

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

DEPT: PUBLIC WORKS *GP*

BOARD AGENDA # \*C-1

Urgent        Routine ✓

AGENDA DATE June 12, 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 AT THE  
NORTHEAST CORNER OF THE INTERSECTION OF ALBERS ROAD AND WORKMAN ROAD  
FOR THE IMPROVEMENT OF THAT INTERSECTION

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 \$1,000 IN THE  
PROJECT ACCOUNT PER THE ATTACHED BUDGET JOURNAL SHEET; AND,
4. AUTHORIZE THE AUDITOR TO ISSUE A WARRANT FOR THE PURCHASE AMOUNT  
OF \$500 PAYABLE TO FIDELITY NATIONAL TITLE COMPANY.

FISCAL  
IMPACT:

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

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BOARD ACTION AS FOLLOWS:

No. 2001-435

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 AT THE NORTHEAST CORNER OF THE INTERSECTION OF ALBERS ROAD AND WORKMAN ROAD FOR THE IMPROVEMENT OF THAT INTERSECTION

**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 parcel on the northeast corner of the Albers Road and Workman Road intersection. The property owner has agreed to accept the sum of \$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 \$1,000 is requested to cover related escrow and recordation costs above the purchase price of \$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

 <p><b>Stanislaus</b> <b>County</b> <i>Striving to be the Best</i></p>	<b>BUDGET JOURNAL SCREEN</b>		 <p><b>Public Works</b> STANISLAUS COUNTY</p>	
	Budget Organization	Stanislaus Budget Org		
	Budget	LEGAL BUDGET		
	Accounting Period From	Jul-00		To

<b>BATCH SCREEN</b>	
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	1,000.00	Increase Appropriations	
2	1102	40310	63280	0	0	0	(1,000.00)	Decrease Appropriations	
3	1102	40310	31420	9253	0	0	1,000.00	Increase Est. Revenue (PFF)	
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Totals									

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

<b>Requesting Department</b>	<b>CEO</b>	<b>Auditors Office Only</b>	
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 1,000.00

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	1,000.00		
2	1102	40310	31420	9253	0	0		1,000.00	
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Totals							1,000.00	1,000.00	

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

 Diane Haugh Prepared by 06/06/01 Date	 Pat Bates Supervisor's Approval 06/06/01 Date	Prepared by Date	Admin Apprvl >75,000 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 Duane E. Roots ("Owner").

1. Owner warrants and represents that he is the sole owner of the property described on Exhibit "A" attached.
2. Owner agrees to convey to the County all that real property described on Exhibit "A" attached.
3. Owner's 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. Owner's 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 \$500 within 60 days of said approval.
5. Owner agrees 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. The County shall pay all normal and customary expenses of transferring the easement interest from Owner 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 Owner, 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 Owner's escrow instructions.

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

DUANE E. ROOTS

COUNTY OF STANISLAUS

Duane E Roots  
"OWNER"

Pat Paul  
PAT PAUL  
Chair of the Board of Supervisors  
"COUNTY"

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:

By: Steve Euk  
for 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. 064-32-04 (Roots property)**

A portion of the property conveyed to Charles L. Wilson and Lucille M. Wilson by deed recorded May 19, 1993 as Instrument Number 050263, Stanislaus County Records, and being a portion of Lot 58 of the Pacific Pea Packing Company Colony, recorded in Volume 8 of Maps, Page 41, Stanislaus County Records, lying in the northwest quarter of Section 35, Township 2 South, Range 10 East, Mount Diablo Base and Meridian, situate in the County of Stanislaus, State of California, more particularly described as follows:

Beginning at the southwest corner of said Wilson property, said point being intersection of the north line of 50-foot wide Workman Road and the east line of 90-foot wide Albers Road; thence South  $88^{\circ}05'15''$  East along the south line of said Wilson property and the said north line of Workman Road, a distance of 61.98 feet to a point of cusp and the beginning of a curve concave to the northeast, having a radius of 46.00 feet; thence Westerly and Northerly along the arc of said curve through a central angle of  $107^{\circ}45'51''$ , a distance of 86.52 feet to the said east line of Albers Road, a point of cusp and the beginning of a curve concave to the east having a radius of 1955.00 feet; thence Southerly along the arc of said curve through a central angle of  $01^{\circ}50'18''$ , a distance of 62.73 feet to the point of beginning.

Contains 889 square feet (0.02 acres), more or less.