



County of Santa Cruz

DEPARTMENT OF PUBLIC WORKS

701 OCEAN STREET, ROOM 410, SANTA CRUZ, CA 95060-4070
(831) 454-2160 FAX (831) 464-2385 TDD (831) 454-2123

JOHN A. FANTHAM
DIRECTOR OF PUBLIC WORKS

AGENDA: JANUARY 12, 1999

January 6, 1999

SANTA CRUZ COUNTY BOARD OF SUPERVISORS
701 Ocean Street
Santa Cruz, California 95060

**SUBJECT: AGREEMENTS TO GRANT RIGHT-OF-WAY IN EXCHANGE FOR
CONSTRUCTION OF FRONTAGE IMPROVEMENTS BY THE COUNTY**

Members of the Board:

As part of the proposed construction of improvements on Capitola Road, it will be necessary for the County to make significant right-of-way acquisitions on a number of parcels. The owners of two of these parcels, Alexandria Gardens, LLC (APN 029-111-04), and Peter and Dora Antonelli (APN 029-111-47), are in the preliminary stages of the development of their properties on Capitola Road at Maciel Avenue and have discussed the impacts of the proposed improvements on their projects with County staff.

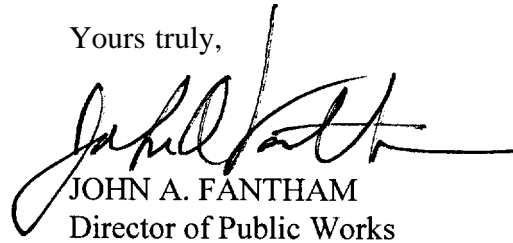
To provide street widening and a separated six-foot wide sidewalk, the acquisition of a 22- to 27-foot wide strip of land along the projects' frontages is required, which results in a total take of 4,860 square feet on APN 029-111-04 and 9,324 square feet on APN 029-111-47. In addition to the significant size of these dedications, the County's preliminary design for this portion of Capitola Road includes a significant change in the road grade, and the construction of these frontage improvements is not feasible without reconstruction of the entire road width.

The owners of the two parcels are willing to grant the required property to the County at this time in exchange for the construction of the Capitola Road frontage improvements as part of the County's future road improvement project, and staff is recommending that the Board enter into agreements with the owners to do so. This proposal represents a significant cost savings to the County over the purchase of the property, and allows the development of the properties to proceed at this time. Attached to this letter are agreements between each of the two property owners and the County. Following approval of the agreements by the Board, the owners will provide executed grant deeds to the County for the required right-of-way.

It is recommended that the Board of Supervisors take the following action:

1. Approve the agreements with the affected property owners to grant right-of-way to the County in exchange for the construction of Capitola Road frontage improvements on APN's 029-1 1 1-04 and 029- 11 1-47.
2. Authorize the Chairperson of the Board to sign the agreements on behalf of the County..
3. Direct the Clerk of the Board to return the agreements to the Department of Public Works for recordation.

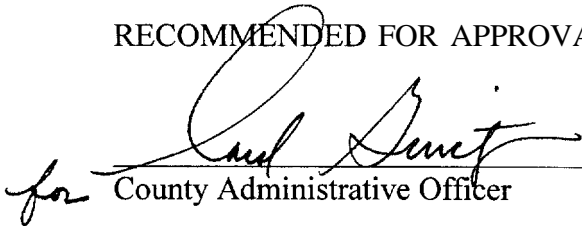
Yours truly,



JOHN A. FANTHAM
Director of Public Works

CDR:cdr
Attachments

RECOMMENDED FOR APPROVAL:



for County Administrative Officer

copy to: Public Works Department
Planning Department
Alexandria Gardens, LLC
Peter and Dora Antonelli

