



County of Santa Cruz 153

DEPARTMENT OF PUBLIC WORKS

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

JOHN A. FANTHAM
DIRECTOR OF PUBLIC WORKS

AGENDA: MARCH 16, 1999

March 4, 1999

SANTA CRUZ COUNTY BOARD OF SUPERVISORS

701 Ocean Street
Santa Cruz, California 95060

SUBJECT: AGREEMENT TO PAY COUNTY FOR CONSTRUCTION OF FRONTAGE
IMPROVEMENTS

Members of the Board:

As part of the development of the Harbor View subdivision (Tract 1373), the project's affordable unit is being constructed **offsite**, at the corner of **Capitola Road** and **Capitola Road Extension** (APN 026-081-49). Although the access to this parcel will be on **Capitola Road Extension**, the property has approximately 250 feet of frontage on **Capitola Road**.

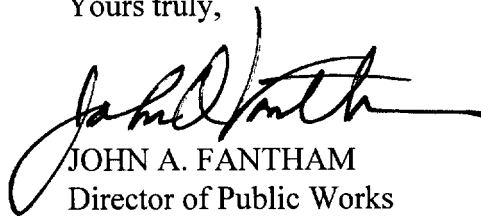
The construction of curb, gutter, and sidewalk frontage improvements along **Capitola Road** would require the installation of significant drainage improvements as well as the restriping of the entire width of the roadway. The cost of this additional work is beyond that which would ordinarily be required of a single family dwelling, and the work is scheduled to be constructed as part of the County's **Capitola Road** construction project next year.

In order to facilitate the construction of these frontage improvements, minimize traffic disruption, and avoid duplication of effort, staff is recommending that the property owners pay the County in lieu of constructing the improvements, and that the improvements be constructed as part of the County project. The attached agreement provides that the owners pay \$30,000 to the County (\$20,000 of which is the estimated cost of the curb, gutter, and sidewalk, and \$10,000 of which is approximately one-third of the cost of the additional improvements) in exchange for the construction of the work by the County.

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

1. Approve the agreement with the property owners to pay the County in exchange for the construction of Capitola Road frontage improvements on APN 026-08 1-49.
2. Authorize the Chairperson of the Board to sign the agreement on behalf of the County.
3. Direct the Clerk of the Board to return the agreement to the Department of Public Works for recordation.

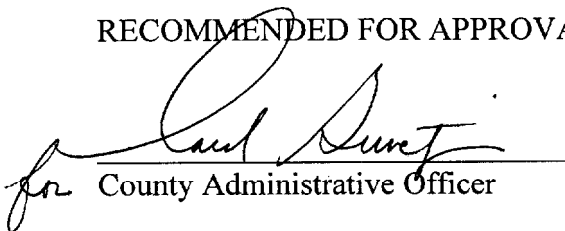
Yours truly,



JOHN A. FANTHAM
Director of Public Works

CDR:cdr
Attachment

RECOMMENDED FOR APPROVAL:



for County Administrative Officer

copy to: Public Works Department
Planning Department
Hamilton-Swift Land Use Consultants

Recording Requested by:
Santa Cruz County Department of Public Works

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When recorded mail to:
Santa Cruz County Department of Public Works
701 Ocean Street, Room 410
Santa Cruz, California 96060
Attn: Real Property Division

APN 026-08 1-49

**AGREEMENT TO PAY COUNTY FOR
CONSTRUCTION OF FRONTAGE IMPROVEMENTS**

Preamble and Recitals

This Agreement is entered into on _____, 1999 by and between Rob Hussey and Steven J. Hussey, hereafter referred to as “Owners,” and the COUNTY OF SANTA CRUZ, a political subdivision of the State of California, hereafter referred to as “County.”

A. Whereas, Owners are proposing to develop certain real property, known as APN 026-08 1-49, situated in an unincorporated area of Santa Cruz County, California, as said property is described in that deed recorded January 20, 1995 in Volume 5627 of Official Records of Santa Cruz County at Page 464; and

B. Whereas, County has required the construction of improvements along the Capitola Road frontage of said property as part of said development, including road widening, curb, gutter, sidewalk, and drainage improvements; and

C. Whereas, County is scheduled to construct a road widening, curb, gutter, sidewalk, and drainage project on Capitola Road in the near future, the limits of which will include the frontage of said property; and

D. Whereas, Owners and County agree that it is mutually beneficial to cooperate in the construction of the necessary improvements for public use, in order to minimize disturbance and interruption of traffic and construct the improvements as efficiently as possible.

Payment for Improvements

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, Owners agree to pay to County the amount of \$30,000.00, which has been determined to be the equitable share of the cost of constructing the improvements required of the development of APN 026-081-49, subject to the terms of this Agreement. Owners agree to deliver said funds to the County within sixty days of the approval of this Agreement by the Board of Supervisors.

Improvements by County

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

Entire Agreement

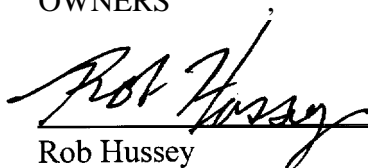
This Agreement constitutes the entire agreement between Owners and County. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force and effect. Any amendment to this Agreement shall be of no force and effect unless it is in writing and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

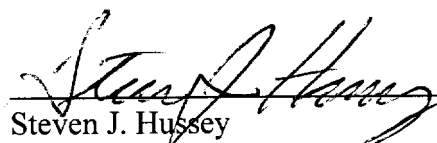
OWNERS

COUNTY OF SANTA CRUZ



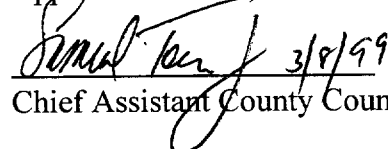
 Rob Hussey

 Chairperson of the Board of Supervisors



 Steven J. Hussey

Approved as to form:



 Chief Assistant County Counsel

Acknowledgment

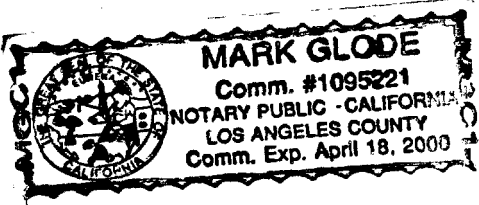
STATE OF CALIFORNIA)
) *Los Angeles* ss.
C O U N T Y OF ~~SANTA CRUZ~~)

On *MARCH 2, 1999*, before me *MARK GLODE Notary Public*, personally appeared *ROB MUSSEY* 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 & 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.

[Signature]
Notary Public

[SEAL]



Acknowledgment

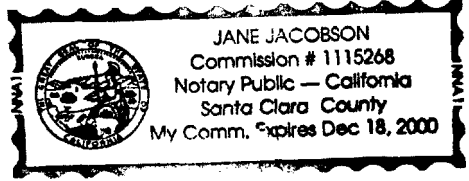
STATE OF CALIFORNIA)
 Santa Clara) ss.
COUNTY OF ~~SANTA CRUZ~~)

On *March 4, 1999*, before me, *Jane Jacobson*
STEVEN J. HUSSEY, personally
appeared *Steven J. Hussey*
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.

Jane Jacobson
Notary Public

[SEAL]



COUNTY OF SANTA CRUZ
REQUEST FOR APPROVAL OF AGREEMENT

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TO: Board of Supervisors
County Administrative Officer
County Counsel
Auditor-Controller

FROM: PUBLIC WORKS (Dept.)
[Signature] (Signature) 3/2/99 (Date)

The Board of Supervisors is hereby requested to approve the attached agreement and authorize the execution of the same.

1. Said agreement is between the COUNTY OF SANTA CRUZ (Agency)
ROB AND STEVEN J. HUSSEY, C/O BEITLER COMMERCIAL
and 825 BARRINGTON AVENUE, LOS ANGELES. CA 90049 (Name & Address)

2. The agreement will provide FOR PAYMENT TO THE COUNTY FOR THE INSTALLATION OF FRONTAGE
IMPROVEMENTS ON CAPITOLA ROAD ON APN 026 081 49

3. The agreement is needed BECAUSE THIS WORK CAN BE DONE MOST EFFECTIVELY AS PART OF THE
COUNTY'S CAPITOLA ROAD IMPROVEMENT PROJECT.

4. Period of the agreement is from BOARD APPROVAL to JUNE 30, 1999
REVENUE

5. Anticipated cost is \$30,000.00 (Fixed amount, Monthly rate, Not to exceed)

6. Remarks: Agenda 3-16-99

7. ~~Appropriations~~ REVENUES are budgeted in 621100 (Index#) 2 3 8 4 (Subobject)

NOTE: IF APPROPRIATIONS ARE INSUFFICIENT. ATTACH COMPLETED FORM AUD-74

Appropriations are available and have been encumbered. Contract No. R-693 Date 3/2/99
are not will be N/A
GARY A. KNUTSON, Auditor - Controller
By [Signature] Deputy.

Proposal reviewed and approved. It is recommended that the Board of Supervisors approve the agreement and authorize the
CHAIRPERSON OF BOARD to execute the same on behalf of the COUNTY OF SANTA CRUZ

(Agency). County Administrative Officer

Remarks: (Analyst) By [Signature] Date 3/8/99

Agreement approved as to form. Date _____

CDR:mg

Distribution:
Bd. of Supv. - White
Auditor-Controller - Blue
County Counsel - Green *
Co. Admin. Officer - Canary
Auditor-Controller - Pink
Originating Dept. - Goldenrod

'To Orig. Dept. if rejected.

ADM - 29 (6/95)

State of California)
County of Santa Cruz) ss
I _____ ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz,
State of California, do hereby certify that the foregoing request for approval of agreement was approved by
said Board of Supervisors as recommended by the County Administrative Officer by an order duly entered
in the minutes of said Board on _____ 19 ____ By _____ Deputy Clerk

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