

**MEMORANDUM
DEPARTMENT OF PUBLIC WORKS AND FACILITIES
COUNTY OF PLACER**

To: Honorable Board of Supervisors Date: February 9, 2016
From: Ken Grehm, Director of Public Works and Facilities
By: Laurie Morse, Property Manager
Subject: Property Management / Placer Legacy Property Acquisition / Ronald J. Spears and Colleen A. Leahy

ACTION REQUESTED

Adopt a Resolution authorizing the Director of Public Works and Facilities, or designee, to execute the Agreement for Purchase and Sale for the acquisition of approximately 39.7 acres described as APNs 026-072-084 and -085, located west of Hidden Falls Regional Park and adjacent to Garden Bar Road in Auburn from Ronald J. Spears and Colleen A. Leahy for \$375,000.

Approve a Budget Revision to transfer \$375,000 from the Tree Mitigation Fund to the Open Space Fund.

Authorize the real property to be added to the Master Fixed Asset list following acquisition.

BACKGROUND

Since inception of the Placer Legacy Open Space and Agricultural Conservation Program (Legacy), your Board has provided significant policy direction and financial support towards acquisition of property interests that are considered the highest priority in terms of the Legacy objectives. Based on your Board's direction, staff has completed a number of transactions that represent a variety of fee-title, trail easement and conservation easement transactions that create the opportunity for a future contiguous trail connection between Hidden Falls Regional Park (HFRP) and the Bear River, while preserving valuable natural resources. These acquisitions have been in partnership with Placer Land Trust (PLT) and the State of California, and include Harvego Bear River Preserve, Taylor Ranch, the Skip Outman and Kotomyan Big Hill Preserves, Liberty Ranch, and portions of Haddad, Campbell and Loudon properties to provide the final trail connectivity between Hidden Falls Park and the Bear River (See Attachment 1). The County has contributed significant monies from sources including the Open Space Trust Fund and Tree Mitigation Fund.

Last spring your Board directed staff to pursue four separate property acquisitions from four property owners who collectively hold in fee 160± acres of land located in the Garden Bar/Big Hill area of Placer County. To date, staff efforts to reach agreement with the parties has resulted in the successful negotiation of price and terms with Ronald Spears and Colleen Leahy (Owners) for the County's purchase of the Owners' approximately 39.7 acres comprised of two parcels abutting Garden Bar Road and described as APNs 026-072-084 and -085 (Purchase Property) as depicted in Attachment 2.

The Owners' original opinion of value and asking price for the Purchase Property was \$399,000. While the Purchase Property was appraised at \$320,000 by Seevers, Jordan, Ziegenmeyer (SJZ), staff is recommending a negotiated purchase price of \$375,000 as agreed to by the Owners. Staff believes this price is reasonable after considering the benefits this property's acquisition provides to the County particularly due to its proximity to HFRP and Garden Bar Road. With this acquisition, the County will preserve the Purchase Property's unique biological, agricultural, recreational, scenic, and open space values. In addition, this acquisition may lead to acquisition of the other three properties that would result in aggregation of over 160 acres of properties just west of HFRP.

To proceed with this property acquisition, it is necessary for your Board to adopt the attached Resolution authorizing the Director of Public Works and Facilities, or designee, to execute the Agreement for Purchase and Sale and perform all other duties necessary to complete the transaction, subject to the attached Material Terms. This transaction is allowed pursuant to Government Code Section 25350 that provides for the acquisition of real property interests. This action has been publicly noticed pursuant to this Code.

ENVIRONMENTAL CLEARANCE

Staff has determined the acquisition of this property is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15325(f). This section provides for the transfer of ownership of land for fee title interests in order to maintain the open space character of an area and to preserve existing natural conditions and other resources. It can also be seen with certainty the requested actions of the Board will have no significant impact under Guidelines Section 15061(b)(3). Each of these facts is a separate and independent basis for the Board's determination that the Board actions are exempt from CEQA and does not require further CEQA review.

FISCAL IMPACT

The total cost for acquisition is estimated at \$433,300 including the purchase price, escrow, title, legal, professional services and project management expenses. To fund the \$375,000 purchase price, staff recommends a Budget Revision to transfer \$375,000 from the Tree Mitigation Trust Fund to the Open Space Fund. While Tree Mitigation Funds used for this acquisition will not be directly creditable to the PCCP, the preservation of the land would serve as mitigation for impacts that have occurred elsewhere in western Placer County. The remaining balance will be funded from the Open Space Fund (\$33,300) and the Property Management Budget FY 2015-16 (\$25,000).

