



**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: March 9, 2010 **REVISED**

Public Hearing Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input 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 checked="" type="checkbox"/>	N/A	<input 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 checked="" type="checkbox"/>	N/A	<input 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: (559) 624-7000						

SUBJECT: Adoption of an Ordinance to delegate authority to approve agreements for purchase of property/right of way for Phase 4 of the Road 80 Widening Project

REQUEST(S):
That the Board of Supervisors:

1. On March 9, 2010, introduce and waive the first reading of an uncodified ordinance to delegate authority to the Resource Management Agency (RMA) Director to approve and execute agreements for purchase of property for Phase 4 of the Road 80 Widening Project; and
2. On March 16, 2010, waive the second reading and adopt the proposed uncodified ordinance, and direct the Clerk to the Board of Supervisors to post and publish the ordinance in its entirety after adoption as required by law.

SUMMARY:
The County is the lead agency on a project to widen Road 80 from Avenue 304 (Goshen Avenue) in the City of Visalia to Avenue 416 (El Monte Way) in the City of Dinuba. This large project is being designed and constructed in phases. Phase 4 of the Road 80 widening project consists of road widening and traffic signal improvements at the intersection of Road 80 and Avenue 416. This intersection was originally included with the Avenue 416 widening project, but it was determined that it would be better to deliver it with the Road 80 widening project. Dokken Engineering is under contract with the County to design these intersection improvements and have subconsulted with Interwest Consulting Group for right of

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way acquisition services and Simon Company for appraisals. Chicago Title Company will handle the escrows. The design work on Phase 4 of the Road 80 widening project is underway.

The construction component of this phase of the project is funded by a federal earmark matched by a contribution from Measure R, the county-wide sales tax initiative. The design and right of way component is funded solely by Measure R. The federal earmark is programmed in the Federal Transportation Improvement Program (FTIP) for the 2009/10 federal fiscal year which ends on September 30, 2010. Staff is attempting to obtain a federal construction allocation (E-76) before September 30, 2010 to keep from having to re-program the funding into a future year thereby delaying the start of construction.

To expedite acquisition process and maintain a fast track schedule, the RMA is requesting delegation of authority to approve Agreements for Purchase of Real Property. Government Code Section 25350.60 allows the Board of Supervisors to adopt an ordinance authorizing a county officer to approve and accept interest in real property. The applicable code section goes on to further state that the authorization shall specify the procedures and shall establish a dollar limit on any purchase price. The authority granted by the ordinance shall not be effective for more than five years. The proposed ordinance will allow the Tulare County Resource Management Agency Director, or his or her designee, to undertake the following:

- To approve and execute agreements for the purchase of property and/or right of way, including construction easements and easements for the relocation of public utilities, and relocation agreements for Phase 4 of the Road 80 Widening Project, subject to review and approval as to form by County Counsel.
- To make an offer, based on an appraisal completed for the parcel.
- To adjust the offer to resolve any price disputes for the property to be acquired or for severance damages. The maximum purchase price, including the cost to cure any damages associated with the acquisition and relocation costs shall not exceed \$400,000 for any given parcel.
- To open escrows and sign all documents to facilitate the escrows.
- To request the Auditor to draw warrants in favor of Chicago Title Company for agreements for purchase of property, plus escrows fees for each agreement, upon presentation by the Resource Management Agency Director.

A vicinity map showing the sixteen parcels from which the right of way will be acquired is shown on Exhibit "A". Three owners own two of these parcels, so there are thirteen separate owners with whom the County will need to negotiate. Each parcel will require escrow and closing costs (typically around \$1,500 per closing). All of these parcels are located within the City of Dinuba. The City has delegated authority to the County to acquire the rights of way in their jurisdiction pursuant to

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Cooperative Agreement approved by this Board on November 27, 2007. Any overage at the close of escrow will be refunded and redeposited with the project.

At their next regular meeting, the Board will be asked to waive the second reading and adopt this ordinance which will be published in its entirety in accordance with Government Code Section 25124.

