

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

DEPT: Public Works

BOARD AGENDA #: \*C-8

AGENDA DATE: April 19, 2016

**SUBJECT:**

Approval of an Agreement for Acquisition of Property for the Santa Fe Avenue Over the Tuolumne River Bridge Replacement Project, Grantor: Alderwoods Group (California) Inc., A California Corporation by Merger with Whitehurst-Lakewood Memorial Park and Funeral Service, a California Corporation, Assessor's Parcel Number: 018-001-074 (Portion)

**BOARD ACTION AS FOLLOWS:**

No. 2016-189

On motion of Supervisor O'Brien, Seconded by Supervisor Withrow  
and approved by the following vote,

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

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:

ATTEST:

  
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
AGENDA ITEM**

DEPT: Public Works

BOARD AGENDA #: \*C-8

Urgent

Routine

CB

AGENDA DATE: April 19, 2016

CEO CONCURRENCE: \_\_\_\_\_

4/5 Vote Required: Yes  No

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**SUBJECT:**

Approval of an Agreement for Acquisition of Property for the Santa Fe Avenue Over the Tuolumne River Bridge Replacement Project, Grantor: Alderwoods Group (California) Inc., A California Corporation by Merger with Whitehurst-Lakewood Memorial Park and Funeral Service, a California Corporation, Assessor's Parcel Number: 018-001-074 (Portion)

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**STAFF RECOMMENDATIONS:**

1. Approve the purchase agreement for the acquisition of the property for the Santa Fe Avenue Over the Tuolumne River Bridge Replacement Project, Grantor: Alderwoods Group (California) Inc., A California Corporation by Merger with Whitehurst-Lakewood Memorial Park and Funeral Service, a California Corporation, Assessor's Parcel Number: 018-001-074 (portion).
2. Authorize the Chairman of the Board to execute the Agreement for Acquisition of Properties.
3. Authorize the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations.

**DISCUSSION:**

The Santa Fe Avenue Bridge over the Tuolumne River is a major north/south arterial road near Empire. The bridge is located approximately 1.0 miles south of State Route 132 and serves as a link between the Empire and the City of Hughson. The bridge serves approximately 10,000 vehicles per day with 10% of those vehicles being trucks.

The Santa Fe Avenue Bridge was built in 1947 and is currently rated by Caltrans as functionally obsolete. Additionally, the bridge is deemed to be seismically deficient and therefore does not meet current seismic design standards. As a result Caltrans has determined that replacement of the bridge is a more feasible option than retrofitting the bridge to meet current seismic and geometric design standards.

The current structure is narrow having a width of only 24 feet curb to curb and allows for two travel lanes with no shoulder on either side. The proposed replacement structure will have two 12 feet travel lanes, with 8 feet shoulders, and a 12 feet center median lane to accommodate safe turning movements to and from existing driveways located at both ends of the bridge.

As a result of the Santa Fe Avenue bridge replacement project, the County will need to acquire portions of properties adjacent to the bridge to allow for the construction of the new bridge. The

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property is located on Santa Fe Avenue just south-east of the existing Santa Fe Avenue Bridge, approximately 1.0 miles south of State Route 132. The property owner who owns the parcel needed by the County has agreed to accept the following terms as outlined in the Agreement for Acquisition of Property in Attachment 1:

Property Owner:	Alderwoods Group (California) Inc., Whitehurst-Lakewood Memorial Park and Funeral Service
Amount of Compensation:	\$10,800
Slope and Drainage Easement:	0.3144 Acres (approximate)
Temporary Construction Easement	0.5280 Acres (approximate)

A total of 0.84 (approximate) Acres of Assessor's Parcel Number 018-001-074 will be acquired for this project along with the removal of three trees. The amount of compensation has been determined to be within the range of just compensation by an independent appraiser hired by the consultant, Dokken Engineering, who is contracted with the County for all-inclusive engineering and project delivery services.

Right of Way (ROW) acquisition is required from three parcels in order to construct the project. The acquisition of this property will complete the ROW phase of the project.

