

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

To: **BOARD OF SUPERVISORS**

Date: **DECEMBER 19, 2006**

From:  **JAMES DURFEE / MARY DIETRICH** ^{MD}

Subject: **PLACER COUNTY OFFICE OF EDUCATION PROPERTY TRANSACTIONS**

ACTION REQUESTED/RECOMMENDATION: It is recommended that your Board take the following actions associated with County owned real property at the intersection of Library Drive and Nevada Street in Auburn, California, in order to effect a transfer of property between the County of Placer and the Placer County Office of Education (PCOE):

- 1) By 4/5ths vote, approve the Agreement for Transfer of Real Property between the County and PCOE for the transfer of 3.16± acres of County property within a portion of APN 001-032-032 (Transfer Property); and,
- 2) Adopt the attached Resolution delegating authority to the Director of Facility Services, or his designee, to execute all documents and take all actions necessary to complete this transfer of real property.

BACKGROUND: By Resolution 66-151, dated 4/26/66, Placer County consented to the transfer of school functions from control by the Board of Supervisors to the Placer County Board of Education as authorized by Assembly Bill 1075. This Resolution allowed PCOE to become autonomous from Placer County except for a condition that included the provision that the County "shall continue to provide services of the various departments of County government without charge, including but not limited to legal services of the County Counsel, the County Treasurer, the County Auditor, the County Assessor, the County Recorder, and the County Clerk, and shall continue to provide housing, custodial services, courier and mail service and the like, and including all services which have heretofore been provided."

To effect the housing component of that agreement, the County entered into a sublease with PCOE for the lease of property at the corner of Nevada Street and Library Drive, which the County now owns in fee title. With the lease of this property, PCOE was able to construct their administration building and other facilities that are present on the site today. This sublease agreement expired in June 2002 and PCOE has held over its occupation of the property with the consent of the County.

In November 2005, your Board provided direction to staff to develop an agreement and associated documentation to transfer ownership of the approximately 3.16-acre parcel to PCOE subject to two material provisions: 1) a reversionary clause that would require the land and improvements return to the County if the property is no longer needed by PCOE, and 2) PCOE's agreement that this transfer of property is in full and permanent satisfaction of the County's obligations that are contained in Resolution 66-151, described above.

Staff has successfully negotiated an Agreement for Transfer of Real Property wherein the directed reversionary clause and satisfaction of County obligations are addressed. Additionally, Exhibit B to the Transfer Agreement is a Non-Exclusive Appurtenant Access Agreement that grants appurtenant easement rights to PCOE over Library Drive and requires PCOE to contribute 50% towards all maintenance and repairs associated with this roadway including the landscaped roundabout, shared driveways and other infrastructure. The proposed property transfer is permitted in accordance with Government Code 25365 and has been publicly noticed. To authorize transfer of the property and to grant the access rights, your Board's approval of the Agreement and delegated authority to execute and record various associated documents including but not limited to the Non-Exclusive Access Agreement, the grant deed and a record of survey is required. Copies of the Transfer of Real Property and the Non-Exclusive Appurtenant Access Agreements are available for review at the Clerk of the Board's office.

As a separate but related matter, during a survey of the property that was necessary to prepare the legal description for the property transfer, County staff has discovered that approximately 0.43-acres of County-owned property located adjacent to, and north of the Transfer Property has an encroachment by the adjacent property owner. This piece of property is not included in the land area being transferred to PCOE which is bounded by the existing fence line. Facility Services staff intends to resolve this issue as a separate matter.

ENVIRONMENTAL CLEARANCE: Staff has determined that the transfer of this property is exempt from CEQA pursuant Section 15301, which provides for activities, including minor alteration of existing facilities, when there is at most a negligible expansion of use beyond that previously existing.

FISCAL IMPACT: PCOE is responsible for all recording fees, escrow and title costs, all survey fees, document preparation costs, and other related closing costs. This transfer does not provide cash consideration to the County; however, a material inducement for the County's transfer is PCOE's agreement the County's obligations pursuant to Resolution 66-151 are fully and permanently satisfied.

