



THOMAS L. BOLICH
DIRECTOR OF PUBLIC WORKS

County of Santa Cruz

0499

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

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: HOLOHAN ROAD BIKE LANE/RESURFACING IMPROVEMENTS AND
ASPHALT CONCRETE OVERLAY PROJECT
BRAYCOVICH - APN: 051-101-46**

Members of the Board:

Included in the 2001/02 Public Works budget are funds for the construction of the Holohan Road Bike Lane/Resurfacing Improvements and Asphalt Concrete Overlay Project on Holohan Road between Green Valley Road and just short of the Highway 152 intersection in the Watsonville area and for the acquisition of the required right-of-way.

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 Holohan Road and will allow for the relocation of a utility pole (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,

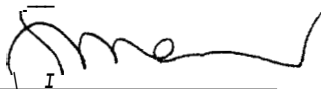


THOMAS L. BOLICH
Director of Public Works

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. _____

0501

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

RESOLUTION FOR RIGHT-OF-WAY ACQUISITION
HOLOHAN ROAD BIKE LANE/RESURFACING IMPROVEMENTS AND
ASPHALT CONCRETE OVERLAY PROJECT
BRAYCOVICH - APN: 051-101-46

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>
051-101-46	The Braycovich Family Limited Partnership	\$750.00

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 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. 40250, 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

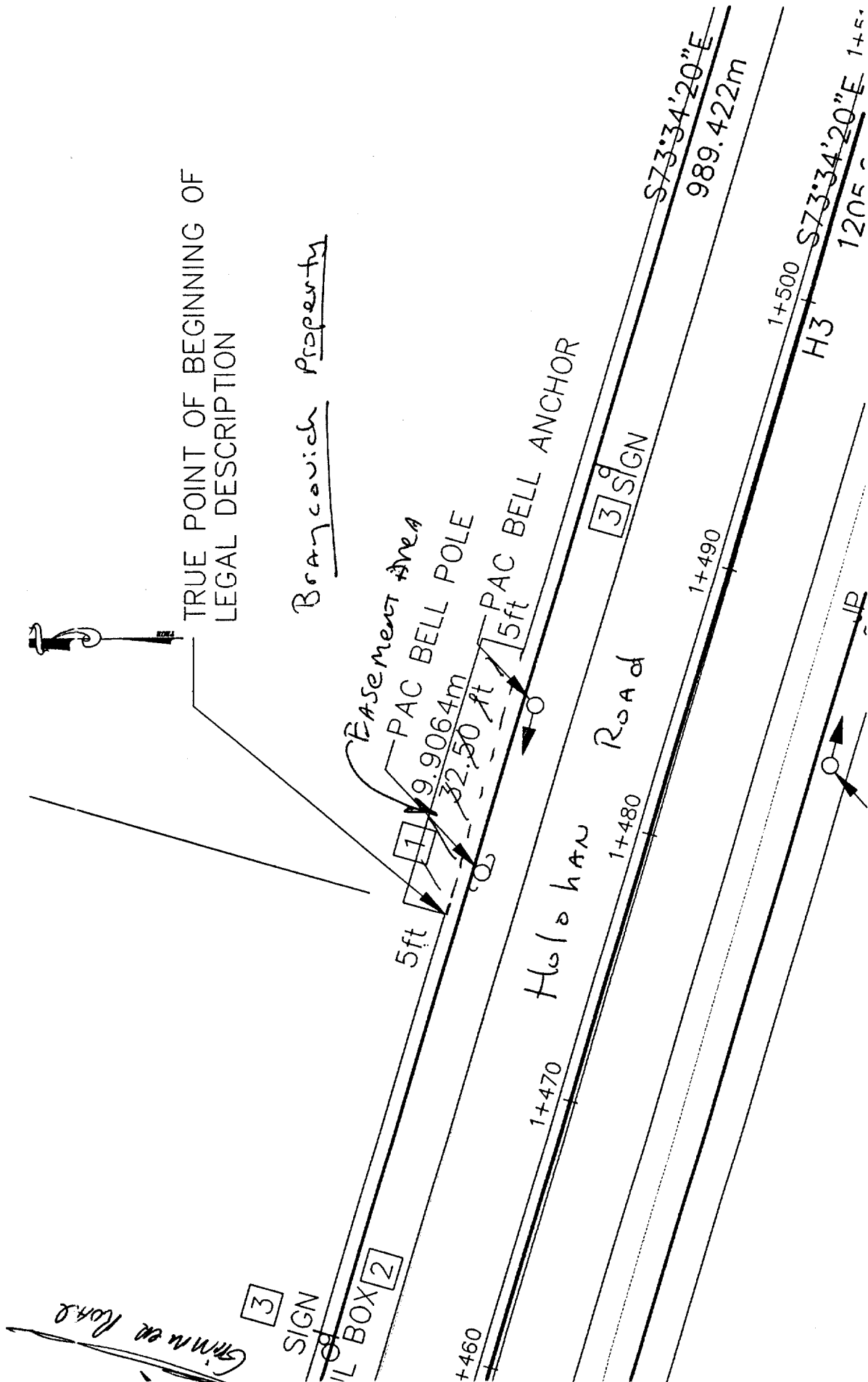
ATTEST: _____
Clerk of said Board

Approved as to form:



Assistant County Counsel

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



Braycovich Family Ltd Partnership
(SELLERS)

APN: 051-101-46

Project: HOLOHAN ROAD BIKEWAY
AND ROAD OVERLAY 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 THE BRAYCOVICH FAMILY LIMITED PARTNERSHIP, 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 **118-A** Holohan Road in the County of Santa Cruz (APN 051-101-46), 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 **\$750.00** 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. 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) to the SELLERS, 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.

5. 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 improvements, shall be the same as the condition of said property on June 19, 2001.

6. SELLERS warrant that there are no oral or written leases on any portion of the real property described in Exhibit "A" exceeding a period of one month.

7. The relocated utility pole and anchor will not interfere, in any way, with an existing water ditch located on the grantor's property along Holohan Road.

8. 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 26th day of June, 2001.

RECOMMENDED FOR APPROVAL

By: Scott Loichinger
SCOTT LOICHINGER
Chief, Real Property Division

Braycovich Family Limited Partnership:

Clementine Braycovich
Clementine Braycovich, general partner

APPROVED AS TO FORM:

By: Dana McRae
DANA McRAE
Chief Assistant County Counsel

COUNTY

By: _____
THOMAS L. BOLICH
Director of Public Works

(SELLERS)

APN 051-101-46

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

Being a portion of the lands conveyed to The Braycovich Family Limited Partnership, by that Deed recorded March 1, 1996 in Volume 5807, at page 103, Official Records of Santa **Cruz** County, and more particularly described as follows:

PARCEL A

Beginning at the intersection of the Easterly right of way of Grimmer Road and the Northerly right of way of Holohan Road: thence, Easterly along said Northerly right of way of Holohan Road a distance of 114.73 feet to a point; thence, continuing along said Northerly right of way of Holohan Road a distance of 310.98 feet to the True Point of Beginning.

Thence, from said True Point of Beginning, continuing Easterly along Northerly right of way of Holohan Road a distance of 32.50 feet to a point; thence, leaving said right of way, in a Northerly direction, along a line perpendicular to said Northerly right of way of Holohan Road, a distance of 5.00 feet to a point; thence, in a Westerly direction parallel to said northerly right of way of Holohan road a distance of 32.50 feet to a point; thence, in a Southerly direction, along a line perpendicular to said Northerly right of way of Holohan Road, a distance of 5.00feet, back to the True Point of Beginning.

Containing 162.5 square feet, more or less.