**POLICY ISSUE:**

Government Code section 6950 gives the County the authority to purchase real property for public benefit.

**FISCAL IMPACT:**

Funding is available in the current fiscal year's Public Works Road Projects budget. The purchase is a component of the total Santa Fe Avenue Bridge Replacement Project cost of approximately \$10,000,000.

<b>Cost of recommended action:</b>		\$ 10,800
<b>Source(s) of Funding:</b>		
Highway Bridge Program (HBP)	\$ 9,561	
Public Facilities Fees (PFF)	\$ 1,239	
<b>Funding Total:</b>		<u>\$ 10,800</u>
<b>Net Cost to County General Fund</b>		<u><u>\$ -</u></u>

<b>Fiscal Year:</b>	2015/2016
<b>Budget Adjustment/Appropriations needed:</b>	No

<b>Fund Balance as of 2/29/2016</b>	
Roads and Bridges	\$ 11,471,667
PFF Fund 2401	\$ 4,959,916

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**BOARD OF SUPERVISORS' PRIORITY:**

The recommended actions are consistent with the Board's priorities of providing A Safe Community, A Healthy Community, and A Well-Planned Infrastructure System by replacing a functionally obsolete and seismically deficient bridge in Stanislaus County.

**STAFFING IMPACT:**

Existing Public Works staff is overseeing this project.

**CONTACT PERSON:**

Matt Machado, Public Works Director

Telephone: (209) 525-4153

**ATTACHMENT(S):**

1. Agreement for Acquisition of Property

ATTACHMENT 1  
AGREEMENT FOR ACQUISITION OF PROPERTY

Project: Santa Fe Avenue Bridge  
Replacement Project  
Grantor: Alderwoods Whitehurst-Lakewood  
APN: 018-001-074

### AGREEMENT FOR EASEMENTS ACQUISITION

This Agreement for Acquisition of Property ("Agreement") is between the **County of Stanislaus** (County) and **Alderwoods Group (California) Inc., a California Corporation, successor by merger with Whitehurst-Lakewood Memorial Park and Funeral Service, a California Corporation** (Grantor). This Agreement is expressly subject to approval by the County Board of Supervisors.

1. **PROPERTY.**

Grantor agrees to convey to County, and County agrees to purchase from Grantor, on the terms and conditions set forth in this Agreement and affecting the property described in and attached herein as Exhibit A-1, certain easements described in the Exhibits A-2, A-3, B-1 and B-2 attached hereto which are incorporated herein by this reference (the "Easements").

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

A grant of easement document and temporary construction easement for the conveyance of the easements shall be executed and delivered by Grantor to the County's designated Acquisition Agent.

This transaction shall be handled through an escrow with First American Title Company, 484 N. Prospect Street, Suite C, Porterville CA, at (559) 306-3387.

3. **PURCHASE PRICE AND TITLE.**

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

Permanent Slope and Drainage Easment 0.3144 Acre @ \$30,000/Acre x 50%	\$ 4,716.00
Temporary Construction Easement 0.5280 Acre @ \$25,000/Acre x 8% /Year x 3.5	\$ 5,068.80
Two 8" Tress	\$ 500.00
One 30" Tree	\$ 500.00
Severance Damages	\$ 00.00
Benefits	\$ 00.00
Total (Rounded)	\$ 10,800.00

County shall deliver the Compensation no later than 45 days after Board of Supervisors approval and after delivery and execution of the easement documents.

County shall pay all costs of any escrow, title insurance, and recording fees incurred in this transaction.

Grantor acknowledges that the Easements acquired by the County are for a public purpose, and therefore, subject to taking by the power of eminent domain. Grantor acknowledges that this transaction is a negotiated settlement in lieu of condemnation.

**4. POSSESSION.**

It is agreed and confirmed by the parties hereto that notwithstanding other provisions in this contract, the right of possession and use of the subject property by the Grantee, including the right to remove and dispose of improvements shall commence on the close of escrow controlling this transaction and that the amount shown in Clause 3 herein includes, but is not limited to, full payment for such possession and use, including damages, if any, from said date.

