County of Santa Cruz

DEPARTMENT OF PUBLIC WORKS - REAL PROPERTY

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THOMAS L. BOLICH
DIRECTOR OF PUBLIC WORKS

KENNETH A. HILL
CHIEF REAL PROPERTY AGENT

AGENDA: FEBRUARY 12,2008

January 31,2008

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

SUBJECT: LOMPICO ROAD STORM DAMAGE REPAIR PROJECT AT P.M. 2.59
RIGHT-OF-WAY ACQUISITION, APN 092-011-35

Members of the Board:

Included in the 2007/08 Public Works Road Budget are funds for the repair of a slipout on Lompico Road at P.M. 2.59 and for the acquisition of the required temporary easement. The slipout was the result of high flows on Lompico Creek.

The attached right-of-entry agreement provides for the acquisition of the necessary, temporary easement right on the subject parcel required for a staging area to support the construction of the above mentioned road repair project. The required property is located on an existing private roadway and turnout area above the County portion of Lompico Road (see attached map). The settlement amount for the property interest 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 fair market value for such property interest. Funding for this acquisition is provided by the Federal Emergency Management Agency (FEMA) and the Plant Acquisition-Road Repairs funds included in the 2007/08 Road Budget.

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 agreement.

2. Authorize the Director of Public Works to sign said agreement on behalf of the County.

3. Approve payment of the claim for the right-of-entry agreement.

Yours truly,

THOMAS L. BOLICH
Director of Public Works

TLB:PAP:lh

Attachments

RECOMMENDED FOR APPROVAL:

County Administrative Officer

copy to: Public Works

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA
RESOLUTION NO. _____

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

RESOLUTION FOR RIGHT-OF-WAY ACQUISITION
LOMPICO ROAD STORM DAMAGE REPAIR PROJECT AT P.M. 2.59

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 agreement attached hereto and hereinafter referred to; and

WHEREAS, the owners of said real property interest have executed and delivered the Right-of-Entry agreement conveying said real property interest to the County, upon condition that County acknowledge and approve Articles set forth in said agreement binding County to the performance of said Articles; and

WHEREAS, the Board of Supervisors of said County hereby finds the articles of said agreement 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 agreement listed below:

A.P.N.	NAME	PAYMENT
092-011-35	Sempervirens Fund	$500.00

BE IT FURTHER ORDERED that the Auditor-Controller of the County of Santa Cruz is hereby authorized to approve payment of the claim for the above listed agreement payable to the above listed grantor, in the amount indicated above, out of Public Works Road Fund, charged against Index No. 621207, Work Authorization No. 76248, and to deliver the same to the Chief, Real Property section of the County of Santa Cruz; and

BE IT FURTHER ORDERED that said Chief, Real Property section, deliver said warrant to the grantor.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this12th day of February, 2008, by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

_____
Chairperson of said Board

ATTEST:

_____
Clerk of said Board

Approved as to form:

Samuel Torres Jr. 1/23/08
Assistant County Counsel

Distribution: Real Property
County Counsel
Auditor-Controller
Public Works

RIGHT OF ENTRY

Parcel No.: 1
APN: 092-011-35

Date: 11/15/07
Project: LOMPICO ROAD STORM DAMAGE REPAIR PROJECT AT P.M. 2.59

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

Gentlemen:

Permission is hereby granted to the County of Santa Cruz, its contractors and/or authorized agents, to enter and bring the necessary workmen, tools and equipment onto the property of the undersigned for use as a staging area to support the repair of a slip-out on Lompico Road at P.M. 2.59, over a 20 ft. by 100 ft. wide area on existing roadways and turnout areas as shown on the attached map. The County shall pay the undersigned grantor(s) the sum of **$500.00** for the right of entry herein granted.

It is understood and agreed that the County will leave the premises in a clean and orderly state, and in as similar to the existing condition as possible, 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. Access along all roads on grantor(s) property will be maintained for emergency vehicles. The undersigned grantor(s) agree to complete a W-9 Form, Request for Taxpayer Identification Number and Certification, required for processing of the payment.

Excepting the sole negligence of the owners of said property and excepting defects in the premises which existed as of the date of the County's entry onto the subject property for which this indemnification was requested, the County of Santa Cruz shall defend, indemnify, and hold owners of said property harmless from and against all claims, damages, losses, and suits for injuries, including death, to any person or property arising from the County's use of the property for the above stated purposes. 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 of the Lompico Road Storm Damage Repair Project at P.M. 2.59 and that all rights hereunder shall cease when said work has been completed or on Oct. 15, 2008, whichever occurs first. Work to begin in the spring of 2008.

