

**MEMORANDUM**  
OFFICE OF THE  
COUNTY EXECUTIVE  
COUNTY OF PLACER

**TO:** Honorable Board of Supervisors

**FROM:** Thomas M. Miller, County Executive Officer  
By: Allison Carlos, Principal Management Analyst

**DATE:** May 24, 2011

**SUBJECT:** Aitken Ranch Agricultural Conservation Easement – Extinguishment and Reimbursement, Assessor's Parcel Number 021-140-003

---

**ACTION REQUESTED**

Adopt a Resolution authorizing the Director of Facility Services, or his designee, to: execute all documents, take actions necessary to complete the extinguishment transaction to remise, release, relinquish and forever quitclaim to the Morgan Family Management, LLC, successor in interest to Wildlands, Inc, all of its right, title and interest in Aitken Ranch property; and to accept and record the Easement Deed for a non-vehicular multipurpose access trail along Auburn ravine, as shown on Attachment A.

**BACKGROUND**

On June 20, 2000, the Board authorized the staff to negotiate an Agricultural Conservation Easement with the buyer of the Aitken Ranch, Wildlands, Inc. Aitken Ranch was purchased because of its agricultural, biological, scenic, and flood values and consistency with the Placer Legacy program objectives adopted by the Board in 2000. The original Conservation Easement was granted to the County by Wildlands, Inc. The property is currently owned by Morgan Family Management, LLC.

In 2000, staff successfully negotiated a price of \$399,000 for an Agricultural Conservation Easement (Easement) on the subject property, Aitken Ranch. The 2000 Easement called for the County to subordinate or extinguish its Easement at such time that the property converted from agricultural production to the establishment of a mitigation/conservation bank, and subsequently, Placer County would be reimbursed for the cost of the easement plus interest earned at such time that subordination or extinguishment of the easement occurs. In 2006, Wildlands, Inc. conveyed title by Grant Deed to the property to Morgan Family Management, LLC while reserving the Mitigation Use Rights that are defined in Exhibit B of this Grant Deed.

## DISCUSSION

Wildlands, Inc. has received approval from both the State of California and Federal government regulatory agencies to establish a mitigation bank at the Aitken Ranch property and the habitat credits available on the site were used to offset impacts associated with the construction of the Highway 65 Bypass now under construction. Under the terms of the permits associated with the highway construction, properties used as mitigation must be protected by a habitat conservation easement. The County's Placer Legacy easement was primarily for agricultural conservation. Consequently, Wildlands Inc. has requested an extinguishment and is now prepared to pay Placer County \$576,186.18 for principal (\$399,000) and interest (\$177,186.18, 4.85% compounded annually) to extinguish the Easement. Funds for the original purchase were made from the Open Space Fund. Funds in the amount of \$576,186.18 will be deposited into that Fund's reserve unless otherwise directed. Given the current rise in construction materials costs and grant uncertainty, these dollars could be helpful in funding construction of Hidden Falls Regional Park bridges, required improvements for public access.

The Easement was intended to insure that the property remains in agricultural production and to protect the floodplain and associated habitat of Auburn Ravine. The prior use of the property for turkey production has been replaced by cattle operations following the removal of a number large turkey sheds. Wildlands also implemented a number of habitat restoration efforts as well. The Easement language is flexible in that other forms of agricultural production are also permitted (with the exception of the amount of land disturbance that would be required for rice production). Terms of the 2000 Easement included the following elements:

- Subordination/Extinguishment – The County will subordinate or extinguish its easement at such time that the property converts from agricultural production to the establishment of a mitigation or conservation bank.
- Reimbursement – The County will be reimbursed for the cost of the easement plus interest earned at such time that subordination or extinguishment of the easement occurs.
- Public Access – The original grantor reserved the right to convey to the County a 30-foot non-vehicular access easement for a multi-purpose trail along Auburn Ravine.
- Development Rights – The development rights to 4 dwelling units will be reduced to one dwelling unit on the property.
- Conservation Values – The agricultural conservation values are to be protected in perpetuity through this Easement unless and until a subordination/extinguishment of the Easement occurs.