**5. INDEMNITY.**

County agrees to indemnify and hold harmless Grantor from any liability arising out of County's operations under this Agreement. County further agrees to assume responsibility for any property damages or personal injuries proximately caused by reason of County's operations under this Agreement and County will, at Grantor's option, either repair or pay for such damage.


**6. ENTIRE AGREEMENT.**

This Agreement and the attached Exhibits constitute the entire agreement between the parties relating to the easements. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force and effect. Any amendment to this Agreement shall be of no force and effect unless it is in writing and signed by the County and Grantor.

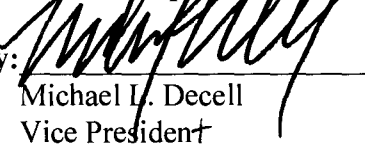
**(INTENTIONALLY LEFT BLANK)**

IN WITNESS WHEREOF, the parties have executed this Agreement on April 19, 2016 as follows:

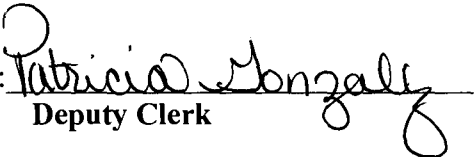
COUNTY OF STANISLAUS

  
\_\_\_\_\_  
Dick Monteith  
Chairman of the Board of Supervisors

GRANTOR:  
Alderwoods Group (California) Inc., a  
California Corporation

By:   
\_\_\_\_\_  
Michael L. Decell  
Vice President

ATTEST:  
Elizabeth A. King  
Clerk of the Board of Supervisors of the  
County of Stanislaus, State of California

By:   
\_\_\_\_\_  
Patricia Gonzalez  
Deputy Clerk

APPROVED AS TO CONTENT:  
Department of Public Works

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

APPROVED AS TO FORM:  
John P. Doering  
County Counsel

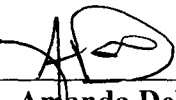
By:   
\_\_\_\_\_  
Amanda DeHart  
Deputy County Counsel



EXHIBIT "A-1"

All that portion of Swamp and Overflowed Lands Survey No. 119 lying in the Southwest quarter of Section 32, Township 3 South, Range 10 East, Mount Diablo Base and Meridian; and in the Northwest quarter of Section 5, Township 4 South, Range 10 East, also a portion of Lot 1 and Lot 2 in the Northwest quarter of said Section 5, lying South of Tuolumne River and lying North and East of Atchison Topeka and Santa Fe Railroad right of way more particularly described as follows:

The point of beginning of the this description is the interior quarter section corner of Section 5, Township 4 South, Range 10 East, which is marked by an iron monument set by E. H. Annear; thence course West along the quarter line a distance of 363.36 feet to a point on the Easterly boundary of the Atchison, Topeka and Santa Fe Railroad right of way; thence continuing along said Easterly boundary, course North 44°57' West a distance of 1318.41 feet to the point of beginning of a 3°04'50" curve to the right (radius 1860.09 feet, tangent 559.82 feet; thence continuing along said curve, a distance of 1087.49 feet to the end of said curve; thence course North 11°27' West a distance of 326.09 feet to a point on the South bank of the Tuolumne River; thence upstream and along said South bank; course North 75°22' East a distance of 131.8 feet; thence course North 83°25' East a distance of 172.20 feet; thence course North 50°50' East a distance of 296.20 feet; thence course North 58°55' East a distance of 206.20 feet; thence course North 83°08-1/2' East a distance of 93.70 feet; thence course North 49°08-1/2' East a distance of 117.60 feet; thence course North 75°05-1/2' East a distance of 105.75 feet; thence course North 69°05' East a distance of 164.90 feet; thence course North 87°47' East a distance of 101.40 feet; thence course South 75°50' East a distance of 125.55 feet; thence course South 45°10' East a distance of 190.60 feet; thence course South 28°12' East distance of 99.20 feet; thence course South 41°00' East, a distance of 87.75 feet; thence course South 11°27-1/2' East distance of 142.80 feet; thence course South 34°25-1/2' East a distance of 80.50 feet; thence course South 24°18-1/2' East distance of 133.65 feet; thence course South 12°26-1/2' East distance of 211.50 feet; thence course South 32°34-1/2' East distance of 163.30 feet to point on North and South mid quarter section line in Section 5; thence following said North and South mid quarter section line, course South 0°03' West a distance of 1727.65 feet to the point of beginning.

