



Legislation Details (With Board Report)

File #: A 17-473 **Name:** Real Property Agreements with D. Johnston; Cooper; R. Johnston & Joseph Vineyard Estates

Type: BoS Agreement **Status:** Consent Agenda

File created: 11/22/2017 **In control:** Advance Reports Over 50 Pages

On agenda: 11/22/2017 **Final action:**

Title: a. Approve an Agreement for Purchase of Real Property to purchase a Permanent Roadway Easement, and a Temporary Construction Easement (0.028 acres and 0.130 acres, respectively) between County of Monterey and Don Keith Johnston and Susan J. Johnston, husband and wife as joint tenants (APN 424-091-019 & APN 424-091-020), in the amount of \$5,000, for Right-of-Way for the construction of Nacimiento Lake Drive Bridge Project, Project No. 2202;
 b. Approve an Agreement for Purchase of Real Property to purchase a Permanent Roadway Easement, and a Temporary Construction Easement (0.267 acres and 0.841 acres, respectively) between County of Monterey and Thomas A. Cooper and Randy R. Cooper, husband and wife as joint tenants (APN 424-091-017), in the amount of \$7,626, for Right-of-Way for the construction of Nacimiento Lake Drive Bridge Project, Project No. 2202;
 c. Approve the Real Property Purchase Agreement to Purchase Permanent Easement, and Temporary Construction Easement (.013 acres and .077 acres, respectively) with Richard C. Johnston and Desariee A. Johnston, husband and wife as joint tenants (APN 424-091-018), in the amount of \$5,000, for Right-of-Way for the construction of Nacimiento Lake Drive Bridge Project, Project No. 2202;
 d. Approve the Real Property Purchase Agreement to Purchase Permanent Easement, and Temporary Construction Easement (0.622 acres and 0.244 acres, respectively) with the Joseph Vineyard Estates, LLC (APN 424-091-015 and APN 424-091-016), in the amount of \$2,500.00, for Right-of-Way for the construction of Nacimiento Lake Drive Bridge Project, Project No. 2202; and
 e. Authorize the Resource Management Agency Deputy Director of Public Works and Facilities to execute the Agreements for Purchase of Real Property to purchase a Permanent Roadway Easement, and a Temporary Construction Easement, and the respective Certificates of Acceptance and Consent to Recordation on behalf of the County.

Sponsors: Public Works / RMA

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Project Budget, 3. Attachment B - Location Map, 4. Attachment C - Purchase Agreement with D. Johnston, 5. Attachment D - Easement Deeds D. Johnston, 6. Attachment E - Purchase Agreement with Cooper, 7. Attachment F - Easement Deeds Cooper, 8. Attachment G - Purchase Agreement with R. Johnston, 9. Attachment H - Easement Deeds R. Johnston, 10. Attachment I - Agreement with Joseph Vineyard, 11. Attachment J - Easement Deeds Joseph Vineyard

Date	Ver.	Action By	Action	Result
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- a. Approve an Agreement for Purchase of Real Property to purchase a Permanent Roadway Easement, and a Temporary Construction Easement (0.028 acres and 0.130 acres, respectively) between County of Monterey and Don Keith Johnston and Susan J. Johnston, husband and wife as joint tenants (APN 424-091-019 & APN 424-091-020), in the amount of \$5,000, for Right-of-Way for the construction of Nacimiento Lake Drive Bridge Project, Project No. 2202;
- b. Approve an Agreement for Purchase of Real Property to purchase a Permanent Roadway Easement, and a Temporary Construction Easement (0.267 acres and 0.841 acres, respectively) between County of Monterey

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 - e. Authorize the Resource Management Agency Deputy Director of Public Works and Facilities to execute the Agreements for Purchase of Real Property to purchase a Permanent Roadway Easement, and a Temporary Construction Easement, and the respective Certificates of Acceptance and Consent to Recordation on behalf of the County.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve an Agreement for Purchase of Real Property to purchase a Permanent Roadway Easement, and a Temporary Construction Easement (0.028 acres and 0.130 acres, respectively) between County of Monterey and Don Keith Johnston and Susan J. Johnston, husband and wife as joint tenants (APN 424-091-019 & APN 424-091-020), in the amount of \$5,000, for Right-of-Way for the construction of Nacimiento Lake Drive Bridge Project, Project No. 2202;
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- e. Authorize the RMA Deputy Director of Public Works and Facilities to execute the Agreements for Purchase of Real Property to purchase a Permanent Roadway Easement, and a Temporary Construction Easement, and the respective Certificates of Acceptance and Consent to Recordation on behalf of the County.