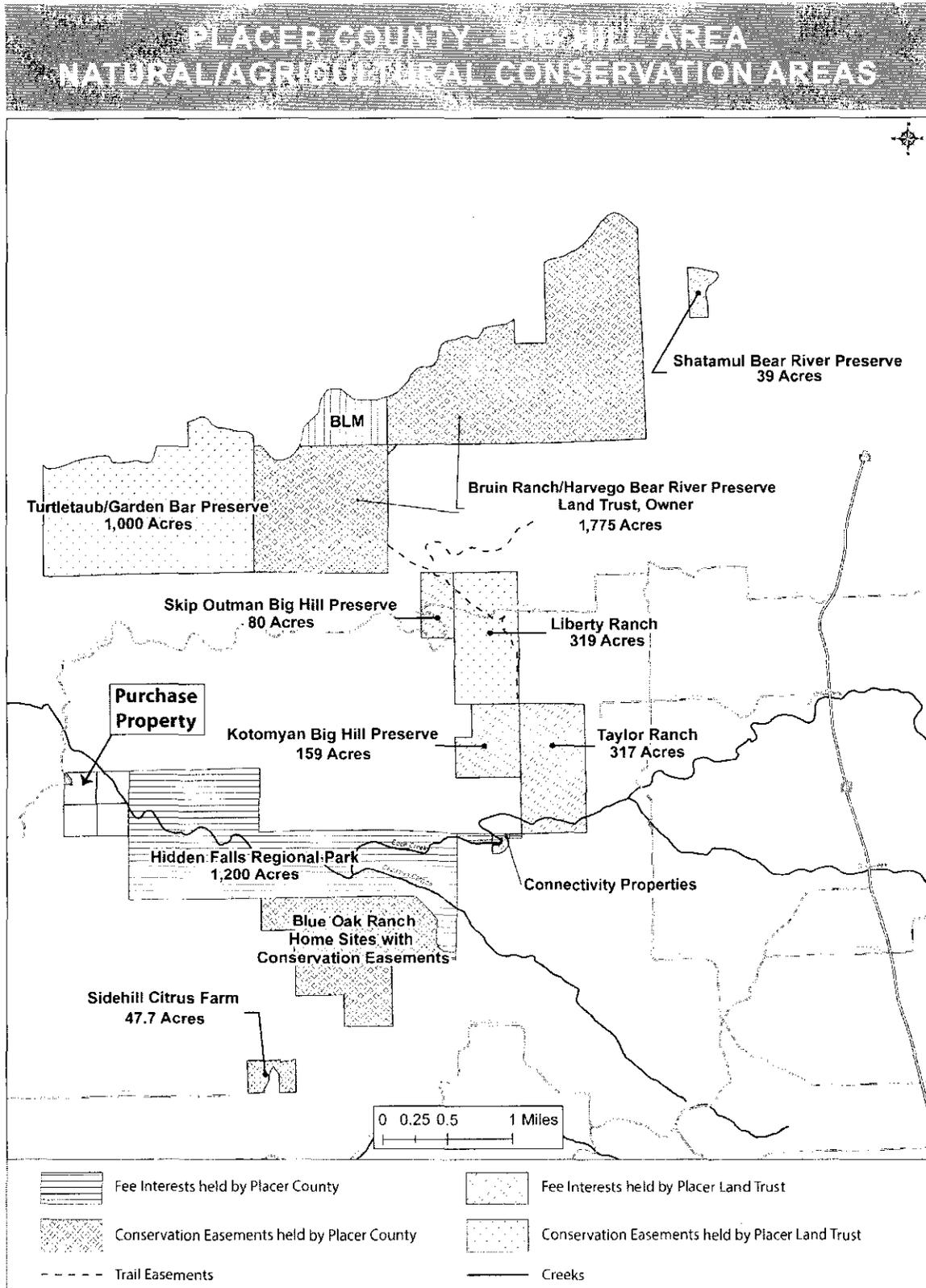
Attachment 1 – Big Hill Area Conservation Areas

Attachment 2 – Property Depiction

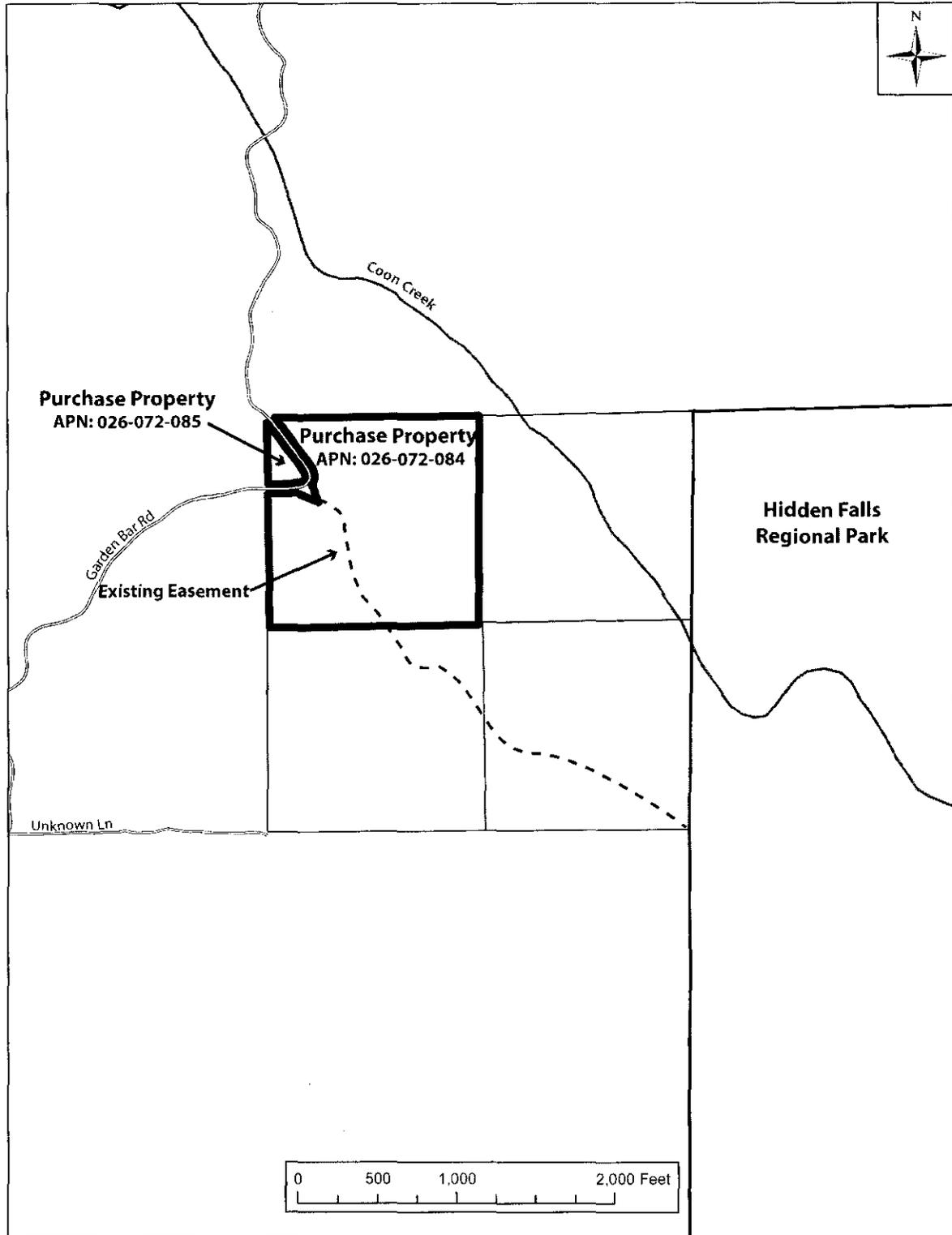
Attachment 3 – Resolution

Attachment 4 – Budget Revision

BIG HILL AREA CONSERVATION AREAS



PROPERTY DEPICTION



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

In the matter of: A Resolution authorizing the Director of Public Works and Facilities, or designee, to execute an Agreement of Purchase and Sale to purchase 39.7 acres of property from Ronald J. Spears and Colleen J. Leahy

Resol. No: _____

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, 2016, 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, Ronald J. Spears and Colleen A. Leahy (Owners) currently own approximately 39.7 acres described as APNs 026-072-084 and 026-072-085 located west of Hidden Falls Regional Park and adjacent to Garden Bar Road in Auburn (Purchase Property); and,

WHEREAS, Owners desire to sell the Purchase Property to the County for a purchase price of \$375,000; and,

WHEREAS, the acquisition of the Purchase Property provides benefits to the County particularly due to its proximity to the Hidden Falls Regional Park and Garden Bar Road.

NOW, THEREFORE, BE IT RESOLVED, the Placer County Board of Supervisors does hereby delegate authority to the Director of Public Works and Facilities, or designee, to execute an Agreement for Purchase and Sale based on the attached Material Terms (See Exhibit A), and to take all other actions necessary to effectuate the acquisition; and does hereby consent to the acceptance and recordation of the deed for said Purchase Property.

