



SUMMARY REPORT

Agenda Date: 5/11/2021

To: Board of Supervisors

Department or Agency Name(s): Transportation and Public Works

Staff Name and Phone Number: Johannes J. Hoevertsz 707-565-2231

Vote Requirement: Majority

Supervisory District(s): Fourth

Title:

Pine Flat Road Repair Project - Property Acquisitions

Recommended Action:

- A) Adopt a resolution delegating authority to the Director of Transportation and Public Works to execute two (2) Right of Way Contracts as follows, in form approved by County Counsel, to acquire two properties needed for the Pine Flat Road repair project:
 - i. Right of Way Contract with Audubon Canyon Ranch, Inc., for total \$500, which includes \$0 for severance damages, for a permanent slope and drainage easement (APN: 141-100-005); and
 - ii. Right of Way Contract with Jackson Family Investments, LLC, for total \$500, which includes \$0 for severance damages, for a temporary construction easement (APN: 131-120-012)
- B) Delegate authority to the Director of Transportation and Public Works to execute all necessary agreements, including a Consent and Subordination Agreement, and other instruments, in form approved by County Counsel, with the Sonoma County Agricultural Preserve and Open Space District with regard to the subject easements.
- C) Authorize the Director of Transportation and Public Works to make payment to the Sonoma County Agricultural Preserve and Open Space District, in an amount not to exceed \$5,000, for purposes of compensating the District for impacts to and costs relating to its existing conservation easement over the affected property and for the District agreeing to consent to and subordinate its conservation easement to the acquired County easement.

(Fourth District)

Executive Summary:

The Department of Transportation and Public Works (TPW) is requesting authorization to execute two (2) Right of Way Contracts - Public Highway, for two easement acquisitions relating to the Pine Flat Road repair project in the Geysers area. The easements are required to complete permanent repairs to Pine Flat Road, which was severely damaged by landslides due to flooding events in 2017 and 2019. One easement is for permanent slope and drainage rights needed for the long-term sustainability of the roadway, while the other easement is for temporary construction purposes only.

Agreements as to substance have been reached with the owners of the properties from which the easements are being acquired. Each easement will cost \$500 (\$1,000 total). Final terms and form of the Right of Way Contracts and easements are subject to resolution of certain minor outstanding issues and final title

determinations. In addition, agreement has been reached with the Sonoma County Agricultural Preserve and Open Space District to account for impacts caused by the new County easement to the District's existing conservation easement over the Audubon Canyon Ranch property. In exchange for the District's consent and subordination of its conservation easement and in lieu of County needing to pursue action through eminent domain to otherwise acquire the needed rights, the County will compensate the District up to \$5,000 for easement impacts and staff costs related to the acquisition and the District's consent and subordination.

The Pine Flat Road projects are partially funded (88.53%) through a grant from the Federal Emergency Management Agency (FEMA).

Discussion:

Project construction on Pine Flat Road at PM 11.77 and PM 17.81 is scheduled to begin in the Fall of 2021 and right of way must be secured prior to contractor mobilization.

The Easements Being Acquired

Two easements are needed for the Project, one from each of two separate owners. One easement is needed from and over property owned by Jackson Family Investments, LLC. The Jackson Family Investments property will be used as a temporary construction easement comprised of approximately 500 square feet. The easement is five feet wide and approximately 100 feet in length adjacent to Pine Flat Road. The terrain in this area slopes downward from the roadway and is currently vacant, generally consisting of native vegetation that have survived previous wildfires. There are no trees within the temporary construction easement area.

The second easement is needed from and over property owned by Audubon Canyon Ranch, Inc. and is located further north on Pine Flat Road at PM 17.81. The Project requires a permanent slope and drainage easement over an irregularly shaped area of approximately 20,412 square feet. The repairs require additional area on the down-slope side of the public roadway for slope stabilization, additional work area, and access, in order to complete the necessary repairs. The improvements, constructed mainly below ground, will create a drainage system to protect the roadway and hillside from further deterioration by directing runoff into an engineered distribution route. The general landscape is populated with mainly native (and some non-native) grasses and rock, although the majority of the subject property needed for the Project is disturbed.

With regard to the subject easements, each of the underlying property owners have agreed in principle to the attached Right of Way Contracts, and final forms of those contracts will be executed once several outstanding, but minor, issues are finalized.

The Open Space Conservation Easement

The property from which the permanent easement is needed is subject to a conservation easement acquired by the Sonoma County Agricultural Preserve and Open Space District in 1994. The total easement area needed by the County is under half an acre. As owner of a pre-existing conservation easement that is to be adversely impacted (even if not significantly) by the rights of and uses by County under the subject slope easement, the District has legal rights that must be accommodated. In lieu of formal condemnation and initiation of eminent domain proceedings, County and District staff have negotiated an agreement as to the slope easement transaction. In exchange for the District consenting and subordinating the conservation easement to the

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County's slope easement (i.e., recognizing that the slope easement is to control in the event of any conflict), the County will compensate the District for the impacts to the conversation easement and for District costs in processing the transaction, up to \$5,000. [Note: The District is scheduled to consider this matter and the agreement in conjunction with and concurrent on the agenda.] The consent and subordination will be memorialized in an agreement between the District and County, to be recorded with the County Recorder.

Prior Board Actions:

None

FISCAL SUMMARY

| Expenditures | FY 20-21 Adopted | FY21-22 Projected | FY 22-23 Projected |
|------------------------------------|-----------------------------|------------------------------|-------------------------------|
| Budgeted Expenses | \$6,000 | | |
| Additional Appropriation Requested | | | |
| Total Expenditures | \$6,000 | | |
| Funding Sources | | | |
| General Fund/WA GF | | | |
| State/Federal | \$5,311.80 | | |
| Fees/Other | \$688.20 | | |
| Use of Fund Balance | | | |
| Contingencies | | | |
| Total Sources | \$6,000 | | |

Narrative Explanation of Fiscal Impacts:

Costs for these two easements and reimbursement paid to Sonoma County Agricultural Preserve and Open Space District have been budgeted in the FY 2020-21 adopted Roads Capital Improvements (11051-34010103). These projects are eligible for reimbursement through a grant from FEMA. The grant covers 88.53% of project expenses with the balance (11.47%) drawn from local sources including SB1 allocations from the State of California.

| Staffing Impacts: | | | |
|--|--|-------------------------------|-------------------------------|
| Position Title (Payroll Classification) | Monthly Salary Range (A-I Step) | Additions (Number) | Deletions (Number) |
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Narrative Explanation of Staffing Impacts (If Required):

None

Attachments:

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Resolution; Project Map/Appraisal Maps

Related Items “On File” with the Clerk of the Board:

Right of Way Contracts

Consent and Subordination Agreement