

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-3
AGENDA DATE AUGUST 14, 2001
4/5 Vote Required YES _____ NO

SUBJECT: APPROVAL OF A PURCHASE AGREEMENT TO ACQUIRE ROAD RIGHT-OF-WAY AT THE SOUTHWEST CORNER OF THE INTERSECTION OF ALBERS ROAD AND CLARIBEL ROAD FOR THE IMPROVEMENT OF THAT INTERSECTION

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 \$19,225.00 IN THE PROJECT ACCOUNT PER THE ATTACHED BUDGET JOURNAL SHEET; AND,
4. AUTHORIZE THE AUDITOR TO ISSUE A WARRANT FOR THE PURCHASE AMOUNT OF \$18,225.00 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. 2001-616

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:

Christine Ferraro
By: Deputy

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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 southwest corner of the Albers Road and Claribel Road intersection. The property owner has agreed to accept the sum of \$18,225.00 for the property. This is the amount determined to be just compensation by an independent appraiser.

The increase of appropriations in the amount of \$19,225 is requested to cover related escrow and recordation costs above the purchase price of \$18,225.

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:

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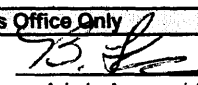
AUDITOR-CONTROLLER BUDGET JOURNAL

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

BATCH SCREEN	
Journal Batch	PW JAE
Category	Budget

Line	Coding Structure							Period	Description
	Fund	Org	Account	G/L Proj	Loc	Misc	Aug-01		
	4	7	5	7	6	6	AMOUNT		
1	1102	40310	72600	9253	0	0	19,225.00	Increase appropriations	
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
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17									
18									
19									
20									
21									
22									
23									
24									
25									
Totals								19,225.00	

Explanation: Increase appropriations by \$19,225 to cover the purchase of the southwest corner of the intersection of Albers Road and Claribel Road. CAMS #32-051

Requesting Department	CEO	Auditors Office Only
Julie Elder Signature _____ 8-Aug-01 Date _____	_____ Signature _____ Date	_____ Approved By _____ Date
		 Admin Approval (\$75K+) 8/8/01 Date

AGREEMENT -- ROAD RIGHT-OF-WAY ACQUISITION

This Agreement is made and entered into by and between the County of Stanislaus ("County"), and Elfreda Michel, ("Owner").

1. Owner warrants and represent that she is the sole owner of the property described on Exhibit "A" attached.
2. Owner agrees to convey to the County an easement for road purposes ("the Easement") at the location described on the EXHIBIT "A" attached.
3. Owners conveyance of the Easement 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 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 \$18,225.00 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 Easement, and construct a road and/or road related facilities.
6. The County shall pay all normal and customary expenses of transferring the Easement 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 Owners' escrow instructions.

IN WITNESS WHEREOF, this Agreement is entered into on August 14, 2001.

ELFREDA MICHEL

Elfreda Michel
"OWNER"

COUNTY OF STANISLAUS

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:

George Stillman
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. 014-02-05 (Michel property)

A portion of the property conveyed to Elfreda Michel by the deed recorded December 28, 1992 as Instrument Number 124961, 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:

Beginning at the northeast corner of said Michel property, also being the northeast corner of Lot 1 of the Sunny Valley Colony recorded in Volume 5 of Maps, Page 42, Stanislaus County Records; thence South 01°53'40" West along the east line of said Michel property, a distance of 664.75 feet to the southeast corner of said Michel property; thence North 88°15'00" West along the south line of said Michel property, a distance of 10.00 feet; thence North 01°53'40" East along a line that lies 10.00 west of and parallel with the said east line of Michel property, a distance of 585.20 feet; thence North 43°04'13" West, a distance of 63.10 feet to a line that lies 35.00 feet south of and parallel with north line of said Michel property; thence North 88°02'05" West along last said line, a distance of 249.67 feet to the west line of said Michel property; thence North 01°54'06" East along said west line, a distance of 35.00 feet to the northwest corner of said Michel property; thence South 88°02'05" East along said north line, a distance of 304.26 feet to the point of beginning.

Contains 17,940 square feet (0.41 acres), more or less.