

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

635A



FROM: Economic Development Agency and Transportation Department

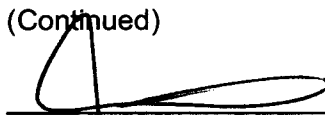
SUBMITTAL DATE:
October 21, 2010

SUBJECT: Right of Way Acquisition Agreement, Temporary Construction Easement Agreement, and Settlement Agreements for the State Route 79 (Winchester) Road Widening Project

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the attached Right of Way Acquisition Agreement for Parcels 0527-004, 0527-006, 0527-007, 0527-008, 0527-010, 0527-011, 0527-013, 0527-014, 21126-1, 21131-1, 21132-1, 21134-1, 21134-3, 21135-1, 21135-5, 21135-6, 21135-9, 21135-11, 21138-1, 21140-1, 21140-4, 21140-5, 21141-1, 21141-3, and 21143-1; and Temporary Construction Agreement for Parcels 21126-2, 21131-2, 21132-3, 21132-4, 21133-1, 21134-4, 21135-10, 21136-2, 21137-2, 21140-6, 21140-7, 21141-4, and 21143-2 all within portions of Assessor's Parcel Numbers 466-150-007, 466-160-013, 466-160-014, 466-170-032, 466-240-002, 466-250-028, 466-260-001, 472-100-015, 472-100-016, 472-100-017, 472-100-018, 472-110-011, 472-120-002, and 472-120-006;
2. Authorize the Chairman of the Board to execute these documents on behalf of the County;

(Continued)



Juan C. Perez, Director
Transportation Department



Robert Field
Assistant County Executive Officer/EDA

**FINANCIAL
DATA**

Current F.Y. Total Cost: \$ 4,715,468
Current F.Y. Net County Cost: \$ 0
Annual Net County Cost: \$ 0

In Current Year Budget: Yes
Budget Adjustment: No
For Fiscal Year: 2010/11

COMPANION ITEM ON BOARD OF DIRECTORS AGENDA: No

SOURCE OF FUNDS: Transportation Uniform Mitigation Fee (35%)
Combined Improvement Fund (65%)

Positions To Be Deleted Per A-30 ☐
Requires 4/5 Vote ☐

C.E.O. RECOMMENDATION: APPROVE



County Executive Office Signature Jennifer L. Sargent

Dep't Recomm.: ☐ Policy ☒ Policy
Per Exec. Ofc.: ☐ Consent ☒ Consent

FORM APPROVED COUNTY COUNSEL
BY:  GUNZEL
Departmental Concurrence

Prev. Agn. Ref.: 3.14 of 3/24/09

District: 3

Agenda Number: 3.6

RECOMMENDED MOTION: (Continued)

3. Approve the attached Settlement Agreement between the County and West Coast Turf for Tenant's Cost-to-Cure Items located on a portion of Assessor's Parcel Numbers 466-150-007, 466-160-013, and 466-160-014; and authorize the Chairman of the Board to execute this agreement on behalf of the County;
4. Approve the attached Settlement Agreement between the County and Tri-State Materials for Tenant's Cost-to-Cure Items located on a portion of Assessor's Parcel Number 466-160-013; and authorize the Chairman of the Board to execute this agreement on behalf of the County;
5. Authorize and allocate the sum of \$3,551,876 to acquire Grantor Parcels 0527-004, 0527-006, 0527-007, 0527-008, 0527-010, 0527-011, 0527-013, 0527-014, 21126-1, 21131-1, 21132-1, 21134-1, 21134-3, 21135-1, 21135-5, 21135-6, 21135-9, 21135-11, 21138-1, 21140-1, 21140-4, 21140-5, 21141-1, 21141-3, and 21143-1; and temporary construction easement for Parcels 21126-2, 21131-2, 21132-3, 21132-4, 21133-1, 21134-4, 21135-10, 21136-2, 21137-2, 21140-6, 21140-7, 21141-4, and 21143-2, \$788,936 for all Grantor Cost-to-Cure Items, all within Assessor's Parcel Numbers 466-150-007, 466-160-013, 466-160-014, 466-170-032, 466-240-002, 466-250-028, 466-260-001, 472-100-015, 472-100-016, 472-100-017, 472-100-018, 472-110-011, 472-120-002, and 472-120-006; and \$10,000 to pay all related transaction costs;
6. Authorize and allocate the sum of \$252,009 to West Coast Turf for the Tenant's Cost-to-Cure items;
7. Authorize and allocate the sum of \$25,700 to Tri-State Materials for the Tenant's Cost-to-Cure items;
8. Authorize the undersigned Assistant County Executive Officer/EDA, or his designee, to execute any other documents and administer all actions to complete this transaction; and
9. Allocate the sum of \$39,447, which includes reserves for any unforeseen and reasonable increases to grantor cost-to-cure items.

