

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

To: **BOARD OF SUPERVISORS**

Date: **APRIL 23, 2013**

From:  **JAMES DURFEE / MARK RIDEOUT** 

Subject: **DRY CREEK SCHOOL DISTRICT PROPERTY EXCHANGE**

ACTION REQUESTED / RECOMMENDATION:

1. Approve the exchange of 5.3 acres of surplus County property, located south of the future Morgan Creek Elementary School site (APN 023-221-042), for an 8.6 acre portion of the Dry Creek Joint Elementary School District's Creekview Ranch Middle School property in Roseville (APN 474-080-015), at no net county cost; and,
2. Adopt the attached Resolution delegating authority to the Director of Facility Services, or his designee, to execute the Agreement for Transfer of Real Property between the Dry Creek Joint Elementary School District and the County of Placer, and to execute all documents and take all actions necessary to exchange the properties; and,
3. Authorize the addition of the newly acquired property to the Master Fixed Asset list following the close of escrow.

BACKGROUND: In September 2002, a 5.3 acre public park site, located just south of the Dry Creek School District's future elementary school on Vineyard Road (Morgan Creek Property – See Exhibit A) was dedicated to the County pursuant to a Condition of Approval for the Morgan Creek Village Subdivision. While it was thought the development of a community park on this site would be necessary, the County has since invested resources to develop the nearby Dry Creek Community Park, and the Morgan Creek Property is not required for County use.

The Dry Creek Joint Elementary School District (School District) approached the County Parks Division with a proposal to exchange the Morgan Creek Property for 8.6 acres of open space along Dry Creek adjacent to the Creekview Ranch Middle School on Cook Riolo Road (Open Space Property – See Exhibit A). This proposal results from the School District's determination that ownership of the Morgan Creek Property would enhance the School District's future school development. It would also provide community benefits through additional outdoor recreation facilities for use during non-school hours, and enhance pedestrian access to the future school.

Facility Services staff has evaluated this request and determined the exchange would benefit the County in several ways. As the Open Space Property is identified within the Draft Placer County Conservation Plan (PCCP) Reserve Acquisition Area, and the County Aquatic Resource Plan area, the County could (once the PCCP is approved) gain conservation and/or mitigation credits from the preservation of this property's ecological and open space resources. Furthermore, the Open Space Property presents the County with the opportunity to construct a necessary segment of the planned 75 mile regional loop Class 1 Bike Path, which will connect the existing Dry Creek trail with Roseville, Granite Bay, Folsom Lake, and Sacramento. This regional bike path will be consistent with the goals and policies found in the County's Dry Creek Greenway Vision Plan to provide compatible recreational opportunities for the region.

Property Management successfully negotiated an Agreement for Transfer of Real Property (Transfer Agreement) with the School District. The Transfer Agreement indicates neither party will pay cash consideration to the other for receipt of their respective properties. Given the residential development potential associated with the Morgan Creek Property, the grant deed to the School District will contain a deed restriction requiring the Morgan Creek Property be utilized for school and school-related purposes only, and not for residential development. Additionally, the Agreement requires the School District ensure access to the Morgan Creek Property by the general public during non-school hours. To allow student access to the Open Space Property's Dry Creek riparian areas for educational purposes, an Access Agreement will be recorded upon close of escrow. With the exception of the School District bearing costs associated with a survey and legal description to define the Open Space Property, both the County and the School District are responsible for their respective administrative, consulting, legal, escrow and title costs.

To complete this transaction, your Board's approval of staff's recommendations and adoption of the attached Resolution, which authorizes the Director, or his designee, to execute the Transfer Agreement and Access Agreement, subject to County Counsel and Risk Management approval, as well as all actions necessary to implement this exchange, is required. This transfer is allowed pursuant to Government Code Section 25365 that allows the exchange of real property to a federal, state or school district if the property being transferred is considered surplus and the property being acquired is required for County use. This action has been publicly noticed pursuant to this Code.

ENVIRONMENTAL CLEARANCE: Staff has determined the exchange of the properties is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15325. This section provides for the transfer of ownership of land to accept easements or fee title interests in order to maintain the open space character of an area, and 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. The actions taken by your Board to approve the exchange of property with the School District does not provide entitlements for the construction of any improvements associated with either the Open Space Property or the Morgan Creek Property. Any such construction will be subject to applicable County environmental review and permit processes.

FISCAL IMPACT: Neither party will pay any cash consideration to the other party for the property exchange. Both the County and the School District are responsible for their respective administrative, consulting, escrow and title costs. The County's administrative, consulting, escrow and title costs are estimated at \$28,840. There is sufficient funding available for the County's transaction costs, and for future operations and maintenance of the Open Space Property, in the Dry Creek-West Placer County Service Area (CSA) budget. As a result, there is no net county cost associated with this action.

