



Count, of Santa Cruz

0323

DEPARTMENT OF PUBLIC WORKS - REAL PROPERTY DIVISION

701 OCEAN STREET, ROOM 410, SANTA CRUZ, CA 850604670
(831) 454-2331 FAX (831) 454-2385 TDD (831) 454-2123

SCOTT C. LOICHINGER
CHIEF REAL PROPERTY AGENT

AGENDA: AUGUST 22, 2000
August 10, 2000

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

SUBJECT: SAN LORENZO WAY SLIDE REPAIR PROJECT - SAN LORENZO WAY, FELTON
APN 071-173-13, APN 071-173-18 & APN 071-201-43

Members of the Board:

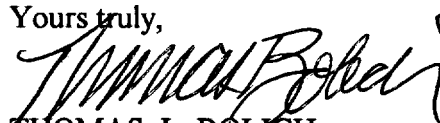
Included in the 2000/01 Public Works Budget are funds for the acquisition of the required right-of-way for the subject project.

The attached two contracts and right of entry 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 right of entry and authorize the Acting Director of Public Works to sign said documents on behalf of the County.
2. Approve payment of claim.

Yours truly,


THOMAS L. BOLICH
Acting 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
SAN LORENZO WAY SLIDE 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 and right of entry attached hereto and hereinafter referred to, and

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

WHEREAS, the Board of Supervisors of said County hereby finds the Articles of said documents 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 and right of entry listed below:

<u>A.P.N.</u>	<u>NAME</u>	<u>PAYMENT</u>
071-173-18 (contract)	Joseph L. Grover Sheryl S. Grover	\$ 1,000.00
071-173-13 (contract)	Daybreak Camp, Inc.	\$ 500.00
071-201-43 (right of entry)	Redtree Properties, L.P.	\$ 500.00

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 documents 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. 40223 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 _____, 2000, by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

Chair of said Board

ATTEST: _____
Clerk of said Board

Approved as to form:

Samuel Touy 8/14/00

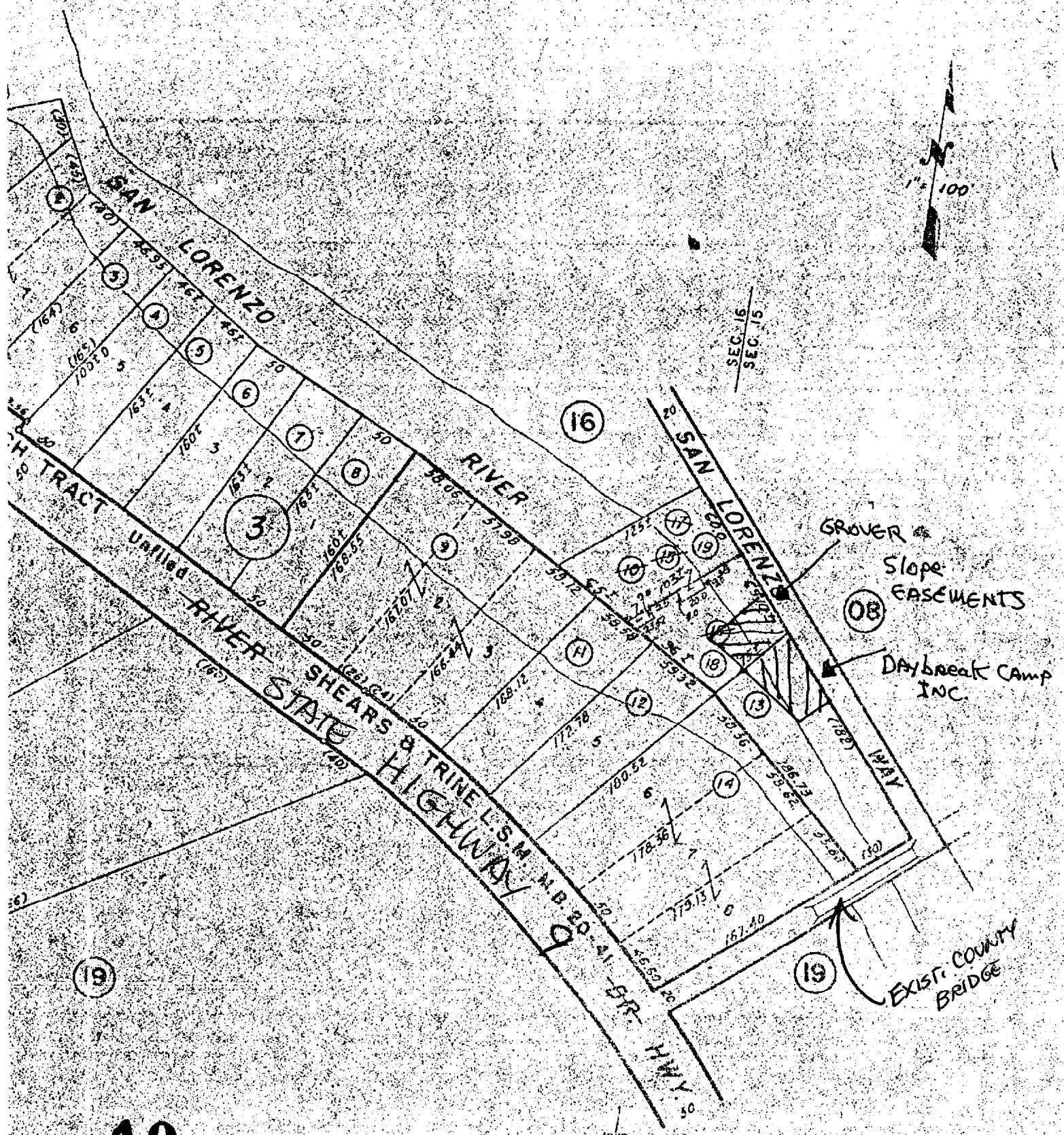
Chief Assistant County Counsel

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

ANTE RANCHO
16, T. 10S., R. 2W., M.D.B. & M. PROJECTED

Tax Area Code 0326
90-010

71-17



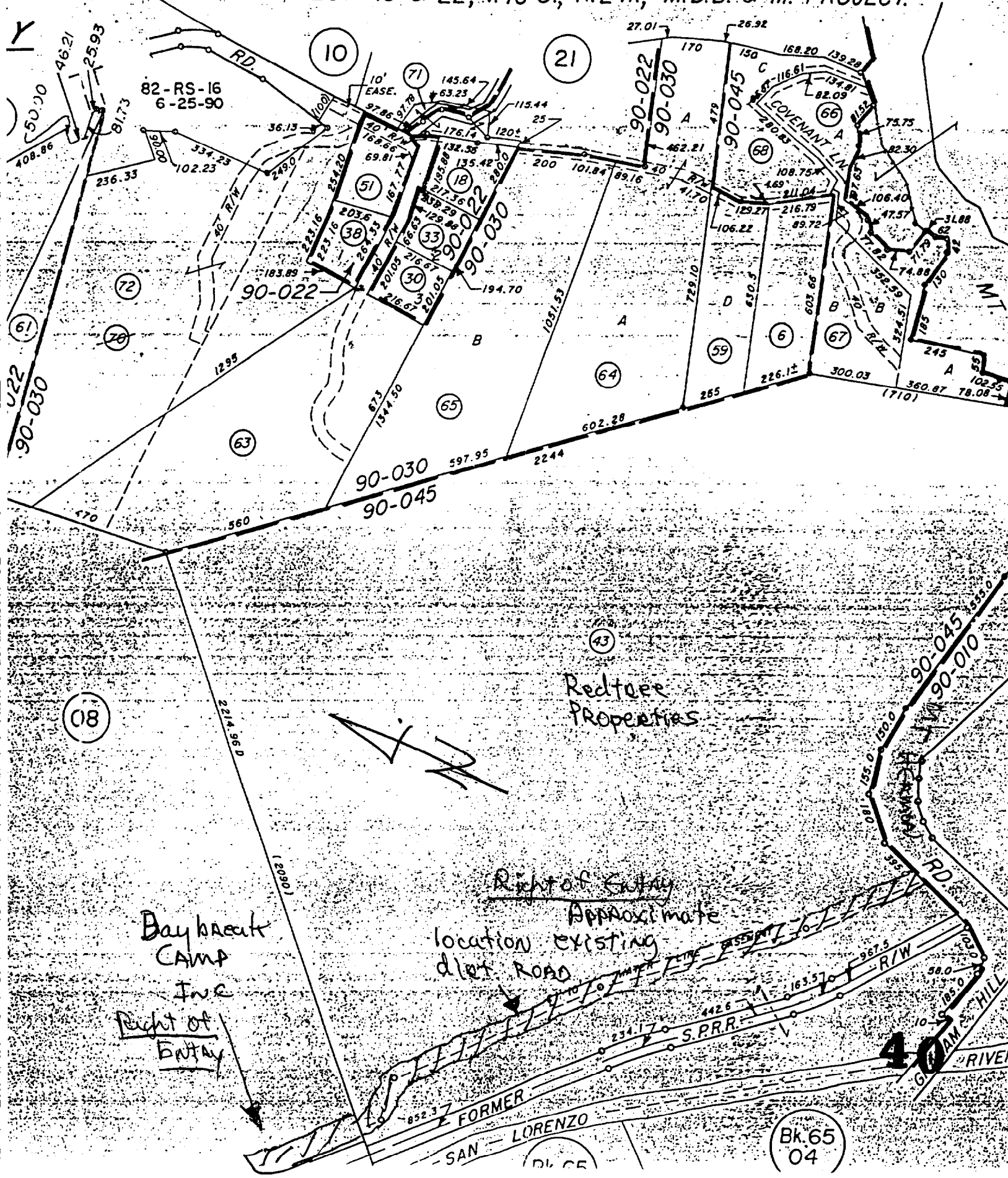
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Note - Assessor's Parcel Block B
Lot Numbers Shown in Circles

Assessor's Map No. 71-17
County of Santa Cruz Calif.
June 1954

ZAYANTE RANCHO

POR. SECS. 15 & 22, T.10 S., R.2 W., M.D.B. & M. PROJECT.



Daybreak
CAMP
Inc

Right of
Entry

Redtree
Properties

Right of Entry
Approximate
location existing
dlet ROAD

Bk.65
04

RIGHT OF ENTRY

Property No. 1
APN: 071-201-43

Date: July 6, 2000
Project: SAN LORENZO WAY
SLIDE REPAIR PROJECT

County of Santa Cruz
Public Works Department
701 Ocean Street
Santa Cruz, California 95060

Gentlemen:

Permission is hereby granted to the County of Santa Cruz, its contractors and / or authorized agents, to enter and bring the necessary workmen, tools, materials, and equipment onto the property of the undersigned, as shown on the attached map, for the sole purpose of ingress and egress to access the San Lorenzo Way Slide Repair Project.

It is understood that the County of Santa Cruz and its employees and contractors shall indemnify, defend, protect and hold Redtree Properties L.P., a limited partnership, harmless from and against all claims, suits, costs, damages and liability which may occur while on our property arising out of the County's access over our property.

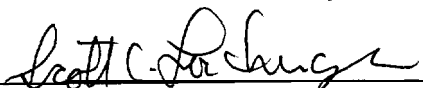
It is understood and agreed that the County shall leave the premises in a clean and orderly condition and that any existing improvements or vegetation located on the Grantor's property that may have been disturbed or removed during the course of the work will be restored or replaced in kind to our reasonable satisfaction.

It is further agreed that in using the property for the above purposes, the County will assume all risks of loss of or damage to persons and property due to any existing and future condition of said property. County waives and releases all claims against the undersigned for costs, damages and liability for personal injury and death and property damage which may arise out of said use and any existing and future condition of said property.

It is further understood and agreed that permission to perform the acts stated herein shall remain in force and effect only until the completion of the work or August 15, 2000, whichever occurs first.


For the right herein granted the County of Santa Cruz hereby agrees to pay the undersigned \$500.00. Redtree Properties, L.P. hereby gives permission to access our property anytime after the date that this letter is signed by both parties and an original counterpart is returned to the undersigned.