EXCEPTING THEREFROM all that portion thereof lying within the following Maps;

- (a) Map of Lakewood Memorial Park (formerly Empire-Hughson Cemetery) according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County, California, on January 16, 1953 in Vol. 17 of Maps, at Page 47.
- (b) Map of First Addition to Lakewood Memorial Park, according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County, California, on April 2, 1953 in Vol. 17 of Maps, at Page 53.
- (c) Map of Second Addition to Lakewood Memorial Park, according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County, California on September 30, 1954 in Vol. 18 of Maps, Page 6.

**EXHIBIT 'A'**  
**LEGAL DESCRIPTION**


ALL that certain real property, being a portion of and situate in the Northwest quarter of Section 5, Township 4 South, Range 10 East, Mount Diablo Meridian, being more particularly described as follows:

BEGINNING at a point on the easterly right-of-way line of Santa Fe Avenue (variable width), as described in a Road Deed, filed for record April 1, 1947 in Book 882 of Official Records, at Page 50, Stanislaus County Records, said point of beginning being distant 165.00 feet at right angles from the centerline of the B. N. & S. F. Railroad and opposite of Station 154+50, as shown on County Survey #1246, titled "Empire Bridge Approaches", on file with the Office of the Stanislaus County Surveyor;

1. thence along said easterly right-of-way line North  $11^{\circ}28'32''$  West, a distance of 282.78 feet, more or less to a point on the South bank of the Tuolumne River;
2. thence leaving said easterly right-of-way line and proceeding upstream along said South bank, North  $77^{\circ}33'05''$  East, a distance of 15.00 feet to a point which is 180.00 feet distant at right angles from said Railroad centerline;
3. thence leaving said South bank and proceeding parallel with said railroad centerline, South  $11^{\circ}28'32''$  East, a distance of 133.09 feet;
4. thence South  $34^{\circ}52'27''$  East, a distance of 65.47 feet to a point which is 206.00 feet distant at right angles from said Railroad centerline;
5. thence parallel with said Railroad centerline, South  $11^{\circ}28'32''$  East, a distance of 227.26 feet;
6. thence South  $77^{\circ}44'23''$  West, a distance of 45.83 feet to a point on the easterly right-of-way line as described in Easement Deed, filed for record January 21, 2009 as document nr. 2009-0005790, Stanislaus County Records, being distant 160.00 feet at right angles from aforementioned Railroad centerline, and the beginning of a non-tangent curve concave to the East having a radius of 1824.86 feet, to which beginning a radial line bears South  $77^{\circ}44'23''$  West;
7. thence along last said easterly right-of-way line the following two (2) courses:
  - a. northerly 25.00 feet along the arc of said curve through a central angle of  $00^{\circ}47'06''$
  - b. thence North  $11^{\circ}28'32''$  West, a distance of 113.04 feet;
8. thence North  $78^{\circ}31'28''$  East, a distance of 5.00 feet to the Point of Beginning.

Containing 13,695 square feet (0.31 acres), more or less.

Subject to all easements and/or rights-of-way of record.

