

RESOLUTION NO. 19-344

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 190042 IN THE AMOUNT OF \$52,800 WITH AND ACCEPTING THE GRANT DEED CONVEYING REAL PROPERTY FROM ERICKSON BROTHERS PROPERTIES, LLC AND RICHARD H. NEESE AND BEATRICE M. NEESE, TRUSTEES OF THE RICHARD H. NEESE AND BEATRICE M. NEESE REVOCABLE TRUST, UNDER DECLARATION OF TRUST DATED NOVEMBER 6, 1992, FOR THE ACQUISITION OF RIGHTS OF WAY NEEDED FOR CONSTRUCTION OF THE ACKERMAN CREEK BRIDGE REPLACEMENT ON NORTH STATE STREET, COUNTY ROAD 104, MILEPOST 0.97, PROJECT NUMBER A-1101, (UKIAH AREA)

WHEREAS, the County of Mendocino seeks to acquire certain real property owned by Erickson Brothers Properties, LLC and Richard H. Neese and Beatrice M. Neese, Trustees of the Richard H. Neese and Beatrice M. Neese Revocable Trust, under Declaration of Trust dated November 6, 1992, hereinafter referred to as OWNER, said real property being necessary to provide adequate rights of way for the removal and replacement of the existing bridge over Ackerman Creek on North State Street, County Road (CR) 104, milepost (MP) 0.97, designated Department of Transportation (DOT) Project Number (No.) A-1101; hereinafter referred to as PROJECT; and

WHEREAS, the OWNER has signed the following right of way DOT Agreement No. 190042 and related Grant Deed, which DOT Agreement and Grant Deed are attached to a letter accompanying this resolution, in which the County of Mendocino agrees to acquire from the OWNER and the OWNER agrees to convey to the County, for the dollar amount stated above, the rights of way needed for the PROJECT, subject to the performance of certain conditions on the part of the County of Mendocino, said conditions being set forth in full in DOT Agreement listed above submitted to this Board for acceptance and approval; and

WHEREAS, the Director of Transportation has reviewed the DOT Agreement listed above and recommends it for approval; and

WHEREAS, County Counsel has reviewed the DOT Agreement listed above and has approved it as to form; and

WHEREAS, a Grant Deed, by reference made a part hereof, conveys real property from OWNER to the County of Mendocino, in accordance with the terms of the DOT Agreement listed above; and

WHEREAS, said Grant Deed conveys to the County of Mendocino real property that the County requires for DOT Project No. A-1101, to remove and replace the Ackerman Creek Bridge on North State Street, CR 104 at MP 0.97.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors hereby:

1. Authorizes and directs the Chair of the Mendocino County of Board of Supervisors to execute the DOT Agreement to acquire real property from the OWNER; and

2. Accepts the Grant Deed from the OWNER conveying real property to the County of Mendocino, subject to the performance of certain conditions on the part of the County of Mendocino, said conditions being set forth in full in the DOT Agreement; and
3. Authorizes and directs the Chair of the Mendocino County Board of Supervisors to execute the Statutory Certificate of Acceptance in connection with said Grant Deed; and
4. Directs the Clerk of the Mendocino County Board of Supervisors, upon execution of the Statutory Certificate of Acceptance, to submit the Grant Deed to the County Department of Transportation office for further processing and recording; and
5. Authorizes and directs the County Auditor and the County Assessor to prorate and transfer taxes as of the date of recording of said Grant Deed conveying certain real property of OWNER to the County of Mendocino, pursuant to Section 4986 of the Revenue and Taxation Code of the State of California.

The foregoing Resolution introduced by Supervisor Williams, seconded by Supervisor Haschak, and carried this 17th day of September, 2019, by the following vote:

AYES: Supervisors Brown, McCowen, Haschak, Gjerde and Williams
NOES: None
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

Deputy

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT
County Counsel



CARRE BROWN, Chair
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy