

**SANTA BARBARA COUNTY  
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Agenda Number:**  
**Prepared on:** 9/14/04  
**Department Name:** Public Works  
**Department No.:** 054  
**Agenda Date:** 10/5/04  
**Placement:** Administrative  
**Estimate Time:**  
**Continued Item:** No  
**If Yes, date from:**

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**TO:** Santa Barbara County Board of Supervisors  
  
Board of Directors,  
Santa Barbara County Flood Control and Water Conservation District  
  
Board of Directors,  
Laguna County Sanitation District

**FROM:** Phillip M. Demery, Director  
Public Works Department

**STAFF CONTACT:** Michael B. Emmons  
County Surveyor, telephone 568-3020  
  
Harrison Heyl  
Real Property Agent, telephone: 568-3072

**SUBJECT:** Establishment of Nominal Value and Modifications to Temporary Entry Permits  
All Supervisorial Districts

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**Recommendation(s):**

That the Board of Supervisors and the Boards of Directors:

1. Adopt the attached Resolution establishing a nominal value of five hundred dollars (\$500.00) for the conveyance of property rights appraised at nominal value and authorizing administrative settlements of up to two thousand five hundred dollars (\$2,500.00).
2. Adopt the attached Resolution in the matter of modifications to the County's Temporary Entry Permit and Right of Entry Agreements.

**Alignment with Board Strategic Plan:**

The recommendations are primarily aligned with Goal No. 1. An Efficient Government Able to Respond Effectively to the Needs of the Community.

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### **Executive Summary and Discussion:**

The Uniform Relocation Assistance and Land Acquisition Policies Act of 1970, the Uniform Standards of Professional Appraisal Practice (USPAP) and the Federal Highways Administration (FHWA) require that local agencies compensate private parties and property owners for the conveyance of real property rights such as access rights conveyed by Temporary Entry Permits.

Public Works desires to establish a nominal value of Five Hundred Dollars (\$500.00) for the conveyance of real property rights by Temporary Entry Permits, Temporary Easements, Permanent Easements and other agreements when such rights have been appraised at nominal value. In-house, Caltrans currently assigns a value of \$500.00 to appraised property rights of nominal value, but for the purposes of reimbursement will recognize nominal value as assigned by agencies of up to \$2,500.00.

In addition, Public Works desires to authorize the Director of Public Works, or designee, to make administrative settlements for the conveyance of real property rights by Temporary Entry Permit, Temporary Easements, Permanent Easements and other agreements of up to a total sum of Two Thousand Five Hundred Dollars (\$2,500), depending on the circumstances, the size of the area required, the duration and the scope of the rights conveyed.

Adoption of the first Resolution before the boards will accomplish these goals.

With regard to the second Resolution concerning Temporary Entry Permits and Right of Entry Agreements, the County Board of Supervisors authorized the Director of the Public Works Department to execute Temporary Entry Permits on February 13, 1996 (Clerk of the Board File No. 96-19,965).

The Department of Public Works desires to modify the Temporary Entry Permit previously approved by the Board of Supervisors in order to provide compensation of nominal value to property owners for property rights conveyed by Temporary Entry Permits.

Additionally, Public Works desires to standardize the use of such Temporary Entry Permits so that all property owners in the County are treated equitably by all the divisions within Public Works.

Public Works may also desire to compensate property owners for temporary property rights such as access in the form of improvements which benefit the property owner but are installed on the property at the County's cost in the form of a "Right of Entry" agreement.

Public Works may at times perform work at a property owner's request which makes monetary compensation and indemnification of the property owner inappropriate, in which case Public Works may want to omit the compensation and indemnification of owner clauses from the Temporary Entry Permit or Right of Entry Agreement.

Additionally, certain surveying work may occur *without* compensation to property owners, Temporary Entry Permit or other agreement pursuant to Civil Code Section 846.5(a). Certain flood control and water agency work may occur without consideration to property owners, Temporary Entry Permit or other agreement

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pursuant to authorities granted in the Flood Control and Water Conservation District's enabling legislation in the California Water Code. Finally, certain work by the Resource Recovery and Waste Management Department, Laguna County Sanitation District and other Public Works districts and departments, such as inspections that relate to public health and safety, may occur without consideration to property owners, Temporary Entry Permit or other agreement pursuant to laws and statutes such as County Code Sections 29-35, 34A-10 and 34B-26.

Public Works recognizes that changes to the terms of such Temporary Entry Permits and Right of Entry Agreements may be required by property owners and/or their legal counsel.

Public Works desires to streamline the process of execution of Temporary Entry Permits and Right of Entry Agreements by authorizing the Director of Public Works, or designee, to execute Temporary Entry Permits and Right of Entry Agreements which have been modified at the request of either a property owner or Public Works, provided that such modifications are minor in nature.

#### **Mandates and Service Levels:**

No change in programs or service levels.

#### **Fiscal and Facilities Impacts:**

No facilities impacts. Fiscal impacts will result in the compensation to property owners of \$500.00 for the execution of Temporary Entry Permits on a case-by-case basis, with the \$500.00 cost being assigned to the affected Public Works project. In most cases, the majority of these costs will be reimbursed by Federal and State agencies.

#### **Special Instructions:**

After Board action, distribute as follows:

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|--------------------------------------|---|
| 1. Original Resolutions              | Clerk of the Board File                       |
| 2. Copy of Resolutions, Minute Order | Surveyor's Division, Attn: Harrison Heyl      |
| 3. Copy of Resolutions, Minute Order | Transportation Division, Attn: Scott McGolpin |
| 4. Copy of Resolutions, Minute Order | Flood Control, Attn: Tom Fayram               |
| 5. Copy of Resolutions, Minute Order | Solid Waste, Attn: Mark Schleich              |
| 6. Copy of Resolutions, Minute Order | LCSD, Attn: Marty Wilder                      |

#### **Concurrence:**

Transportation Division  
Flood Control District  
Solid Waste Division  
Laguna County Sanitation District