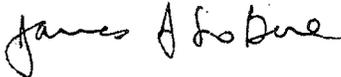


**PLACER COUNTY**  
**REDEVELOPMENT AGENCY**

**MEMORANDUM**

**TO:** Honorable Members of the Board of Supervisors  
**FROM:** Thomas M. Miller, County Executive Officer  
James LoBue, Deputy Director Redevelopment   
**DATE:** June 7, 2011  
**SUBJECT:** Landscape Maintenance Agreement Within State Highway 49 Right of Way

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**ACTION REQUESTED**

Adopt a resolution authorizing the Director of Public Works to execute a State Highway 49 Right of Way Landscape Maintenance agreement.

**BACKGROUND**

In 2009, the Redevelopment Agency (Agency) Board approved a Master Plan for streetscape improvements in the Highway 49 corridor of the North Auburn Redevelopment Project Area. At that time the Agency also began design of a first phase of improvements. The Agency has now finalized the design for the Phase I project utilizing Bennett Engineering. Final plans include new sidewalk, landscape, curb and gutter, a prefabricated pedestrian bridge, and retaining walls (hardscape) as needed on the east side of Highway 49 between New Airport Road and Education Street.

Improvements within the Caltrans right of way require an agreement between the local agency and Caltrans to absolve Caltrans of any responsibility for ongoing maintenance of constructed improvements. Caltrans requires this agreement to be executed prior to the issuance of the encroachment permit, which permit is necessary to commence construction. The Agency is working with the individual property owners along the Phase I alignment to obtain permanent easements to the County for the real property underlying the proposed hardscape improvements. Once in place the County will have easements covering the sidewalk, curb, gutter, retaining walls and pedestrian bridge and the County will agree to maintain the same. Maintenance costs are projected to be nominal for the hardscape features. While landscaping is anticipated, it will be the individual property owners who will be required to maintain the same. Draft landscape agreements are being circulated for review by property owners. Only those owners agreeing to maintain the landscape will receive extensive landscape improvements. The Agency will return at a future date to this Board for authority to accept the permanent easements, accept temporary construction easements and execute landscape agreements. While the Caltrans agreement becomes effective upon date of execution, the actual maintenance obligations are not triggered until construction is completed. In order to commence construction, staff requests that this Board adopt the proposed resolution to authorize the Public Works Director (Director) to execute the Caltrans agreement.

**ENVIRONMENTAL**

A Mitigated Negative Declaration was prepared in compliance with the California Environmental Quality Act for Phase I and adopted by the Agency Board on July 13, 2010. The Notice of Determination was posted July 21, 2010 and a copy is attached to this Board report. The Agency also undertook review pursuant to the National Environmental Policy Act which resulted in a determination of Categorically Excluded from consideration and the review was certified May 17, 2010. A copy of this determination is attached.

**FISCAL IMPACT**

This action will have no short term impact on the County's General Fund Budget as the Agency will be funding all construction costs. Phase I construction costs will be financed with already budgeted tax increment and tax allocation bond proceeds from the North Auburn Redevelopment Project Area. There is a long term fiscal impact to the County's General Fund and/or Road Fund based on the county's maintenance of the hardscape improvements into the future. Potential County costs would only include any costs of maintaining the sidewalk, retaining walls, curb, gutter and pedestrian bridge. Any future landscape maintenance costs would be borne by the individual property owners, which obligation will be secured through recorded landscape agreements

Attachment: Resolution  
Notice of Determination  
Environmental Finding Form  
Map  
Landscape Maintenance within State Highway Right of Way Route 49 Agreement

Agreement for review only at the  
Clerk of the Board

cc: Karin Schwab, Deputy County Counsel

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

In the matter of:

Authorizing the Director of Public Works to execute a State Highway 49 Right of Way Landscape Maintenance Agreement with the California Department of Transportation

Resol. No:.....

Ord. No:.....

First Reading: .....

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.

Attest:  
Clerk of said Board

\_\_\_\_\_  
Chair, Board of Supervisors

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WHEREAS, the Redevelopment Plan for the North Auburn Redevelopment Project Area (Project Area) was adopted by the Placer County Board of Supervisors on June 24, 1997 by Ordinance No. 4832-B and as subsequently amended from time to time;

WHEREAS, the Redevelopment Agency (Agency) is responsible for administering the Redevelopment Plan to effectuate redevelopment efforts within the Project Area;

WHEREAS, the Agency Board has approved a Master Plan for streetscape improvements within the State Highway 49 corridor in the Project Area;

WHEREAS, the Agency Board has determined the proposed State Highway 49 Streetscape Plan (Plan) would contribute to the Agency's achievement of the redevelopment goals including the removal of blight, improvement of substandard infrastructure, and support the local business community;

WHEREAS, without redevelopment assistance, the proposed improvements would not occur or be significantly delayed;

WHEREAS, in compliance with the California Environmental Quality Act, on July 13, 2010, the County prepared and adopted a Mitigated Negative Declaration for the proposed physical improvements of the Project. The Notice of Determination was posted July 21, 2010. A review under the National Environmental Policy Act resulted in a determination of Categorically Excluded from consideration was certified May 17, 2010.

WHEREAS, Placer County proposes to maintain improvements installed by the Agency in accordance with the Plan;

WHEREAS, a Landscape Maintenance Agreement with the California Department of Transportation is proposed to require Placer County to maintain the improvements; and

WHEREAS, the County is willing to accept the obligation to maintain the hardscape improvements if the underlying property owners grant permanent easements to the County for the improved areas; and

WHEREAS, easement documents and landscape maintenance agreements are being prepared with owners of properties adjacent to the State Highway 49 right of way improvements project to provide for authorization to begin construction of the improvements and to ensure maintenance by adjacent property owners of landscaping improvements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors authorizes the Director of Public Works (Director) to execute the Landscape Maintenance Agreement on behalf of the County with the California Department of Transportation for State Highway 49 right of way improvements.

BE IT FURTHER RESOLVED by the Board of Supervisors that this Resolution shall become effective immediately upon adoption.

**Notice of Determination**

To:  Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044  
 County Clerk  
County of Placer  
2952 Richardson Avenue  
Auburn CA 95603

From: Placer County Community Development Resource Agency  
Environmental Coordination Services  
3091 County Center Drive, Suite 190  
Auburn, CA 95603  
Maywan Krach (530) 745-3132

**Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code**

State Clearinghouse Number (if submitted to State Clearinghouse):  
2010032076

Project Title:  
**Phase I Highway 49 Streetscape Master Plan Project**

Project Location (include county):  
The project corridor is located approximately 2.4 miles north of Interstate 80 (I-80) at the intersection of Highway 49 and New Airport Road and extends approximately 0.95 miles north to the Highway 49/Education Street intersection, Placer County

Project Description:  
The proposed project proposes improvements to and installation of curb, gutter, sidewalk and landscaping of approximately 0.95 mile of Highway 49 from New Airport Road to Education Street. The proposed project also includes the installation of 12- and 24-inch diameter storm drain pipes to accommodate storm water runoff within the project area.

Entitlement(s):  
Adoption of the Plan and the Mitigated Negative Declaration

This is to advise that Placer County ( Lead Agency or  Responsible Agency) has approved the above-described project on July 13, 2010 by Board of Supervisors and has made the following determination regarding the project:

1. The project [ will  will not] have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation Measures [ were  were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [ was  was not] adopted for this project.
5. A Statement of Overriding Considerations [ was  was not] adopted for this project.
6. Findings [ were  were not] made pursuant to the provisions of CEQA.
7. California State Department of Fish and Game Fees (SB 1535)  
 The project is not exempt and is, therefore, subject to the following fees:  
 \$2,010.25 (\$50 County recording fee waived per Government Code Section 27383) for review of a Negative Declaration  
 \$50 for County recording fees for a project previously approved and paid (attach DFG receipt)

**FILED**  
JUL 21 2010  
JIM McCauley  
COUNTY CLERK OF PLACER COUNTY  
BY *May Collier*  
DEPUTY

This is to certify that the Negative Declaration is available to the General Public at the front counter of the Community Development Resource Center, 3091 County Center Drive, Auburn, CA 95603.

Signature *Maywan Krach* Date 7/20/2010  
Environmental Coordination Services, Placer County

Date received for filing at Placer County: No fee for recording pursuant to government Code Section 27383

10-0139

POSTED 07/21/2010  
Through \_\_\_\_\_  
JIM McCAULEY, COUNTY CLERK  
By *May Collier*  
Deputy Clerk

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**ENVIRONMENTAL FINDING FORM**

CDBG Grantee: County of Placer

CDBG Contract #: \_\_\_\_\_

Activity: (scope of NEPA Activity, e.g. sewer and water improvements in support of shopping center development *and* identification of CDBG Activity e.g. planning/technical assistance grant, housing rehabilitation, community facilities, new housing construction, public works, business loan, public infrastructure, microenterprise program,):

Public Works -- installation of sidewalks, curb and gutter, public safety enhancements, ADA ramps, and landscape

The environmental level of clearance for the CDBG project is:

- Exempt (24 CFR Part 58.34), or
- Categorically excluded not subject to the §58.5 statutes [24 CFR Part 58.35(b)]

Attached documentation:

\_\_\_\_\_ HUD Environmental Form for Statutes and Regulations at 24 CFR Part 58.6

- Categorically excluded subject to the §58.5 statutes per 24 CFR Part 58.35(a), but requires no mitigation and *has converted to exempt status* [24 CFR Part 58.34(a)(12)], or
- Categorically excluded subject to the §58.5 statutes [24 CFR Part 58.35(a)], but will require mitigation and, therefore, will not convert.

Attached documentation:

X HUD Environmental Form for Statutes and Regulations at 24 CFR Part 58.6, and

X Statutory Worksheet, or

\_\_\_\_\_ Rehabilitation Environmental Review (RER) form (tiered environmental reviews only). RER Appendix A (Parts 3-6) must be completed after the project site is identified and before you proceed with the project. A copy of Appendix A must be kept in the project file.

If the Statutory Worksheet triggers public noticing requirements, also provide:

\_\_\_\_\_ Notice of Intent to Request Release of Funds (proof of publication) and

\_\_\_\_\_ Request for Release of Funds and Certification (HUD-7015.15 form)

The RER *requires* public noticing, provide:

\_\_\_\_\_ Notice of Intent to Request Release of Funds (proof of publication) and

\_\_\_\_\_ Request for Release of Funds and Certification (HUD-7015.15 form)

- Environmental Assessment (24 CFR Part 58.36)

Attached documentation:

\_\_\_\_\_ HUD Environmental Form for Statutes and Regulations at 24 CFR Part 58.6

\_\_\_\_\_ Environmental Assessment

\_\_\_\_\_ Combined Finding of No Significant Impact/Notice of Intent to Request Release of Funds (proof of publication)

\_\_\_\_\_ Request for Release of Funds and Certification (HUD-7015.15 form)

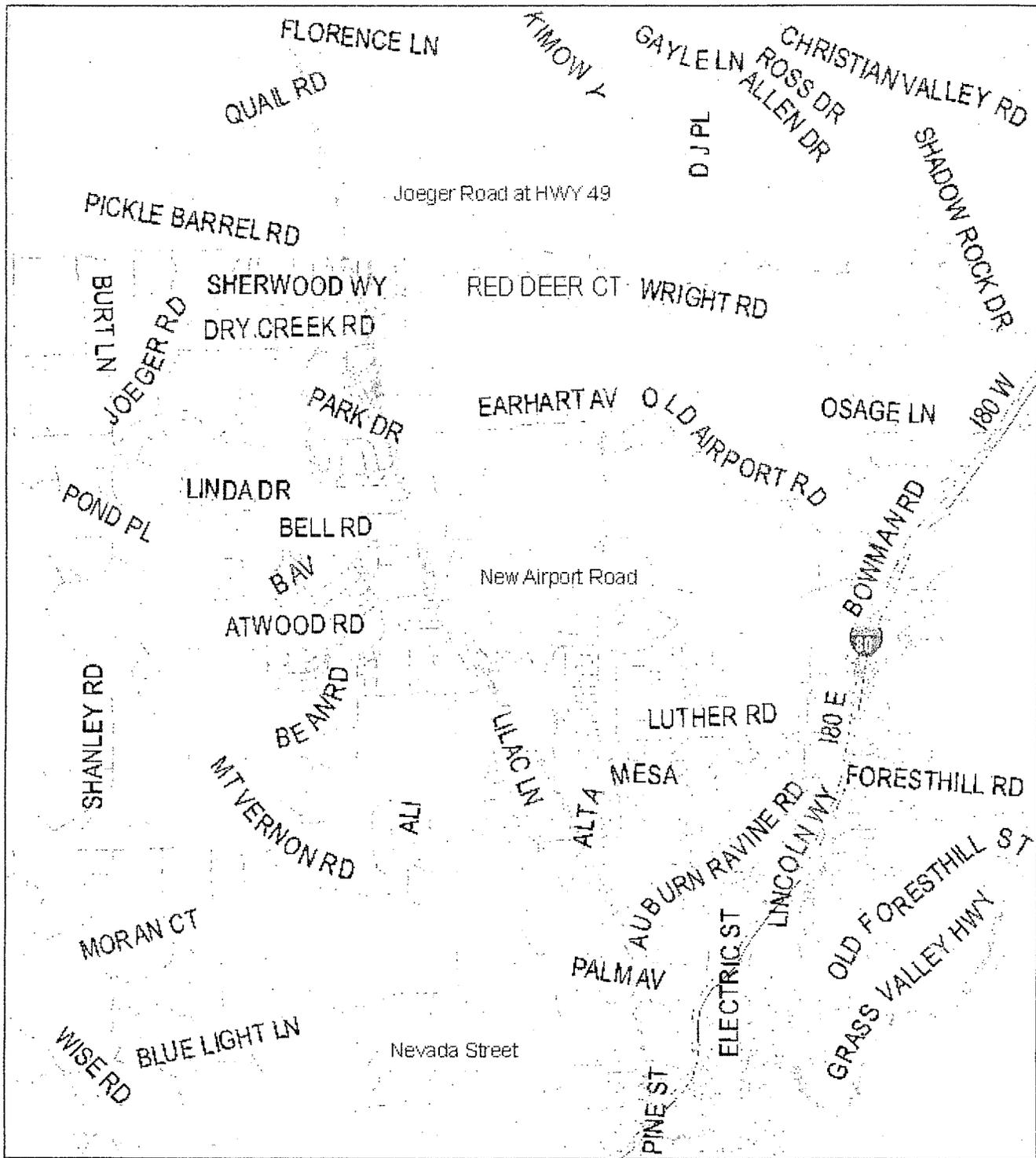
- Environmental Impact Statement (24 CFR Part 58.37)

Attached documentation: Contact CDBG Representative.

Steve A Brown \_\_\_\_\_ 5-17-2010

Certifying Officer: Steve Brown Date

(Rev. 8/04)



Phase 1

**Highway 99 Streetscape Project**  
**Master Plan Boundaries**  
**Joeger Road to Nevada Street**  
**Phase 1 of Project**  
**Education Street to New Airport Road**



