

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

DEPT: Public Works abm

BOARD AGENDA # \*C-2

Urgent  Routine

AGENDA DATE March 9, 2010

CEO Concur with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval of Purchase Agreement to Acquire Road Right-of-Way Easement for the Las Palmas Avenue at Sycamore Avenue Intersection Project, Parcel Owner Jorge Gonzalez, APN: 048-003-047

STAFF RECOMMENDATIONS:

1. Approve the purchase agreements for the subject acquisition.
2. Authorize the Chairman of the Board to execute the agreement.
3. Direct the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet.
4. Direct the Auditor-Controller to issue a warrant in the total amount of \$21,785, payable to Chicago Title Company, for the purchase amount of \$20,285 and \$1,500 for estimated escrow fees and title insurance.

FISCAL IMPACT:

The total estimated construction cost for this project is \$800,000. The \$21,785 for the purchase of the right-of-way easement is funded 100% by the Regional Transportation Impact Fee Program (RTIF) and consists of \$20,285 for the purchase of the road easement and \$1,500 for estimated escrow and title insurance fees.

BOARD ACTION AS FOLLOWS:

No. 2010-114

On motion of Supervisor DeMartini, Seconded by Supervisor Chiesa  
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Grover

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION:

*Christine Ferraro*

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval of Purchase Agreement to Acquire Road Right-of-Way Easement for the Las Palmas Avenue at Sycamore Avenue Intersection Project, Parcel Owner Jorge Gonzalez, APN: 048-003-047

**DISCUSSION:**

In March 2007, the Board of Supervisors awarded a contract to Associated Engineering Group, Inc. for environmental and engineering services for the Las Palmas Avenue and Sycamore Avenue Intersection Project.

The proposed new traffic signal will improve traffic safety and enhance the flow of traffic through this intersection. Installation of safety lighting and shoulder widening will also be completed.

To accomplish this project, Stanislaus County will need to acquire right-of-way easement from the parcel at the southeast corner of Las Palmas Avenue and Sycamore Avenue.

On October 2, 2007, the Board of Supervisors approved the agreement with Overland, Pacific & Cutler, Inc. to provide right-of-way acquisition services for the Las Palmas Avenue at Sycamore Avenue Intersection Project. The scope of work included appraisal work to be performed by W.G. Bartha & Associates. On November 20, 2007, the County received the independent appraisal from W.G. Bartha & Associates.

On July 9, 2008, an offer letter was sent to the property owner for the right-of-way easements. Mr. Gonzalez, the property owner, did not sign because he was concerned that signaling the intersection would create a hazard for him pulling in and out of his driveway. After negotiating with Mr. Gonzalez, the County agreed to pay for improvements to his driveway to provide safer access to and from his driveway.

In December 2009, a revised offer letter was sent to Mr. Gonzalez. He signed the agreement on January 29, 2010 and has agreed to accept the following:

Property Owner: Jorge Gonzalez  
Amount of Compensation: \$20,285  
Assessors Parcel Number: 048-003-047  
Right-of-Way Easement Area: 0.11 acres

The amount of compensation has been determined to be within the range of just compensation by W.G. Bartha & Associates and Public Works staff.

On July 1, 2008, the Board of Supervisors approved the Initial Study/Mitigated Negative Declaration for the Las Palmas Avenue at Sycamore Intersection Project.

Approval of Purchase Agreement to Acquire Road Right-of-Way Easement for the Las Palmas Avenue at Sycamore Avenue Intersection Project, Parcel Owner Jorge Gonzalez, APN: 048-003-047

**POLICY ISSUES:**

The Board should consider if the recommended actions are consistent with its priorities of providing a safe community, a healthy community and a well-planned infrastructure system.

**STAFFING IMPACT:**

There is no staffing impact associated with this item.

**CONTACT PERSON:**

Matt Machado, Director of Public Works. Telephone: 209-525-6550.

