



Legislation Details (With Text)

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Type:	Agenda Item	Status:	Approved
File created:	8/9/2022	In control:	Board of Supervisors
On agenda:	8/30/2022	Final action:	8/30/2022
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> <p>1) Approve and authorize the Chair to sign the Acquisition Agreement for Public Purposes and the Certificates of Acceptance accepting Grant Deeds, Slope and Drainage Easements, and Public Utility Easements with James E. Teter and Elizabeth Ann Teter, Trustees under The Teter 1991 Revocable Living Trust dated July 22, 1991, for Assessor's Parcel Numbers 327-270-043, 327-270-046, and 327-270-050. The Fee and Easement acquisitions provide right-of-way necessary to construct the Project, at a cost of \$448,800;</p> <p>2) Approve and authorize the Chair to sign the Certificates of Acceptance accepting the Grant Deeds and Easements from seller;</p> <p>3) Authorize the Department of Transportation Director, or Deputy Director of Engineering, to execute the escrow agreement, 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 Deputy Director of Engineering, to extend the date of closure of escrow upon mutual agreement of both parties, if necessary.</p> <p>FUNDING: Master Circulation and Funding Plan (MC&FP) (88%), and Traffic Impact Mitigation Fees - Zone 1-7 (12%).</p>		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. A - Approved Contract Route Sheet, 2. B - Acquisition Agreement, 3. C - Grant1 Deed-043 + Certificate of Acceptance, 4. D - Grant2 Deed-043 + Certificate of Acceptance, 5. E - Grant SDE-043 + Certificate of Acceptance, 6. F - Grant PUE-043 + Certificate of Acceptance, 7. G - Grant Deed-046 + Certificate of Acceptance, 8. H - Grant SDE-046 + Certificate of Acceptance, 9. I - Grant PUE-046 + Certificate of Acceptance, 10. J - Grant1 Deed-050 + Certificate of Acceptance, 11. K - Grant2 Deed-050 + Certificate of Acceptance, 12. L - Grant SDE-050 + Certificate of Acceptance, 13. M - Grant PUE-050 + Certificate of Acceptance, 14. N - Project Vicinity Map, 15. Executed Acquisition Agreement, 16. Recorded Grant of PUE -046, 17. Recorded Grant of SDE -046, 18. Recorded Grant of SDE -050, 19. Recorded Grant of PUE -050, 20. Recorded Grant Deed2 -050, 21. Recorded Grant Deed -050, 22. Recorded Grant Deed -046, 23. Recorded Grant of SDE -043, 24. Recorded Grant of PUE -043, 25. Recorded Grant Deed2 -043, 26. Recorded Grant Deed -043		

Date	Ver.	Action By	Action	Result
8/30/2022	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 Grant Deeds, Slope and Drainage Easements, and Public Utility Easements with James E. Teter and Elizabeth Ann Teter, Trustees under The Teter 1991 Revocable Living Trust dated July 22, 1991, for Assessor's Parcel Numbers 327-270-043, 327-270-046, and 327

-270-050. The Fee and Easement acquisitions provide right-of-way necessary to construct the Project, at a cost of \$448,800;

2) Approve and authorize the Chair to sign the Certificates of Acceptance accepting the Grant Deeds and Easements from seller;

3) Authorize the Department of Transportation Director, or Deputy Director of Engineering, to execute the escrow agreement, 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 Deputy Director of Engineering, to extend the date of closure of escrow upon mutual agreement of both parties, if necessary.

FUNDING: Master Circulation and Funding Plan (MC&FP) (88%), and Traffic Impact Mitigation Fees - Zone 1-7 (12%).

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, has completed construction and 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 and completed in February 2022. Construction of Phase 1B is anticipated to begin in 2023.

The Project is included in the Department of Transportation's (Transportation) 2022 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 James E. Teter and Elizabeth Ann Teter, Trustees under The Teter 1991 Revocable Living Trust dated July 22, 1991 (Seller)
- 10) April 20, 2021 (Item 27, Legistar 21-0658) and July 20, 2021 (Item 19, Legistar 21-1157) - Conferences with Real Property Negotiator
- 11) August 31, 2021 (Item 22, Legistar 21-0883) - Original Acquisition Agreement approved by Board; did not close escrow
- 12) March 15, 2022 (Item 22, Legistar 22-0484) - Conference with Real Property Negotiator
- 13) April 5, 2022 (Item 31, Legistar 22-0241) - Resolution of Necessity approved by Board
- 14) July 19, 2022 (Item 50, Legistar 22-1127) - 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

There is no change to net County cost associated with this item. The total cost of the acquisition to be paid to the seller is \$448,800. Funding for the Project is included in Transportation's 2022 CIP, which was approved by the Board on June 14, 2022 (Item 48, Legistar 22-0521). The Project is funded by a combination of 40% MC&FP, 25% TIM Fees Zone 1-7, 16% SLPP, 3% TIF Zone B Fees, <1% Tribe (Historical), <1% Road Fund, and 12% To Be Determined. The acquisition portion of the Project is funded by MC&FP and TIM Fees - Zone 1-7. This Project is included in the Fiscal Year 2022-23 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 eleven (11) Certificates of Acceptance: five (5) Grant Deeds, three (3) Grants of Slope and Drainage Easements, and three (3) Grants of Public Utility Easements.
- 3) The Clerk of the Board will return one (1) copy of the fully executed Acquisition Agreement to Transportation, attention to Shanann Findley, for final processing.
- 4) The Clerk of the Board will return the eleven (11) Original signed Certificates of Acceptance and their associated unrecorded Grants to Transportation, attention to Shanann Findley, for final processing.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

Rafael Martinez, Director

Department of Transportation