

BOS AGMT. NO. 18-099
DOT AGMT. NO. 180053

County of Mendocino
Department of Transportation
ACQUISITION OF RIGHT OF WAY AGREEMENT

THIS AGREEMENT, made and entered on this 19TH day of JUNE 2018, by and between HANES RANCH, INCORPORATED, hereinafter referred to as "OWNER," and the COUNTY OF MENDOCINO, a political subdivision of the State of California, hereinafter referred to as "COUNTY."

WHEREAS, in conjunction with DOT Project No. F-1106.209, on Mountain View Road, CR 510, at approximately Milepost 16.62 hereinafter referred to as "PROJECT," plans for construction of storm damage repair will involve and require acquisition, by COUNTY, of certain lands and rights affecting the real property of OWNER as follows:

at said Milepost 16.62 acquire in fee, 0.19 acres (8,381.80 square feet) more or less of certain lands of OWNER, of which 0.15 acres (6,734.50 square feet) more or less is now used for County maintained roadway, and which is more particularly described in Exhibit "A" and as depicted on Exhibit "B" attached hereto and fully incorporated herein.

NOW THEREFORE, in consideration of the covenants hereinafter set forth, the parties hereto agree as follows:

1. OWNER represents and warrants that they are owner in fee simple of the real property described in Exhibit "A" and as depicted on Exhibit "B" attached hereto, said property lying within the unincorporated area of the County of Mendocino, State of California.
2. OWNER agrees to grant to COUNTY the lands, as described in the aforesaid Exhibit "A" and as depicted on Exhibit "B", free and clear of all liens and encumbrances.
3. OWNER understands and agrees that any and all delinquent taxes shall be deducted from the compensation provided for herein and all current taxes are to be pro-rated and transferred as of the date of the recordation of the Grant Deed for the herein described lands and rights set forth in the aforementioned Exhibit "A" and as depicted on Exhibit "B".
4. COUNTY agrees to compensate OWNER in the total amount of Five Hundred Dollars (\$500.00) for those certain lands and rights as set forth herein and described in the aforesaid Exhibit "A" and as depicted on Exhibit "B". Upon execution of this Agreement and recordation of the Grant Deed, COUNTY shall pay said amount to OWNER; provided, however, that if PROJECT must be cancelled, no transfer of title shall occur, no Grant Deed will be recorded, and COUNTY shall have no obligation to compensate OWNER.

5. This transaction will be handled through an internal escrow by the County of Mendocino Department of Transportation, 340 Lake Mendocino Drive, Ukiah, CA 95482.
6. OWNER warrants that there are no oral or written leases on all or any portion of the property exceeding a period of one month, and OWNER agrees to hold COUNTY harmless and reimburse COUNTY for any and all of its losses and expenses occasioned by reason of any lease of said property held by any tenant of OWNER for a period exceeding one month.
7. COUNTY agrees to release, hold harmless, and defend OWNER from any and all claims of damage or injury due to the actions of COUNTY, its agents, employees, and/or contractors while constructing PROJECT.
8. The compensation set forth in Paragraph 4 of this Agreement comprises full compensation for the lands and rights as described in the aforesaid Exhibit "A" and as depicted on Exhibit "B" to be conveyed by OWNER to COUNTY and also identified on the right of way acquisition map attached hereto.

THE PARTIES HERETO HAVE set forth the whole of their Agreement. The performance of this Agreement constitutes the entire consideration of said document and shall relieve COUNTY of all further claims on this account or on account of the location, grade, or construction of the proposed public improvements.

IN WITNESS WHEREOF, this Agreement has been executed.

OWNER:

Hanes Ranch, Incorporated

By: [Signature] 5/29/2018
Ward Walter Hanes, Manager DATE

RECOMMENDED FOR APPROVAL BY:

[Signature] 5/29/18
HOWARD N. DASHIELL DATE
Director of Transportation
County of Mendocino

COUNTY OF MENDOCINO

By: [Signature] JUN 20 2018
DAN HAMBURG, Chair DATE
BOARD OF SUPERVISORS

ATTEST:

CARMEL J. ANGELO, Clerk of said Board

By: [Signature] JUN 20 2018
Deputy DATE

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

CARMEL J. ANGELO, Clerk of said Board

By: [Signature] JUN 20 2018
Deputy DATE

COUNTY COUNSEL REVIEW:

APPROVED AS TO FORM:

KATHARINE L. ELLIOTT
County Counsel

By: [Signature] 5/29/18
Deputy DATE

EXECUTIVE OFFICE FISCAL REVIEW:

APPROVAL RECOMMENDED

By: [Signature] 6/1/18
Deputy CEO DATE

INSURANCE REVIEW:

By: [Signature]
Risk Management DATE

NO OBLIGATIONS OTHER THAN THOSE SET FORTH HEREIN WILL BE
RECOGNIZED.

SPACE BELOW FOR OFFICIAL USE:

EXHIBIT "A"

All that portion of Section 24, Township 13 North, Range 15 West, Mount Diablo Meridian, County of Mendocino, State of California and being a portion of the Lands of Hanes Ranch, Inc. per Book 2057 of Official Records, Page 624, Mendocino County Records (MCR), more particularly described as follows:

Parcel One, a strip of land that is the current County Road Right-of-Way known as "Mountain View Road," CR 510, more particularly described as follows:

COMMENCING at the Southwest corner of Parcel 1, as described in the certain Grant Deed recorded in Instrument Number 2014-11016, Mendocino County Records; thence leaving the west side of said County Road and from said POINT of COMMENCEMENT North 43° 46' 28" East, 3086.65 feet to the south line of said County Road, said point is also the TRUE POINT OF BEGINNING of a strip of land more particularly described as follows: thence leaving the south line of said County Road North 20° 43' 13" West, 40.00 feet, to the north line of said County Road; thence along the north line of said County Road North 70° 44' 38" East, 13.11 feet; thence North 67° 47' 46" East, 58.98 feet; thence North 72° 48' 26" East, 17.42 feet; thence North 77° 36' 27" East, 77.68 feet; thence North 76° 13' 36" East, 4.10 feet; thence leaving the north side of said County Road South 12° 23' 33" East, 40.00 feet, to the south line of said County Road; thence along the south line of said County Road South 76° 13' 36" West, 4.10 feet; thence South 77° 36' 27" West, 76.00 feet; thence South 72° 48' 26" West, 13.99 feet; thence South 67° 47' 46" West, 58.00 feet; thence South 70° 44' 38" West, 13.37 feet, to the TRUE POINT OF BEGINNING and containing 0.15 acres more or less.

PTN APN 026-480-29

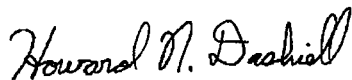
Parcel Two, a strip of land in fee, more particularly described as follows:

COMMENCING at the Southwest corner of Parcel 1, as described in the certain Grant Deed recorded in Instrument Number 2014-11016, Mendocino County Records; thence leaving the west side of said County Road and from said POINT of COMMENCEMENT North 43° 46' 28" East, 3086.65 feet to the south line of said County Road, said point is also the TRUE POINT OF BEGINNING of a strip of land more particularly described as follows: thence along the south line of said County Road North 70° 44' 38" East, 13.37 feet; thence North 67° 47' 46" East, 58.00 feet; thence North 72° 48' 26" East, 13.99 feet; thence North 77° 36' 27" East, 76.00 feet; thence North 76° 13' 36" East, 4.10 feet; thence leaving the south side of said County Road South 12° 23' 33" East, 10.00 feet; thence South 76° 11' 06" West, 3.98 feet; thence South 77° 36' 27" West, 75.70 feet; thence South 72° 48' 26" West, 13.14 feet; thence South 67° 47' 46" West, 57.82 feet; thence South 70° 45' 28" West, 13.37 feet; thence North 20° 43' 13" West, 10.00 feet, to the TRUE POINT OF BEGINNING and containing 0.04 acres more or less.

PTN APN 026-480-29

BASIS OF BEARINGS: at found ¾" Iron pipe marked "MDOT/RW LS 7148" with a California State Plane, Zone II convergence coordinate Northing 2119493.70 and Easting 6140316.76, determined by GPS observations on May 6, 2013 and processed with Continuously Operating Reference stations as coordinated by the National Geodetic Survey, epoch 2013.290, per Instrument Number 2014-11016 and Record of Survey in Maps, Drawer 85, Page 22, Mendocino County Records.

