



County of Santa Cruz

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

THOMAS L. BOLICH
DIRECTOR OF PUBLIC WORKS

SCOTT C. LOICHINGER
CHIEF REAL PROPERTY AGENT

AGENDA: MARCH 27, 2001
March 15, 2001

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


SUBJECT: BEAN CREEK ROAD DRAINAGE AND EROSION CONTROL IMPROVEMENT
PROJECT - MILE MARKER .83 - APN 070-131-15 & 17

Members of the Board:

Included in the 2000/01 budget are funds for construction of a storm drainage system from Bean Creek Road to Bean Creek. In conjunction with the County installing the improvements, the Santa Cruz County Resource Conservation District will stabilize the creek bank. The attached contract and right of entry provide for the acquisition of the necessary rights to construct and maintain the improvements (see attached map). The settlement amount for the property interests being acquired are shown in the attached Resolution and are 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.

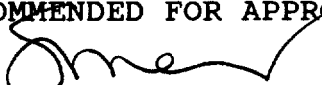
It is therefore recommended that the Board of Supervisors take the following action:

1. Adopt the attached Resolution approving and accepting the terms and conditions of the contract and right of entry and authorize the Director of Public Works to sign said documents on behalf of the County;
2. Approve payment of claims for the contract and right of entry.

Yours truly,

THOMAS L. BOLICH
Director of Public Works

scl
attachments

RECOMMENDED FOR APPROVAL:



County Administrative Officer
CC: Public Works, Real Property, County Counsel, Auditor-Controller

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0300

Bk.9
08

OPEN SPACE
EASEMENT
EST. 1974.

62.234
OPEN SPACE
EASEMENT
EST. 1974

(Bk. 70
33

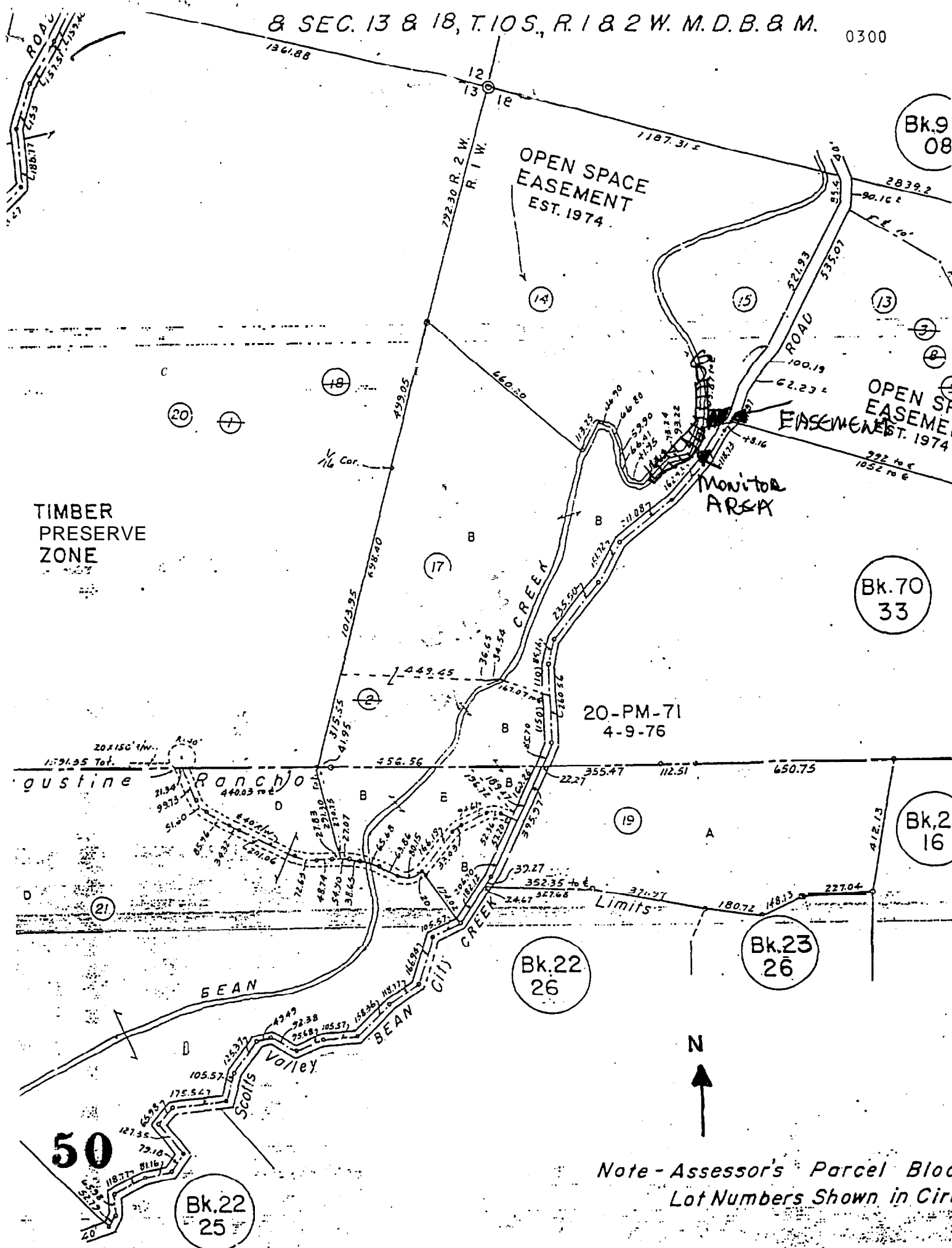
(Bk,2
16

Bk. 23
26

Bk.22
26

Bk.22
25

*Note - Assessor's Parcel Block
Lot Numbers Shown in Circle*



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
BEAN CREEK ROAD DRAINAGE AND EROSION CONTROL IMPROVEMENT PROJECT
APN 070-131-15 & 17

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 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 an Easement Deed and Right of Entry conveying said real property interests to County, upon condition that the County acknowledge and approve Articles set forth in said Contract and Right of Entry binding County to the performance of said Articles, and

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

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the County does hereby accept the terms of said Contract and Right of Entry listed below:

<u>A.P.N.</u>	<u>NAME</u>	<u>PAYMENT</u>
070-131-15 (Contract)	Kenneth J. Weinmann	\$ 350.00
070-131-17 (Right of Entry)	Edgar A. Morgan	\$ 100.00

BE IT FURTHER ORDERED that the Auditor-Controller of the County of Santa Cruz is hereby authorized to approve payment of claims for the above listed Contract and Right of Entry payable to the above listed Grantors in the amounts indicated above, out of Public Works Internal Service Fund, Subobject 3415, charged against CAMS, Index No. 40270 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 warrants to the above listed Grantors,

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:

 3-12-01

Chief Assistant County Counsel

Distribution: County Counsel
Auditor-Controller
Public Works

Kenneth J. Weinmann

Property No.: N/A

APN: 070-131-15

PROJECT: BEAN CREEK ROAD DRAINAGE
IMPROVEMENT AND EROSION CONTROL
PROJECT

(SELLER)

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, and KENNETH J. WEINMANN, TRUSTEE, 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 1900 Bean Creek Road, Scotts Valley (APN 070-131-15), 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 \$350.00 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 September 11, 2000.

6. Said amount shown in clause 3(A) herin, includes the right of ingress and egress for the monitoring of Bean Creek during construction and the planting of vegetation for erosion control immediately adjacent to the easement area over APN 070-131-15, as shown on Exhibit "B" attached hereto and made a part hereof. Said right shall expire at the completion of the Bean Creek Road repair project or October 15, 2001, whichever occurs first.

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: Kenneth J. Weinmann, Trustee
Kenneth J. Weinmann, Trustee

By: _____
SCOTT LOICHTINGER
Chief, Real Property Division

By: DMG Rae 3-12-01 DR

SAMUEL TORRES, JR.
County Counsel

COUNTY

By: _____
THOMAS-
TOM L. BOLICH
Director of Public Works

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

Being a portion of the land conveyed to Kenneth J. Weinmann by that deed recorded September 3, 1996, Volume 5901 of Official Records of Santa Cruz County at Page 866, and more particularly described as follows:

Being a 20' wide easement for drainage construction and maintenance purposes over a portion of said lands of Weinmann, the centerline of which is described as follows:

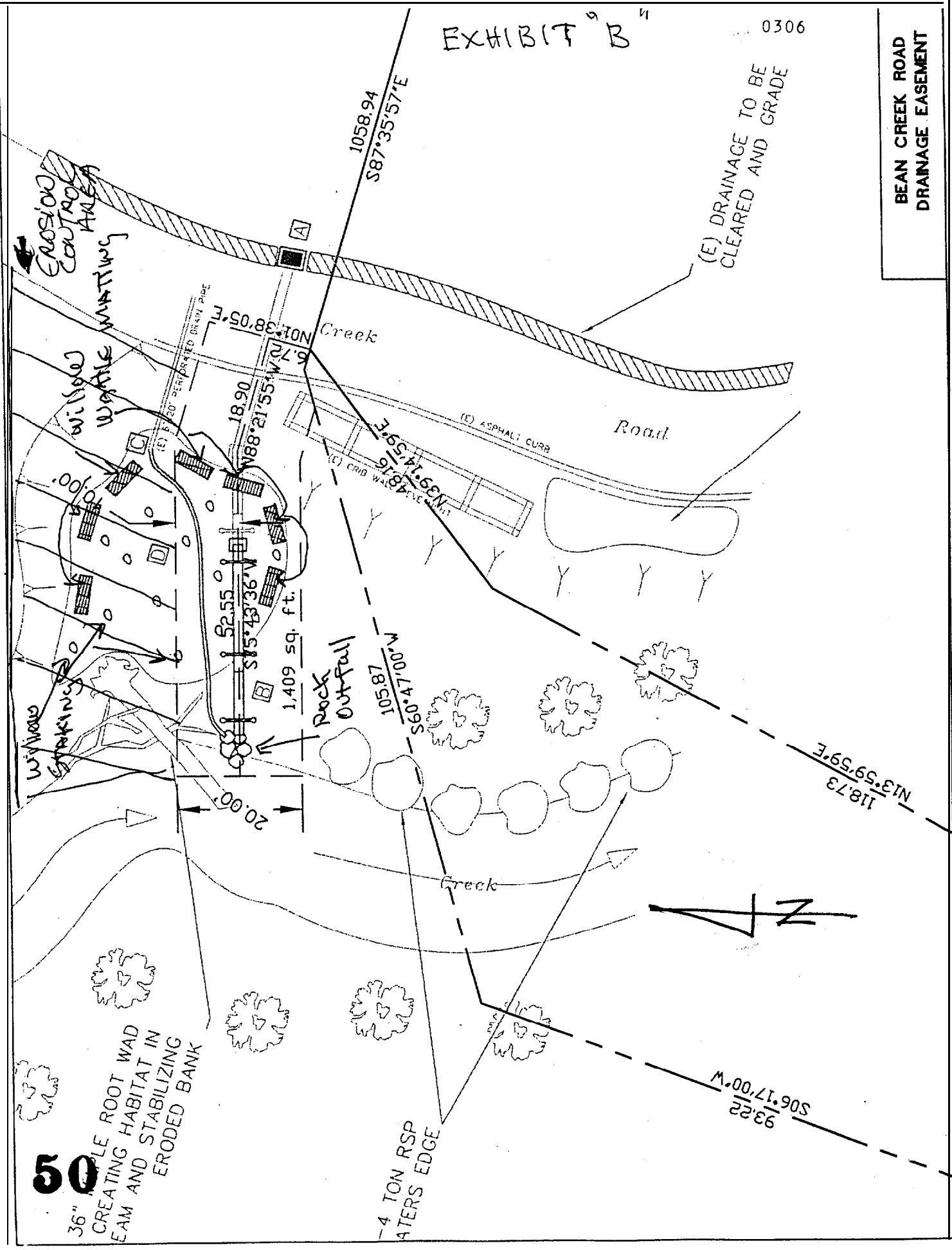
Beginning at a point being the southwest corner of the land conveyed to Margaret M. Durney, by that deed recorded July 6, 1910 in Volume 290 of Official Records of Santa Cruz County at Page 144, and the northwest corner of the land described as Parcel B filed April 9, 1976 in Volume 20 Page 71 of Parcel Maps, Santa Cruz County Records ; thence from said point of beginning along the southerly boundary of said lands of Dumey South 62°34' East 660.20 feet; thence North 13°08' East 113.25 feet; thence South 84°25' East 46.90 feet; thence South 36°55' East 66.80 feet; thence South 16°40' East 59.90 feet; thence South 37°10' East 66.41 feet; thence North 77°17' East 41.95 feet; thence North 33°02' East 113.19 feet; thence North 65°02' East 73.24 feet; thence North 6°17' East 93.22 feet; thence North 60°47' East 105.87 feet; thence South 87°37' East 3.30 to the middle of Bean Creek Road; thence leaving said southerly line North 01°38'05" East 6.72 feet to the true point of beginning of an easement for maintenance 20 feet in width centered, thence from true point of beginning North 88°21'55" West 18.90 feet; thence South 75°43'36" West 52.55 feet.

