



**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:** November 10, 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 Cal-Western Farming Company 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 Cal-Western Farming Company for the Road 108 Widening Project in the amount of \$20,750;
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 \$22,250 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-consultants under Omni Means. The Hopper Company has appraised the required

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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 126-240-043. This parcel is located along the south side of Avenue 272, east of Road 108. The property is zoned AE-20. The existing use of the property as a walnut orchard and vineyard are allowable uses under this zoning.

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 \$22,250. Any overage at the close of escrow will be refunded and re-deposited.

The purchase price is itemized in the table below.

RW	\$10,740
TCE / 3 yr duration	\$ 81
Severance Damages	\$10,199
<b>TOTAL</b>	<b>\$20,750</b>

#### **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.

#### **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:**

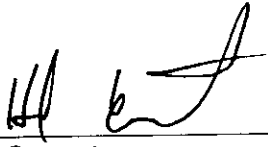
County Counsel has reviewed and approved the Agreement as to form.

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.

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**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

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