Planning staff has reviewed the replacement Habitat Conservation Easement and is satisfied that it provides protection of agricultural, floodplain and habitat values at a level that is at least equal to the protections that are provided by the County's Easement.

To perfect the public's right to access as contemplated in the original Easement, the current owner has agreed to grant to County a 30-foot non-vehicular access easement for the multi-purpose trail along Auburn Ravine as shown on Attachment A. The trail easement will be accessible for County easement inspection purposes only until a trail link is established between the Aitken site and Hwy 65, at which time the trail easement will be available for public use. Property Management and County Counsel will review and approve the quitclaim and easement deeds and escrow instructions prior to finalization of this proposed transaction.

Upon receiving final direction from the Board, the staff is prepared to complete the extinguishment transaction. The floodplain values that are present in the County's current easement are equally protected under the new habitat conservation easement. Habitat values, which have been enhanced over the past 10+ years will have a higher degree of protection compared to the County's current easement. The entity that will receive the conservation easement, the Wildlife Heritage Foundation, has a history of successful stewardship in Placer County and is one of 16 organizations that is accredited by the national Land Trust Alliance in California.

### **FISCAL IMPACT**

This is a reimbursement to the County (principal plus interest) that results in a fiscally neutral impact to the County. Funds in the amount of \$576,186.18 will be deposited into the Open Space Fund reserves unless otherwise directed.

ATTACHMENTS: Resolution  
Attachment A: Aitken Ranch Base and Vicinity Maps

AVAILABLE FOR REVIEW AT THE CLERK OF THE BOARD'S OFFICE: Agricultural Conservation Easement

# 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, take all actions to quitclaim all of the County's right, title and interest in Aitken Ranch property to Morgan Family Management, LLC., and to accept and record an access easement for a non-vehicular multipurpose access trail along Auburn ravine.

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

The following RESOLUTION was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held \_\_\_\_\_, 2011 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 (County) is the owner of a Deed of Agricultural Easement and Development Rights (Easement) on the Aitken Ranch property located north of East Catlett Road and west of Fiddyment Road along Auburn Ravine and west of the City of Lincoln, California, designated as Placer County APN 021-140-003 (Property); and

**WHEREAS**, the Easement called for the County to subordinate or extinguish its Easement at such time that the property converted from agricultural production to the establishment of a mitigation or conservation bank, and subsequently, Placer County would be reimbursed for the cost of the Easement plus interest earned at such time that subordination or extinguishment of the Easement occurs; and

**WHEREAS**, In 2006, Wildlands, Inc. conveyed title to the Property to Morgan Family Management, LLC (Owner) while reserving the Mitigation Use Rights that are defined in Exhibit B of the Grant Deed (Doc-2006-0136588-00).

