CREATION: 030702
SOURCE : PUBWK
AGENDATE: 031902
INVENUM : 50528
RESOLUTN: 802002
ORDINANC:
CONTRACT:
CONTINUE:

INDEX -Letter of Public Works-Real Property Division dated March 7, 2002
-Right of Entry
-Addendum to Right of Entry

ITEM 047. ADOPTED RESOLUTION NO. 80-2002 for right-of-way acquisition for the Happy Valley Road Culvert Replacement project and approved payment of claim, as recommended by the Director of Pub1ic Works

County of Santa Cruz

DEPARTMENT OF PUBLIC WORKS - REAL PROPERTY DIVISION
701 OCEAN STREET, ROOM 410, SANTA CRUZ, CA 95060-4070
(831) 454-2331 FAX (831) 454-2123
THOMAS L. BOLICH
DIRECTOR OF PUBLIC WORKS
CHIEF REAL PROPERTY AGENT

APPROVED AND FILED
BOARD OF SUPERVISORS
DATE: 3/19/02
COUNTY OF SANTA CRUZ
SUSAN A. MAURIELLO
EX-OFFICIO CLERK OF THE BOARD
BY _____ DEPUTY

AGENDA: MARCH 19, 2002
March 7, 2002

SANTA CRUZ COUNTY BOARD OF SUPERVISORS
701 Ocean Street
Santa Cruz, California 95060

SUBJECT: HAPPY VALLEY ROAD CULVERT REPLACEMENT PROJECT - 401 HAPPY VALLEY ROAD, SANTA CRUZ - APN 101-061-06

Members of the Board:

Included in the 2001/02 are funds for construction of a culvert replacement project on Happy Valley Road. The attached right of entry provides for the acquisition of the necessary right to construct the improvements (see attached map). The settlement amount for the property interest being acquired is shown in the attached Resolution and is based on a departmental appraisal. This amount is considered fair and reasonable for the real property interest being acquired and represents the fair market value for such property interest.

It is therefore recommended that the Board of Supervisors take the following action:

1. Adopt the attached Resolution approving and accepting the terms and conditions of the right of entry and authorize the Director of Public Works to sign said document on behalf of the County;

2. Approve payment of claim for the right of entry.

Yours truly,

THOMAS L. BOLICH
Director of Public Works

scl
attachments

RECOMMENDED FOR APPROVAL:

_____
County Administrative Officer
CC: Public Works, Real Property, County Counsel, Auditor-Controller

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 80-2002

On the motion of Supervisor Wormhoudt
duly seconded by Supervisor Pirie
the following resolution is adopted:

RESOLUTION FOR RIGHT-OF-WAY ACQUISITION
HAPPY VALLEY ROAD CULVERT REPLACEMENT PROJECT

RESOLVED by the Board of Supervisors of the County of Santa Cruz, State of California:

WHEREAS, the County of Santa Cruz is desirous of acquiring the real property interest described in the Right of Entry attached hereto and hereinafter referred to, and

WHEREAS, the owner of said real property interest have or will execute and deliver a Right of Entry conveying said real property interest to County, upon condition that the County acknowledge and approve Articles set forth in said Right of Entry binding County to the performance of said Articles, and

WHEREAS, the Board of Supervisors of said County hereby finds the Articles of said Right of Entry to be fair and reasonable consideration for the acquisition of said real property interest;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the County of Santa Cruz does hereby accept the terms of said Right of Entry listed below:

A.P.N.	NAME	PAYMENT
101-061-06	Gayle H. Kent	$500.00

BE IT FURTHER ORDERED that the Auditor-Controller of the County of Santa Cruz is hereby authorized to approve payment of claim for the above listed Right of Entry payable to the above listed Grantor in the amount indicated above, out of Public Works Internal Service Fund, charged against Index No. 933591, Work Authorization No. 70336, for the purchase of said property interest and to deliver the same to the Chief, Real Property Division of the County of Santa Cruz, and

BE IT FURTH: ORDERED that said Chief, al Property Division, deliver said warrant to the above listed Grantor.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 19th day of March, 2002, by the following vote:

0187

AYES: SUPERVISORS **Pirie, Wormhoudt, Campos, Almquist & Beautz**

NOES: SUPERVISORS None

ABSENT: SUPERVISORS None

JANET K. BEAUTZ
Chairperson of said Board

ATTEST: GAIL T. BORKOWSKI
Clerk of said Board

Approved as to form:
Pamela Fuller
Assistant County Counsel

Distribution: Real Property Division
County Counsel
Auditor-Controller
Public Works

STATE OF CALIFORNIA
COUNTY OF SANTA CRUZ
I, SUSAN A MAURIELLO, County Administrative Officer and ex-officio Merk of the Board of Supervisors of the County of Santa Cruz, State of California do hereby certify that the foregoing is a true and correct copy of a resolution passed and adopted by and entered in the minutes of the said board. In witness whereof I have hereunto set my hand and affixed the seal of the said Board on 3/22/2002.
SUSAN A MAURIELLO, County Administrative Officer
By Alicia Murillo Deputy

RIGHT OF ENTRY

SITUS: 401 Happy Valley Rd
Santa Cruz, CA 95065
APN: 101-061-06

DATE: August 10, 2001

PROJECT: Happy Valley Road
Culvert Replacement Project

County of Santa Cruz
Department of Public Works
701 Ocean Street
Santa Cruz, CA 95060

Permission is hereby granted to the County of Santa Cruz, Department of Public Works, its contractors and/or authorized agents, to enter and bring the necessary workman, tools and equipment upon the land of the undersigned grantor for the purpose of constructing a new culvert to replace the old culvert as shown on the attached map, which is part of this Right of Entry, and accomplishing all necessary incidents thereto.

It is understood and agreed that the premises will be left in a clean and orderly condition and that any existing improvements located on the Grantor's property that may have been disturbed or removed during the course of the work will be restored or replaced in kind. The County shall be responsible for protecting and repairing any damage to the existing stonewall immediately adjacent to the cabin shown on the westery side of the roadway; see the attached plan sheet. It is further understood and agreed that permission to perform the acts stated herein shall remain in force and effect only until the completion of construction and that all rights hereunder shall cease when said work has been completed. It is understood and agreed that the County, its contractors and/or authorized agents have the right to access the property anytime after August 12, 2001.

In consideration of the rights granted herein the County agrees to pay the undersigned $500.00.

This Agreement includes that Addendum dated August 10, 2001 attached hereto. and incorporated herein by reference.

RECOMMENDED FOR APPROVAL:

Gayle H. Kent
(Grantor)

By: Scott Loveridge
Chief, Real Property Agent

ACCEPTED:

By: T Bolich
Thomas L. Bolich
Director of Public Works

47
3/19/02

ADDENDUM.

THIS ADDENDUM is to that certain Right of Entry (hereinafter referred to as "Agreement'') by and between the County of Santa Cruz ("County") and Gayle H. Kent ("Grantor") dated August 10, 2001.

1. The premises, land and property referred to in the Agreement shall include all of that real property owned by Grantor located at 401 Happy Valley Road, Santa Cruz, CA commonly known as APN 101-061-06 including, but not limited to the personal property and improvements located upon said property (collectively "Property").

2. County shall repair and pave the driveway and parking space to the cabin located on the Property and shall not remove any trees, substantial landscaping or large rocks upon the Property.

3. County's right of entry shall be restricted only to that portion of the Property reasonably necessary to perform the construction as set forth in the Agreement. County shall complete all construction activities, including but not limited to any repair, replacement and, or clean up on the Property, on or before October 15,2001 unless Grantor approves of an extension of time, which approval shall not be unreasonably withheld.

4. County shall not unreasonably obstruct or interfere with the access to the Property.

5. County shall indemnify, defend and hold harmless Grantor, her agents, employees tenants, and successors in interest from and against any and all claims, losses, damages, liabilities, fines, penalties, and expenses (including without limitation, reasonable attorney's fees and costs) arising out of, resulting from, asserted in connection with the activities by County or County's agents' employees', contractors' or subcontractors' activities, conduct on, or use of the Property including the imposition of mechanic liens excepting therefrom losses or damages resulting from the negligence of the Grantor her agents, employees, tenants or successors in interest. In addition, County shall keep the Property free of any liens and encumbrances arising out of work performed, materials furnished, or obligations incurred by County contractors' or subcontractors' resulting from the work performed under this Agreement.

