



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

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One
PETE VANDER POEL
District Two
PHILIP A. COX
District Three
J. STEVEN WORTHLEY
District Four
MIKE ENNIS
District Five

AGENDA DATE: September 1, 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: 624-7000			

SUBJECT: Agreement for Purchase of Real Property/Right of Way and Temporary Construction Easement from S&A Properties for the Road 108 Widening Project

REQUEST(S):

That the Board of Supervisors:

1. Approve Agreement for Purchase of Real Property/Right of Way and Temporary Construction Easement from S&A Properties, a general partnership, consisting of Brooks W. Schaffer, H. Brooks Schaffer, Eric Schaffer, Charles L. Schaffer, James B. Schaffer and Charles H. Schaffer for the Road 108 Widening Project in the amount of \$40,000;
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 designee to open an escrow, sign all documents to facilitate the escrow for this acquisition; and
5. Direct the Auditor to draw a warrant in the amount of \$41,500 in favor of Stewart Title Company.

SUMMARY:

The County of Tulare contracted with Omni Means Engineering to design the Road 108 Widening Project and provide Right of Way (RW) acquisition services between Visalia and Tulare. The Hopper Company and Bender Rosenthal, Inc. are sub-

SUBJECT: Agreement for Purchase of Real Property/Right of Way and Temporary Construction Easement from S&A Properties for the Road 108 Widening Project
DATE: September 1, 2009

consultants under Omni Means. The Hopper Company has appraised the required Temporary Construction Easement (TCE) and permanent RW within the project area and Bender Rosenthal, Inc. 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 017-203-010. This parcel is situated between 'O' Street and 'P' Street, north of Tulare Avenue. The property is zoned C-4 for general commercial type uses by the City of Dinuba.

Escrow and Title costs have been estimated at \$1,500. It is recommended the warrant to Stewart Title Company be drawn in the amount of \$41,500. Any overage at the close of escrow will be refunded and re-deposited.

The purchase price is itemized in the table below.

RW	\$24,519
Severance Damages	\$ 1,632
TCE / 5 yr duration	\$13,570
TOTAL	\$39,721
ROUNDED TO	\$40,000

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

FISCAL IMPACT/FINANCING:

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

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 108 Widening Project help fulfill this initiative by improving and maintaining adequate transportation infrastructure.

SUBJECT: Agreement for Purchase of Real Property/Right of Way and Temporary Construction Easement from S&A Properties for the Road 108 Widening Project

DATE: September 1, 2009

ALTERNATIVES:

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

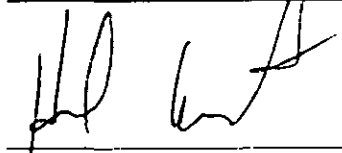
INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

County Counsel has reviewed and approved the Agreement as to form.

The California Department of Transportation is providing oversight for the expenditure of funds for this project.

The Tulare County Auditor is being directed to draw the necessary warrants.

ADMINISTRATIVE SIGN-OFF:



Hal Cypert
Assistant Director – Support Services

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

Agreement
Attachment A - Legal Descriptions of the RW
Attachment B – Map of the RW
Attachment C - Legal Descriptions of the TCE
Attachment D – Map of the TCE

ap

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

IN THE MATTER OF APPROVAL OF)
AGREEMENT FOR PURCHASE OF)
PROPERTY/RIGHT OF WAY) RESOLUTION NO. _____
AND TEMPORARY CONSTRUCTION) AGREEMENT NO. _____
EASEMENT FROM S&A PROPERTIES)
FOR THE ROAD 108 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 Real Property/Right of Way and Temporary Construction Easement from S&A Properties, a general partnership, consisting of Brooks W. Schaffer, H. Brooks Schaffer, Eric Schaffer, Charles L. Schaffer, James B. Schaffer and Charles H. Schaffer for the Road 108 Widening Project in the amount of \$40,000;
- 2) Authorize the Chairman to sign the Agreement;
- 3) Authorized the Chairman to sign the Agreement;
- 4) Authorized County Counsel to sign the Grant Deed and Temporary Construction Easement acceptances upon presentation;
- 5) Authorized the Resource Management Agency Director or designee to open an escrow, sign all documents to facilitate the escrow for this acquisition; and
- 6) Directed the Auditor to draw a warrant in the amount of \$41,500 in favor of Stewart Title Company.