  
Rien Groenewoud, P.L.S. 6946



1/6/15

**EXHIBIT 'A'**  
**LEGAL DESCRIPTION**

ALL that certain real property, being a portion of and situate in the Northwest quarter of Section 5, Township 4 South, Range 10 East, Mount Diablo Meridian, being more particularly described as follows:

COMMENCING at a point on the easterly right-of-way line of Santa Fe Avenue (variable width), as described in a Road Deed, filed for record April 1, 1947 in Book 882 of Official Records, at Page 50, Stanislaus County Records, said point of beginning being distant 165.00 feet at right angles from the centerline of the B. N. & S. F. Railroad and opposite of Station 154+50, as shown on County Survey #1246, titled "Empire Bridge Approaches", on file with the Office of the Stanislaus County Surveyor;

thence along said easterly right-of-way line North 11°28'32" West, a distance of 282.78 feet, more or less to a point on the South bank of the Tuolumne River;

thence leaving said easterly right-of-way line and proceeding upstream along said South bank, North 77°33'05" East, a distance of 15.00 feet to a point which is 180.00 feet distant at right angles from said Railroad centerline;

thence leaving said South bank and proceeding parallel with said railroad centerline, South 11°28'32" East, a distance of 133.09 feet;

thence South 34°52'27" East, a distance of 65.47 feet to a point which is 206.00 feet distant at right angles from said Railroad centerline;

thence parallel with said Railroad centerline, South 11°28'32" East, a distance of 34.67 feet to **THE TRUE POINT OF BEGINNING;**

1. thence North 78°31'26" East, a distance of 161.89 feet;
2. thence South 11°28'34" East, a distance of 104.01 feet;
3. thence South 60°38'42" West, a distance of 162.86 feet;
4. thence South 11°28'34" East, a distance of 70.00 feet;
5. thence South 76°43'17" West, a distance of 52.02 feet to a point on the easterly right-of-way line as described in Easement Deed, filed for record January 21, 2009 as document nr. 2009-0005790, Stanislaus County Records, being distant 160.00 feet at right angles from aforementioned Railroad centerline, and the beginning of a non-tangent curve concave to the East having a radius of 1824.86 feet, to which beginning a radial line bears South 76°43'17" West;
6. thence along last said easterly right-of-way line northerly 32.43 feet along the arc of said curve through a central angle of 01°01'06";
7. thence leaving last said easterly right-of-way and proceeding North 77°44'23" East, a

distance of 45.83 feet to a point which is 206.00 feet distant at right angles from said Railroad centerline;

8. thence parallel with said Railroad centerline, North 11°28'32" West, a distance of 192.60 feet to the Point of Beginning.

Containing 23,000 square feet (0.53 acres), more or less.

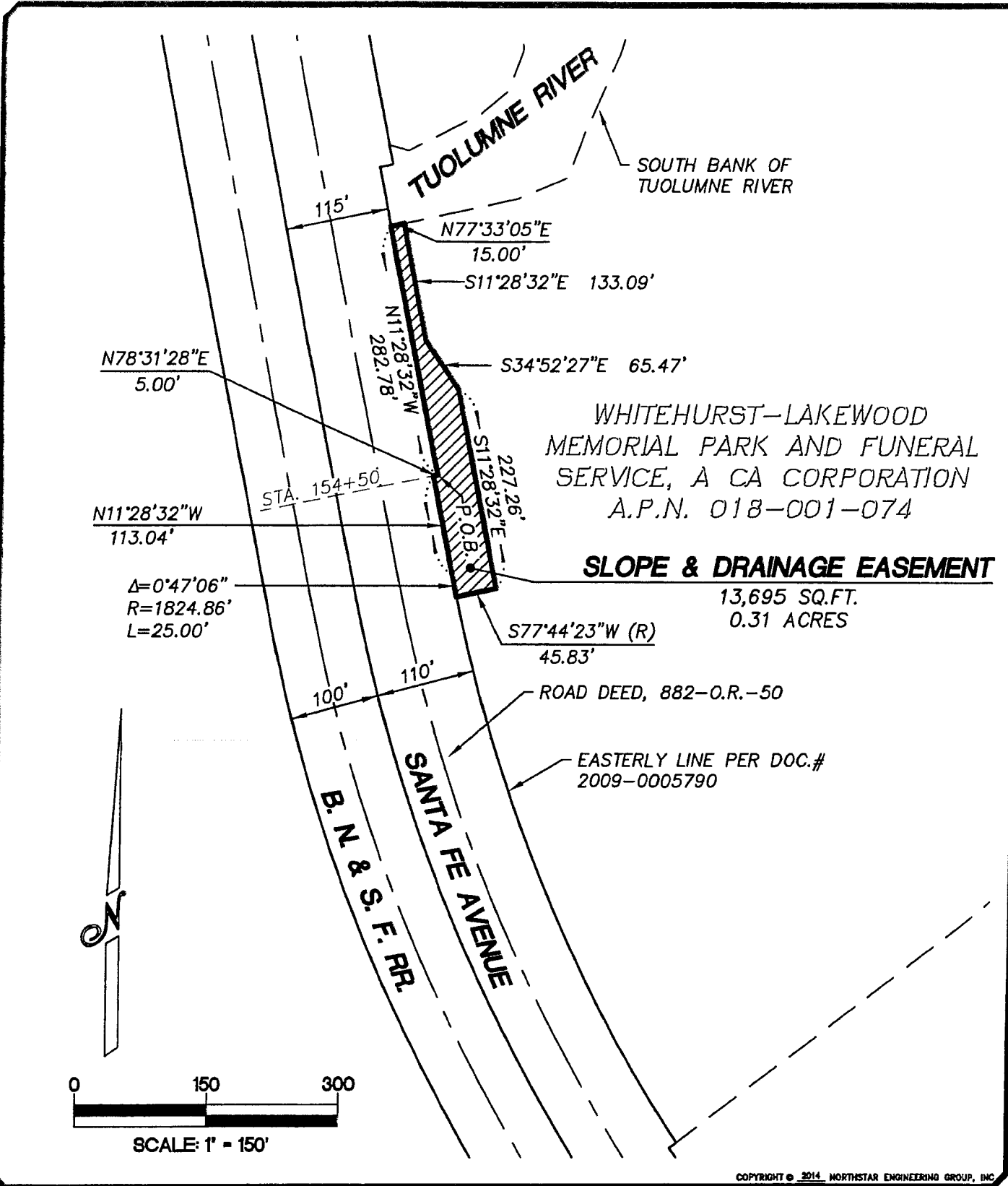
Subject to all easements and/or rights-of-way of record.



Rien Groenewoud, P.L.S. 6946



1/9/15



DWG. NAME: K:\J12-1084\_South Fe RR Bridge\Map\Map.dwg (L:\modest\SE\APN 018-001-074\Map\PLATTED\_01/07/15 11:26)

