



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: July 10, 2012
Placement: Administrative
Estimated Tme:
Continued Item:
If Yes, date from:
Vote Required: Majority

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, County Project No. 863011, Fourth District

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve and execute the attached original and duplicate original Real Property Purchase Contract and Escrow Instructions with Walmart Stores, Inc., for purchase of roads (in fee interest) over a portion of the owner's property known as County Assessor Parcel Numbers 107-250-011, 107-250-012, and 107-250-013 in the amount of \$1,350,000, in connection with the Union Valley Parkway Extension (Phase 3) Project, County Project No. 863011;
- b) Accept the attached original Grant Deed to the real property conveyed from Walmart Stores, Inc. to the County of Santa Barbara for a portion of land located on the property known as Santa Barbara County Assessor Parcel Numbers 107-250-011, 107-250-012 and 107-250-013, by authorizing the Clerk of the Board to sign the Certificate of Acceptance attached thereto;
- c) Direct the County Surveyor to issue four (4) Unconditional Certificate of Compliances on the remaining parcels owned by Walmart Stores, Inc. following conveyance of roadways to the County of Santa Barbara; and

Auditor-Controller Concurrence

As to form: Yes

- d) Direct County Counsel to take appropriate action regarding termination on the pending eminent domain case.

Summary Text:

On October 13, 2009, the Board of Supervisors heard and approved a number of items relating to the Union Valley Parkway Extension Project. For the purposes of this hearing, staff recommendations relate to prior authorizations to proceed with negotiations for the acquisition of easements and temporary right of entry with affected property owners. On December 7, 2010, Board approved and executed contracts and deeds with two other affected property owners. Walmart is the last affected property owner and they have executed the attached Real Property Purchase Contract and Escrow Instructions and Grant Deed for the purpose of conveying to the County of Santa Barbara roadways necessary for the road improvement project related to Union Valley Parkway Extension (Phase 3) Project.

The Board's action today with this negotiated settlement will allow County Counsel to take appropriate steps regarding termination on the pending eminent domain case. However, the Purchase Contract attached hereto is the current version that has been negotiated between County staff and Walmart's local representatives. We are recommending your Board's approval in order to facilitate an early opening of escrow. Should Walmart corporate representatives require any changes to this version, we would need to return to your Board with a modified Contract in August.

Background:

The segment of proposed Union Valley Parkway which runs east to west from Hummel Drive to Highway 135 in the unincorporated area of Orcutt in the County of Santa Barbara will link the other two phases of the project; Phase 1 and Phase 2, with the existing segments.

As previously discussed in the Board actions taken in October 13, 2009, the segments of the Union Valley Parkway corridor have been described in the County Planning documents for over 40 years. In 2009 Caltrans signed and approved the Final Environmental Impact Report/Environmental Assessment (EIR). Subsequently, the City of Santa Maria adopted and certified the Final Environmental Impact Report/Environmental Assessment, made California Environmental Quality Act (CEQA) finds, adopted a statement of overriding considerations, and approved a mitigation monitoring program for the Union Valley Parkway Extension and Interchange Projects. On October 13, 2009, the Board considered, determined, adopted, and approved the EIR and CEQA related matters. This Board action also included authorization to acquire the necessary right of way.

During the escrow period, the acquisition of fee interest in roadways will be presented to the Planning Commission to determine consistency with the Comprehensive Plan, including the Orcutt Community Plan, at its regularly scheduled meeting of July 11, 2012.

On April 3, 2012, the Board adopted a Resolution of Necessity to acquire roadways on property owned by Walmart Stores, Inc. Also at that regular Board hearing, the Board found that pursuant to CEQA Section 15162, the Union Valley Parkway Environmental Impact Report approved by the Board on October 13, 2009 and sent to the State Clearinghouse (05-463800), had no substantial changes 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.

Based on an agreement with the City of Santa Maria, the County is responsible for the right of way acquisition associated with the Extension Project (Phase 3) which is within our jurisdiction. Staff recommendations are a result of this agreement.

Construction for this project is scheduled for early 2013. The County will deliver the necessary right-of-way to the City of Santa Maria on schedule that will allow the Phase III construction project to be completed approximately one month prior to Caltran’s UVP/Highway 101 Interchange project.

Fiscal and Facilities Impacts: Budgeted: Yes

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: RSTP	\$ 813,000.00		
Federal			
Fees:			
Other: City of SM	\$ 537,000.00		
Total	\$ 1,350,000.00	\$ -	

Narrative:

The acquisition costs for this requested action are estimated to be \$1,350,000. Funds for the action will be provided by the City of Santa Maria and the Regional Surface Transportation Program (RSTP). These funds have been deposited into the California State Treasurer’s Condemnation Fund. Upon Board’s action, these funds will be deposited into escrow.

Special Instructions:

After Board action, distribute as follows:

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|-------------------------------------------------|---------------------------------------|
| 1. Original Walmart Purchase Contract | Clerk of the Board files |
| 2. Duplicate Original Walmart Purchase Contract | Real Estate Svcs, Attn: R. Carlentine |
| 3. Original Walmart Deed | Clerk of the Board files |
| 4. Copy of Original Walmart Deed | Real Estate Svcs, Attn: R. Carlentine |
| 5. Minute Order | Real Estate Svcs, Attn: R. Carlentine |

Attachments:

1. Walmart Real Property Purchase Contracts and Escrow (Original and Duplicate Original)
2. Grant Deed (WalMart)

Authored by:

RC, Office of Real Estate Services