6. If either party commences any legal or any other proceeding against the other to enforce any of the terms of this Agreement or because of any breach or dispute hereunder, the successful or prevailing party shall be entitled to recover from the losing party its attorneys's fees and costs.

7. This Agreement shall be binding upon and inure to the benefit of the parties' successors and assigns.

8. Time is of the essence for each performance required by this Agreement.

9. The parties shall cooperate in carrying out the terms of this Agreement and the County shall keep Grantor notified of the construction schedule and changes in construction plans which affect the Property.

RECOMMENDED FOR APPROVAL:

Gayle H. Kent, Grantor

By: _____
Chief, Real Property Agent

ACCEPTED:

By: _____
Thomas L. Bolich
Director of Public Works

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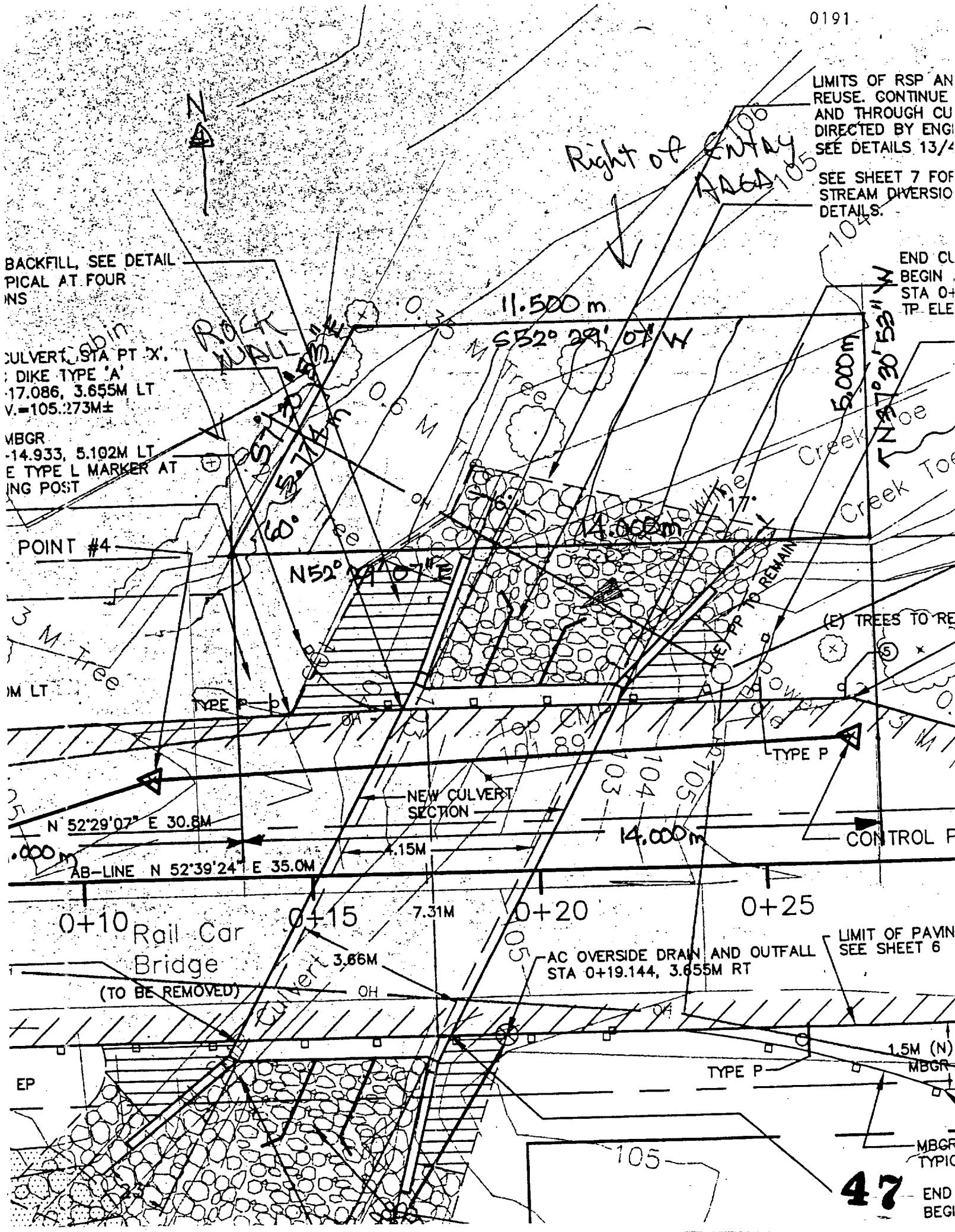
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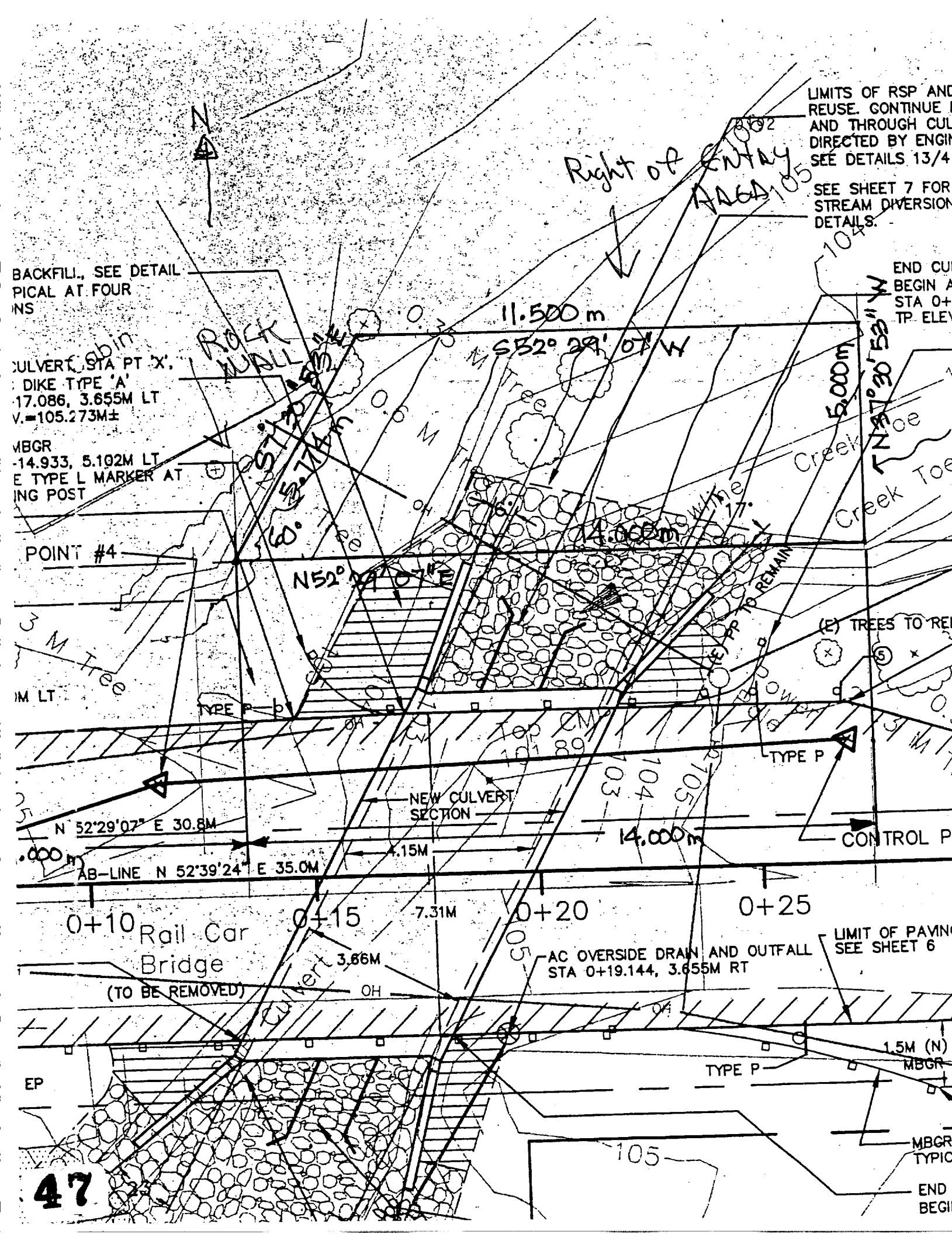

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(TO BE REMOVED)
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