



# County of Santa Cruz

481

## , DEPARTMENT OF PUBLIC WORKS - REAL PROPERTY DIVISION

701 OCEAN STREET, ROOM 410, SANTA CRUZ, CA 95060-4070  
(831) 454-2331 FAX (831) 454-2385 TDD (831) 454-2123

JOHN A. FANTHAM  
DIRECTOR OF PUBLIC WORKS

SCOTT C. LOICHINGER  
CHIEF REAL PROPERTY AGENT

Agenda: June 8, 1999  
May 26, 1999

### SANTA CRUZ COUNTY BOARD OF SUPERVISORS

701 Ocean Street  
Santa Cruz, California 95060

SUBJECT: SOQUEL DRIVE ROAD SLOPE REPAIR PROJECT - 9099 SOQUEL DRIVE, APTOS  
APN 041-151-19

#### Members of the Board:

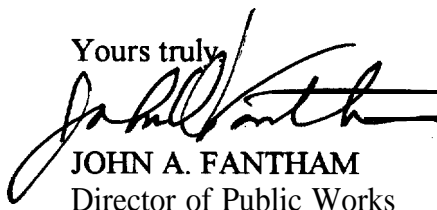
Included in the 1998199 Public Works Budget are funds for the acquisition of the required right-of-way for the subject project.

The attached six contracts provide for the acquisition of the rights required for construction and maintenance of the improvements (see attached map). The settlement amount for the property interests acquired is shown in the attached resolution and is based on a departmental appraisal. This amount is considered fair and reasonable for the real property interests being acquired and represents the fair market value of said interests.

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

1. Adopt resolution approving and accepting the terms and conditions of the contracts and authorize the Director of Public Works to sign said documents on behalf of the County.
2. Approve payment of claim.

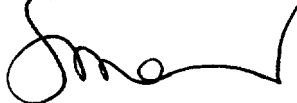
Yours truly,

  
JOHN A. FANTHAM  
Director of Public Works

scl

Attachments

RECOMMENDED FOR APPROVAL:



County Administrative Officer

Copy to: Public Works, County Counsel & Auditor Controller

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BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA  
RESOLUTION NO. \_\_\_\_\_

On the motion of Supervisor  
duly seconded by Supervisor  
the following resolution is adopted:

RESOLUTION FOR RIGHT-OF-WAY ACQUISITION  
SOQUEL DRIVE ROAD SLOPE REPAIR PROJECT

RESOLVED by the Board of Supervisors of the County of Santa Cruz, State of California:

WHEREAS, the County of Santa Cruz is desirous of acquiring the real property interests described in the contracts attached hereto and hereinafter referred to, and

WHEREAS, the owners of said real property interests have or will execute and deliver Easement Deeds conveying said real property interests to County, upon condition that County acknowledge and approve Articles set forth in the contracts binding County to the performance of said Articles, and

WHEREAS, the Board of Supervisors of said County hereby finds the Articles of said contracts to be fair and reasonable consideration for the acquisition of said real property interests;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the County of Santa Cruz does hereby accept the terms of said contracts listed below:

<u>A.P.N.</u>	<u>NAME</u>	<u>PAYMENT</u>
041-151-19	Kenneth J. Whiting	\$ 600.00
	Renee Whiting	
	Vann Slatter	
	Chris Slatter	
	Michael Whiting	
	Beth Whiting	
	Peter F. Whiting	
	Jackie L. Whiting	
	Ronald Whiting	
	Pamela Whiting	

BE IT FURTHER ORDERED that the Auditor-Controller of the County of Santa Cruz is hereby authorized to approve payment of claim for the above listed Right of Entry payable to the above listed Grantors in the amount indicated above, out of Public Works Internal Service Fund, Subobject 3590, charged against CAMS Index No. 70754 for the purchase of said property interests and to deliver the same to the Chief, Real Property Division of the County of Santa Cruz, and

BE IT FURTHER ORDERED that said Chief, Real Property Division, deliver said warrant to the above listed Grantor.

PASSED AND ADOPTED by the Board of Supervisors of the  
County of Santa Cruz, State of California, this \_\_\_\_\_ day of  
\_\_\_\_\_, 1999, by the following vote:

AYES: SUPERVISORS


NOES: SUPERVISORS

ABSENT: SUPERVISORS

\_\_\_\_\_  
Chair of said Board

ATTEST: \_\_\_\_\_  
Clerk of said Board

Approved as to form:

 5-19-99  
\_\_\_\_\_  
Chief Assistant County Counsel

Distribution: County Counsel  
Auditor-Controller  
Public Works  
Real Property Division

Kenneth J. Whiting, et. al.  
(Seller )

Property No.: Area D

484

APN: 041-151-19

PROJECT: SOQUEL DRIVE ROAD SLOPE  
REPLACEMENT PROJECT- PO 9099  
DAF CSC-SCR-005

**CONTRACT**  
**COUNTY OF SANTA CRUZ**

This contract is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_, by and between the COUNTY OF SANTA CRUZ, hereinafter called COUNTY, and KENNETH J. WHITING, RENEE WHITING, VANN SLATTER, CHRIS SLATTER, MICHAEL WHITING, BETH WHITING, RONALD WHITING, PAMELA WHITING AND PETER F. WHITING and JACKIE L. WHITING, TRUSTEES, hereinafter called **SELLER**. The parties mutually agree as follows:

1. The parties herein set forth the whole of their agreement. The performance of this agreement constitutes the entire consideration for this transaction.

2. SELLER agrees to execute and deliver a document in the form of an **Easement Deed** covering the property located at 9099 Soquel Drive, Aptos (APN 041-151-19), more particularly described in Exhibit "A", attached hereto and made a part hereof, and a (W-9) Request for Taxpayer Identification Number and Certification. Said document shall be delivered to Scott Loichinger, Chief, Real Property Division of the COUNTY OF SANTA CRUZ, State of California.

3. The COUNTY shall:

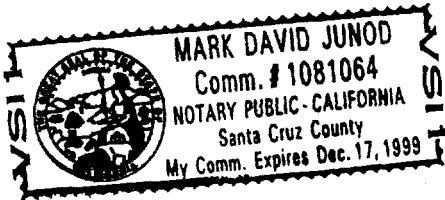
(A) Pay the undersigned SELLER the sum of \$600.00 for the property interest therein (including all improvements existing thereon unless removal is specifically authorized hereinafter in this Contract) as conveyed by Easement Deed after date title to said property interest vests in the COUNTY, free and clear of all liens, encumbrances, assessments, and taxes, except:

1. Covenants, conditions, restrictions and reservations of record, if any,
2. Easements or rights of way over said land for utility or street purposes, if any.

(B) Pay all escrow and recording fees incurred in this transaction. This transaction will be handled through an internal escrow by the County of Santa Cruz, Department of Public Works, Real Property Division, 701 Ocean Street, Rm 410, Santa Cruz CA 95060.

6. The provisions of this agreement shall inure to the benefit of and bind the respective successors, heirs, and assigns of the parties hereto.

IN WITNESS WHEREOF, the COUNTY has caused this contract to be duly executed as of the 4<sup>th</sup> day of November, 1990; and the SELLERS have executed this agreement as of 6<sup>th</sup> day of IV, 1996.



RECOMMENDED FOR APPROVAL

By: Scott Loichinger  
SCOTT LOICHINGER  
Chief, Real Property Division

By: Samuel Torres, Jr.  
5-19-99  
SAMUEL TORRES, JR.  
Chief Assistant County Counsel

COUNTY

By: \_\_\_\_\_  
JOHN A. FANTHAM  
Director of Public Works

Kenneth J. Whiting  
Kenneth J. Whiting  
Renee Whiting  
Renee Whiting

\_\_\_\_\_  
Vann Slatter

\_\_\_\_\_  
Chris Slatter

\_\_\_\_\_  
Michael Whiting

\_\_\_\_\_  
Beth Whiting

\_\_\_\_\_  
Peter F. Whiting, Trustee

\_\_\_\_\_  
Jackie L. Whiting, Trustee

\_\_\_\_\_  
Ronald Whiting

\_\_\_\_\_  
Pamela Whiting

(SELLER)

IN WITNESS WHEREOF, the COUNTY has caused this contract to be duly **executed** as of the \_\_\_\_\_ day of \_\_\_\_\_, 1999, and the SELLERS have executed this agreement as of the 26<sup>th</sup> day of April, 1999.

## RECOMMENDED FOR APPROVAL

By: Scott Loichinger  
SCOTT LOICHINGER  
Chief, Real Property Division

By: Samuel Torres, Jr.  
5-19-99  
SAMUEL TORRES, JR.  
Chief Assistant County Counsel

COUNTY

By: \_\_\_\_\_  
JOHN A. FANTHAM  
Director of Public Works

\_\_\_\_\_  
Kenneth J. Whiting

\_\_\_\_\_  
Renee Whiting

Vann Slatter  
Vann Slatter

Chris Slatter  
Chris Slatter

\_\_\_\_\_  
Michael Whiting

\_\_\_\_\_  
Beth Whiting

\_\_\_\_\_  
Peter F. Whiting, Trustee

\_\_\_\_\_  
Jackie L. Whiting, Trustee

\_\_\_\_\_  
Ronald Whiting

\_\_\_\_\_  
Pamela Whiting

(SELLER)

IN WITNESS WHEREOF, the COUNTY has caused this contract to be duly executed as of the \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_\_\_, and the SELLERS have executed this agreement as of the ~~9th~~ day of April 1999.

## RECOMMENDED FOR APPROVAL

By: Scott Loichinger  
SCOTT LOICHINGER  
Chief, Real Property Division

By: Samuel Torres  
5-19-99  
SAMUEL TORRES, JR.  
Chief Assistant County Counsel

COUNTY

By: \_\_\_\_\_

JOHN A. FANTHAM  
Director of Public Works

\_\_\_\_\_  
Kenneth J. Whiting\_\_\_\_\_  
Renee Whiting\_\_\_\_\_  
Vann Slatter\_\_\_\_\_  
Chris Slatter

Michael Whiting  
Michael Whiting

Beth Whiting  
Beth Whiting

\_\_\_\_\_  
Peter F. Whiting, Trustee\_\_\_\_\_  
Jackie L. Whiting, Trustee\_\_\_\_\_  
Ronald Whiting\_\_\_\_\_  
Pamela Whiting

(SELLER)

IN WITNESS WHEREOF, the COUNTY has caused this contract to be duly executed as of the \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_\_\_, and the SELLERS have executed this agreement as of the 2nd day of April, 1999.

## RECOMMENDED FOR APPROVAL

By: Scott Loichinger  
SCOTT LOICHINGER  
Chief, Real Property Division

By: S. Torres  
5-19-99  
SAMUEL TORRES, JR.  
Chief Assistant County Counsel

COUNTY

By: \_\_\_\_\_  
JOHN A. FANTHAM  
Director of Public Works

\_\_\_\_\_  
Kenneth J. Whiting

\_\_\_\_\_  
Renee Whiting

\_\_\_\_\_  
Vann Slatter

\_\_\_\_\_  
Chris Slatter

\_\_\_\_\_  
Michael Whiting

\_\_\_\_\_  
Beth Whiting

Peter F. Whiting, Trustee  
Peter F. Whiting, Trustee

Jackie L. Whiting, Trustee  
Jackie L. Whiting, Trustee

\_\_\_\_\_  
Ronald Whiting

\_\_\_\_\_  
Pamela Whiting

(SELLER)



IN WITNESS WHEREOF, the COUNTY has caused this contract to be duly executed as of the \_\_\_\_\_ day of \_\_\_\_\_, 199\_, and the SELLERS have executed this agreement as of the 4th day of November, 1997.

\_\_\_\_\_  
Kenneth J. Whiting

RECOMMENDED FOR APPROVAL

By: Scott Loichinger  
SCOTT LOICHINGER  
Chief, Real Property Division

\_\_\_\_\_  
Renee Whiting

\_\_\_\_\_  
Vann Slatter

By: D. M. Roe FOR  
5-19-99  
SAMUEL TORRES, JR.  
Chief Assistant County Counsel

\_\_\_\_\_  
Chris Slatter

COUNTY

By: John A. Fantham  
JOHN A. FANTHAM  
Director of Public Works

\_\_\_\_\_  
Michael Whiting

\_\_\_\_\_  
Beth Whiting

\_\_\_\_\_  
Peter F. Whiting, Trustee

\_\_\_\_\_  
Jackie L. Whiting, Trustee

Ronald Whiting  
Ronald Whiting

\_\_\_\_\_  
Pamela Whiting

(SELLER)

IN WITNESS WHEREOF, the COUNTY has caused this contract to be duly executed as of the \_\_\_\_\_ day of \_\_\_\_\_, 1999; and the SELLERS have executed this agreement as of the 04th day of April, 1999.

## RECOMMENDED FOR APPROVAL

By: *Scott Loichinger*  
SCOTT LOICHINGER  
Chief, Real Property Division

By: *D. McRae* FOR  
5-19-99  
SAMUEL TORRES, J-R.  
Chief Assistant County Counsel

COUNTY

By: *John A. Fantham*  
JOHN A. FANTHAM  
Director of Public Works

\_\_\_\_\_  
Kenneth J. Whiting

\_\_\_\_\_  
Renee Whiting

\_\_\_\_\_  
Vann Slatter

\_\_\_\_\_  
Chris Slatter

\_\_\_\_\_  
Michael Whiting

\_\_\_\_\_  
Beth Whiting

\_\_\_\_\_  
Peter F. Whiting, Trustee

\_\_\_\_\_  
Jackie L. Whiting, Trustee

\_\_\_\_\_  
Ronald Whiting

*Pamela Whiting*  
Pamela Whiting

(SELLER)

**EXHIBIT "A"****LEGAL DESCRIPTION FOR SOOUEL DRIVE STORM DAMAGE REPAIR****PARCEL 1****PERMANENT DRAINAGE EASEMENT FOR THE PURPOSES OF ROAD  
CONSTRUCTION & MAINTENANCE**

Being a portion of Northwest 1/4 of Section 17, Township 11 South, Range 1 East, MDB & M, in the County of Santa Cruz, State of California; and being also a part of the lands conveyed by deed to Michael Whiting and Beth Whiting, filed for record on December 22, 1997, in Volume 1997 at Page 0060747, Official Records of Santa Cruz County, State of California; and more particularly described as follows:

Commencing at the most Southwesterly corner of "PARCEL FOUR" as described in said deed, this being a point on the Northerly Right of Way of Soquel Drive, and the TRUE POINT OF BEGINNING.

Thence, from said TRUE POINT OF BEGINNING, along said Right of Way in a Westerly direction, on a curve to the right with a radius of 350.00 feet, central angle of 02°02'20", length of 12.45 feet, and tangent to a line bearing North 76°02'33" East; thence, leaving said Right of Way, due North, a distance of 23.00 feet; thence, North 80°27'04" East, a distance of 40.65 feet; thence, North 02° 10'16" East, a distance of 12.28 feet; thence, South 89°42'06" East, a distance of 8.00 feet; thence, South 02° 10'16" West, a distance of 20.01 feet; thence, South 39°59'48" East, a distance of 8.23 feet; more or less, back to the Northerly Right of Way of Soquel Drive; thence, along said Right of Way, in a Westerly direction, on a curve to the right, with a radius of 350.00 feet, central angle of 07°01'58", length of 42.96 feet, more or less, and tangent to a line bearing North 69°00'35" East, back to the TRUE POINT OF BEGINNING.

Containing an area of 1091 square feet, more or less.

APN 41-151-19

**EXHIBIT "A"****PARCEL 2****TEMPORARY CONSTRUCTION EASEMENT FOR THE PURPOSES OF ROAD  
CONSTRUCTION**

Being a portion of Northwest 1/4 of Section 17, Township 11 South, Range 1 East, MDB & M, in the County of Santa Cruz, State of California; and being also a part of the lands conveyed by deed to Michael Whiting and Beth Whiting, filed for record on December 22, 1997, in Volume 1997 at Page 0060747, Official Records of Santa Cruz County, State of California; and more particularly described as follows:

Commencing at the most Southwesterly corner of "PARCEL FOUR" as described in said deed, this being a point on the Northerly Right of Way of Soquel Drive, and the TRUE POINT OF BEGINNING.

Thence, from said TRUE POINT OF BEGINNING, along said Right of Way in a Westerly direction, on a curve to the right with a radius of 350.00 feet, central angle of 02°02'20", length of 12.45 feet, and tangent to a line bearing North 76°02'33" East; thence, leaving said Right of Way, due North, a distance of 35.00 feet; thence, North 80°10'46" East, a distance of 41.16 feet; thence, South 89°42'06" East, a distance of 8.00 feet; thence, South 02°10'16" West, a distance of 20.01 feet; thence, South 39°59'48" East, a distance of 8.23 feet, more or less, back to the Northerly Right of Way of Soquel Drive; thence, along said Right of Way, in a Westerly direction, on a curve to the right, with a radius of 350.00 feet, central angle of 07°01'58", length of 42.96 feet, more or less, and tangent to a line bearing North 69°00'35" East, back to the TRUE POINT OF BEGINNING.

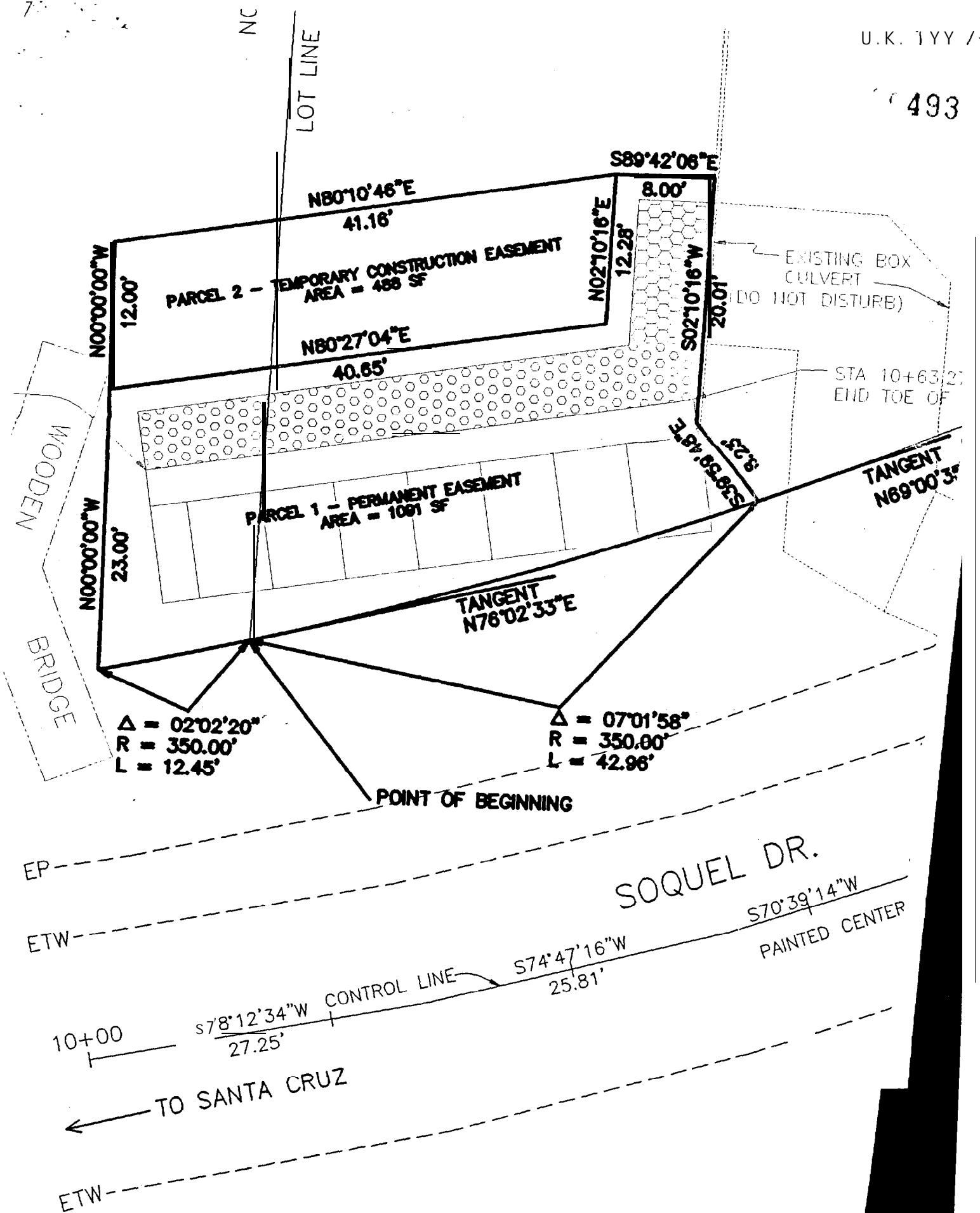
Excepting therefrom PARCEL ONE described above.

Containing an area of 488 square feet, more or less.

This temporary construction easement shall terminate at the completion of construction for which this easement is granted or December 31, 1998, **whichever** occurs first.

APN 041-151-19

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SOQUEL DRIVE ST 58