

COUNTY OF SAN MATEO

27

Inter-Departmental Correspondence

Date: January 18, 2001

Board Meeting Date: January 30, 2001

TO: Honorable Board of Supervisors

FROM: Neil R. Cullen, Director of Public Works

SUBJECT: Right-of-Entry Agreement for Bank Stabilization – Gazos Creek Road, Pescadero Area

RECOMMENDATION

Adopt a Resolution authorizing the President of the Board to execute a Right-of-Entry Agreement with the Peninsula Open Space Trust (POST) to allow access for the placement of large woody debris and clean soil back fill at two locations to stabilize the bank and reduce further damage to Gazos Creek Road

Key Facts

1. Gazos Creek Road was damaged and reduced in width at the two locations that are the subject of this proposed Right-of-Entry by high stream flows in February 2000.
2. The bank stabilization work undertaken with this Right-of-Entry is intended to prevent or reduce further bank erosion and damage to the road.
3. The bank stabilization plan has been reviewed and approved by the Department of Fish and Game, the National Marine Fisheries Service, the Regional Water Quality Control Board, State Parks and the Peninsula Open Space Trust (landowner). An emergency Coastal Development Permit has also been obtained for the work.

Discussion

Gazos Creek Road is located within a 40-foot wide road easement between Highway 1 and Cloverdale Road. POST owns the underlying fee to the road and the adjacent property in the location of the two slip outs. We have been working with POST and the various regulatory agencies and have developed a plan to repair these two slip outs. The proposed repair utilizes tree stumps and logs (woody debris) which not only provides a stable base to the bank supporting the road but also provides fish habitat

Honorable Board of Supervisors

Subject: Right-of-Entry Agreement for Bank Stabilization – Gazos Creek Road, Pescadero Area

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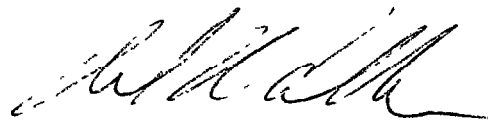
Fiscal Impact

POST has agreed that there is no payment to them and has executed the Right-of-Entry Agreement.

The estimated cost of doing the repairs is \$13,000 and will be paid by the Road Fund

There is no impact to the General Fund

A form of resolution and Right-of-Entry Agreement has been approved by County Counsel



Neil R. Cullen
Director of Public Works

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cc: Milt Mares, County Counsel
Lisa Ekers, Natural Resource Engineer, Flood Control and Utility Services

Resolution No. _____

Board of Supervisors, County of San Mateo, State of California

* * * * *

**Resolution Authorizing Execution of a Right-of-Entry
Agreement for Repair of Gazos Creek Road – Pescadero Area**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, there has been presented to this Board of Supervisors for its consideration and acceptance a right-of-entry agreement, reference to which is hereby made for further particulars, whereby the owner listed on Exhibit “A” attached hereto and incorporated herein by reference, grants to the County of San Mateo certain rights to enter their property for bank stabilization work along Gazos Creek Road in accordance with the terms and conditions contained in said right-of-entry agreement, and

WHEREAS, this Board has examined and approved said agreement as to both the form and content and desires to enter into same

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED as follows

1 That the President of this Board of Supervisors be, and is hereby, authorized and directed to execute said right-of-entry agreement for and on behalf of the County of San Mateo, and the Clerk of this Board shall attest to the signature thereto

2 That the Director of Public Works is hereby authorized to accept or execute, on behalf of the County, any or all notices in connection with the right-of-entry agreements.

* * * * *

Project: Lower Gazos Creek Road
Bank Stabilization
APN 086-280-050
Owner: Peninsula Open Space Trust

RIGHT OF ENTRY

Permission is hereby granted to the County of San Mateo, its agents or contractors to enter upon a portion of our property identified as APN 086-280-050 for the purpose of placing large woody material (logs and stumps) along the embankment toe below Gazos Creek Road at two locations (See Map, Exhibit 'A') to stabilize the bank and reduce damage to the road. The material will be placed by using equipment stationed along the road, and no equipment will enter into the stream. Clean soil backfill will be placed behind the large wood at Site 1 to restore the roadway shoulder. All exposed soil surfaces will be treated with erosion control at the conclusion of the work.

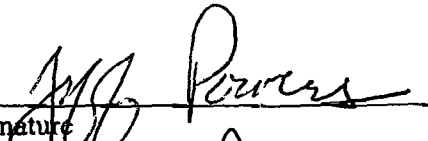
This Right of Entry is limited to the area of Owner's property shown on the attached Exhibit 'A'. This permission of temporary use shall commence upon December 4, 2000, and shall extend through January 31, 2001, or until completion of the work described, whichever occurs first. Any extension of the term of this Right of Entry shall be set forth in writing by both parties.

The County shall be responsible for restoring or repairing any portions of the property that may be physically damaged by the County, its agents, or contractors in the act of performing the work described above. It is understood that the County shall exercise reasonable care to avoid damage to the subject property during said work.

County shall defend, hold harmless and indemnify Owner from any and all claims for injuries to persons and/or damage to property which arise out of the terms and conditions of this Right of Entry.

"Owner"

"County"


Signature

President, Board of Supervisors

Jeff Powers
Print Name
CLOVERDALE PROJECT MGR.
PENINSULA OPEN SPACE TRUST
Title

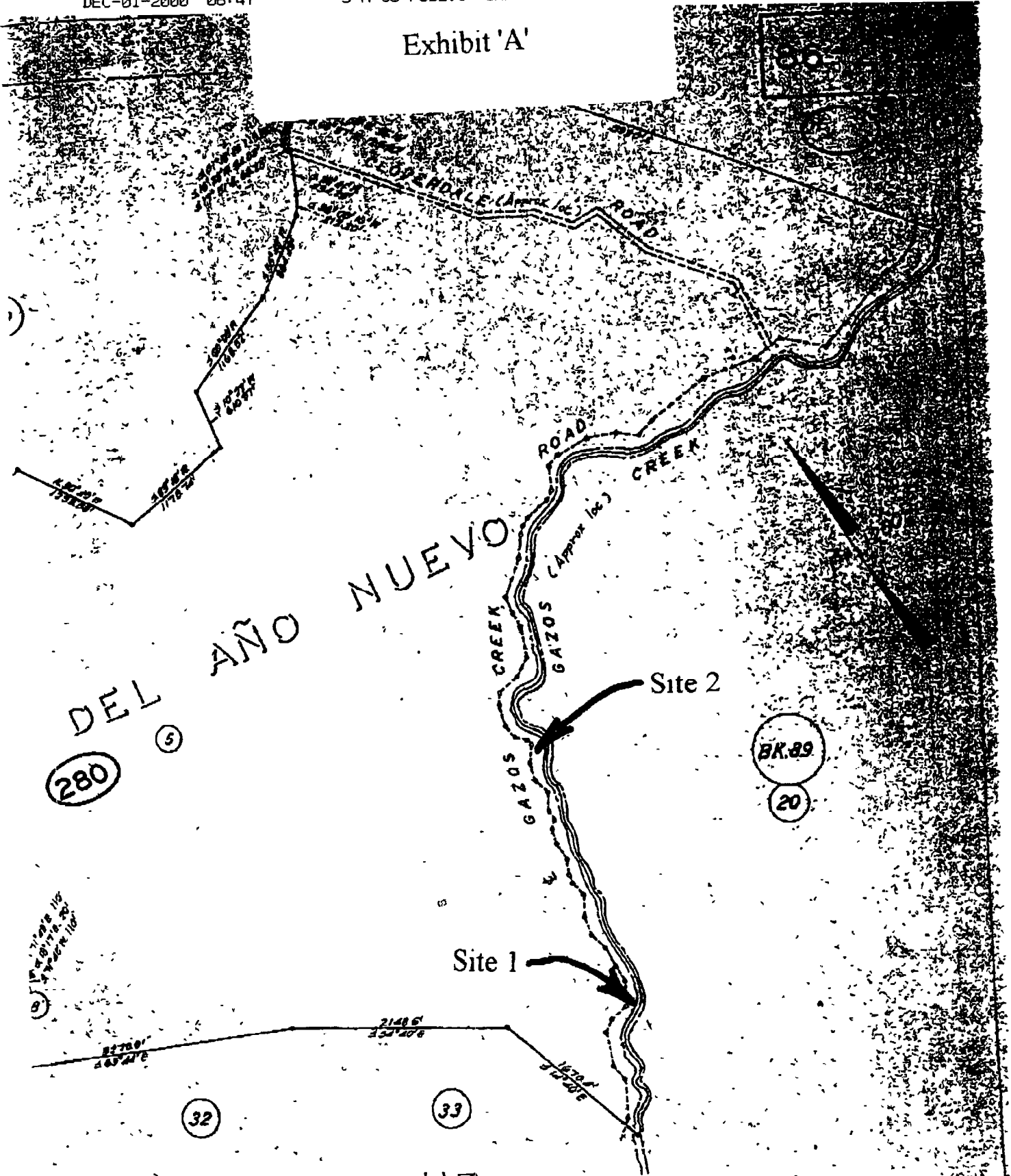
Attest:

Clerk of the Board of Supervisors

December 6, 2000
Date

Date

Exhibit 'A'



LA FARMS SUB.

△ PARCEL MAP VOL 16/49

△ PARCEL MAP VOL 22/82