

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

DEPT: Public Works *Med*

BOARD AGENDA # \*C-1

Urgent  Routine

AGENDA DATE January 12, 2010

CEO Concur with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval of Purchase Agreement to Acquire Road Right-of-Way Easement for the Las Palmas Avenue at Sycamore Avenue Intersection Project, Parcel Owner Manuel Romero, APN: 048-003-048

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 \$21,916, payable to Chicago Title Company, for the purchase amount of \$20,416 and \$1,500 for estimated escrow fees and title insurance.

FISCAL IMPACT:

The total estimated cost for this project is \$800,000. The \$21,916 for the purchase of the right-of-way easements is funded 100% by the Regional Transportation Impact Fee Program (RTIF) and consists of \$20,416 for the purchase of the road easement and \$1,500 for estimated escrow and title insurance fees.

BOARD ACTION AS FOLLOWS:

No. 2010-017

On motion of Supervisor Monteith, Seconded by Supervisor DeMartini  
and approved by the following vote,

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

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.

Approval of Purchase Agreement to Acquire Road Right-of-Way Easement for the Las Palmas Avenue at Sycamore Avenue Intersection Project, Parcel Owner Manuel Romero, APN: 048-003-048

**DISCUSSION:**

In March 2007, the Board of Supervisors awarded a contract to Associated Engineering Group, Inc. for environmental and engineering services for the Las Palmas Avenue and Sycamore Avenue Intersection Project.

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

To accomplish this project, Stanislaus County will need to acquire right-of-way easement from the parcel on the southwest corner of Las Palmas Avenue and Sycamore Avenue.

On October 2, 2007, the Board of Supervisors approved the agreement with Overland, Pacific & Cutler, Inc. to provide right-of-way acquisition services for the Las Palmas Avenue at Sycamore Avenue Intersection Project. The scope of work included appraisal work to be performed by W.G. Bartha & Associates. On November 20, 2007, the County received the independent appraisal from W.G. Bartha & Associates.

On July 9, 2008, an offer letter was sent to the property owner for the right-of-way easement. The owner did not sign and expressed his concerns with the potential for contamination of his domestic water well and the soil on his property. After negotiating with Mr. Romero, the County agreed to test the soil and domestic water well for contamination. The test results will help the County identify existing conditions of the soil and water well prior to the widening of Sycamore Avenue.

The County hired Neil O. Anderson and Associates to perform the soils and water tests. On July 31, 2009, the County received the test results. On August 25, 2009, a letter was sent to Mr. Romero explaining the test results. Mr. Romero was satisfied with the test results and agreed to sign the road easement. The property owner has agreed to accept the following:

Property Owners: Manuel Romero  
Amount of Compensation: \$20,415  
Assessors Parcel Number: 048-003-048  
Right-of-Way Easement Area: 0.11 acres

The amount of compensation has been determined to be within the range of just compensation by W.G. Bartha & Associates and County staff.

On July 1, 2008, the Board of Supervisors approved the Initial Study/Mitigated Negative Declaration for the Las Palmas Avenue at Sycamore Avenue Intersection Project.

Approval of Purchase Agreement to Acquire Road Right-of-Way Easement for the Las Palmas Avenue at Sycamore Avenue Intersection Project, Parcel Owner Manuel Romero, APN: 048-003-048

**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.

PS:jg

L:\ROADS\9726 - La s Palmas Ave at Sycamore Ave\Design Division\Board Items\9726\_Right of Way Acquisition Romero.doc

## AUDITOR-CONTROLLER BUDGET JOURNAL



Balance Type	Budget	
Category	Budget - Upload	
Source		
Currency	USD	
Budget Name	LEGAL BUDGET	
Batch Name		BO#
Journal Name		
Journal description	Transfer budget to Las Palmas @ Sycamore Project	
Period	JUL-09 to JUN-10	
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	9726	0	0.0	21,916.00				
2	1102	40310	63280	0	0	0.0		21,916.00			
3	1102	40310	46615	0	0	0.0	21,916.00				
4	1102	40310	46615	9726	0	0.0		21,916.00			
5						0					
6						0					
7						0					
8						0					
9						0					
10						0					
11						0					
12						0					
13						0					
14						0					
15						0					
16						0					
17						0					
18						0					
19						0					
20						0					
21						0					
22						0					
23						0					
24						0					
25						0					
<b>Totals</b>							43,832.00	43,832.00			

Transfer budget to Las Palmas @ Sycamore Project

Requesting Department		CEO	Auditors Office Only	
Sharon Andrews				
Signature		Signature	Prepared By	
1/5/10		1/6/10	Date	1/5/10
Date		Date	Date	Date