PS:jg  
L:\ROADS\9726 - Las Palmas Ave at Sycamore Ave\Design Division\Board Items\9726\_Right of Way Acquisition Gonzalez.doc

**AUDITOR-CONTROLLER  
BUDGET JOURNAL**



Balance Type  
Category  
Source  
Currency  
Budget Name  
Batch Name  
Journal Name  
Journal description  
Period  
Organization

Budget	
Budget - Upload	
USD	
LEGAL BUDGET	
	BO#
Transfer budget to Las Palmas @ Sycamore Intersection Project	
JUL-09 to JUN-10	
Stanislaus Budget Org	

Line	Coding Structure						Debit		Credit		Description
	Fund	Org	Account	G/L Proj	Loc	Misc	incr appropriations decr est revenue	decr appropriations incr est revenue			
1	1102	40310	72600	9726	0	0.0	21,785.00				
2	1102	40310	63280		0	0.0		21,785.00			
3	1102	40310	46615		0	0.0	21,785.00				
4	1102	40310	46615	9726	0	0.0		21,785.00			
5						0					
6						.0					
7						.0					
8						.0					
9						.0					
10						.0					
11						.0					
12						.0					
13						.0					
14						.0					
15						.0					
16						.0					
17						.0					
18						.0					
19						.0					
20						.0					
21						.0					
22						.0					
23						.0					
24						.0					
25						.0					
Totals							43,570.00	43,570.00			

Transfer budget to Las Palmas @ Sycamore Intersection Project

<b>Requesting Department</b>		<b>CEO</b>	<b>Auditors Office Only</b>	
Sharon Andrews				
Signature		Signature	Prepared By	Admin Approval (\$75K+)
2/23/10		3/2/10		2/23/10
Date		Date	Date	Date

Contact Person & Phone Number

**AUDITOR-CONTROLLER  
STANDARD JOURNAL VOUCHER**



**BATCH SCREEN**

Batch   
 Period   
 Description

**JOURNAL SCREEN**

Journal   
 Category   
 Balance Type  A = Actual or E = Encumbrance  
 Description   
 Control Total

Line	Coding Structure							Debit	Credit	Description
	Fund 4	Org 7	Account 5	G/L Proj 7	Loc 6	Misc 6				
1	6400	64100	85850	0	0	0.0	21,785.00		PFF Transfer Out	
2	1102	40310	46615	9726	0	0.0		21,785.00	PFF Transfer In	
3						0				
4						.0				
5						.0				
6						.0				
7						.0				
8						.0				
9						.0				
10						.0				
11						.0				
12						.0				
13						.0				
14						.0				
15						.0				
16						.0				
17						.0				
18						.0				
19						.0				
20						.0				
21						.0				
22						.0				
23						.0				
24						.0				
25						.0				
26						.0				
27						.0				
<b>Totals</b>								21,785.00	21,785.00	

Explanation: Transfer funds from RTIF to Las Palmas @ Syacamore Intersection Project

Departments Outside Auditors' Office		Auditors Office Only	
SHARON ANDREWS			
Prepared by 2/23/10	Supervisor's Approval 2/23/10	Prepared By	Admin Approval (\$75K+) 2/23/10
Date	Date	Date	Date

**NO FEE**  
**RECORDING REQUESTED BY: BOARD OF SUPERVISORS**  
**RETURN TO: STANISLAUS COUNTY**  
**DEPARTMENT OF PUBLIC WORKS**  
1010 10th Street, Suite 3500  
Modesto, CA 95354

Road Name: Las Palmas Avenue  
APN: 048-003-047

## ROAD EASEMENT

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Jorge Gonzalez, a married man as his sole and separate property,

does hereby grant to the COUNTY OF STANISLAUS an easement for public road and highway purposes in the real property in the County of Stanislaus, State of California described as:

SEE EXHIBIT "A"

  
Jorge Gonzalez

Dated: 01-29-2010

APPROVED as to description: \_\_\_\_\_ Dated: \_\_\_\_\_

### CERTIFICATE OF ACCEPTANCE AND CONSENT TO RECORDATION

This is to certify that the interest in real property conveyed by the deed or grant dated: \_\_\_\_\_

from Jorge Gonzalez to County of Stanislaus, a political corporation and/or governmental agency, is hereby accepted by the undersigned officer or agent on behalf of the Board of Supervisors of the County of Stanislaus, pursuant to authority conferred by resolution of the Board of Supervisors of the County of Stanislaus adopted on \_\_\_\_\_ in accordance with the provision of Government Code Section 27281, and the grantee consents to recordation thereof by its duly authorized officer.

