

DEPARTMENT: Public Works

By: Michael D. Edwards Phone: 966-5356
Public Works Director

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___ No X)

Resolution accepting the terms of a letter (Attachment #1) from Thomas Gookin regarding right-of-way acquisition on Hayward Road reconstruction and modification of previous direction to staff as follows:

1. Postpone condemnation proceedings by County Counsel, and
2. Include the extension of the project to the south from the Ranchito Drive intersection.

Mr. Gookin has reconsidered his position regarding the County's offer to purchase right-of-way along Hayward Road and is withdrawing conditions previously requested (Attachment 1). Staff recommends accepting these modifications as described in the Gookin letter.

If this negotiated agreement can be worked out, there will be a significant savings in time and the staff time and cost of condemnation proceedings will be avoided. The net increase in project cost will probably be about \$30,000 (deducting for probable condemnation expenses) and construction will likely start two to three months earlier with the recommended action. The Resolution of Necessity should remain in effect in case the negotiations fail.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On July 20, 1993, the Board adopted a Resolution of Necessity and directed County Counsel to immediately begin condemnation proceedings and further directed staff to delete the portion of the project south of the Ranchito Drive intersection.

The Hayward Road Reconstruction Project has been in the planning stages since 1986. The project is budgeted and on our current C.I.P. scheduled for reconstruction during this summer. Funding is available and has been allocated to this project by the Board and Caltrans.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1. Do not modify previous direction. County Counsel will continue with condemnation proceedings. Condemnation costs are estimated to be \$10,000 - \$20,000. The project would be delayed by at least two to three months.
2. Direct staff to pursue other negotiations; any further delay could cause project to be postponed until next year.

COSTS: (X) Not Applicable A. Budgeted current FY \$ _____ B. Total anticipated costs \$ _____ C. Required additional funding \$ _____ D. Internal transfers \$ _____		SPECIAL INSTRUCTIONS: List the attachments and number the pages consecutively: <u>Letter to Board Signed by Thomas Gookin Dated 7-23-93</u> _____ _____ _____
SOURCE: () 4/5th Vote Required A. Unanticipated revenues \$ _____ B. Reserve for contingencies \$ _____ C. Source description: _____ Balance in Reserve Contingencies, if approved: \$ _____		

CLERK'S USE ONLY

Res. No.: 93-424

Vote - Ayes: 3

Absent: Baggett

Approved

Minute Order Attached

Ord. No. _____

Noes: Partner

Abstained: _____

Denied

No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____

ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California


By: _____
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

- Recommended
- Not Recommended
- For Policy Determination
- Submitted with Comment
- Returned for Further Action

Comment: _____

A.O. Initials: 

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: MIKE EDWARDS, PUBLIC WORKS DIRECTOR
FROM: MARGIE WILLIAMS, CLERK OF THE BOARD *mw*
RE: HAYWARD ROAD RECONSTRUCTION PROJECT

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on August 3, 1993

ACTION AND VOTE:

Resolution Accepting Terms of Gookin Letter Regarding Right-of Way Acquisition on Hayward Road Reconstruction and Rescinding Condemnation Proceedings and Inclusion of Southerly Project Extension

BOARD ACTION: Mike Edwards provided input. Following discussion, (M)Balmain, (S)Taber to accept the terms of Gookin letter regarding the Hayward Road Reconstruction Project/Ayes: Balmain, Taber; Noes: Erickson, Parker; Excused: Baggett. Motion failed for lack of majority. Tom Gookin addressed the Board and provided input. Supervisor Erickson directed Mike Edwards and Tom Gookin to discuss the issue further, and come back to address the Board regarding this matter following the next item.

Further discussion was held regarding the Hayward Road Reconstruction Project. (M)Balmain, (S)Erickson (who passed the gavel to Supervisor Taber) to accept the terms of Gookin letter regarding the Hayward Road Reconstruction Project, with direction to Public Works Director to look at the Hayward intersection to determine if reconstruction can be redesigned to save money/Ayes: Balmain, Erickson; Noes: Parker, Taber; Excused: Baggett. Motion failed for lack of majority. Following further discussion Supervisor Taber changed her vote to aye and Res. 93-424 was adopted.

cc: File
County Counsel

Mariposa County Board of Supervisors
P.O. Box 784
5088 Bullion Street
Mariposa, CA 95338
(209) 966-3222

RE: Hayward Road Reconstruction Project

Honorable Supervisors,

I am herewith requesting that the Board of Supervisors reconsider the action taken at the Hearing on July 20, 1993, affecting my property, APN 001-250-003, along Hayward Road. We have reconsidered our position with respect to the County's offer to purchase a Right-of-Way across our Real Property along Hayward Road. My wife and I are now prepared to sign the necessary Right-of-Way documents, with no other conditions, outside of those previously offered by the County (see attached Right-of-Way Contract); if the County will agree to include that portion of Hayward Road, south of Ranchito Drive, within this current project. Our desire is only to have the County reconstruct the intersection to a safe standard. We are aware that the County has the ability to accept the dedication on that portion of the road, south of Ranchito Drive, as offered on Parcel Map Book 24, Page 47, without any additional compensation to us.

In consideration of this request, my wife and I assure the Board of Supervisors that there are no other conditions that we will stipulate for signing the necessary Right-of-Way documents. We understand that you, the Board of Supervisors, are not bound to honor this request.

Signed,



Thomas R. Gookin
APN 001-250-003
12748 Horseshoe Road
Oakdale, CA 95361

7-23-93

Dated

Attachment