Contact Person & Phone Number
-------------------------------

**AUDITOR-CONTROLLER  
STANDARD JOURNAL VOUCHER**



**BATCH SCREEN**

Batch:   
 Period:   
 Description:

**JOURNAL SCREEN**

Journal:   
 Category:   
 Balance Type:  A = Actual or E = Encumbrance  
 Description:   
 Control Total:

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	21,916.00				
2	1102	40310	46615	9726	0	0.0		21,916.00			
3						0.0					
4						0.0					
5						0.0					
6						0.0					
7						0.0					
8						0.0					
9						0.0					
10						0.0					
11						0.0					
12						0.0					
13						0.0					
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15						0.0					
16						0.0					
17						0.0					
18						0.0					
19						0.0					
20						0.0					
21						0.0					
22						0.0					
23						0.0					
24						0.0					
25						0.0					
26						0.0					
27						0.0					
Totals								21,916.00	21,916.00		

Explanation: Transfer funds from RTIF into Las Palmas @ Sycamore project

Departments Outside Auditors' Office		Auditors Office Only	
SHARON ANDREWS <i>[Signature]</i>	<i>[Signature]</i>		<i>[Signature]</i>
Prepared by	Supervisor's Approval	Prepared By	Admin Approval (\$75K+)
1/5/10	1/5/10		1/5/10
Date	Date	Date	Date

Project: Las Palmas Ave Signalization  
Grantor: Manuel Romero  
APN.: 048-003-048

**AGREEMENT FOR ACQUISITION OF PROPERTY**

This Agreement for Acquisition of Property is between the County of Stanislaus (County) and Manuel Romero, an unmarried man (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 Exhibits attached hereto which are incorporated herein by this reference (the "Property").

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

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

This transaction shall be handled through an escrow with Chicago Title Company, 1700 Standiford Avenue, Suite 110, Modesto, CA 95350, at (209) 571-6300.

**3. PURCHASE PRICE AND TITLE.**

The consideration to be paid by the County for easement rights to the Property is as follows:

Permanent Easement (4,950 sq. ft.)	\$ 9,900.00
Improvements (fence and gate)	\$10,516.00
Total	\$20,416.00

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 shall convey by Road Easement to County easement rights to the Property free and clear of all liens, encumbrances, taxes, assessments and leases recorded and/or unrecorded.

Easement rights to the Property interest shall be evidenced by a CLTA owner's policy of title insurance ("Title Policy"). The Title Policy shall be in the amount of the Purchase Price, showing title to the easement rights of 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 Grantor of any such claims prior to payment.

The Grantor acknowledges that this transaction is a negotiated settlement in lieu of condemnation and agrees 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 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 Grantors'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, from, or under the Property which may have occurred prior to Grantor taking title to the Property interest.

The Purchase Price of the Property reflects the fair market value of 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,

**Agreement for Purchase**  
**Manuel Romero**  
**Page 3 of 3**

the County 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** JAN 12 2010 **as follows:**

COUNTY OF STANISLAUS

GRANTOR



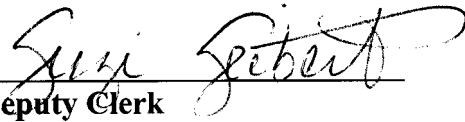
\_\_\_\_\_  
Jeff Grover  
Chairman of the Board of Supervisors



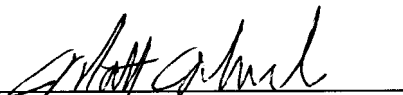
\_\_\_\_\_  
Manuel Romero

ATTEST:

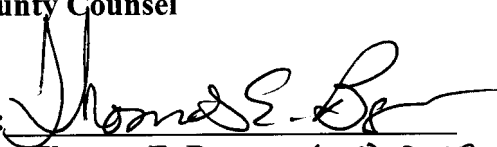
**Christine Ferraro Tallman**  
Clerk of the Board of Supervisors of the  
County of Stanislaus, State of California

By:   
Deputy Clerk

APPROVED AS TO CONTENT:  
Department of Public Works

  
\_\_\_\_\_  
Matt Machado, Director

APPROVED AS TO FORM:  
**John P. Doering**  
County Counsel

By:   
Thomas E. Boze 1-5-2010  
Deputy County Counsel



**RECORDING REQUESTED BY:**

Chicago Title Company  
Escrow No.: 09-6052717-SC  
Locate No.: CACTI7750-7750-4511-0006052717  
Title No.: 09-6052717-VS

**AND WHEN RECORDED MAIL TO**

County of Stanislaus  
Department of Public Works  
1010 10th Street, Ste. 3500  
Modesto, CA 95354