**MATTHEW MACHADO**, Director, Department of Public Works  
of Stanislaus County, State of California

Dated: \_\_\_\_\_

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**FOR RIGHT-OF-WAY**

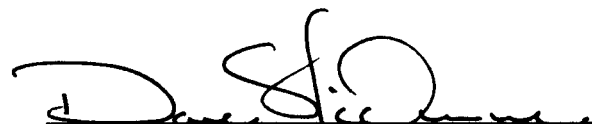
ALL that certain piece or parcel of land situate in the County of Stanislaus, State of California, lying within Lot 231 as shown on that map entitled Patterson Colony, Sub-Tract No. One filed in the Office of the Recorder of the County of Stanislaus on December 13, 1909 in Volume 4 of Maps at Page 40, being more particularly described as follows:

COMMENCING at a 2.5" diameter disc, stamped Patterson Colony, marking the center line intersection point of Las Palmas Avenue and Sycamore Avenue, said point also being the Northwest corner of said Lot 231; thence South  $62^{\circ}00'04''$  East, a distance of 47.17 feet to the point of intersection of the Southerly right-of-way line of Las Palmas Avenue and the Easterly right-of-way line of Sycamore Avenue and being the TRUE POINT OF BEGINNING of this description; thence South  $29^{\circ}59'43''$  East along said Easterly right-of-way line of Sycamore Avenue, a distance of 290.00 feet; thence North  $60^{\circ}00'09''$  East, a distance of 15.00 feet; thence North  $29^{\circ}59'43''$  West, a distance of 265.00 feet; thence North  $15^{\circ}00'17''$  East, a distance of 35.36 feet to a point on said Southerly right-of-way line of Las Palmas Avenue; thence South  $60^{\circ}00'09''$  West along last said line, a distance of 40.00 feet to the point of beginning.

CONTAINING 4,663 square feet more or less.

SUBJECT TO all easements and/or rights-of-way of record.



  
Dave L. Skidmore, L.S. 7126  
License Expires 12/31/08  
7/23/07

201

APN: 047-035-015

FOUND 2.5" ALLOY  
CAP (P.O.C.)

PATTERSON COLONY  
SUB-TRACT NO. 1

200

APN: 047-036-015

LAS PALMAS AVENUE

560°00'09"W

P.O.B.

4,663 S.F.

GONZALEZ

APN: 048-003-047

LINE TABLE		
LINE	BEARING	LENGTH
L1	S62°00'04"E	47.17'
L2	S60°00'09"W	40.00'
L3	N15°00'17"E	35.36'
L4	N60°00'09"E	15.00'

SYCAMORE AVENUE

230

APN: 048-002-010

S29°59'43"E

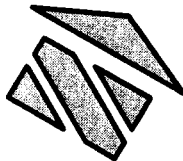
S29°59'43"E 290.00'

N29°59'43"W 265.00'

231

25 - S - 99

APN: 048-003-048



25' 25'

L4

DRAWN R.M.U.

DATE 7/2/07 2:16

SCALE 1"=80'

JOB # 564B-07

DWG. 564B RWLEX

**PLAT TO ACCOMPANY  
LEGAL DESCRIPTION**

A.P.N. 048-003-047 - GONZALEZ  
BEING A PORTION OF LOT 231, OF PATTERSON COLONY  
SUB-TRACT NO. 1, VOL. 4 OF MAPS AT PAGE 40, S.C.R.