BACKGROUND:

Winchester Road (SR-79) is one of the key north-south corridors in Southwest Riverside County. Due to significant regional and local growth, a project to widen SR-79 from Thompson Road to Domenigoni Parkway has been proposed. The project would widen this section of SR-79 from two to four lanes in accordance with the Memorandum of Understanding between the State of California Department of Transportation (CalTrans), County of Riverside Transportation Department, and the City of Murrieta; adopted on June 15, 2004, which will address the traffic needs of the area, enhance interregional travel, relieve traffic congestion, improve traffic safety, and reduce response time for emergency service vehicles. The improvement of SR-79 is a major priority for Supervisor Stone and the need has been recognized by Riverside County Transportation Department, the City of Murrieta, the City of Temecula, and CalTrans.

(Continued)

BACKGROUND: (Continued)

The Economic Development Agency (EDA) has negotiated the acquisition and temporary construction easement of a portion of Assessor's Parcel Numbers 466-150-007, 466-160-013, 466-160-014, 466-170-032, 466-240-002, 466-250-028, 466-260-001, 472-100-015, 472-100-016, 472-100-017, 472-100-018, 472-110-011, 472-120-002, and 472-120-006 from Andy and Donald Domenigoni, Andy and Cindy Domenigoni, Steven Dale and Kim Domenigoni, Domenigoni-Barton Properties, Jean Domenigoni, Domenigoni Brothers Ranch, and Craig 435 (Grantor) for a price of \$3,551,876 and \$788,936 for Grantor's Cost-to-Cure items. There are costs of \$10,000 associated with this transaction. Staff recommends an additional \$39,447 in reserves for the Grantor's Cost-to-Cure items.

Grantor will execute Grant Deeds in favor of the State of California referenced as Parcels 21126-1, 21131-1, 21132-1, 21134-1, 21135-1, 21138-1, 21140-1, 21141-1, 21143-1; Grant Deeds in favor of the County of Riverside referenced as Parcels 0527-004, 0527-006, 0527-007, 0527-008, 0527-010, 0527-011, 0527-013, and 0527-014; Easement Deeds in favor of the State of California referenced as Parcels 21135-6, 21140-4, 21134-3, 21140-5, 21135-5, 21135-9, and 21135-11; and Easement Deed in favor of Eastern Municipal Water District referenced as Parcel 21141-3.

In addition, the EDA has negotiated the acquisition and relocation of the cost-to-cure items with West Coast Turf and Tri-State Materials (Tenants) of \$252,009 and \$25,700, respectively. West Coast Turf operates a sod farm on Grantor's property and Tri-State Materials store and sell decorative landscape rocks on Grantor's property. Both tenants also maintain advertising displays on Grantor's property. There are no costs associated with these transactions.

All potentially significant effects of the actions described in this Form 11 have been adequately analyzed in Environmental Impact Report No. 421 which was prepared for Specific Plan No. 310 (Domenigoni-Barton); all potentially significant effects of the actions have been avoided or mitigated pursuant to EIR No. 421; the actions will not result in any new significant environmental effects not identified in EIR No. 421; the actions will not substantially increase the severity of the environmental effects identified in EIR No. 421; no considerably different mitigation measures have been identified; and no mitigation measures found infeasible have become feasible. As a result, no further environmental documentation is required for California Environmental Quality Act purposes.

FINANCIAL DATA:

The following summarizes the funding necessary for the acquisition, temporary construction easement, and settlement agreements for portions of Assessor's Parcel Numbers 466-150-007, 466-160-013, 466-160-014, 466-170-032, 466-240-002, 466-250-028, 466-260-001, 472-100-015, 472-100-016, 472-100-017, 472-100-018, 472-110-011, 472-120-002, and 472-120-006:

Acquisition and Temporary Construction Easement:	\$3,551,876
Grantor Cost-to-Cure Items:	\$788,936
Reserves for Grantor Cost to Cure Items:	\$39,447
Estimated Title and Escrow Charges:	\$10,000
Settlement Agreement-West Coast Turf:	\$252,009
Settlement Agreement-Tri-State Materials:	\$25,700
Preliminary Title Reports:	\$2,500
County Appraisal Report:	\$15,000
Acquisition Administration:	\$30,000
Total Estimated Acquisition Costs:	\$4,715,468

FINANCIAL DATA: (Continued)

EDA has already covered the costs for due diligence (appraisal and preliminary title reports) and will be or has been reimbursed by the Transportation Department. The remaining costs will be paid directly by the Transportation Department.

All costs associated with this property acquisition are fully funded in the Transportation Department's budget for FY 2010/11. Thus no net county cost will be incurred as a result of this transaction.

This Form 11 has been reviewed and approved by County Counsel as to legal form.