EXHIBIT "A"

Road 80

Right of Way Acquisition

Property: A.P.N. 017-203-010

Description:

A parcel of land lying in fractional Block 65 in the City of Dinuba, County of Tulare, State of California, as per Map recorded in Book 3, Page 15 of Maps in the Office of the County Recorder of said County, and being more particularly described by metes and bounds as follows;

Beginning at the southwest corner of the southwest one-quarter of the northwest one-quarter of Section 17, Township 16 South, Range 24 East, Mount Diablo Base and Meridian;

Thence N00°04'32"W 120.24' along the west line of the southwest one-quarter of the northwest one-quarter of said Section 17 to the intersection of said west line with the southeasterly right of way line of Fresno Street as said Fresno Street is shown on said Map recorded in Book 3, Page 15 of Maps;

Thence departing from said west line N47°41'58"E 44.48' along said southeasterly right of way line to the most northerly corner of Lot 32 of said fractional Block 65;

Thence S42°18'02"E 10.88' along the northeasterly line of Lot 32 of said fractional Block 65;

Thence departing from said northeasterly line S00°34'23"E 186.40' to a point on the southeasterly line of Lot 27 of said fractional Block 65;

Thence S47°41'58"W 25.93' along the southeasterly line of Lot 27 of said fractional Block 65 to the most southerly corner of said Lot 27;

Thence N42°18'02"W 33.73' along the southwesterly line of Lot 27 and Lot 28 of said fractional Block 65 to a point on the west line of the northwest one-quarter of the southwest one-quarter of said Section 17;

Thence N00°04'36"W 36.77' along said west line to the point of beginning.

Containing 7,736 square feet or 0.1776 acres, of which 5,560 square feet or 0.1276 acres lie within the existing roadway.

The Basis of Bearings for this description is the California State Plane Coordinate System, NAD83, Zone IV. All distances are Grid distances. To convert to ground distances multiply by 1.0000633.

End of Description

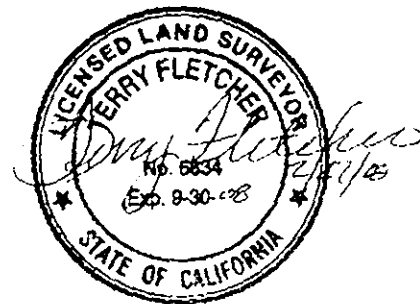
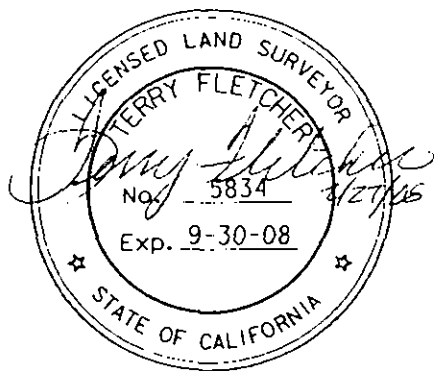


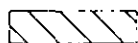
EXHIBIT "B"



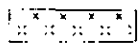
DETAIL A

SCALE 1" = 80'

