



County of Santa Cruz

DEPARTMENT OF PUBLIC WORKS - REAL PROPERTY DIVISION

701 OCEAN STREET, ROOM 410, SANTA CRUZ, CA 950604070
(831) 454-2331 FAX (831) 454-2385 TDD (831) 454-2123

THOMAS L. BOLICH
DIRECTOR OF PUBLIC WORKS

SCOTT C. LOICHTINGER
CHIEF REAL PROPERTY AGENT

AGENDA: AUGUST 7, 2001

July 26, 2001

SANTA CRUZ COUNTY BOARD OF SUPERVISORS

701 Ocean Street
Santa Cruz, California 95060

**SUBJECT: IRWIN WAY SLIPOUT REPAIR PROJECT - PM 0.49
RUNNEALS - APN: 090-111-05**

Members of the Board:

The construction of the Irwin Way Slipout Repair Project at milepost 0.49 in the Boulder Creek area has been completed and it is now necessary to complete the acquisition of the required right-of-way. Funds are included in the 2001/02 Public Works budget for this acquisition.

The attached contract provides for the acquisition of the necessary easement on the subject parcel required for the above mentioned road project. All of the required right-of-way is located along Irwin Way at the stream crossing of Spring Creek Gulch and allowed for the construction of a new road slope and new rock rip-rap along the creek to protect the stream bank from further erosion (see attached map). The settlement amount for the property interest 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 interest being acquired and represents the fair market value for such property interest.


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;

SANTA CRUZ COUNTY BOARD OF SUPERVISORS
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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. _____

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

RESOLUTION FOR RIGHT-OF-WAY ACQUISITION
IRWIN WAY SLIPOUT REPAIR PROJECT - PM 0.49
RUNNEALS • APN: 090-111-05

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 attached hereto and hereinafter referred to; and

WHEREAS, the owner of said real property interests has or will execute and deliver an Easement Deed conveying said real property interests to the 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>
090-111-05	Robert P. Runneals	\$1,100.00
	Denise M. Runneals	

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 contract payable to the above grantors, in the amount indicated above, out of Public Works Road Fund, Sub-object 3590, charged against CAMS Index No. 70802, 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 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:



Assistant County Counsel

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

Robert & Denise Runneals
(SELLERS)

APN: 090-111-05

0495

Project: IRWIN WAY SLIPOUT REPAIR
PROJECT - PM 0.49

**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 ROBERT P. RUNNEALS and DENISE M. RUNNEALS, 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 a document in the form of an Easement Deed covering the property located at **12535** Irwin Way in the County of Santa **Cruz** (**APN**090-111-05), 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 **\$1,100.00** for the property interest therein (including all improvements existing thereon unless removal is specifically authorized hereinafter in this Contract) as conveyed by said Easement Deed 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. **This** transaction will be handled through an internal escrow with the County of Santa Cruz, Department of Public Works at **701** Ocean Street, Santa Cruz, CA 95060 Santa Cruz Title Company.

4. 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 _____, 2001; and the SELLERS have executed this agreement **as** of the 21 day of June, 2001.

RECOMMENDED FOR APPROVAL

BY: & & & _____
 SCOTT LOICHINGER
 Chief, Real Property Division

APPROVED AS TO FORM:

By: Dana McRae
 DANA McRAE
 Chief Assistant County Counsel

COUNTY

By: _____
 THOMAS L. BOLICH
 Director of Public Works

Robert P. Runneals
 Robert P. Runneals
Denise M. Runneals
 Denise M. Runneals

(SELLERS)

EXHIBIT "A"

0497

LEGAL DESCRIPTION FOR IRWIN WAY. P.M. 0.49, STORM DAMAGE REPAIR.
PERMANENT SLOPE EASEMENT FOR THE PURPOSES OF CONSTRUCTING ROCK
SLOPE PROTECTION AND EARTH EMBANKMENT.

BEING a portion of section 29, Township 9 South, Range 2 West, Mount Diablo Base & Meridian, in the County of Santa Cruz, State of California, and also being a part of the lands conveyed by deed to Robert P. and Denise M. Runneals, filed for record August 10, 1998, in Vol 4369, Page 77 of Official Records of Santa Cruz County, State of California, and more particularly described as follows:

PARCEL 1

Beginning at a point in the centerline of Irwin Way, a 40 ft. wide right-of-way in the town of Boulder Creek, said point of beginning also being located at the southeast end of a course that bears $S36^{\circ}40'E$, 538.45 ft. and as shown on that map entitled "Tract No. 284, Fairmount Heights" subdivision, dated Oct. 1961 and filed at Vol. 38, page 7 of Official Records of Santa Cruz County, and said point also bearing $S53^{\circ}20'W$, 20 ft. from a point on the easterly right-of-way of Irwin Way marked by a 1/2" iron pipe (no tag) as shown on above referenced tract map 284. Thence proceeding from said point along the centerline of Irwin Way on a curve to the right, through an angle of $37^{\circ}43'22''$, with a radius of 142 ft., and an arc distance of 93.48 ft.; thence along a line bearing $N83^{\circ}56'20''W$, 20.09 ft. to a point on the westerly right-of-way of Irwin Way, said point being the TRUE POINT OF BEGINNING.

Thence from said TRUE POINT OF BEGINNING, proceeding along last said course $N83^{\circ}56'20''W$, 25.17 ft more or less to the centerline of Spring Gulch Creek along the following courses more or less; $S53^{\circ}44'6.5''W$, 2.24 ft.; thence $S84^{\circ}58'17''W$, 13.08 ft.; thence leaving the centerline of Spring Gulch Creek along a line bearing $S07^{\circ}30'25''E$, 36.59 ft. more or less; thence $S68^{\circ}29'17''E$, 27.71 ft. to a point on the westerly right-of-way of Irwin Way; thence along said right-of-way following a curve to the left, through an angle of $22^{\circ}18'$, with a radius of 122 ft., and an arc distance of 47.49 ft. to the TRUE POINT OF BEGINNING.

Containing an area of 1463 sqft. more or less

APN 90-111-05

civ

rev 5/9

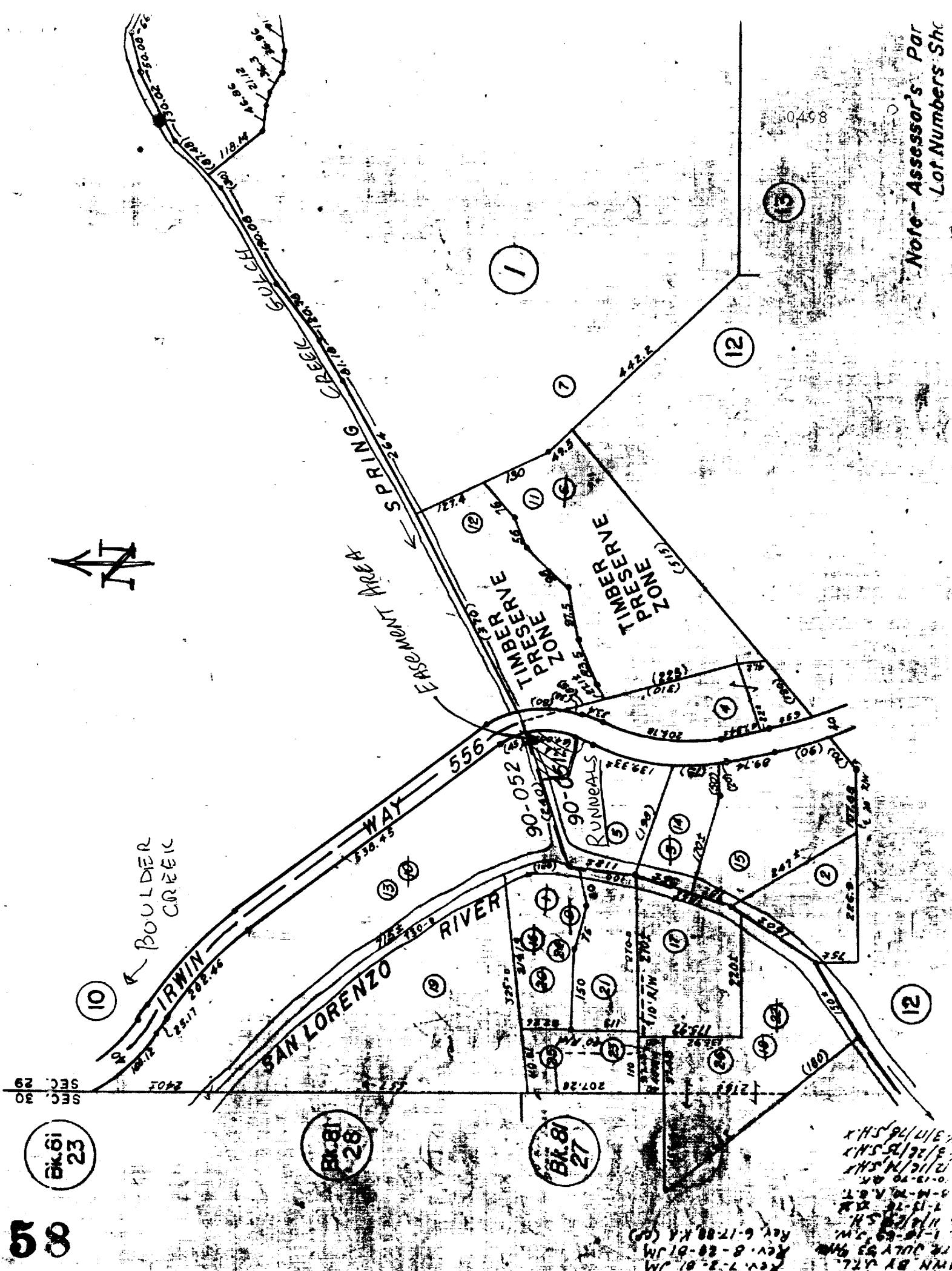
23
Bik, Gi

EX-81
28

27 Bk. 81

Rev. 7-2-81 JM
Rev. 8-28-81 JM
Rev. 6-17-88 K.A. (ed)

XHS 94/01/3
 XHS 94/02/1
 XHS 94/03/1
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 XHS 94/11/1
 XHS 94/12/1



Note- Assessor's Parcel Numbers Shown