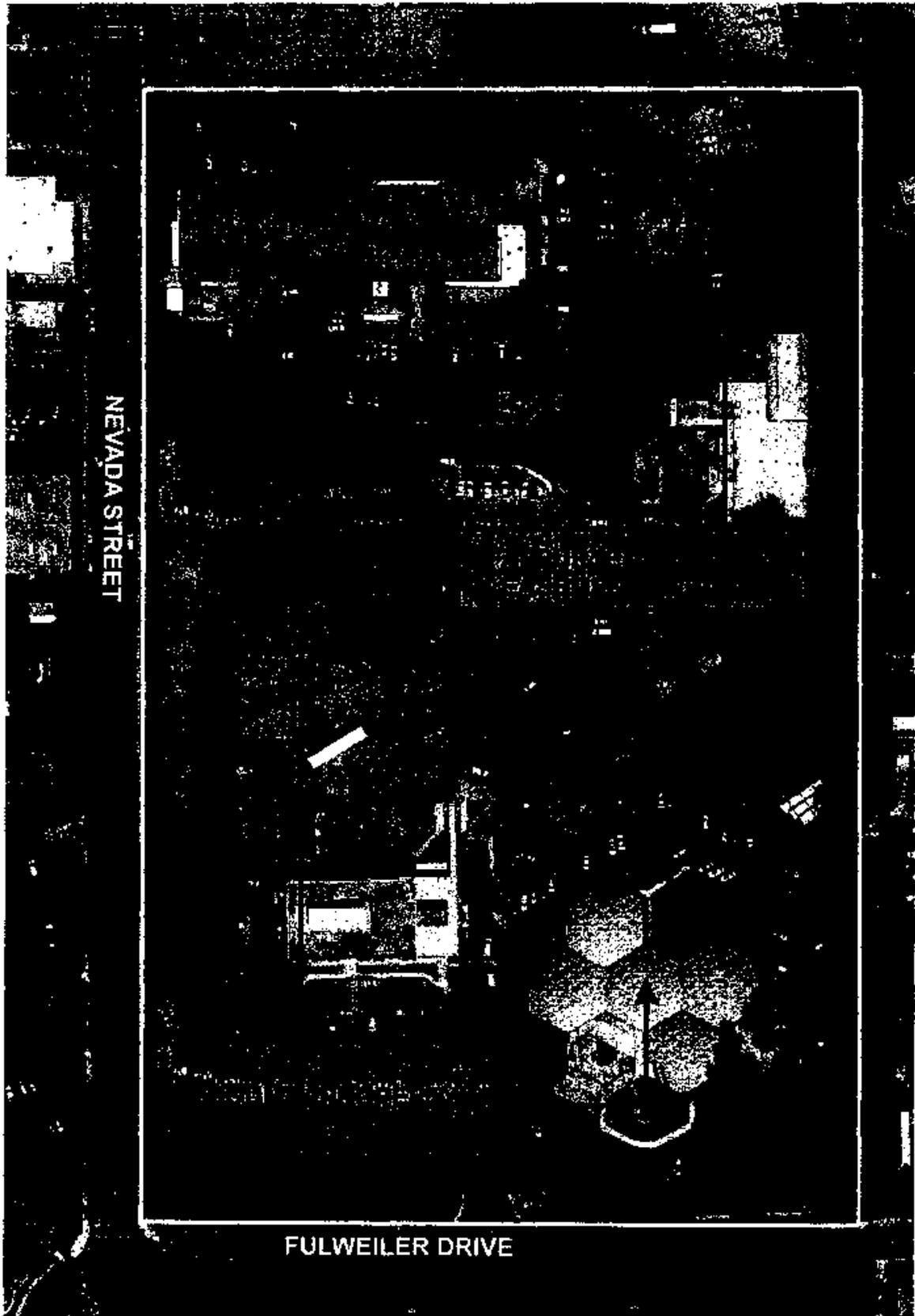
JD:MD:MR:LM

ATTACHMENTS: EXHIBIT A: TRANSFER PROPERTY MAP
RESOLUTION

cc: COUNTY EXECUTIVE OFFICE
AUDITOR-CONTROLLER

T/F/BSMEMO2006/PCOE TRANSACTION.DOC

TRANSFER PROPERTY MAP



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 and take all actions to complete the transfer of property from the County of Placer (County) to the Placer County Office of Education (PCOE) for property located at the intersection of Library Drive and Nevada Street in Auburn, California.

Resol. No: _____

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.

Bill Santucci, Chairman
Placer County Board of Supervisors

Attest:
Clerk of said Board

WHEREAS, the County is the owner of 3.16± acres of real property in Placer County located at the intersection of Library Drive and Nevada Street in Auburn, California, designated as Placer County APN 001-032-032 ("Transfer Property"); and

WHEREAS, PCOE has constructed an administration building and other facilities on the Transfer Property pursuant to a sublease agreement between the County and PCOE which expired in June 2002 and PCOE occupancy on the Transfer Property has held over with the consent of the County; and

WHEREAS, County now desires to transfer said property to PCOE subject to the provisions of a Transfer Agreement that contains among other requirements, PCOE's agreement to a reversionary clause and satisfaction of the County's provision of services to PCOE as described in Resolution 66-151; and

WHEREAS, County also desires to grant PCOE non-exclusive access rights and privileges of ingress to and egress from the Transfer Property subject to PCOE's agreement to contribute one half of the cost to repair and maintain the shared roadway and infrastructure.

NOW THEREFORE, BE IT RESOLVED, that the County Board of Supervisors does hereby authorize the Director of Facility Services, or his designee, to execute on behalf of the County all documentation, including the Non-exclusive Appurtenant Access Agreement, and to take all other actions, necessary to transfer the property; and, does hereby consent to the recordation of the grant deed; Non-exclusive Appurtenant Access Agreement; and, the record of survey for the Transfer Property.

212