



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

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

PETE VANDER POEL
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: June 2, 2009

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: Agreement for Purchase of a Temporary Construction Easement from Rise Hospitality, Inc., a California corporation for the Road 80 Widening Project

REQUEST(S):

That the Board of Supervisors:

1. Approve Agreement for Purchase of a Temporary Construction Easement (TCE) from Rise Hospitality, Inc., a California corporation for the Road 80 Widening Project in the amount of \$17,750;
2. Authorize the Chairman to sign the Agreement;
3. Authorize County Counsel to sign the TCE acceptance upon presentation;
4. Authorize the Resource Management Agency Director or designee to open an escrow and sign all documents to facilitate the escrow for this acquisition; and
5. Direct the Auditor to draw a warrant in the amount of \$18,550 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 (RW) 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 TCE

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and permanent RW within the project area and Universal Field Services are supplying RW Agents to negotiate the RW purchases. The Agreement is for a permanent RW acquisition and a TCE acquisition over a portion of Assessor's Parcel Number 017-280-004. This parcel is located at the northwest corner of Alta Avenue and Surabian Drive and the property is zoned C-4, for general commercial uses.

The subject property is a corner-oriented parcel of land located at the northwest corner of Alta Avenue and Surabian Drive, in the City of Dinuba. The parcel has a frontage of 306 feet along the west side of Alta Avenue and an exposure of 184 feet on the north side of Surabian Drive. The property contains a total land area of 47,682 square feet or 1.09 acres.

Escrow and Title costs have been estimated at \$800. It is recommended the warrant to Chicago Title Company be drawn in the amount of \$18,550. 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.

TCE 0.0741 acre (3,228 sq. ft.) at \$47,919.03/ acre / yr @ 10% Annual Rate of Return	TCE Value 5 year duration	Total TCE/Dam ages	Rounded to
\$3,550.80	\$17,754	\$17,754	\$17,750

Attached is a copy of Exhibit A (Legal Description of the TCE) and Exhibit B (Map of the TCE).

FISCAL IMPACT/FINANCING:

There is no net County cost to the General Fund. Funds for this RW 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 RW.

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 RW acquisition and the Road 80 Widening Project helps fulfill this initiative by improving and maintaining adequate transportation infrastructure.

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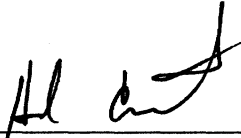
ALTERNATIVES:

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 \$18,550.

ADMINISTRATIVE SIGN-OFF:



Hal Cypert
Assistant Director – Support Services

cc: Auditor/Controller
County Counsel
County Administrative Office (2)

Attachment A - Legal Descriptions of the TCE
Attachment B – 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 A)
TEMPORARY CONSTRUCTION) RESOLUTION NO. _____
EASEMENT FROM RISE HOSPITALITY, INC.,) AGREEMENT NO. _____
A CALIFORNIA CORPORATION)
FOR THE ROAD 80 WIDENING 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 M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

1. Approved Agreement for Purchase of a Temporary Construction Easement (TCE) from Rise Hospitality, Inc., a California corporation for the Road 80 Widening Project in the amount of \$17,750;
2. Authorized the Chairman to sign the Agreement;
3. Authorized County Counsel to sign the TCE acceptance upon presentation;
4. Authorized the Resource Management Agency Director or his designee to open an escrow and sign all documents to facilitate the escrow for this acquisition; and
5. Directed the Auditor to draw a warrant in the amount of \$18,550 in favor of Chicago Title Company.