



Legislation Text

File #: 18-1078, **Version:** 1

Community Development Services, Department of Transportation, recommending the Board approve and authorize the Chair to sign Agreement for Funding of Right of Way Acquisition Costs 18-54835 with Lennar Winncrest, LLC pertaining to the Country Club Drive Realignment - Bass Lake Road to Tierra de Dios Drive Project, CIP 71360.

FUNDING: Developer Funded.

DEPARTMENT RECOMMENDATION

Community Development Services, Department of Transportation (Transportation), recommending the Board approve and authorize the Chair to sign Agreement for Funding of Right of Way Acquisition Costs 18-54835 (Agreement) with the developer, Lennar Winncrest, LLC (Developer), pertaining to the Country Club Drive Realignment - Bass Lake Road to Tierra de Dios Drive Project, CIP 71360.

DISCUSSION / BACKGROUND

The County and Developer have entered into several agreements (listed below) for the development of three residential subdivision projects in the Bass Lake Specific Plan area (Bell Woods, Bell Ranch and Hawk View). A common condition for each project is for the Developer to perform the design, acquisition of right-of-way, and construction (or funding for construction) of the Country Club Drive realignment project between Bass Lake Road and Tierra de Dios Drive. Each of the agreements also includes a provision under which the County would assist in securing the necessary right-of-way should the developer be unable to. This provision for County right-of-way acquisition is consistent with County Ordinance and State Subdivision Map Act Law.

To date, the Developer has been unable to secure the right-of-way for two parcels on the Country Club project and has asked the County to assist in the acquisition. The subject Agreement provides the mechanism for the County to pursue the right-of-way acquisition, and the developer to pay the County for the cost of the acquisitions, including staff and legal fees.

The following are the specific agreements, provisions and approvals made for development projects which require consideration of this item:

On September 19, 2017, the Board approved the Bell Woods Community Benefit and Development Agreement (DA)16-0002 (Item 24), the Bell Ranch DA16-0003 (Item 23), and the Hawk View DA 16-0001 (Item 22) with the Developer.

Condition No. 22 of the Bell Ranch DA, Condition No. 24 of the Hawk View DA, and Condition No. 25 of the Bell Woods DA require the Developer to realign Country Club Drive (aka Tierra De Dios Drive, aka City Lights Drive).

Condition No. 21 of the Bell Ranch DA, Condition No. 15 of the Hawk View DA, Condition No. 24 of the Bell Woods DA, and Section 3.2.2 of the each DA provide that if the Developer does not have or cannot obtain certain interests in the property necessary to allow them to make required off-site

improvements, the County may acquire the necessary rights by negotiation or through other proceedings, including eminent domain.

ALTERNATIVES

The previously approved DA's and State Law obligate the County to assist in the proposed right-of-way acquisitions.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel and Risk Management

CAO RECOMMENDATION / COMMENTS

It is recommended that the Board approve this item.

FINANCIAL IMPACT

There is no fiscal impact or change to 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 two (2) originals of the Agreement.
- 2) The Clerk of the Board will return one (1) fully executed original to Transportation, Attn.: Julie Millard, for further processing.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

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