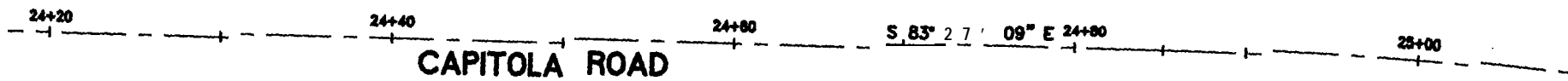
APN 029-111-04
ALEXANDRIA GARDENS, LLC

PROPOSED R/W

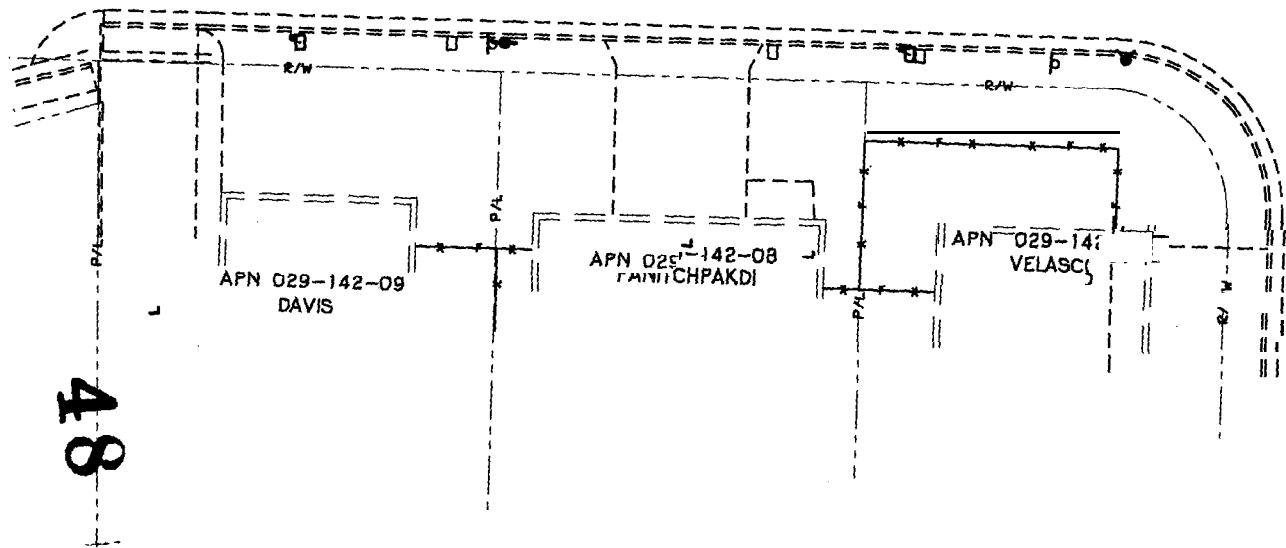
4060 SQUARE FEET

EXISTING R/W

27'



CAPITOLA ROAD



48'

HAWTHORNE WAY

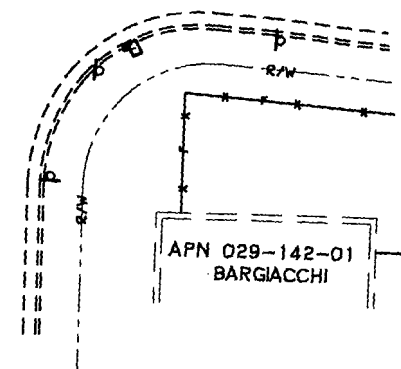
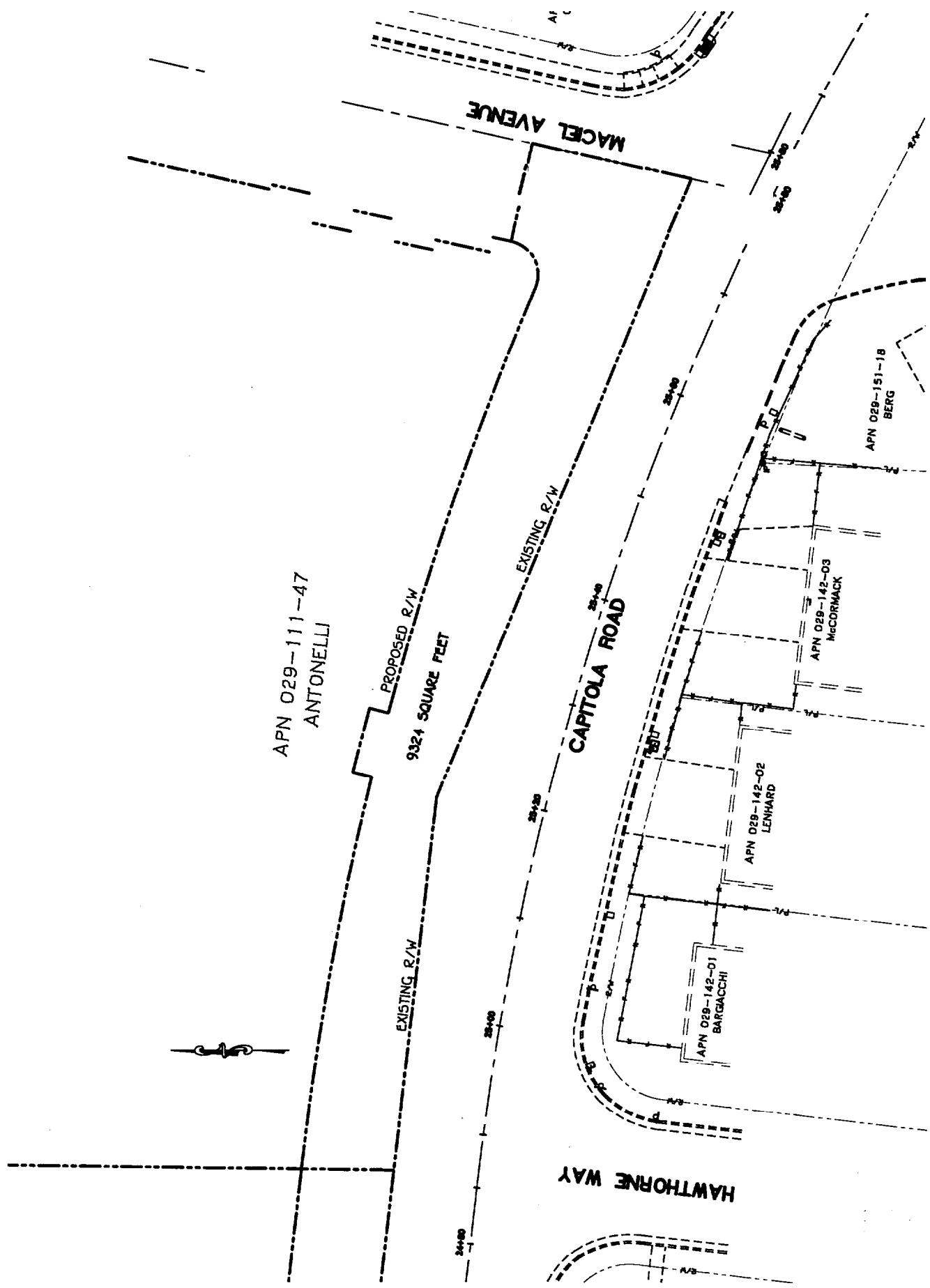


EXHIBIT A 247
SHEET 1 OF 2



Recording Requested by:
Santa Cruz County Department of Public Works

When recorded mail to:
Santa Cruz County Department of Public Works
70 1 Ocean Street, Room 4 10
Santa Cruz, California 96060
Attn: Real Property Division

APN 029- 11 1-47

**AGREEMENT TO GRANT RIGHT-OF-WAY IN EXCHANGE
FOR CONSTRUCTION OF FRONTAGE IMPROVEMENTS**

Preamble and Recitals

This Agreement is entered into on _____, 1999 by and between Peter Antonelli and Dora Antonelli, as Trustee, hereafter referred to as "Grantor," and the COUNTY OF SANTA CRUZ, a political subdivision of the State of California, hereafter referred to as "county."

A. Whereas, Grantor is proposing to develop certain real property, known as APN 029-1 1 1-47, situated in an unincorporated area of Santa Cruz County, California, as said property is described in that deed recorded March 26, 1992 in Volume 5001 of Official Records of Santa Cruz County at Page 148; and

B. Whereas, County desires to acquire a portion of said property, as more particularly described in Exhibit "A", which is attached to this Agreement and hereby incorporated by reference, for the construction of planned improvements to Capitola Road, including road widening and curb, gutter, and sidewalk; and

C. Whereas, Grantor and County agree that it is mutually beneficial to cooperate in the acquisition of the necessary property and the construction of the necessary improvements for public use.

Grant of Right-of-Way

Now, therefore, in consideration of the mutual promises herein contained, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged by both parties, Grantor agrees to grant to County the above described portion of APN 029-1 1 1-47, subject to the terms of this Agreement. Grantor agrees to execute and deliver to the County a deed granting said portion of said APN.

