

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: PUBLIC WORKS *gp*
Urgent _____ Routine ✓
CEO Concurs with Recommendation YES _____ NO _____
(Information Attached)

BOARD AGENDA # *C-5
AGENDA DATE JUNE 12, 2001
4/5 Vote Required YES _____ NO ✓

SUBJECT: APPROVAL OF A PURCHASE AGREEMENT TO ACQUIRE ROAD RIGHT-OF-WAY FROM THE McWHORTER PARCEL ON THE WEST SIDE OF ALBERS ROAD SOUTH OF CLARIBEL ROAD

STAFF
RECOMMEN-
DATIONS:

1. APPROVE THE PURCHASE AGREEMENT FOR THE SUBJECT ACQUISITION;
2. AUTHORIZE THE CHAIR OF THE BOARD TO EXECUTE THE AGREEMENT;
3. AUTHORIZE THE AUDITOR TO INCREASE APPROPRIATIONS BY \$25,500 IN THE PROJECT ACCOUNT PER BUDGET JOURNAL SHEET; AND,
4. AUTHORIZE THE AUDITOR TO ISSUE A WARRANT FOR THE PURCHASE AMOUNT OF \$24,500 PAYABLE TO FIRST AMERICAN TITLE COMPANY.

FISCAL
IMPACT:

The right-of-way purchase will be financed with Public Facility Fee funds.

BOARD ACTION AS FOLLOWS:

No. 2001-439

On motion of Supervisor Caruso, Seconded by Supervisor Simon
and approved by the following vote,
Ayes: Supervisors: Mayfield, Blom, Simon, Caruso, and Chair Paul
Noes: Supervisors: None
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None

- 1) X Approved as recommended
- 2) _____ Denied
- 3) _____ Approved as amended

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

By: Deputy

File No.

SUBJECT: APPROVAL OF A PURCHASE AGREEMENT TO ACQUIRE ROAD RIGHT-OF WAY FROM THE McWHORTER PARCEL ON THE WEST SIDE OF ALBERS ROAD SOUTH OF CLARIBEL ROAD.

PAGE: 2

DISCUSSION: The County has a project planned to improve Albers Road, from Claribel Road to Warnerville Road, by constructing a continuous median lane and installing traffic signals at Patterson Road and at Claribel Road. To accomplish this, we will need to acquire additional road right-of-way from the McWhorter parcel on the west side of Albers Road. The area to be acquired is a strip along the west side of Albers Road. The property owner has agreed to accept the sum of \$24,500 for the property. This is the amount determined to be just compensation by an independent appraiser.

The increase of appropriations in the amount of \$25,500 is requested to cover related escrow and recordation costs above the purchase price of \$24,500.

POLICY

ISSUE: This action is consistent with the Board's policy of providing a safe, healthy community.



STAFFING

IMPACT: There is no staffing impact associated with this item.

BWM:dh

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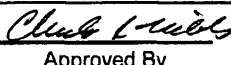
AUDITOR-CONTROLLER
BUDGET JOURNAL

BUDGET JOURNAL SCREEN	
 <p>Stanislaus County <i>Striving to be the Best</i></p>	Budget Organization Stanislaus Budget Org Budget LEGAL BUDGET Accounting Period From Jul-00 To Jun-01
	

BATCH SCREEN	
Journal Batch	PW DH
Category	Budget

Line	Coding Structure							Period	Description
	Fund	Org	Account	G/L Proj	Loc	Misc	May-01		
	4	7	5	7	6	6	AMOUNT		
1	1102	40310	72600	9253	0	0	25,500.00	Increase Appropriations	
2	1102	40310	63280	0	0	0	(25,500.00)	Decrease Appropriations	
3	1102	40310	31420	9253	0	0	25,500.00	Increase Est. Revenue (PFF)	
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25									
Totals									

Explanation: Establish appropriations and estimated revenue to acquire Right of Way for Albers Rd Widening-Claribel to Warnerville.

Requesting Department	CEO	Auditors Office Only	
Diane Haugh  Signature 06-Jun-01 Date	_____ Signature _____ Date	 Approved By 6-6-01 Date	_____ Admin Approval (\$75K+) _____ Date

STANDARD JOURNAL VOUCHER



BATCH SCREEN

Batch _____
 Period _____
 Description _____

JOURNAL SCREEN

Journal PW DKH
 Period Jun-01
 Category Transfer
 Balance Type A A = Actual, B = Budget, E = Encumbrance
 Description Transfer funds from PFF to Roads Project 9253
 Control Total 25,500.00

