



## Legislation Details (With Text)

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**File created:** 1/3/2023      **In control:** Board of Supervisors

**On agenda:** 7/18/2023      **Final action:** 7/18/2023

**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 Certificates of Acceptance accepting Grant Deeds, Slope and Drainage and Public Utility Easement, and Right of Way Easements with JKC3H8, L.P., a Nevada Limited Partnership for Assessor's Parcel Numbers 051-250-016, 051-250-017, 051-250-018, 051-250-019, 051-250-020, 051-250-021, 051-250-022, and 051-250-048. The Fee and Easement acquisitions provide the right-of-way necessary to construct the Project at the cost of \$504,350;
- 2) Approve and authorize the Chair to sign the Certificates of Acceptance accepting the Grant Deeds 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; and
- 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.

**FUNDING:** Master Circulation and Funding Plan (MC&FP) (88%), and Traffic Impact Mitigation Fees (TIM) - Zone 1-7 (12%). This funding is specific to the right of way portion of the project only.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Approved CRS.pdf, 2. B - Acquisition Agreement.pdf, 3. C - Grant - ROW - 16 with COA.pdf, 4. D - Grant of ROW -17 with COA.pdf, 5. E - Grant Deed -17 with COA.pdf, 6. F - Grant Deed -18 with COA.pdf, 7. G - Grant Deed -19 with COA.pdf, 8. H - Grant Deed -20 with COA.pdf, 9. I - Grant Deed -21 with COA.pdf, 10. J - Grant Deed -22 with COA.pdf, 11. K - Grant of SDE & PUE -22 with COA.pdf, 12. L - Grant of ROW - 48 with COA.pdf, 13. M - Vacinity Map.pdf, 14. Acquisition Agreement For Public Purposes, 15. Grant Of Slope, Drainage And Public Utility Easement, 16. Grant Of Right Of Way Easement Exhibit B, 17. Grant Of Right Of Way Easement Exhibit C, 18. Grant Of Right Of Way Easement Exhibit K, 19. Grant Deed Exhibit D, 20. Grant Deed Exhibit E, 21. Grant Deed Exhibit F, 22. Grant Deed Exhibit G, 23. Grant Deed Exhibit H, 24. Grant Deed Exhibit I

Date	Ver.	Action By	Action	Result
7/18/2023	1	Board of Supervisors	Approved	Pass

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### **DISCUSSION / BACKGROUND**

The two-phase Diamond Springs Parkway Project (Project) was approved as part of the Master Circulation and Financing Plan in December 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.

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 right-of-way for Phase 1B of the Project will impact 25 parcels held by 13 property owners.

Construction of Phase 1A began in June 2019 and was completed in February 2022. Construction of Phase 1B is anticipated to begin in 2024.

The Project is included in the Department of Transportation's (Transportation) 2023 Capital Improvement Program (CIP).

### **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 JKC, 3H8, LP, a CA limited partnership, as to Parcel 1 and JKC3H8, L.P., a Nevada Lmted Partnership, as to Parcel 2 (Seller).

10) February 9, 2021 (Item 32, Legistar 21-0178) - Diamond Springs Parkway Phase 1B Presentation, CIP 72334.

11) April 20, 2021 (Item 22, Legistar 21-0659) - Conference with Real Property Negotiator.

12) December 13, 2022 (Item 61, Legistar 22-2228) - Conference with Real Property Negotiator.

## **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel has reviewed and approved the Acquisition Agreement.

## **CAO RECOMMENDATION / COMMENTS**

Approve staff recommendation noting that this is for the right of way only. Total funding for the full scope of the project is still to be determined.

## **FINANCIAL IMPACTs**

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 \$504,350. Funding for the Project is included in Transportation's 2023 CIP, which was approved by the Board on June 6, 2023 (Item 56, Legistar 23-0851). The Project is funded by a combination of 40% MC&FP, 25% TIM Fees Zone 1-7, 15% SLPP, 3% TIF Zone B Fees, 3% SHOPP, 6% RSTP Advance Exchange and EDCTC, <1% Tribe (Historical), <1% Road Fund, and 7% To Be Determined. The acquisition portion of the Project is funded by MC&FP and TIM Fees - Zone 1 -7. This Project is included in the Fiscal Year 2023-24 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 ten (10) Certificates of Acceptance: six (6) Grant Deeds, one (1) Grant of Slope and Drainage and Public Utility Easement, and three (3) Grant of Right of Way Easements.

3) The Clerk of the Board will return one (1) copy of the fully executed Acquisition Agreement to Transportation, attention Laney Inglis, for final processing.

4) The Clerk of the Board will return the ten (10) Original signed Certificates of Acceptance and their associated unrecorded Grants to Transportation, attention to Laney Inglis, for final processing.

## **STRATEGIC PLAN COMPONENT**

Infrastructure

## **CONTACT**

Rafael Martinez, Director  
Department of Transportation