Exhibit A – Material Terms

RONALD J. SPEARS PROPERTY

MATERIAL TERMS

Agreement for Purchase and Sale

1. Property: That certain real property located in the Garden Bar/Big Hill area of Placer County, California, consisting of an approximately 39.7 acres of Placer County Assessor's Parcel Nos. 026-072-084 and 026-072-085, hereinafter referred to as the "Purchase Property" ("Legal Description" – Exhibit B-1 and "Property Depiction" – Exhibit B-2).
2. Parties: The County of Placer, a political subdivision of the State of California ("County") and Ronald J. Spears and Colleen A. Leahy, Husband and Wife as Joint Tenants, the fee simple owner ("Owner").
3. Escrow Opening: The purchase and sale of the Purchase Property will be consummated by means of an escrow to be opened at Placer Title Company, Order No.110-9076, Attention Tracy Murphy, 1508 Eureka Road, #150, Roseville, CA 95661, Telephone (916) 782-3711, Fax (916) 774-0586, ("Escrow Holder") within five working days following the Effective Date of the Agreement.
4. Purpose of Agreement: The purpose of the Agreement of Purchase and Sale (Agreement) is to provide for the purchase and sale of the Purchase Property as conveyed through a Grant Deed from Owner to County.
5. Purchase Price: \$375,000
6. Close of Escrow: Close of Escrow shall occur no later than sixty (60) days following the Effective Date of the Agreement of Purchase and Sale, unless otherwise extended by mutual consent of the Parties.
7. Conditions to Close: The Close of Escrow shall be conditioned on all of the following: 1) County's written acceptance of the condition of title and physical and environmental condition of the Purchase Property; 2) The Owners' delivery of copies of all tests, surveys, maps, plans, records, permits, correspondence reports or other materials affecting the Purchase Property which are in Owner's possession or control and which have not already been provided to the County, 3) The Owner shall deliver possession of the Purchase Property to County at Close of Escrow.
8. Closing Costs: County shall pay any recording fees and the premium for County's Title Policy. Owner shall pay any transfer taxes and all costs to place the Purchase Property in the condition

EXHIBIT A – MATERIAL TERMS

for conveyance required by the Agreement. County and Owner shall each pay one-half (1/2) of the escrow fees, documents preparation costs and other related closing costs. County and Owner shall each pay its own legal and professional fees and fees of other consultants incurred with regard to this transaction.

9. Representations and Warranties: Owner shall provide warranties and representations regarding the Purchase Property as defined in the Agreement.

Legal Description

All of that property described in the Grant Deed to Ronald J. Spears and Colleen A. Leahy recorded in document Number 2008-0088085, Official Records of Placer County, described as follows:

M.B.R. 11258 RESULTANT
EXHIBIT "A"

A portion of the southeast quarter of Section 17, Township 13 North, Range 7 East MDM, Placer County, California more particularly described as follows:

Beginning at a point on the north line of said southeast quarter from which the east quarter corner of said Section 17 bears South 89°59'26" East a distance of 1,335.40 feet; thence from said Point of Beginning South 00°44'26" West a distance of 1,310.39 feet; thence South 89°44'55" West a distance of 1,312.53 feet to the west line of said southeast quarter; thence along said west line North 00°15'31" West a distance 1,316.28 feet to the northwest corner of said southeast quarter; thence South 89°59'26" East a distance of 1,335.39 feet to the Point of Beginning

