



# MARIPOSA COUNTY

Public Works · 209 966 5356



## RESOLUTION - ACTION REQUESTED 2019-513

MEETING: August 27, 2019

TO: The Board of Supervisors

FROM: Mike Healy, Public Works Director

RE: Resolution Reaffirming County of Mariposa's Actions to Replace the Darrah Road Bridge

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### RECOMMENDATION AND JUSTIFICATION:

Adopt a Resolution Reaffirming the County of Mariposa's Actions to Replace the Darrah Road Bridge Crossing the West Fork of the Chowchilla River; and Authorizing County Staff and County Counsel to Use All Reasonably Necessary and Legal Means to Complete the Project.

This bridge project has been funded for many years. Over the years the Board has made interim approvals necessary to move the project toward completion. For a variety of reasons, the project has not been completed. Chief among those reasons is that the title to the real property necessary to complete the bridge realignment is held in the name of a deceased person who died intestate. Efforts to probate this estate have been unsuccessful to date.

This additional land is needed to replace this bridge with a much improved and safer bridge/road alignment which is a major reason behind why this project was selected originally. The safer approach also was a determining factor in this bridge being selected for funding by the Federal Highway Administration (FHWA) and Caltrans.

A land acquisition consultant was retained as part of the design consultant team, original appraisals were conducted and preliminary negotiations were undertaken but stalled when the family did not complete the probate process necessary to transfer title.

Staff proposes to reengage the family of the decedent and attempt to negotiate a willing sale of the property, along with all probate actions necessary to legally transfer the property to the County. Because of the hard deadline imposed by the FHWA, if the transfer cannot take place in short order, and if the County wants to complete the project, the County will need to initiate eminent domain proceedings to legally acquire the property for which there is currently no legal owner capable of transferring title.

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Unless the project can move quickly to construction phase, FHWA has indicated that they are inclined to cancel project funding and request that the County return all project funds expended to date to the Federal Treasury. To date the County has spent roughly \$420,000.00 on the project. The acquisition of the property is all that remains before entering the construction phase.

### **BACKGROUND AND HISTORY OF BOARD ACTIONS:**

Prior Board approvals include authorizing contracts for field archeological investigation, environmental review, and design work. The Board has a long record of making improvements that improve the safety for the traveling public.

### **ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

Without the Board reaffirming its prior position and providing direction to staff to redouble their efforts to complete the project, the funding agencies may view the County as having a lack of resolve to push the project to completion. If the Project funding is withdrawn, the County may be required to return all project funds expended (approximately \$420,000.000) to the Federal Treasury.

### **ATTACHMENTS:**

**Draft\_Resolution (PDF)**

**Exhibit\_A (PDF)**

**Exhibit\_B (PDF)**

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Rosemarie Smallcombe, District I Supervisor

**AYES:** Smallcombe, Jones, Long, Cann, Menetrey

**MARIPOSA COUNTY RESOLUTION NO. 2019-513**

**RESOLUTION REAFFIRMING COUNTY OF MARIPOSA'S ACTIONS TO REPLACE THE DARRAH ROAD BRIDGE CROSSING THE WEST FORK OF THE CHOWCHILLA RIVER AND AUTHORIZING COUNTY STAFF AND COUNTY COUNSEL TO USE ALL REASONABLY NECESSARY AND LEGAL MEANS TO COMPLETE THE PROJECT**

**WHEREAS**, Mariposa County has approved many interim actions to construct a replacement bridge spanning the West Fork of the Chowchilla River on Darrah Road, including field archeological investigation, environmental review, and design work, spanning many years, beginning in 1997; and

**WHEREAS**, the County has been unable to complete the acquisition of the real property necessary to complete the project because the owner of one of the two necessary parcels died intestate and title to this parcel has not been transferred; and

**WHEREAS**, the project is funded with grants from the Federal Highway Administration; and

**WHEREAS**, the Federal Highway Administration has indicated to Mariposa County staff that funding for the project is jeopardized unless timely acquisition is made of the real property necessary to complete the project; and

**WHEREAS**, California Streets and Highways Code Section 943 grants to the Board of Supervisors the authority to acquire any property necessary for the uses and purposes of county highways, including, when necessary, the use of eminent domain; and

**WHEREAS**, the County desires to avoid the possible loss of years of effort and public funds which have already been expended in preparation of the project; and

**WHEREAS**, the completion of the project will result in increased safety for members of the traveling public using Darrah Road; and

**WHEREAS**, the County has developed estimated project costs and a project schedule, attached hereto as Exhibits A and B, respectively.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Mariposa County that the Board reaffirms its prior actions of project approval and declares that timely completion of the Darrah Road Bridge crossing is in the best interests of the County of Mariposa and its citizens.

**BE IT FURTHER RESOLVED** that the Board of Supervisors acknowledges and commits to the costs and schedule set forth in Exhibits A and B.

**BE IT FURTHER RESOLVED** that staff of the Department of Public Works and the County Counsel are authorized to take all steps reasonably calculated to quickly acquire by negotiation the necessary real property to complete the project and, barring acquisition by negotiation within a reasonable amount of time, to return to the Board with a notice of intent to adopt a resolution of necessity pursuant to Code of Civil Procedure Section 1245.235 for the Board's consideration.


**PASSED AND ADOPTED** by the Mariposa County Board of Supervisors this 27<sup>th</sup> day of August, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

  
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**MILES MENETREY**, Chair  
Board of Supervisors

**ATTEST:**

**APPROVED AS TO FORM:**

  
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**RENE LAROCHE**, Clerk of the Board

  
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**STEVEN W. DAHLEM**, County Counsel