Line	Coding Structure							Debit	Credit	Description
	Fund 4	Org 7	Account 5	G/L Proj 7	Loc 6	Misc 6				
1	6400	64100	62400	0	0	0	25,500.00			
2	1102	40310	31420	9253	0	0		25,500.00		
3										
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Totals								25,500.00	25,500.00	

Explanation: Transfer of funds from PFF fund to Roads Project 9253 (Albers Rd Widening-Claribel to Warnerville)

Diane Haugh Prepared by		Pat Bates Supervisor's Approval		_____ Prepared by		_____ Admin Apprvl >75,000	
06/06/01 Date		06/06/01 Date		_____ Date		_____ Date	

AGREEMENT -- ROAD RIGHT-OF-WAY ACQUISITION

This Agreement is made and entered into by and between the County of Stanislaus ("County"), and Claude R. Mc Whorter and Lavonne Mc Whorter, ("Owners").

1. Owners warrant and represent that they are the sole owners of the property described on Exhibit "A" attached ("the Property").
2. Owners agree to convey to the County fee title to all that real Property described on the EXHIBIT "A" attached. The purchase price provided by this agreement includes full payment to Owners for the Property, the improvements on the Property, and for landowners cost to remove and relocate existing fencing to the new road right of way line.
3. Owners conveyance of the Property to the County shall be in full settlement and release of all claims for compensation and damages, including any inverse condemnation damages, arising by reason of the acquisition.
4. Owners conveyance of the Property to the County is expressly subject to approval of this Agreement by the County Board of Supervisors. If the County Board of Supervisors approves this Agreement, the County shall deposit into escrow the full purchase price of \$24,500.00 within 60 days of said approval.
5. Owners agree that immediately upon deposit of the full purchase price into escrow, County may enter upon and take possession of the Property, and construct a road and/or road related facilities.
6. Owners are entering into this agreement, with the provision and condition that the County will, as a part of the road construction project, repave four existing 16' wide driveways from the edge of the road pavement to the new property line.
7. The County shall pay all normal and customary expenses of transferring the Property from Owners to the County, including the cost of title insurance. Title shall be free and clear of all liens, encumbrances, easements, assessments and leases, recorded or unrecorded, and the County or the escrow agent is authorized to pay the foregoing agreed price to the undersigned Owners, or, if there are encumbrances on the Property, to the lienholders or other persons entitled thereto, upon close of escrow and issuance of a policy of title insurance showing clear title. Costs of reconveyances to Owner and cost of clearing existing encumbrances shall be paid by Owner and may be deducted from the proceeds.
7. This Agreement shall act as Owners' escrow instructions.

IN WITNESS WHEREOF, this Agreement is entered into on June 12, 2001.

Claude R. Mc Whorter

Claude R. McWhorter
"OWNER"

COUNTY OF STANISLAUS

Pat Paul

Pat Paul
Chair of the Board of Supervisors
"COUNTY"

Lavonne McWhorter

Lavonne McWhorter
"OWNER"

ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk
of the Board of Supervisors of the County
of Stanislaus, State of California

By *Christine Ferraro Tallman*
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL H. KRAUSNICK
County Counsel

By *John P. Doering*
JOHN P. DOERING
Deputy County Counsel

APPROVED AS TO CONTENT:

George Stillman
GEORGE STILLMAN, Director
Department of Public Works

ATTACHMENTS -- Exhibit "A" -- Description of the property to be conveyed to the
County.

EXHIBIT "A"
Legal Description
A.P.N. 014-02-09 (McWhorter property)

A portion of the property conveyed to Claude R. and Lavonne McWhorter by the deed recorded July 1, 1977 as Instrument Number 0377, Stanislaus County Records, lying in the northeast quarter of Section 3, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, situate in the County of Stanislaus, State of California, more particularly described as follows:

Commencing at the northeast corner of Lot 1 of the Sunny Valley Colony recorded in Volume 5 of Maps, Page 42, Stanislaus County Records; thence South $01^{\circ}53'40''$ West along the east line of said Lot 1 and Lot 8 of said Sunny Valley Colony, a distance of 664.75 feet to the southeast corner of the property conveyed to Elfreda Michel by the deed recorded December 28, 1992 as Instrument Number 124961, Stanislaus County Records and the TRUE POINT OF BEGINNING; thence continuing South $01^{\circ}53'40''$ West along said east line of Lot 8, a distance of 365.31 feet; thence North $88^{\circ}06'20''$ West, a distance of 10.00 feet; thence North $01^{\circ}53'40''$ East along a line that lies 10.00 west of and parallel with the said east line of Lot 8, a distance of 365.28 feet to the south line of said Michel property; thence South $88^{\circ}15'00''$ East along said south line, a distance of 10.00 feet to the point of beginning.

Contains 3,653 square feet (0.08 acres), more or less.