

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

DEPT: Public Works

BOARD AGENDA # \*C-4

Urgent  Routine

AGENDA DATE February 12, 2008

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval of Purchase Agreement to Acquire Road Right-of-Way for the Geer Road at Whitmore Avenue Intersection Improvement Project, Parcel Owner Grant Paterson Living Trust, APN: 018-026-005

STAFF RECOMMENDATIONS:

1. Approve the purchase agreement 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 \$8,750, payable to Fidelity National Title Company, for the purchase amount of \$7,250 and \$1,500 for estimated escrow fees and title insurance.

FISCAL IMPACT:

The total estimated cost for this project is \$2,038,811. The \$8,750 for the purchase of this right-of-way is funded 100% by the Regional Transportation Impact Fee Program (RTIF) and consists of \$7,250 for the purchase of the road easement, \$1,500 for estimated escrow and title insurance fees.

BOARD ACTION AS FOLLOWS:

No. 2008-109

On motion of Supervisor Grover, Seconded by Supervisor DeMartini

and approved by the following vote,

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

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.

**DISCUSSION:**

In January 2004, the Board of Supervisors approved the Public Works Department Traffic Congestion Relief Program. The Traffic Congestion Relief Program provides for the installation of traffic signals, left turn lanes and related improvements on selected roadways throughout the County, including the improvements to the Geer Road at Whitmore Avenue intersection.

In June 2004, the Board of Supervisors awarded a contract to RBF Consulting for environmental and engineering services for the Traffic Congestion Relief Project "D". This project consists of intersection improvements at two intersections on Geer Road. The two intersections are Geer Road at Hatch Road and Geer Road at Whitmore Avenue.

The proposed new traffic signal and additional through lanes and turn lanes will improve traffic safety and enhance the flow of traffic through these intersections. Installation of safety lighting and shoulder widening will also be completed.

On June 5, 2007, the Board of Supervisors approved the Initial Study/Mitigated Negative Declaration for intersection improvements at Geer Road at Whitmore Avenue.

To accomplish this project, the County will need to acquire additional right-of-way from the parcel on the west side of Geer Road north of Whitmore Avenue. The property owner has agreed to accept the following:

Property Owners	Amount of Compensation	Assessors Parcel Number	Right-of-Way Area
Grant Paterson Living Trust	\$7,250	018-026-006	3,207 s.f.

The amount of compensation has been determined to be within the range of just compensation by an independent appraiser hired by the County.

**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.

## AUDITOR-CONTROLLER BUDGET JOURNAL

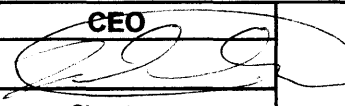
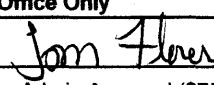


Balance Type	Budget	
Category	Budget - Upload	
Source		
Currency	USD	
Budget Name	LEGAL BUDGET	
Batch Name		BO#
Journal Name		
Journal description	Right of Way for Geer at Whitmore Ave Intersection	
Period	JUL-07 to JUN-08	
Organization	Stanislaus Budget Org	

Line	Coding Structure						Debit		Credit		Description
	Fund 4	Org 7	Account 5	G/L Proj 7	Loc 6	Misc 6	incr appropriations decr est revenue	decr appropriations incr est revenue			
1	1102	40310	72600	9708	0	0.0	8,750.00				
2	1102	40310	63280	0	0	0.0		8,750.00			
3	1102	40310	46615	0	0	0.0	8,750.00				
4	1102	40310	46615	9708	0	0.0		8,750.00			
5						0					
6						.0					
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23						.0					
24						.0					
25						.0					
<b>Totals</b>							<b>17,500.00</b>	<b>17,500.00</b>			

Right of Way for Geer at Whitmore Ave Intersection

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<b>Requesting Department</b>		<b>CEO</b>		<b>Auditors Office Only</b>	
Sharon Andrews					
Signature		Signature		Prepared By	
1/29/08		02/09/08		Admin Approval (\$75K+)	
Date		Date		Date	
				1/30/08	
				Date	