This description was prepared by Mendocino County Department of Transportation.

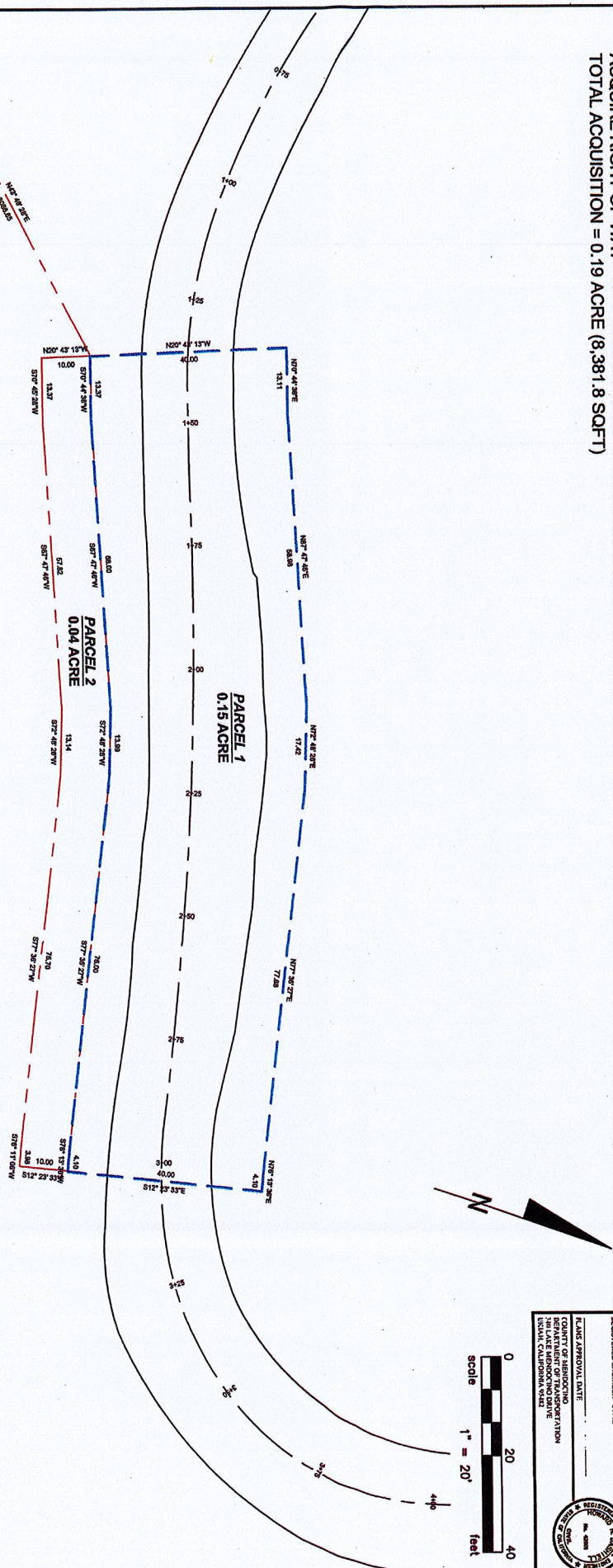


Howard N. Dashiell, PLS 7148

Date

EXHIBIT "B"

EXST. RIGHT OF WAY
ACQUIRE RIGHT OF WAY
TOTAL ACQUISITION = 0.19 ACRE (8,381.8 SQ.FT.)



APN	OWNER	PARCEL 1 ACQUISITION	PARCEL 2 ACQUISITION	TOTAL ACQUISITION
029-480-28	HANES	0.15 ACRE 8734.5 sq.ft.	0.04 ACRE 1647.3 sq.ft.	0.19 ACRE



MENDOCINO COUNTY
DEPARTMENT OF TRANSPORTATION



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DEST	COUNTY	ROUTE	POST MILES	SHEET NO.	TOTAL SHEETS
REGISTERED ENGINEER - CIVIL					
LAND APPROVAL DATE COUNTY OF MENDOCINO DEPARTMENT OF TRANSPORTATION 781 LAKE MENDOCINO DRIVE EUREKA, CALIFORNIA 95501					