Improvements by County

In consideration for the granting of said property to the County, the County agrees to construct improvements to Capitola Road, including road widening and curb, gutter, and sidewalk, along the frontage of said APN as part of the County's scheduled Capitola Road Improvement Project at no cost to the Grantor. All improvements herein provided shall meet the minimum standards established by County of Santa Cruz Design Criteria.

Entire Agreement

This Agreement constitutes the entire agreement between Grantor and County. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force and effect. Any amendment to this Agreement shall be of no force and effect unless it is in writing and signed by Grantor and County.

Binding Effect

This Agreement shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors, and assigns of Grantor and County except as otherwise provided in this Agreement.

GRANTOR
PETER AND DORA ANTONELLI, TRUSTEE

COUNTY OF SANTA CRUZ

Peter Antonelli

Chair of the Board of Supervisors

Dora Antonelli

Approved as to form:

D. Mae 12-23-98
Assistant County Counsel

Acknowledgment

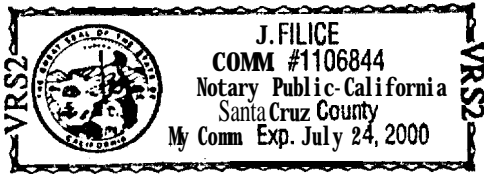
STATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA CRUZ)

On DECEMBER 22, 1998, before me, J. FILICE, personally appeared PETER ANTONELLI AND DORA ANTONELLI personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

J. Filice
Notary Public

[SEAL]





IFLAND ENGINEERS, INC.
 1100 Water Street
 Santa Cruz, CA 95062
 (831) 426-5313 FAX (831) 426-1763

JOB Capitola Gardens - # 98164
 CALCULATED BY gri
 SHEET 1 OF 2
 DATE 12/23/98 REVISED _____

Exhibit "A"

SITUATE in the County of Santa Cruz, State of California

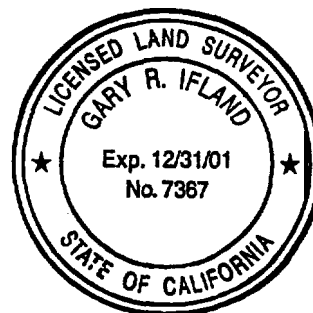
BEING a portion of the lands conveyed to John Antonelli, et al, by deed recorded in Volume 5001 at Page 148, Official Records of Santa Cruz County and more particularly described as follows:

BEGINNING at the southwest corner of said lands of Antonelli, said corner having coordinates of North 1816926.0284, East 6130122.7673, from which a ½" iron pipe bears North 01°11'00" East 0.32 feet; thence along the westerly line of said lands, North 01°11'00" East 27.83 feet to a point lying 52.00 feet distant from the centerline of Capitola Road as said centerline is shown on that certain map recorded in Volume 90 of Maps at Page 34, Santa Cruz County Records, said point having coordinates of North 1816953.8520, East 6130123.3420; thence easterly on a non tangent curve to right, having a radius of 950.00 feet and a radial bearing of South 06°32'35" West, running parallel and 52.00 feet distant from said centerline of Capitola Road, through a central angle of 7°08'09", an arc distance of 118.32 feet; thence North 14°16'56" East 5.70 feet; thence South 75°43'04" East 20.00 feet; thence South 14°16'56" West 5.70 feet to a point 52.00 feet distant from said centerline of Capitola Road; thence running parallel to and 52.00 distant from said centerline, easterly on a non tangent curve to right, having a radius of 950.00 feet and a radial bearing of South 14°53'07" West, through a central angle of 8°09'54", an arc distance of 135.38 feet to a point of reverse curvature; thence northeasterly on a tangent curve to the left, having a radius of 10.00 feet, through a central angle of 100°44'01", an arc distance of 17.58 feet; thence South 77°41'00" East 30.00 feet to a point on the centerline of Maciel Avenue having coordinates of North 1816884.8617, East 6130430.0465; thence along said centerline of Maciel Avenue, South 12°19'00" West 49.59 feet to the southeast corner of said lands of Antonelli; thence along the southerly line of said lands North 67°33'30" West 200.54 feet and North 83°18'30" West 112.11 feet to the POINT OF BEGINNING.

And containing 9324.42 sf.

Attached hereto is a plat labeled Exhibit "B" and by this reference made a part hereof. The bearings and coordinates shown hereon are based on California State Coordinates, Zone III, 1991.35 adjustment, NAD83.