RECOMMENDED FOR APPROVAL:

Peter Porfido

Real Property Agent
ACCEPTED:
County of Santa Cruz

Thomas L. Bolich
Director of Public Works

Sempervirens Fund, Inc.:

By: Brian Steen I

Grantor(s)
Property Address:

Lompico Road
Santa Cruz, CA 95062

FOR TAX PURPOSES ONLY

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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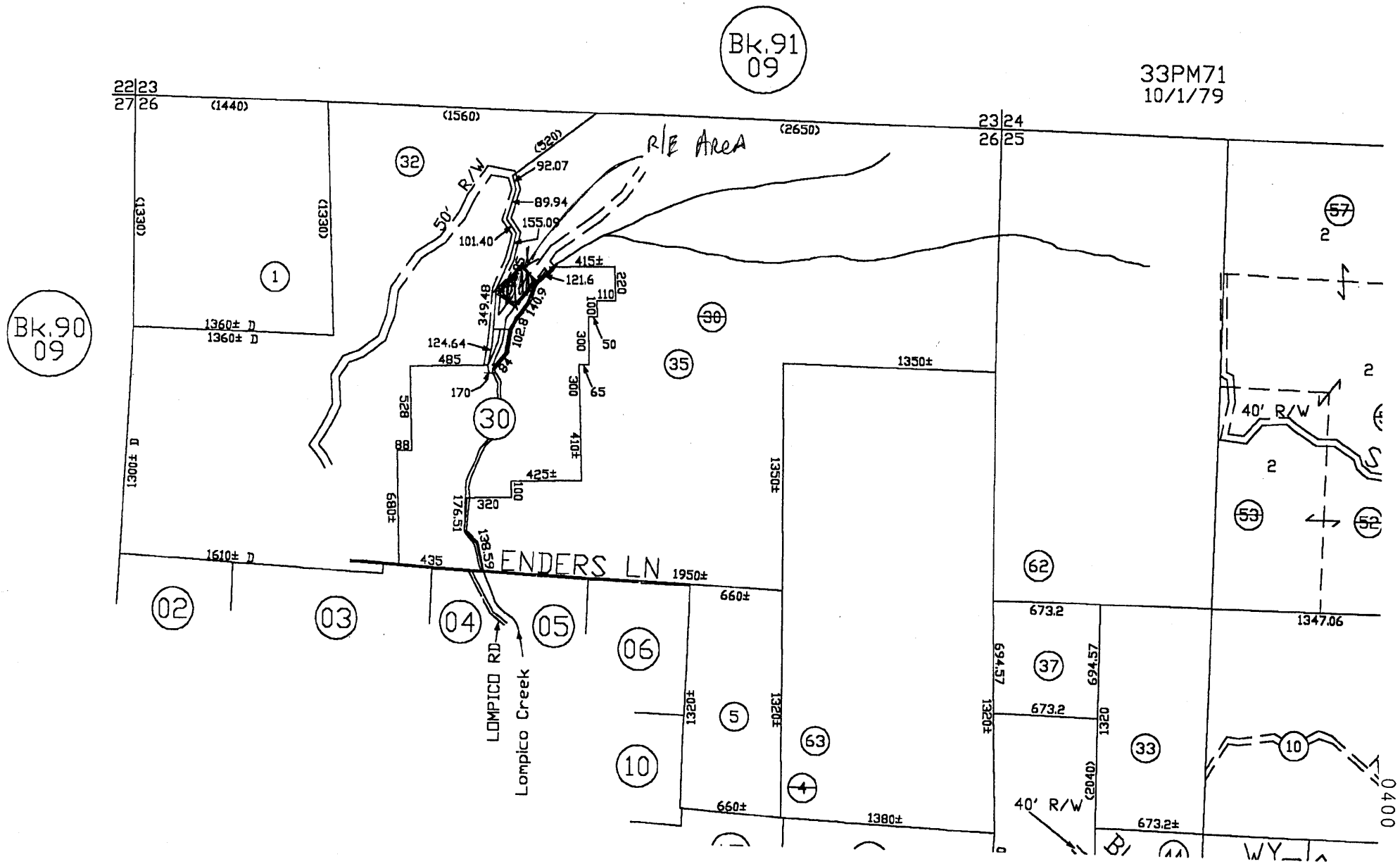
POR. SECS. 25 & 26,
T.9S., M.D.B. & M.