



# County of El Dorado

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## Legislation Details (With Text)

**File #:** 07-673 **Version:** 1

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

**File created:** 4/18/2007 **In control:** Board Of Supervisors

**On agenda:** 6/5/2007 **Final action:** 6/5/2007

**Title:** Transportation Department recommending Chairman be authorized to sign the Escrow Agreement and License Agreement with the El Dorado Hills Townhouses Association for a portion of APN 120-690-05; and authorize the Director of said Department or designee to sign the escrow instructions and any related escrow documents pertaining to said transaction, including authorization for and payment to said Association upon completion of the terms set forth in the Escrow Agreement.  
**RECOMMENDED ACTION:** Approve.

**FUNDING:** Traffic Impact Mitigation Fees

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Vicinity Map.pdf, 2. Contract Routing.pdf, 3. Landscape License.pdf, 4. Escrow Agreement.pdf

Date	Ver.	Action By	Action	Result
6/5/2007	1	Board Of Supervisors	Approved	Pass

Transportation Department recommending Chairman be authorized to sign the Escrow Agreement and License Agreement with the El Dorado Hills Townhouses Association for a portion of APN 120-690-05; and authorize the Director of said Department or designee to sign the escrow instructions and any related escrow documents pertaining to said transaction, including authorization for and payment to said Association upon completion of the terms set forth in the Escrow Agreement.

**RECOMMENDED ACTION:** Approve.

**FUNDING:** Traffic Impact Mitigation Fees

BUDGET SUMMARY:		
Total Estimated Cost		\$25,390
Funding		
Budgeted	\$25,390	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$25,390	
Change To Net County Cost		\$0

Fiscal Impact/Change to Net County Cost: None

Background:

On May 23, 2000 the Board certified the Final Environmental Impact Report/Environmental Assessment (EIR/EA) for the U.S. Highway 50/EI Dorado Hills Boulevard Interchange Project. As part of the certification the Board approved Mitigation Measure 6.3 which recommended that the residences immediately adjacent to the sound wall be permitted to landscape the side of the sound wall facing their respective residences subject to preserving the structural integrity of the sound wall, and it states "Residents should be permitted to paint, apply surfacing to, or landscape the side of the barrier facing their property following the residents submission of a screening plan for approval by the County Department of Transportation (DOT). DOT should approve plans based on preserving the structural integrity of the barrier. Costs incurred by the resident for designing and implementing approved screening plans should be reimbursed by the County of El Dorado up to \$1,500 per dwelling unit, as compensation for out-of-pocket expenses incurred by residents choosing to implement such screening". A commensurate amount would be applied to common ground areas for the El Dorado Hills Townhouses, and approved screening plans would be implemented by the Townhouses Association. Based on a calculation of the common area adjacent the sound wall, the commensurate amount was determined to be \$10,390 for the Townhouses Association common ground area.

It should be noted that there are residences on Kings Canyon Drive and Platt Circle who are also eligible for reimbursements under the Sound Wall Aesthetic Treatment Program. Those property owners will be contacted in the near future and a reimbursement plan will be presented to your Board at a later date.

Reason for Recommendation:

To fulfill the requirements of the final EIR Mitigation Measure 6.3, DOT has worked with the El Dorado Hills Townhouses Association for several months to implement the required mitigation program. The individual Townhouse Owners along the wall and the Townhouses Association, who control the common area, have agreed to work together and develop one implementation plan. To accomplish this, and to protect all parties interests, an Escrow Agreement has been prepared and Placer Title Company in El Dorado Hills will act as the Escrow Agent. This would allow the 10 individual property owners, who wish to participate in a collective plan, to pool their funds with the Townhouses Association's commensurate amount.

For construction purposes of the sound wall, an area of 7 to 8 feet beyond the sound wall was acquired in order to construct the foundation and drainage structures (see License Agreement Exhibits C & D). DOT requests that the County grant a license to the Townhouses Association in this area for landscaping purposes as allowable under Government Code Section 25537 and in accordance with County Ordinance 3.08.021, which will include noticing under Government Code 6061.

The Townhouses Association must submit any landscaping plans and DOT must approve all materials. By pre-approval of the landscape plans, any plant materials that might negatively affect the sound wall foundation or drainage structure would be prohibited; the County would still retain the right and responsibility to maintain the foundation and drainage structures while the Townhouses Association would have the responsibility for surface area maintenance (landscape maintenance, weed abatement, keeping the drainage system inlets free of debris, etc.); and the Townhouses Association would provide indemnity and proof of insurance to the County.

The Association has already obtained 10 releases from the 10 eligible Townhouse Owners. The releases relieve the County of any further obligations for any reimbursements to the individual Townhouse Owners and allows the Association to pool their funds for aesthetic treatments only. The Townhouses Association will deliver the releases to escrow upon approval of the Escrow Agreement by your Board. Copies of the releases have been reviewed by DOT and are on file.

The Association shall retain a contractor and construct and install improvements necessary to effectuate U.S. Highway 50/El Dorado Hills Boulevard Interchange Project Mitigation Measure 6.3 Sound Wall Aesthetic Treatment Program (the "Project"). Work on the Project shall be performed pursuant to the County approving all landscape plans and materials and in conformance with the License Agreement granted by the County to the Association. Upon completion of the Project, the Association shall deliver to the County a Notice of Completion of the Project, a final invoice for work performed on the Project, and a signed Mitigation Measure 6.3 release from the Association provided by the County. Also upon completion, DOT will issue an encroachment permit to the Association to enable DOT to monitor the insurance requirements required from the Association.

Upon County's receipt of the Notice of Completion of the Project, a final invoice for work performed on the Project, and a signed Mitigation Measure 6.3 release from the Association, the County shall instruct the Escrow Agent to release to the Association that portion of the Escrow Fund up to the amount of the final invoice for work performed solely on the Project and in accordance with the terms of the Escrow Agreement. The balance of the Escrow Fund, if any, shall be returned to the County.

Action to be taken following Board approval:

- 1) Chairman to sign the Escrow Agreement and License Agreement for Landscaping and Maintenance.
- 2) Board Clerk to return one fully executed copy of the Escrow and License Agreement to the DOT R/W Unit for final processing.
- 3) Director of Transportation or designee to sign the escrow instructions and any related escrow documents pertaining to the transaction, including authorization for and payment to the Townhouses Association upon completion of the terms set-forth in the Escrow Agreement.

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