



# COUNTY OF HUMBOLDT

## Legislation Text

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**File #:** 21-1747, **Version:** 1

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**To:** Board of Supervisors

**From:** Public Works

**Agenda Section:** Consent

**SUBJECT:**

Acquisition of Right of Way for the Exchange of Unneeded Right of Way for Alderpoint Road (F6B165) at PM 7.58, APN 223-012-015, Project No. ER-32L0(291), Contract No. 217258 (4/5 vote required)

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Authorize the Chair of the Board to sign, in duplicate, the Purchase Agreement for Permanent Drainage and Slope Easement for needed right of way (Attachment 1) (4/5 vote required);
2. Authorize the Chair of the Board to sign the Certificate of Acceptance for the Easement Deed from Thomas P. Crandall and Wendy L. Crandall (Attachment 2) (4/5 vote required);
3. Authorize the Chair of the Board, in the presence of a Notary Public, to sign the Quitclaim Deed, conveying the described property to Thomas P. Crandall and Wendy L. Crandall (Attachment 3) (4/5 vote required); and
4. Direct the Clerk of the Board to return to the Land Use Division for further processing: both executed Purchase Agreement for Permanent Drainage and Slope Easement originals; the executed and accepted Easement Deed original; and the executed and Quitclaim Deed original.

**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 Alderpoint Road at Post Mile (PM) 7.58, which consisted of cracking and failure of approximately 30 feet of the road. The failure likely involves an earth flow or rotational slide within unconsolidated, saturated fill material and weak residual soils. An emergency asphalt patch was placed along the failed road section and is approximately 50 feet long.

To design the permanent repair of the road, the county hired consultants to conduct a geotechnical and engineering evaluation along with proposing recommendations for the repair and design. The design proposed by the consultant required a permanent slope and drainage easement and a temporary construction easement for the placement of a new culvert on the downhill side on lands of Crandall (APN 223-012-015). A drainage and slope easement from Crandall to county was acquired and recorded on April 19, 2021. However, after further discussions with the geotechnical firm and field review, the county redesigned the project in August 2021. The new design includes the retreat of Alderpoint Road on the uphill side on the lands of McKee; and the acquisition of a 3,373 square foot permanent slope and drainage easement for the replacement of an existing culvert on the downhill side on the lands of Crandall. The 2021 easement from Crandall is no longer necessary due to the redesign and will not be used (Attachment 4).

The owners, Thomas P. and Wendy L. Crandall, have expressed a desire to exchange the proposed permanent drainage and slope easement required for this project with the adjacent unnecessary 2021 easement in lieu of monetary just compensation. 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 \$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.”

If approved by the Board, staff will complete the terms of the Agreement.

FINANCIAL IMPACT:

Both the proposed easement and the existing 2021 easement to be exchanged are roughly equivalent in size and value. The value of the existing and proposed permanent right of way easements is \$800.

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 .

OTHER AGENCY INVOLVEMENT:

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

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Not approving the agreement will result in the county paying for the required right of way. In addition, the county will unnecessarily encumber private property with an easement that is not needed.

ATTACHMENTS:

1. Attachment 1 - Purchase Agreement for Permanent Drainage and Slope Easement
2. Attachment 2 - Easement Deed from Thomas P. Crandall and Wendy L. Crandall to County,

- with Certificate of Acceptance
- 3. Attachment 3 - Quit Claim Deed from County to Thomas P. Crandall and Wendy L. Crandall with Acknowledgment to be notarized
- 4. Attachment 4 - Right of Way Exhibit

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A