



## Legislation Details (With Text)

**File #:** 21-0849      **Version:** 1

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**File created:** 5/10/2021      **In control:** Board of Supervisors

**On agenda:** 6/8/2021      **Final action:** 6/8/2021

**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 a Grant Deed, Slope and Drainage Easement, Public Utility Easement, and Temporary Construction Easement with Steven P. Stymeist, as Trustee of the Steven P. Stymeist 2005 Revocable Separate Property Trust, for Assessor's Parcel Number 051-250-039. The Fee and Easement acquisitions, as well as appraisal reimbursement, provide right-of-way necessary to construct the Project, at a cost of \$75,310;
- 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: Master Circulation and Funding Plan (MC&FP).

**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 b, 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. Temp Construction Easement (recorded), 10. Public Utility Easement (recorded), 11. Slope & Drainage Easement (recorded), 12. Grant Deed (recorded)

Date	Ver.	Action By	Action	Result
6/8/2021	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, 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 a Grant Deed, Slope and Drainage Easement, Public Utility Easement, and Temporary Construction Easement with Steven P. Stymeist, as Trustee of the Steven P. Stymeist 2005 Revocable Separate Property Trust, for Assessor's Parcel Number 051-250-039. The Fee and Easement acquisitions, as well as appraisal reimbursement, provide right-of-way necessary to construct the Project, at a cost of \$75,310;
- 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:** Master Circulation and Funding Plan (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 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 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), and will be included in the forthcoming 2021 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 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 Steven P. Stymeist, as Trustee of the Steven P. Stymeist 2005 Revocable Separate Property Trust, is \$75,310, to be funded by MC&FP funds. 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 (Legistar# 20-0675, Item 54). The Project is funded by a combination of 41% MC&FP, 21% TIM Fees Zones 1-7, 15% TIF Zone B Fees, 18% SLPP, <1% Tribe (Historical), <1% Road Fund, and 4% To Be Determined. This project is included in the Fiscal Year 2020-21 budget; the funding breakdown presented reflects the 2021 CIP sources.

### **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 and their associated unrecorded Grants to Transportation, attention to Lindsay Tallman, for final processing.

### **STRATEGIC PLAN COMPONENT**

Infrastructure

### **CONTACT**

Rafael Martinez, Director  
Department of Transportation