2015 SECOND PALMACE REPAIR
MOUNTAIN VIEW ROAD CR 510, M.P. 16.62
DOT PROJECT NO. F-1706-200R
DOT CONTRACT NO. 170062
SHEET 1 OF 1

RECORDING REQUESTED BY:

County of Mendocino
Clerk of the Board of Supervisors
501 Low Gap Road, Room 1090
Ukiah, CA 95482

WHEN RECORDED, MAIL TO:

NAME
ADDRESS
CITY &
STATE

County of Mendocino
Department of Transportation
340 Lake Mendocino Drive
Ukiah, CA 95482-9432
Attn: Howard N. Dashiell, Director


SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO:

County of Mendocino
Clerk of the Board of Supervisors
501 Low Gap Road, Room 1090
Ukiah, CA 95482

DOCUMENTARY TRANSFER TAX: \$ -0-

☒ N/A non-taxable public agency R&T 11922
☐ Computed on the consideration or value of property conveyed; OR
☐ Computed on the consideration or value less liens or encumbrances remaining at time of sale.



Lisa Foster, Right of Way Agent
Signature of Declarant or Agent determining tax

A Portion of APN 026-480-29

Grant Deed

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

HANES RANCH, INCORPORATED, a California corporation

does hereby GRANT to

THE COUNTY of MENDOCINO, a political subdivision of the State of California,

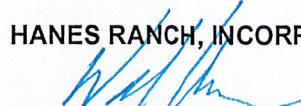
the real property in the **unincorporated area** in

County of Mendocino, State of California,

described as: See Exhibit "A" attached hereto and made a part hereof.

Grantor:

HANES RANCH, INCORPORATED


By: Ward Walter Hanes, Manager

Dated: 5/29/2018

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

ACKNOWLEDGEMENT

STATE OF CALIFORNIA }
COUNTY OF Mendocino

On 5/29/2018 before me,

Lisa Foster, Notary Public
Here Insert Name and Title of Officer

personally appeared

Ward Walter Hanes, manager

Name(s) of Signer(s)

Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

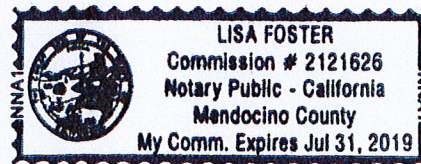
WITNESS my hand and official seal

Signature

Lisa Foster

Signature of Notary Public

FOR NOTARY SEAL OR STAMP



SPACE BELOW FOR OFFICIAL USE:

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the deed or grant dated 5/29/2018 from WARD WALTER HANES, MANAGER
HANES RANCH, INC.
to COUNTY OF MENDOCINO, a political subdivision and/or governmental agency is hereby accepted by order of the Mendocino County Board of Supervisors on 6/19/2018
and the Grantee consents to the recordation thereof by its duly authorized officer.

DATED 6/20/2018

BY *Carla Van Hagen*
COUNTY OF MENDOCINO

CHAIRMAN, BOARD OF SUPERVISORS

ATTEST:

Carmel J. Angelo, Clerk of the Board
Mendocino County Board of Supervisors

Karla Van Hagen

DEPUTY

EXHIBIT "A"

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PTNAPN 026-480-29

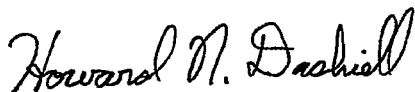
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PTNAPN 026-480-29

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This description was prepared by Mendocino County Department of Transportation.



Howard N. Dashiell, PLS 7148

Date

Hanes Ranch, Inc.: Exhibit A

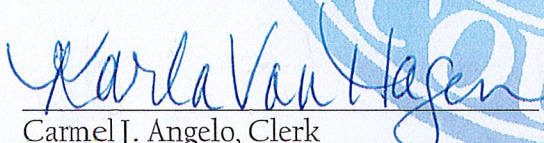
CERTIFICATE OF ACKNOWLEDGEMENT

State of California)
) ss.
County of Mendocino)

On June 20, 2018, before me, Carmel J. Angelo, Clerk of the Mendocino County Board of Supervisors, personally appeared Dan Hamburg who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws for the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

 (Seal)
Carmel J. Angelo, Clerk
Mendocino County Board of Supervisors
Deputy