Stanislaus, County Recorder  
Lee Lundrigan Co Recorder Office  
**DOC- 2010-0066265-00**

Acct 502-Fidelity National Title  
Friday, JUL 30, 2010 08:00:00  
Ttl Pd \$0.00 Nbr-0002926383  
OGM/R3/1-5

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Road Easement

BOARD OF SUPERVISORS

2011 OCT 11 P 2:16

**THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION**  
(Additional recording fee applies)

**EXHIBIT**

**NO FEE**

**RECORDING REQUESTED BY: BOARD OF SUPERVISORS**

**RETURN TO: STANISLAUS COUNTY  
DEPARTMENT OF PUBLIC WORKS  
1010 10th Street, Suite 3500  
Modesto, CA 95354**

Road Name: Las Palmas Avenue  
APN: 048-003-048

**ROAD EASEMENT**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

MANUEL ROMERO, an unmarried man,

does hereby grant to the COUNTY OF STANISLAUS an easement for public road and highway purposes in the real property in the County of Stanislaus, State of California described as:

SEE EXHIBIT "A"

  
\_\_\_\_\_  
Manuel Romero

Dated: 1/19/09

APPROVED as to description: L.O.F. Dated: 1/19/2010

**CERTIFICATE OF ACCEPTANCE AND CONSENT TO RECORDATION**

This is to certify that the interest in real property conveyed by the deed or grant dated: 1-19-2010

from Manuel Romero, an unmarried man to County of Stanislaus, a political corporation and/or governmental agency, is hereby accepted by the undersigned officer or agent on behalf of the Board of Supervisors of the County of Stanislaus, pursuant to authority conferred by resolution of the Board of Supervisors of the County of Stanislaus adopted on 1-5-2010 in accordance with the provision of Government Code Section 27281, and the grantee consents to recordation thereof by its duly authorized officer.

**MATTHEW MACHADO, Director, Department of Public Works  
of Stanislaus County, State of California**

  
\_\_\_\_\_

Dated: 1-19-10

State of California )

County of STANISLAUS )

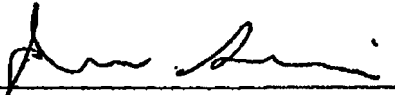
On 11-19-09 before me, AGUSTIN SIMON, a Notary  
Public, personally appeared Manuel Romero

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same  
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument  
the person(s), or the entity on behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)

Agustin Simon  
Stanislaus comm expies  
Comm # 1744398 May 10, 2011

**564B-07  
ROMERO**

**EXHIBIT "A"  
LEGAL DESCRIPTION  
FOR RIGHT-OF-WAY**


ALL that certain piece or parcel of land situate in the County of Stanislaus, State of California, lying within Lot 231 as shown on that map entitled Patterson Colony, Sub-Tract No. One filed in the Office of the Recorder of the County of Stanislaus on December 13, 1909 in Volume 4 of Maps at Page 40, being more particularly described as follows:

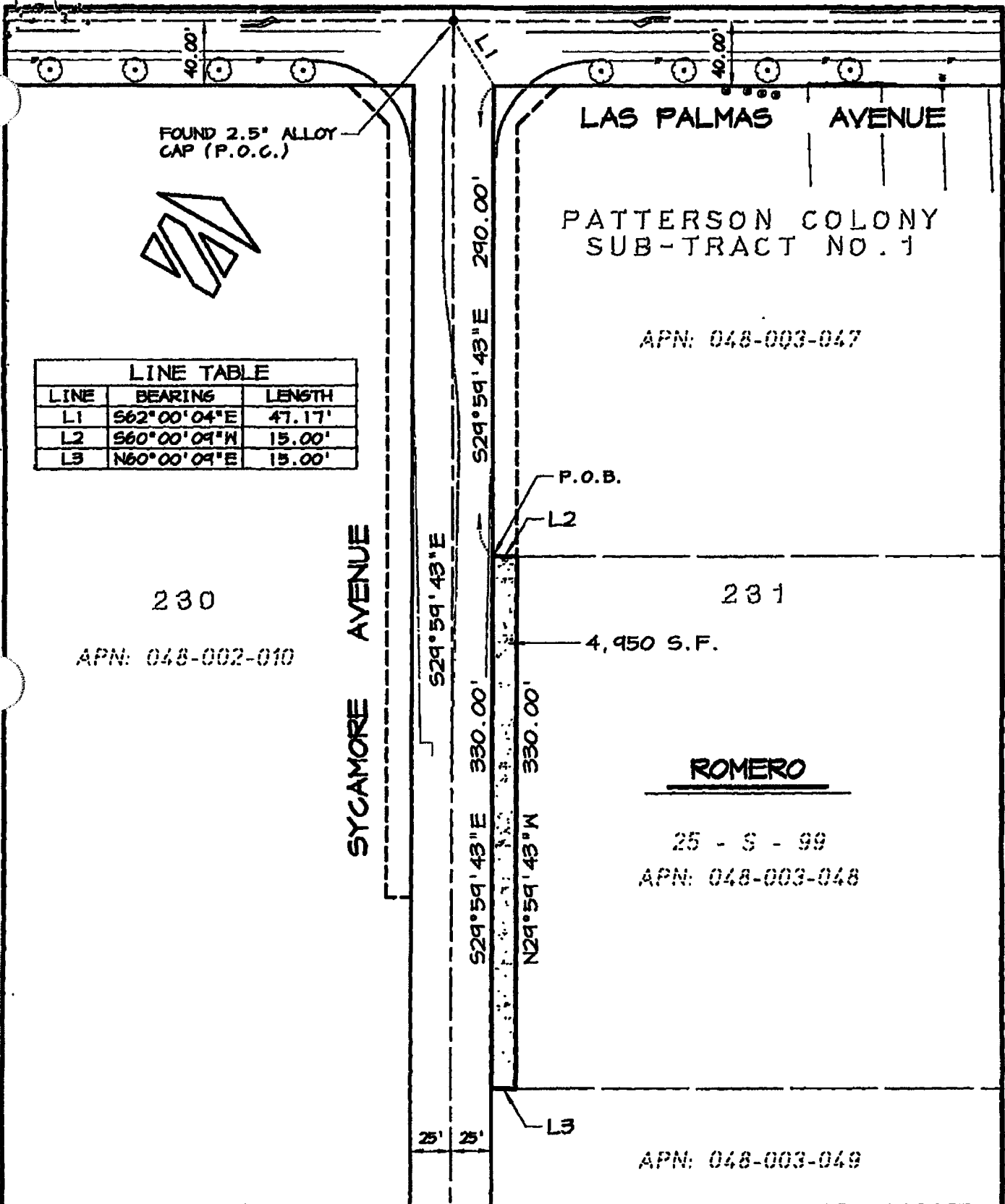
COMMENCING at a 2.5" diameter disc, stamped Patterson Colony, marking the center line intersection point of Las Palmas Avenue and Sycamore Avenue, said point also being the Northwest corner of said Lot 231; thence South 62°00'04" East, a distance of 47.17 feet to the point of intersection of the Southerly right-of-way line of Las Palmas Avenue and the Easterly right-of-way line of Sycamore Avenue; thence South 29°59'43" East along last said right-of-way line, a distance of 290.00 feet to the TRUE POINT OF BEGINNING of this description; thence continuing South 29°59'43" East along last said right-of-way line, a distance of 330.00 feet; thence North 60°00'09" East, a distance of 15.00 feet; thence North 29°59'43" West, a distance of 330.00 feet; thence South 60°00'09" West, a distance of 15.00 feet to the point of beginning.

CONTAINING 4,950 square feet more or less.

SUBJECT TO all easements and/or rights-of-way of record.



  
Dave L. Skidmore, L.S. 7126  
License Expires 12/31/08  
7/3/07



FOUND 2.5" ALLOY  
CAP (P.O.C.)



LINE TABLE		
LINE	BEARING	LENGTH
L1	S62°00'04"E	47.17'
L2	S60°00'09"W	15.00'
L3	N60°00'09"E	15.00'

230

APN: 048-002-010

SYCAMORE AVENUE

LAS PALMAS AVENUE

PATTERSON COLONY  
SUB-TRACT NO. 1

APN: 048-003-047

P.O.B.

L2

231

4,950 S.F.

ROMERO

25 - S - 99

APN: 048-003-048

L3

APN: 048-003-049

DRAWN	R.M.U.
DATE	7/2/07 2:16
SCALE	1"=80'
JOB #	564B-07
DWG.	564B R/LEX

**PLAT TO ACCOMPANY  
LEGAL DESCRIPTION**

A.P.N. 048-003-048 - ROMERO  
BEING A PORTION OF LOT 231, OF PATTERSON COLONY  
SUB-TRACT NO. 1, VOL. 4 OF MAPS AT PAGE 40, S.C.R.

STANISLAUS COUNTY CALIFORNIA

**ASSOCIATED  
ENGINEERING, INC.**  
Surveying · Design · Planning  
4206 TECHNOLOGY DRIVE  
MODESTO, CALIFORNIA 95356  
PH: (209) 545-3390 FAX: (209) 545-3875