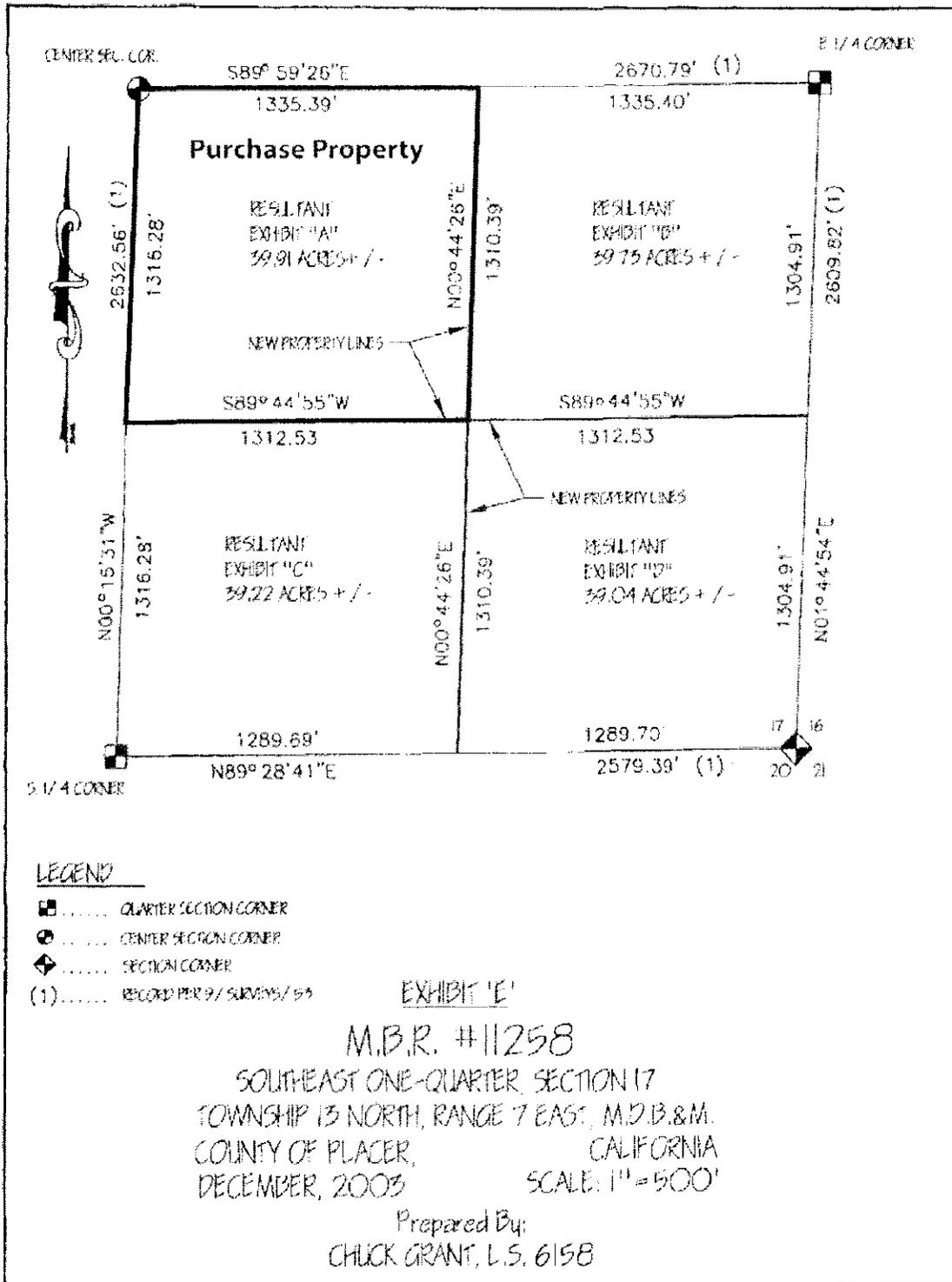
Containing 39.91 acres more or less

The above description is based upon the map filed in Book 9 of Surveys at Page 53 PCR.

APPROVED
PLACER COUNTY SURVEYOR
BY: *[Signature]*
DATE: *12/4/03*

LICENSED LAND SURVEYOR
CHARLES B. GRANT
Exp. *3-31-06*
No. 6158
STATE OF CALIFORNIA
Charles B. Grant

Property Depiction



PAS DOCUMENT NO.

BR for FY2016

BUDGET REVISION

POST DATE:

DEPT NO.	DOC TYPE	Total \$ Amount	TOTAL LINES
10	BR	750,000.00	2

Cash Transfer Required
Fund 310 Subfund 660

Reserve Cancellation Required
~~Committed - Mandate Cost~~

Establish Reserve Required

1/22/16

Auditor-Controller

County Executive

Board of Supervisors

ESTIMATED REVENUE ADJUSTMENT

APPROPRIATION ADJUSTMENT

DEPT NO.	T/C	Rev	Fund	Sub Fund	OCA	PCA	OBJ 3	PROJ.	PROJ. DTL	AMOUNT	DEPT NO.	T/C	Rev	Fund	Sub Fund	OCA	PCA	OBJ 3	PROJ.	PROJ. DTL	AMOUNT
10	006		150		224000	22400	8780			375,000.00	10	014		150		224000	22400	4001			375,000.00
TOTAL											TOTAL										
375,000.00											375,000.00										

REASON FOR REVISION: Budget Revision to transfer funds from Tree mitigation fund to Open Space and increase appropriation for land purchase.

See attached BOS item.

Prepared by Heidi Hodges Ext 4619

Department Head Valerie Zupre

Board of Supervisors _____

Date: 2/9/16

1/21/16

Page: _____

Budget Revision # _____ FOR INDIVIDUAL DEPT USE

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