



MEMORANDUM

**Attorney-Client Privileged
Confidential Communication**

DATE: September 4, 2025

TO: Chet Jamogchain, P.E., Civil Engineer
Sonoma County

FROM: Lorena Serrano, Right of Way Consultant

PROJECT: Gill Creek Bridge Replacement Project [BRLO-5920 (144)]

SUBJECT: Administrative Settlement Discussion
Grantor: Western Habitat Partners, SPC
Site Address: 22575 River Road, Geyserville, CA
APN: 141-190-034

Background

The subject parcel is located on the southwest side of River Road just under two miles northeast of Geyserville and approximately one mile northeast of Highway 101 in unincorporated Sonoma County. According to public records, the site is 51.45 acres or 2,241,162 square feet in size. The site is irregularly shaped with a generally level topography in the planted areas. Approximately 41 of the 51.45 acres that comprise the subject site are planted with a vineyard.

The County's acquisition is required for the Gill Creek Bridge Replacement Project. The property interests offered to be acquired included two permanent slope easements (A & B), one permanent roadway and utility easement, and one temporary construction easement (covering a 5-year period). There are no site improvements located in the acquisition areas.

- *Slope Easement A* is irregular in shape and covers 3,498 square feet abutting the northern property boundary and the adjacent property on the western side of Gill Creek. The County determined that of the total 3,498 square feet, approximately 2,416 square feet are below the top of the bank of the creek, while the remaining 1,082 square feet are above the top of the bank.
- *Slope Easement B* is a sliver of land covering 880 square feet extending parallel to River Road along the subject's northeastern property frontage for a distance of just over 245 linear feet.
- *Roadway and Utility Easement* is irregular in shape and covers 3,111 square feet, partially abutting River Road along the subject's northeastern property boundary and partially

abutting Slope Easement A and the adjacent property along the subject's northern property boundary. The County concluded that of the total 3,111 square feet, approximately 2,300 square feet are below the top of the bank of the creek, while the remaining 811 square feet are above the top of the bank.

- *Temporary Construction Easement* is roughly rectangular in shape and covers 1,820 square feet. The temporary construction easement is located between the northeastern property boundary along River Road and the barns located on the subject property, abutting the north end on slope easement B.

On May 13, 2025, the County and its consultant, Associated Right of Way Services, Inc. (AR/WS), mailed and emailed Grantor the statutory offer of just compensation in the amount of \$5,100, reflecting the County's approved valuation for the referenced property interests.

On June 5, 2025, Grantor advised the County that their primary concern was the proposed installation of rock armoring along the embankment within Slope Easement A, which they viewed as inconsistent with their goal of restoring Gill Creek as a natural wildlife habitat. Grantor proposed that the County instead provide funds for riparian restoration, with Grantor assuming the risk of future bank erosion.

On June 19, 2025, the parties met virtually to discuss Grantor's proposal. The County requested that Grantor submit a cost estimate for the restoration work so it could be evaluated against the County's cost estimate for rock armoring. The County further noted that, if acceptable, the proposal would eliminate the need for Slope Easement A. The parties also discussed documenting Grantor's restoration work and indemnification obligations in a Memorandum of Agreement.

On July 31, 2025, Grantor submitted restoration cost estimates of \$141,471 (3 years) and \$200,609 (5 years).

On August 7, 2025, the County informed Grantor that its estimated cost for rock armoring was \$63,000. AR/WS also reevaluated its valuation to reflect the anticipated elimination of Slope Easement A, resulting in total just compensation of \$4,000 for the remaining property interests.

On August 27, 2025, Grantor and the County reached a settlement of \$67,000 (\$4,000 compensation + \$63,000 restoration funds).

Justification

The County's increased settlement is supported by Grantor's acceptance of the County's estimated \$63,000 cost for the proposed rock armoring, along with Grantor's agreement to assume future liability. This resolution also relieves the County of any perpetual maintenance responsibility for the bank area. The settlement terms and conditions will be set forth in a Right of Way Contract and Memorandum of Agreement. Grantor further accepted the County's updated valuation of \$4,000 for the remaining property interests to be acquired, consisting of one permanent slope easement (B), one permanent roadway and utility easement, and one temporary construction easement.

49 CFR 24 102 (i) – Administrative Settlement (as defined in the Uniform Act)

“The purchase price for the property may exceed the amount offered as just compensation when reasonable efforts to negotiate an agreement at that amount have failed and an authorized agency official approves such administrative settlement as being reasonable, prudent, and in the public interest. When Federal funds pay for or participate in acquisition costs, a written justification shall be prepared, which states what available information, including trial risks, supports such a settlement.”

Conclusion & Recommendation

Factors to consider in making an administrative settlement determination may include, but are not limited to: the potential sale of the property, current market activity, the cost of updating the appraisal, agency attorney expenses for condemnation preparation, the probable range of testimony at trial, and the overall costs of trial. Land value and the contributory value or depreciation of site improvements could be contested, potentially resulting in at least a split award.

Additional considerations supporting an administrative settlement include the agency’s diligent attempts to expedite acquisition by agreement in order to avoid litigation and relieve congestion in the courts. Exposure to a jury or judge award would likely exceed the County’s offer, with the possibility of a substantially higher final settlement. In eminent domain cases of this nature, judgments frequently favor the property owner over the public agency, and the additional costs required to fully litigate the matter could be significant. For these reasons, an administrative settlement is recommended in this case.

The Grantor’s willingness to negotiate and accept the County’s estimated cost as a reasonable offset for their proposed restoration work reflects a reasonable settlement and is in the public’s best interest. Accordingly, AR/WS recommends that Sonoma County approve the settlement in the amount of \$67,000.

Your signature in the space provided will confirm that this summary accurately reflects Sonoma County’s settlement instructions and authorizes a settlement with the property owner in the amount of \$67,000.

**Sonoma County
Administrative Settlement Approved**

By: Janice Thompson

Title: Deputy Director

Date: 9/4/2025 9/16/25