



## Legislation Details (With Text)

**File #:** 19-0890      **Version:** 1

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

**File created:** 5/29/2019      **In control:** Board of Supervisors

**On agenda:** 7/16/2019      **Final action:** 7/16/2019

**Title:** Department of Transportation recommending the Board consider the following for acquiring right of way for the Industrial Drive/Missouri Flat Road-Signalization Project CIP 73366/36105053 (Project):

- 1) Approve and authorize the Chair to sign the Easement Acquisition Agreement (Agreement) for Public Purposes with Robert S. Moore and Deborah J. Moore, Trustees, or their successors in trust, under the Moore Family Trust, dated September 5, 2014 (Sellers), for Assessor's Parcel Number 329-261-12 (Parcel). The agreement allows the County to purchase an interest in the Parcel as an Access Easement between Sellers and adjacent parcel for ingress and egress purposes, and a Temporary Construction Easement (TCE). The Easement acquisitions provide right-of-way necessary to construct the Project, at a cost of \$58,000;
- 2) Approve and authorize the Chair to sign the Certificate of Acceptance accepting the TCE from Sellers;
- 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: Tribe Funds (14%), General Fund (54%), and Accumulative Capital Outlay Funds (32%).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Approved Contract Routing Sheet, 2. B - Easement Acquisition Agreement, 3. C - Grant of Access Easement, 4. D - Grant of TCE + Certificate of Acceptance, 5. E - Vicinity Map, 6. Executed Easement Acquisition Agreement

Date	Ver.	Action By	Action	Result
7/16/2019	1	Board of Supervisors	Approved	Pass

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**FUNDING:** Tribe Funds (14%), General Fund (54%), and Accumulative Capital Outlay Funds (32%).

**DISCUSSION/BACKGROUND**

Construction of the Sheriff's new Public Safety Facility requires installation of a traffic signal at the Industrial Drive/Missouri Flat Road intersection to accommodate traffic utilizing the facility. Intersection improvements include installation of a traffic signal controller and cabinet, detector loops, and widening of both Missouri Flat Road and Industrial Drive to accommodate turn lanes.

Missouri Flat Road will be widened north and south of the intersection for right and left turn lanes. Industrial Drive will also be realigned slightly to the south and widened to accommodate a left turn lane and improve sight distance at the intersection. Concrete curb ramps will be constructed to Americans with Disabilities Act standards at three of the intersection legs along with crosswalks to accommodate pedestrians along Missouri Flat Road and Industrial Drive. The roadway pavement sections of Missouri Flat Road and Industrial Drive will also be reconstructed within the Project limits.

The Department of Transportation (Transportation) is currently in the Right of Way phase of the Project. In addition to the Temporary Construction Easement, the County proposes to acquire an Access Easement and Agreement (Access Easement) by and between the Seller and the adjacent parcel known as Assessor's Parcel Number (APN) 329-261-13. The County has no ownership or interest in the Access Easement. The purpose of the Access Easement is to replace access to APN 329-261-13, which is being cut off due to construction of the Project.

**ALTERNATIVES**

If the Easement 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) March 8, 2016, 14-0133, Certified Final Environmental Impact Report adopted for the Public Safety Facility Project
- 2) June 26, 2018, 18-0616, 2018 Capital Improvement Program Book adopted, includes Project
- 3) October 16, 2018, 18-1493, Addendum to the Certified Final Environmental Impact Report for Public Safety Facility Project
- 4) March 12, 2019, 19-0375, Transportation approved to begin right-of-way negotiations with Sellers

**OTHER DEPARTMENT/AGENCY INVOLVEMENT**

County Counsel has reviewed and approved the Easement Acquisition Agreement.

**CAO RECOMMENDATION/COMMENTS**

It is recommended that the Board approve this item.

**FINANCIAL IMPACT**

Costs for this project have been divided among several funding sources. As part of the Fiscal Year 2018-19 Budget, the Board allocated \$1,241,000 in General Fund for the intersection due to the need for improvements at the Public Safety Facility. \$750,000 was allocated in Accumulative Capital Outlay funding. Transportation recommended that \$159,000 in Tribe Agreement funding be used for the remaining costs. The cost for the Industrial intersection has increased by \$155,000 due to the addition of traffic signal communication conduit, future Intelligent Traffic System (ITS) communication

conduit, and future broadband communication conduit. The project cost estimate change amount was noted in the 4/22/19 agenda, Legistar 19-0522. The Board approved the item with changes to these CIP projects as noted. Due to the increase in costs, it recommended that the new total for Tribe Agreement funding be \$313,908. This changed project cost percentages to: 14% Tribe, 54% General Fund, and 32% ACO.

The cost of the Easements is \$58,000. The costs for the title and escrow fees are estimated at \$2,500, for a total cost of \$60,500. The project is planned to span until Fiscal Year 2020-21. \$165,000 revenue is included in the 2018-19 budget from ACO to cover 2018-19 costs and \$147,500 is budgeted from ACO to cover 2019-20 costs. In the future years the Transportation Department budget requests will include remaining expenses.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) The Clerk of the Board will obtain the Chair's signature on the Easement Acquisition Agreement for Public Purposes.
- 2) The Clerk of the Board will obtain the Chair's signature on the Certificate of Acceptance for the Grant of Temporary Construction Easement.
- 3) The Clerk of the Board will return one (1) copy of the fully executed Easement Acquisition Agreement to Transportation, attention to Jackie Cook, for final processing.
- 4) The Clerk of the Board will return one (1) original of the signed Certificate of Acceptance to Transportation, attention to Jackie Cook, for final processing.

### **STRATEGIC PLAN COMPONENT**

Infrastructure

### **CONTACT**

Rafael Martinez, Director  
Department of Transportation