**NorthStar**  
Engineering Group, Inc.

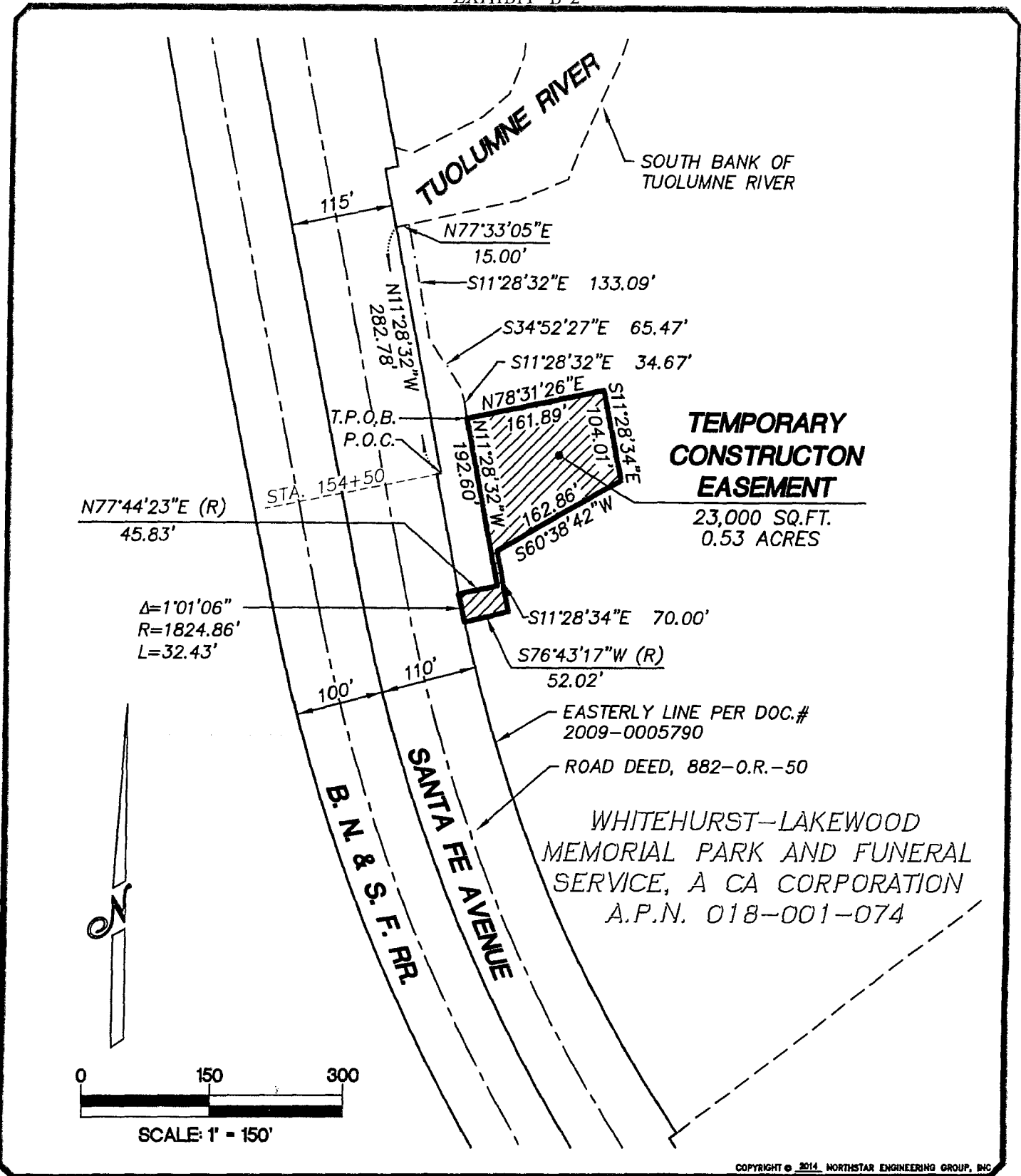
• CIVIL ENGINEERING • SURVEYING • PLANNING •  
620 12th Street Modesto, CA 95354  
(209) 524-3525 Phone (209) 524-3526 Fax

**PLAT TO ACCOMPANY  
LEGAL DESCRIPTION**

**EXHIBIT 'B'**

WHITEHURST-LAKEWOOD MEMORIAL PARK AND  
FUNERAL SERVICE, A CA CORPORATION  
**STANISLAUS COUNTY CALIFORNIA**

JOB:	J12-1084
DATE:	01/05/15
SCALE:	1" = 150'
DRAWN:	RG
DESIGN:	RG
CHK'D:	KH
SHEET	<b>01</b> OF 01



**North Star**  
Engineering Group, Inc.

• CIVIL ENGINEERING • SURVEYING • PLANNING •  
820 12th Street Modesto, CA 95354  
(209) 524-3525 Phone (209) 524-3526 Fax

**PLAT TO ACCOMPANY LEGAL DESCRIPTION**

**EXHIBIT 'B'**

WHITEHURST-LAKEWOOD MEMORIAL PARK AND FUNERAL SERVICE, A CA CORPORATION  
**STANISLAUS COUNTY CALIFORNIA**

JOB:	J12-1084
DATE:	01/09/15
SCALE:	1"=150'
DRAWN:	RG
DESIGN:	RG
CHK'D:	KH
SHEET	<b>01</b> OF 01