

**City of Placerville  
M E M O R A N D U M**

DATE: November 13, 2006

TO: City Council

FROM: Randy Pesses, Public Works Director

cc: John Driscoll

SUBJECT: **CONCEPTUAL APPROVAL TO THE PROPOSED AMENDED  
ROUTE FOR THE RAY LAWYER DRIVE EXTENSION SOUTH  
OF HIGHWAY 50.**

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**RECOMMENDATION**

1. That the City Council provide conceptual approval to the proposed amended route for the Ray Lawyer Dr. extension south of Highway 50; and,
2. Authorize city staff to present this proposed amendment to the El Dorado County Board of Supervisors for their conceptual approval.

**BACKGROUND**

The route for the Ray Lawyer Drive extension south of Highway 50 was developed in the 1970s, culminating with a formal route adoption approved jointly by the City of Placerville and the County of El Dorado in 1979. At that time, most of the properties South of Highway 50 along this route were vacant. However, the adopted route impacted several properties outside of Placerville city limits to the degree that the property was fully impacted, so those properties were acquired at that time by the County of El Dorado. Within the City limits, only two properties were affected by the route adoption; the first is owned by the County of El Dorado and the second is owned by Mfi Financial Corporation and Malvern Company, Inc.

Subsequent to the route adoption, a preliminary plan was prepared for an interchange at Highway 50 with Ray Lawyer Drive. In the mid-1990s, the Ray Lawyer Drive over-crossing was constructed over Highway 50 as the first step towards this complete interchange.

In the 1980s, the new county jail was constructed on County owned property south of Highway 50, through which the Ray Lawyer Drive adopted route extends. The original configuration for the county jail worked around the proposed alignment for Ray Lawyer Drive; however, in the late 1990s, the County began planning for a comprehensive

Justice Center on the property that included courtroom facilities, an expansion to the county jail, juvenile hall facilities, and a parking structure to provide parking space for the users of the facilities. Although the County elected not to move forward with the project at that time, it became apparent during the preliminary design that the adopted location for Ray Lawyer Drive would interfere with the effective utilization of the Justice Center facility. During those preliminary design studies, it was determined that the best solution was for the alignment of Ray Lawyer Drive to shift westerly towards the western boundary of the County property.

In 2003, the City, in coordination with the El Dorado County Transportation Commission, undertook the task of project development for the Western Placerville Interchanges Project, which includes the Ray Lawyer Drive interchange. In 2005, the City Council certified the Environmental Impact Report and approved the Project Report for the Western Placerville Interchanges Project and selected the project alternative that configured Ray Lawyer Drive as the continuous thoroughfare, and held Forni Road as discontinuous with offset intersections. The alternative, as adopted, also requires that the alignment of the Ray Lawyer Drive extension be shifted westerly from the adopted alignment.

On an independent but somewhat parallel track, the property owner of the property immediately south of the County's Justice Center facility (the only other property within the city affected by the Ray Lawyer Drive route adoption) elected to proceed with a tentative subdivision map to develop a professional office park on that property. In developing the land plan for the proposed office park, the property owner independently concluded that shifting the alignment of Ray Lawyer Drive westerly from its adopted location would better meet their needs with respect to the proposed lotting configuration and intended land use. The property owner has submitted a tentative map application for this proposed project that incorporates this westerly shift of Ray lawyer Drive. This tentative map is currently in process with City staff, with an expectation that it will come before the Planning Commission and the City Council in early 2007.

## **DISCUSSION**

The action to formally adopt the route by both the City Council and the County Board of Supervisors serves to definitively fix the location and alignment of this future roadway. It does not result in the immediate taking of property, but it imposes an encumbrance upon private property when the route is delineated upon the affected assessor's maps, and it effectively establishes a no-building setback zone that prohibits the property owner from building within that designated area. Once the government entity (in this case either the City or the County) decides to proceed with the actual construction of the roadway, the actual right-of-way must be acquired from the affected properties in the conventional manner. By preserving the future right-of-way through the route adoption process, the government entity can make sure that no structures are built on the location of the future roadway and that the abutting property owners are provided with constructive notice as to the future existence of the planned roadway.

As mentioned above, in some instances the formal adoption of the roadway alignment restricts individual properties to the point that no viable useful remainder exists. In those circumstances, the government entity is obligated to acquire the affected properties at the time the route adoption occurs.

Because the adopted route for Ray Lawyer Drive exists by virtue of a formal action taken in 1979 by both the City Council and the County Board of Supervisors, to change the alignment of the adopted route will require a subsequent formal action by both bodies whereby they rescind their prior action in the area affected, and formally adopt the new route along the amended alignment.

As a first step in this process, City staff retained Dokken Engineering to produce an exhibit map that incorporates input from the County Justice Center Project, the City's Western Placerville Interchanges Project, and the proposed office park development project to establish the conceptual layout for the amended Ray Lawyer Drive alignment. This conceptual amended alignment is being presented to the City Council for consideration and approval. If approved by the City Council, staff requests authority to present this amended alignment to the County Board of Supervisors for their consideration as well.

Because a formal action amending the adopted route for Ray lawyer Drive requires compliance with CEQA, staff is requesting a conceptual approval of the amended alignment at this time so that the CEQA analysis may be incorporated into the tentative map process for the above mentioned development project. It is appropriate that this environmental analysis occur in conjunction with this development project because this segment of Ray Lawyer Drive is a component of the development proposal, in that it will provide the access to the development project.

At the conclusion of the CEQA process, and if the proposed development project receives approval from the City Council, final design of this portion of Ray Lawyer Drive will be undertaken by the project engineers for the development project. At that point, the new alignment for Ray Lawyer Drive will be sufficiently well-defined such that a detailed legal description can be prepared that will allow the City Council and Board of Supervisors to take formal action adopting the amended alignment and rescinding of the affected portion of the original alignment.

Should a circumstance occur where the property owner does not move forward with the proposed development project, City staff would recommend that the CEQA analysis and the detailed geometric alignment work be performed as an independent process, either in conjunction with the development of the County's Justice Center Project or in conjunction with the City's Western Placerville Interchanges Project.

**FISCAL IMPACTS:**

There are no fiscal impacts associated with this action.

Prepared by:

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Randy Pesses  
Director of Public Works

Reviewed for Recommendation  
And Approved for Agenda

Reviewed for Financial Impact

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John Driscoll  
City Manager/ City Attorney

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Dave Warren  
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