

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

To: Honorable Board of Supervisors

Date: August 4, 2015

From: Ken Grehm / Mark Rideout
By: Laurie Morse, Property Manager

Subject: Waddle Ranch Conservation Easement / Liberty Utilities / Expansion of Overhead Electric and Communication Easement

ACTION REQUESTED:

Consent to the Grant of Easement for Overhead Electric and Communications to Liberty Utilities for an electrical line upgrade; and

Adopt a resolution to authorize the Director of Facility Services, or designee, to consent to the Conservation Easement Amendment on, over, and across the Waddle Ranch Property (APN 110-010-017, 018, and 021).

BACKGROUND: On May 22, 2007, your Board approved a contribution to the Trust for Public Land (TPL) and Truckee Donner Land Trust (TDLT) to support their \$23.5 million purchase of Waddle Ranch in Martis Valley. Waddle Ranch is a 1,461 acre open space property (595 acres in Placer County) with significant wildlife and plant habitat, open space, and public recreational values (Attachment 1 - Waddle Ranch Location Map). The Grant Agreement with TPL was executed on October 26, 2007 and defined a total County commitment of \$10 million towards the purchase. The protection of Waddle Ranch as permanent open space provides key habitat and recreational connectivity between Martis Creek Lake National Recreation Area and the Tahoe National Forest.

The Waddle Ranch purchase involved a series of real estate transactions. In October 2007, TDLT held fee title to the property and granted a Conservation Easement (CE) to the County with the expectation fee title would be transferred to the Truckee-Tahoe Airport District (TTAD) and the County would convey the CE to TDLT. On April 23, 2009, TDLT transferred fee title to the TTAD and the County subsequently transferred the CE to TDLT. The County has retained certain third party enforcement rights allowing it to monitor compliance with terms of the CE.

In November 2014, TTAD received a proposal from Liberty Utilities LLC (Liberty) for a 15-foot expansion of the existing 25-foot wide utility easement across the southern portion of Waddle Ranch (Attachment 2 - Liberty Easement Expansion). The expanded 40-foot wide easement is necessary for the California Pacific Electric Company 625 and 650 Electrical Line Upgrade Project (650 Rebuild Project) which involves an upgrade of Liberty's 60kV 650 Line to a 120kV transmission line. Liberty proposed to pay TTAD full fair market value for the expansion area and offered \$1,700. TTAD shared the offer with the TDLT and the County which resulted in further communication with Liberty regarding the offer. This led to re-evaluation of the compensation for the expanded easement area, and revisions to the Grant of Easement for Overhead Electric and Communications (Easement). TTAD, TDLT and the County are now satisfied the \$6,850 to be paid to TTAD is appropriate compensation. The Easement has also been revised to require Liberty comply with tree trimming and removal regulations, and adhere to mitigation measures of the 650 Rebuild Project Final EIS/EIS/EIR. The Easement indicates Liberty recognizes, supports, and will comply with all Conservation Values and Conservation Purposes of the CE, and TDLT and the

County are express third party beneficiaries of the Easement. Additionally, since the CE identifies utility structures or lines as prohibited structures, the parties have agreed an amendment to the CE is necessary to allow for the subject Grant of Easement.

Given the County's right to monitor compliance with the CE, your Board's consent of the proposed Easement is being sought prior to its finalization. Additionally, it is necessary your Board adopt the Resolution authorizing the Director of Facility Services, or designee, to finalize negotiations and consent to an Amendment to the CE following review and approval by County Counsel.

ENVIRONMENTAL CLEARANCE: The actions of your Board to consent to the Grant of Easement and adopt the Resolution authorizing the Director of Facility Services to execute an Amendment to the CE are not a Project as defined in the California Environmental Quality Act (CEQA) Guidelines Section 15378 (a) and therefore is not subject to CEQA. The 650 Rebuild Project has undergone independent environmental review pursuant to CEQA.

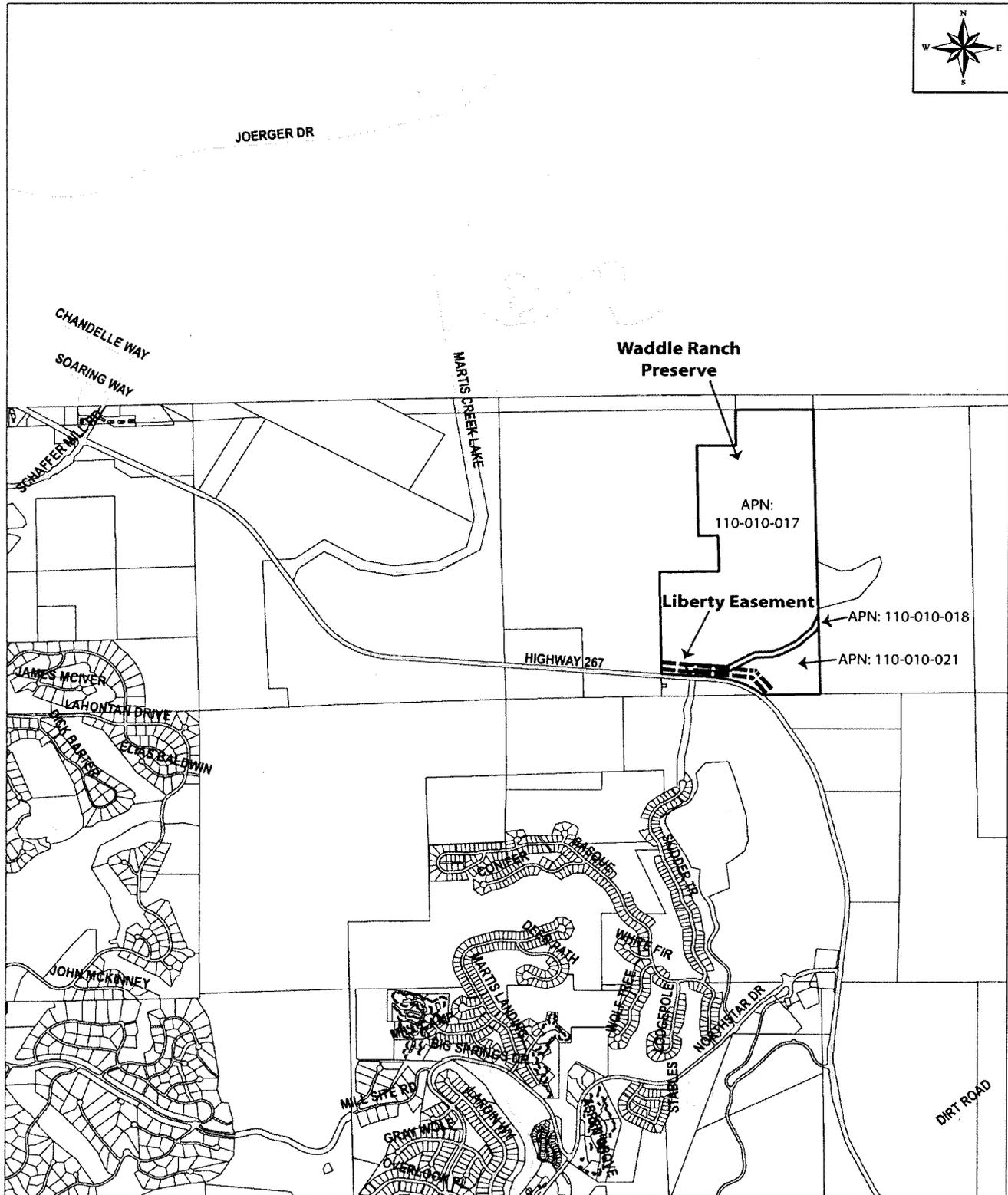
FISCAL IMPACT: The actions requested from your Board will result in no additional cost to the County since the ongoing obligation to manage and enforce the terms of the CE rests with the TDLT. Funding for costs associated with the finalization of transactional documents is available in the Property Management Division FY 2015-16 Proposed Budget.

ATTACHMENTS: Attachment 1 – WADDLE RANCH LOCATION MAP
Attachment 2 – LIBERTY EASEMENT EXPANSION
Attachment 3 – RESOLUTION

