

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

DEPT: PUBLIC WORKS SE

BOARD AGENDA # *C-1

Urgent Routine ✓

AGENDA DATE OCTOBER 30, 2001

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

APPROVAL OF A PURCHASE AGREEMENT TO ACQUIRE ROAD RIGHT-OF-WAY ON THE SOUTH SIDE OF CLARIBEL ROAD JUST WEST OF ALBERS ROAD FOR THE PROJECT TO IMPROVE ALBERS ROAD FROM CLARIBEL ROAD TO WARNERVILLE 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. DIRECT THE AUDITOR TO INCREASE APPROPRIATIONS BY \$10,000.00 IN THE PROJECT ACCOUNT PER THE ATTACHED BUDGET JOURNAL SHEET; AND,
4. DIRECT THE AUDITOR TO ISSUE A WARRANT FOR THE PURCHASE AMOUNT OF \$9,000.00 PAYABLE TO FIDELITY NATIONAL TITLE COMPANY.

FISCAL
IMPACT:

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

BOARD ACTION AS FOLLOWS:

No. 2001-827

On motion of Supervisor Blom, Seconded by Supervisor Mayfield
and approved by the following vote,

Ayes: Supervisors: Mayfield, Blom, Simon, and Chair Paul

Noes: Supervisors: None

Excused or Absent: Supervisors: Caruso

Abstaining: Supervisor: None

1) X Approved as recommended

2) Denied

3) Approved as amended

MOTION:

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

By: Deputy

File No.

SUBJECT: APPROVAL OF A PURCHASE AGREEMENT TO ACQUIRE ROAD RIGHT-OF-WAY ON THE SOUTH SIDE OF CLARIBEL ROAD JUST WEST OF ALBERS ROAD FOR THE PROJECT TO IMPROVE ALBERS ROAD FROM CLARIBEL ROAD TO WARNERVILLE ROAD

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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 parcel on the south side of Claribel Road just west of Albers Road. The property owner has agreed to accept the sum of \$9,000 for the property. This is the amount determined to be just compensation by an independent appraiser.

The increase of appropriations in the amount of \$10,000 is requested to cover related escrow and recordation costs above the purchase price of \$9,000.

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

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AUDITOR-CONTROLLER BUDGET JOURNAL

BUDGET JOURNAL SCREEN



Budget Organization **Stanislaus Budget Org**
 Budget **LEGAL BUDGET**
 Accounting Period From **Jul-01**
 To **Jun-02**



BATCH SCREEN

Journal Batch **PW DH**
 Category **Budget**

Line	Coding Structure						Period	Description
	Fund 4	Org 7	Account 5	G/L Proj 7	Loc 6	Misc 6	Oct-01 AMOUNT	
1	1102	40310	72600	9253	0	0	10,000.00	Increase appropriations
2	1102	40310	31420	9253	0	0	10,000.00	Increase est. rev (PFF)
3								
4								
5								
6								
7								
8								
9								
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19								
20								
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22								
23								
24								
25								
Totals							20,000.00	

Explanation: Increase appropriations and revenue for Albers Rd Widening Project

Requesting Department	CEO	Auditors Office Only	
Diane Haugh		Approved By	Admin Approval (\$75K+)
Signature	Signature		
23-Oct-01			10/24/01
Date	Date	Date	Date

STANDARD JOURNAL VOUCHER

BATCH SCREEN

Batch		
Period	Nov-01	
Description		



JOURNAL SCREEN

Journal	PW DKH	
Period	Nov-01	
Category	Transfer	
Balance Type	A	A = Actual, B = Budget, E = Encumbrance
Description	Transfer of PFF funds to Road Project	
Control Total	10,000.00	

Line	Coding Structure						Debit	Credit	Description
	Fund 4	Org 7	Account 5	G/L Proj 7	Loc 6	Misc 6			
1	6401	64100	62400	0	0	0	10,000.00		
2	1102	40310	31420	9253	0	0		10,000.00	
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Totals							10,000.00	10,000.00	

Explanation: Transfer of PFF funds to Albers Rd Widening Project

Diane Haugh Prepared by 10/23/01 Date	 Supervisor's Approval 10/23/01 Date	 Admin Approval > 75,000 10/24/01 Date
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AGREEMENT -- ROAD RIGHT-OF-WAY ACQUISITION

This Agreement is made and entered into by and between the County of Stanislaus ("County"), and Albert Espinoza and Anthony Albert Espinoza ("Owners").

1. Owners warrant and represent that they are the sole owners of the property described on Exhibit "A" attached.
2. Owners agree to convey to the County an easement for road purposes (the Road Easement) at the location described on Exhibit "A" attached.
3. Owners conveyance of the Road Easement to the County shall be in full settlement and release of all claims for compensation and damages, including any inverse condemnation damages.
4. Owners conveyance of the Road Easement 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 \$9000 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 Road Easement, and construct a road and/or road related facilities.
6. The County shall pay all normal and customary expenses of transferring the easement interest 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 Owners and cost of clearing existing encumbrances shall be paid by Owners and may be deducted from the proceeds.
7. The County shall replace, in kind, approximately 370 feet which is within the area being acquired for road easement.
8. This Agreement shall act as Owners escrow instructions.

IN WITNESS WHEREOF, this Agreement is entered into on October 30, 2001.

ALBERT ESPINOZA


"OWNER"

COUNTY OF STANISLAUS


PAT PAUL
Chair of the Board of Supervisors
"COUNTY"

ANTHONY ALBERT ESPINOZA


"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:

By 
GEORGE STILLMAN, Director
Department of Public Works

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

EXHIBIT "A"
Legal Description for Right-of-Way
A.P.N. 014-02-04 (Espinoza property)

A portion of the property conveyed to Albert Espinoza and Anthony Albert Espinoza by the deed recorded January 18, 1996 as Instrument Number 005004, 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 North $88^{\circ}02'05''$ West along the north line of said Lot 1, a distance of 304.26 feet to the northeast corner of said Espinoza property and the TRUE POINT OF BEGINNING; thence continuing North $88^{\circ}02'05''$ West along the north line of said Lot 1 and said Espinoza property, a distance of 400.76 feet; thence South $01^{\circ}57'55''$ West, a distance of 20.00 feet; thence South $88^{\circ}02'05''$ East, a distance of 400.79 feet to the east line of said Espinoza property; thence North $01^{\circ}54'06''$ East along said east line, a distance of 20.00 feet to the point of beginning.

Contains 8,016 square feet (0.18 acres), more or less.