



Legislation Text

File #: 19-0009, **Version:** 1

Department of Transportation recommending the Board approve and authorize the Chair to sign Agreement for Funding of Right of Way Acquisition Costs 18-54899 with Lennar Winncrest, LLC pertaining to construction of Morrison Road - Tierra de Dios Drive to Hollow Oak Road.

FUNDING: Developer Funded.

DISCUSSION / BACKGROUND

On September 19, 2017 (Item 23), the Board approved the Bell Ranch Community Benefit and Development Agreement (Agreement) DA 16-0003 between the County and Lennar Winncrest, LLC (Developer) for the development of the Bell Ranch subdivision project in the Bass Lake Hills Specific Plan area. Conditions 15 and 25 of the Agreement require the Developer to perform the design, acquisition of right-of-way, and construction of Morrison Road between Country Club Drive (realigned) and Hollow Oak Road.

Condition 21 and Section 3.2.2 of the Agreement, along with California Government Code Section 66462.5, provide that if the Developer does not have or cannot obtain certain interest 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.

To date, the Developer has been unable to secure the right-of-way for two (2) parcels on the Morrison Road 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 reimburse the County for the cost of the acquisitions, including staff costs, survey costs, appraisal costs, costs for title searches and guarantees, consultant and expert fees, attorney fees, court costs, costs for preparation of the acquisition agreement, costs of public notice, and actual compensation to the property owners for purchase of the properties themselves and interest thereon.

ALTERNATIVES

The previously approved Agreement and State Law obligate the County to assist in the proposed right-of-way acquisition.

PRIOR BOARD ACTION

Please see Discussion / Background section above

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.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

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Department of Transportation