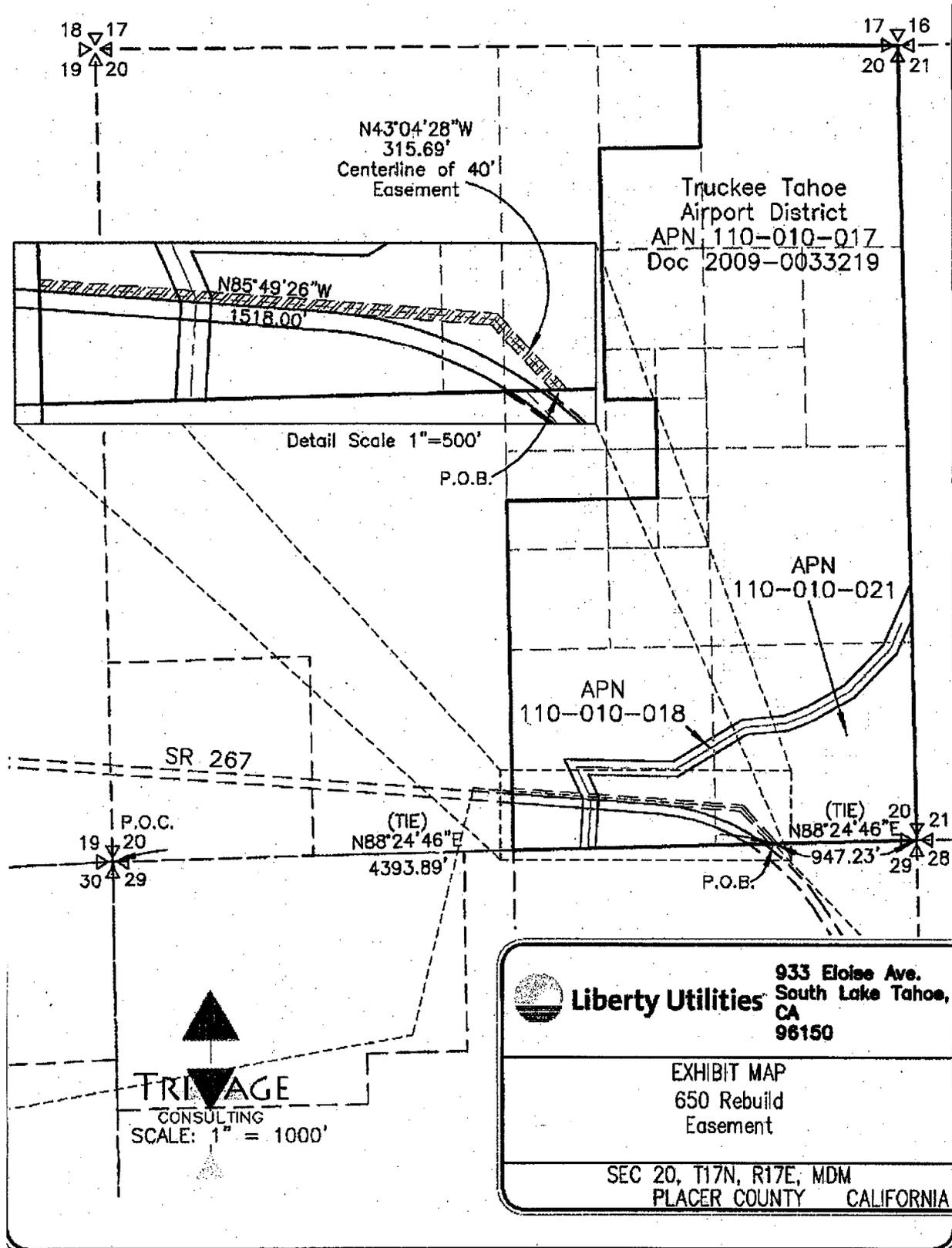
KG:MR:LM

CC: COUNTY EXECUTIVE OFFICE

WADDLE RANCH LOCATION MAP



LIBERTY EASEMENT EXPANSION



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

In the matter of:

Resol. No: _____

A Resolution Authorizing the Director of Facility Services, or Designee, to Consent to the Amendment to the Conservation Easement On, Over and Across the Waddle Ranch Property

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.

Chair, Board of Supervisors

Attest:

Clerk of said Board

WHEREAS, In October 2007 the Tahoe Donner Land Trust (TDLT) acquired 1,461 acres (595 acres in Placer County) of open space property known as Waddle Ranch property in Martis Valley and granted an Conservation Easement (CE) on, over, and across said property to the County with the expectation fee title would be transferred to the Truckee Tahoe Airport District (TTAD) and the County would convey the CE to TDLT; and

WHEREAS, on April 23, 2009, the TDLT transferred fee title to the TTAD and later on August 5, 2011, the County transferred its conservation easement interest to TDLT while retaining certain third party enforcement rights; and

WHEREAS, in November 2014, the TTAD received an offer from Liberty Utilities LLC (Liberty) requesting a Grant of Easement that would allow expansion of an existing 25-foot wide utility easement by 15 feet in order to accommodate Liberty's California Pacific Electric Company 625 and 650 Electrical Line Upgrade Project (650 Rebuild Project); and

WHEREAS, the TDLT, TTAD and County have come to terms with Liberty relative to the appropriate compensation and terms of said Easement; and

WHEREAS, since the CE identifies utility structures or lines as prohibited structures, an amendment to the CE is necessary to allow for the Grant of Easement; and

WHEREAS, the TDLT, TTAD and County have agreed as to terms of the amended CE; and

NOW, THEREFORE, BE IT RESOLVED, the Placer County Board of Supervisors does hereby delegate authority to the Director of Facility Services, or designee, to finalize negotiations, and consent to said amendment to the CE following approval by County Counsel, and to perform all duties necessary to grant and record said Amendment.