

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

To: **BOARD OF SUPERVISORS**

Date: **JUNE 26, 2007**

From:  **JAMES DURFEE / MARY DIETRICH** ^{MMO}

Subject: **KIRK PROPERTY CONSERVATION EASEMENTS ACQUISITION**

ACTION REQUESTED / RECOMMENDATION: It is recommended that your Board take the following actions associated with acquisition of conservation easements encumbering the Kirk Property:

- 1) Authorize the Chairman to execute the Agreement of Purchase and Sale between the County and David Lewis Kirk and The John B. & Sharon L. Kirk Family Trust, for the acquisition and recordation of the Deeds of Conservation Easement and Development Rights (Easements) over approximately 281 acres located northeast of the City of Lincoln, immediately south of the Camp Far West Reservoir, designated as Assessor's Parcel Nos. 018-031-065, 018-031-066, and 018-031-067 in the amount of \$1,900,000.
- 2) Adopt a Resolution authorizing the Director of Facility Services, or his designee, to execute all documents necessary to complete this acquisition, to disburse funds associated with this transaction and record the Easements for said property.
- 3) Approve the attached Budget Revision associated with this transaction, and add the property to the Master Fixed Asset List.

BACKGROUND: David Lewis Kirk and The John B. & Sharon L. Kirk Family Trust (collectively, the Kirk Family) own approximately 281 acres of property located northeast of the City of Lincoln, immediately south of the Camp Far West Reservoir (hereinafter, the Property, see Exhibit A). This Property contains un-fragmented blue oak woodland and grassland communities that are of value to the Placer Legacy Open Space and Agricultural Conservation Program. This site is located in one of two areas in Placer County where relatively intact oak woodlands are not disrupted by rural residential and agricultural land uses. The Kirk Family has conducted cattle ranching operations on the Property since 1979, and have expressed an interest in selling conservation easements to the County since 2002. Since that time, County staff worked with the Kirk Family to develop transactional documents and secure funding-partner commitments, to protect this un-fragmented landscape in perpetuity.

Through this process, Property Management drafted Easements to accomplish the following purposes: (a) to assure that the Property will be retained in perpetuity in its natural, scenic, agricultural, and open space condition; and, (b) to preserve, protect, identify, monitor, enhance and restore in perpetuity the Property's conservation values. As a result, the proposed transaction will compliment several goals and policies of the 1994 Placer County General Plan, which are contained in the Placer Legacy program objectives. To that end, this transaction will acquire ten (10) of the existing fourteen (14) developable homesites on the Property, and will limit subdivision of the Property from fourteen (14) potential parcels as allowed by the Placer County Zoning Ordinance to a maximum of five (5) parcels, which includes the existing three (3) parcels.

The Easements will protect the property's long-standing history of agricultural activities and insure that the site remains viable over time by preserving a large tract of rangeland. The County's acquisition of these development rights will also conserve the unfragmented blue oak woodland, thereby preserving important scenic areas along McCourtney Road and important plant and wildlife habitat throughout the Property.

To finance this acquisition, County staff sought funding from a variety of partners with the goal of minimizing the use of monies from the County's Open Space Trust Fund. This resulted in numerous discussions with the United Auburn Indian Community (UAIC), California Wildlife Foundation (CWF), the Placer Land Trust (PLT), the State's Sierra Nevada Cascade Grant Administrator, and the California Department of Fish and Game's Wildlife Conservation Board (WCB). When Sierra Nevada Cascade and WCB grant applications were not successful, staff obtained funding commitments from the UAIC (\$615,000), CWF (\$615,000) and the PLT (\$35,000 from the Sky View Foundation) totaling \$1,265,000. With a purchase price of \$1,900,000, the County's share of this transaction is \$635,000 with funding proposed from the County's Tree Preservation Fund. The Close of Escrow is contingent upon the deposit of committed funding into escrow, Placer County's approval of legal descriptions for the two existing Use Areas, and the County's satisfaction regarding the environmental and physical condition of the Property.

