



Legislation Details (With Text)

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Type: Agenda Item **Status:** Approved

File created: 8/14/2022 **In control:** Board of Supervisors

On agenda: 10/11/2022 **Final action:** 10/11/2022

Title: Department of Transportation recommending the Board:
 1) Approve the Appraisal Cost Reimbursement Agreement boilerplate, subject to minor modifications by County Counsel; and
 2) Approve the Resolution 155-2022 to Authorize the Department of Transportation Director to Execute Appraisal Cost Reimbursement Agreements as necessary for the Right-of-Way acquisition process.

FUNDING: N/A

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Approved Contract Request Form.pdf, 2. B - ACRA Template.pdf, 3. C - Approved Resolution Route Sheet.pdf, 4. D - Resolution.pdf, 5. Executed Resolution 155-2022

Date	Ver.	Action By	Action	Result
10/11/2022	1	Board of Supervisors	Approved	Pass

Department of Transportation recommending the Board:
 1) Approve the Appraisal Cost Reimbursement Agreement boilerplate, subject to minor modifications by County Counsel; and
 2) Approve the Resolution **155-2022** to Authorize the Department of Transportation Director to Execute Appraisal Cost Reimbursement Agreements as necessary for the Right-of-Way acquisition process.

FUNDING: N/A

DISCUSSION / BACKGROUND

The Department of Transportation (Transportation) manages and oversees public works, Capital Improvement Program (CIP) projects, and contracts for public facilities. Transportation intends to purchase necessary real property interests for CIP and public facility projects. It is necessary for Transportation to negotiate with property owners to purchase the necessary real property interests using the values in the County appraisals.

The California Code of Civil Procedure Section 1263.025 states a public entity shall offer to pay the reasonable costs, not to exceed five thousand dollars (\$5,000), of an independent appraisal ordered by the owner of a property that the public entity offers to purchase under a threat of eminent domain, at the time the public entity makes the offer to purchase the property.

Transportation has commonly required property owners who want to obtain an independent appraisal to enter into an Appraisal Cost Reimbursement Agreement (ACRA), which sets forth the basis for reimbursement for the appraisal.

On August 28, 2012, Item 22, Legistar 12-1048, the Board delegated to the Director of Transportation (Director) the authority to execute an ACRA as necessary. At that time, the Board did not adopt a Resolution to delegate that power. This Resolution will formally authorize the Director to execute ACRA's up to \$5,000.

ALTERNATIVES

If the Board chooses not to approve the Resolution and withdraw the delegation of power given to the Director of Transportation on August 28, 2012, to execute ACRA's up to \$5,000.

PRIOR BOARD ACTION

See Discussion / Background section.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel has reviewed and approved the ACRA and Resolution.

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

There is no change to Net County Cost associated with this item. The obligation will result when an ACRA is executed.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) Clerk of the Board will obtain the Chair's signature on the one (1) original copy of the Resolution.
- 2) Clerk of the Board will forward one (1) executed copy of the Resolution to Transportation, Fairlane Engineering, attention of Laney Inglis.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

Rafael Martinez, Director
Department of Transportation