



County of Monterey

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

Legislation Details (With Board Report)

File #:	A 19-091	Name:	Roadway Easement between County of Monterey & Juan C. Escobar & Yesenia Anaya
Type:	BoS Agreement	Status:	Passed - RMA Public Works and Facilities
File created:	4/12/2019	In control:	Board of Supervisors
On agenda:	4/30/2019	Final action:	4/30/2019
Title:	<p>a. Approve an Agreement for Purchase of Real Property to purchase a Permanent Roadway Easement (1,462 square feet) between County of Monterey and Juan C. Escobar and Yesenia Anaya, husband and wife as joint tenants (Grantor) (APN 119-151-021 & APN 119-161-017), in the amount of \$31,000, for Right-of -Way for the construction of Las Lomas Drainage Project, Project No. 1723;</p> <p>b. Approve an Agreement for Purchase of Real Property to purchase a Permanent Roadway Easement (363 square feet) between County of Monterey and Adrian Vazquez-Gonzales and Yuliana Garcia Rodriguez, husband and wife as community property with rights of survivorship (Grantor) (APN 119-151-019), in the amount of \$8,500, for Right-of -Way for the construction of Las Lomas Drainage Project, Project No. 1723;</p> <p>c. Approve an Agreement for Purchase of Real Property to purchase a Permanent Roadway Easement (65 square feet) between County of Monterey and Juan Escobar Fernandez and Esperanza Zamora, husband and wife as joint tenants (Grantor) (APN 119-151-019), in the amount of \$1,500, for Right-of-Way for the construction of Las Lomas Drainage Project, Project No. 1723;</p> <p>d. Authorize the RMA Deputy Director of Public Works, Parks and Facilities to execute the Agreements for Purchase of Real Property to purchase a Permanent Roadway Easement, and the respective Certificates of Acceptance and Consent to Recordation on behalf of the County.</p>		
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 Escobar and Anaya, 5. Attachment D - Easement Deed Escobar & Anaya, 6. Attachment E - Purchase Agreement with Vasquez with Gonzales and Rodriguez, 7. Attachment F - Easement Deed Vasquez - Gonzales and Rodriguez, 8. Attachment G - Purchase Agreement with Fernandez and Zamora, 9. Attachment H - Easement Deed Fernandez and Zamora, 10. 28. Completed Board Order		

Date	Ver.	Action By	Action	Result
4/30/2019	1	Board of Supervisors	approved - rma public works and facilities	

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- d. Authorize the RMA Deputy Director of Public Works, Parks and Facilities to execute the Agreements for

Purchase of Real Property to purchase a Permanent Roadway 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 (1,462 square feet) between County of Monterey and Juan C. Escobar and Yesenia Anaya, husband and wife as joint tenants (Grantor) (APN 119-151-021 & APN 119-161-017), in the amount of \$31,000, for Right-of-Way for the construction of Las Lomas Drainage Project, Project No. 1723;
- b. Approve an Agreement for Purchase of Real Property to purchase a Permanent Roadway Easement (363 square feet) between County of Monterey and Adrian Vazquez-Gonzales and Yuliana Garcia Rodriguez, husband and wife as community property with rights of survivorship (Grantor) (APN 119-151-019), in the amount of \$8,500, for Right-of -Way for the construction of Las Lomas Drainage Project, Project No. 1723;
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- d. Authorize the RMA Deputy Director of Public Works, Parks and Facilities to execute the Agreements for Purchase of Real Property to purchase a Permanent Roadway 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) purchases of properties that are necessary for the Right-of Way for the Las Lomas Drainage project. Acquiring the required easement will allow for the construction of the project.

DISCUSSION:

The Project consists of the installation of new storm drainage infrastructure, including but not limited to minor earthwork/grading, utility relocation and performance of corresponding traffic control measures. Project limits are along Las Lomas Drive from Sill Road to Thomas Road, approximately 0.25 miles.

Localized periodic flooding has been a major issue on Las Lomas Drive. The proposed project is a priority for Monterey County and is included in the Capital Improvement Plan (CIP) for FY 2018-2019.

Project implementation has been delayed due to: 1) permit approval from Regional Water Quality Control Board (RWQCB) and U.S. Army Corps of Engineers (USACE); 2) completion of utility relocation by commercial providers; and 3) allocation of funding to implement the construction phase. RMA submitted the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program grant application in May of 2017 to fund the funding shortfall but was unsuccessful.

To address the need of the Las Lomas community, RMA has applied for Hazard Mitigation Grant Program (HMGP) grants through California Office of Emergency Services (Cal OES), but the project was not successful in receiving this funding. Therefore, staff included the Las Lomas Drainage project in the list of Measure X funded projects that was accepted by the Board on July 25, 2017. The current project's FY 2018-19 Road Fund 002 adopted budget includes \$553,603 in appropriations funded with Measure X. However, Monterey County also committed a list of projects to the voters if Measure X passed, and the Las Lomas drainage project was not included in that list. An estimated \$2.1 million will be needed to complete this project depending on the bids.

Funding for construction will be allocated through the FY 2019-20 budget. Measure X is an eligible funding source for this project, which is part of the Road Fund.

The County committed a list of projects to voters should Measure X pass. Las Lomas drainage was not on that list. Allocating \$2.1 million for this drainage project would represent about one-third of the annual estimated revenue from Measure X. However, staff finds that there is a critical need to address flooding and efforts to obtain grant funding from FEMA or Cal OES were not successful. As part of the Measure X program, staff is concurrently working on overlaying two segments of River Road, from Las Palmas Road to Las Palmas Parkway and from Chualar River Road to just north of Limekiln Road, with hot-mix-asphalt. River Road was identified as a top priority project under the Measure X program. Staff is aggressively working to have these overlay projects completed in late summer 2019.

Four (4) properties are impacted by the project and require acquisition. County negotiators have reached agreement with the three (3) owners: Juan C. Escobar and Yesenia Anaya, husband and wife; Adrian Vazquez-Gonzales and Yuliana Garcia Rodriguez, husband and wife; and Juan Escobar Fernandez and Esperanza Zamora, husband and wife. These properties will provide the necessary road right of way for the project.

Bender Rosenthal, Inc. performed the appraisals and conducted the right of way negotiations for the subject properties. The appraisals indicated that the just compensation due as of the valuation date of August 28, 2018 was \$12,900 for the property owned by Juan C. Escobar and Yesenia Anaya; \$6,600 for the property owned by Adrian Vazquez-Gonzales and Yuliana Garcia Rodriguez; and \$800 for the property owned by Juan Escobar Fernandez and Esperanza Zamora.

After numerous counter-offers from the property owners, and to avoid a lengthy impasse; staff agreed to a fair price on the basis that a prolonged negotiation period would result in additional administrative costs thereby increasing the project cost. The final agreed prices with the three (3) property owners are as follows: \$31,000 for Juan C. Escobar and Yesenia Anaya; \$8,500 for Adrian Vazquez-Gonzales and Yuliana Garcia Rodriguez; and \$1,500 for Juan Escobar Fernandez and Esperanza Zamora.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel-Risk Management has reviewed and approved the proposed Agreements for Purchase of Real Property and the corresponding Permanent Easement Deeds as to form and legality.

FINANCING:

This is a multi-year project, with total estimated project cost, including environmental, engineering, right of way, and construction, of \$3.25 million. Prior year costs totaling \$1,017,389 were funded with \$760,297 of Fund 404 revenue, \$157,802 of Road Fund, and \$99,291 of Measure X. The current FY 2018-19 Road Fund 002 adopted budget includes \$456,838 in appropriations funded with Measure X, but are not expected to be fully expended by year end. The construction phase of the project is expected to begin in FY 2019-20 with an estimated \$2.1 million needed to complete the project (including contingency and project management) that is proposed as part of the FY 2019-20 Road Fund recommended budget, funded with Measure X dollars.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The project will install an adequate drainage system on Las Lomas Drive from Sill Road to Thomas Road to mitigate localized flooding. The recommended action supports the following Board of Supervisors' Strategic Initiative:

☐ Economic Development
☐ Administration

☐ Health & Human Services

☒ Infrastructure

☒ Public Safety

Prepared by: Isabelo Dela Merced, Assistant Engineer, (831) 755- 4746

Reviewed by: Randell Ishii, M.S., P.E, RMA Chief of Public Works

Approved by: Neville Pereira, P.E., Interim RMA Deputy Director of Public Works, Parks and Facilities

Approved by: Carl P. Holm, RMA Director

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

Attachment A: Project Budget

Attachment B: Location Map

Attachment C: Agreement for Purchase of Real Property between County and Escobar and Anaya

Attachment D: Permanent Easement Deed from Escobar and Anaya to County

Attachment E: Agreement for Purchase of Real Property between County and Vasquez-Gonzalez and Rodriguez

Attachment F: Permanent Easement Deed from Vasquez-Gonzalez and Rodriguez to County

Attachment G: Agreement for Purchase of Real Property between County and Fernandez and Zamora

Attachment H: Permanent Easement Deed from Fernandez and Zamora to County