



Legislation Details (With Text)

File #:	21-0055	Version:	1
Type:	Agenda Item	Status:	Approved
File created:	1/5/2021	In control:	Board of Supervisors
On agenda:	3/16/2021	Final action:	3/16/2021
Title:	<p>Department of Transportation recommending the Board consider the following for acquiring right of way for the Diamond Springs Parkway Phase 1B Project, CIP 72334/36105011 (Project):</p> <p>1) Approve and authorize the Chair to sign the Acquisition Agreement for Public Purposes and the Certificates of Acceptance accepting a Grant Deed, Slope and Drainage Easement, Public Utility Easement, and Temporary Construction Easement with AmeriGas Propane, L.P., a Delaware limited partnership, who acquired title as, Cornerstone Propane Operating LLC, a Delaware limited liability company successor by merger to Cornerstone Propane, L.P. a Delaware limited partnership (Seller), for Assessor's Parcel Number 051-250-023. The Fee and Easement acquisitions provide right-of-way necessary to construct the Project, at a cost of \$39,500;</p> <p>2) Approve and authorize the Chair to sign the Certificates of Acceptance accepting the Easements from Seller;</p> <p>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</p> <p>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.</p> <p>FUNDING: Missouri Flat Area Master Circulation and Financing Plan Funds (MC&FP).</p>		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. A - Approved CRS, 2. B - Acquisition Agreement, 3. C - Grant Deed + Certificate of Acceptance, 4. D - Grant of SDE + Certificate of Acceptance, 5. E - Grant of PUE + Certificate of Acceptance, 6. F - Grant of TCE + Certificate of Acceptance, 7. G - Project Vicinity Map, 8. Executed Acquisition Agreement, 9. Executed Grant Deed, 10. Executed SDE, 11. Executed PUE, 12. Executed TCE		

Date	Ver.	Action By	Action	Result
3/16/2021	1	Board of Supervisors	Approved	Pass

Department of Transportation recommending the Board consider the following for acquiring right of way for the Diamond Springs Parkway Phase 1B Project, CIP 72334/36105011 (Project):

1) Approve and authorize the Chair to sign the Acquisition Agreement for Public Purposes and the Certificates of Acceptance accepting a Grant Deed, Slope and Drainage Easement, Public Utility Easement, and Temporary Construction Easement with AmeriGas Propane, L.P., a Delaware limited partnership, who acquired title as, Cornerstone Propane Operating LLC, a Delaware limited liability company successor by merger to Cornerstone Propane, L.P. a Delaware limited partnership (Seller), for Assessor's Parcel Number 051-250-023. The Fee and Easement acquisitions provide right-of-way necessary to construct the Project, at a cost of \$39,500;

2) Approve and authorize the Chair to sign the Certificates of Acceptance accepting the 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: Missouri Flat Area Master Circulation and Financing Plan Funds (MC&FP).

DISCUSSION/BACKGROUND

The two-phase Diamond Springs Parkway Project (Project) was approved as part of the Master Circulation and Financing Plan in December of 1998 and will provide improved traffic circulation and safety through and around the historic town of Diamond Springs. Phase 1A, currently under construction, 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 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 phase for Phase 1B of the Project will impact 25 parcels held by 13 property owners.

Construction of Phase 1A began in June of 2019. Construction of Phase 1B is anticipated to begin in 2022.

The Project is included in the Department of Transportation's (Transportation) 2020 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, 08-0038, Item 14, Project adopted as part of the 2008 CIP, under the current CIP Project name
- 3) May 24, 2011, 11-0448, Item 39, Certified Final Environmental Impact Report adopted for the Project
- 4) December 18, 2012, 12-1540, Item 57, 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, 14-0725, Item 23, Board approved commencement of acquisition process for the Project
- 6) May 3, 2016, 16-0370, Item 23, Certified Supplement to the 2011 Environmental Impact Report adopted for the Project
- 7) July 23, 2019, 19-1009, Item 22, 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, 20-0828, Item 28, Board approved continued work on the Project
- 9) August 4, 2020, 20-1018, Item 48, Transportation authorized to begin right-of-way negotiations with Seller

OTHER DEPARTMENT/AGENCY INVOLVEMENT

County Counsel has reviewed and approved the Acquisition Agreement.

CAO RECOMMENDATION/COMMENTS

Approve as recommended.

FINANCIAL IMPACT

The total cost of the acquisition to be paid to the seller is \$39,500. There is no change to net County cost associated with this item. Funding for the Project is included in Transportation's 2020 CIP, which was approved by the Board on June 9, 2020 (Item 54). The acquisition is funded by MC&FP funds. This project is included in the Fiscal Year 2020-21 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 the four (4) Certificates of Acceptance: one Grant Deed, one Grant of Slope and Drainage Easement, one Grant of Public Utility Easement, and one Grant of Temporary Construction Easement.
- 3) The Clerk of the Board will return one (1) copy of the fully executed Acquisition Agreement to Transportation, attention to Lindsay Tallman, for final processing.
- 4) The Clerk of the Board will return the four (4) Original signed Certificates of Acceptance to Transportation, attention to Lindsay Tallman, for final processing.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

Rafael Martinez, Director
Department of Transportation