



Legislation Details (With Text)

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File created: 4/7/2022 **In control:** Board of Supervisors

On agenda: 6/28/2022 **Final action:** 6/28/2022

Title: Department of Transportation recommending the Board adopt and authorize the Chair to sign Resolution 095-2022 to reaffirm the acceptance of an Irrevocable Offer of Dedication for Road Right-of-Way (in fee) on Assessor's Parcel Number 120-070-003-000 as part of the Saratoga Estates project.

FUNDING: Road Fund.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Counsel Approval, 2. B - Proposed Resolution, 3. C - Recorded IOD, 4. D - Executed Resolution 167-2020, 5. Executed Resolution 095-2022

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|----------|--------|
| 6/28/2022 | 1 | Board of Supervisors | Approved | Pass |

Department of Transportation recommending the Board adopt and authorize the Chair to sign Resolution **095-2022** to reaffirm the acceptance of an Irrevocable Offer of Dedication for Road Right-of-Way (in fee) on Assessor's Parcel Number 120-070-003-000 as part of the Saratoga Estates project.

FUNDING: Road Fund.

DISCUSSION / BACKGROUND

On September 13, 2016 (Item 36, Legistar 16-0533 v3), the Board approved the Community Benefit and Development Agreement (DA) for Saratoga Estates (Project) with Sunset Tartesso, LLC (Developer). The DA set forth the terms and conditions for the construction of the offsite improvements and allowed the Developer to construct Saratoga Way in accordance with approved plans.

While the majority of the right-of-way necessary for Saratoga Way was on property owned by the Developer and was dedicated on the approved final maps for the Project, Assessor's Parcel Number 120-070-003-000 (Parcel) was not owned by the Developer and needed to be acquired to facilitate construction of the road improvements. This Irrevocable Offer of Dedication (IOD) allowed for future road right-of-way, on a portion of the Parcel, and satisfied the Conditions of Approval for the Project. It was formally accepted by the Board via Resolution 167-2020 on November 10, 2020 (Item 28, Legistar 20-1286), and the IOD was recorded on November 13, 2020.

Subsequently, the Department of Transportation (Transportation) discovered a typographical error in Resolution 167-2020, though the IOD as recorded is correct. To correct the error, Transportation worked with County Counsel to draft this proposed resolution to reflect the correct parcel information and reaffirm the Board's acceptance of the dedication of said parcel.

ALTERNATIVES

Due to the error in Resolution 167-2020, Transportation has been unable to process the cancellation of property taxes in cooperation with the Auditor's Office, as allowed in California Revenue and Tax Code Section 5081 et seq. If the proposed resolution is not adopted, Transportation will be liable for property taxes on the dedicated parcel from the date of dedication going forward.

PRIOR BOARD ACTION

Outlined in the Discussion / Background section above.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel, Auditor's Office, Property Tax Division

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

There is no fiscal impact or Net County Cost associated with this item.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) The Clerk of the Board will obtain the Chair's signature on one (1) original of the Resolution.
- 2) The Clerk of the Board will return a copy of the executed documents to the Department of Transportation, attn. Lindsay Tallman, for further processing.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

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Department of Transportation