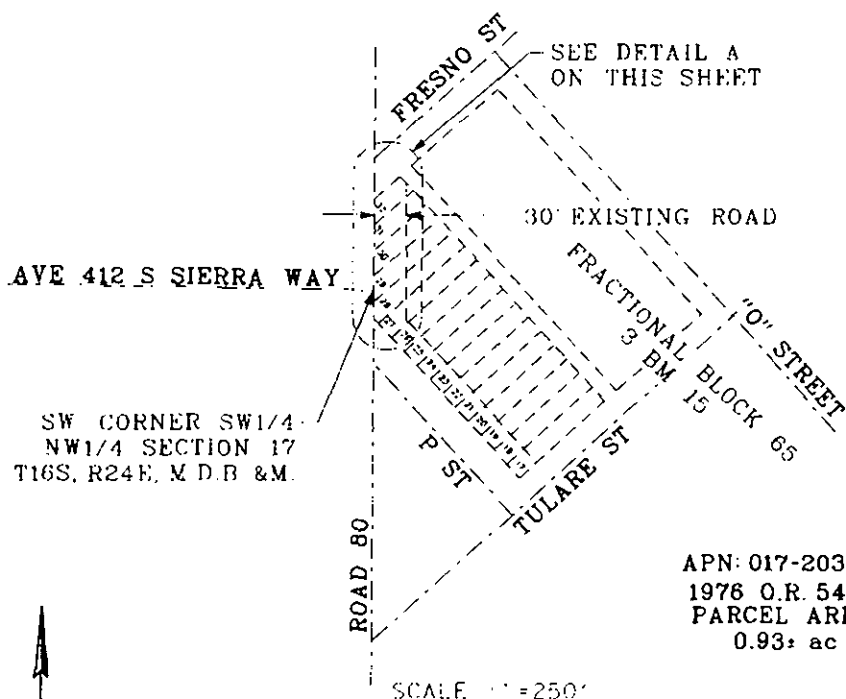
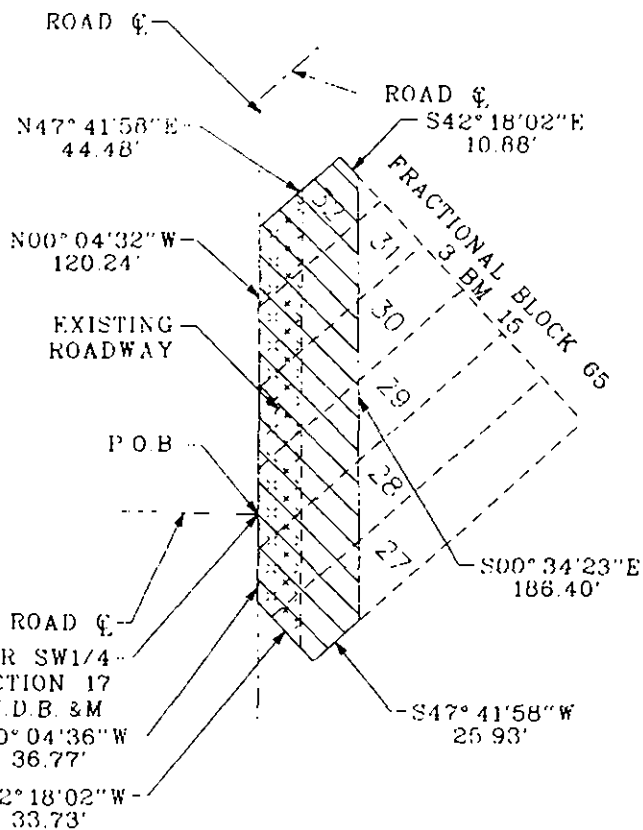
LEGEND:



RIGHT OF WAY ACQUISITION
7,736 sf (0.1776ac) GROSS



5,560 sf (0.1276ac) EX ROADWAY
2,176 sf (0.0500ac) NET



APN: 017-203-010
1976 O.R. 54688
PARCEL AREA:
0.93± ac

BASIS OF BEARINGS: CALIFORNIA STATE PLANE COORDINATE SYSTEM, NAD83, ZONE IV. ALL DISTANCES ARE GRID DISTANCES. TO CONVERT TO GROUND DISTANCES MULTIPLY BY 1.0000633.

