

**MEMORANDUM
DEPARTMENT OF FACILITY SERVICES
COUNTY OF PLACER**

To: **BOARD OF SUPERVISORS**

Date: **JUNE 19, 2012**

From:  **JAMES DURFEE / MARK RIDEOUT** 

Subject: **JOHNSTON PROPERTY – FUNDING AND EASEMENT AGREEMENT**

ACTION REQUESTED / RECOMMENDATION: It is recommended that your Board take the following actions associated with the Placer Land Trust's acquisition of the Johnston property, an 80-acre parcel located south of Harvego Bear River Preserve in the Auburn Valley area of Placer County, referred to as APN 026-061-055:

- 1) Approve a Funding and Easement Agreement between the County and Placer Land Trust wherein the County will contribute \$125,000 towards the Placer Land Trust's fee title acquisition of the Johnston Property; and,
- 2) Adopt a Resolution authorizing the Director of Facility Services, or his designee, to execute and record the Funding and Easement Agreement and to take all other actions necessary to facilitate this transaction and implement provisions of the Agreement; and,
- 3) Approve a Resolution to abandon an Assignment of Easement recorded on December 21, 2010, document number 2010-0106122-00 in the Official Records of Placer County.

BACKGROUND: For a number of years the Placer Land Trust (PLT) has diligently pursued the acquisitions of properties in the Auburn Valley area of Placer County with the objective to conserve valuable oak woodland habitat and protect important biological resources. PLT's partnership with the County and other State grant funders has resulted in the acquisition of over 2,500 acres of such properties. These acquisitions include:

- Liberty and Taylor Ranch – In 2007, PLT acquired a Conservation Easement and fee title over Liberty and Taylor Ranch respectively for over \$3,500,000 (collectively the "PLT Preserved Lands"). Each property is approximately 318 acres in area. The County contributed \$600,000 towards the acquisition of the Conservation Easement and Fee Title.
- Harvego Bear River Preserve – In 2010, PLT acquired fee title of the 1,775-acre Harvego Bear River Preserve (formerly Bruin Ranch Phase I) property for \$9,500,000, and the County acquired a Conservation Easement from PLT over entire property for \$5,000,000.

Recently the owners of the Johnston Property, located immediately west of the Liberty Ranch and south of the Harvego Bear River Preserve, agreed to sell their 80-acre property to PLT (See Exhibit A – Johnston Property). Like the previous PLT/County acquisitions, the Johnston Property contains significant biological resources identified for preservation in the Placer Legacy Program and the PCCP (e.g., mix of blue oak woodlands, foothill pine, Sierra hardwoods (buckeye, manzanita, etc.), annual grasslands/rangelands and riparian habitat).

When the Placer Legacy program was developed in 1998-2000, there were a number of program objectives adopted for ten geographic areas of the County. Some of the objectives are associated with the conservation and restoration of land while other objectives promote programs (e.g., the agricultural marketing program). In terms of land acquisitions, weighted criteria was developed that evaluated a number of factors such as rarity, trends, number of

sensitive species, potential for protection through other programs, and public/private ownership (See Table 3-5, Prioritization of Resource Types and Appendix M Setting Acquisition Priorities in the Placer Legacy Implementation Report). Since 2000, staff has applied additional weighted criteria such as community support, adjacency to other conservation lands, available funding and the cost of stewardship. Together, the geographically-explicit objectives and the weighted criteria guide staff when they are evaluating a property from a willing seller for a potential acquisition. There is both a scoring as well as a subjective evaluation of the conditions that are unique to each property that is being considered. The ability to identify outside funding sources, possible relationships with the Placer County Conservation Plan Reserve Area, watershed plans, ecosystem restoration plans, and adjacency and connectivity with other lands already in conservation have become increasingly important in the past few years.