Contact Person & Phone Number

**AUDITOR-CONTROLLER  
STANDARD JOURNAL VOUCHER**

**BATCH SCREEN**

Batch PW  
 Period Jan-08  
 Description \_\_\_\_\_



**JOURNAL SCREEN**

Journal PW SKA JV  
 Category Transfer  
 Balance Type A A = Actual or E = Encumbrance  
 Description Transfer from RTIF to Project Account Geer at Whitmore Ave  
 Control Total 8,750.00

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	0.0	8,750.00		
2	1102	40310	46615	9708	0	0	0.0		8,750.00	
3							0.0			
4							0.0			
5							0.0			
6							0.0			
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23							0.0			
24							0.0			
25							0.0			
26							0.0			
27							0.0			
<b>Totals</b>								<b>8,750.00</b>	<b>8,750.00</b>	

Explanation: Transfer from RTIF to Project Account Geer at Whitmore Ave

Departments Outside Auditors' Office		Auditors Office Only	
SHARON ANDREWS	<i>[Signature]</i>		<i>[Signature]</i>
Prepared by	Supervisor's Approval	Prepared By	Admin Approval (\$75K+)
1/29/08	<i>[Signature]</i>		<i>[Signature]</i>
Date	Date	Date	Date
	1/29/08		1/30/08

Project: Geer Road/Whitmore Avenue  
Intersection  
Grantor(s): Paterson Trust  
APN.: 018-026-005

**AGREEMENT FOR ACQUISITION OF PROPERTY**

This Agreement for Acquisition of Property is between the County of Stanislaus (County) and Alan Murray Paterson, as Successor Trustee of the Grant Paterson Living Trust, pursuant to Declaration of Trust dated October 30, 2001 (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 Road Easement Exhibit attached hereto which are incorporated herein by this reference (the "Property").

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

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

This transaction shall be handled through an escrow with Fidelity National Title Company, 3425 Coffee Road, #c, Modesto, California 95355 at (209) 529-0231.

3. **PURCHASE PRICE AND TITLE.**

The consideration to be paid by the County for easement rights to the Property is \$7,250.00 dollars (the "Purchase Price" and is segregated as follows:

\$5,522.00	Permanent Easement (3,207 sq. ft.)
\$N/A	Temporary Construction Easement
\$1,728.00	Improvements (blacktop/mailbox relocation/landscaping
\$-0-	Severance Damages
\$7,250.00	Total

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(s) shall convey good, marketable and insurable title to the Property free and clear of all liens, encumbrances, taxes, assessments and leases recorded and/or unrecorded.

Good, marketable and insurable fee simple title to the Property shall be evidenced by an ALTA extended coverage owner's policy of title insurance ("Title Policy"), with survey

exception if County elects not to obtain an ALTA survey for the Property interest. The Title Policy shall be in the amount of the Purchase Price, showing title to 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 Grantors 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 interest 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 Grantor's 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,

**Agreement for Purchase  
Paterson Trust / APN: 018-026-005  
Page 3 of 3**

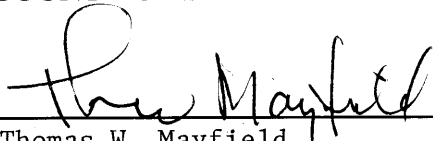
from, or under the Property which may have occurred prior to Grantor taking title to the Property interest.

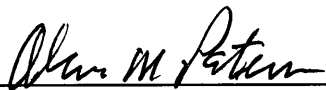
The Purchase Price of the Property interest reflects the fair market value to the Property without the presence of contamination. If the Property is found to be contaminated by the presence of hazardous substances which requires mitigation under Federal or County law, the Count reserves the right to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

**IN WITNESS WHEREOF, the parties have executed this Agreement on 2-12-08  
as follows:**

COUNTY OF STANISLAUS

GRANTOR:

  
\_\_\_\_\_  
Thomas W. Mayfield  
Chairman of the Board of Supervisors

By   
\_\_\_\_\_  
**Alan Murray Paterson, as Successor  
Trustee of the Grant Paterson Living  
Trust, pursuant to Declaration of Trust  
dated October 30, 2001**

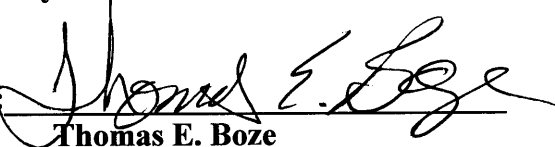
ATTEST:  
**Christine Ferraro Tallman  
Clerk of the Board of Supervisors of the  
County of Stanislaus, State of California**

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

APPROVED AS TO CONTENT:  
**Department of Public Works**

  
\_\_\_\_\_  
**Matthew Machado, Director**

APPROVED AS TO FORM:  
**Michael H. Krausnick  
County Counsel**

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

**EXHIBIT "A"**

Revised May 1, 2007  
February 28, 2007  
JN 35-100395

**LEGAL DESCRIPTION**

**RIGHT OF WAY DEDICATION  
APN 018-026-005**

That certain portion of land situate in the Southeast Corner of Section 10, Township 4 South, Range 10 East of the Mt. Diablo Base and Meridian, County of Stanislaus, State of California, described as follows:


**COMMENCING** at the Southeast Corner of said Section 10; thence along the easterly section line of said Section 10 North 00°14'38" West 660.43 feet; thence leaving said easterly section line South 89°45'22" West 25.00 feet to the **TRUE POINT OF BEGINNING**, said point also being southeast corner of the lands of Paterson as described in Doc. 2001-0130752, recorded in County Recorder's Office of said County, said point also being on the northeasterly corner of lands of Rexin as described in Doc. 1997-0052534, recorded in County Recorder's Office of said County; thence along the southerly boundary line of said lands of Paterson (Doc. 2001-0130752) North 89°24'53" West 25.00 feet; thence leaving said southerly boundary line North 05°19'47" East 257.40 feet to the easterly boundary line of said lands of Paterson (Doc. 2001-0130752); thence along said easterly boundary line South 00°14'38" East 256.54 feet to the **TRUE POINT OF BEGINNING**.

**CONTAINING** 3,207 square feet

**SUBJECT TO** all Covenants, Rights, Rights-of-Way and Easements of record.

**EXHIBIT "B"** attached and by this reference made a part hereof.



  
Daniel W. Bustamante, P.L.S. 7030  
License Expires September 30, 2008

**RBF CONSULTING**  
500 Ygnacio Valley Road, Suite 270  
Walnut Creek, California 94596



APN 018-026-005  
 DOC. 2001-0130752  
 LANDS OF PATERSON

LINE DATA TABLE		
NO.	BEARING	LENGTH
L1	N89° 45' 22" E	25.00'
L2	N89° 24' 53" W	25.00'

R/W DEDICATION  
 3,207 SQ. FT.



APN 018-026-006  
 DOC. 1997-0052534  
 LANDS OF REXIN

T.4S., R.10E.,  
 MDB&M

WHITMORE AVE

SECTION LINE

SEC 10

SEC 15

N05° 19' 47" E 257.40'

N00° 14' 38" W 256.54'

SECTION LINE

GEER ROAD

T.P.O.B.

N00° 14' 38" W 660.43'

T.P.O.C.

SOUTHWEST CORNER  
 OF SEC 10

SEC 11

SEC 14

**EXHIBIT "B"**

SKETCH TO ACCOMPANY A  
 LEGAL DESCRIPTION FOR  
 RIGHT OF WAY DEDICATION

APN: 018-026-005  
 STANISLAUS COUNTY

SHEET 1 OF 1 SHEETS



PLANNING ■ DESIGN ■ CONSTRUCTION

500 YGNACIO VALLEY ROAD, SUITE 270  
 WALNUT CREEK, CALIFORNIA 94596-3847  
 925.906.1460 • FAX 925.906.1465 • www.RBF.com

MAY 1, 2007

J.N. 35-100395

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