Prepared by Ifland Engineers, Inc. in December 1998.





1100 WATER STREET
 SANTA CRUZ, CA 95062
 TEL (831) 426-5313
 FAX (831) 426-1763

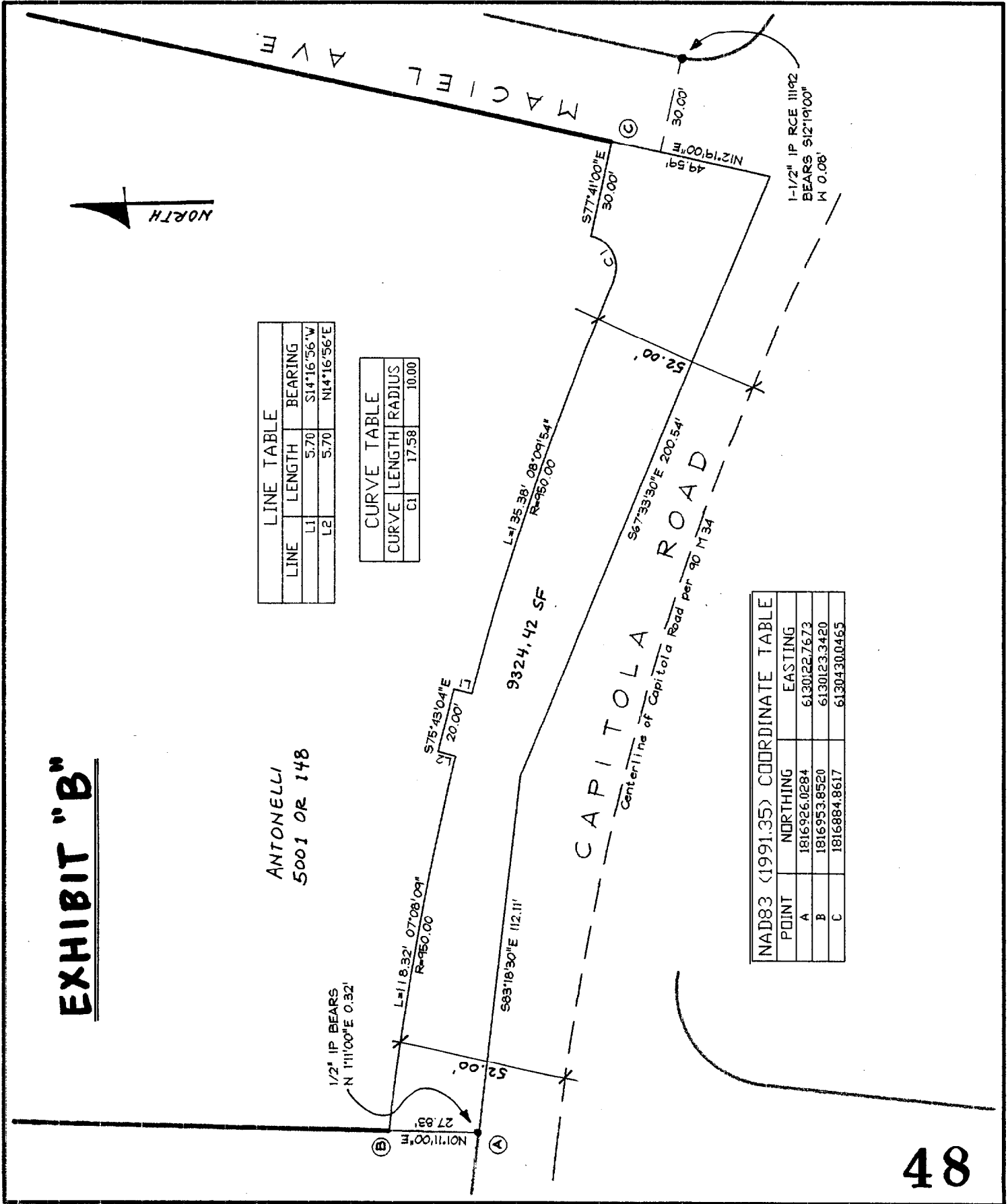
CIVIL ENGINEERING ■ LAND SURVEYING ■ STRUCTURAL DESIGN

JOB NO. 98164

SHEET NO. 2 OF 2

CALCULATED BY ari DATE 12/23/98

SCALE: 1"=40'



