

ORDINANCE NO. (_____)

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, TO ADD A NEW SECTION 2-28.1 TO THE SONOMA COUNTY CODE AUTHORIZING THE DIRECTOR OF TRANSPORTATION AND PUBLIC WORKS TO APPROVE AND ACCEPT FOR THE COUNTY THE ACQUISITION OF ANY INTEREST IN REAL PROPERTY OF \$25,000 OR LESS

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. A new section, Section 2-28.1, entitled "Acquisition of Real Property Interests of \$25,000 or Less" is hereby added to the Sonoma County Code as follows:

Sec. 2-28.1. - Acquisition of Real Property Interests of \$25,000 or Less.

- (a) Pursuant to the provisions of Government Code Section 25350.60 and subject to the procedures specified in this Section, the Director of Transportation and Public Works is hereby authorized to perform all acts necessary to approve and accept for the County the acquisition of any interest in real property in connection with the construction, maintenance and repair of County roads, bridges and other public facilities, where the purchase price for such interest does not exceed Twenty-Five Thousand Dollars (\$25,000).
- (b) The Director of Transportation and Public Works may approve and accept the acquisition of any such interest in real property only if such acquisition meets all of the following conditions:
 - (1) is necessary for the construction, maintenance or repair of County roads, bridges or other public facilities maintained by the Department of Transportation and Public Works; and
 - (2) the appropriate environmental review pursuant to the California Environmental Quality Act and/or the National Environmental Policy Act has been completed; and
 - (3) the fair market value of the real property interest to be acquired has been determined by an appraisal or some other generally accepted industry standard or method of valuation; and
 - (4) funding for the acquisition has been appropriated and is available; and
 - (5) the transaction complies with all applicable state and federal laws and regulations pertaining to the acquisition of real property by a county.
- (c) The form of any deed or other instrument conveying any interest in real property shall be approved by County Counsel.
- (d) The acquisition under this Section of any interest in real property for street or road widening or alignment projects, where such widening or alignment is of a minor nature, shall not be subject to the provisions of Government Code Section 65402.
- (e) Upon acceptance of any deed or grant, the Director of Transportation and Public Works shall be authorized to execute a certificate of acceptance substantially in the form specified in Government Code Section 27281 (or any successor statute thereto), and shall transmit the instrument to the County Recorder for recording. The County Recorder is hereby authorized to record the instrument at no cost to the County in accordance with applicable law, including Government Code Section 27383. This Section shall not limit the authority of the Director of Transportation and Public Works to accept on behalf of the County deeds and easements to facilitate road improvements that do not

involve financial compensation pursuant to Government Code Section 27281 and Resolution No. 95-0431, adopted by the Board of Supervisors on April 11, 1995.

- (f) The authority granted by this Section shall include signature authority on all documentation required to approve and accept for the County the acquisition of the real property interests, including, but not limited to, right-of-way contracts, purchase agreements, permanent easements, temporary construction easements, escrow documents, and all other related documents that would normally be executed by the Chair of the Board of Supervisors in order to effectuate the transfer of real property to the County, on condition of approval of County Counsel as to the subject document or instrument.
- (g) Pursuant to Government Code Section 25350.60, the authority granted by this Section shall expire five years from the date it takes effect, unless such authority is renewed or extended by a subsequent ordinance of the Board of Supervisors. Upon the expiration of this authority, the Director of Transportation and Public Works shall submit to the Board of Supervisors a summary report of the property interests acquired under this authority.

Section II. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section III. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in The Press Democrat, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the ____ day of _____, 2021, and finally passed and adopted this ____ day of _____, 2021, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin:	Rabbitt:	Coursey:	Gore:	Hopkins:
Ayes:	Noes:	Absent:	Abstain:	

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Sheryl Bratton,
Clerk of the Board of Supervisors