

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

To: **BOARD OF SUPERVISORS**

Date: **APRIL 12, 2011**

From: **JAMES DURFEE / MARK RIDEOUT** 

Subject: **NORTH TAHOE PUBLIC UTILITY DISTRICT SECLINE LIFT STATION  
PROPERTY TRANSFER**

**ACTION REQUESTED/RECOMMENDATION:** Pursuant to Government Code Section 25365, it is recommended that your Board take the following actions to transfer the approximately 2,215 sq. ft. portion of County-owned property located on Secline Beach (APN 117-180-013) in Kings Beach, CA, to the North Tahoe Public Utility District:

1. Delegate authority to the Director of Facility Services to execute an Agreement for the Transfer of Property (Agreement) based upon the attached Material Terms; and,
2. Adopt a Resolution authorizing the Director of Facility Services, or his designee, to execute all documents and take all actions necessary to complete this transfer of property.

**BACKGROUND:** The North Tahoe Public Utility District (NTPUD) provides sewer and water services to Lake Tahoe north shore residents. To accomplish this mission, NTPUD maintains infrastructure and sewer pump stations in various locations in their district. One of these stations is on the northeastern portion of County-owned property known as Secline Beach in Kings Beach, and has been operated by NTPUD without a formal agreement with the County (see Exhibit A - Subject Property).

During the 2011 construction season, NTPUD plans to implement its Wastewater Improvement Plan that includes upgrading the Secline Pump Station following receipt of required County, TRPA and other agency project approvals. Following review of the NTPUD's plans, County staff has concluded that a quitclaim of the 2,215± square foot area occupied by this station to the NTPUD is the most beneficial given this property's longstanding use. Furthermore, the continued use will not impede public access to the lake or to the surrounding publicly held properties.

Staff has successfully negotiated the Material Terms of the proposed quitclaim with the NTPUD (see attached). Staff recommends that no cash consideration be required given NTPUD's long-standing public utility use of the property and NTPUD's commitment to continue that use. Since no cash consideration will be paid, the NTPUD will bear all escrow/title costs and expenses associated with development of the survey and legal description. The terms also establish that the quitclaim deed will include reversionary language requiring the NTPUD to deed the property back to the County, at the County's discretion, should its public utility use change. In order to proceed with the transfer, your Board must delegate authority to the Director of Facility Services to execute the Agreement based on the attached Material Terms and as approved by County Counsel and adopt the attached Resolution authorizing the Director to complete this transaction. This transfer is allowed pursuant to Government Code Section 25365 that allows the transfer of real property to a federal, state or local agency if the property is not required for County use. This action has been publicly noticed pursuant to this Code.

**ENVIRONMENTAL CLEARANCE:** This action is exempt from CEQA pursuant to CEQA Guidelines 15301 (Existing Facilities).

**FISCAL IMPACT:** Funding for County administrative costs, estimated at \$10,000, is available in the FY 2010/11 DeWitt Development Fund Budget.

