



**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: February 9, 2010

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 Eleanor L. Thomas 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 Eleanor L. Thomas, as Trustee of the Eleanor L. Thomas Survivor's Trust of March 24, 2003, as to an undivided ½ interest and Eleanor L. Thomas, as Trustee of the James E. Thomas Bypass Trust of March 24, 2003, as to an undivided ½ interest 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

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Visalia and Tulare. The Hopper Company and Bender Rosenthal, Inc. are sub-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 149-220-006 and 149-220-007. These parcels are located at the southwest corner of Road 108 and Avenue 256.

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/Irrigation Easement	\$33,700
TCE / 3 yr duration	\$ 500
Severance Damages	<u>\$ 5,800</u>
TOTAL	\$40,000

FISCAL IMPACT/FINANCING:

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

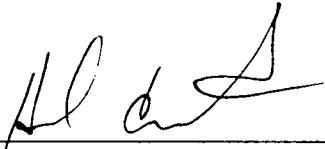
County Counsel has reviewed and approved the Agreement as to form.

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-1 Legal Descriptions of the RW
Attachment B-1 Map of the RW
Attachment A-2 Legal Descriptions of the Irrigation Easement
Attachment B-2 Map of the Irrigation Easement
Attachment A-3 Legal Descriptions of the TCE
Attachment B-3 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)
PROPERTY/RIGHT OF WAY) RESOLUTION NO. _____
AND TEMPORARY CONSTRUCTION) AGREEMENT NO. _____
EASEMENT FROM ELEANOR L. THOMAS)
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

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1. Approved Agreement for Purchase of Real Property/Right of Way and Temporary Construction Easement from Eleanor L. Thomas, as Trustee of the Eleanor L. Thomas Survivor's Trust of March 24, 2003, as to an undivided ½ interest and Eleanor L. Thomas, as Trustee of the James E. Thomas Bypass Trust of March 24, 2003, as to an undivided ½ interest for the Road 108 Widening Project in the amount of \$40,000;
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 designee to open an escrow, sign all documents to facilitate the escrow for this acquisition; and
5. Directed the Auditor to draw a warrant in the amount of \$41,500 in favor of Stewart Title Company.