

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

To: **BOARD OF SUPERVISORS**

Date: **JULY 7, 2009**

From: ~~JD~~ **JAMES DURFEE / ALBERT RICHIE** 

Subject: **PERCIVAL PARCEL ACQUISITION**

ACTION REQUESTED / RECOMMENDATION: It is recommended that your Board take the following actions associated with acquisition of the Percival Parcel located in Sheridan, California:

- 1) Adopt a Resolution delegating authority to the Director of Facility Services, or his designee, upon the approval of Risk Management and County Counsel to execute all documents and take all actions necessary to complete the acquisition of approximately 16 acres of undeveloped land identified as Placer County Assessor's Parcel Number 019-250-006-000, in Sheridan, California for Two Hundred Fifty Thousand and No/100 Dollars (\$250,000.00); and
- 2) Authorize addition of this property to the Master Fixed Asset list.

BACKGROUND: The County provides sewage service to approximately 220 equivalent dwelling units (EDU) in the CSA 28 Zone 6 in the community of Sheridan. Wastewater is currently treated and stored in a series of four ponds, and is disposed of through evaporation, percolation, and spray irrigation fields during the dry season. The wastewater treatment plant (WWTP) has historically been permitted to discharge to surface waters during wet winters when the storage ponds were full. The Central Valley Regional Water Quality Control Board issued Cease and Desist Order No. R5-2002-209 requiring the WWTP to either provide additional treatment to come into compliance with NPDES requirements or cease discharge to surface water altogether by December 30, 2006. In 2006, an additional storage pond was constructed to contain all the seasonal effluent from a 100-year wet season. However, regulatory requirements delineate that in order to dispose of all stored seasonal influent, expansion of the existing spray irrigation disposal system will be necessary. In order to meet this regulatory requirement, additional land must be acquired for the spray field expansion.

Utilizing engineering studies, the Environmental Engineering Division of Facility Services (EE) determined that the Percival Parcel was the ideal property to achieve compliance due to its proximity to the existing WWTP and the existing agricultural nature of the property. During the engineering process, EE pursued various funding sources and was successful in securing a commitment through the Small Community Wastewater Grant Program (SCWGP). SCWGP has notified the County that they anticipate providing up to 85.88% of the cost to acquire the Percival Parcel for the spray field expansion.

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Environmental Engineering requested that Property Management contact the property owners to see if they would consider selling their property to the County. Staff ascertained that the property owners are willing sellers, and would entertain selling the property dependent on the price. To determine fair market value, and satisfy requirements of the SCWGP, Property Management contracted for two separate professional appraisals of the property and for a SCWGP required professional appraisal reviewer. Through this process, fair market value was determined to be \$250,000, and the owners have agreed to sell their property to the County at this purchase price. To complete this acquisition, your Board's approval of staff's recommendations and the attached Resolution is required. This acquisition has been publicly noticed pursuant to Government Code Section 25350.

ENVIRONMENTAL CLEARANCE: This action is not subject to further California Environmental Quality Act (CEQA) review as an Initial Study/Mitigated Negative Declaration addressing potential impacts of the project was prepared and adopted by the Zoning Administrator on December 20, 2007.

ACQUISITION COSTS: The total acquisition cost is estimated at \$280,500, which includes the purchase price, consultant costs and staff expenses. Under terms of the SCWGP agreement, EE anticipates receiving 85.88% of the total acquisition cost, which equals approximately \$240,000 in grant funding. Funding for the remainder of the acquisition cost is available in the Sheridan Sprayfields Capital Project #4823, which is included in the FY 09/10 Proposed Budget.

JD:AR:MR:MM:DB

ATTACHMENT: RESOLUTION

CC: COUNTY EXECUTIVE OFFICE
PLANNING DEPARTMENT
ENVIRONMENTAL ENGINEERING DIVISION

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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 documents and take all actions necessary to complete the acquisition between the Percival Family Trust and the County of Placer for property located in Sheridan, California and identified as Placer County Assessor's Parcel Number 019-250-006-000; and to execute documents and take all actions necessary receive grant funds from the Small Community Wastewater Grant Program; and to disburse funds necessary to complete the transaction and record the deed for said property.

Resol. No: _____

The following **RESOLUTION** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, 2009 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, Richard L. Percival, Marilyn P. Nicholson, and Marjorie S. Percival, Trustees of the Percival Family Trust, dated February 14, 1994 (Percival Family Trust) own approximately 16 acres of undeveloped land located at 5150 Highway 65 in Sheridan, California, identified as Placer County Assessor's Parcel Number 019-250-006-000 as shown on Resolution Exhibit A; and

WHEREAS, the Percival Family Trust desires to sell the above described property to the County of Placer for the purchase price of Two Hundred Fifty Thousand and No/100 Dollars (\$250,000.00); and,

