



**Resource Management  
Agency  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

ALLEN ISHIDA  
District One  
CONNIE CONWAY  
District Two  
PHILLIP A. COX  
District Three  
J. SILVEN WORTHLY  
District Four  
MIKE ENNIS  
District Five

**AGENDA DATE:** October 14, 2008

Public Hearing Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Celeste Perez    PHONE: 733-6291

**SUBJECT:** Approval of Agreement for purchase of Real Property / Right of Way and Temporary Construction Easement from Graciela Florez and Octavio Magallanes for the Road 80 Widening Project

**REQUEST(S):**  
That the Board of Supervisors:

1. Approve Agreement for Purchase of Property and Temporary Construction Easement from Graciela Florez and Octavio Magallanes for the Road 80 Widening Project in the amount of \$32,500.
2. Authorize the Chairman to sign the Agreement.
3. Authorize County Counsel to sign the Grant Deed and Temporary Construction Easement acceptances upon presentation.
4. Authorize the Resource Management Agency Director or his designee to open an escrow account and sign all documents to facilitate the escrow for this acquisition.
5. Direct the Auditor to draw a warrant in the amount of \$33,300 in favor of Chicago Title Company.

**SUMMARY:**  
The County of Tulare contracted with Dokken Engineering to design the Road 80 widening project and provide Right of Way acquisition services between Visalia and Dinuba. The Hopper Company and Universal Field Services are sub-consultants under Dokken. The Hopper Company has appraised the required temporary

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construction easements (TCE) and permanent right of way (RW) within the project area and Universal Field Services is supplying Right of Way Agents to negotiate the Right of Way purchases. The Agreement before the Board today is for a permanent right of way acquisition and a temporary construction easement acquisition over a portion of Assessor's Parcel Number 030-080-008. This parcel is located at the northeast corner of Road 80 and Avenue 388 and the property is zoned AE-40. The property is a rural home site with the remaining area being planted to new pomegranates within the last year. Along the edge of Road 80 within the area being acquired is 620 lineal feet of 10 inch concrete irrigation pipe and 93 lineal feet of 12 inch pipe with risers, air vents and other connections. The value / cost to replace (severance damages) the concrete irrigation system has been estimated by Gibson Irrigation and the appraiser to be \$10,061.

The right of way consists of Fee title to a strip of land that is approximately 60 feet wide and 640 feet long. The parcel contains 38,787 square feet or 0.8904 acres. Also being acquired is an adjacent temporary construction easement approximately 10 feet wide and 648 long, containing 6,478 square feet or 0.1487 acres. Improvements within the area being acquired are a concrete pipeline and an aggregate driveway.

Escrow and Title costs have been estimated at \$800. It is recommended the warrant to Chicago Title Company be drawn in the amount of \$33,300. Any overage at the close of escrow will be refunded and redeposited.

The purchase price is consistent with the appraised value by The Hopper Company and is itemized in the table below.

RW 0.8904 acre (38,787 sq. ft.) at \$24,000/acre	TCE 0.1487 acre (6,478 sq. ft.) at \$1,200/ acre/ yr	TCE Value 5 year duration (rounded)	Total Severance damage (\$10,061) RW and TCE	Rounded to
\$21,370	\$179	\$900	\$32,331	\$32,500

Attached is a copy of Exhibit A (Legal Description of the Fee Acquisition), Exhibit B (Map of the Fee Acquisition), Exhibit C (Legal Description of the TCE), and Exhibit D (Map of the TCE).

**FISCAL IMPACT/FINANCING:**

No Net County Cost to the General Fund. Funds for this Right of Way purchase are budgeted in Road Fund Budget Account No. 014-225-2300-3070. Under the State Transportation Improvement Program, the State of California will reimburse for the cost of the Right of Way.

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**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The County's five-year strategic plan includes the Safety and Security Initiative to provide for the safety and security of the public. This Right of Way acquisition and the Road 80 project helps fulfill this initiative by improving and maintaining adequate transportation infrastructure.

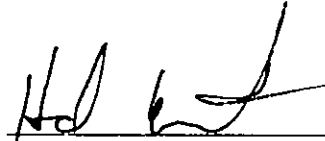
**ALTERNATIVES:**

The Board could choose not to approve this agreement but this acquisition is for a previously approved transportation construction project.

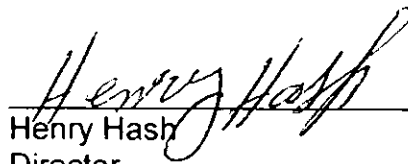
**INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:**

1. County Counsel has reviewed and approved the Agreement.
2. The California Department of Transportation is providing oversight for the expenditure of funds for this project.
3. The Tulare County Auditor is being directed to draw a warrant in the amount of \$33,300.

**ADMINISTRATIVE SIGN-OFF:**



Hal Cypert  
Assistant Director – Support Services



Henry Hash  
Director

cc: Auditor/Controller  
County Counsel  
County Administrative Office (3)

Attachment A - Legal Description of the Fee Acquisition  
Attachment B - Map of the Fee Acquisition  
Attachment C - Legal Description of the TCE  
Attachment D - Map of the TCE

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# BEFORE THE BOARD OF SUPERVISORS COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF APPROVAL OF )  
 AGREEMENT FOR PURCHASE OF )  
 REAL PROPERTY/RIGHT OF WAY ) RESOLUTION NO. \_\_\_\_\_  
 AND TEMPORARY CONSTRUCTION ) AGREEMENT NO. \_\_\_\_\_  
 EASEMENT FROM GRACIELA FLOREZ AND )  
 OCTAVIO MAGALLANES FOR THE ROAD )  
 80 CONSTRUCTION PROJECT )

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
 SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
 BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD \_\_\_\_\_  
 \_\_\_\_\_, BY THE FOLLOWING VOTE:

AYES:  
 NOES:  
 ABSTAIN:  
 ABSENT:

ATTEST: JEAN ROUSSEAU  
 COUNTY ADMINISTRATIVE OFFICER  
 CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
 Deputy Clerk

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1. Approved Agreement for Purchase of Property and Temporary Construction Easement from Graciela Florez and Octavio Magallanes for the Road 80 Widening Project in the amount of \$32,500.
2. Authorized the Chairman to sign the Agreement.
3. Authorized County Counsel to sign the Grant Deed and Temporary Construction Easement acceptances upon presentation.
4. Authorized the Resource Management Agency Director or his designee to open an escrow account and sign all documents to facilitate the escrow for this acquisition.
5. Directed the Auditor to draw a warrant in the amount of \$33,300 in favor of Chicago Title Company.