

BOARD OF SUPERVISORS AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors 105 E. Anapamu Street, Suite 407 Santa Barbara, CA 93101

(805) 568-2240

Department Name: General Services/Public

Works

Department No.: 063(GS)/054(PW)
For Agenda Of: April 3, 2012
Placement: Departmental
Estimated Tme: 15 minutes

Continued Item: No

If Yes, date from:

Vote Required: 4/5

TO: Board of Supervisors

FROM: Department Director Bob Nisbet, Director of General Services, 560-1011

Scott McGolpin, Director of Public Works, 568-3010

Contact Info: Paddy Langlands, Assistant Director of General Services, 568-3096

Eric Pearson, Interim Deputy Director - Transportation, 568-3064

SUBJECT: Union Valley Parkway Extension Phase 3 (Walmart Stores, Inc.) Acquisition, Fourth

Supervisorial District, County Project No. 863011

County Counsel Concurrence

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence:

As to form:

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve and authorize the Chair to adopt the Resolution of Necessity to acquire real property (road easements) for the Union Valley Parkway (UVP) Phase 3 Project on property owned by Walmart Stores, Inc. and identified on portions of County Assessor Parcel Numbers: 107-250-011, 107-250-012, and 107-250-013, in the unincorporated area of Orcutt, and located on the east side of Orcutt Road and State Highway 135, south of Foster Road and west of Hummel Drive in the Fourth Supervisorial District; and
- b) Accept the Planning Commission's report showing that the acquisition of the proposed right-ofway (easements) are consistent with the Comprehensive Plan of the County of Santa Barbara pursuant to Government Code 65402; and
- c) Find that pursuant to the California Environment Quality Act (CEQA) Section 15162, the Union Valley Parkway Environmental Impact Report approved by the Board on October 13, 2009, was sent to the State Clearinghouse (05-463800), no substantial changes are proposed, and no new information of substantial importance has come to light regarding environmental effects of the project or of the sufficiency or feasibility of mitigation measures, and therefore no new environmental document is required.

Summary Text:

The Resolution of Necessity encompasses the acquisition of road easements on property owned by Walmart Stores, Inc. for the Union Valley Parkway Phase 3 Project (see attached UVP Corridor – Planned Segments). It is in the public interest and necessary to acquire these easements to complete this Phase and to ultimately create a direct line for the traveling public from Blosser Road to US 101 once the corridor is complete. Upon adoption of this Resolution, County Counsel and Special Legal Counsel shall commence with the necessary condemnation proceeding in Superior Court.

There are two remaining projects needed to complete the Union Valley Parkway corridor from US 101 (eastern terminus) to Blosser Road (western terminus):

- UVP Interchange Project (Caltrans and County jurisdiction): US 101 to Boardwalk Lane
- <u>UVP Extension Project (Phase 3)</u> (Caltans and County jurisdiction): Hummel Drive to SR 135

All other projects along the corridor have been completed and are ready for the connection to US 101.

The construction schedule for the two remaining projects is as follows:

	Begin	Ena
UVP Extension Project (Phase 3)	March 2013	November 2013
UVP Interchange Project	October 2012	December 2013

Proceeding under eminent domain authority is necessary at this time to meet critical project milestones and the schedule outlined above.

The County has envisioned the UVP corridor as an east to west connection since the mid-1960's. It is described as a key roadway link in both the City of Santa Maria's Circulation Plan and the County's Orcutt Community Plan.

Based on an agreement with the City of Santa Maria, the County is responsible for the right-of-way acquisition associated with the UVP Extension Project (Phase 3). This includes negotiating permanent easements and if needed, temporary rights-of-entry with adjacent property owners to facilitate the construction of the improvements. All necessary easements and rights-of-entry have been secured except for those needed through Walmart Stores, Inc. parcels. The parcels include: APN 107-250-11, APN 107-250-12, and APN 107-250-13 (see attached Affected Parcels).

Background:

A final written offer of just compensation has been sent to Walmart Stores, Inc. Despite a long period of negotiations and discussions, the parties have not been able to come to an agreement. Negotiation will continue in order to resolve any concerns; however, these matters may not be resolved in the immediate short term. The parties will continue to work on the unresolved matters, and it is still possible that agreement can be reached prior to acquisition through the Courts. However, if agreement cannot be reached, the Resolution of Necessity is the first step in the condemnation process for the Courts to determine the proper compensation and settle any unresolved issues.

Pursuant to Section 1245.235 of the Code of Civil Procedures, a hearing for the owner must be held prior to adoption of a Resolution of Necessity. The Office of Real Estate Services sent notice of the April 3, 2012 hearing to Walmart Stores, Inc., as required by said statute.

CEQA Compliance:

On March 5, 2009, Rick Krumholz, Caltrans District 5 Director, signed and approved the Final Environmental Impact Report/Environmental Assessment. On March 17, 2009, the Santa Maria City Council, as the lead agency on the Extension Project and the CEQA document, adopted a Resolution to certify the Final Environmental Impact Report/Environmental Assessment (FEIR/EA), made CEQA findings, adopted a Statement of Overriding Considerations, and approved a mitigation monitoring program for the UVP Extension and Interchange Projects. On October 27, 2009, the County Board of Supervisors took appropriate actions for environmental clearance (Clerk Reference No. 09-00880).

Since the Board's CEQA determinations were made in 2009, no substantial changes have been proposed, and no new information of substantial importance has come to light regarding environmental effects of the project or of the sufficiency or feasibility of mitigation measures.

Fiscal and Facilities Impacts: Budgeted: Yes

Fiscal Analysis:

			<u>Annualized</u>	Total One-Time
Funding Sources	<u>Cu</u>	rrent FY Cost:	On-going Cost:	Project Cost
General Fund				
State: RSTP	\$	813,000.00		
Federal				
Fees:				
Other: City of SM	\$	537,000.00		
Total	\$	1,350,000.00	\$ -	

Narrative:

The total appraised value for the Walmart Stores, Inc. real property purchase is \$1,350,000. The Regional Surface Transportation Program (RSTP) will provide \$813,000 of the necessary funding through the County, and the City of Santa Maria through the RSTP process will fund the remaining \$537,000.

The total County FY 2012-13 budgeted funds for acquisition is \$813,000. Funds for this transaction have been budgeted in Department 054, Fund 0017, Organizational Unit 0600, Program 2830, Account 8100. The remaining \$537,000 from the City of Santa Maria will be directly deposited to the Superior Court or into an escrow account, depending on the final settlement.

Special Instructions:

After Board action, please distribute as follows:

1. Copy of Resolution & Minute Order Public Works 123 E. Anapamu Attn: Gena Valentine Felix, Public Works

Transportation

2. Copy of Resolution & Minute Order General Services 1105 Santa Barbara St Attn: Ronn Carlentine

Attachments:

- 1. Resolution of Necessity
- 2. Planning Commission Report
- 3. CEQA
- 4. UVP Corridor Planned Segments (PowerPoint)
- 5. Affected Parcels (PowerPoint)

Authored by:

Ronn Carlentine, Office of Real Estate Services, (805) 568-3078