ATTACHMENT: MATERIAL TERMS OF AGREEMENT OF TRANSFER OF PROPERTY  
EXHIBIT A - SUBJECT PROPERTY  
RESOLUTION

cc: COUNTY EXECUTIVE OFFICE  
COUNTY COUNSEL

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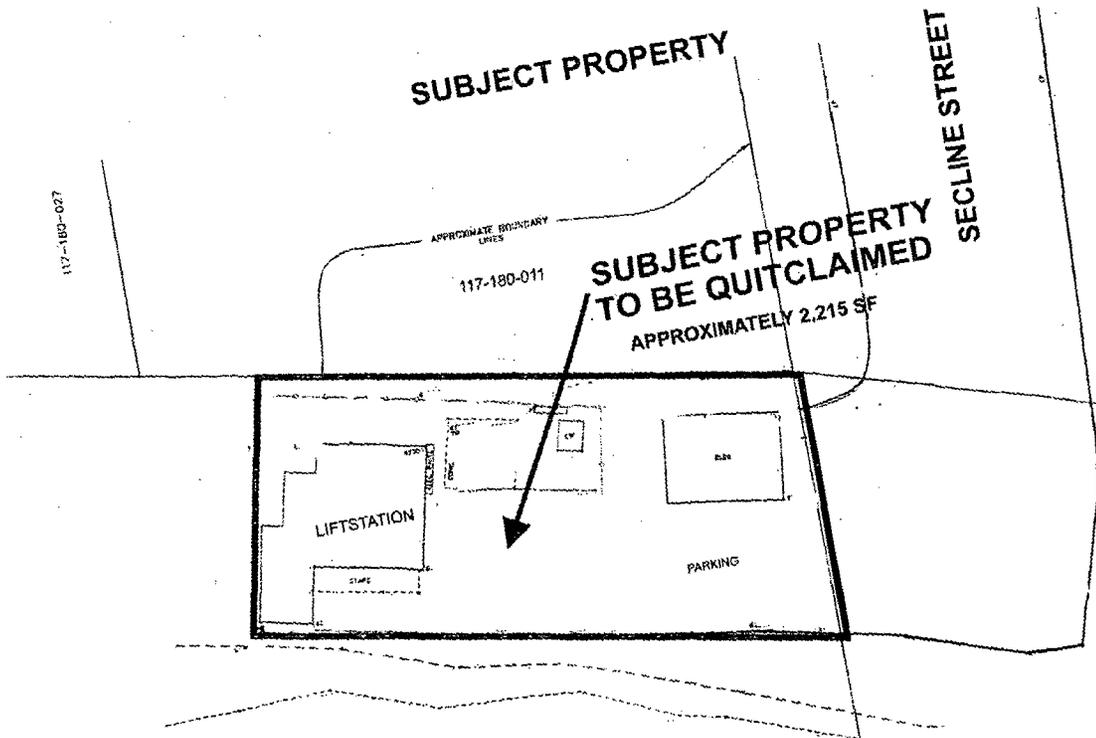
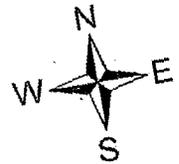
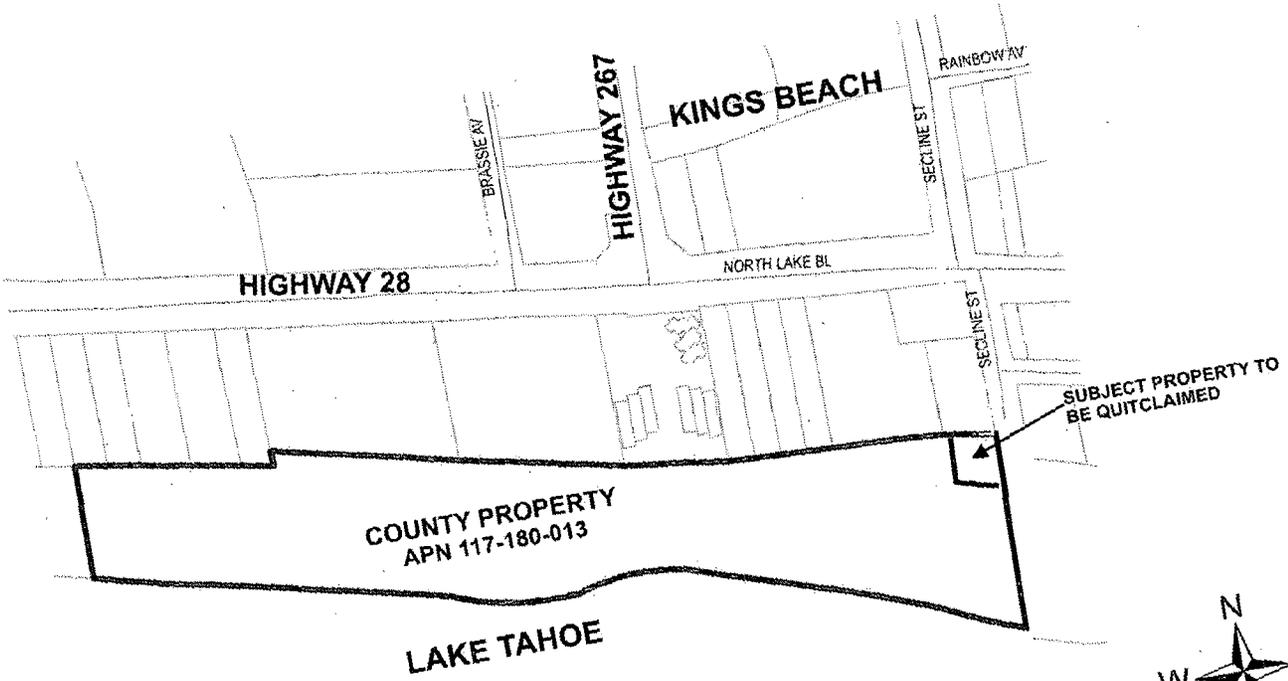
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**MATERIAL TERMS**  
**AGREEMENT FOR TRANSFER OF PROPERTY**

