

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

To: **BOARD OF SUPERVISORS**

Date: **MAY 27, 2008**

From:  **JAMES DURFEE / ALBERT RICHIE** 

Subject: **HOME DEPOT AUBURN – PARCEL MAP**

**ACTION REQUESTED / RECOMMENDATION:** It is recommended that your Board consider the following actions:

1. Authorize the Chairman to sign the Owner's Statement associated with Parcel Map DPM 20060173 on behalf of the County of Placer, as the underlying fee owner of the property known as the Home Depot Auburn site, and consenting to the dedication to the public easements for road and utility purposes; and
2. Approve the attached Resolution authorizing the Chairman to grant and record a water main easement in favor of the Placer County Water Agency (PCWA) and authorizing the Director of Facility Services to execute and record an amended and restated Memorandum of Lease for the Home Depot Ground Lease to reflect the legal description as set forth in the recorded Parcel Map.

**BACKGROUND / DISCUSSION:** The Auburn Home Depot project is located on an approximately 10.96-acre parcel in the northeastern portion of the Placer County Government Center. On August 16, 2006, the Placer County Planning Commission unanimously approved a Conditional Use Permit (PCUP 20060166) and the Tentative Parcel Map (PMLD T20060173) for the development of a 104,991 square foot Home Depot store with a 24,304 square foot outdoor garden center, subject to Conditions of Approval. An appeal of this decision was subsequently withdrawn, and your Board consented to such withdrawal in accordance with the Placer County Zoning Ordinance.

To satisfy specific Conditions of Approval, a Parcel Map must be filed in substantial conformance with the approved Tentative Parcel Map and include a 10-foot wide drainage easement on Parcel 1. The filing of this Parcel Map will also dedicate public easements for road and utility purposes (poles, wires and conduits for electrical, telephone, television, gas, storm, sanitary and water services), over/on/under/across Willow Creek Drive, Professional Drive and First Street (Page 4 of 4 is attached for your reference). To complete this project condition, staff recommends that your Board authorize the Chairman to sign the Owner's Statement on Parcel Map DPM 20060173. In addition to these dedications to the public, to ensure potable water delivery to the Home Depot project on Parcel 1, staff recommends that your Board authorize the Chairman to grant and record a 20-foot wide easement to the (PCWA) by separate instrument.

Staff also requests that your Board take action to authorize the Director of Facility Services to execute and record an amended Memorandum of Lease to the Ground Lease (Agreement No. 11223) between the County and Home Depot. This action is necessary to ensure that the Leased Premises set forth in the Ground Lease conforms with the legal description as set forth in the Parcel Map.

**ENVIRONMENTAL CLEARANCE:** On August 1, 2006, your Board approved the Home Depot DeWitt Center Final Environmental Impact Report (SCH No. 1997122100) that analyzed the impacts of the development of the Home Depot project. This project was included in that analysis and no further action is necessary at this time.

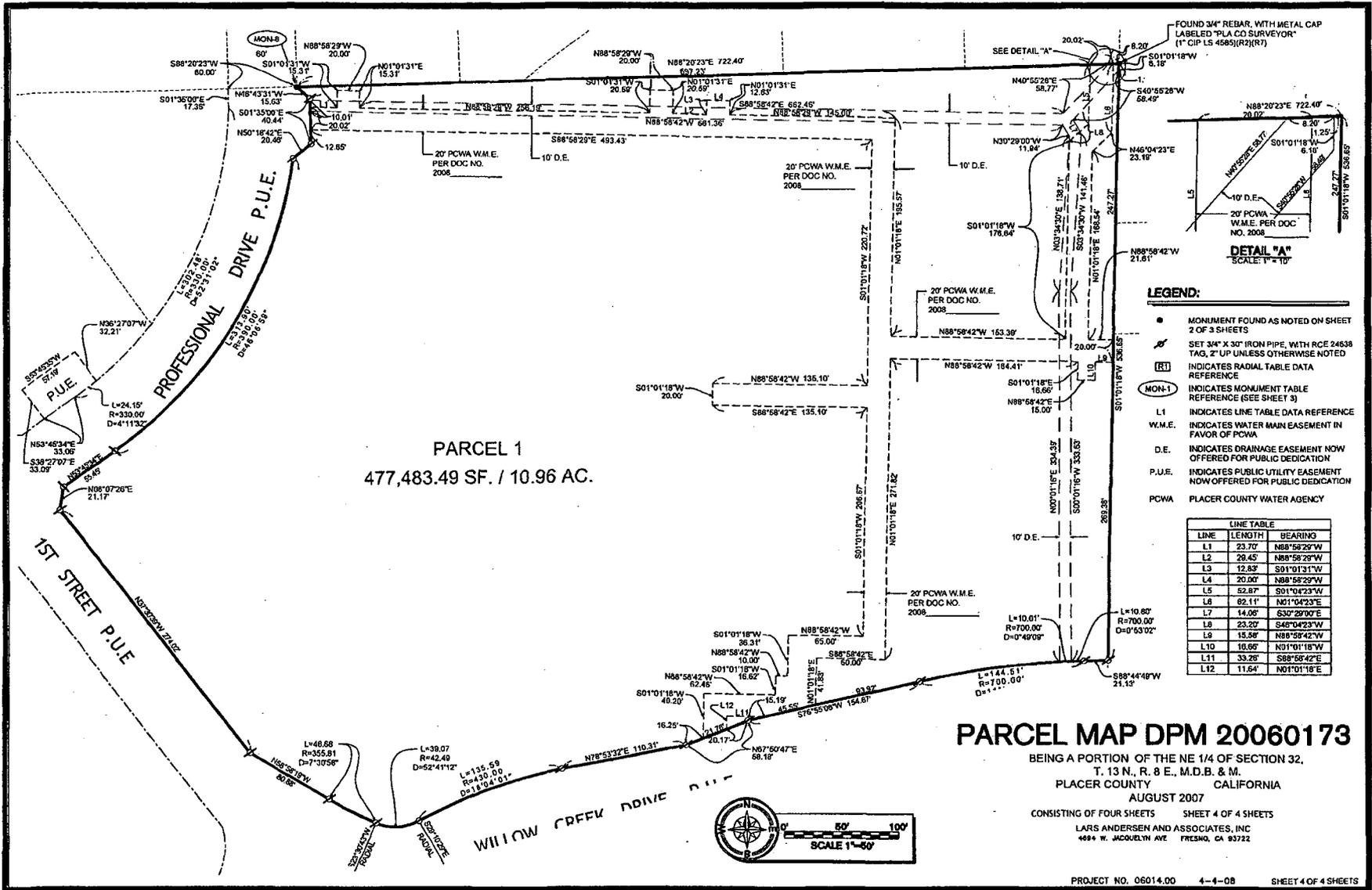
**FISCAL IMPACT:** Costs associated with satisfaction of the remaining conditions were anticipated and being reimbursed through the Home Depot project permit fees and future lease revenues.

AVAILABLE FOR REVIEW AT CLERK OF THE BOARD OF SUPERVISORS: PARCEL MAPS (MYLAR ORIGINAL)

ATTACHMENTS: ATTACHMENT A (PAGE 4 OF 4 OF PARCEL MAP)  
PCWA WATER MAIN EASEMENT  
RESOLUTION

JD/AR/MR/LM/DB

cc: COUNTY EXECUTIVE OFFICE T:\FAC\BSMEMO2008\HOME DEPOT MAP APPROVAL.DOC



**PARCEL MAP DPM 20060173**

BEING A PORTION OF THE NE 1/4 OF SECTION 32,  
T. 13 N., R. 8 E., M.D.B. & M.  
PLACER COUNTY CALIFORNIA  
AUGUST 2007  
CONSISTING OF FOUR SHEETS SHEET 4 OF 4 SHEETS  
LARS ANDERSEN AND ASSOCIATES, INC  
4884 W. JACOBELTH AVE FRESNO, CA 93722

ATTACHMENT A  
PARCEL MAP (PAGE 4 OF 4)

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RECORDING REQUEST BY

Placer County Water Agency  
No fee required, pursuant to Gov't  
Code § 27383.

AND WHEN RECORDED MAIL TO

Placer County Water Agency  
P.O. Box 6570  
Auburn, CA 95604

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T.13N., R.8E. SEC.32, NE1/4  
A.P. No: 051-120-042 and 045  
Project: FA 2364 – Home Depot Project  
Map No.: 33-D-01

**GRANT OF EASEMENT**

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

**THE COUNTY OF PLACER, a political subdivision of the State of California**

(hereinafter called "GRANTOR") hereby grants to the Placer County Water Agency, a public body, (hereinafter called "AGENCY") a non exclusive permanent easement in, on, over, under, and across that certain real property in the County of Placer, State of California, described in EXHIBIT A attached hereto and incorporated herein by reference.

The easement granted herein is a right-of-way to construct, reconstruct, enlarge, maintain, repair, replace (of the initial or any other size) and operate a pipeline (and additional pipelines if necessary) and appurtenant facilities, including but not limited to metering devices, gate, and devices for controlling electrolysis, necessary to convey and/or meter water. GRANTOR further grants to the AGENCY:

- (a) the right of grading the easement area for the full width thereof; however, the AGENCY will replace / repair any improvements disturbed by such grading.
- (b) the right from time to time to trim and to cut down and clear away any and all trees, stumps, and brush now or hereafter in the easement and to trim and clear away any trees on either side of the easement which may interfere with the exercise of the AGENCY'S rights hereunder; provided, however, that all trees which the AGENCY is hereby authorized to cut and remove, if valuable for timber or wood, shall continue to be the property of GRANTOR, but all tops, lops, brush, stumps, and refuse wood shall be burned, chipped, or removed at the discretion of the AGENCY;

- (c) the right to install, maintain, and use gates in all fences which cross the easement and the right to install Agency locks on existing or future gates installed within the easement ;
- (d) the right to mark the location of pipelines and other underground facilities in the easement by suitable markers set in the ground; and
- (e) the right to line, seal, patch, or replace pipelines, conduits and other facilities, installed in the easement .

ENCROACHMENT BY GRANTOR

GRANTOR reserves the right to use the easement for purposes which will not interfere with the AGENCY'S full enjoyment of the rights herein granted; provided, that GRANTOR shall not erect or construct any building or other permanent structure in the easement, cut and/or fill over any AGENCY pipeline or appurtenant facilities in the easement, drill or operate any well, drill any holes for fence posts or other structures, construct any reservoir or other obstruction in the easement without AGENCY approval. The GRANTOR may construct fences across and parallel to but outside the easement. In that event GRANTOR shall provide a gate or gates of sufficient width to allow ingress and egress to the easement area by the AGENCY for personnel, trucks and equipment.

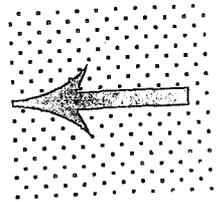
ASSIGNMENT

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

GRANTOR: COUNTY OF PLACER

By: \_\_\_\_\_  
 CHAIR OF THE PLACER COUNTY  
 BOARD OF SUPERVISORS

\_\_\_\_\_ Date



(Signature (s) must be acknowledged by a Notary Public)  
 (Document must be Accepted and Recorded by the Agency)

APPROVED AS TO FORM

PLACER COUNTY COUNSEL'S OFFICE

By \_\_\_\_\_  
 COUNTY COUNSEL

## EXHIBIT A

The Placer County Water Agency, PCWA, Water Main Easement, WME, as shown on Sheet 4 of Parcel Map DPM 20060173 Recorded in Book \_\_\_\_\_ of Parcel Maps at Page \_\_\_\_\_, Placer County Records.

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

In the matter of: A RESOLUTION AUTHORIZING THE GRANT AND RECORDATION OF EASEMENT RIGHTS TO THE PLACER COUNTY WATER AGENCY AND AUTHORIZING THE DIRECTOR TO EXECUTE AND RECORD AN AMENDED MEMORANDUM OF LEASE.

Resol. No: \_\_\_\_\_

The following RESOLUTION was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held \_\_\_\_\_, 2008 by the following vote on roll call:

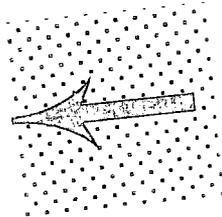
Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

\_\_\_\_\_  
Chairman, Board of Supervisors



Attest:

\_\_\_\_\_  
Clerk of said Board

**WHEREAS**, the County of Placer is the owner of 10.88-acre site within the northeastern portion of the Placer County Government Center under Ground Lease to Home Depot for the development and operation of a 104,991 square foot Home Depot Home store with a 24,304 square foot outdoor garden center, subject to Conditions of Approval;

**WHEREAS**, additional engineering and surveys have determined the leased site to actually be 10.96 acres in size;

**WHEREAS**, on August 16, 2006, the Placer County Planning Commission unanimously approved Conditional Use Permit (PCUP 20060166) and Tentative Parcel Map (PMLD T20060173) for the development;

**WHEREAS**, in order to perform said development, a 20' water main easement must be granted to the Placer County Water Agency (PCWA) to ensure the delivery of water to the site;

**WHEREAS**, pursuant to the Conditional Use Permit, a Parcel Map in substantial conformance with the approved Tentative Parcel Map is to be filed with the County;

**WHEREAS**, pursuant to Section 19.3 of the Ground Lease (Agreement No. 11223) the legal description for the Premises shall change to reflect the same legal description as determined by the Parcel Map through the recordation of a restated Memorandum of Lease;

**NOW THEREFORE, BE IT RESOLVED**, that the Placer County Board of Supervisors does hereby authorize the Chairman to grant and record a water main easement to the Placer County Water Agency.

**BE IT FURTHER 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 and take all other actions necessary to file the Parcel Map along with the authority to approve and record an amended Memorandum of Lease.

