



Legislation Text

File #: 12-1048, **Version:** 1

Department of Transportation recommending the Board:

- 1) Approve the Appraisal Cost Reimbursement Agreement boilerplate, subject to minor modifications by County Counsel's office; and
- 2) Authorize the Interim Director of Transportation or her designee to execute said Agreement as necessary for the Right of Way acquisition process.

FUNDING: Various Capital Improvement Program (CIP) and Environmental Improvement Program (EIP) funding sources that fund the Department's CIP and EIP projects.

Fiscal Impact/Change to Net County Cost

Funding for the Agreement will be provided by various Capital Improvement Program (CIP) and Environmental Improvement Program (EIP) funding sources that fund the Department's CIP and EIP projects.

Background

SB 1210 was state legislation that changed eminent domain law and became effective January 1, 2007. Specifically, public entities must offer to pay the reasonable costs (up to \$5,000) of an independent appraisal ordered by the owner of a property that the entity offers to purchase all or a portion thereof for right of way purposes. The California Code of Civil Procedure Section 1263.025 provides the parameters for implementing the law, including that the appraiser must be licensed by the Office of Real Estate Appraisers.

Reason for Recommendation

In order to be in compliance with the statute and the information contained in the County's Summary Statement Relating to the Purchase of Real Property or an Interest Therein, the County needs to have an approved Appraisal Cost Reimbursement Agreement (ACRA) form in place for use by County staff and their consultants, in the continuing effort to acquire the necessary right of way for various County road improvement projects. Additionally, a County official or their designee needs to be authorized by the Board to execute the ACRA on behalf of the County, in order to efficiently and timely process requests for reimbursement from property owners.

Action(s) to be taken following Board approval

1. The Acting Clerk of the Board will provide the Department of Transportation (Department) with a certified copy of the Minutes and action taken for this Agenda item.
2. The Department's Interim Director will execute said Agreement on individual Right of Way acquisitions as necessary.

Contact

Kim Kerr, Interim Director
Department of Transportation

Concurrences

County Counsel