FISCAL IMPACT/FINANCING:

There is no net County cost for this agreement or this project. Staff time and costs are expected to be saved by delegating this authority. The cost for acquiring the right of way will be paid out of the County's Road Fund which will then be reimbursed by the Tulare County Transportation Authority from the Measure R regional project funds.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The delegation of this authority will improve the organizational performance and effectiveness by expediting the service delivery of obtaining the needed rights of way for the Road 80.

ALTERNATIVES:

The Board could retain the authority to approve and sign the acquisition agreements as is the current protocol. This is not recommended as this step adds from one to two months to the time needed to complete the process to acquire these properties.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

County Counsel has reviewed and approved the Agreement formats.

County Counsel will be requested to review and approve all acquisition agreements prior to execution by the RMA Director.

The Tulare County Auditor is being directed to draw warrants for the amount of each agreement plus \$500 for each parcel.

The Tulare County Transportation Authority is providing oversight for the expenditure of funds for this project.

The City of Dinuba consented to the acquisition of right of way for this project within their jurisdiction.

Within 15 days of being adopted by the Board after waiving the second reading next week, the Clerk of the Board will have the adopted ordinance published once in the *Valley Voice*.

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DATE: March 9, 2010

ADMINISTRATIVE SIGN-OFF:



Britt L. Fussel, P.E.
Assistant Director—Public Works
County Surveyor

BF:PS

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

Attachment(s) Exhibit A Location Map
Proposed Ordinance

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

IN THE MATTER OF ADOPTION OF AN)
ORDINANCE TO DELEGATE AUTHORITY)
TO APPROVE AGREEMENTS FOR) RESOLUTION NO. _____
PURCHASE OF PROPERTY/RIGHT OF) ORDINANCE NO. _____
WAY FOR PHASE 4 OF 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 MARCH 16, 2010, BY
THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

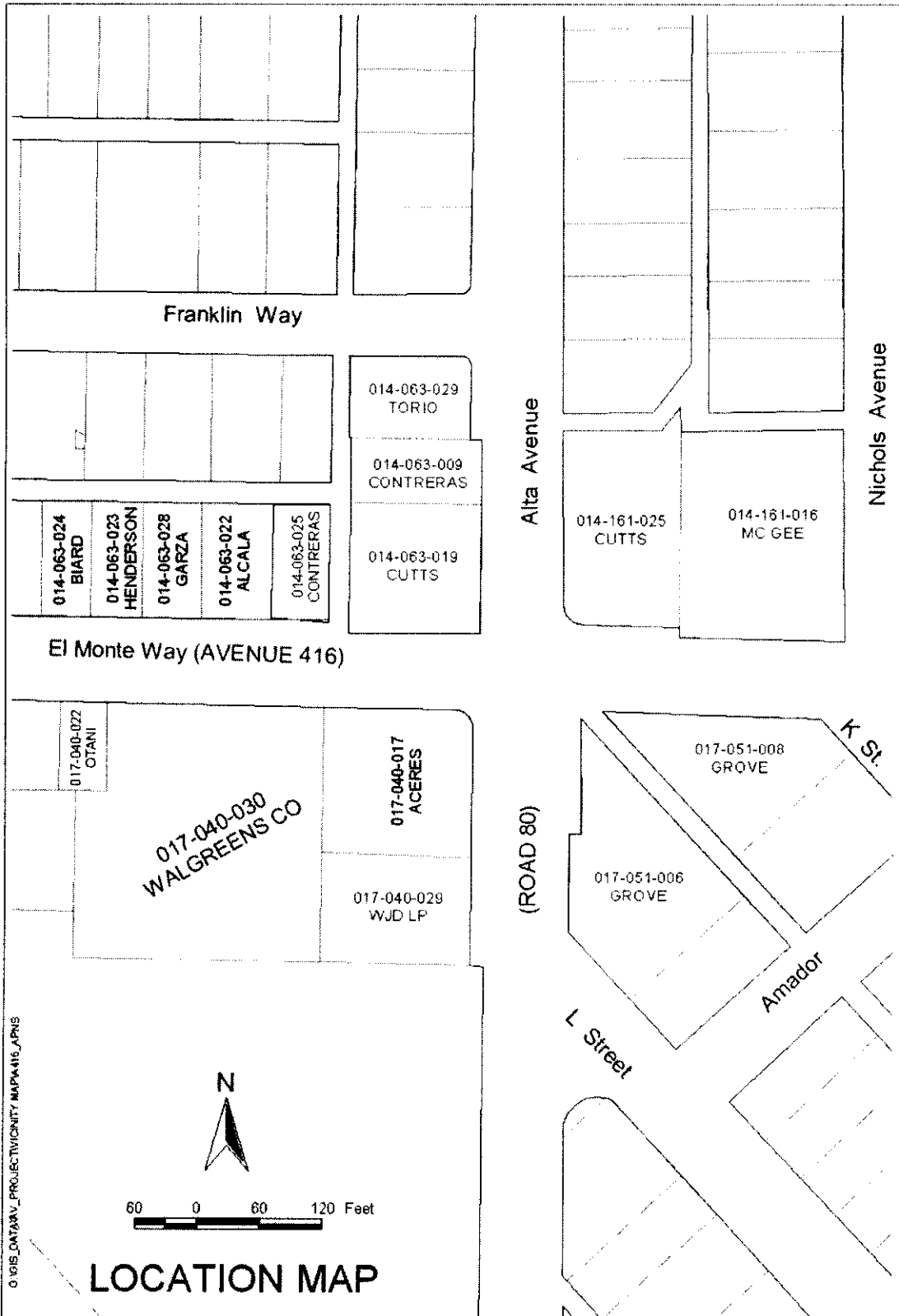
ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

