

MEMORANDUM
OFFICE OF THE
COUNTY EXECUTIVE
COUNTY OF PLACER

TO: Honorable Board of Supervisors
FROM: Thomas M. Miller, County Executive Office
By Allison Carlos, Principal Management Analyst
DATE: October 19, 2010
SUBJECT: Waddle Ranch

ACTIONS REQUESTED

Amend the existing Waddle Ranch Grant Agreement with the Trust for Public Land (TPL) to provide \$320,000 in advanced funding and reduce Placer County's overall funding obligation, previously dedicated in open space fees, by \$640,000; contingent on an equal match from other funding sources to be secured by TPL.

BACKGROUND

On May 22, 2007, your board approved a contribution to the TPL and Truckee Donner Land Trust (TDLT) toward purchase of Waddle Ranch in Martis Valley. Waddle Ranch is a 1461 acre open space property (595 acres in Placer County) providing preservation of natural communities, public trails, and recreation and was purchased for a total of \$23.5 million by the land trusts. The Agreement with TPL was executed on October 26, 2007 with a total County commitment of \$9,950,000 towards the purchase.

The funding structure included an initial County payment of \$5,626,427 from open space fees and HR 2389 funds. The balance was to be provided from dedication of Martis Valley open space fees to be transferred to TPL as they were collected. TPL in turn would use those fees for loan payments to the Packard Foundation that also assisted with the purchase. The balance remaining in open space fees committed to TPL by the County is \$3,701,169.

ISSUE

In order to service the current year payment to the Packard Foundation (\$640,000 due Oct 2010), TPL is requesting an amendment to the agreement to provide advanced funding of open space fees. In discussion with TPL, it was suggested that a Placer County contribution would require that TPL obtain an equal match from other sources (\$320,000) and that the overall County obligation would be reduced by \$640,000, (from \$3,701,169 to \$3,061,169).

FISCAL IMPACT

A conservative analysis of development (and associated fee collection) over the 17 years remaining in the grant agreement suggests that the advance and the associated reduction of \$640,000 in obligation would exceed the cost to the County of advancing the fees and would provide a reasonable return on the investment.

Staff recommends the Board consider execution of the amended Agreement which provides for an advance of \$320,000 to TPL and a \$640,000 reduction in the County funding obligation for Waddle Ranch, contingent on an equal match from alternative sources. Funding is available in the Open Space Trust Fund to provide for this request.

Attachment: FIRST AMENDMENT TO GRANT AGREEMENT

FIRST AMENDMENT TO GRANT AGREEMENT

1. This First Amendment to Grant Agreement (the "First Amendment") shall be effective as of October 20, 2010, and is intended to modify the existing Grant Agreement which was effective as of the 26th day of October, 2007 between **The Trust for Public Land**, a California nonprofit public benefit corporation ("TPL") and the **County of Placer**, a political subdivision of the State of California ("**Placer County**"). Placer County and TPL may hereafter collectively be referred to in this First Amendment as the "**Parties**." Except as modified by this First Amendment the Grant Agreement remains unchanged and in full force and effect. Capitalized terms used herein but not defined shall have the same meanings set forth in the Grant Agreement.
2. The purpose of this First Amendment is acknowledge that the Parties have agreed to schedule a one-time payment from Placer County to TPL in exchange for a corresponding reduction in the Balance of Open Space Fees owed by a factor of two (2.0) times the amount of that one-time payment. In order for TPL to meet its interest payments, Placer County will make a one-time payment to TPL in the amount of Three Hundred Twenty Thousand Dollars (\$320,000.00) by October 25, 2010 (the "One-Time Payment"). In consideration for the One-Time Payment, TPL agrees to and shall reduce the total amount of future Open Space Fees Placer County owes by Six Hundred Forty Thousand Dollars (\$640,000.00). The parties agree the total amount due under the Grant Agreement will now be \$3,061,169. The parties agree that the One-Time Payment will not impact the timing of future quarterly payments to be made by Placer County to TPL in the coming quarters as Open Space Fees are received.
3. The First Amendment may be signed in counterparts, each of which will be considered an original, and which together will constitute one and the same Grant Agreement. Facsimile or scanned signatures are acceptable and shall be treated the same as original ink signatures for the purpose of executing and making this First Amendment binding and effective.

[Signatures on following page]

In witness of the foregoing provisions, the parties have signed this First Amendment to Grant Agreement below:

THE TRUST FOR PUBLIC LAND,
a California nonprofit public benefit corporation

By: _____
Print Name: _____
Title: _____
Date: _____

COUNTY OF PLACER,
a political subdivision of the State of California

By: _____
Print Name: _____
Title: _____
Date: _____

Approved as to Form

County Counsel