PLAT MAP

S & A PROPERTIES
P.O. BOX 156
DINUBA, CA 93618
APN: 017-203-010

COUNTY OF TULARE
STATE OF CALIFORNIA

DE DOKKEN
ENGINEERING

2365 IRON POINT ROAD, SUITE 200, 9161858 0542
FOLSOM, CA 95670

RIGHT OF WAY

PROJECT

ROAD 80 / PLAZA DRIVE
ROAD WIDENING

EXHIBIT "C"

Road 80
TCE

Property: A.P.N. 017-203-010

Description:

A parcel of land lying in fractional Block 65 in the City of Dinuba, County of Tulare, State of California, as per Map recorded in Book 3, Page 15 of Maps in the Office of the County Recorder of said County, and being more particularly described by metes and bounds as follows;

Beginning at a point on the southeasterly line of Lot 27 of said fractional Block 65 which bears S00°04'36"E 44.32' and N89°55'24"E 41.87' from the southwest corner of the southwest one-quarter of the northwest one-quarter of Section 17, Township 16 South, Range 24 East, Mount Diablo Base and Meridian;

Thence N00°34'23"W 186.40' to a point on the northeasterly line of Lot 32 of said fractional Block 65;

Thence S42°18'02"E 22.54 along the northeasterly line of Lot 32 & Lot 31 of said fractional Block 65;

Thence departing from said northeasterly line S00°34'23"E 180.29';

Thence N42°18'02"W 17.98' to a point on the southeasterly line of Lot 27 of said fractional Block 65;

Thence S47°41'58"W 4.07' along the southeasterly line of Lot 27 of said fractional Block 65 to the point of beginning.

Containing 2,714 square feet or 0.0623 acres, more or less.

The Basis of Bearings for this description is the California State Plane Coordinate System, NAD83, Zone IV. All distances are Grid distances. To convert to ground distances multiply by 1.0000633.

End of Description

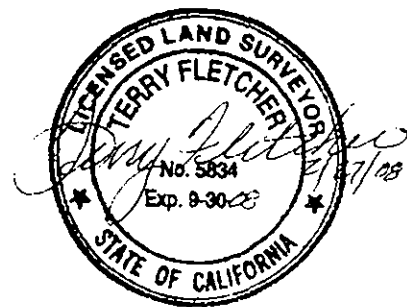
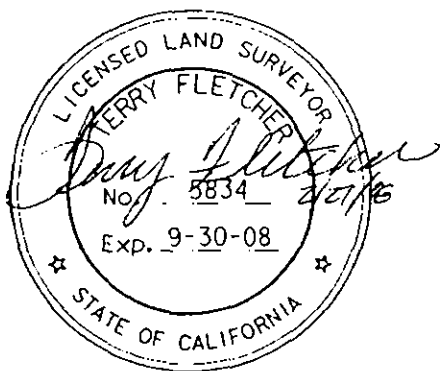
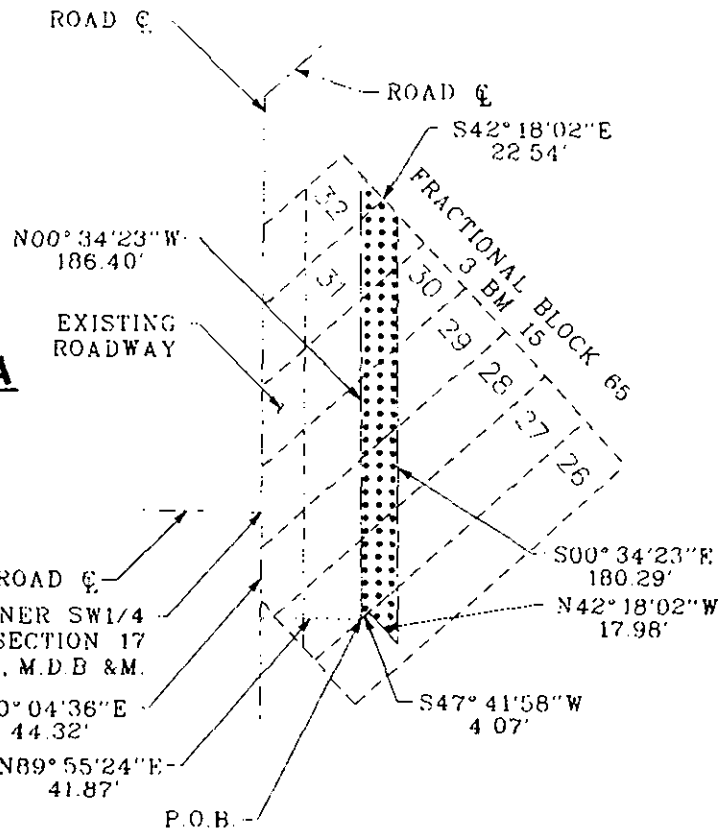


