

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

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

BOARD AGENDA # *C-1
AGENDA DATE JULY 10, 2001
4/5 Vote Required YES _____ NO

SUBJECT: APPROVAL OF A PURCHASE AGREEMENT TO ACQUIRE ROAD RIGHT-OF-WAY FROM THE DE VISER PARCEL ON THE NORTHWEST CORNER OF ALBERS ROAD AND PATTERSON ROAD

STAFF RECOMMENDATIONS:

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 \$17,050 IN THE PROJECT ACCOUNT PER BUDGET JOURNAL SHEET; AND,
4. AUTHORIZE THE AUDITOR TO ISSUE A WARRANT FOR THE PURCHASE AMOUNT OF \$16,550 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. 2001-522

On motion of Supervisor Caruso, 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) Approved as recommended
- 2) _____ Denied
- 3) _____ Approved as amended

Motion:

SUBJECT: APPROVAL OF A PURCHASE AGREEMENT TO ACQUIRE ROAD RIGHT-OF WAY FROM THE DE VISER PARCEL ON THE NORTHWEST CORNER OF ALBERS ROAD AND PATTERSON 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 de Viser parcel on the west side of Albers Road. The property owner has agreed to accept the sum of \$16,550 for the property. This is the amount determined to be just compensation by an independent appraiser.

The increase of appropriations in the amount of \$17,050 is requested to cover related escrow and recordation costs above the purchase price of \$16,050.

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

L:\ROADS\32-051\rw\051deagbs.wpd

**AUDITOR-CONTROLLER
BUDGET JOURNAL**


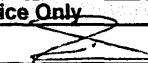
 <p>Stanislaus County <i>Striving to be the Best</i></p>	BUDGET JOURNAL SCREEN		
	Budget Organization	Stanislaus Budget Org	
	Budget	LEGAL BUDGET	
	Accounting Period From	Jul-01	To



BATCH SCREEN	
Journal Batch Category	PW DH Budget


Line	Coding Structure						Period	Description	
	Fund 4	Org 7	Account 5	G/L Proj 7	Loc 6	Misc 6	Jun-01 AMOUNT		
1	1102	40310	72600	9253	0	0	17,050.00	Increase Appropriations	
2	1102	40310	31420	9253	0	0	17,050.00	Increase Est Rev (PFF)	
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
19									
20									
21									
22									
23									
24									
25									
Totals								34,100.00	

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

Requesting Department	CEO	Auditors Office Only	
Diane Haugh Signature  02-Jul-01 Date	_____ Signature _____ Date	_____ Approved By	 Admin Approval (\$75K+) 7-02-01 Date

AUDITOR - CONTROLLER


STANDARD JOURNAL VOUCHER


BATCH SCREEN		
Batch	<input type="text"/>	
Period	<input type="text"/>	
Description	<input type="text"/>	

JOURNAL SCREEN	
Journal	PW DKH
Period	Jul-01
Category	Transfer
Balance Type	A A = Actual, B = Budget, E = Encumbrance
Description	Transfer of PFF funds to Roads Project
Control Total	17,050.00

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	17,050.00		
2	1102	40310	31420	9253	0	0		17,050.00	
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
19									
20									
21									
22									
23									
24									
25									
26									
Totals							17,050.00	17,050.00	

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

Diane Haugh Prepared by 07/02/01 Date	 Larry Wendel Supervisor's Approval 07/02/01 Date
--	---

Prepared by Date	 Admin Apprvl >75,000 7:02-01 Date
---------------------	--

AGREEMENT -- ROAD RIGHT-OF-WAY ACQUISITION

This Agreement is made and entered into by and between the County of Stanislaus ("County"), and Abraham de Viser and Cynthia L de Viser, ("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, for the improvements on the Property, for Owners cost to remove irrigation valves that must be eliminated because of the road widening, for Owners cost to remove and relocate cattle stanchions, and for Owners cost to relocate existing fencing to the new road right of way line.
3. Owners are entering into this agreement, with this provision and condition regarding four sycamore trees which are within the area being acquired by County: If and when the County chooses to remove the trees, whether during the road construction project or at some later time, the trees will be cut down rather than pushed over. This is so that the tree roots do not damage an adjacent irrigation line which is on the Owners remainder property.
4. County agrees that because of proximity of our planned road construction to an old existing irrigation line running parallel to Albers Road, County will repair or pay Owner to repair, any leaks that occur in that irrigation line within one year from date that County files a notice of completion for the planned construction job.
5. 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.
6. 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 \$16,550.00 within 60 days of said approval.

7. 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.

8. 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.

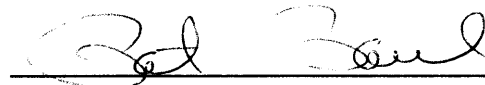
8. This Agreement shall act as Owners' escrow instructions.

IN WITNESS WHEREOF, this Agreement is entered into on June 22,, 2001.

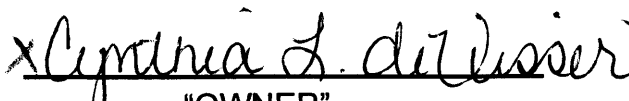
ABRAHAM de VISER

x 
"OWNER"

COUNTY OF STANISLAUS

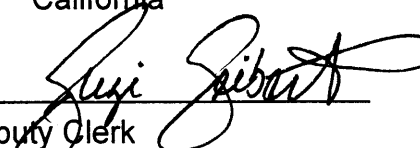

PAT PAUL
Chair of the Board of Supervisors
"COUNTY"

CYNTHIA L. de VISER

x 
"OWNER"

ATTEST:

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

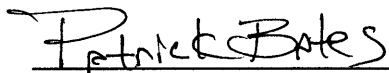
By 
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL H. KRAUSNICK
County Counsel

By 
JOHN P. DOERING
Deputy County Counsel

APPROVED AS TO CONTENT:


for 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. 063-28-05 (de Viser property)

A portion of Lot 43 of the Pacific Pea Packing Company Colony as per map filed June 26, 1916 in Volume 8 of Maps, Page 41, Stanislaus County Records, lying in the northwest quarter of Section 26, 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:

Commencing at the southeast corner of said northwest quarter; thence North $88^{\circ}04'40''$ West along the centerline of a 66.00 foot wide road known as Patterson Road, a distance of 33.01 feet; thence North $00^{\circ}48'10''$ East, a distance of 33.01 feet to intersection of the north line of said Patterson Road with the west line of a 90.00 foot wide road known as Albers Road, said west line being 33.00 feet west of and parallel with the east line of said northwest quarter of Section 26, said intersection being the TRUE POINT OF BEGINNING; thence continuing North $00^{\circ}48'10''$ East along said west line of Albers Road, a distance of 565.13 feet; thence North $89^{\circ}11'50''$ West, a distance of 10.00 feet; thence South $00^{\circ}48'10''$ West along a line 43.00 feet west of and parallel with the east line of said northwest quarter of Section 26, a distance of 530.27 feet to the beginning of a curve concave to the northwest, having a radius of 34.00 feet; thence Southwesterly along the arc of said curve through a central angle of $91^{\circ}07'10''$, a distance of 54.07 feet to said north line of Patterson Road and a point of cusp; thence South $88^{\circ}04'40''$ East along said north line, a distance of 44.67 feet to the point of beginning.

Contains 5,910 square feet (0.14 Acres), more or less.