RECOMMENDED FOR APPROVAL:

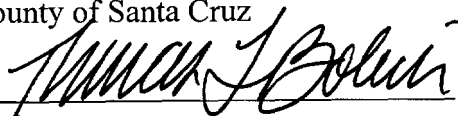

Real Property Agent

REDTREE PROPERTIES, L.P.,
A Delaware limited partnership

By: TREEHAVEN L.P.,
a California limited partnership
Its General Partner
By: Havermawr Inc.,
a California corporation
Its General Partner

By: 
Douglas P. Ley
President

ACCEPTED:
County of Santa Cruz



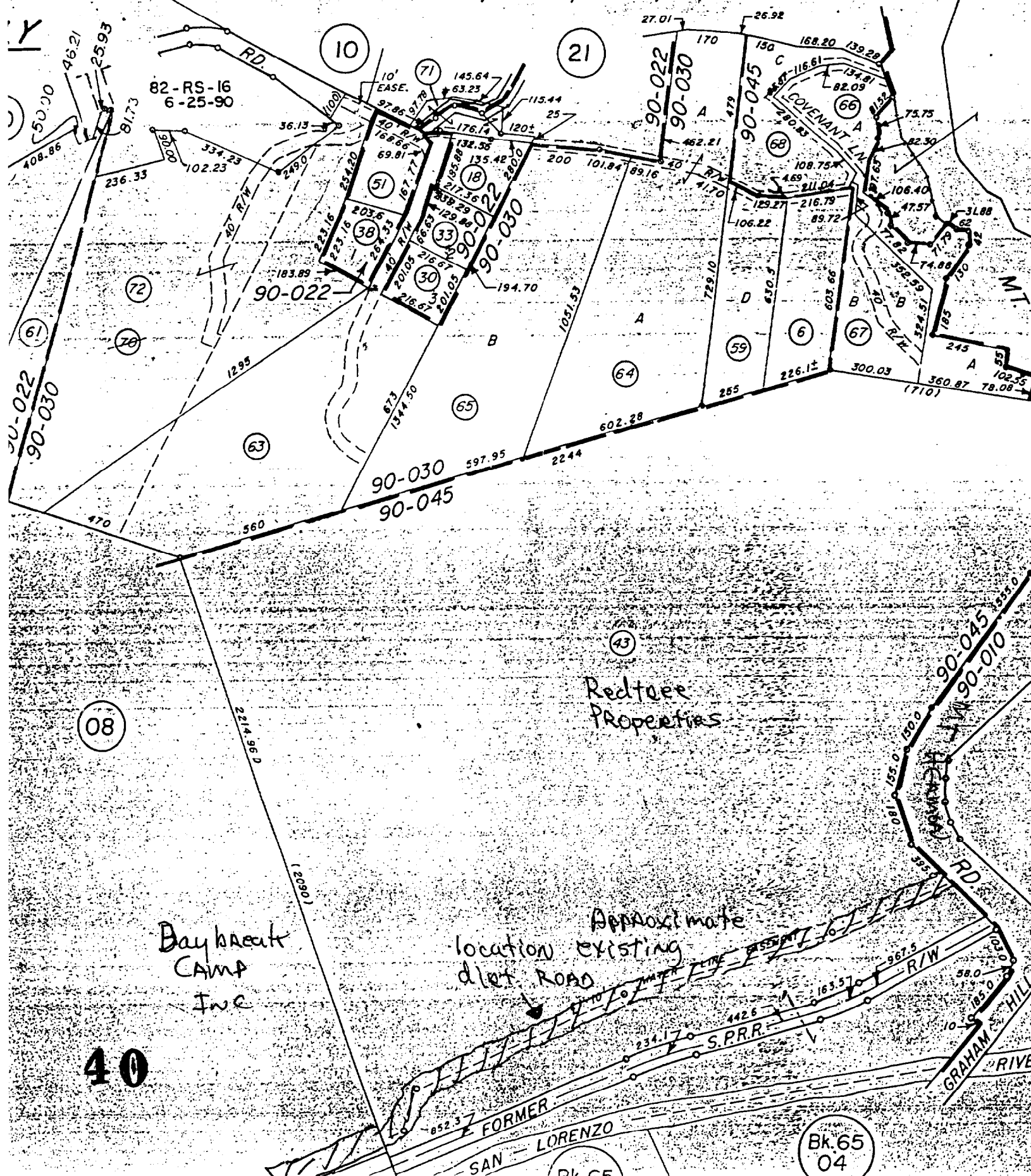
Grantor's Mailing Address:

P.O. Box 1041
Santa Cruz, CA 95061

ZAYANTE RANCHO

030

POR. SECS. 15 & 22, T.10 S., R.2 W., M.D.B. & M. PROJECT.



Baybreath
CAMP
Inc

Redtree
Properties

Approximate
location existing
dirt ROAD

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Bk. 65
04

Joseph L. Grover
Sheryl S. Grover

Property No.: N/A

APN: 071-173-18

PROJECT: SAN LORENZO WAY
SLIDE REPAIR PROJECT

(SELLERS)

CONTRACT
COUNTY OF SANTA CRUZ

This contract is entered into this _____ day of _____, 200__, by and between the COUNTY OF SANTA CRUZ, hereinafter called COUNTY, JOSEPH L. GROVER AND SHERYL S. GROVER, 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 6729 San Lorenzo Way, Felton (APN 071-173-18), 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 documents 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 \$1,000.00 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.

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

5. Sellers hereby agree to allow the County of Santa Cruz access to the property covered under this contract anytime after May 15, 2000.

IN WITNESS WHEREOF, the COUNTY has caused this contract to be duly executed as of the _____ day of _____, 200__, and the SELLERS have executed this agreement as of the _____ day of _____, 200__.

RECOMMENDED FOR APPROVAL

By: Scott Loichinger
SCOTT LOICHINGER
Chief, Real Property Division

Joseph L. Grover
Joseph L. Grover
Sheryl S. Grover
Sheryl S. Grover

By: Samuel Torres Jr.
SAMUEL TORRES JR.
~~Chief Assistant~~ County Counsel

COUNTY

By: _____

Director of Public Works

EXHIBIT "A"

LEGAL DESCRIPTION FOR SAN LORENZO WAY STORM DAMAGE REPAIR, A PERMANENT EASEMENT FOR THE PURPOSE OF ROAD CONSTRUCTION AND MAINTENANCE.

BEING A PORTION OF SECTION 15, TOWNSHIP 10 SOUTH, RANGE 2 WEST, MDB&M, IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA; AND BEING ALSO A PART OF THE LANDS CONVEYED BY DEED TO JOSEPH L. GROVER AND SHERYL S. GROVER, FILED FOR RECORD ON OCTOBER 2, 1996, IN VOLUME 5916 AT PAGE 526, OFFICIAL RECORDS OF SANTA CRUZ COUNTY, STATE OF CALIFORNIA; AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1

BEGINNING AT AN IRON PIPE AT NORTHWEST CORNER OF COOPER, OLD IRON PIPE BEARS NORTH 32°30' WEST, 8.70 METERS, AS SHOWN ON THAT RECORD OF SURVEY FILED ON MARCH, 1923, IN VOLUME 20 OF MAPS, AT PAGE 41, IN THE OFFICE OF THE COUNTY SURVEYOR OF SANTA CRUZ COUNTY, STATE OF CALIFORNIA, SAID POINT BEING THE MOST SOUTHEASTERLY MONUMENT SHOWN ON SAID MAP PREPARED FOR JAMES SHEARS AND E.E. TRINE OF PART OF RANCHO ZAYANTE; THENCE, NORTH 49°52'00" EAST, 74.664 METERS TO A POINT; THENCE, NORTH 48°56'42" WEST, 59.685 METERS, MORE OR LESS, TO A POINT ON THE WESTERLY RIGHT OF WAY OF SAN LORENZO WAY, THIS BEING ALSO THE MOST EASTERLY PROPERTY CORNER OF PARCEL 3 OF SAID LAND OF GROVER, AND THE **TRUE POINT** OF BEGINNING.

THENCE, FROM SAID TRUE POINT OF BEGINNING, ALONG THE EASTERLY PROPERTY LINE OF SAID LAND OF GROVER SOUTH 41°30'00" WEST, 13.607 METERS, TO A POINT; THENCE, NORTH 56°40'20" WEST, 5.660 METERS, TO A POINT; THENCE, PARALLEL TO THE EASTERLY PROPERTY LINE OF SAID LAND OF GROVER NORTH 41°30'00" EAST, 15.329 METERS, MORE OR LESS, BACK TO THE WESTERLY RIGHT OF WAY OF SAN LORENZO WAY; THENCE, ALONG SAID RIGHT OF WAY SOUTH 39°12'00" EAST, 5.677 METERS, MORE OR LESS, BACK TO THE TRUE POINT OF BEGINNING.

CONTAINING AN AREA OF 81 SQUARE METERS, MORE OR LESS.

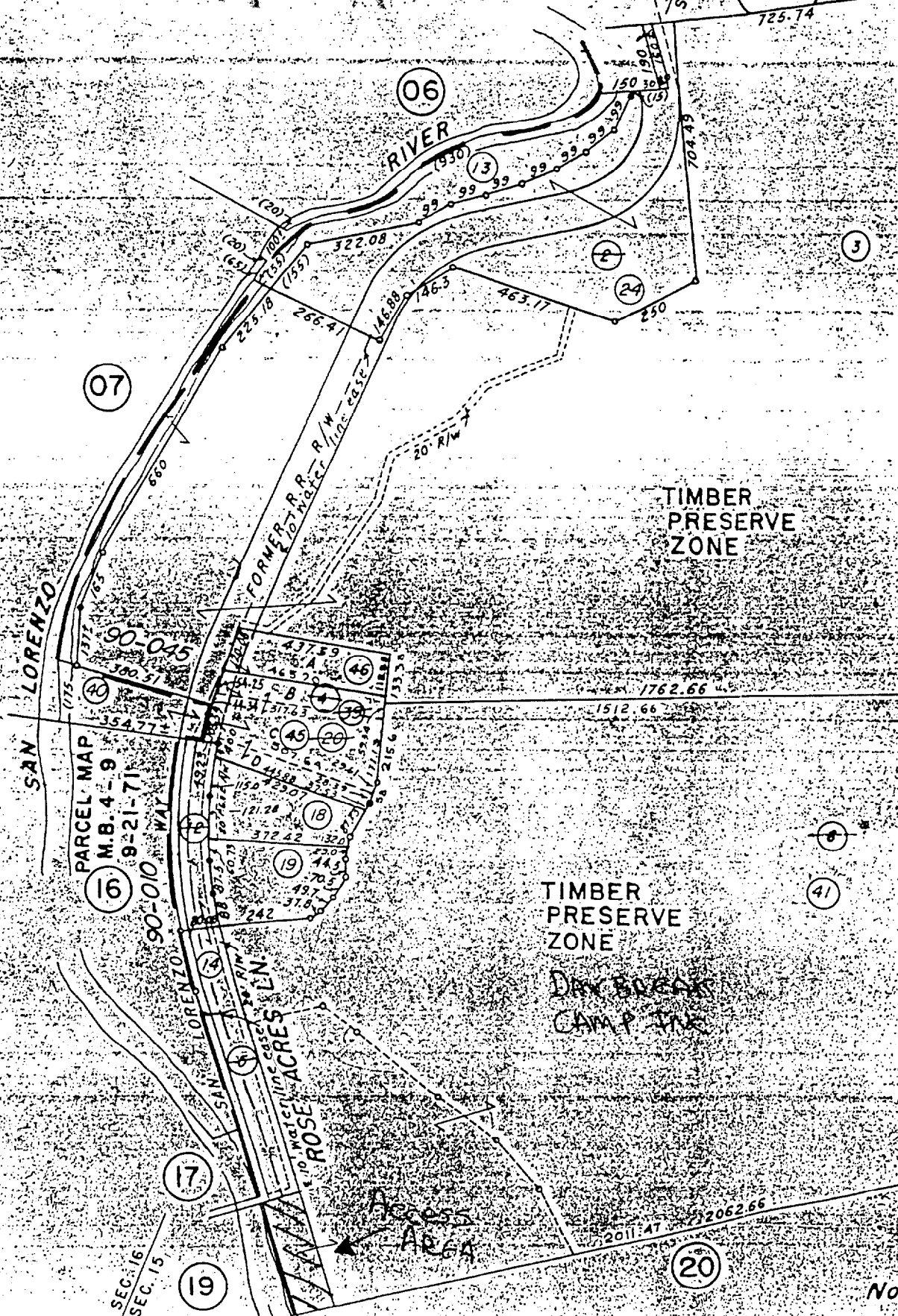
APN 071-173-18

TAX PURPOSES ONLY

ZAYANTE RANCHO
 POR. W. 1/2 SEC. 15 & E. 1/2 SEC. 16, T. 10 S., R. 2 W.

EXHIBIT "B"

BK-72
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120/01/011
 7/09 K.J.