EXHIBIT "D"



DETAIL A

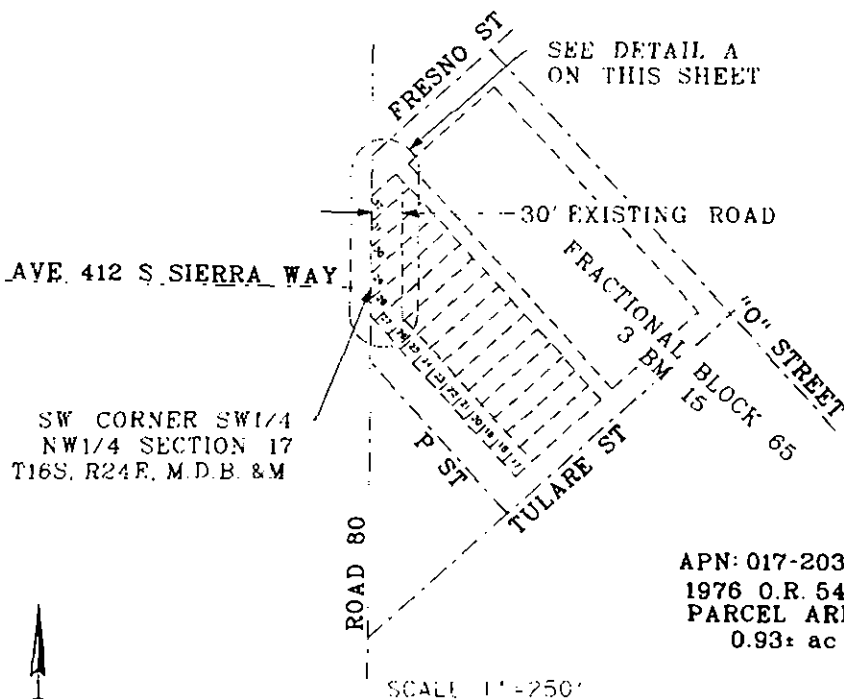
SCALE 1" = 80'



LEGEND:

TEMPORARY CONSTRUCTION EASEMENT
2,714 sf (0.0623ac)

SW CORNER SW1/4
NW1/4 SECTION 17
T16S, R24E, M.D.B. & M.



APN: 017-203-010
1976 O.R. 54688
PARCEL AREA:
0.93± ac

SCALE 1" = 250'

BASIS OF BEARINGS: CALIFORNIA STATE PLANE COORDINATE SYSTEM, NAD83, ZONE IV. ALL DISTANCES ARE GRID DISTANCES. TO CONVERT TO GROUND DISTANCES MULTIPLY BY 1.0000633.

PLAT MAP

S & A PROPERTIES
P.O. BOX 156
DINUBA, CA 93618
APN: 017-203-010

COUNTY OF TULARE
STATE OF CALIFORNIA

DOKKEN
ENGINEERING
2365 IRON POINT ROAD, SUITE 200, 19161 858 0642
TOLSON, CA 95632

TEMPORARY CONSTRUCTION EASEMENT

PROJECT

ROAD 80 / PLAZA DRIVE
ROAD WIDENING