Waived the second reading and adopted the proposed uncodified ordinance, and directed the Clerk to the Board of Supervisors to post and publish the ordinance in its entirety after adoption as required by law.

EXHIBIT A



Ordinance No.

An Uncodified Ordinance Pertaining To The Delegation Of Authority To The Tulare County Resource Management Agency Director To Acquire Property And Right Of Way For Phase 4 Of The Road 80 Widening Project.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE,
CALIFORNIA, ORDAINS AS FOLLOWS:**

Section 1. Pursuant to Government Code Section 25350.60 the Tulare County Resource Management Agency Director, or his or her designee, is hereby authorized to undertake the following:

- To approve and execute agreements for the purchase of property and/or right of way, including construction easements and easements for the relocation of public utilities, and relocation agreements for Phase 4 of the Road 80 Widening Project, subject to review and approval as to form by County Counsel.
- To make an offer, based on an appraisal completed for the parcel.
- To adjust the offer to resolve any price disputes for the property to be acquired or for severance damages. The maximum purchase price, including the cost to cure any damages associated with the acquisition, and relocation costs shall not exceed \$400,000 for any given parcel.
- To open escrows and sign all documents to facilitate the escrows.
- To request the Auditor to draw warrants in favor of Chicago Title Company for agreements for purchase of property, plus escrow fees for each agreement, upon presentation by the Resource Management Agency Director.

Section 2. The authority granted herein shall terminate upon the completion of the acquisition of property and/or right of way, including construction easements and easements for the relocation of public utilities, and relocation agreements for Phase 4 of the Road 80 Widening Project or five (5) years, whichever occurs sooner.

Section 3. Subsection (u) is hereby added to Section 105 of the Ordinance Code of the County of Tulare to read as follows:

(u) Ordinance No. _____ and all amendments thereto, which approves the Delegation of Authority to the Tulare County Resource Management Agency

Director to acquire property and right of way for Phase 4 of the Road 80 Widening Project.

Section 4. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof, and prior to the expiration of fifteen (15) days from the passage hereof the entire ordinance shall be published once in the *Valley Voice*, a newspaper published in the County of Tulare, State of California, together with the names of the Board of Supervisors voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the 16th day of March, 2010, at a regular meeting of said Board duly and regularly convened on said day by the following vote:

AYES: _____

NOES: _____

ABSENT _____

Chairman, Board of Supervisors

ATTEST: JEAN M. ROUSSEAU,
COUNTY ADMINISTRATIVE OFFICER /
CLERK OF THE BOARD OF
SUPERVISORS

BY: _____
Deputy Clerk