Containing 1,409 square feet, more or less.

EXHIBIT "B"

0306

BEAN CREEK ROAD
DRAINAGE EASEMENT



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36" PIPE ROOT WAD
CREATING HABITAT IN
ERODED BANK

4 TON RSP
ATERS EDGE

93.22
S06°17'00"W

118.73
N13°59'59"E

105.87
S60°47'00"W

1,409 sq. ft.

52.55
S15°43'36"W

18.90
N88°21'55"W

6.72
N01°38'05"E

1058.94
S87°35'57"E

(E) DRAINAGE TO BE
CLEARED AND GRADE

(E) ASPHALT CURB

(C) CRIB WALL

Road

Creek

EROSION
CONTROL
AREA

Willow
Staking

Willow
Staking

8 SEC. 13 & 18, T.10S., R.1 & 2 W. M.D.B. & M. 0307

EXHIBIT 7B

OPEN SPACE
EASEMENT
EST. 1974

Bk.94
08

OPEN SPA
EASEMEN
EST. 1974

Bk.70
33

Bk.23
16

Bk.23
26

Bk.22
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Bk.22
25

Kenneth
Weinman
438-3678

Ed Morgan
724-8686
Unit

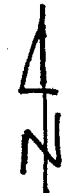
None
439-1864

Monitor
AREA

1550

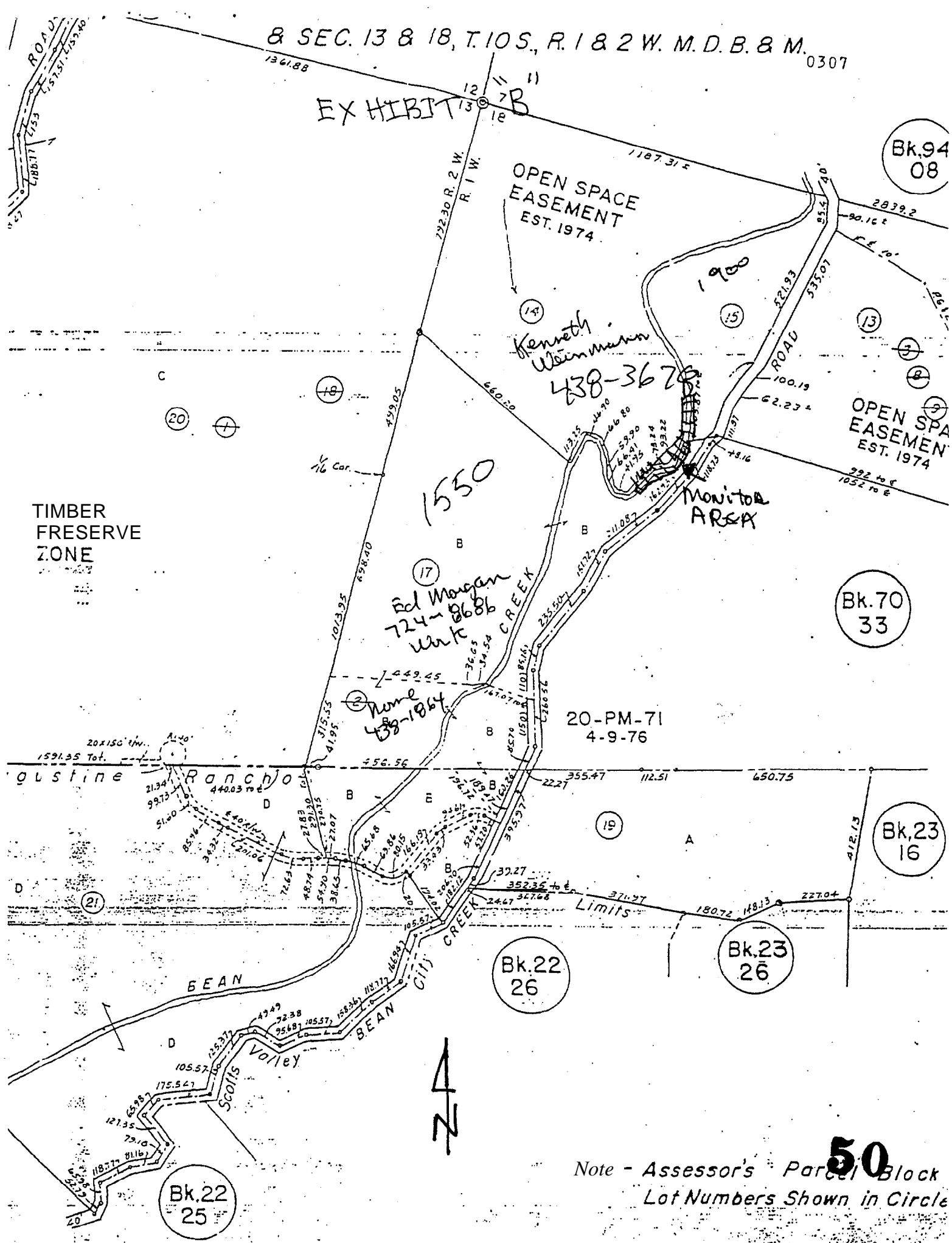
20-PM-71
4-9-76

Limits



Note - Assessor's Parcel Block
Lot Numbers Shown in Circle

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RIGHT OF ENTRY

Property No. 1
APN: 070-131-17

Date: September 13, 2000
Project: **BEAN CREEK ROAD**
DRAINAGE IMPROVEMENT AND EROSION
CONTROL 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, where shown on the attached map, or where necessary, for the purpose of monitoring Bean Creek while drainage improvements and erosion control measures are constructed on the adjoining property.

It is understood and agreed that the County shall leave the premises in a clean and orderly condition and that any existing improvements 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. For the rights herein granted the County of Santa Cruz shall pay the undersigned the sum of \$100.00. The undersigned agree that the County may begin the herein described work on September 11, 2000, prior to receiving payment.

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 construction or October 31, 2001, whichever occurs first.

RECOMMENDED FOR APPROVAL:

Scott C. Loring
Real Property Agent

Edgar A. Morgan
Edgar A. Morgan, Trustee
Elizabeth Jean Morgan
Elizabeth Jean Morgan, Trustee

Grantor(s)

