



**COUNTY ADMINISTRATIVE OFFICE  
GENERAL SERVICES  
PROPERTY MANAGEMENT**

**TULARE COUNTY  
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:** July 12, 2011

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: Robert Newby PHONE: 624-7000			

**SUBJECT:** Agreement for Purchase of Right Of Way from Frances L. Cutler and Frederick M. Cutler for the Betty Drive/Avenue 312 Realignment and Improvement Project-Phase 2B and approval of relocation payment to Lydia Villarreal.

**REQUEST(S):**

That the Board of Supervisors:

1. Approve Agreement for Purchase of Right Of Way from Frances L. Cutler and Frederick M. Cutler for the Betty Drive/Avenue 312 Realignment and Improvement Project-Phase 2B in the amount of \$80,000;
2. Authorize the Chairman to sign the Agreement upon submission and subject to County Counsel approval as to form;
3. Authorize payments to Lydia Villarreal in an amount not to exceed \$25,000 for equipment, fixtures, inventory and an amount not to exceed \$20,000 for a business in-lieu relocation payment;
4. Authorize the County Administrative Officer or his 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 \$82,000 in favor of Chicago Title Company.

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**DATE:** July 12, 2011

**SUMMARY:**

The County of Tulare contracted with Omni Means Engineering to design the Betty Drive/Avenue 312 Realignment and Improvement Project-Phase 2A and 2B. The Hopper Company has appraised the required Temporary Construction Easement (TCE) Public Utilities Easement (PUE), Slope Easement (SE) and Permanent Right of Way (RW) within the project area and Tarvin and Associates are supplying Right of Way acquisition services. The original design of the rail road overcrossing called for a retaining wall that would allow a partial acquisition of property belonging to Cutler and further allowed a small restaurant to stay in business. This partial acquisition was approved by the Board in May of 2010. It was subsequently discovered the restaurant owner prefers to close business and Cutler agreed to sell their remainder property. This acquisition of the remainder property and elimination of the restaurant building allows an expensive retaining wall to be eliminated from the project and results in a net savings of around \$65,000.

The property is located at the southeast corner of Road 67 and Effie Drive in Goshen. The property is improved with a commercial building housing a restaurant.

Escrow and Title costs have been estimated at \$2,000. It is recommended the warrant to Chicago title Company be drawn in the amount of \$82,000. Any overage at the close of escrow will be refunded and re-deposited.

This Board item authorizes relocation payments to restaurant owner, Lydia Villarreal. Requests for payments to this restaurant owner will follow when proper documentation is received.

**FISCAL IMPACT/FINANCING:**

There is no net County cost to the General Fund. Funds for this RW purchase are funded from an allocation from Measure R and are budgeted in Road Fund Budget Account No. 014-225-2300-3070. Any cost beyond that allowed by Measure R will be funded from tax increment within the Goshen Redevelopment Project Area.

**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 Betty Drive Realignment and Improvement Project help fulfill this initiative by improving and maintaining adequate transportation infrastructure.

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**DATE:** July 12, 2011

**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  
General Services Manager

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

Attachment(s)

Attachment A - Legal Description of the RW  
Attachment B - Map of the RW

IN THE MATTER OF APPROVAL OF )  
 AGREEMENT FOR PURCHASE OF RIGHT )  
 OF WAY FROM FRANCES L. CUTLER AND ) AGREEMENT NO. \_\_\_\_\_  
 FREDERICK M. CUTER FOR THE BETTY )  
 DRIVE/ AVENUE 312 REALIGNMENT AND ) RESOLUTION NO. \_\_\_\_\_  
 IMPROVEMENT IMPROVEMENT PROJECT )  
 PHASE 2B AND APPROVAL OF RELOCATION) )  
 PAYMENT TO LYDIA VILLARREAL )

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

BY: \_\_\_\_\_  
Deputy Clerk


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3. Authorized payments to Lydia Villarreal in an amount not to exceed \$25,000 for equipment, fixtures, inventory and an amount not to exceed \$20,000 for a business in-lieu relocation payment;
4. Authorized the County Administrative Officer 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 \$82,000 in favor of Chicago Title Company.

