



**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: December 19, 2006
Placement: Administrative
Estimate Time:
Continued Item: NO
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors
FROM: Board Member(s) Phillip M. Demery, Director of Public Works Department 568-3010
Contact Info: Scott McGolpin, Deputy Director of Transportation 568-3064
Mike Emmons, County Surveyor 568-3020
SUBJECT: Jalama Road Storm Damage Repair Project, County Project No. 95R131, Federal Project No. ER3033(003)

County Counsel Concurrence:

As to form: Yes No N/A

Auditor-Controller Concurrence:

As to form: Yes No N/A

Other Concurrence: N/A

As to form: Yes No N/A

Recommended Action(s):

Authorize the Chair of the Board of Supervisors to:

Approve and execute the attached Real Property Purchase Contract and Escrow Instructions between the County of Santa Barbara and Cojo Interior One LLC and Cojo Interior Three LLC for the purpose of quitclaiming an unused section of the Jalama Road right-of-way located on parcel numbers 083-450-032, and -033, and purchasing a Permanent Right-of-Way Easement and a Permanent Slope Easement on portions of APNs 083-450-029, and -030. County Project No. 95R131, Federal Project No. ER3033(003).

Summary:

The attached Purchase Contract and Escrow Instructions have been negotiated with the property owners, Cojo Interior One LLC and Cojo Interior Three LLC, regarding land known as Assessor parcel numbers 083-450-029, -030, -032, and -033 which are located on Jalama Road near mile marker 7.7. The property owners have agreed to accept a quitclaim of an unused portion of County right-of-way and to sell to the County a Permanent Right-of-Way Easement for the land Jalama Road currently occupies and a Permanent Slope Easement. Acquisition of the easements will allow completion of the storm damage repairs proposed by the Jalama Road Storm Damage Repair Project, County Project No. 95R131, Federal Project No. ER3033(003).



Photo: Existing Jalama Road embankment and roadway conditions

Background:

Records indicate that Jalama Road was originally established in the late 1800's by the U.S. Coast Guard to provide access to an important coastal location. The County has no record of why the road was moved out of the right-of-way but a letter from the State Bridge Department in 1941 indicates that the County had been notified that many of the bridges on Jalama Road were declared "structurally unsafe," those bridges were replaced in 1941 and 1942. The bridge and roadway in question may have been shifted to their present location at that time without regard to the right-of-way due to war time expediency.

Although the road was washed out and moved, the old right-of-way is still in place. That means the owner of the land burdened by the old right-of-way can not legally use that land. Execution and recordation of the quitclaim will remove all the County's "right, title and interest" in the old road right-of-way and allow the owner unimpeded use of the area in question. The County's acceptance of a Permanent Right-of-Way Easement for public road purposes will allow the County to repair, improve or maintain the existing and proposed roadway and will release the land owner of liability associated with this segment of the roadway. County's acceptance of the Permanent Slope Easement will allow the County to facilitate the proposed roadway realignment by cutting back a portion of the adjacent uphill slope, installing drains thereon and performing future maintenance as needed.

The Project is included in the 2006-2011 Capital Improvement Plan, page 137. The County's Board of Supervisors approved the Project and Categorical Exemption pursuant to the California Environmental Quality Act (CEQA) and authorized the Public Works Transportation Division to proceed with right of way negotiations on December 6, 2005 (Clerk of the Board File No. 05-01120).

The Transportation Division negotiated the terms and conditions of the Purchase Contract and concurs with this real property transaction.

Fiscal and Facilities Impacts:

Budgeted: Yes No

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State			
Federal	\$ 15,050.00		\$ 15,050.00
Fees			
Measure D	\$ 1,950.00		\$ 1,950.00
Total	\$ 17,000.00	\$ -	\$ 17,000.00

Narrative:

The total project costs for acquisition, appraisal, title report, escrow fees, and title insurance are estimated at \$17,000.00.

Easement costs based on a "Land Value Estimate" indicate a value of approximately \$9,400. Funds for the acquisition have been budgeted in Dept. 054, Fund 0015, Program 2050, and Account 8100.

The costs for the appraisal, title report, escrow fees, and title insurance are estimated at \$7,600. Funds for these services have been budgeted in Dept. 054, Fund 0015, Program 2050, and Account 7460.

Funding for this phase will come from the Federal Emergency Relief (ER) Program, through the Federal Highway Administration (FHWA). The FHWA program will reimburse on an 88.53% basis. The 11.47% local match will be provided by Measure "D" funds.

Staffing Impact(s):

Legal Positions:
 None

FTEs:
 None

Special Instructions:

After Board action, distribute as follows:

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Two (2) original Purchase Contracts 2. One (1) original Purchase Contract 3. Minute Order 4. Minute Order | Public Works Surveyor's Division
Attn: Jeff Havlik
Clerk of the Board files
Public Works; Surveyor Jeff Havlik
Public Works 620 Foster Road |
|---|---|

Attn: Diana Estorga

The Real Property Section of the Surveyor's Division will deliver one duplicate original Purchase Contract to the property owners and the other to Chicago Title Company for opening of the escrow associated with this transaction. Real Property will keep a certified copy for its files.

Attachments:

Three (3) original "Real Property Purchase Contract and Escrow Instructions" with associated exhibits A, B, and C.

Authored by:

Diana Estorga, Project Manager 739-8763

J. Jeffery Havlik, Real Property Agent 568-3073

cc: