



Legislation Details (With Text)

File #:	21-1541	Version:	1
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File created:	9/20/2021	In control:	Board of Supervisors
On agenda:	11/16/2021	Final action:	11/16/2021
Title:	<p>Department of Transportation, recommending the Board consider the following for acquiring right of way for the Diamond Springs Parkway Phase 1B, Capital Improvement Program Project number 72334 / 36105011:</p> <ol style="list-style-type: none">1) Approve and authorize the Chair to sign the Acquisition Agreement for Public Purposes and the Certificate of Acceptance accepting a Grant Deed with Kathryn E. Cain, Trustee of the John D. Gilmore Living Trust dated October 23, 2018, for Assessor's Parcel Numbers 327-270-026 and 327-270 -027. The Fee acquisition, as well as appraisal reimbursement, provides right-of-way necessary to construct the Project, at a cost of \$593,000;2) Approve and authorize a separate payment to Gilmore Heating and Air, the claimant operating on the property, for relocation expenses invoiced at \$51,775.99;3) Approve and authorize the Chair to sign the Certificate of Acceptance accepting the Grant Deed from seller;4) 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; and5) 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>FUNDING: Master Circulation & Financing Plan (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 - Project Vicinity Map, 5. E - Gilmore Heating & Air Claim, 6. Executed Acquisition Agreement, and Unrecorded Grant Deed & Certificate of Acceptance, 7. Grant Deed (recorded)		

Date	Ver.	Action By	Action	Result
11/16/2021	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, Capital Improvement Program Project number 72334 / 36105011:

- 1) Approve and authorize the Chair to sign the Acquisition Agreement for Public Purposes and the Certificate of Acceptance accepting a Grant Deed with Kathryn E. Cain, Trustee of the John D. Gilmore Living Trust dated October 23, 2018, for Assessor's Parcel Numbers 327-270-026 and 327-270 -027. The Fee acquisition, as well as appraisal reimbursement, provides right-of-way necessary to construct the Project, at a cost of \$593,000;
- 2) Approve and authorize a separate payment to Gilmore Heating and Air, the claimant operating on the property, for relocation expenses invoiced at \$51,775.99;
- 3) Approve and authorize the Chair to sign the Certificate of Acceptance accepting the Grant Deed from seller;
- 4) 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

5) 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 & Financing 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.

Due to the acquisition of this property for the above-referenced Project, Gilmore Heating and Air (Claimant), is entitled to relocation benefits that include moving expenses. Four bids were received for relocation expenses with the lowest contractor's bid price at \$51,775.99. The Claimant agreed to this amount and their claim has been received. The amount of \$51,775.99 is slightly higher than the previously estimated cost of \$50,000.

The Project is included in the Department of Transportation's (Transportation) 2021 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 (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

10) April 20, 2021 (Item 29, Legistar 21-0660) - Conference with Real Property Negotiator

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 \$593,000. The total relocation expense to be paid to the Claimant is \$51,775.99. There is no change to net County cost associated with this item. Funding for the Project is included in Transportation's 2021 CIP, which was approved by the Board on June 8, 2021 (Item 54, Legistar 21-0624). This phase of the Project is funded by MC&FP.

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 Certificate of Acceptance for the Grant Deed.

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 Original signed Certificate of Acceptance and its associated unrecorded Grant to Transportation, attention to Lindsay Tallman, for final processing.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

Rafael Martinez, Director

Department of Transportation