It is recommended that your Board approve staff's recommendations, which include authorization for your Chairman to execute the Agreement of Purchase and Sale, and approval of a Resolution authorizing the Director of Facility Services, or his designee, to execute any documents necessary to complete the acquisition of the Deeds of Conservation Easement and Development Rights. This acquisition has been publicly noticed pursuant to Government Code Section 25350. Copies of these documents are on file at the Clerk of the Board's office.

ENVIRONMENTAL CLEARANCE: The acceptance of conservation easements is Categorically Exempt from the California Environmental Quality Act pursuant to Section 15317. That Section provides for the acceptance of easements in order to maintain the open space character of an area.

FISCAL IMPACT: The acquisition cost for the conservation easements is estimated to total \$1,910,000, which includes the purchase price, title and escrow costs, and consultant fees. Appropriation and expenditure of \$635,000 from the Tree Preservation Fund requires your approval of the attached Budget Revision. Costs totaling approximately \$10,000 for title, escrow, and consultant fees have been absorbed in the Property Management FY 06/07 budget.

JD:MD:MR:LM

ATTACHMENTS: RESOLUTION
BUDGET REVISION
EXHIBIT A - PROPERTY MAP
EXHIBIT B - VICINITY MAP
EXHIBIT C - FUNDING PARTNER COMMITMENT

AVAILABLE FOR REVIEW AT THE CLERK OF THE BOARD'S OFFICE:
PURCHASE AND SALE AGREEMENT
CONSERVATION EASEMENT WITH KIRK FAMILY TRUST
CONSERVATION EASEMENT WITH DAVID KIRK

cc: COUNTY EXECUTIVE OFFICE
AUDITOR - CONTROLLER
PLANNING DEPARTMENT
CALIFORNIA WILDLIFE FOUNDATION
UNITED AUBURN INDIAN COMMUNITY
PLACER LAND TRUST

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

In the matter of: A Resolution authorizing the Director of Facility Services, or his designee, to execute all necessary documents to complete the acquisition of the Deeds of Conservation Easement and Development Rights between David Lewis Kirk and the John B. & Sharon L. Kirk Family Trust, and the County of Placer for the approximately 281-acre property located northeast of the City of Lincoln; and to disburse County funds necessary to complete the transaction and to record the Deeds of Conservation Easement and Development Rights.

Resol. No: _____

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

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chairman, Board of Supervisors

Attest: Clerk of said Board

WHEREAS, David Lewis Kirk and The John B. & Sharon L. Kirk Family Trust are the owners of APNs 018-031-065, -066 and -067 comprising approximately 281 acres of real property located northeast of the City of Lincoln, immediately south of Camp Far West Reservoir, as shown on Exhibit A (hereinafter, the "Property"); and

WHEREAS, the Kirk Family desires to sell Conservation Easements over the Property to the County of Placer for the purchase price of One Million Nine Hundred Thousand and No/100 Dollars (\$1,900,000); and

WHEREAS, this acquisition achieves several of the Placer Legacy program objectives through the preservation of long-standing agricultural activities and the conservation and protection of important scenic areas and plant and wildlife habitat; and

WHEREAS, the County desires to acquire the Property from Kirk Family for the purchase price, pursuant to the terms set forth in the Purchase and Sale Agreement and the Conservation Easements; and

NOW THEREFORE, BE IT RESOLVED, that the Placer County Board of Supervisors does hereby authorize the Director of Facility Services, or his designee, to execute on behalf of the County all documentation necessary to acquire the Deeds of Conservation Easement and Development Rights for said Property; does hereby authorize the disbursement of County funds necessary to complete the transaction; and does hereby consent to the acceptance and recordation of the Deeds of Conservation Easement and Development Rights for said Property.

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PLACER COUNTY

PAS DOCUMENT NO.

BUDGET REVISION

Cash Transfer Required
 Reserve Cancellation Required
 Establish Reserve Required

Journal Required

POST DATE:

DEPT NO.	DOC TYPE	Total \$ Amount	TOTAL LINES
06	BR	1,270,000.00	2

Auditor-Controller
 County Executive
 Board of Supervisors

ESTIMATED REVENUE ADJUSTMENT										APPROPRIATION ADJUSTMENT											
DEPT NO.	T/C	Rev	Fund	Sub Fund	OCA	PCA	OBJ 3	PROJ.	PROJ. DTL	AMOUNT	DEPT NO.	T/C	Rev	Fund	Sub Fund	OCA	PCA	OBJ 3	PROJ.	PROJ. DTL	AMOUNT
06	006		100		992233		8954			635,000.00	06	014		100		992233		4001			635,000.00
										TOTAL											635,000.00

REASON FOR REVISION: To appropriate \$635,000 for the Kirk Property Conservation Easement. Cash will be transferred via JV221484 from

The Tree Preservation Fund (370660)

Prepared by Amy Richie Ext 3079
 Department Head [Signature]
 Board of Supervisors _____

Date: 6/13/07
 Page: _____

Accounting Journal Voucher Entry Document Detail List

Document Number **JV221484**

User ID: **ACRICHIE**
 Document Status: **NOPT**
 Fiscal Year: **2007**
 Post Date: **06/26/2007**

Doc Dept	Doc Type	Doc No	Total Amount	Total Lines
06	JV	JV221484	1,270,000.00	2

Line#	Code	Dept	OCA	PCA	OL3	Rvrs	Amount	Invoice Description	SubFund	GLAcct/SubGL	RefDocNo	Sfx	Grant/Detail	Project/Detail	User Code1	User Code2	User Code3
2	410	06	992233			8954	N	635,000.00	Transfer from Tree Preserv. for Kirk Conservation Easement								
			Appn 22330	Fund 100													
3	405	06	370660			3780	N	635,000.00	Transfer to Planning for Kirk Conservation Easement.								
			Appn 39000	Fund 370					SubF 660								

Total Document Amount 1,270,000.00

Explanation: To move funding for Kirk Conservation Easement. Part of Budget Revision to BOS on June 26, 2007.

DEBIT AUTHORIZED AND APPROVED:

DOCUMENT PREPARED BY:

331

Debit Dept/Agency Signature _____ Date _____
 Debit Dept/Agency Signature _____ Date _____

Preparer's Name _____ Phone _____
 Preparer's Signature _____ Date 6/26/07
 Department Signature _____ Date _____

AUDITOR-CONTROLLER

Approving Signature _____ Date _____

KIRK RANCH CONSERVATION EASEMENT
VICINITY MAP



EXHIBIT C
FUNDING PARTNER COMMITMENT
PAGE 1 OF 3



Placer Land Trust

11521 Blocker Drive #100
Auburn, CA 95603
(530) 867-9222
info@placerlandtrust.org
www.placerlandtrust.org

Board of Directors

Fred Yeager, President
Mara J. Breenick
Patricia Callan-McKinney
Robert Cooley-Gilliom
Rich Ferreira
Doug Houston
Thomas McMahan
Skip Outman
Mark Perry
Mehrey Vaghti

Executive Director

Jeff Darlington

Placer Land Trust is a private, nonprofit 501(c)(3) charitable organization incorporated in 1991. Federal Tax Identification Number: 68-0223143.

Placer Land Trust works with landowners and conservation partners to permanently preserve natural open spaces and agricultural lands in Placer County for future generations.

January 9, 2007

Loren Clark
Assistant Director, Natural Resources & Special Projects
Placer County Planning Department
3091 County Center Drive, Suite 280
Auburn, CA 95603

Dear Loren,

As you know, Placer Land Trust (PLT) supports the work of Placer County's Placer Legacy program, and in particular the County's efforts to work with conservation partners to permanently preserve the 281-acre Kirk Ranch in western Placer County. PLT is pleased to inform you that we recently received \$35,000 in dedicated funds for this project, and we are willing to work with you to transfer the funds to the County or into an escrow account to assist in the successful completion of the Kirk Ranch project.

For your reference, the PLT Board of Directors passed the following resolution on November 16, 2006, in accordance with its Bylaws:

WHEREAS, PLT supports the mission and efforts of Placer County's "Placer Legacy" program, and PLT supports Placer Legacy's intent to permanently preserve the 281-acre Kirk Ranch near the Bear River,

WHEREAS, Placer Legacy requires additional funding to acquire the Kirk Ranch conservation easement,

WHEREAS, PLT has identified a unique funding source for this project, that would be dedicated by the grantor, the SkyView Foundation, to be restricted to this project, and

WHEREAS, PLT's contribution would be made without any ongoing obligation with regards to the Kirk Ranch easement or property;

NOW THEREFORE, PLT authorizes its President and Executive Director to negotiate the contribution of up to \$35,000 to Placer County's Kirk Ranch conservation easement acquisition project.

These funds are restricted to the Kirk Ranch conservation easement acquisition, and our intent is to grant the funds to the County with restrictions. Please let me know when and how Placer Land Trust should work with you and the County to transfer the funds.

Sincerely,

Jeff Darlington

cc: Janet Cobb, California Wildlife Foundation
Greg Baker, United Auburn Indian Community

EXHIBIT C
FUNDING PARTNER COMMITMENT
PAGE 2 OF 3

MAYNOR
MAJOU

United Auburn Indian Community
of the Auburn Rancheria

JESSICA TEVARRES
CHAIRPERSON

JULIE HUFF
VICE CHAIR

DAVID KEYSER
SECRETARY

DYRLY SLEHEAD
TREASURER

GENE WHITEHOUSE
COUNCIL MEMBER

January 22, 2007

Loren Clark
Assistant Director, Natural Resources & Special Projects
Placer County Planning Department
3091 County Center Drive, Suite 280
Auburn, CA 95603

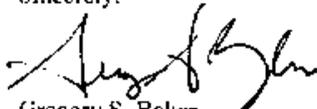
Subject: Kirk Ranch Conservation Easement

Dear Loren,

As you know, the United Auburn Indian Community had previously committed \$600,000 to assist the County with the purchase of a conservation easement on the Kirk Ranch, in western Placer County. At a recent Tribal Council meeting, the Tribe approved an additional \$15,000 contribution, which the Tribe understands is the remaining amount needed to fully fund the acquisition. As was discussed recently between you and David Zweig, the Tribe's environmental consultant, the Tribe's contribution will count towards any required oak tree mitigation for its adjacent tribal housing project.

The Tribe is supportive of Placer Legacy's efforts to conserve open space in Placer County and pleased to be in a position to contribute to this important acquisition. At the appropriate time, please let me know when and where to transfer the committed funds.

Sincerely,



Gregory S. Baker
Tribal Administrator

**EXHIBIT C
FUNDING PARTNER COMMITMENT
PAGE 3 OF 3**

California Wildlife Foundation
1212 Lakeside Blvd. #400
Berkeley, CA 94710
Tel: 510-841-4410
Fax: 510-841-8744
www.calwildlife.org



February 14, 2007

Board of Supervisors
County of Placer
c/o Planning Department
3091 County Center Drive #140
Auburn, CA 95603

Re: Kirk Ranch Conservation Easement: Placer County, Assessor's Parcel
Numbers 018-031-065-000; 018-031-067-000

Board of Trustees

1212 Lakeside Blvd. #400
Berkeley, CA 94710
Tel: 510-841-4410
Fax: 510-841-8744
www.calwildlife.org

Gentlemen:

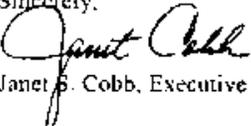
On behalf of the California Wildlife Foundation Board of Directors, I write to increase CWF's commitment per correspondence dated May 10, 2006 from \$600,000 to \$615,000 to purchase the Kirk property conservation easement in Placer County.

Advisory Council

1212 Lakeside Blvd. #400
Berkeley, CA 94710
Tel: 510-841-4410
Fax: 510-841-8744
www.calwildlife.org

If you have any questions, please do not hesitate to call me on my direct line at 510-763-0211.

Sincerely,


Janet B. Cobb, Executive Officer

