



County of Santa Cruz

0285

DEPARTMENT OF PUBLIC WORKS - REAL PROPERTY DIVISION

701 OCEAN STREET, ROOM 410, SANTA CRUZ, CA 860604070
(831) 454-2331 FAX (831) 464-2386 TDD (831) 464-2123

THOMAS L. BOLICH
DIRECTOR OF PUBLIC WORKS

SCOTT C. LOICHINGER
CHIEF REAL PROPERTY AGENT

AGENDA: FEBRUARY 6, 2001
January 25, 2001

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

SUBJECT: BROWNS VALLEY ROAD BRIDGE REPLACEMENT PROJECT

Members of the Board:

Included in the 2000/2001 Public Works Budget are funds for the construction of a replacement bridge on Browns Valley Road at the Corralitos Creek crossing and for the acquisition of the required property interests.

The attached contract provides for the acquisition of the last remaining easements along the front of the subject parcel required for the completion of the above mentioned road project. The required easement areas are located at the bridge crossing and along Browns Valley Road and will allow for the installation of the new bridge and the new approaches (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 for such property interests.

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

1. Adopt Resolution approving and accepting the terms and conditions of the contract and authorize the Director of Public Works to sign said document on behalf of the County;
2. Approve payment of claim for the contract.

Yours truly,

Thomas L. Bolich
Director of Public Works

pap
Attachments

RECOMMENDED FOR APPROVAL:

County Administrative Officer
copy to: Public Works Department

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

0286

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

RESOLUTION FOR RIGHT-OF-WAY ACQUISITION
BROWNS VALLEY ROAD BRIDGE REPLACEMENT PROJECT
BRL 5936 (026)

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 contract document attached hereto and hereinafter referred to, and

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

WHEREAS, the Board of Supervisors of said County hereby finds the Articles of said contract 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 contract listed below:

<u>A.P.N.</u>	<u>NAME</u>	<u>PAYMENT</u>
107-221-10	Henry F. Cardona Rose Marie Cardona	\$19,500

BE IT FURTHER ORDERED that the Auditor-Controller of the County of Santa Cruz is hereby authorized to approve payment of the claim for the above listed contract payable to Santa Cruz Title Company, as escrow agent for this transaction (escrow #09458067-YOB), in the amount indicated above, out of the Public Works Road Fund, Sub-object 3590, charged against CAMS Index No. 40236, 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 Santa Cruz Title Company.

PASSED AND ADOPTED by the Board of Supervisors of the
County of Santa Cruz, State of California, this _____ day of
_____, 2001, by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

Chairperson of said Board

ATTEST: _____
Clerk of said Board

Approved as to form:

 1-24-01

Assistant County Counsel

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

Henry F. Cardona
Rose Marie Cardona
(SELLERS)

Property No.: 1
APN: 107-221-10
Project: BROWNS VALLEY ROAD BRIDGE
RECONSTRUCTION PROJECT

CONTRACT
COUNTY **OF** SANTA CRUZ

This contract is entered into this _____ day of _____, 2001, by and between the COUNTY OF SANTA CRUZ, hereinafter called COUNTY, and HENRY F. CARDONA and ROSE MARIE CARDONA, hereinafter called SELLERS. 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. SELLERS agree to execute and deliver two documents in the form of a Grant Deed and an Easement Deed covering a portion of the property located adjacent at 80 Browns Valley Road in the County of Santa Cruz (APN 107-221-10), more particularly described in Exhibit "A", attached hereto and made a part hereof and a W-9 Form, Request for Taxpayer Identification Number and Certification. Said documents shall be delivered to Scott Loichinger, Chief, Real Property Division of the COUNTY, State of California.

3. The COUNTY shall:

(A) Pay the undersigned SELLERS the sum of \$19,500.00 for the property interest therein (including all improvements existing thereon unless removal is specifically authorized hereinafter in this Contract) as conveyed by said Deeds within thirty (30) days after date title to said property interest vests in the COUNTY, free and clear of all liens, encumbrances, assessments, easements and leases (recorded and/or unrecorded), 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, and if Title Insurance is required by the COUNTY, the premium charge therefor, except that the payment of any reconveyance fees, trustee's fee, or forwarding fees for any full reconveyance of deed of trust or full release of mortgage shall be the responsibility of the SELLERS. This transaction will be handled through an escrow with Santa Cruz Title Company at 4340 Scotts Valley Drive, Ste A, Scotts Valley, CA (831-438-4200), escrow #09458067-YOB.

(C) Plant Photinia Fraseri plants in 2 gallon containers every ten feet along the Browns Valley Road right-of-way from the new bridge to Amesti Road.

(D) Remove an existing tree stump located along the Browns Valley Road right-of-way and SELLERS property.

4. SELLERS agree to indemnify, defend, and hold harmless the COUNTY from and against any claim, action, suit, proceeding, loss, cost, damage, deficiency, fine, penalty, liability, or expense (including without limitation, attorney's fees), arising out of any of the following matters in, on, or about the Property occurring during SELLERS' ownership of the Property:

(A) The release, use, generation, discharge, storage, disposal, or transportation of any Hazardous Materials, or

(B) The violation of any statute, ordinance, order, rule, regulation, permit, judgement, or license relating to the release, use, generation, discharge, storage, disposal, or transportation of any Hazardous Materials.

The term "Hazardous Materials" shall mean any substance, material, or waste which is regulated by any governmental authority, including, but not limited to, any material or substance which is defined as a "hazardous substance", "hazardous waste", "extremely hazardous waste", or "restricted hazardous waste" in the California Health and Safety Code.

The purchase of the property interest shall not be construed as limiting SELLERS' responsibility and/or the COUNTY'S rights concerning hazardous materials discovered before or after purchase of said property interests.

5. It is agreed and confirmed by the parties hereto that notwithstanding other provisions in this contract, the right of possession and use of the subject property by the COUNTY including the right to remove and dispose of improvements, shall commence on the date the COUNTY delivers said total amount shown in clause 3(A) into SELLERS escrow account at Santa Cruz Title Company, and that the amount shown in Clause 3(A) herein includes, but is not limited to, full payment for such possession and use and interest from said date.

6. On the day title of said property interests vests in the name of the COUNTY, the condition of the property described in Exhibit "A" including the existence or nonexistence of any improvement&, shall be the same as the condition of said property on January 19, 2000.

7. 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 _____ day of _____, 20' ; and the SELLERS have executed this agreement as of the 17th day of JANUARY ~~17~~ 1 2001.

RECOMMENDED FOR APPROVAL

By: Scott Loichinger
SCOTT LOICHINGER
Chief, Real Property Division

APPROVED AS TO FORM:

By: Dana McRae 1-24-01
DANA McRAE
Chief Assistant County Counsel

COUNTY

By: _____
THOMAS L. BOLICH
Director of Public Works

Henry F. Cardona
Henry F. Cardona
Rose Marie Cardona
Rose Marie Cardona

(SELLERS)

EXHIBIT "A"

Cardona to County of Santa Cruz
APN 107-221-10

PARCEL ONE

SITUATE in Rancho Corralitos, County of Santa Cruz, State of California, and BEING a portion of the lands conveyed to Henry F. Cardona et ux. by deed recorded May 9, 1972 in Book 2198 at Page 418, Official Records of Santa Cruz County, and more particularly described as follows:

BEGINNING at a station on the western boundary of the said lands of Cardona, from which station a drill hole and tag in the centerline of Browns Valley Road, a county road 50 feet in width, and in the deck of the existing bridge over Corralitos Creek, as said drill hole is shown on the Record of Survey filed in Volume 56 of Maps, Page 25, Santa Cruz County Records, bear North 2° 08' East 66.99 feet distant; thence from said point of beginning and leaving the said western boundary of the lands of Cardona

- 1) North 84° 45' East 79.26 feet; thence
- 2) North 45° 00' East 64.80 feet to a 1 inch pipe on the southern line of Browns Valley Road; thence along the southern line thereof
- 3) South 84° 45' West 123.71 feet to the northwest corner of the said lands of Cardona; thence along the western line thereof
- 4) South 2° 08' West 41.78 feet to the point of beginning.

Containing 4205 square feet, a little more or less.

PARCEL TWO

BEING a portion of the above described lands of Cardona, more particularly described as follows:

BEGINNING at a station, designated "Station A" for further reference, on the said southern line of Browns Valley Road, from which the above described drill hole and tag bear North 74° 00' 24" West 195.96 feet, South 84° 45' West 123.71 feet, and North 2° 08' East 25.21 feet distant; thence from said point of beginning and leaving the said southern line of Brown Valley Road

- 1) South 48° 46' 21 " East 48.16 feet; thence
- 2) South 79° 50' 49" East 55.22 feet; thence

EXHIBIT "A"

0292

- 3) North $62^{\circ} 08' 25''$ East 21.52 feet to a station on the said southern line of Browns Valley Road; thence along the southern line thereof
- 4) North $74^{\circ} 00' 24''$ West 114.02 feet to the point of beginning.

Containing 1536 square feet, a little more or less.

TOGETHER WITH a temporary construction easement, described as follows:

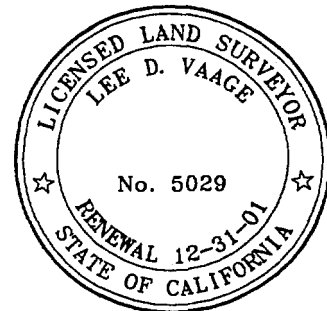
BEGINNING at "Station A", as described above; thence leaving the said south line of Browns Valley Road

- 1) South $48^{\circ} 46' 21''$ East 48.16 feet; thence
- 2) South $79^{\circ} 50' 49''$ East 55.22 feet; thence
- 3) North $62^{\circ} 08' 25''$ East 21.52 feet to a station on the said southern line of Browns Valley Road; thence along the southern line thereof
- 4) South $74^{\circ} 00' 24''$ East 14.43 feet; thence leaving the said southern line
- 5) South $62^{\circ} 08' 25''$ West 35.38 feet; thence
- 6) North $79^{\circ} 50' 49''$ West 61.44 feet; thence
- 7) North $48^{\circ} 46' 21''$ West 72.16 feet to a station on the said southern line of Browns Valley Road; thence along the southern line thereof
- 8) South $74^{\circ} 00' 24''$ East 23.46 feet to the point of beginning.

Containing 1470 square feet, a little more or less.

Compiled and described by Mid Coast Engineers, May 2000, Job No. 97156.


Lee D. Vaage L. S. 5029



Road Acquisition
Cardona to County of Santa Cruz
APN 107-221-10

EXHIBIT "A"

0293

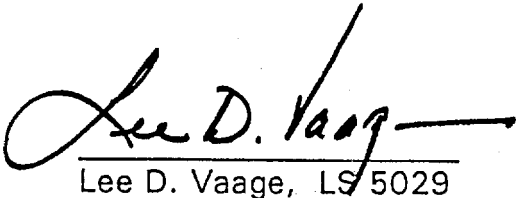
SITUATE in Rancho Corralitos, County of Santa Cruz, State of California and BEING a portion of the lands conveyed to' Henry F. Cardona et ux. by deed recorded May 9, 1972 in Book 2198 at Page 418, Official Records of Santa Cruz County; and more particularly described as follows:

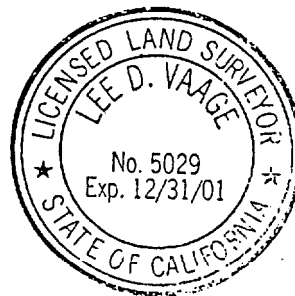
BEGINNING at a station on the southern line of Browns Valley Road, a county road 50 feet wide, from which station a ½ inch pipe at the intersection of the said southern line of Browns Valley Road and the western line of Amesti Road, a county road 40 feet wide, bears S 74° 00' 24" East 17.73 feet distant; thence from said point of beginning and leaving the said southern line of Browns Valley Road

- 1) South 23° 32' 20" East, 45.21 feet to a station on the said western line of Amesti Road; thence along the western line thereof
- 2) 'North: 1° 35' 14" West 36.58 feet to the aforementioned ½ inch pipe; thence along the said southern line of Browns Valley Road
- 3) North 74° 00' 24" West 17.73 feet to the point of beginning.

Containing 309 square feet, a little more or less.

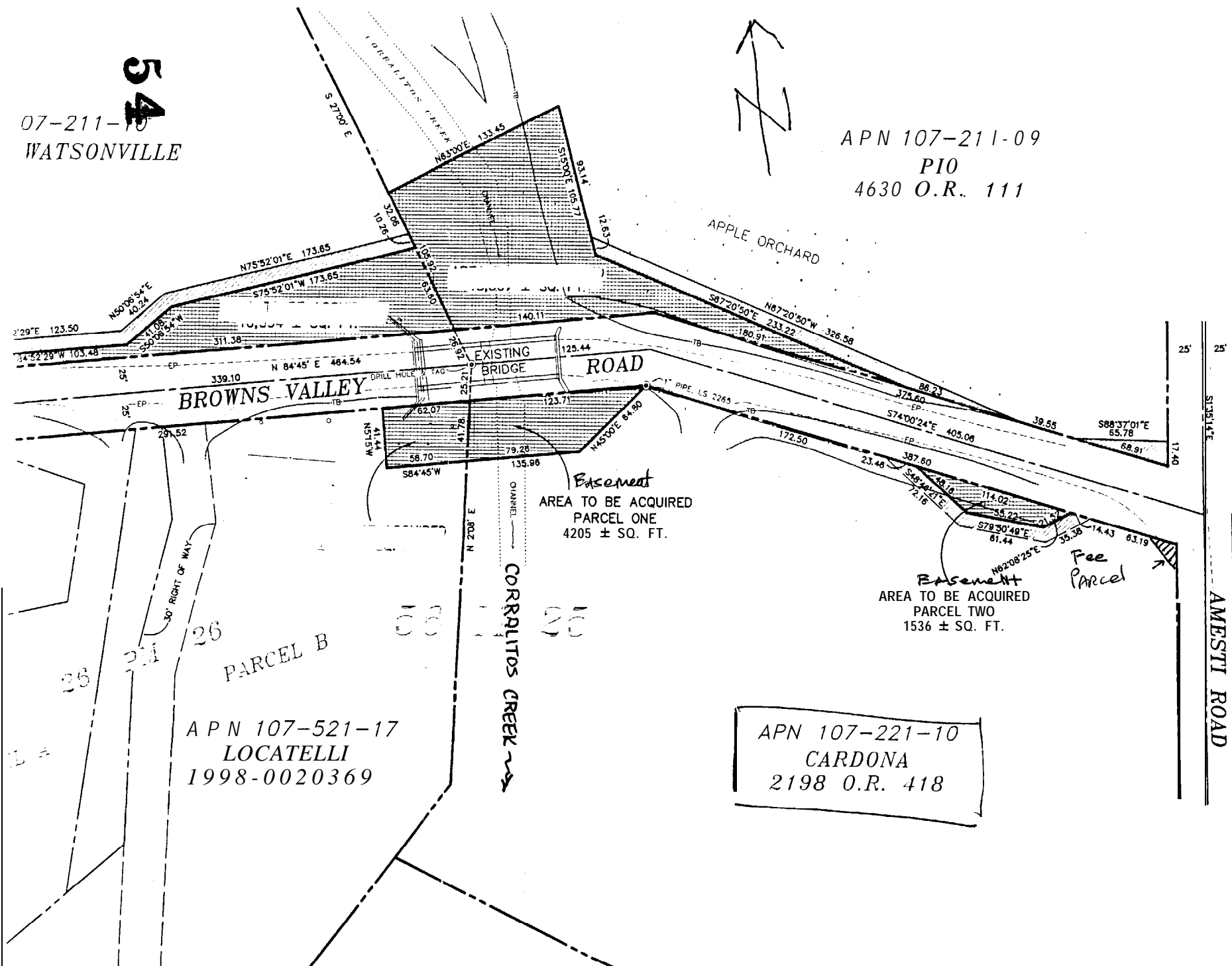
Surveyed and described by Mid Coast Engineers, January 1998, Job No. 97156.


Lee D. Vaage, LS 5029



07-211-10
WATSONVILLE

APN 107-211-09
PI0
4630 O.R.. 111



0294