



COUNTY OF HUMBOLDT

Legislation Details (With Text)

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Title: Acquisition of Right of Way and Exchange of Real Property, Elk Creek Road (C6D060), APN 211-301-003, APN 211-331-039, and APN 211-311-012, (4/5 Vote Required)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Attachment 1 - Acquisition and Exchange Agreement - 217236 Elk Creek Rd PM 1.10 and PM 2.00 - Boldt Exchange - Signed.pdf, 3. Attachment 2 - Easement Deed - 217236 Elk Creek Rd PM 1.10 and 2.00 - Boldt Exchange - Notarized.pdf, 4. Attachment 3 - Quitclaim Deed - 217236 Elk Creek Rd PM 1.10 and 2.00 - Boldt Exchange.pdf, 5. Executed Agreement.pdf, 6. Executed Easement Deed.pdf, 7. Executed Quitclaim Deed.pdf

Date	Ver.	Action By	Action	Result
3/9/2021	1	Board of Supervisors	approved	Pass

To: Board of Supervisors

From: Public Works

Agenda Section: Consent

SUBJECT:

Acquisition of Right of Way and Exchange of Real Property, Elk Creek Road (C6D060), APN 211-301-003, APN 211-331-039, and APN 211-311-012, (4/5 Vote Required)

RECOMMENDATION(S):

That the Board of Supervisors:

1. Authorize the Chair of the Board to sign, in duplicate, the Acquisition and Exchange Agreement for needed right of way (See Attachment 1) (4/5 Vote Required);
2. Authorize the Chair of the Board to sign, in duplicate, the Certificate of Acceptance for the Easement Deed from Charles Boldt (See Attachment 2) (4/5 Vote Required);
3. Authorize the Chair of the Board, in the presence of a Notary Public, to sign, in duplicate, the Quit Claim Deed, conveying the described property to Charles Boldt (See Attachment 3) (4/5 Vote Required); and
4. Direct the Clerk of the Board to return both executed Acquisition and Exchange Agreements, both executed and accepted original Easement Deeds, and both executed original Quit Claim Deeds to the Land Use Division for further processing.

SOURCE OF FUNDING:

Road Fund (1200); Federal Highway Administration Emergency Relief Storm Damage Funds, California Department of Transportation (CalTrans)

DISCUSSION:

Severe storms during January 2017 caused substantial damage to Humboldt County roads and drainage facilities. Due to the severity of damage caused by these storms, the county proclaimed a local emergency that covered the entire county and the Governor declared this storm event an emergency. Some of that damage occurred on Elk Creek Road at Post Miles (P.M.) 1.10 and 2.00, which consisted of cracking and failure of sections of the road. The county proceeded with immediate emergency opening work that consisted of clearing the debris and placing asphalt.

The failure on Elk Creek Road at P.M. 1.10 damaged an approximately 300-foot section. Pavement cracking/failure of the inside lane was also noted approximately 30 feet north of the larger failed section and includes two (2) adjacent 30 to 40 feet sections. Both the inboard and outboard slopes display signs of instability.

The failure on Elk Creek Road at P.M. 2.00 damaged an approximately 25-foot section of pavement. The failure is located near an existing culvert, which was likely overwhelmed, resulting in water sheet flowing across the road and saturating the outboard, fill slope shoulder, which failed. An emergency asphalt patch was placed along the failed road section and is approximately 80 feet long.

The county hired a consultant to conduct a geotechnical and engineering evaluation along with proposing recommendations for repair. Upon receiving said recommendations, the county proposes installing culverts, rock slope protection, and underdrains on the west and east sides of Elk Creek Road at P.M. 1.10 and 2.00. Portions of the proposed restoration work fall outside of the existing county right of way. Additional permanent right of way is needed to complete the permanent repair of Elk Creek Road at P.M. 1.10 and 2.00. In addition, temporary right of way is needed to allow the contractor to build the project. Once the project is built, the temporary right of way is automatically extinguished.

The county is required to follow established federal and state procedures for the acquisition of right of way. To complete the permanent road repair on Elk Creek Road at P.M. 1.10 and 2.00, the county needs to acquire temporary and permanent right of way from Charles Boldt. The temporary construction easement, which is only needed during the construction period, is approximately 12,921 square feet. The permanent easement is approximately 4,435 square feet and is needed for the installation of perforated pipes, culverts, and rock slope protection along the downhill side of the road for ongoing maintenance. Additionally, five (5) merchantable redwood trees and one (1) merchantable Douglas fir tree, totaling approximately 3,516 board feet, need to be removed during construction.

The owner, Charles Boldt, expressed verbal interest in trading the required right of way easements for fee title of a portion of excess land of a county-owned parcel (APN 211-301-012) that is adjacent to Boldt's parcel (APN 211-331-039) at P.M. 2.00. Government Code section 25526.5, allows the Board of Supervisors to determine that if "any real property or interest therein belonging to the county is no longer necessary for county or other public purposes, and its estimated value does not exceed twenty-five thousand dollars (\$25,000), the county may sell, exchange, quitclaim, or convey that real property

or interest therein in the manner and upon the terms and conditions approved by the Board of Supervisors without complying with any other sections in this article.”

The county-owned parcel (APN 211-301-012) is excess land on the county's Elk Creek road maintenance barn parcel. The county was granted its property in fee by Valmond W. Miller, a single man, on February 12, 1963, through grant deed recorded in Volume 741 Official Records, page 612. The portion of the excess land is not used by the county.

The adjacent Boldt parcel and the county parcel are roughly equivalent in value. The two (2) parcels are located on the same side of Elk Creek Road and are similar in size, access, utility, and topography. The value of the permanent right of way easement, temporary construction easement, and stumpage is \$4,300. The value of the 1.03 acre excess land parcel is \$10,800. Boldt has agreed to pay the county the excess amount of \$6,500 for the property exchange. If approved by the Board, staff will complete the terms of the Agreement.

FINANCIAL IMPACT:

Consideration for the land exchange transfer of the two (2) parcels, Boldt has agreed to pay the county the excess amount of \$6,500 will be deposited into the Roads Fund (1200888). There is no financial impact to the county's general fund.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by providing for and maintaining infrastructure as well as facilitating public/private partnerships to solve problems.

OTHER AGENCY INVOLVEMENT:

Caltrans (project approval); Federal Highway Administration (funding)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Not to approving the agreement will result in the county paying for the required right of way.

ATTACHMENTS:

1. Acquisition and Exchange Agreement and Temporary Construction Easement
2. Easement Deed from Charles Boldt to County, with Certificate of Acceptance
3. Quit Claim Deed from County to Charles Boldt

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A