



**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: April 9, 2013
Placement: Administrative
Estimated Tme:
Continued Item:
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors and Board of Directors
Flood Control and Water Conservation District

FROM: Department Director Jim Laponis, Interim Director 560-1011
Scott McGolpin, Director of Public Works, 568-3010
Contact Info: Tom Fayram Deputy Director, 568-3436
Chris Sneddon, Deputy Director - Transportation, 568-3047
Aleksander Jevremovic, County Surveyor, 568-3012
Ronn Carlentine Real Property Manager, 568-3078

SUBJECT: Union Valley Parkway Extension Acquisition between County and Walmart Stores, Inc;
County Project No. 863011, Fourth District

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk

As to form: Yes

Recommended Actions:

Auditor-Controller Concurrence

As to form: Yes

That the Board of Supervisors and Board of Directors Flood Control and Water Conservation District in connection with the Union Valley Parkway Extension (Phase III) Project, County Project No. 863011:

- a) Approve and authorize the Chair of the Flood Control and Water Conservation District to execute the attached Quitclaim Deed from the Flood Control and Water Conservation District to Walmart Stores, Inc., to quitclaim Flood Control's interest in Santa Barbara County Assessor Parcel Number 107-250-012 (Fourth District);
- b) Direct the County Surveyor to approve an appropriate Voluntary Merger of parcels involved in order to facilitate the close of escrow;
- c) Accept and approve the attached 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 execute the Certificate of Acceptance attached thereto; and

- d) Approve and authorize recordation of four (4) Unconditional Certificate of Compliances issued by the County Surveyor for the remaining parcels owned by Walmart Stores, Inc. following the conveyance of roadways to the County of Santa Barbara.

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 and authorized staff to proceed with negotiations for the acquisition of easements and temporary right of entry with affected property owners.

On July 10, 2012, the Board approved and executed a Real Property Purchase Contract and Escrow Instruction with Walmart Stores, Inc., for the purchase of roads (in fee interest) over a portion of Walmart'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. In addition, the Board directed the County Surveyor to issue four (4) Unconditional Certificate of Compliances on the remaining parcels owned by Walmart Stores, Inc., related to the conveyance of roadways to the County of Santa Barbara.

As directed by the Board, appropriate action regarding the termination of the eminent domain case has been dismissed, and funds have been transferred from the State Treasurer's Condemnation Fund into escrow. The Board action today will allow the property acquisition necessary for the road improvements related to the Union Valley Parkway Extension (Phase III) Project, and the close of escrow to be completed.

Background:

The segment of proposed Union Valley Parkway which runs east to west from Hummel Drive to State Route 135 in the unincorporated area of Orcutt in the County of Santa Barbara will link the other two phases of the project; Phase I and Phase II, 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) findings, 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. The October 13, 2009, Board action also included authorization to acquire the necessary property for the road improvements.

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

Based on an agreement with the City of Santa Maria, the County was responsible for the right of way acquisition associated with the Extension Project (Phase III) which is within County's jurisdiction, and County staff has successfully negotiated acquisition of such right-of-way in lieu eminent domain proceedings.

The County and the City of Santa Maria have been working jointly towards the completion of the documents related to the escrow for the Union Valley Parkway Extension (Phase III). Currently, Caltran's UVP/Highway 101 Interchange project is under construction and Union Valley Parkway Extension (Phase III) is scheduled for completion November 2013.

Fiscal and Facilities Impacts: Budgeted: Yes

Fiscal Analysis: The acquisition costs for this requested action are estimated to be \$1,350,000. Funds for the action have been provided by the City of Santa Maria and the Regional Surface Transportation Program (RSTP). These funds have been deposited into escrow.

Special Instructions:

After Board action, distribute as follows:

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| 1. | Copy of Walmart Deed w/Certificate of Acceptance | Clerk of the Board Files |
| 2. | Walmart Deed w/ Original Certificate of Acceptance | Real Estate Svcs, Attn: R. Carlentine |
| 3. | Copy of Quitclaim Deed | Clerk of the Board files |
| 4. | Original Quitclaim Deed | Real Estate Svcs, Attn: R. Carlentine |
| 5. | Minute Order | Real Estate Svcs, Attn: R. Carlentine |
| 6. | Minute Order | Auditor-Controller, Financial Reporting Division, Attn: Betsy Schaffer |

NOTE: The General Services' Office of Real Estate Services will deliver the Grant Deed, Quitclaim Deed and Unconditional Certificate of Compliances to the escrow officer for recording. After recordation a copy of the recorded Grant Deed, Quitclaim Deed and Unconditional Certificate of Compliances will be delivered to the Clerk of the Board for its file. After recordation, the recorded Grant Deed, Quitclaim Deed, and Certificate of Compliances will be mailed to Walmart Stores, Inc. by the Office of Real Estate Services.

Attachments:

1. Quitclaim Deed (County Flood Control and Water Conservation District)
2. Grant Deed (Walmart)

Authored by: rc, Office of Real Estate Services