SUMMARY:

Approval of the Agreements for Purchase of Real Property and recording of the related deeds will complete four (4) of the five (5) purchases of properties that are necessary for the Right-of-Way for the Nacimiento Lake Drive Bridge project. The purchase agreement for the fifth property is currently under negotiations with the property owner.

DISCUSSION:

The Resource Management Agency (RMA) has a project that proposes to replace the existing one (1) lane Nacimiento Lake Drive Bridge with a new two (2) lane bridge. The project is located southwest of the community of Bradley, in southern Monterey County. The existing bridge was determined to be seismically deficient and is programmed to be replaced under the State Seismic Retrofit program.

Five (5) properties are impacted by the project and requires acquisition. County of Monterey negotiators have reached agreements with four (4) of the five (5) owners: Don Keith Johnston and Susan J. Johnston, husband and wife; Thomas A. Cooper and Randy R. Cooper, husband and wife; Richard C. Johnston and Desairee A. Johnston, husband and wife; and Joseph Vineyard Estates, a Limited Liability Company (LLC). The properties will provide the necessary road and bridge right of way for the project. Terms of an agreement for the remaining property are currently being negotiated with the owners, Gregory Neil Brown and Robin Lynn Brown, Trustees of the Greg and Lynn Brown Revocable Trust. Staff recommends moving forward on the four agreements while we continue to work on the final agreement.

Bender Rosenthal, Inc. performed the appraisals and conducted the right of way negotiations for the properties. The appraisals indicated that the just compensation due as of the valuation date of September 10, 2015 was \$697 for the property owned by Don Keith Johnston and Susan J. Johnston; \$7,626 for the property owned by Thomas A. Cooper and Randy R. Cooper; \$1,159 for the property owned by Richard C. and Desairee A. Johnston; and \$790 for the property owned by Joseph Vineyard Estates, LLC.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has reviewed and approved the Agreements for Purchase of Property and related deeds as to form and legality.

FINANCING:

The total estimated project cost, including engineering, environmental, right-of-way and construction is \$8,003,615. The estimated cost to purchase the necessary right-of-way is \$36,758. The project is largely funded by the Federal Highway Administration (FHWA) Highway Bridge Program (HBP) in the amount of \$6,850,917. The project is also funded by State Seismic Funds, and by the Road Fund. There are sufficient appropriations adopted in the FY 2017-18 Road Fund 002, Appropriation Unit RMA012 budget to finance the right of way phase of the project.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The project is to replace the existing seismically deficient Nacimiento Lake Drive Bridge with a new two (2) lane bridge that meets State standards. The recommended action supports the following board of Supervisors' Strategic Initiative:

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

Prepared by: Douglas Poochigian, P.E., Civil Engineer, (831) 755-4888
Approved by: Donald D. Searle, RMA Depute Director of Public Works & Facilities
Approved by: Carl P. Holm, AICP, RMA Director

The following attachments are on file with the Clerk of the Board:

Attachment A - Project Budget

Attachment B - Location Map

Attachment C - Purchase Agreement with D. Johnston

Attachment D - Easement Deeds D. Johnston

Attachment E - Purchase Agreement with Cooper

Attachment F - Easement Deeds Cooper

Attachment G - Purchase Agreement with R. Johnston

Attachment H - Easement Deeds R. Johnston

Attachment I - Purchase Agreement with Joseph Vineyard

Attachment J - Easement Deeds Joseph Vineyard