



## Legislation Details (With Text)

**File #:** 09-0471      **Version:** 1

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

**File created:** 4/7/2009      **In control:** Board Of Supervisors

**On agenda:** 4/21/2009      **Final action:** 4/21/2009

**Title:** Transportation Department recommending adoption of a Resolution establishing a Road Easement and Public Utility Easements on County-owned property, in the Perks Court area, which includes authorization to record the Resolution concurrently with the Record of Survey, for the project. Resolution 079-2009

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Blue Route, 2. Vicinity Map Perks Ct, 3. Attachment A, 4. Resolution & Exh A\_B\_C, 5. RS Color Exhibits Scanned

Date	Ver.	Action By	Action	Result
4/21/2009	1	Board Of Supervisors	Approved	Pass

Transportation Department recommending adoption of a Resolution establishing a Road Easement and Public Utility Easements on County-owned property, in the Perks Court area, which includes authorization to record the Resolution concurrently with the Record of Survey, for the project.

**Resolution 079-2009**

**Fiscal Impact/Change to Net County Cost:**

There is no fiscal impact and no net cost to the County General Fund associated with this agenda item.

**Background:**

The Department of Transportation (DOT) desires to create and establish a Road Easement and Public Utility Easements across three County-owned parcels, as well as a portion of existing County right of way on Perks Court, in order to accommodate the relocation of utilities associated with the US Hwy. 50/Missouri Flat Road Interchange Project (Project). The three County owned parcels (the former Lemus/Gonzalez, Stonebraker, and Russell properties) were purchased in their entirety for right of way and construction staging purposes, prior to the start of construction for the Project.

As part of the planning and design process for the Project, it was determined that any utilities that existed in or adjacent to the right of way for Perks Court would have to be relocated, because the boundary for the new state highway right of way was being expanded into the location of the existing Perks Court. The State (Caltrans) typically does not allow longitudinal encroachments for utilities within their right of way, so the design of the Project necessitated that existing utilities that were in or along Perks Court would need to be relocated either into new right of way being created for Perks Court, or the relocation could be placed into a Public Utilities Easement. The current proposal creates a Road Easement that runs parallel to the newly established state highway right of way line, along with two separate Public Utility Easements at each end of the roadway; this location is the best location possible as it is likely that the ultimate location of Perks Court will also run parallel to the new state highway right of way line, and in any event, that location will have the least conflict with any

future development of the County-owned parcels, for any interim or long-term development scenario.

Attached hereto is Attachment 'A', which shows all of the affected parcels and the proposed land rights. Also attached hereto are the legal descriptions and depictions of said Road Easement as Exhibit A (affects the former Russell and Stonebraker parcels, and the former right of way for Perks Court), and the Public Utility Easements, as Exhibit B (affects the former Russell property), and Exhibit C (affects the former Lemus/Gonzalez property).

Also attached hereto is a preliminary copy of the Record of Survey for the US Hwy. 50/Missouri Flat Road Interchange Project, as prepared by Don Haynes, LS, Associate Land Surveyor for DOT; once the Resolution is approved by your Board, the recording information for the Resolution will be entered on the Record Survey, and all documents will be recorded concurrently.

Reason for Recommendation:

The creation and establishment of the Road Easement and Public Utility Easements across County-owned property is necessary in order to have a specific location for the relocation of utilities associated with the planned construction of the new eastbound on ramp to US Hwy. 50, as part of the US Hwy. 50/Missouri Flat Road Interchange Project, Phase 1B, Project # 71336.

Action to be taken following Board approval:

- 1) Chairman of the Board to sign the Resolution.
- 2) Clerk of the Board to coordinate with DOT and County Surveyor's Office to arrange the concurrent recording of the Resolution and the Record of Survey.

District/Supervisor: District III / James R., Sweeney  
Contact: James W. Ware, P.E., Director of Transportation  
Concurrences: County Counsel