



Legislation Details (With Text)

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File created: 6/20/2019 **In control:** Board of Supervisors

On agenda: 7/16/2019 **Final action:** 7/16/2019

Title: Department of Transportation recommending the Board consider the following for acquiring right of way for the Country Club Drive Realignment - Bass Lake Road to Tierra de Dios Project (Project), CIP 71360 / 36105010:

- 1) Approve and authorize the Chair to sign the Acquisition Agreement for Public Purposes and the Certificates of Acceptance accepting Grant Deeds, Grant of Public Service Easement, and Temporary Construction Easements from M.H. Mohanna a married man, as his sole and separate property, for Assessor's Parcel Numbers 119-080-12 and 119-080-23. The Fee and Easement acquisitions provide right-of-way necessary to construct the Project, at a cost of \$104,800;
- 2) 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; and
- 3) Authorize the Department of Transportation Director, or designee, to extend the date of closure of escrow upon mutual agreement of both parties if necessary.

FUNDING: This Project is funded by Developer Advanced Traffic Impact Mitigation (TIM) Zone 8 and TIM Zones 1-7 fees with future reimbursement/credit to Developer, and TIM Zone 8.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Counsel Approval, 2. B - Acquisition Agreement, 3. C - Grant Deed + COA -12, 4. D - Grant Deed + COA -23, 5. E - Public Svc Esmt + COA -23, 6. F - Temporary Const Esmt + COA -12, 7. G - Temporary Const Esmt + COA -23, 8. H - Vicinity Map, 9. Executed Acquisition Agreement

Date	Ver.	Action By	Action	Result
7/16/2019	1	Board of Supervisors	Approved	Pass

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DISCUSSION/BACKGROUND

Lennar-Winncrest (Developer), the developer of the Hawk View, Bell Woods, and Bell Ranch subdivisions in El Dorado Hills, is required to construct the Country Club Drive Realignment - Bass Lake Road to Tierra de Dios Project (Project) per the Bass Lake Hills Specific Plan, project specific Conditions of Approval, and their Development Agreement. The fee and easement acquisitions on M.H. Mohanna's (Owner) parcels are necessary to accommodate construction of the roadways and intersection improvements of the Project. The County became involved in the acquisition process when Developer was unable to purchase the needed fee and easements. On April 23, 2019 (Item 27), the Board conducted a Resolution of Necessity hearing to proceed with eminent domain when negotiations with Owner reached an impasse. In the following weeks the Department of Transportation (Transportation) and County Counsel continued negotiations with Owner and have reached an agreement for acquisition of the necessary fee and easements.

The Project is included in Transportation's 2018 Capital Improvement Program, which was approved by the Board on June 26, 2018 (Item 61).

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

Please see Discussion/Background

OTHER DEPARTMENT/AGENCY INVOLVEMENT

County Counsel has reviewed and approved the Acquisition Agreement.

CAO RECOMMENDATION/COMMENTS

It is recommended that the Board approve this item.

FINANCIAL IMPACT

The costs of the Fee and Easements is \$104,800. The costs for the title and escrow fees are estimated at \$2,500, for a total cost of \$107,300. This Project is funded by Developer Advanced TIM fees with future reimbursement/credit to Developer, and TIM Funds.

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 and the Certificates of Acceptance for the corresponding Grants, five (5) total Certificates of Acceptance.
- 2) The Clerk of the Board will return one (1) copy of the fully executed Acquisition Agreement to Transportation, attention to Jackie Cook, for final processing.
- 3) The Clerk of the Board will return the five original Grants, with their corresponding signed Certificates of Acceptance to Transportation, attention to Jackie Cook, for final processing.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

Rafael Martinez, Director
Department of Transportation