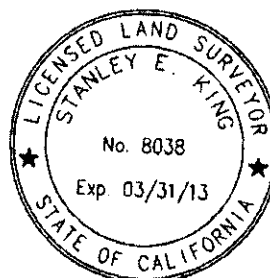
**EXHIBIT "A"**

**FEE ACQUISITION**  
**A portion of APN: 075-070-042**

That portion of the real property described in the Grant Deed to Frances L. Cutler, as Trustee under the Will of Frank A. Cutler, recorded on April 25, 2006 as Document No. 2006-0043822, and to Frederick M. Cutler, as Successor Trustee of the Trust under the Will of Frank A. Cutler, deceased, recorded on September 25, 2008, as Document No. 2008-0065351, Tulare County Official Records, being a portion of Block No. 101 of the Town of Goshen per Map filed in Book 3, of Maps, Page 20, Tulare County Records, lying within the Northeast Quarter of Section 24, Township 18 South, Range 23 East, Mount Diablo Base and Meridian, in the Town of Goshen, County of Tulare, State of California, described as follows:

Commencing at a 2" Brass Cap in concrete stamped RCE 16094 at the intersection of Elder Avenue and Kermia Street (from which a 2" Brass Cap in concrete stamped RCE 16094 at the intersection of Elder Avenue and Juniper Road bears South 89°47'37" East); thence along the centerline of Kermia Street, North 00°04'50" East 165.00 feet to a point on the Westerly prolongation of the South line of said real property to Cutler (said line being the South line of Lot 10 of said Block 101); thence leaving said centerline, along said Westerly prolonged line and said South line, thence South 89°47'37" East 30.00 feet to the Easterly right of way line of Kermia Street, said point being the **POINT OF BEGINNING**; thence along said Easterly right of way line, North 00°04'50" East 143.43 feet to a point on the Southwesterly right-of-way line of Effie Drive (West Street as shown on said Map of the Town of Goshen) said point being the beginning of a non-tangent curve concave to the Southwest, having a radius of 5,549.65 feet, and a radial bearing of North 42°10'49" East; thence 132.83 feet Southeasterly along said curve and said Southwesterly right-of-way, through a central angle of 01°22'17" to a point on the Northwesterly line of the real property described in the Grant Deed to the County of Tulare, recorded August 26, 2010, said point being the beginning of a non-tangent curve concave to the Northwest, having a radius of 2,945.00 feet, and a radial bearing of South 36°42'58" East; thence leaving said Southwesterly right-of-way, along said real property to the County of Tulare, 90.79 feet Southwesterly along said curve through a central angle of 01°45'59"; thence leaving said Northwesterly line, North 89°47'37" West 23.97 feet to the **POINT OF BEGINNING**. Said description contains 7,688 square feet (0.176 acres) more or less.


  
Stanley E. King PLS 8038 Date 5/16/2011  
License Expiration Date: March 31, 2013