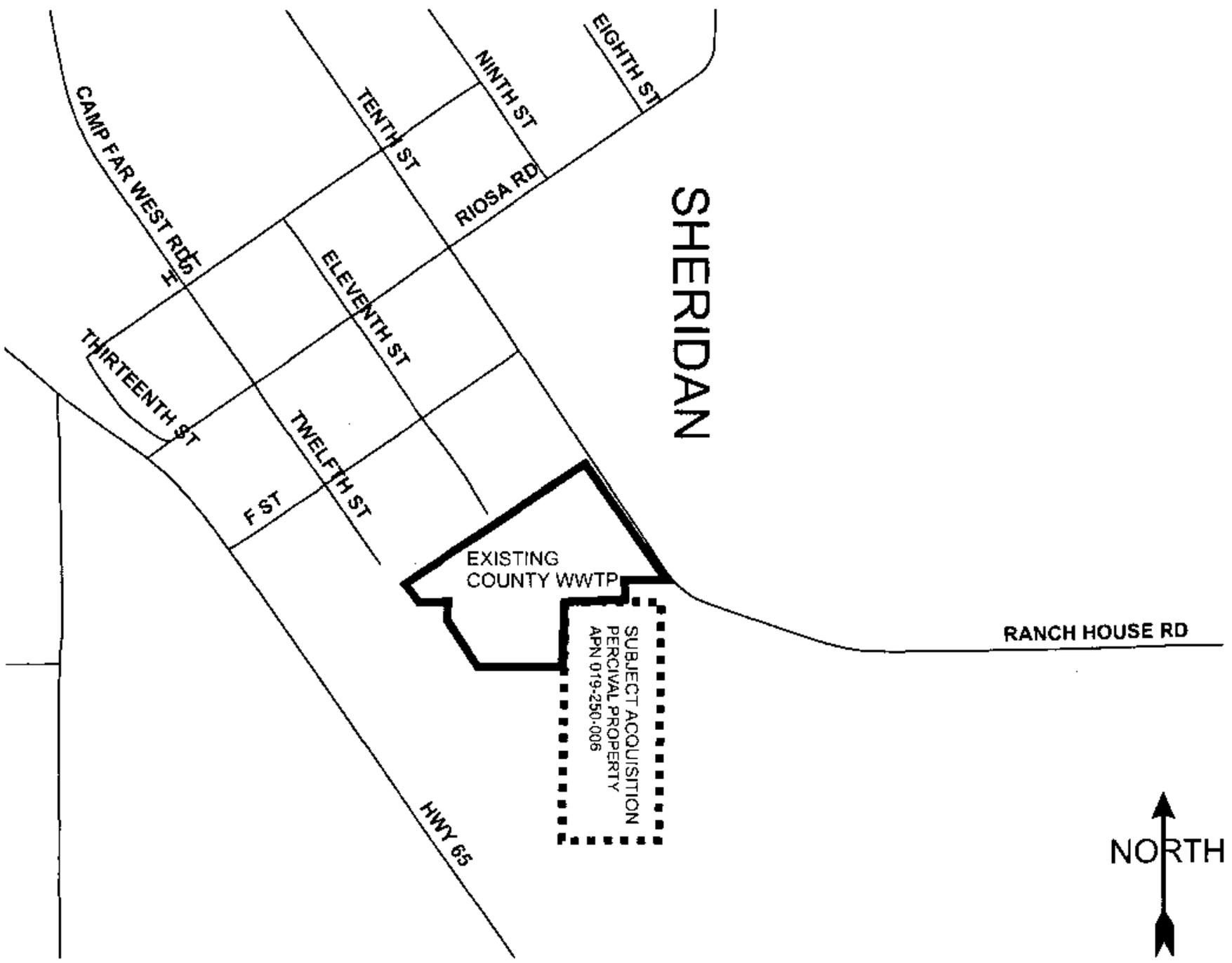
WHEREAS, the purchase property allows for expansion of the exiting Sheridan waste water treatment plant spray irrigation disposal system, which is necessary to achieve regulatory compliance; and,

WHEREAS, the County desires to acquire the purchase property from the Percival Family Trust for the purchase price upon receipt Small Community Wastewater Grant Program funding, and pursuant to the other Material Terms contained in Resolution Exhibit B.

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 take all actions as necessary to acquire the property; and to execute and take all actions as necessary to receive grant funds from the Small Community Wastewater Grant Program; and to disburse County funds necessary to complete the transaction; and does hereby consent to the acceptance and recordation of the deeds for said property.

ATTACHMENTS: RESOLUTION EXHIBIT A - PROPERTY MAP
RESOLUTION EXHIBIT B - MATERIAL TERMS

RESOLUTION EXHIBIT A
PROPERTY MAP



MATERIAL TERMS OF PURCHASE AND SALE AGREEMENT

- 1) Sellers: Richard L. Percival, Marilyn P. Nicholson, and Marjorie S. Percival, Trustees of the Percival Family Trust, dated February 14, 1994 ("Percival Family Trust").
- 2) Purchase Property: An approximately 16-acre undeveloped parcel, located at 5150 Highway 65 in Sheridan, California, identified as Placer County Assessor's Parcel Number 019-250-006-000 ("Purchase Property").
- 3) Purpose: To acquire the Purchase Property for expansion of the exiting Sheridan wastewater treatment plant spray irrigation disposal system, which is necessary to achieve regulatory compliance.
- 4) Purchase Price: The Sellers have agreed to accept the appraised value of Two Hundred and Fifty Thousand and No/100 Dollars (\$250,000.00) as the Purchase Price for the Purchase Property.
- 5) Conditions to Close: Close of Escrow will not occur until:
 - a) Placer County is satisfied regarding the condition of the Purchase Property, including its environmental and physical condition, and that Seller may transfer the Purchase Property with clear title; and,
 - b) The Small Community Wastewater Grant Program deposits into Escrow 85.88% of the total acquisition cost, which equals approximately \$240,000 in grant funding; and,
 - c) Placer County receives approval for the current Minor Use Permit Project Modification application, which will facilitate expansion of the spray irrigation disposal system, and all related legal challenge periods expire.
- 6) Closing Costs: County shall pay all escrow fees, document preparation costs and other related closing costs associated for this Property acquisition. Percival Family Trust shall pay its own legal and professional fees with regard to this transaction.
- 7) Close of Escrow Date: Close of Escrow shall be on or before August 28, 2009, or upon the fulfillment of the Conditions to Close.

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