STANISLAUS COUNTY

CALIFORNIA



**ASSOCIATED  
ENGINEERING, INC.**

Surveying · Design · Planning

4206 TECHNOLOGY DRIVE  
MODESTO, CALIFORNIA 95356

PH: (209) 545-3390 FAX: (209) 545-3875



State of California )

County of STANISLAUS )

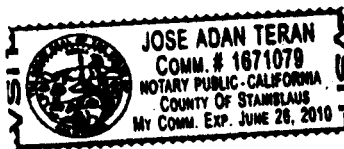
On 01292010 before me, JOSE ADAN TERAN, a Notary

Public, personally appeared JORGE GONZALEZ

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity on behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

Jose Adan Teran  
JOSE ADAN TERAN (Notary Public)

(Seal)

Project: Las Palmas Ave Signalization  
Grantor: Jorge Gonzalez  
APN.: 048-003-047

**AGREEMENT FOR ACQUISITION OF PROPERTY**

This Agreement for Acquisition of Property is between the County of Stanislaus (County) and Jorge Gonzalez, a married man as his sole and separate property (Grantor). This Agreement is expressly subject to approval by the County Board of Supervisors.

**1. PROPERTY.**

Grantor agrees to sell to County, and County agrees to purchase from Grantor, on the terms and conditions set forth in this Agreement, the real property interest described in the Exhibits attached hereto which are incorporated herein by this reference (the "Property").

**2. DELIVERY OF DOCUMENTS/ESCROW.**

All documents necessary for the transfer of easement rights to the Property shall be executed and delivered by Grantor to the County's designated Acquisition Agent.

This transaction shall be handled through an escrow with Chicago Title Company, 1700 Standiford Avenue, Suite 110, Modesto, CA 95350, at (209) 571-6300.

**3. PURCHASE PRICE AND TITLE.**

The consideration to be paid by the County for easement rights to the Property is as follows:

Permanent Easement (4,663 sq. ft X \$2.00/sq. ft.)	\$ 9,326.00
Improvements (driveway)	\$10,959.00
Total	\$20,285.00

County shall deliver the Purchase Price no later than 45 days after Board of Supervisors approval and after delivery and execution of all necessary transfer documents. Grantor shall convey by Road Easement to County easement rights to the Property free and clear of all liens, encumbrances, taxes, assessments and leases recorded and/or unrecorded.

Easement rights to the Property interest shall be evidenced by a CLTA owner's policy of title insurance ("Title Policy"). The Title Policy shall be in the amount of the Purchase Price, showing title to the easement rights of the Property interest vested in County. It shall be a condition precedent to County's obligations under this Agreement that escrow holder is able to issue the Title Policy to County.

County shall pay all costs of any escrow, title insurance, and recording fees incurred in this transaction.

The Grantor agrees that if claims are submitted by lien-holders, the County is hereby authorized to honor such claims and deduct the amount of said claims from the amount to be paid to the property owner. The County will notify the Grantor of any such claims prior to payment.

The Grantor acknowledges that this transaction is a negotiated settlement in lieu of condemnation and agree that the Purchase Price to be paid herein is in full settlement of any claims for compensation or damages that may have arisen, including, but not limited to, attorney fees, pre-condemnation damages, severance damages, business goodwill, or any other claim regarding the acquisition of the Property or construction of improvements thereon.

**4. PRORATION OF TAXES.**

- (a) Taxes shall be prorated in accordance with California Revenue and Taxation Code section 5081 et seq., as of the recordation of the Grant Deed conveying title to County, except that where County has taken possession of the Property, taxes shall be prorated as of the date of possession.
- (b) Grantor authorizes County to deduct from the purchase price any amount necessary to satisfy any delinquent taxes, together with penalties and interest thereon, and any delinquent or non-delinquent assessments or bonds, which are to be cleared from the title to the Property.

**5. POSSESSION.**

Grantor agrees that immediately upon approval of this Agreement by County, the County may enter upon and take possession of the Property.

**6. HAZARDOUS WASTE MATERIAL**

The Grantor hereby represents and warrants that during the period of Grantors' ownership of the Property, there have been no disposals or releases of hazardous substances on, from, or under the Property. Grantor further represents and warrants that Grantor has no knowledge of any disposal or release of hazardous substances, on, from, or under the Property which may have occurred prior to Grantor taking title to the Property interest.


The Purchase Price of the Property reflects the fair market value of the Property without the presence of contamination. If the Property is found to be contaminated by the presence of hazardous substances which requires mitigation under Federal or County law, the County reserves the right to recover its clean-up costs from those who caused or contributed to the contamination.

