



Monterey County

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

Legistar File Number: A 19-035

March 26, 2019

Introduced: 3/6/2019

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Agreement

- a. Approve an Agreement for Purchase of Real Property for a Permanent Roadway Easement, a Temporary Construction Easement, and to Transfer a Portion of County Right-of-Way (1.703 acres, 0.972 acres, and 0.413 acres respectively) between County of Monterey and Gregory Neil Brown and Robin Lynn Brown, Trustees of the Greg and Lynn Brown Revocable Trust dated August 11, 2005 (APN 424-091-021), in the amount of \$10,000 for right-of-way for the construction of Nacimiento Lake Drive Bridge project, Project No. 2202;
- b. Authorize the Resource Management Agency Deputy Director of Public Works, Parks, and Facilities to execute the Agreement for Purchase of Real Property to purchase a Permanent Roadway Easement, and a Temporary Construction Easement; and
- c. Authorize the Chair of the Board of Supervisors to execute the GRANT DEED to transfer a portion of surplus County right-of-way to Gregory Neil Brown and Robin Lynn Brown, Trustees of the Greg and Lynn Brown Revocable Trust dated August 11, 2005.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve an Agreement for Purchase of Real Property for a Permanent Roadway Easement, a Temporary Construction Easement, and to Transfer a Portion of County Right-of-Way (1.703 acres, 0.972 acres, and 0.413 acres respectively) between County of Monterey and Gregory Neil Brown and Robin Lynn Brown, Trustees of the Greg and Lynn Brown Revocable Trust dated August 11, 2005 (APN 424-091-021), in the amount of \$10,000 for right-of-way for the construction of Nacimiento Lake Drive Bridge project, Project No. 2202;
- b. Authorize the Resource Management Agency Deputy Director of Public Works, Parks, and Facilities to execute the Agreement for Purchase of Real Property to purchase a Permanent Roadway Easement, and a Temporary Construction Easement; and
- c. Authorize the Chair of the Board of Supervisors to execute the GRANT DEED to transfer a portion of surplus County right-of-way to Gregory Neil Brown and Robin Lynn Brown, Trustees of the Greg and Lynn Brown Revocable Trust dated August 11, 2005.

SUMMARY:

Approval of the Agreement for Purchase of Real Property and recording of the related deeds will complete the final purchase of five (5) properties that are necessary for the right-of-way for the Nacimiento Lake Drive Bridge project. The purchase agreement includes the transfer of an area of surplus County right-of-way to the Gregory and Lynn Brown Revocable Trust dated August 11, 2005 (sometimes referred to as "Trust").

DISCUSSION:

The project is located southwest of the community of Bradley and east of Lake San Antonio, in southern Monterey County. The project will replace the existing one (1) lane Nacimiento Lake Drive Bridge with a new two (2) lane bridge. The existing bridge was determined to be seismically deficient and is programmed to be replaced under the State Seismic Retrofit Program. Also, as part of the proposed project the bridge approaches will be reconstructed and thereby improving the pavement condition of this section of Nacimiento Lake Drive. For this section of roadway the pavement condition index (PCI) will improve from an overall section value of 17 to 35 (the improved road segment of Nacimiento Lake Drive is 633 feet, of the total road length of 7 miles. The pavement reconstruction to be constructed with this project will be ancillary to the construction of the bridge replacement.

The Resource Management Agency - Public Works is presently conducting the design and right-of-way engineering for the project and is proceeding with the purchase of the necessary right-of-way for the replacement of the Nacimiento Lake Drive Bridge; County Number 449.

Five (5) properties are impacted by the project and right-of-way acquisition was required for the project. Bender Rosenthal, Inc. performed the appraisal and conducted the right-of-way negotiations for Monterey County. The Board of Supervisors approved the agreements with four (4) of the five (5) owners on December 5, 2017.

The Agreement for Purchase of Real Property with Gregory and Lynn Brown was required to complete the right-of-way for the project. The largest foot print of the new bridge is within property owned by the Gregory and Lynn Brown Revocable Trust dated August 11, 2005. The transfer of a piece of surplus County right-of-way that is north and adjacent to the existing Nacimiento Lake Drive was included in the agreement during negotiations as compensation to Trustees of the Gregory and Lynn Brown Revocable Trust dated August 11, 2005. The right-of-way transfer area includes a dirt road that leads to Gregory and Lynn Brown's home located on the Trust property at APN 424-091-025. The right-of-way transfer area also leads to parcel's number APN 424-091-021, APN 424-091-020, and APN 424-091-044 located west of the entrance to the driveway.

At the conclusion of the right-of-way negotiations, Bender Rosenthal Inc. and Gregory and Lynn Brown agreed to an administrative settlement payment of \$10,000 and the transfer of the area of surplus County right-of-way as compensation for the right-of-way purchase. The administrative settlement of \$10,000 was accepted by the RMA-Public Works and approved by Caltrans Local assistance.

The appraised value of the right-of-way for purchase from the Gregory and Lynn Brown Revocable Trust dated August 11, 2005 is \$7,650. The valuation of the Temporary Construction Easement is \$931.48. The appraised value of the transfer area of surplus County right-of-way is \$1,400. The waiver valuation of the Permanent Easement and Temporary Construction Easement to be purchased by Monterey County minus the transfer area of surplus County right-of-way is \$6,636.73. An initial offer amount \$6,637 was presented to Gregory and Lynn Brown at the beginning of right of way negotiations. The final negotiated compensation of \$10,000 was agreed to by "administrative

settlement” for the purchase of the required right-of-way.

The negotiated compensation of \$10,000 is above the appraised value of \$7,650. Property may be acquired through an “administrative settlement” during right-of-way negotiations for a payment which varies from an approved appraisal if the increase is considered non-substantial. During right-of-way negotiations administrative settlements above the appraised value are allowed by Caltrans with approval. The Caltrans right-of-way manual section 8.01.29.00 “Administrative Settlements” address the use of administrative settlements during right-of-way negotiations. Administrative settlements are made to property owners during negotiation to avoid negotiations proceeding to condemnation.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel-Risk Management has reviewed and approved the Agreement for Purchase of Real Property and related deeds as to form and legality. Caltrans District 5 has reviewed and approved the waiver valuation appraisal and the “administrative settlement” amount of \$10,000.

FINANCING:

The total estimated project cost, including engineering, environmental, right-of-way, and construction is \$8,080,826.

The project is largely funded by the Federal Highway Administration (FHWA) Highway Bridge Program (HBP) in the amount of \$6,606,662. The project is also funded by State Seismic Retrofit Funds (\$726,972), the Road Fund Highway User’s Tax (\$492,550), and local Measure X funds (\$254,642).

The right of way transaction is estimated to cost \$377,190, which includes \$30,126 to purchase the right of way, and \$347,064 for Professional Service Agreement with Bender Rosenthal Inc. to conduct the appraisals and negotiations, staff time, and utility relocation activities. There are sufficient appropriations adopted in the FY 2018-19 Road Fund 002, Appropriation Unit RMA 012 budget to finance the right-of-way phase of the project.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The project will replace the existing seismically deficient Nacimiento Lake Drive Bridge with a new two (2) lane bridge that meets Caltrans Design Standards. Also as part of the proposed project the bridge approaches will be reconstructed and thereby improving the pavement condition of this section of Nacimiento Lake Drive. The recommended action supports the following Board of Supervisors’ Strategic Initiative:

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

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Approved by: Neville Pereira, P.E., C.B.O., RMA - Interim Deputy Director of Public Works, Parks, 

and Facilities, Ext.5962

Attachments on file with the Clerk to the Board:

Attachment A - Project Budget

Attachment B - Location Map

Attachment C - Purchase Agreement with Gregory and Lynn Brown

Attachment D - Easement Deed

Attachment E - Temporary Construction Easement

Attachment F - Grant Deed