

## RESOLUTION NO. 23-103

**RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 230020 IN THE AMOUNT OF \$2,200.00, WITH AND ACCEPTING THE GRANT DEED CONVEYING REAL PROPERTY FROM MATTHEW A. MCCARTHY AND DIXIE LEE MCCARTHY, AS TRUSTEES OF THE MATTHEW A. AND DIXIE LEE MCCARTHY TRUST, DATED APRIL 1, 1994, FOR THE ACQUISITION OF RIGHTS OF WAY NEEDED FOR CONSTRUCTION OF THE ROBINSON CREEK BRIDGE REPLACEMENT ON LAMBERT LANE, COUNTY ROAD 123A, MILEPOST 0.10 (BOONVILLE AREA)**

WHEREAS, the County of Mendocino, hereinafter referred to as COUNTY, seeks to acquire certain real property owned by Matthew A. McCarthy and Dixie Lee McCarthy, as Trustees of the Matthew A. and Dixie Lee McCarthy Trust, dated April 1, 1994, 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 Robinson Creek on Lambert Lane, County Road (CR) 123A, milepost (M.P.) 0.10 (Boonville Area) hereinafter referred to as PROJECT; and

WHEREAS, the costs of PROJECT are anticipated to be paid for by the Federal Highway Administration (FHWA) Highway Bridge Program (HBP) with the local match funded with toll credits; and

WHEREAS, OWNER has signed the following right of way Department of Transportation (DOT) Agreement Number (No.) 230020, hereinafter referred to as AGREEMENT, and related Grant Deed, which AGREEMENT and Grant Deed are attached to a letter accompanying this resolution, in which COUNTY agrees to acquire from OWNER and OWNER agrees to convey to COUNTY, for the dollar amount stated above, the rights of way needed for PROJECT, subject to the performance of certain conditions on the part of COUNTY, said conditions being set forth in full in AGREEMENT submitted to this Board for acceptance and approval; and

WHEREAS, the Director of Transportation has reviewed AGREEMENT and recommends it for approval; and

WHEREAS, County Counsel has reviewed AGREEMENT and has approved it as to form; and

WHEREAS, a Grant Deed, by reference made a part hereof, conveys real property from OWNER to COUNTY, in accordance with the terms of AGREEMENT; and

WHEREAS, said Grant Deed conveys to COUNTY real property that COUNTY requires for PROJECT to remove and replace the Robinson Creek Bridge on Lambert Lane, CR 123A, at M.P. 0.10.

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

1. Authorizes and directs the Chair of the Mendocino County Board of Supervisors to execute AGREEMENT to acquire real property from OWNER; and
2. Accepts the Grant Deed from OWNER conveying real property to COUNTY, subject to the performance of certain conditions on the part of COUNTY, said conditions being set forth in full in 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 COUNTY, 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 Mulheren, and carried this 6<sup>th</sup> day of June, 2023, by the following vote:

AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde, and Williams  
NOES: None  
ABSENT: None

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

ATTEST: DARCIE ANTLE  
Clerk of the Board

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GLENN MCGOURTY, Chair  
Mendocino County Board of Supervisors

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Deputy

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

*APPROVED AS TO FORM:*  
CHRISTIAN M. CURTIS  
County Counsel

BY: DARCIE ANTLE  
Clerk of the Board

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Deputy