



# County of El Dorado

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## Legislation Details (With Text)

**File #:** 12-1440      **Version:** 2

**Type:** Agenda Item      **Status:** Approved

**File created:** 4/30/2015      **In control:** Board of Supervisors

**On agenda:** 5/19/2015      **Final action:** 5/19/2015

**Title:** County Counsel recommending the Board approve and authorize the Chair to sign Amendment I to Agreement for Legal Services Between El Dorado County and Meyers, Nave, Riback, Silver & Wilson (412-S1311) for general advice and litigation representation, inclusive of eminent domain, concerning the Alder Drive at EID Canal Bridge Replacement Project, the Sly Park Road at Clear Creek Road Bridge Replacement Project, and the Newtown Road at South Fork of Weber Creek - Bridge Replacement Project. (4/5 vote required)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2A - Approved Blue Route 5-19-15, 2. 2B - 2015 Amd Agreement 412-S1311 5-19-15, 3. A - Contract 12-4-12.PDF, 4. B - Meyers Nave Agreement 12-4-12.PDF, 5. Executed Amend. I 5-19-15 item 6.pdf

| Date      | Ver. | Action By            | Action   | Result |
|-----------|------|----------------------|----------|--------|
| 5/19/2015 | 2    | Board of Supervisors | Approved | Pass   |
| 12/4/2012 | 1    | Board of Supervisors | Approved | Pass   |

County Counsel recommending the Board approve and authorize the Chair to sign Amendment I to Agreement for Legal Services Between El Dorado County and Meyers, Nave, Riback, Silver & Wilson (412-S1311) for general advice and litigation representation, inclusive of eminent domain, concerning the Alder Drive at EID Canal Bridge Replacement Project, the Sly Park Road at Clear Creek Road Bridge Replacement Project, and the Newtown Road at South Fork of Weber Creek - Bridge Replacement Project. (4/5 vote required)

### Fiscal Impact/Change to Net County Cost

The costs of legal services necessary to secure right of way will be funded in the same manner as the underlying projects as follows:

Alder Drive at EID Canal Bridge Replacement Project (No. 77123): Highway Bridge Program

Sly Park Road at Clear Creek Road Bridge Replacement Project (No. 77115): 2004 GP TIM Fee, Highway Bridge Program, and RSTP Exchange Funds- Caltrans

Newtown Road at South Fork of Weber Creek - Bridge Replacement Project (No. 77122): Highway Bridge Program

### Reason for Recommendation

On December 4, 2012, the Board authorized the Chairman to sign the Agreement for Legal Services Between El Dorado County and Meyers, Nave, Riback, Silver & Wilson ("Meyers Nave") concerning the Silva Valley Interchange Project. Eminent domain proceedings concerning that project are ongoing.

County Counsel is recommending that the Board amend that agreement to engage Meyers Nave to assist the County with the acquisition of properties necessary for three other projects: the Alder Drive at EID Canal Bridge Replacement Project (No. 77123); the Sly Park Road at Clear Creek Road Bridge Replacement Project (No. 77115); and the Newtown Road at South Fork of Weber Creek - Bridge Replacement Project (No. 77122). On the first two of those projects, Transportation Division Right of Way staff identified properties with uncertain ownership and/or clouded title. In order to resolve those issues, it is likely that the County will need to file an eminent domain action. On the Newtown Road Project, some property owners have been reluctant to grant access to conduct necessary testing and surveys, so the County may need to obtain a court order to obtain such access.

Additional action by this Board will be required prior to initiating such actions. However, by engaging Meyers Nave at this stage in the acquisition process, the County will gain the benefit of their advice on alternatives to eminent domain and court-ordered access. Additionally, should eminent domain be required, Meyers Nave will provide assistance in preparing the necessary hearing documentation, filing the eminent domain action, obtaining pre-judgment possession, and any other activities necessary to complete right of way for the above-referenced projects.

**Action(s) to be taken following Board approval**

Chair will sign two originals and route one to County Counsel.

County Counsel will keep the Board apprised of the progress of the matter.

**Contact**

David Livingston