

A-8  
10:00 AM

## MEMORANDUM

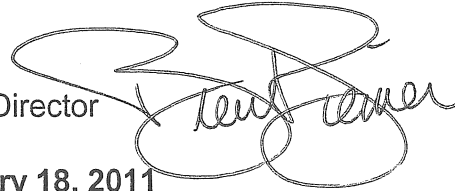
JAN 18 2011

**TO:** Board of Supervisors

**FROM:** Brent C. Siemer, Public Works Director

**SUBJECT:** Regular Agenda Item for **January 18, 2011**  
Robinson Rancheria Gas Station Project

**DATE:** January 11, 2011



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## BACKGROUND

### Actions

On December 14, 2010, the Board of Supervisors discussed this project as an urgency item. At that time, it was the understanding of the Department of Public Works (DPW) that the project was to take direct access of State Route 20. The construction access via Reclamation Road Cutoff was understood to be only temporary.

Subsequent to that meeting, DPW became aware of the Tribes apparent decision to not take access from State Route 20 because Caltrans was requiring the construction of left-turn pockets. A letter (attached) was sent on December 29, 2010 to the Rancheria Chairperson Tracey Avila informing her of the standard requirements for issuance of an encroachment permit should the tribe choose to use Reclamation Road Cutoff for access. The Department has not received any response to that letter.

### Reclamation Road Cutoff

Reclamation Road Cutoff is a prescriptively maintained roadway which was added to the County Maintained Road System by resolution of the Board of Supervisors. The State Streets and Highway Code affirm that all maintained roads adopted by resolution by the Board shall be a minimum of forty feet (40') wide. In addition, the County may develop a prescriptive right of easement through continual maintenance adjacent to the roadway beyond the 40' width (such as ditch cleaning, brush removal, etc.)

In the case of Reclamation Road Cutoff, DPW continues to maintain the drainage ditches along both sides of the roadway to a total width of 33'. Therefore, the temporary construction access through the existing ditch can be considered to be a violation requiring the issuance of an encroachment permit. Any permanent driveway will require an encroachment permit for all improvements within 20' of the centerline of the roadway (one-half of the 40' prescriptive easement).

## Hammond Road Abandonment Request

As a side issue, the Robinson Rancheria has requested abandonment of a portion of Hammond Road between State Highway 20 and Reclamation Cutoff through the project area. This road was initially offered for dedication but rejected by the Board on the original town map; and has never been constructed. In 2002, Board Resolution No.2002-119 was passed that vacated the portion of Hammond Road lying northeasterly of Highway 20; which portion was also never constructed.

It would appear that only tribal land is affected by the vacation and that no property owners will be landlocked. With the exception of a plat and legal description showing and describing the proposed abandonment, all requirements have been satisfied. However, the property is held by USA in trust while the request to abandon was from the tribe. We will require direction from County Counsel to see if we need Bureau of Indian Affairs approval before proceeding.

## **DISCUSSION**

The County has various options to address the Tribes potential use of Reclamation Road Cutoff for access to its gas station project currently under construction.

1. DPW believes we can consider the existing construction access improvements within the perspective easement of Reclamation Road to be in violation.
  - a. The Department can initiate the Illegal Encroachment Notification Process by sending a letter to the Tribe.
  - b. If the Tribe does not respond to the request to remove the improvements, DPW will remove the illegal encroachment and bill the Tribe.
2. DPW can focus its attention on the future driveway improvements necessary to provide access to the gas station.
  - a. Reclamation Road Cutoff is only 21 feet wide and does not currently meet any County standard for a two lane roadway. The improvement standard for issuance of the encroachment permit would include the following:
    - i. Improve Reclamation Cutoff between the project driveway and State Route 20 (approximately 250 LF) to provide two 12-foot travel lanes and 2 foot shoulders.
    - ii. The structural section shall be designed by a Registered Civil or Geotechnical Engineer to accommodate the projected project truck traffic.
    - iii. Construct a commercial driveway encroachment to accommodate the projected truck traffic.
    - iv. Improve the existing Reclamation Cutoff /State Route 20 intersection to accommodate an STAA design vehicle.
  - b. The Tribe will be required to submit improvement plans prepared by a California Registered Civil Engineer for all improvements within the public right of way, and
  - c. Enter into an Inspection Agreement with the County and provide a deposit of

- 2% of the Engineers Estimate for work within the right-of-way.
- d. Finally, the Tribe must obtain a Caltrans Encroachment Permit for said improvements prior to DPW issuance of the County permit.
3. The Board of Supervisors can by resolution remove the portion of Reclamation Road Cutoff between Rodman Slough and State Highway 20 from the County Maintained Road System.
- a. This action would require guidance from County Counsel as the roadway does provide access to a number of properties south of Rodman Slough. The public's right to access through the Tribe's trust lands may still be critical to some residents.

## **RECOMMENDATION**

It is the recommendation of staff that the Board of Supervisors provide direction to staff in both of these matters; project driveway access to Reclamation Road Cutoff and the abandonment of Hammond Road.

BCS:bs

Attachment: Letter of 12-29-10 to Rancheria Chairperson Tracey Avila





**COUNTY OF LAKE**  
**PUBLIC WORKS DEPARTMENT**

Courthouse - 255 N. Forbes Street  
Lakeport, California 95453  
Telephone 707/263-2341  
Fax 707/263/7748

**Brent C Siemer**  
Public Works Director

December 29, 2010

Tracey Avila, Chairperson  
Robinson Rancheria  
P.O. Box 4015  
1545 East Highway 20  
Nice, CA 95464

Subject: Fuel Station and Truck Stop Project  
Highway 20 at Reclamation Road

Dear Ms. Avila,

It has come to my attention that the Robinson Tribe proposes to access the Fuel Station and Truck Stop Project from Reclamation Road. This was unexpected since the project fronts Highway 20 and this would be the most logical point of access.

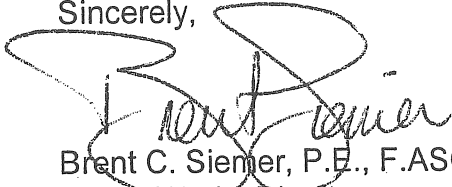
Should this be the intent of the Tribe, please be aware of the following:

1. Reclamation Road is within the County Maintained Road System.
2. All driveway improvements accessing any roadway within the County Maintained Road System require the application and issuance of an encroachment permit by the Department of Public Works.
  - a. Applications and instructions may be obtained from the Public Works Department, Courthouse, Room 309 (Third Floor), 255 North Forbes Street, Lakeport, California.
  - b. Information and instructions can also be found at our website:  
[http://www.co.lake.ca.us/Government/Directory/Public\\_Works/Permits/Driveway\\_Encroachment.htm](http://www.co.lake.ca.us/Government/Directory/Public_Works/Permits/Driveway_Encroachment.htm)
  - c. The encroachment permit fee is currently \$150, which covers the preliminary inspection and two additional required inspections.
  - d. Reinspections or additional inspections are charged at one-third of the Permit Fee. The additional fee must be paid prior to requesting reinspection.

- e. No work within the County right-of-way can be done until an Encroachment Permit has been issued. A Penalty fee of 100% of the amount of the permit fee will be enforced for violators (Resolution #2005-186 and 2005-187).

If you have any questions or require additional information, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent Siemer". The signature is written in a cursive style with a large, stylized initial "B".

Brent C. Siemer, P.E., F.ASCE  
Public Works Director

Cc: Supervisor Denise Rushing  
Anita Grant, County Counsel  
file



**COUNTY OF LAKE**  
Board of Supervisors  
Agenda Transmittal Form

Requested Item Placed on:\*

Regular Agenda  
Timed?  Yes  No

Consent Agenda

The original and 9 copies of this form and accompanying back-up material must be submitted to the Clerk of the Board's Office for agenda items. Attach this form as the **last page** of each copy of your back-up material.

Department: <b>Public Works</b>	Meeting Date Requested: <b>January 19, 2011</b>	If timed, estimated time needed: 30 minutes
Contact: <b>Brent Siemer</b>	Phone: <b>263-2341</b>	Previous BOS Discussion Dates: December 14, 2010

Suggested Title for this Agenda item: Robinson Rancheria Gas Station Project

Summary and Requested Board Action: Provide direction to staff in both of these matters; project driveway access to Reclamation Road Cutoff and the abandonment of Hammond Road.

Fiscal Impact:  None  Budgeted  Non-Budgeted

Estimated Cost: \$ \_\_\_\_\_ Source of Additional Funds  
budget Unit \_\_\_\_\_ Amount: \$ \_\_\_\_\_

Amount Budgeted: \$ \_\_\_\_\_ Budget Unit: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

Budget Unit and Account Number: \_\_\_\_\_ Unanticipated Revenue: \$ \_\_\_\_\_

Additional Requested: \$ \_\_\_\_\_ Revenue Code: \_\_\_\_\_

Annual Cost (if planned for future years): \$ \_\_\_\_\_ Budget Transfer Attached  Yes  No  N/A

Staffing Impact:  None  Additional Full-time  Additional Extra Help

Comments: \_\_\_\_\_

Reviewed By: Human Resources _____ Risk Management _____ Auditor _____ Co. Counsel _____ Co. Administration _____	Agreement Attached: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Resolution Attached: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Ordinance Attached: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Comments: _____
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Requested Distribution: <input type="checkbox"/> All County Departments <input type="checkbox"/> Auditor <input type="checkbox"/> _____
<input type="checkbox"/> County Administration <input type="checkbox"/> DPW <input type="checkbox"/> _____
<input type="checkbox"/> Human Resources <input type="checkbox"/> _____ <input type="checkbox"/> _____

\* The Board Chair will make the final decision on whether the item will be scheduled for the regular or consent agenda.