1. Parties. County of Placer (COUNTY) and the North Tahoe Public Utility District (NTPUD).
2. Subject Property. The transfer involves an approximately 2,215 sq ft portion of COUNTY-owned property referred to as APN 117-180-013, known as Secline Beach in Kings Beach, California, and as depicted on the attached Exhibit A (Subject Property).
3. Purpose. To facilitate the COUNTY's quitclaim of its interest in the Subject Property to NTPUD in order for NTPUD to have site control and ownership in support of its on-going operation and maintenance of its sewer pump station known as the "Secline Pump Station."
4. Property Conveyance. COUNTY shall quitclaim the Subject Property to the NTPUD by Quitclaim Deed.
5. Price. NTPUD shall not pay any cash consideration to the COUNTY.
6. Conditions to Close Escrow. Close of Escrow is conditioned upon NTPUD's satisfaction as to the condition of the Subject Property in regards to environmental, physical, and title issues.
7. Acquisition Costs. NTPUD shall pay 100% of the escrow fees, document preparation costs and other related closing costs. Each party shall pay its own legal and professional fees and administrative costs incurred with regard to this transaction. NTPUD shall be responsible for the cost of any title insurance it elects to purchase. NTPUD shall be responsible for the cost to prepare a survey, mark property corners and develop the legal description of the Subject Property.
8. Close of Escrow. The Close of Escrow shall occur on or before May 31, 2011.
9. Warranties. Each party agrees that it is conveying the property subject to this Agreement in "as is" condition with no warranties of any kind.
10. Reversion. The parties agree and acknowledge that Subject Property is being quitclaimed to the NTPUD for public utility purposes only. In the event any portion of the Subject Property is not used for public utility use, that portion shall revert to the COUNTY upon the COUNTY's written demand to NTPUD. The Parties agree that said Quitclaim shall contain this reversionary clause.

# Exhibit A Subject Property

## VICINITY MAP



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

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

**In the matter of:** A Resolution authorizing the Director of Facility Services, or his designee, to execute all necessary documents and take all actions necessary to complete the quitclaim of real property located in the Kings Beach, California to the North Tahoe Public Utility District.

The following 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.

Attest:  
Clerk of said Board

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

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WHEREAS, The County of Placer (COUNTY) holds property interests in that certain parcel described as APN 117-180-013, a parcel known as Secline Beach in the area of Kings Beach, California ("County Property"); and,

WHEREAS, NTPUD has for many years operated and maintained a sewer pump station, generally known as the Secline Pump Station, on an approximately 2,215 square foot area at the northeastern boundary of County Property ("Subject Property") for the purpose of providing sewer services to the residents of the north shore of Lake Tahoe; and,

WHEREAS, it would be of benefit for both the COUNTY and NTPUD to transfer the Subject Property in order to allow the NTPUD to continue to maintain and operate its Secline Pump Station; and,

WHEREAS, the Placer County Board of Supervisors finds that transfer described above is in the best interests of the COUNTY and the public.

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, and to take all other actions necessary to quitclaim the Subject Property, including cooperation with the NTPUD in the acquisition process, and to complete the transaction.