

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-3
AGENDA DATE OCTOBER 2, 2001
4/5 Vote Required YES _____ NO ✓

SUBJECT: APPROVAL OF A PURCHASE AGREEMENT TO ACQUIRE A PARCEL OF LAND FOR THE SALIDA STORM DRAINAGE PUMP PROJECT ON THE WEST SIDE OF PIRRONE ROAD NORTH OF PIRRONE COURT

STAFF
RECOMMEN-
DATIONS:

1. APPROVE THE PURCHASE AGREEMENT FOR THE SUBJECT ACQUISITION;
2. AUTHORIZE THE CHAIR OF THE BOARD TO EXECUTE THE AGREEMENT; AND,
3. AUTHORIZE THE AUDITOR TO ISSUE A WARRANT FOR THE PURCHASE AMOUNT OF \$29,400, PAYABLE TO FIDELITY NATIONAL TITLE COMPANY.

FISCAL
IMPACT:

The right-of-way purchase will be financed with Salida Storm Drainage funds.

BOARD ACTION AS FOLLOWS:

No. 2001-764

On motion of Supervisor Simon , Seconded by Supervisor Blom
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:

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

By: Christine Ferraro Deputy

File No.

SUBJECT: APPROVAL OF A PURCHASE AGREEMENT TO ACQUIRE A PARCEL OF LAND FOR THE SALIDA STORM DRAINAGE PUMP PROJECT ON THE WEST SIDE OF PIRRONE ROAD NORTH OF PIRRONE COURT

PAGE: 2

DISCUSSION: The County is constructing a project to improve storm water drainage in the Salida area. Part of that project is to install a new pump system which will interconnect two existing drainage ponds with an existing storm drain line to carry water to the Stanislaus River. To accomplish this, we need to acquire additional road right-of-way from a parcel on the westerly side of Pirrone Road, just north of Pirrone Court. The property owner has agreed to accept the sum of \$29,400 for the property. This is the appraised value of the land.

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:sm

L:\ROADS\32-071\rw071keagbs.wpd

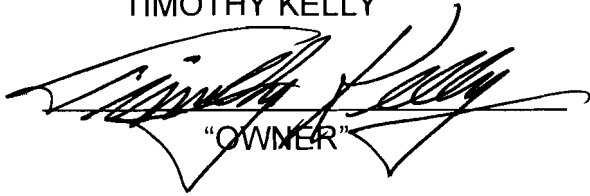
AGREEMENT -- ROAD RIGHT-OF-WAY ACQUISITION

This Agreement is made and entered into by and between the County of Stanislaus ("County"), and Timothy Kelly and Nadine Kelly, ("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, and for the improvements on the Property,
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 \$29,400.00 within 90 days of said approval.
5. Owners agree that immediately upon Board of Supervisors approval of this agreement, County may enter upon and take possession of the Property, and construct a road and/or road related facilities.
6. 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 October 2, 2001.

TIMOTHY KELLY


"OWNER"

COUNTY OF STANISLAUS


PAT PAUL

Chair of the Board of Supervisors
"COUNTY"

NADINE KELLEY


"OWNER"

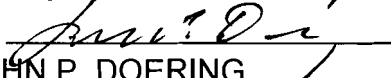
ATTEST:

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


By 
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL H. KRAUSNICK
County Counsel

By 
JOHN P. DOERING
Deputy County Counsel

APPROVED AS TO CONTENT:


GEORGE STILLMAN, Director
Department of Public Works

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

EXHIBIT "A"

All that portion of Parcel "1" as shown on the map filed in Volume 50 of Parcel Maps at page 26, Stanislaus County Records, lying in Section 33, Township 2 South, Range 8 East, Mount Diablo Meridian, described as follows;

BEGINNING at the northwesterly corner of said Parcel "1" , being a point common to the southwesterly line of 88 foot wide Pirrone Road and the northeasterly line of State Highway 99; thence South $43^{\circ}07'40''$ East on said northeasterly line of Highway 99 a distance of 313.00 feet; thence leaving said highway North $46^{\circ}52'20''$ East 11.00 feet; thence North $3^{\circ}21'39''$ East 50.04 feet to the southwesterly line of said Pirrone Road and the beginning of a non-tangent curve concave to the northeast, having a radius of 844.00 feet to which a radial line bears South $27^{\circ}36'05''$ West; thence Northwesterly on the arc of said curve, through a central angle of $19^{\circ}16'15''$, a distance of 283.87 feet to the point of beginning.

Containing 5345 square feet or 0.13 acres