

**Exhibit 13-B: Right of Way Certification Local Assistance Project
(Off State Highway System)**

Local Agency: County of San Luis Obispo

Right of Way Certification No.: 1 Project ID: BRLS-5949(131)
(Insert 1, 2, or 3 for the type of Certification being made)

Project Location: Santa Margarita Creek Bridge on El Camino Real – Br. No. 49C0310

General Project Description: Bridge Replacement – Replace 2-lane bridge with 2-lane plus left turn lane

1. STATUS OF REQUIRED RIGHT OF WAY:

Right of Way has been acquired in accordance with applicable policy and procedure covering the acquisition of real property. Local Agency has legal and physical possession and right to enter on all lands as follows:

A. Total number of parcels required¹: 5

1. Parcels acquired (escrow closed or Final Order of Condemnation recorded): 4

(To add table rows below, set cursor to right of last column in empty table set, then press enter, additional table rows will populate.)

Parcel Number	Owner	Project R/W Required ²	Excess (Yes or No)	Close of Escrow/Final Order of Condemnation Date
059-491-011 (formerly 059-491-005)	Castellanos	Perm Public Road & Slope Esmt & TCE* EXP: 1/5/2024	No	Internal Escrow 11/5/2019 TCE Extension Close of Escrow 6/17/2021
059-491-016 (formerly 059-491-007)	Tucker	Perm Public Road & Slope Esmt & TCE* EXP: 1/16/2024	No	Internal Escrow 7/16/2019 TCE Extension Close of Escrow 11/2/2020
059-531-006, & -007	Blodgett**	Perm Public Road & Slope Esmt	No	Internal Escrow 6/7/2019
059-491-010 (formerly 059-491-001)	Atascadero Christian Home**	Perm Public Road & Slope Esmt	No	Internal Escrow 4/29/2019

*Note – TCEs on the Castellanos and Tucker properties were extended

**Note – TCEs on the Blodgett and Atascadero Christian Home properties were initially acquired and subsequently expired before RW Certification. The current design of the project does not need these TCE areas so they were not renewed/extended.

2. Parcels covered by Order for Possession: 1

Parcel Number	Owner	Project R/W Required ²	Effective Date of OP
059-531-007	Fenske*	TCE EXP: 11/24/2026	11/25/2021

*Note – The County deposited the just compensation amount based on the County appraisal (\$3,000). The Fenskes subsequently had an independent appraisal conducted and the appraised value was \$9,500. At the suggestion of County Counsel, the remaining \$6,500 was deposited.

¹ Parcels listed in items A1-A7 on pages 1 and 2 should total the number shown on line 1A above.

² Items A1-A7: List as full acquisition, partial acquisition, fee, permanent easement (including type), temporary construction easement, etc. Detail should be added showing expiration dates of documents with fixed termination dates, i.e., temporary easements.

- | | |
|---|---|
| 3. Parcels covered by executed Right of Way Contract with Possession Clause: | 0 |
| 4. Parcels covered by Possession and Use Agreement only: | 0 |
| 5. Parcels covered by Right of Entry only (Requires HQs R/W and FHWA pre-approval) ³ : | 0 |
| 6. Parcels Covered by Resolution of Necessity only ⁴ : | 0 |
| 7. Parcels covered by other acquisition documents as follows ⁵ : | 0 |

B. Construction Permits, other required permits⁶: 4

Location/ (P.M.)	Owner	Type of Document	Effective Date	Expiration Date
059-491-011 (formerly 059-491-005)	Castellanos	Permit to Enter (included in RW Agreement)	11/5/2019	Completion of construction
059-491-016 (formerly 059-491-007)	Tucker	Permit to Enter (included in RW Agreement)	7/16/2019	Completion of construction
059-531-006	Blodgett	Permit to Enter (included in RW Agreement)	6/7/2019	Completion of construction
059-491-010 (formerly 059-491-001)	Babujyan	Permit to Enter (Planting)	5 days from written notice	5 years from written notice of commencement of mitigation activities

2. STATUS OF ACCESS CONTROL:

Conventional Highway, a highway with no control of access. Abutting property owners have access rights.

3. STATUS OF AFFECTED RAILROAD OPERATING FACILITIES: None affected.

4. MATERIAL SITE(S): None required.

5. DISPOSAL SITE(S): None required.

6. STATUS OF REQUIRED UTILITY RELOCATIONS:

All utility work has been or will be completed in accordance with applicable policy and procedure covering the adjustment of utility facilities. All utility notices have been issued and arrangements have been made with the owners of all conflicting utility encroachments remaining within the right of way, so that adequate control of the project right of way will be achieved. If applicable, federal participation has been determined.

(AND)

➤ All utility work will be completed by a stated date prior to award of the contract (see schedule below).

- Project specific utility agreement(s) is(are) fully executed and include(s) the Buy America language.

³ Rights of Entry must only be used in emergencies, or extremely unusual/extraordinary circumstances. All Rights of Entry must be pre-approved by the Division of HQs RW&LS and approved by FHWA. Funds must be deposited into an escrow account and be made available (able to withdraw), as legally permissible, to the grantor/s, as a condition of using a right of entry.

⁴ To be used only rarely in a Certification No. 3; Resolution of Necessity must be adopted and the Order for Possession served, but is not yet effective.

⁵ This section covers acquisitions where the document is a license, permit etc., not otherwise covered by A1-A6 above. Examples include Licenses from State Lands Commission, Flood Control Districts, and Letters of Consent from US Forest Service.

⁶ These permits are not counted as parcels, are not appraised, recorded, or require payment (e.g. Permits to Enter).

Buy America compliance is not applicable for utility relocations as Utility Agreements are not required

The following utilities are in conflict with the project and require relocation as follows: (If applicable)

R/W Notice and Notice Date	Company	Type of Facility	Liability % (Owner=O) (Local Agency=C)	Utility Agreement Date	Federal Participation (yes/no) ⁷	Relocation schedule Start Date & End Date (or) Concurrent with construction (or) Bid Item/s listed below ⁸
300439-1 8/16/2022	AMWC	Potable Water	O = 100%	N/A	No	1/1/24-4/1/24
300439-2 8/16/2022	AT&T Distribution	Communication	O=100%	N/A	No	5/1/23-7/1/23
300439-3 8/16/2022	AT&T Legacy (Transmission)	Communication	O=100%	N/A	No	5/1/23-7/1/23
300439-4 8/16/2022	AT&T Trunk & Toll	Communication	O=100%	N/A	No	5/1/23-7/1/23
300439-5 8/16/2022	Charter/Spectrum	Communication	O=100%	N/A	No	7/1/23-9/1/23
300439-8 8/16/2022	So Cal Gas/Sempra	Natural Gas	O=100%	N/A	No	11/1/23-1/1/24
300439-6 8/16/2022	CSA-23	Potable Water	O=100%	N/A	No	1/1/24-4/1/24
300439-9 8/16/2022	PG&E	Electric	O=100%	N/A	No	9/1/23-11/1/23
300439-7 8/16/2022	Nacimiento Water Line	Potable Water	O=100%	N/A	No	1/1/24-4/1/24

(AND)

Bid Item Number	Owner/Type Facility	Liability % (Owner/Local Agency)	Federal Participation (Yes/No)

7. RIGHT OF WAY CLEARANCE:

There were no improvements or obstructions located within the limits of this project.

8. AIRSPACE AGREEMENTS:

There are no airspace lease properties within the limits of this project.

9. COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS:

Compliance was not required as there were no displacements for this project.

10. COOPERATIVE AGREEMENTS:

None required.

⁷ A copy of Specific Authorization to Relocate Utility Facilities memorandum must be attached for each facility relocation item.

⁸ Additional information is required for each bid item if highway contractor will complete work as part of the highway contract.

11. ENVIRONMENTAL MITIGATION

All environmental mitigation parcels for the project have been acquired.

12. INDEMNIFICATION BY LOCAL AGENCY


The Local Agency agrees to indemnify, defend, and hold harmless the Department of Transportation (Caltrans) from any and all liabilities which may result in the event the right of way for this project is not clear as certified. The Local Agency shall pay from its own non-matching funds, any costs which arise out of delays to the construction of the project because utility facilities have not been removed or relocated, or because rights of way have not been made available to Local Agency for the orderly performance of the project work.

13. CERTIFICATION

I hereby certify the right of way on this project as conforming to 23 CFR 635.309(b) and (c)(1) or (c)(2) and 49 CFR Part 24. The project may be advertised with contract award being made at any time.


Local Agency: County of San Luis Obispo

Project ID: BRLS-5949(131) As Authorized by Resolution No.: 2016-175

By:  Aug. 17, 2022
Date
John Waddell, Deputy Director of Public Works
Title

The undersigned Caltrans Official has reviewed this Right of Way Certification as to form and content. Based on the review of the documents submitted, the Certificate is accepted on behalf of the local public agency.

Accepted as to form and content:

By:  08/22/2022
Date
Patrick Mason, Senior Right of Way Agent
Right of Way Local Programs – District 5

- Distribution:
- 1) Local Agency completes and sends to DLAE for approval.
 - 2) DLAE approves and returns to Local Agency.
 - 3) Local Agency retains approved original in project files.

Footnote Instructions

1. Parcels listed in items A1 – A7 on pages 1 and 2 should total the number shown on line A above.
2. For sections A1 – A7 list as full acquisition, partial acquisition, fee, permanent easement (including type), temporary construction easement, etc. Detail should be added showing expiration dates of documents with fixed termination dates, i.e., temporary easements.
3. Funds must be deposited into an escrow account and be made available (able to withdraw), as legally permissible, to the grantor, as a condition of use of a possession clause in a right of way contact.
4. Funds must be deposited into an escrow account and be made available (able to withdraw) as legally permissible, to the grantor as a condition of use.
5. Rights of Entry must only be used in emergencies, or extremely unusual/extraordinary circumstances. All Rights of Entry must be pre-approved by the Division of HQs RW&LS and approved by FHWA. Funds must be deposited into an escrow account and be made available (able to withdraw), as legally permissible, to the grantor, as a condition of using a right of entry.
6. An adopted Resolution of Necessity (RON) is the minimum requirement for the use of both a Conditional R/W Certification #3 and/ or a Special R/W Certification #3 with Work-Around, which are rarely used. The Resolution of Necessity must be adopted.
7. This section covers acquisitions where the document is a license, permit etc., not otherwise covered by A1 – A6 above. Examples include Licenses from State Lands Commission, Flood Control Districts, and Letters of Consent from the US Forest Service.
8. These permits are not Project R/W requirements and are neither appraised nor recorded. (e.g. Permits to Enter and Construct).
9. A copy of Specific Authorization to Relocate Facility Utilities Memorandum must be attached for each facility relocation item.
10. Additional information is required for each bid item if highway contractor will complete work as part of highway contract.
11. Demolition Contract, Construction Contractor, or Owner.
12. Residential, Business, Farm, Nonprofit Organization, or Personal Property only.