



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: County Counsel
Department No.: 013
For Agenda Of: December 13, 2011
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: 4/5 Vote

TO: Board of Supervisors
FROM: Department Director Dennis A. Marshall, County Counsel
Contact Info: Senior Deputy Michael R. Ledbetter, 568-2950
SUBJECT: **Authorize Contract with Outside Counsel for Potential Eminent Domain Litigation**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

County Counsel recommends that the Board of Supervisors

- A. Authorize the Chair to execute the attached Agreement for Professional Services between the County of Santa Barbara and Attorney Duff Murphy, of the firm Oliver, Sandifer and Murphy, in the amount of \$50,000.
- B. Find that the proposed action is not a “project” under CEQA Guideline 15378(b)(4) in that it does not involve a commitment to any specific project which may result in a potentially significant impact to the environment.

Summary Text:

The County is cooperating with the City of Santa Maria in the design, construction and delivery of the Union Valley Parkway Project, Phases I, II and III. Under the terms of County’s written agreement with the City, County is responsible for obtaining and delivering the necessary right-of-way for Phase III of the project. The phase III project area is within the unincorporated area.

Right-of-way acquisition efforts are underway. County has obtained approximately 30% of the necessary right-of-way. County staff is negotiating with property owners for purchase of the remaining 70%. In the event that a negotiated purchase of the right-of-way is not possible, the Board of Supervisors may desire to file an eminent domain lawsuit to obtain the right-of-way necessary for project completion, in order to avoid delay of project completion and additional expenses which may be caused by such delay. A separate approval of your Board is required before the initiation of any eminent domain proceedings.

The County has worked with Attorney Duff Murphy in previous eminent domain actions including acquisition of the New County Jail Property. Mr. Murphy and his firm have extensive expertise in this area of law. Entering into a retainer agreement with Mr. Murphy at this time does not commit the County to initiating an eminent domain lawsuit, but will allow your Board to bring such a suit quickly and ensure that the necessary legal services resources and expertise are available.

Background:

The Union Valley Parkway (UVP) corridor is defined as the multi-jurisdictional area containing both the existing and planned segments of Union Valley Parkway between US 101 (easterly terminus) and Blosser Road (westerly terminus). The corridor falls under the jurisdiction of the California Department of Transportation (Caltrans), the City of Santa Maria, and the County of Santa Barbara. The existing segment of UVP is functionally classified as a major arterial which runs east to west from Boardwalk Lane to Hummel Drive in the unincorporated area of Orcutt in the County of Santa Barbara. The planned segments of UVP and their associated project name, project limits, and jurisdiction are described as follows:

- UVP Interchange Project (Caltrans and County jurisdiction): US 101 to Boardwalk Lane
- UVP Extension Project (City of Santa Maria and County jurisdiction): Hummel Drive (east terminus) to Blosser Road (west terminus); and is future subdivided into the following segments:
 - County of Santa Barbara Portion – from Hummel Drive to SR 135
 - City of Santa Maria Portion - from SR 135 to Blosser Road (west terminus)
- Future Widening to Four Lane (Caltrans, City of Santa Maria and County jurisdiction): US 101 to Blosser Road (or SR1)

Fiscal and Facilities Impacts:

\$50,000 paid by Department 013, Fund 0001, Line Item 7650

Fiscal Analysis:

The contract will have a not-to-exceed amount of \$50,000. This cost will initially be paid from the County Counsel budget set forth above. Costs are eligible for reimbursement from Federal Highway funds and application for reimbursement will be made at the appropriate time.

Staffing Impacts:

Contracting with outside counsel will allow the County to obtain the specialized legal services needed in this matter without hiring additional staff attorneys.

Special Instructions:

Please forward one copy of the certified stamped minute order to the attention of Senior Deputy County Counsel Michael R. Ledbetter

Attachments: None

Authored by:

Senior Deputy County Counsel Michael R. Ledbetter