



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: Public Works
Department No.: 054
For Agenda Of: January 15, 2019
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director: Scott D. McGolpin, Public Works Department, 568-3010
Contact Info: Chris Sneddon, Deputy Director, Transportation, 568-3064
SUBJECT: Acquisition of Jordan Property (APN 093-040-029) for the Floradale Avenue Bridge No. 51C-0370 over Santa Ynez River Project (Replacing Existing Bridge No. 51C-006); Federal Project BRLSZD-5951(060); County Project No. 862032; Third Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Receive and consider comments received from the California Department of Conservation, if any, regarding the acquisition of fee title to 0.58 acres and a temporary construction easement for 1.23 acres in agricultural preserve land in connection with the Floradale Avenue Bridge No. 51C-0370 over Santa Ynez River Project (Replacing Existing Bridge No. 51C-006);
- b) Find that the acquisition of fee title to 0.58 acres and a temporary construction easement for 1.23 acres in connection with the Floradale Avenue Bridge No. 51C-0370 over Santa Ynez River Project (Replacing Existing Bridge No. 51C-006) is: i) not based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve; and ii) there is no other land within or outside the preserve on which it is reasonably feasible to locate the public improvement;
- c) Approve and authorize the Clerk to execute the attached Certificate of Acceptance consummating the purchase of and accepting a fee title interest in a portion of the real property known as APN 093-040-029 from Stephen and Patricia Jordan, trustees of the Stephen E. and Patricia A. Jordan Family Trust dated May 4, 1995;
- d) Approve and authorize the Clerk to execute the attached Certificate of Acceptance consummating the purchase of and accepting a temporary construction easement interest in a portion of the real property known as APN 093-040-029 from Stephen and Patricia Jordan, trustees of the Stephen E. and Patricia A. Jordan Family Trust dated May 4, 1995; and

Auditor-Controller Concurrence

As to form: Yes

- e) Consider the environmental effects of the project as shown in the Final Mitigated Negative Declaration (18NGD-00000-00003) dated September 28, 2018, adopted by the County of Santa Barbara on December 4, 2018, and find that pursuant to California Environmental Quality Act Guidelines §15162, no substantial changes are proposed, and there are no substantial changes in circumstances or new information of substantial importance regarding significant impacts or feasibility of mitigation measures and alternative, and therefore approval of the Recommended Actions are within the scope of the Final Mitigated Negative Declaration (18NGD-00000-00003).

Summary Text:

This item is on the agenda to acquire a portion of the Jordan Property, known as Assessor Parcel Number 093-040-029 (“Property”), located along Floradale Avenue, within the unincorporated area of the County of Santa Barbara, which is required for construction of the Project. The purpose of acquiring the Property is to allow the existing bridge to remain in use during construction of the new bridge on a parallel alignment.

This Certificate of Acceptance item is on the agenda to consummate the Real Property Purchase Contract. Execution of the attached Certificate of Acceptance will allow escrow to close on the Property and title to be vested in the County.

At the December 11, 2018 Board Hearing, your Board approved the Purchase Agreement and Escrow Instructions for the County’s acquisition of the Property.

Background:

On August 14, 2018, your Board authorized the Public Works Department to proceed with negotiations for the purchase of fee interests, right-of-way easement, and temporary construction easement required for the construction of the Floradale Avenue Bridge No. 51C-0370 over Santa Ynez River Project (Replacing Existing Bridge No. 51C-006), (Clerk of the Board File 18-00614).

Pursuant to the County’s California Environmental Quality Act guidelines, your Board approved the Final Mitigated Negative Declaration (18NGD-00000-00003) on December 4, 2018, (Clerk of the Board File 18-00938).

The property owners of APN 093-040-029 have agreed to grant a Temporary Construction Easement, and to sell a portion of their property in fee to the County.

On December 11, 2018, your Board authorized and executed a Real Property Purchase Contract and Escrow Instructions between the County of Santa Barbara, as Buyer, and Stephen and Patricia Jordan, trustees of the Stephen E. and Patricia A. Jordan Family Trust dated May 4, 1995, as Seller, for the County’s acquisition of a portion of the property known as APN 093-040-029, for a purchase price of \$37,200, (Clerk of the Board File 18-01003).