IN WITNESS WHEREOF, the parties have executed this Agreement on MAR 09 2010 as follows:


COUNTY OF STANISLAUS

GRANTOR

  
\_\_\_\_\_  
Jeff Grover  
Chairman of the Board of Supervisors

By   
\_\_\_\_\_  
Jorge Gonzalez


ATTEST:  
Christine Ferraro Tallman  
Clerk of the Board of Supervisors of the  
County of Stanislaus, State of California

By:   
\_\_\_\_\_  
Deputy Clerk

APPROVED AS TO CONTENT:  
Department of Public Works

  
\_\_\_\_\_  
Matt Machado, Director

APPROVED AS TO FORM:  
John P. Doering  
County Counsel

By:   
\_\_\_\_\_  
Thomas E. Boze  
Deputy County Counsel

EXHIBIT

NO FEE  
RECORDING REQUESTED BY: BOARD OF SUPERVISORS  
RETURN TO: STANISLAUS COUNTY  
DEPARTMENT OF PUBLIC WORKS  
1010 10th Street, Suite 3500  
Modesto, CA 95354

Road Name: Las Palmas Avenue  
APN: 048-003-047

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SEE EXHIBIT "A"

\_\_\_\_\_  
Jorge Gonzalez

Dated: \_\_\_\_\_

\_\_\_\_\_  
APPROVED as to description: \_\_\_\_\_ Dated: \_\_\_\_\_

CERTIFICATE OF ACCEPTANCE AND CONSENT TO RECORDATION

This is to certify that the interest in real property conveyed by the deed or grant dated: \_\_\_\_\_

from Jorge Gonzalez to County of Stanislaus, a political corporation and/or governmental agency, is hereby accepted by the undersigned officer or agent on behalf of the Board of Supervisors of the County of Stanislaus, pursuant to authority conferred by resolution of the Board of Supervisors of the County of Stanislaus adopted on

\_\_\_\_\_ in accordance with the provision of Government Code Section 27281, and the grantee consents to recordation thereof by its duly authorized officer.

**MATTHEW MACHADO**, Director, Department of Public Works  
of Stanislaus County, State of California

\_\_\_\_\_  
Dated: \_\_\_\_\_

564B-07  
GONZALEZ

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**FOR RIGHT-OF-WAY**


ALL that certain piece or parcel of land situate in the County of Stanislaus, State of California, lying within Lot 231 as shown on that map entitled Patterson Colony, Sub-Tract No. One filed in the Office of the Recorder of the County of Stanislaus on December 13, 1909 in Volume 4 of Maps at Page 40, being more particularly described as follows:

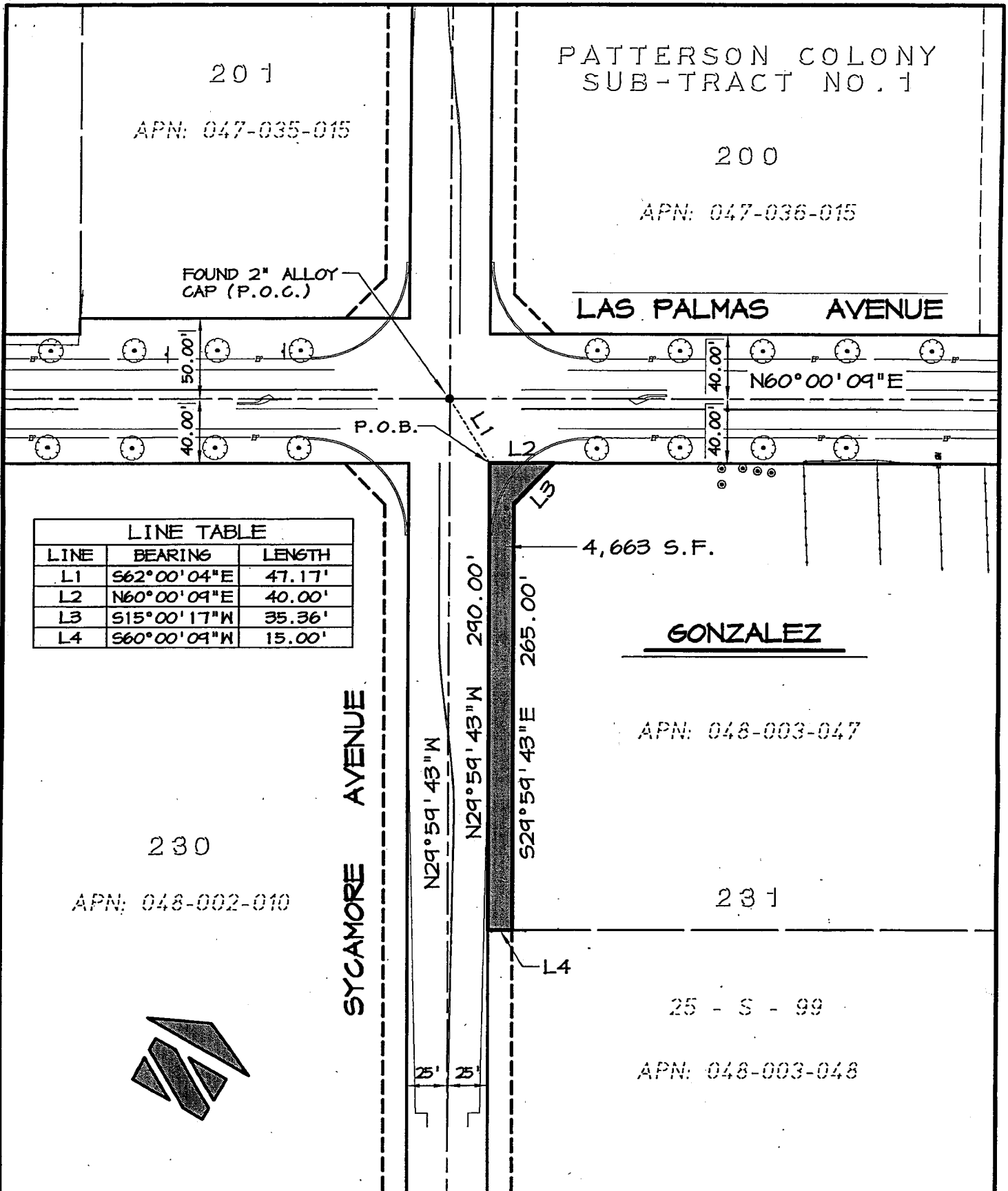
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CONTAINING 4,663 square feet more or less.

SUBJECT TO all easements and/or rights-of-way of record.



  
Dave L. Skidmore, L.S. 7126  
License Expires 12/31/08  
7/23/07



201  
APN: 047-035-015

PATTERSON COLONY  
SUB-TRACT NO. 1

200  
APN: 047-036-015

FOUND 2" ALLOY  
CAP (P.O.C.)

LAS PALMAS AVENUE

LINE TABLE		
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4,663 S.F.

GONZALEZ

APN: 048-003-047

230  
APN: 048-002-010

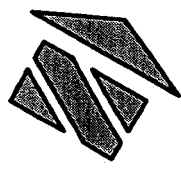
SYCAMORE AVENUE

N29°59'43"W 290.00'  
N29°59'43"W 265.00'

231

25 - S - 99

APN: 048-003-048



DRAWN R.M.U.  
DATE 6/15/07 3:25  
SCALE 1"=80'  
JOB # 564B-07  
DWG. 564B RWLEX

**PLAT TO ACCOMPANY  
LEGAL DESCRIPTION**

A.P.N. 048-003-047 - GONZALEZ  
BEING A PORTION OF LOT 231, OF PATTERSON COLONY  
SUB-TRACT NO.1, VOL. 4 OF MAPS AT PAGE 40, S.C.R.  
STANISLAUS COUNTY CALIFORNIA



**ASSOCIATED  
ENGINEERING, INC.**  
Surveying • Design • Planning  
4206 TECHNOLOGY DRIVE  
MODESTO, CALIFORNIA 95356  
PH: (209) 545-3390 FAX: (209) 545-3875