



# County of El Dorado

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## Legislation Text

**File #:** 07-138, **Version:** 1

Transportation Department recommending the Board:

- 1) Approve and authorize the Chairman to sign the Agreement for Possession and Use for Assessor's Parcel Number 327-130-35, owned by Real Estate Holdings, II, LLC, A Delaware Limited Liability Company, and Jack in the Box Inc., a Delaware Corporation.
- 2) Approve and authorize the Chairman to sign the Agreement For Grant of Temporary Construction Easement and Relocation of Signage, with Jack in the Box Inc., a Delaware Corporation.
- 3) Approve the Temporary Construction Easement from Jack in the Box Inc. a Delaware Corporation, and authorize the Chairman to sign the Certificate of Acceptance for the temporary easement.
- 4) Authorize the Director of Transportation or designee to execute Escrow Instructions and any other related escrow documents pertaining to these transactions, including the deposit of funds into escrow for initial disbursements that owner and tenant are entitled to per said Agreements, and payment for any associated title and escrow fees related to this initial disbursement.

**RECOMMENDED ACTION:** Approve.

**FUNDING:** 2004 General Plan Traffic Impact Mitigation Fee Program (TIM) funds.

BUDGET SUMMARY:		
Total Estimated Cost		\$81,168.
Funding		
Budgeted	\$81,168.	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$81,168.	
Change To Net County Cost		\$0

Fiscal Impact/Change to Net County Cost:

The Phase 1A project is funded with 2004 General Plan Traffic Impact Mitigation Fee Program (TIM) funds and sufficient funds are in the project budget for the subject Acquisition. The acquisition costs to the owner of \$62,900, plus an additional payment to the tenant of \$16,268, plus title and escrow fees in the amount of \$2,000, equal a total estimated cost of \$81,168.

Background:

The U.S. Hwy. 50/Missouri Flat Rd. Interchange Project #71317 requires that portions of the subject

property be acquired for right of way purposes including a partial fee acquisition and a temporary construction easement, in order to accommodate the construction for the widening of Missouri Flat Road, which will lower the profile of the intersection of Missouri Flat Road and Plaza Drive.

The approval of this Agreement for Possession and Use, the Agreement For Grant of Temporary Construction Easement and Relocation of Sign, and Temporary Construction Easement will enable the project to be certified by State Department of Transportation and allow the project to move forward to the construction phase. The property owner, Real Estate Holdings II, LLC, and the County will continue to work together as specified in the Agreement For Possession and Use, to obtain final settlement of the acquisition of land rights by the County.

Reason for Recommendation:

These Agreements and the related land rights are necessary to construct Phase 1A of the project.

Action to be taken following Board approval:

- 1) Chairman of the Board to execute the Agreement for Possession and Use with Real Estate Holdings, II, LLC, and Jack in the Box Inc.
- 2) Chairman of the Board to execute the Agreement For Grant of Temporary Construction Easement and Relocation of Signage with Jack in the Box Inc.
- 3) Chairman of the Board to execute the Certificate of Acceptance for the Temporary Construction Easement.
- 4) Board Clerk to a) retain the fully executed Agreement For Possession and Use and return a copy of the document to the DOT R/W Unit, who will record a Memorandum of the Agreement, b) retain the fully executed original Agreement For Grant of Temporary Construction Easement and Relocation of Signage, and return a copy to the DOT R/W Unit, and c) retain a copy of the Temporary Construction Easement and Certificate of Acceptance, and return the original documents to the DOT R/W Unit for further processing and recording.
- 5) Director of Transportation or designee to sign the Escrow Instructions and any related escrow documents pertaining to these transactions. All executed documents and all funds necessary to disburse any payments pertaining to the transaction, to be provided to the title company for final audit and recording.

District/Supervisor: District III / James R. Sweeney

Contact: Pete Feild, X7666 or Julie Duchscherer, X5922

Concurrences: