

BOS AGMT. NO. 22-139

DOT AGMT. NO. 220004

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

THIS AGREEMENT, made and entered on this 7th day of June 2022, by and between ALBERT LEE WILLIAMS and PATRICIA WILLIAMS, COTRUSTEES OF THE ALBERT AND PATRICIA WILLIAMS REVOCABLE INTER VIVOS TRUST dated October 27, 1998, 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-1906.104PR, on Mountain View Road, CR 510, at approximately Milepost 20.00 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:

- a) acquire in fee, 0.14 acres (6,038.81 square feet) more or less of certain lands of OWNER, 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 Exhibits "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 Exhibits "B". Upon execution of this Agreement and recordation of the Grant Deed, COUNTY shall pay said amount to 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" to be conveyed by OWNER to COUNTY and as depicted on Exhibit "B" attached hereto and fully incorporated herein.
9. Complete Agreement. The parties agree that this is the full and entire agreement between them, that it supersedes any prior or contemporaneous written or oral agreements, promises, or representations, and that it may be amended only by a writing executed by each of the parties 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.

OWNERS:



ALBERT LEE WILLIAMS, COTRUSTEE DATE



PATRICIA WILLIAMS, COTRUSTEE DATE

RECOMMENDED FOR APPROVAL BY:



4/26/22

HOWARD N. DASHIELL DATE

Director of Transportation

County of Mendocino

COUNTY COUNSEL REVIEW:

APPROVED AS TO FORM:

CHRISTIAN M. CURTIS

County Counsel

COUNTY OF MENDOCINO

By: 

06/13/2022

TED WILLIAMS, Chair DATE

BOARD OF SUPERVISORS

By: Matthew Kiedrowski

Deputy

DATE

05/03/2022

ATTEST:

DARCIE ANTLE, Interim Clerk of the Board

By: 

06/13/2022

Deputy DATE

APPROVAL RECOMMENDED

By: 


Deputy CEO

DATE

05/03/2022

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

INSURANCE REVIEW:


By: 

Risk Management

DATE

05/03/2022

DARCIE ANTLE, Interim Clerk of the Board

By: 

06/13/2022

Deputy DATE

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

SPACE BELOW FOR OFFICIAL USE:

Exhibit A

All that real property situated in the Southwest Quarter of the Southwest Quarter of Section 8, Township 13 North, Range 14 West, Mount Diablo Baseline and Meridian, in the Unincorporated Area, County of Mendocino, State of California, being a portion of that certain Parcel described in the Trust Transfer Deed to Albert Lee Williams and Patricia Williams in Instrument Number 1998-22454, Mendocino County Records (M.C.R.) more particularly described as follows:

A strip of land in fee, the perimeter of which is more particularly described as follows;

Commencing at a 3/4" iron pipe with an orange plastic plug marked MDOT/RW LS 7148 set on the easterly Right of Way line of Mountain View Road CR# 510, M.P. 15.40 as shown on the Record of Survey for the County of Mendocino Department of Transportation recorded in Maps, Drawer 85, Pages 22-24, M.C.R. said point bears North 53°42'58" East, 40.00 feet from a 3/4" iron pipe with an orange plastic plug marked MDOT/RW LS 7148 set on the westerly Right of Way line of said Mountain View Road; thence North 61°07'39" East, 14,803.43 feet to a 3/8" rebar with yellow plastic cap marked MDOT/RW LS 7148 set on the southerly existing Right of Way line of said Mountain View Road, said point being 20 feet southwesterly of and perpendicular to the physical centerline of said Mountain View Road and the **Point of Beginning**; thence along said existing right of way line through the arc of a non-tangent curve to the left, from a tangent that bears South 82°40'41" East having a radius of 230.00 feet, a central angle of 22°53'49" and a length of 91.91 feet to a 3/8" rebar with yellow plastic cap marked MDOT/RW LS 7148; thence leaving said existing Right of Way South 07°44'02" East, 64.84 feet to a 3/8" rebar with yellow plastic cap marked MDOT/RW LS 7148; thence South 82°15'58" West, 95.32 feet to a 3/8" rebar with yellow plastic cap marked MDOT/RW LS 7148; thence North 04°19'53" West, 70.71 feet more or less to the Point of Beginning.

Containing 6,038.81 square feet more or less.

A portion of APN 029-660-28.

The Basis of Bearings of this description is the State Plane Coordinate System, NAD 83 (CORS), California Zone 2. Distances are ground.

Matthew T. Herman
Matthew T. Herman, PLS 8335
SHN Consulting Engineers and Geologists, Inc.
Willits, California

8/25/2021

Date



EXHIBIT "B"



APN	OWNER	ORIGINAL PARCEL AREA	ACQUISITION	REMAINING PARCEL AREA
029-660-28	ALBERT & PATRICIA WILLIAMS	173.00 ACRES 7,535,880 SQ.FT.	0.14 ACRES 6,038.81 SQ.FT.	172.86 ACRES 7,529,841.19 SQ.FT.

- RIGHT OF WAY TO BE ACQUIRED
- EXISTING COUNTY RIGHT OF WAY
- EXISTING EDGE OF TRAVELED WAY



RIGHT OF WAY ACQUISITION MAP
ALBERT & PATRICIA WILLIAMS
APN: 029-660-28



MENDOCINO COUNTY
DEPARTMENT OF TRANSPORTATION
July 2021 416073-080V

MOUNTAIN VIEW ROAD #510
M.P. 20.00
SHN 416073-080
Figure 1