

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

To: **BOARD OF SUPERVISORS**

Date: **SEPTEMBER 8, 2009**

From:  **JAMES DURFEE / ALBERT RICHIE** 

Subject: **PERCIVAL PARCEL ACQUISITION**

ACTION REQUESTED / RECOMMENDATION: It is recommended that your Board ratify the decision of the Director of Facility Services to waive previously approved Material Term 5(b) to facilitate the acquisition of real property known as the Percival Parcel Acquisition. This property is located in the community of Sheridan.

BACKGROUND: On July 7, 2009, your Board adopted Resolution 2009-193 delegating authority to the Director of Facility Services to execute all documents and take all actions necessary to complete the acquisition between the Percival Family Trust and the County of Placer for property located in the community of Sheridan. The Percival Parcel Acquisition is required to provide additional spray irrigation capacity for the Sheridan wastewater treatment plant (WWTP) for regulatory compliance in the treatment of wastewater for the approximately 220 equivalent dwelling units (EDU) in the CSA 28 Zone 6 in the community of Sheridan. As part of your Board's action on July 7, 2009, Resolution 2009-193 included as an attachment Exhibit B, Material Terms of Purchase and Sale Agreement, including Material Term 5(b) that was stated as follows:

5) Conditions to Close: Close of Escrow will not occur until:

(b) The Small Community Wastewater Grant Program deposits into Escrow 85.88% of the total acquisition cost, which equals approximately \$240,000 in grant funding.

Due to the requirements of the Small Community Wastewater Grant Program (SCWGP), the execution of grant documents and receipt of grant funds will not occur until after all construction contracts are awarded. The delay created by acting in conformance with Material Term 5(b) versus keeping several actions proceeding concurrently will result in the loss of the current construction season. Such a delay would put the County at risk of violating regulatory requirements this upcoming winter and potentially subject to fines.

To alleviate this risk and to facilitate the previously approved acquisition, the Director of Facility Services waived Material Term 5(b). Your Board's ratification of this decision is now requested.

Furthermore, the SCWGP funds are not specific to any one component of this multi-faceted project, but are funding up to \$2,000,000 of the total project budget of \$2,475,000. Waiving Material Term 5(b) will not only expedite this acquisition, it will simplify the grant administration by eliminating the need to record the State's interest in the property.

ENVIRONMENTAL CLEARANCE: This recommended action before your Board today is an administrative action and is not a project as defined by the California Environmental Quality Act (CEQA).

ACQUISITION COSTS: The recommended action will result in no net cost impact to the project. The total project budget to provide additional spray irrigation capacity for the WWTP is \$2,475,000. Of this amount, the SCWGP will fund a maximum of \$2,000,000. The total acquisition cost of the Percival Parcel is estimated at \$280,500, which includes the purchase price, consultant costs and staff expenses. Funding for this project is available in the Sheridan Sprayfields Capital Project #4823, which is included in the FY 09/10 Proposed Budget.

JD:AR:DB

CC: COUNTY EXECUTIVE OFFICE
PLANNING DEPARTMENT
ENVIRONMENTAL ENGINEERING DIVISION

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