

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

DEPT: PUBLIC WORKS

BOARD AGENDA # *C-4

Urgent Routine

AGENDA DATE AUGUST 14, 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 CLARIBEL 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 \$22,679 IN THE
PROJECT ACCOUNT PER THE ATTACHED BUDGET JOURNAL SHEET; AND,
4. AUTHORIZE THE AUDITOR TO ISSUE A WARRANT FOR THE PURCHASE AMOUNT
OF \$21,679.00 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. 2001-617

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:

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

By: Christine Ferraro 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 CLARIBEL 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 several intersections. 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 Claribel Road intersection. The property owner has agreed to accept the sum of \$21,679.00 for the property. This amount is based on unit values determined to be just compensation by an independent appraiser.


The increase of appropriations in the amount of \$22,679 is requested to cover related escrow and recordation costs above the purchase price of \$21,679.

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

AUDITOR-CONTROLLER BUDGET JOURNAL

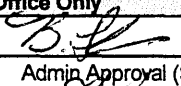
BUDGET JOURNAL SCREEN									
 <p>Stanislaus County <small>Striving to be the Best</small></p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Budget Organization</td> <td style="border: 1px solid black; padding: 2px;">Stanislaus Budget Org</td> </tr> <tr> <td>Budget</td> <td style="border: 1px solid black; padding: 2px;">LEGAL BUDGET</td> </tr> <tr> <td>Accounting Period From</td> <td style="border: 1px solid black; padding: 2px;">Jul-01</td> </tr> <tr> <td>To</td> <td style="border: 1px solid black; padding: 2px;">Jun-02</td> </tr> </table>	Budget Organization	Stanislaus Budget Org	Budget	LEGAL BUDGET	Accounting Period From	Jul-01	To	Jun-02
Budget Organization	Stanislaus Budget Org								
Budget	LEGAL BUDGET								
Accounting Period From	Jul-01								
To	Jun-02								



BATCH SCREEN	
Journal Batch	PW JAE
Category	Budget

Line	Coding Structure						Period	Description
	Fund 4	Org 7	Account 5	G/L Proj 7	Loc 6	Misc 6	Aug-01 AMOUNT	
1	1102	40310	72600	9253	0	0	22,679.00	Increase appropriations
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
Totals							22,679.00	

Explanation: Increase appropriations by \$22,679 to cover the purchase of the northeast 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 Don Valk, as Trustee of the Valk Irrevocable Trust of 1993 ("Owner").

1. Owner warrants and represent that it 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 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. The purchase price provided by this agreement includes full payment to Owner for the easement, for Owner to relocate his existing 4' x 6' sign, and for Owner to remove his existing fence and construct new fencing on the new road right of way line.
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 \$21,679.00 within 60 days of said approval.
5. Owner agrees that immediately upon Owners signing of this agreement, County may enter upon owners property and construct an irrigation levee on the new (proposed) road right of way line. Owner further 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 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 Owners escrow instructions.

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

Valk Irrevocable Trust of 1993



Don Valk, Trustee

COUNTY OF STANISLAUS



Pat Paul

Chair of the Board of Supervisors
"COUNTY"

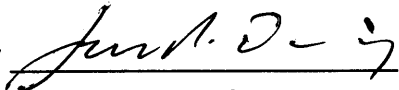
ATTEST:

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

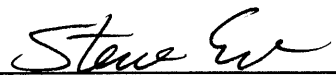
By 
Deputy Clerk

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 easement to be conveyed to the County.

EXHIBIT "A"
Legal Description for Right-of-Way
A.P.N. 064-32-24 (Valk property)

(Albers Road & Claribel Road):

A portion of Parcel 1 as shown in Book 41 of Parcel Maps, Page 97 Stanislaus County Records, lying in the southwest 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 Parcel 1, said point being the intersection of the north line of 40-foot wide Claribel Road and the east line of 90-foot wide Albers Road; thence North $01^{\circ}39'00''$ East along said east line of Albers Road and the west line of said Parcel 1, a distance of 2124.97 feet to the beginning of a curve concave to the east, having a radius of 1955.00 feet; thence northerly along the arc of said curve, through a central angle of $14^{\circ}40'12''$, a distance of 500.56 feet to the south line of 50 foot wide Workman Road; thence South $88^{\circ}05'15''$ East along said south line 92.29 feet; thence leaving said south line South $73^{\circ}27'14''$ West 74.51 feet; thence South $39^{\circ}11'02''$ West 41.21 feet to the beginning of a non-tangent curve concave to the east, having a radius of 1945.00 feet to which a radial line bears North $75^{\circ}18'49''$ West; thence southerly along the arc of said curve being 10.00 feet easterly of and parallel with the west line of said Parcel 1, through a central angle of $13^{\circ}02'11''$, a distance of 442.54 feet; thence South $01^{\circ}39'00''$ West on said line 10.00 feet easterly of and parallel said west line of Parcel 1, a distance of 2058.51 feet; thence South $43^{\circ}11'27''$ East, a distance of 65.96 feet to a line that lies 20.00 feet north of and parallel with the south line of said Parcel 1; thence South $88^{\circ}01'55''$ East along last said line, a distance of 548.72 feet; thence South $01^{\circ}58'05''$ West, a distance of 20.00 feet to said south line of Parcel 1; thence North $88^{\circ}01'55''$ West along said south line, a distance of 605.12 feet to the point of beginning.

Contains 40694 square feet (0.93 acres), more or less.