

**COUNTY OF SONOMA
AGENDA ITEM
SUMMARY REPORT**

Clerk of the Board Use Only
Meeting Date **Held Until**

Agenda Item No: **Agenda Item No:**

Department:
 Sonoma County Water Agency

() 4/5 Vote Required

Contact:
 Kevin Campbell

Phone:
 (707) 547-1921

Board Date:
 06-02-09

Deadline for Board Action:

AGENDA SHORT TITLE:
 Property Acquisition for Brush Creek 42A Bypass Conduit Project

REQUESTED BOARD ACTION(S):
 Authorize the Agency's General Manager/Chief Engineer to direct staff to acquire necessary property rights for the Brush Creek 42A Bypass Conduit Project; and authorize the General Manager/Chief Engineer to direct staff to reimburse each affected property owner up to \$5,000 for an independent appraisal of the property rights needed in accordance with Code of Civil Procedure Section 1263.025.

CURRENT FISCAL YEAR FINANCIAL IMPACT

<u>EXPENDITURES</u>		<u>ADD'L FUNDS REQUIRING BOARD APPROVAL</u>	
Estimated Cost	\$ 58,586	Contingencies	\$
Amount Budgeted	\$ 58,586	(Fund Name:)	
Other Avail Approp	\$	Unanticipated Revenue	\$
(Explain below)		(Source:)	
Additional Requested:	\$ -0-	Other Transfer(s)	\$
		(Source:)	
		Add'l Funds Requested:	\$ -0-

Explanation (if required):
 Amount budgeted for 2008/2009 fiscal year in account #673202-8530.

Prior Board Action(s):

Alternatives - Results of Non-Approval:

Background: Notice of Exemption on file with the Clerk.

The Sonoma County Water Agency (Agency) has undertaken a project to reduce flooding within an unincorporated portion of Sonoma County located in the Rincon Valley area, south of Montecito Boulevard between Benjamins Road and Middle Rincon Road. The Agency has designated this project the Brush Creek 42A Bypass Conduit Project (Project).

The Project will consist of an underground 66-inch diameter concrete conduit (pipe) to bypass storm flows around a flood-prone section of creek. Currently, this creek is unimproved between Benjamins Road and Middle Rincon Road. Upstream of the project area Brush Creek is contained in two 60-inch conduits and channelized for flood control downstream of the Project area. The bypass conduit would be installed by trenching or drilling and would connect with the existing conduits at Benjamins Road, extend south along Benjamins Road, west along Speers Road, then approximately parallel Brush Creek, and end on the west side of Middle Rincon Road at the existing flood control channel. At the Benjamins Road inlet, a new underground flow combining structure will incorporate a low flow channel and/or weir to ensure that non-flood flows are directed to the existing natural creek. Other than bypassing peak flows, the creek flows would be unchanged. The bypass outlet would discharge through the wing wall to the existing concrete culvert at Middle Rincon Road and into the existing flood protection channel.

Construction of the Project requires obtaining permanent easement rights and License Agreements (temporary construction easements) over three (3) separate properties and temporary construction easements only over two (2) other properties. The Agency contracted with the County of Sonoma's Department of Transportation and Public Works Right of Way Section to prepare an appraisal report for valuation of the necessary property rights. The Agency has drafted easement deeds and purchase contracts for acquisition of the required easements.

Should Agency staff be so directed by the General Manager/Chief Engineer, staff intends to make Government Code Offers for the purchase by the Agency of the necessary property rights, in accordance with the valuations.

In addition Code of Civil Procedure Section 1263.025 requires that all public agencies acquiring private property under threat of eminent domain to reimburse the owner for the reasonable cost of an independent appraisal of the property to be acquired, by an appraiser of their choosing, up to \$5,000. The appraiser contracted by the property owner must be licensed by the State of California Office of Real Estate Appraisers. The Agency is authorized under Section 1263.025 to, and will require that the owner of the property provide a copy of the contracted appraisal to the Agency.

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Attachments: Resolution (R1); Location Map (A-1)

On File With Clerk: Notice of Exemption

CLERK OF THE BOARD USE ONLY

Board Action (If other than "Requested")

Vote:

Background (continued):

After Agency staff has negotiated an agreement with each property owner for acquisition of the necessary easements, the Agency will return to the Board for approval of those agreements.

The Agency, as the Lead Agency pursuant to the California Environmental Quality Act (CEQA), filed a Notice of Exemption for the Project, dated April 17, 2007, under CEQA Guidelines 15301 (b): Existing Facilities, and 15304 (f): Minor Alterations to Land, which stated that the project would result in minor alterations to the land and that no healthy, mature, scenic trees would be removed.

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