A copy of the Real Property Purchase Contract and Escrow Instructions was subsequently delivered to First American Title Company, the escrow holder, and escrow was opened. In accordance with the Purchase Agreement, title reports were reviewed for the Property and the condition of the Property was evaluated. Staff has determined the condition of the Property and title to the Property satisfy the County’s requirements for acquisition. A standard California Land Title Association owner’s policy of title insurance will be issued for the Property prior to the close of escrow.

Public Works will publish notice of your Board’s intention to make the purchase in accordance with California Government Code Section 25350. In accordance with California Government Code Section 65402, a request was made to the County’s Planning Commission for a determination as to the conformity of the project with the County’s general plan. At the May 5, 2010 Planning Commission Hearing, the project was determined by the Commission to be in conformity with the County’s general plan.

The parcel to be acquired is in a Williamson Act land conservancy. The Department has been in contact with the Planning and Development Department, the Agricultural Commissioner Office, and the California Department of Conservation regarding the required notifications for the purchase of property currently in Williamson Act land conservancy.

The project complies with California Government Code 51292(a), as cost was not a factor in the consideration of acquiring these properties within an agricultural preserve. The location of the property considered for acquisition is based solely on engineering judgment, current highway design standards, and the need to maintain traffic on the existing bridge while the new bridge is being constructed.

The project complies with California Government Code 51292(b), as there is no other land within or outside the preserve on which it is reasonably feasible to locate the public improvement. The adjacent location of the Santa Ynez River, the existing roadway alignment, current highway design standards, the location of the Federal Corrections Complex (Lompoc Federal Penitentiary) and the need to maintain traffic on the existing bridge while the new bridge is constructed determined the location of the relocated public facility. Existing lands to the east of the current alignment are also in Williamson Act land conservancy.

In addition to the purchase of fee interest from the Jordan Family Trust, the Project requires permanent easement acquisition from the Federal Bureau of Prisons (BOP). Public Works is currently in discussions with the BOP to obtain a construction permit to enable the project to proceed. Public Works is in the process of obtaining a permanent easement and temporary construction easements to complete this acquisition. If Public Works determines Board action is required to complete these acquisitions, we will return to your Board for authority to acquire these easements.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

Funding Sources		Total One-Time Project Cost
Highway Bridge Program (HBP)	\$	32,933
Proposition 1B Seismic	\$	4,267
Total	\$	37,200

Narrative:

The estimated cost of the permanent right-of-way and temporary construction easements is \$37,200. The Highway Bridge Program (HBP) would fund \$32,933 (88.53%); Proposition 1B Seismic would fund the remaining \$4,267 (11.47%) of matching funds. Funds for this project are budgeted in Department 054, Fund 0017, Organizational Unit 0600, Program 2820, and Account 8100.

Special Instructions:

1. One original, executed Certificate of Acceptance – Grant Deed, and Certificate of Acceptance – Temporary Construction Easement Deed to be returned to:
 - Gail Ocheltree, (805) 568-3094, Public Works Office, 123 East Anapamu Street, Santa Barbara CA
2. A copy of the recorded Certificate of Acceptance – Grant Deed, and Certificate of Acceptance – Temporary Construction Easement Deed will be returned to the Clerk of the Board after recording with the Grant Deed and Temporary Construction Easement Deed.
3. Please forward a certified, stamped Minute Order approving the recommendations to:
 - Gail Ocheltree, (805) 568-3094, Public Works Office, 123 East Anapamu Street, Santa Barbara CA, 93101

Attachments:

1. Certificate of Acceptance – Grant Deed
2. Copy of Grant Deed
3. Certificate of Acceptance – Temporary Construction Easement Deed
4. Copy of Temporary Construction Easement Deed

Authored by:

Chris Doolittle, CEG, Project Manager, Public Works, Transportation, 805-739-8777