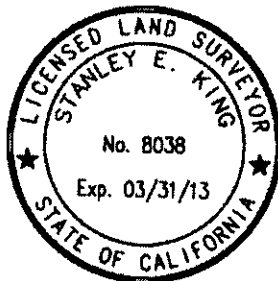
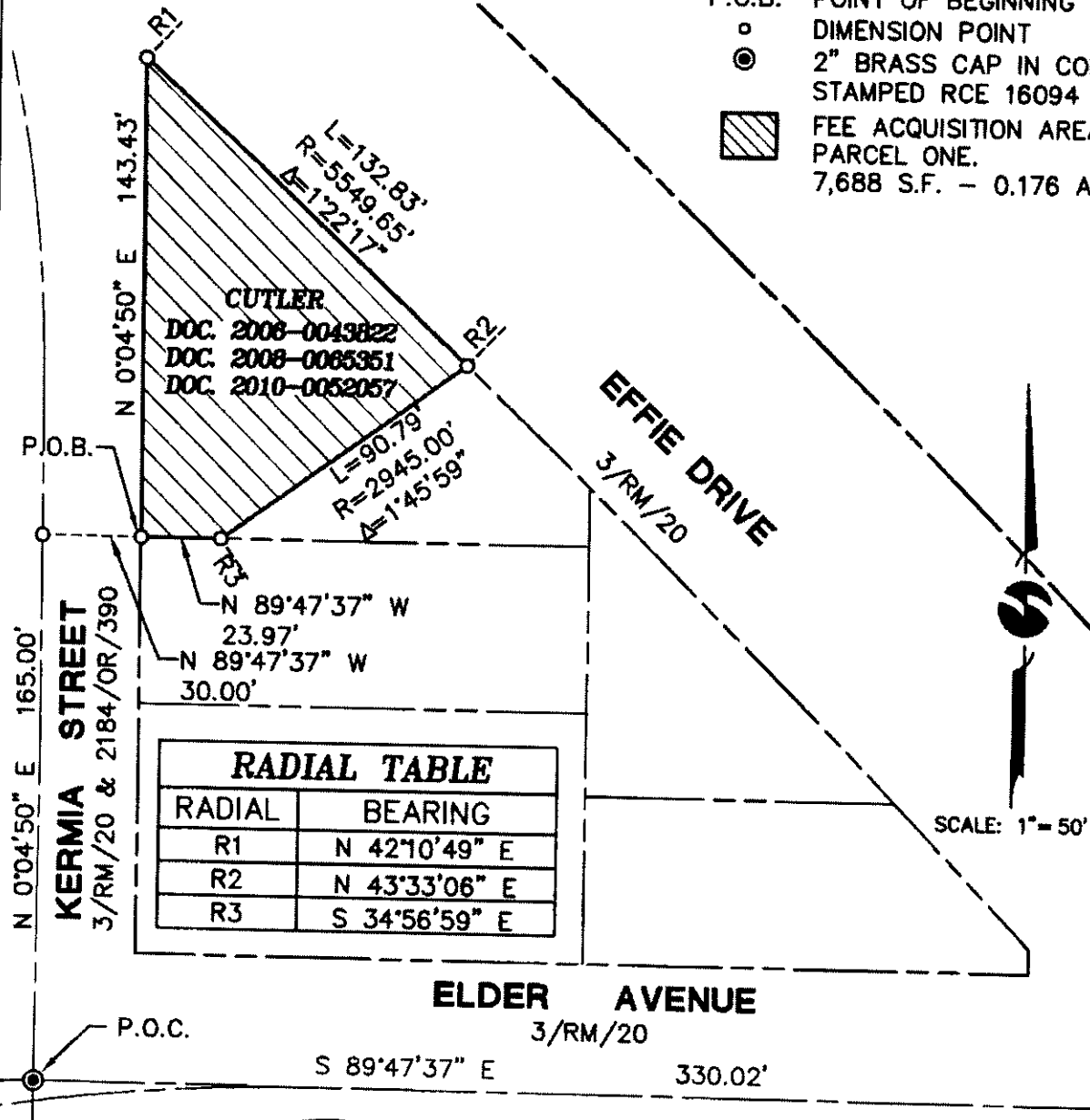


# EXHIBIT "B"

PORTION OF THE NE 1/4 SECTION 24, T. 18 S. R. 23 E. M.D.B. & M.

## LEGEND

- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- DIMENSION POINT
- ⊙ 2" BRASS CAP IN CONCRETE, STAMPED RCE 16094
-  FEE ACQUISITION AREA, PARCEL ONE, 7,688 S.F. - 0.176 AC



STANLEY E. KING PLS 8038  
 LICENSE EXPIRATION DATE: MARCH 31, 2013

CUTLER

**BETTY DRIVE / AVE 312 REALIGNMENT PROJECT**  
**FEE ACQUISITION**