AGENDA SHORT TITLE: Highway 12 Corridor Improvements Project - Phase II - Stage 2

REQUESTED BOARD ACTION: Approve resolution accepting Highway Easement Deeds, Grant of Slope and Maintenance Easement deed, and Grant of Temporary Construction Easement deeds, and lands; authorizing execution of Right of Way Contracts-State Highway; and authorizing payments totaling $9,700; and other technical actions; Lands Of Krauss/Martinson (APN 056-141-051); and Lands of McDowell/Bongiovanni (APN 056-141-055); Project No. C08002. (First Supervisorial District)

CURRENT FISCAL YEAR FINANCIAL IMPACT

EXPENDITURES:
Estimated Cost $10,700*
Amount Budgeted $10,700 - 035089-8010
Other Available Appropriations $0 (Explain Below)
Additional Requested $0

ADDITIONAL FUNDS REQUIRING BOARD APPROVAL:
Contingencies $0 (Fund Name:)
\[ \text{Explanation (if required): } *\text{Estimated Cost above includes the value of } \$1,000 \text{ for construction contract work (CCW) to be performed for owners as corrective work or as negotiated in addition to cash payments to owners.}\]

Prior Board Action: Krauss/Martinson and McDowell/ Bongiovanni were part of previous eminent domain proceedings and have since settled and are now part of this acquisition item; 6/14/11: Board entered into an agreement with Associated Right of Way Services to provide additional funds to continue consulting services for this project; 12/8/09: Board entered into an agreement with Associated Right of Way Services for consulting services for the Highway 12 Corridor Improvements Project - Phase II - Stage 2.

Alternatives – Results of Non-Approval: Project will not be constructed as planned.
Background: The subjects of this resolution are right-of-way acquisitions along the Highway 12 frontages of two separate properties.

The Department of Transportation and Public Works is improving State Highway 12 (SR12) in the communities of Agua Caliente, Boyes Hot Springs, and Fetters Hot Springs. Stage 1 of this project was mostly completed in 2009. The current Stage 2 project will extend north of the previous stage from Boyes Boulevard north to Agua Caliente Road. This project is the focus of the County's redevelopment efforts in the Springs District north of the City of Sonoma.

The Stage 2 project will provide pedestrian street lights, wider road shoulders and continuous curb, gutter and Americans with Disabilities Act (ADA) compliant sidewalk on both sides of the highway. A continuous two-way left-turn lane will extend through nearly the entire project area. The proposed 8-foot-wide paved road shoulder will be designated as a Class II bicycle lane and on-street parking will not be permitted.

The Community Development Commission is providing The Springs Redevelopment Area Funds for this project. The estimated capital cost of the Stage 2 project is $5.2 million. The Stage 2 project is scheduled for construction in the 2011-2012 fiscal year.

Most of the sidewalk improvements will be constructed within the existing state right-of-way. However, acquisitions from 84 subject properties for additional right-of-way have been necessary. A relatively minor permanent Highway Easement will be required in order to warp the new sidewalk around driveway slope. A Slope Easement will be required to conform the sidewalk improvements to the adjoining topography to meet ADA safety requirements and/or to provide lateral support to the new public improvements. Temporary construction easements will be required to provide space to construct the new sidewalk and to conform the back of the new sidewalk and new driveway approaches with the private property topography. A Highway Easement required for new sidewalk warps and other frontage improvements to support the new sidewalk will eventually be transferred to the State.

Of the 84 subject properties requiring partial acquisitions for this project, all offers have now been made to property owners and 73 have so far been settled by voluntary easement agreements. Eleven subject properties are now in active litigation where we have filed eminent domain lawsuits and are pursuing pre-judgment possessions. The ownerships, property rights to be acquired, and total compensation for each of the subject property acquisitions that are the subject of this item are as follows:

- Krauss/ Martinson: Highway Easement Deeds (2) and Temporary Construction Easements (2) ($4,300 including the value ($1,000) attributed to construction contract work). One of the two Highway Easements (Document No. 60609-2) will be accepted into the county road system. This property at the northwest corner of Highway 12 and Marin Avenue is improved with two duplexes.

- McDowell/Bongiovanni: Highway Easement Deed, Slope & Maintenance Easement and Temporary Construction Easement ($6,400 including $2,500 for an administrative settlement associated with the loss of frontage trees). This property is improved with a newer single family dwelling.

The owners have agreed to accept these amounts as compensation for the acquisitions and they have signed all necessary right-of-way documents.

The attached resolution will authorize execution of Right of Way Contracts-State Highway to acquire the described lands, including payments totaling $9,700 which includes $0- severance; acceptances of Highway Easement Deeds, Grant of Slope and Maintenance Easement deed, and Grant of Temporary Construction Easement deeds; and authorize proration and transfer of taxes on said lands; and authorize refunds, if applicable, under Section 5096 of the Revenue and Taxation Code.

Appropriations are available in the FY 2011-12 – Co-operative Capital Projects Budget.
The property rights being purchased are required for the project.

The contracts have been approved as to form by County Counsel.

**Attachments:** Resolution; Location Map; Acquisition Maps (2).

**On File With Clerk:** Right of Way Contract – State Highway (2); Highway Easement Deed (3); Grant of Slope and Maintenance Easement (1); and Grant of Temporary Construction Easement (3).