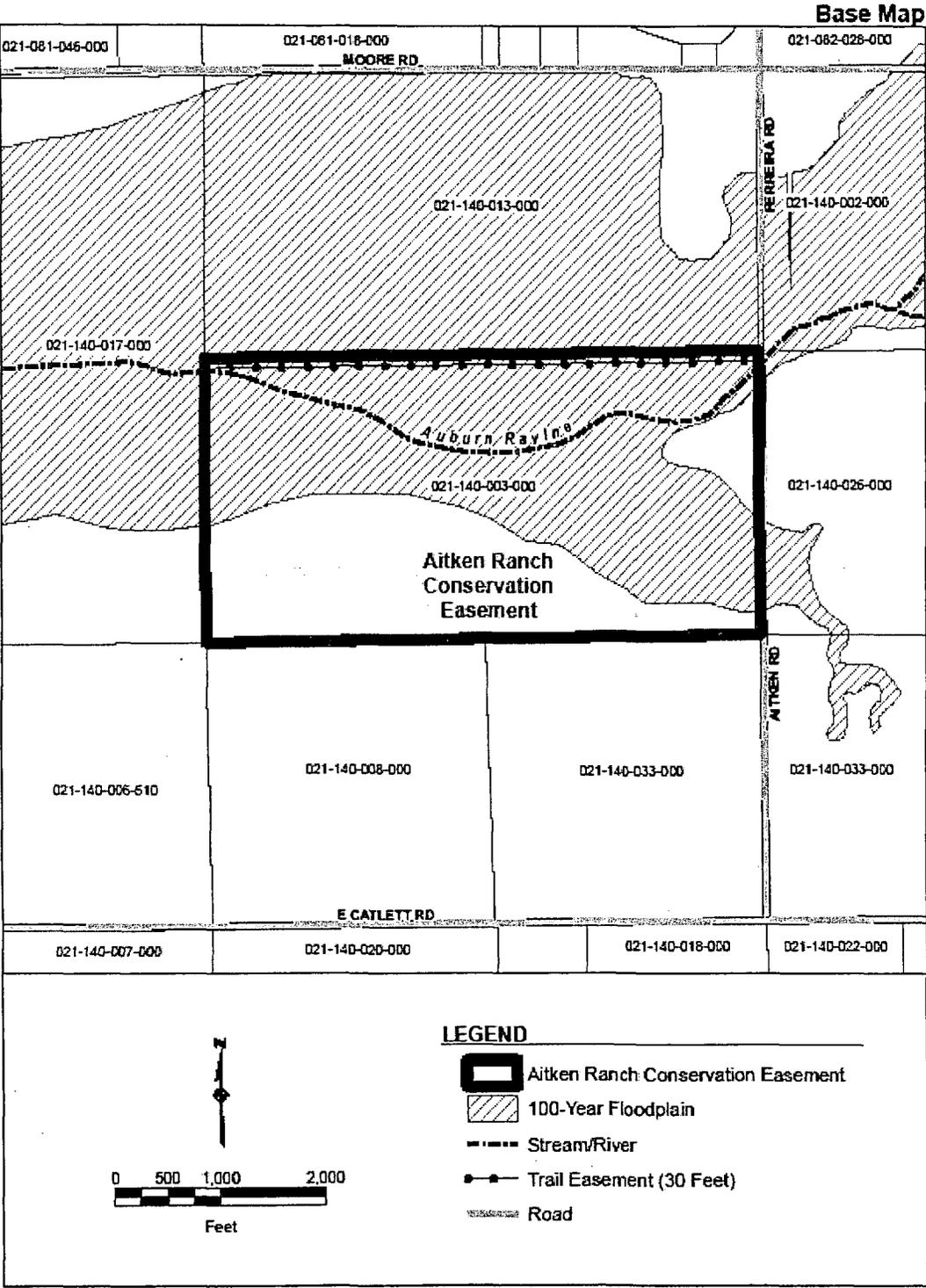
**WHEREAS**, Wildlands, Inc. has received approval from both the State of California and Federal government regulatory agencies to establish a mitigation bank at the Aitken Ranch property and the habitat credits available on the site were used to offset impacts associated with the construction of the Highway 65 Bypass now under construction.

**WHEREAS**, Wildlands Inc. is now prepared to pay Placer County \$576,186.18 for principal (\$399,000) and interest (\$177,186.18) to extinguish the County's Easement.

**WHEREAS**, the Easement contained the right to dedicate to the County an access easement that would run parallel to Auburn Ravine for a non-vehicular, multipurpose trail. The trail easement will be accessible for County easement inspection purposes only until a trail link is established between the Aitken site and Hwy 65, at which time the trail easement will be available for public use.

**WHEREAS**, as a condition of the quitclaim, the Owner will grant to County an easement for a non-vehicular multipurpose access trail along Auburn Ravine.

**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 complete the extinguishment transaction to remise, release, relinquish and forever quitclaim to the Owner all of its right, title and interest in the Property; and, to accept and record the Easement Deed for a non-vehicular multipurpose access trail.



Vicinity Map

