



Legislation Details (With Text)

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On agenda: 9/12/2023 **Final action:** 9/12/2023

Title: Department of Transportation recommending the Board adopt and authorize the Chair to sign Resolution 124-2023 to accept the Irrevocable Offer of Dedication from Michael D. Lindeman and Lorraine D. Lindeman, Trustees of the Lindeman Family 2005 Trust dated October 17, 2005, for road right-of-way in fee, slope and drainage and public utilities easement, and temporary construction easement pertaining to the property identified as Assessor's Parcel Number 051-250-54 in relation to the Diamond Springs Parkway Phase 1B Project, Capital Improvement Program number 72334/36105011. (Cont. 8/15/2023, Item 21)

FUNDING: N/A

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Approved Resolution Routing Sheet, 2. B - Resolution_IOD_COA, 3. C - Presentation, 4. D - DSP Expenditures As Of 08_25_2023, 5. Public Comment BOS Rcvd. 9-11-2023, 6. Executed Resolution 124-2023

Date	Ver.	Action By	Action	Result
9/12/2023	2	Board of Supervisors	Approved	Pass
8/15/2023	1	Board of Supervisors	Continued	Pass

Department of Transportation recommending the Board adopt and authorize the Chair to sign Resolution **124-2023** to accept the Irrevocable Offer of Dedication from Michael D. Lindeman and Lorraine D. Lindeman, Trustees of the Lindeman Family 2005 Trust dated October 17, 2005, for road right-of-way in fee, slope and drainage and public utilities easement, and temporary construction easement pertaining to the property identified as Assessor's Parcel Number 051-250-54 in relation to the Diamond Springs Parkway Phase 1B Project, Capital Improvement Program number 72334/36105011. (Cont. 8/15/2023, Item 21)

FUNDING: N/A

DISCUSSION / BACKGROUND

In 2009, the Department of Transportation (Transportation) received an Irrevocable Offer of Dedication (IOD) from Michael D. Lindeman and Lorraine D. Lindeman, Trustees of the Lindeman Family 2005 Trust (Lindeman Family Trust), for road right-of-way in fee, public utilities easement, public service easement, slope and drainage easement, storm drain easement, and temporary construction easement in relation to the Diamond Springs Parkway Phase 1B Project (Project). On May 25, 2010, Legistar 08-1264, Item 29, the Board signed the Consent to Making of Irrevocable Offer of Dedication dated November 25, 2009, from the Lindeman Family Trust. Transportation has reviewed the IOD and is requesting the Board accept the property as described in Exhibits A, B, A1, B1, A2, and B2 attached to the Resolution. These areas are not greater than the property described in the IOD; therefore, the area to be vacated is described in Exhibits A3 and B3 as attached to the Resolution.

As noted in the Environmental Impact Report (EIR), which was approved by the Board on May 24, 2011, Item 39, Legistar 11-0448, the Lindeman Family Trust property is the former location of the Diamond Lime Mineral Plant that operated for 50 years. The EIR noted that the property be observed for potential hazardous material releases or disposal areas during construction activities. The Phase II Environmental Site Assessment for this site was completed in 2017, and both documents recommended the Remedial Action Plan (RAP) for the lime waste mitigation of this property. On April 19, 2022, Item 27, Legistar 22-0440, the Lindeman Family Trust property was specifically discussed with the Board, and Transportation staff provided clarification on the RAP and associated budget for the Project. Acceptance of the IOD involves no compensation to the Lindeman Family Trust.

ALTERNATIVES

The Board could choose not to accept the IOD; however, this would require the County to acquire the right-of-way through the purchase-acquisition process.

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) February 9, 2021 (Item 32, Legistar 21-0178) - Diamond Springs Parkway Phase 1B Presentation, CIP 72334.
- 8) April 19, 2022 (Legistar 22-0440, Item 27) - Approved Cooperative Agreement 03-0782 with Caltrans, defining the roles, responsibilities, and funding contributions of each agency related to the Plans, and Specifications, and Estimate, Right of Way, and Construction phases of the Project.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel has reviewed and approved the Resolution.

CAO RECOMMENDATION / COMMENTS

Approve staff recommendation.

FINANCIAL IMPACT

There is no fiscal impact or change to net County cost associated with this item.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) The Clerk of the Board will obtain the Chair's signature on the Resolution and Certificate of Acceptance.
- 2) The Clerk of the Board will forward the authorized documents for recording to the County

Recorder's Office.

3) The Clerk of the Board will return the executed documents to Transportation, Fairlane Engineering, Attn: Shanann Findley.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

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Department of Transportation