Recording Requested by:
Santa Cruz County Department of Public Works

When recorded mail to:
Santa Cruz County Department of Public Works
70 1 Ocean Street, Room 4 10
Santa Cruz, California 96060
Attn: Real Property Division

APN 029- 11 1-04

**AGREEMENT TO GRANT RIGHT-OF-WAY IN EXCHANGE
FOR CONSTRUCTION OF FRONTAGE IMPROVEMENTS**

Preamble and Recitals

This Agreement is entered into on _____, 1999, by and between Alexandria Gardens, LLC, hereafter referred to as "Grantor," and the COUNTY OF SANTA CRUZ, a political subdivision of the State of California, hereafter referred to as "County."

A. Whereas, Grantor is proposing to develop certain real property, known as APN 029-1 1 1-04, situated in an unincorporated area of Santa Cruz County, California, as said property is described in that deed recorded October 29, 1998 under Serial Number 1998-0065544 of Official Records of Santa Cruz County; and

B. Whereas, County desires to acquire a portion of said property, as more particularly described in Exhibit "A", which is attached to this Agreement and hereby incorporated by reference, for the construction of planned improvements to Capitola Road, including road widening and curb, gutter, and sidewalk; and

C. Whereas, Grantor and County agree that it is mutually beneficial to cooperate in the acquisition of the necessary property and the construction of the necessary improvements for public use.

Grant of Right-of-Way

Now, therefore, in consideration of the mutual promises herein contained, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged by both parties, Grantor agrees to grant to County the above described portion of APN 029-1 1 1-04, subject to the terms of this Agreement. Grantor agrees to execute and deliver to the County a deed granting said portion of said APN.

Improvements by County

In consideration for the granting of said property to the County, the County agrees to construct improvements to Capitola Road, including road widening and curb, gutter, and sidewalk, along the frontage of said APN as part of the County's scheduled Capitola Road Improvement Project at no cost to the Grantor. All improvements herein provided shall meet the minimum standards established by County of Santa Cruz Design Criteria.

Entire Agreement

This Agreement constitutes the entire agreement between Grantor and County. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force and effect. Any amendment to this Agreement shall be of no force and effect unless it is in writing and signed by Grantor and County.

Binding Effect

This Agreement shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors, and assigns of Grantor and County except as otherwise provided in this Agreement.

GRANTOR
ALEXANDRIA GARDENS, LLC

Marsha Morgan
William A Steyer

COUNTY OF SANTA CRUZ

Chairperson of the Board of Supervisors

Approved as to form:

D. Roe 12-2-98
Assistant County Counsel

EXHIBIT "A"

250

ALEXANDRIA GARDENS, LLC

APN 29-1 1 1-04

Situate in the County of Santa Cruz, State of California, and described as follows:

Being a portion of the land conveyed to Alexandria Gardens, LLC by that deed recorded October 29, 1998, under Serial Number 1998-0065544 of Official Records of Santa Cruz County, and more particularly described as follows:

Beginning at the centerline of Capitola Road (formerly known as Lower Soquel Road) at the southeasterly corner of said land of Alexandria Gardens, LLC; thence along the easterly line of said land North 25.13 feet to the current northerly line of Capitola Road; thence continuing along said easterly line North 27.13 feet; thence leaving said easterly line North 84° 15' West 180.00 feet to a point on the westerly line of said land; thence along said westerly line South 27.13 feet to the northerly line of Capitola Road; thence continuing along said westerly line South 25.13 feet to the centerline of Capitola Road; thence along said centerline South 84° 15' East 180.00 feet to the point of beginning.

Containing 9360 square feet, more or less, of which 4,500 square feet is within the current Capitola Road right of way.

RHN:rw

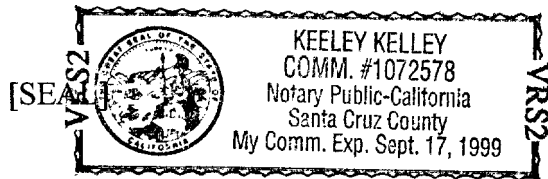
SHR

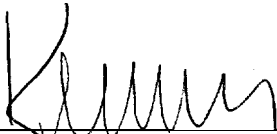
Acknowledgment

STATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA CRUZ)

On November 23, 1998 , before me, Keeley Kelley , personally appeared William A. Steiger and Marsha Morgan personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.





Notary Public