tenants renting space and storage units from Placerville Mini Storage, LLC will be entitled to relocation benefits that include moving expenses. Transportation's consultant, Bender Rosenthal, Inc., specializes in relocation benefits and is currently working with these tenants. Future claims for relocation benefits will be negotiated between the consultant, tenants, and Transportation. Upon mutual agreement, reimbursements for these expenses will be issued to the tenants upon approval by the Director of Transportation or designee.

## **ALTERNATIVES**

If the Acquisition Agreement is not approved, the County will not be able to acquire this necessary right of way for the proposed Project, and the Project will not proceed as planned.

## **PRIOR BOARD ACTION**

1) September 14, 2004 (Item 81) - Project adopted as part of the Fiscal Year 2003/04 Interim CIP as project 72334, under former CIP Project name "Missouri Flat Road / Pleasant Valley Road Connector"

2) February 11, 2008 (Item 14, Legistar 08-0038) - Project adopted as part of the 2008 CIP, under the current CIP Project name

- 3) May 24, 2011 (Item 39, Legistar 11-0448) - Certified Final Environmental Impact Report adopted for the Project
- 4) December 18, 2012 (Item 57, Legistar 12-1540) - Board approved to support economic development and create special revenue fund and direct Transportation to immediately proceed with completion of design and right of way.
- 5) June 10, 2014 (Item 23, Legistar 14-0725) - Board approved commencement of acquisition process for the Project
- 6) May 3, 2016 (Item 23, Legistar 16-0370) - Certified Supplement to the 2011 Environmental Impact Report adopted for the Project
- 7) July 23, 2019 (Item 22, Legistar 19-1009) - Task Order 461-S1711-01 with Bender Rosenthal, Inc. approved to complete right of way services, including valuations/appraisals, acquisitions, and relocation services for the Project
- 8) July 14, 2020 (Item 28, Legistar 20-0828) - Board approved continued work on the Project
- 9) August 4, 2020 (Item 48, Legistar 20-1018) - Transportation authorized to begin right-of-way negotiations with Seller (as Missouri Flat Self Storage, LLC)
- 10) June 8, 2021 (Item 64, Legistar 21-0909) - Conference with Real Property Negotiator (as Missouri Flat Self Storage, LLC)

#### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel has reviewed and approved the Acquisition Agreement.

#### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

#### **FINANCIAL IMPACT**

There is no change to net County cost associated with this item. The total cost of the acquisition to be paid to the seller is \$2,055,000. Funding for the Project is included in Transportation's 2022 CIP, which was approved by the Board on June 14, 2022 (Item 48, Legistar 22-0521). The Project is funded by a combination of 40% MC&FP, 25% TIM Fees Zones 1-7, 16% SLPP, 3% TIF Zone B Fees, <1% Tribe (Historical), <1% Road Fund, and 12% To Be Determined. The acquisition portion of the project is funded by MC&FP and Traffic Impact Mitigation Fees - Zone 1-7. This project is included in the Fiscal Year 2022-23 budget.

#### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) The Clerk of the Board will obtain the Chair's signature on the Acquisition Agreement for Public Purposes.
- 2) The Clerk of the Board will obtain the Chair's signature on the three (3) Certificates of Acceptance: one (1) Grant Deed, one (1) Grant of Slope and Drainage and Public Utility Easement, and one (1) Grant of Temporary Construction Easement.
- 3) The Clerk of the Board will return one (1) copy of the fully executed Acquisition Agreement to Transportation, attention to Shanann Findley, for final processing.
- 4) The Clerk of the Board will return the three (3) Original signed Certificates of Acceptance and their associated unrecorded Grants to Transportation, attention to Shanann Findley, for final processing.

#### **STRATEGIC PLAN COMPONENT**

Infrastructure

#### **CONTACT**

Rafael Martinez, Director

Department of Transportation