Once an evaluation is complete, staff from Facility Services, Agricultural Commission, CDRA, CEO and County Counsel discuss County funding priorities and rank potential acquisitions based upon all of the above criteria. Timelines and deadlines are important and are associated with grant programs, willing seller expectations, partnership deadlines, tax implications to the seller, and other factors. Once a property has been suitably scored, potential funding sources have been identified or secured, the subjective evaluation has been completed, and a property has been ranked against other acquisitions, it is then recommended for further consideration by the Board of Supervisors. Properties that are for agricultural conservation only are also presented to the Agricultural Commission for their review and recommendation prior to consideration by the Board.

Staff has completed its review of the Johnston Property opportunity, and recommends County participation in this PLT transaction. Consistent with the May 22, 2012 Board Meeting update on the Placer Legacy Program, this Property would enhance the "Coon Creek-to-Bear River" trail system from Hidden Falls Regional Park to Harvego Bear River Preserve. To accomplish the purchase of the Johnston property, PLT has requested funding from the County in the amount of \$125,000. This County contribution would be conditioned upon the County and PLT entering into a Funding and Easement Agreement (Agreement) which acknowledges PLT as the property owner and confirms PLT's commitment to maintain the conservation value of this property in perpetuity. The Agreement will allow for assignment or transfer only if the organization is an entity authorized to hold fee title for the conservation purposes. The Agreement also requires PLT to grant an Irrevocable Offer of Dedication for a multi-purpose trail across the Johnston property, and to secure an easement on the Bruin Ranch Phase 2 property that connects with the road and trail easement leading to the Harvego Bear River Preserve ("New Trail Connector" on Exhibit B). With acquisition of the Johnston property, the Liberty Ranch trail system can be re-aligned to avoid constructing a bridge, which will save approximately \$130,000.

In exchange for dedication of the New Trail Connector, the County seeks your Board's approval to abandon the Assignment of Easement received on December 21, 2010 from The Trust for Public Lands (Documents Number 2010-0106122-00), which provides a connection from Liberty Ranch to the Bruin Phase 2 road and trail easement. This trail connection is no longer necessary due to acquisition of the Johnston property as mentioned above. By relocating access to the Harvego Bear River Preserve from Liberty Ranch to the Johnston property, the County can avoid constructing the bridge and building trails over more difficult terrain. The New Trail Connector will be recorded concurrent with the abandonment of the old trail connector. The proposed abandonment qualifies for Summary Vacation and therefore, does not require posting or

scheduled of a separate public hearing. Fair market value of the easement proposed for abandonment is offset by the easement to be dedicated.

The purchase price for the fee title acquisition of the Johnston Ranch is \$475,000. PLT has already secured funding from the CALTRANS Environmental Enhancement and Mitigation Program in the amount of \$350,000. PLT has requested a County contribution of \$125,000 to fully fund this acquisition.

ENVIRONMENTAL CLEARANCE: Financial participation in this acquisition is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15317 and 15325. These sections provide for the transfer of ownership of land to accept easements or fee title interests in order to maintain the open space character of an area and to preserve existing natural conditions and other resources. It can also be seen with certainty that the requested actions of the Board will have no significant impact under Guidelines Section 15061(b)(3). Each of these facts is a separate and independent basis for the Board's determination that the Board actions are exempt from CEQA and does not require further CEQA review. Future trail development will require further review in compliance with CEQA.

FISCAL IMPACT: It is recommended that the County's \$125,000 contribution be funded from the Open Space Trust Fund, and your Board's approval is required to complete this transaction.

ATTACHMENTS: EXHIBIT A – JOHNSTON PROPERTY MAP
 EXHIBIT B – TRAIL EASEMENT LOCATION MAP
 RESOLUTIONS
 BUDGET REVISION

JD/MR/LMMK/DB

CC: COUNTY EXECUTIVE OFFICE

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Exhibit A
Johnston Property Map

PLACER COUNTY - BIG HILL AREA
NATURAL/AGRICULTURAL CONSERVATION AREAS

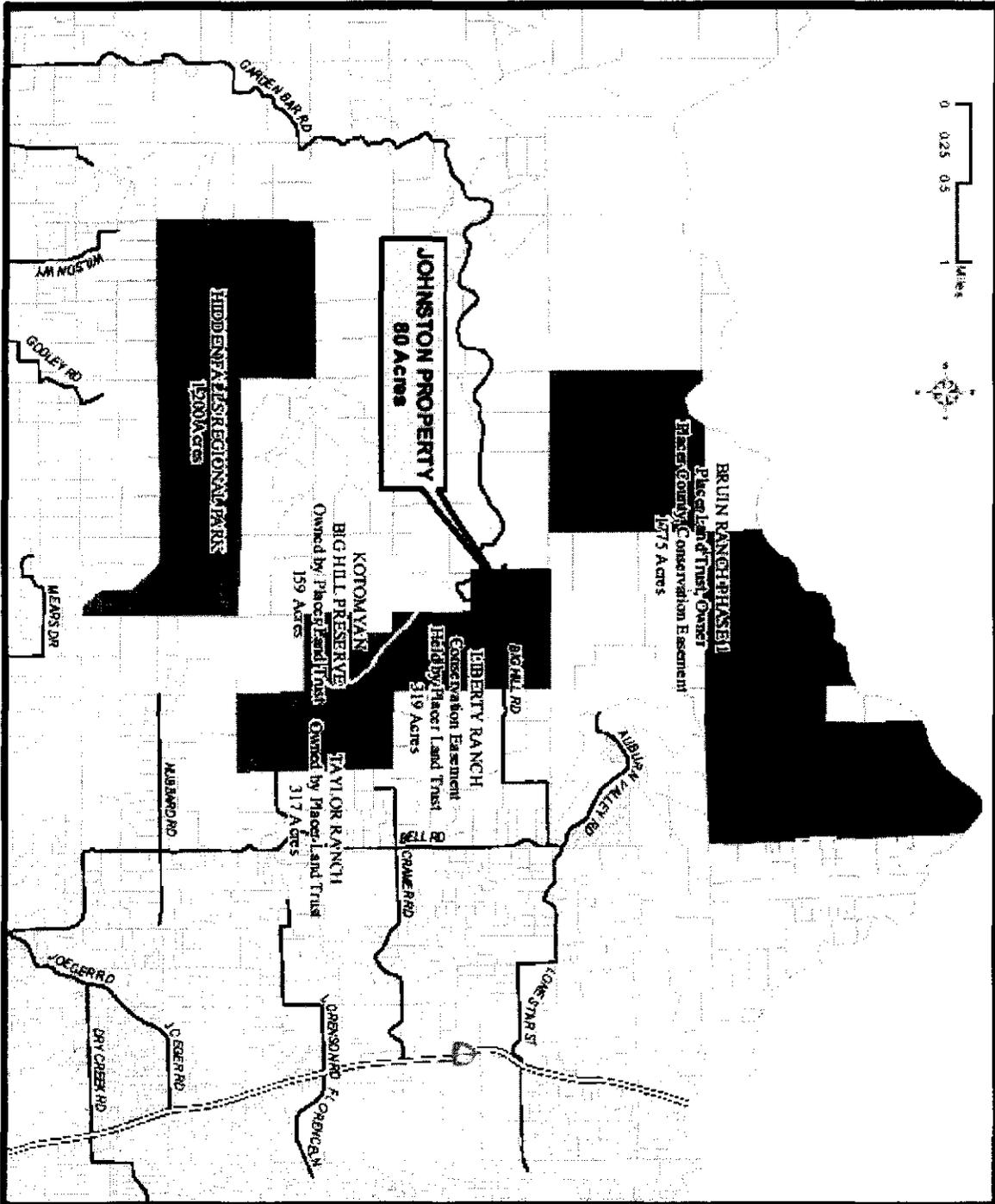
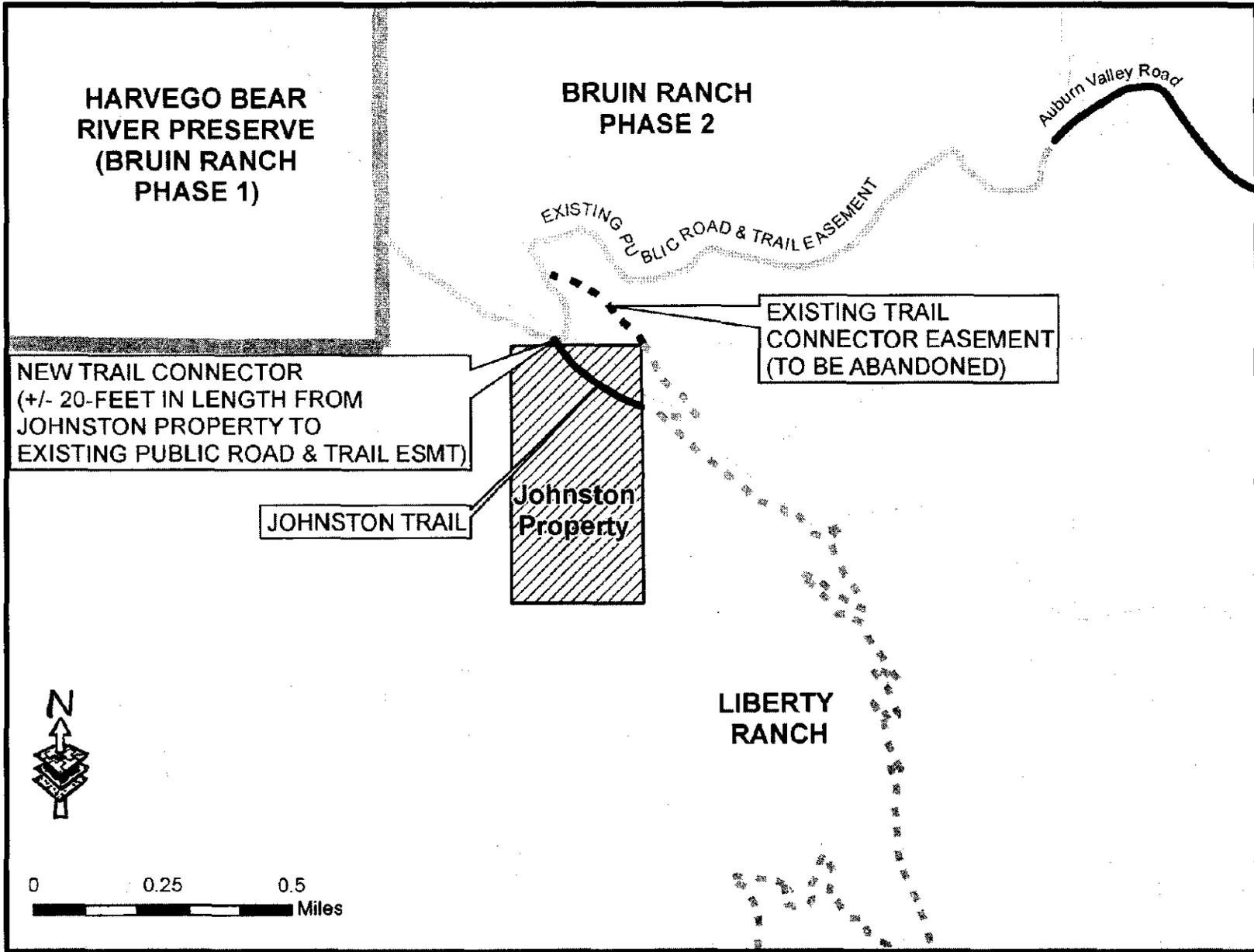


Exhibit B
Trail Easement Location Map



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**Before the Board of Supervisors
County of Placer, State of California**

In the matter of: A RESOLUTION AUTHORIZING THE CONTRIBUTION OF FUNDS FOR THE ACQUISITION OF THE JOHNSTON PROPERTY TO THE PLACER LAND TRUST AND DELEGATING AUTHORITY TO THE DIRECTOR OF FACILITY SERVICES TO EXECUTE AND RECORD A FUNDING AND EASEMENT AGREEMENT WITH THE PLACER LAND TRUST, AND TO TAKE ALL OTHER ACTIONS NECESSARY TO FACILITATE THIS TRANSACTION AND IMPLEMENT THE PROVISIONS OF THE FUNDING AND EASEMENT AGREEMENT.

Resol. No _____

The following **RESOLUTION** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, 2012, by the following vote on roll call:

Ayes:
Noes:
Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board

WHEREAS, the Placer Land Trust (PLT) is, or soon will be, the owner in fee title of 80-acres of real property located south of Harvego Bear River Preserve in the Auburn Valley area of Placer County, referred to as APN 026-061-055, and known as the Johnston Property which possess significant conservation, habitat, and public recreation values; and,

WHEREAS, the County wishes to contribute funds in the amount of \$125,000 to PLT's purchase of this property in consideration of PLT's commitment to maintain the preservation and conservation values of this property that are consistent with the objectives of the Placer Legacy Open Space and Agricultural Program; and,

WHEREAS, a material consideration for the County's contribution is the recordation of an Irrevocable Offer of Dedication for a multi-purpose trail across the Johnston Property and the grant of an easement providing trail connectivity between the Johnston Property and the public trails on Harvego Bear River Preserve; and,

WHEREAS, PLT has agreed to enter into a Funding and Easement Agreement for this property memorializing its commitment.

THEREFORE, BE IT RESOLVED that the Board of Supervisors does hereby authorize the funding in the amount of \$125,000 to the Placer Land Trust for the acquisition of the Johnston Property and delegates authority to the Director of Facility Services to execute and record a Funding and Easement Agreement with the Placer Land Trust, and to take all other actions necessary to facilitate this transaction and implement the provisions of the Funding and Easement Agreement, including the recordation and acceptance of said Irrevocable Offer of Dedication and the multi-purpose trail easement over the Bruin Ranch Phase 2 property.

Before the Board of Supervisors County of Placer, State of California

In the matter of: **A RESOLUTION OF ABANDONMENT
OVER A PORTION OF ASSESSOR PARCEL
NUMBER 026-061-009**

Resol. No: _____

The following **RESOLUTION** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, 2012, by the following vote on roll call:

Ayes:
Noes:
Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board

WHEREAS, an Assignment of Easement for a non-exclusive public trail easement affecting a portion of Assessor Parcel Number 026-061-009 was recorded and accepted by Placer County on December 21, 2010, document number 2010-0106122-00 in the Official Records of Placer County; and,

WHEREAS, the County of Placer will receive an Irrevocable Offer of Dedication or other such recordable instrument(s) for a multi-purpose trail connector between the Bruin Ranch Phase 2 property and the Johnston Property located on Assessor Parcel Number 026-061-055 as part of the conditions in a Funding and Easement Agreement entered into between the Placer Land Trust and the County of Placer for the acquisition of the Johnston Property; and,

WHEREAS, it has been determined that the Assignment of Easement for a non-exclusive public trail easement is no longer necessary for present and prospective public use upon the recordation and acceptance of the trail connector between the Bruin Ranch Phase 2 property and the Johnston Property; and,

WHEREAS, a Summary Vacation of this Assignment of Easement is permissible pursuant to Chapter 4 of Part 2, Division 9 of the Streets and Highways Code, commencing with Section 8330.

THEREFORE, BE IT RESOLVED by the Board of Supervisors that from and after the date this Resolution is recorded and upon concurrent recordation and acceptance by County of Placer of an Irrevocable Offer of Dedication or other such recordable instrument(s) for a multi-purpose trail connector between the Bruin Ranch Phase 2 property and the Johnston Property, the Assignment of Easement for a non-exclusive public trail as described above shall be vacated and abandoned, and shall thereafter not constitute a Public Trail Easement; and,

BE IT FURTHER RESOLVED by the Board of Supervisors that the above-described easement as shown on the attached Attachment is not useful as a nonmotorized transportation facility.