ACCEPTED:
County of Santa Cruz

Property Address:
1550 Bean Creek Road
Scotts Valley, CA 95066

50 Director of Public Works

8 SEC. 13 & 18, T. 10 S., R. 1 & 2 W. M. D. B. & M.

0309

EXHIBIT 7B

OPEN SPACE
EASEMENT
EST. 1974

Bk. 94
08

OPEN SPACE
EASEMENT
EST. 1974

Bk. 70
33

Bk. 23
16

Bk. 23
26

Bk. 22
26

Bk. 22
25

Kenneth
Weinman
438-3678

Ed Morgan
724-8686
Wife

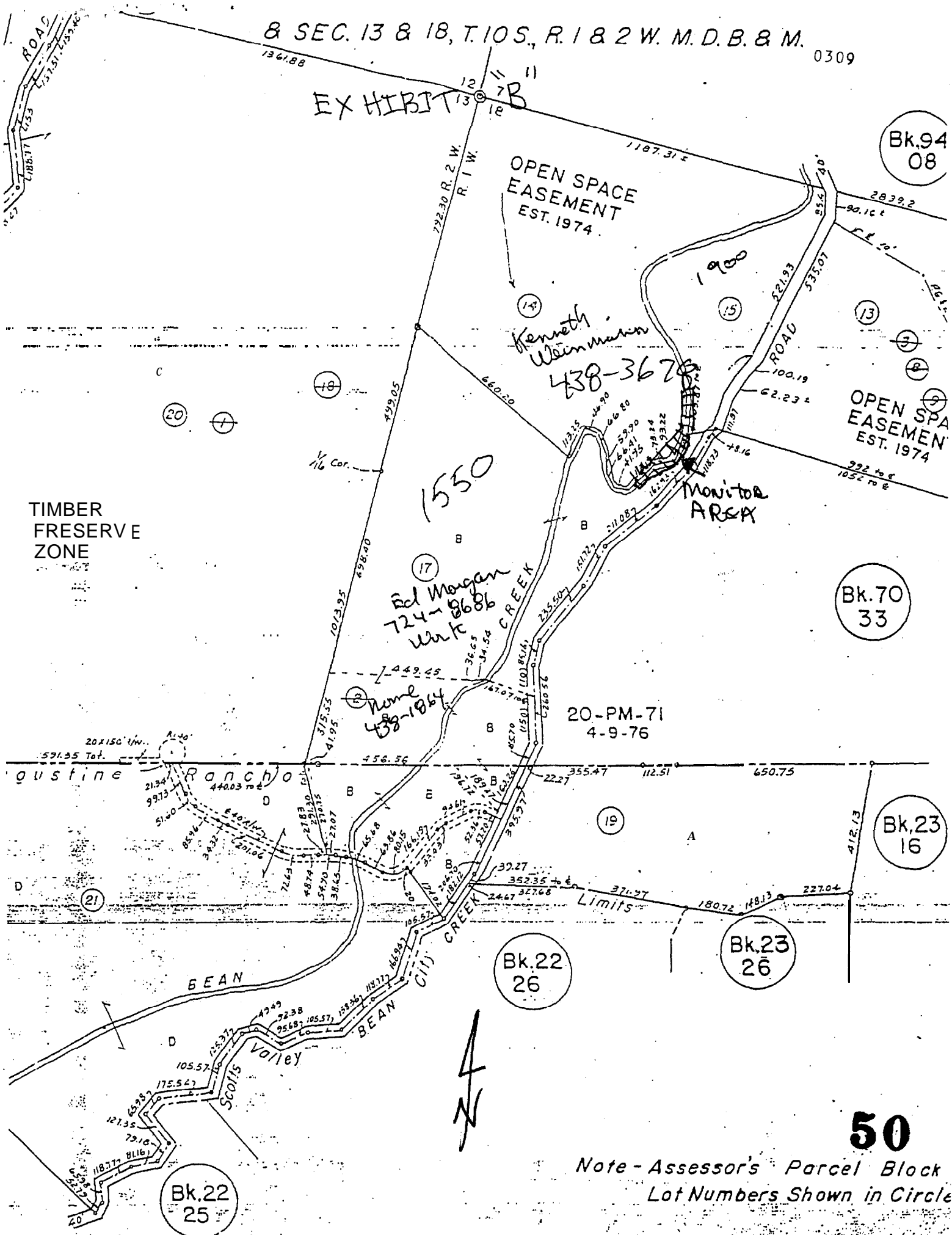
Home
438-1864

20-PM-71
4-9-76

Monitor
AREA

1550

TIMBER
PRESERVE
ZONE



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Note - Assessor's Parcel Block
Lot Numbers Shown in Circle