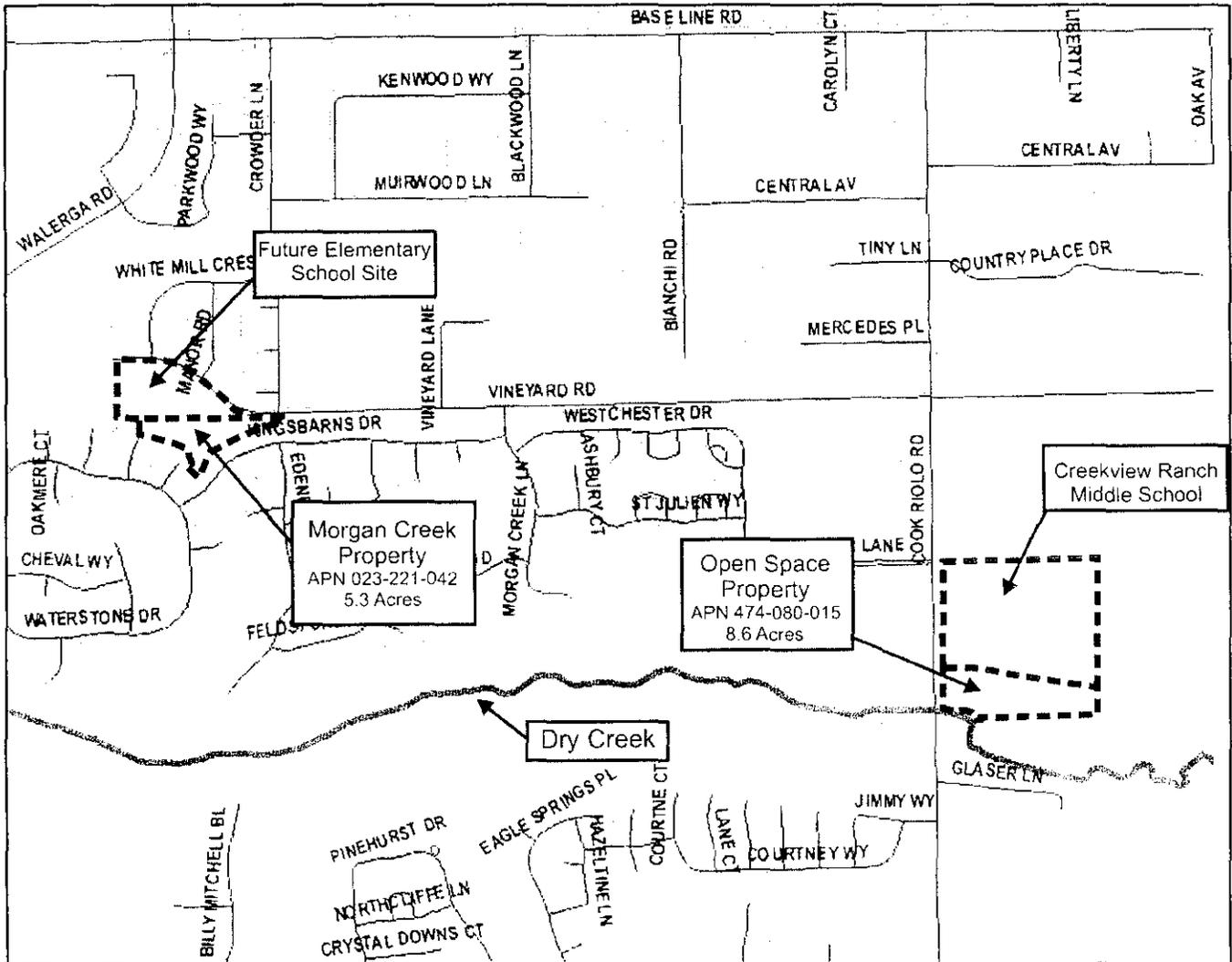
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ATTACHMENTS: EXHIBIT A – PROPERTIES DEPICTION
RESOLUTION

CC: COUNTY EXECUTIVE OFFICE
AUDITOR - CONTROLLER

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PROPERTIES DEPICTION



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 THE AGREEMENT FOR TRANSFER OF REAL PROPERTY BETWEEN THE DRY CREEK JOINT ELEMENTARY SCHOOL DISTRICT AND THE COUNTY OF PLACER FOR UNIMPROVED PROPERTIES IN PLACER COUNTY LOCATED IN ROSEVILLE, CALIFORNIA, AND EXECUTE ALL OTHER DOCUMENTATION, AND, TAKE ALL OTHER ACTIONS NECESSARY TO COMPLETE THE PROPERTY EXCHANGE.

Resol. No: _____

RESOLUTION was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, 2013 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, the County of Placer (County) owns 5.3 acres of property located south of the Dry Creek Joint Elementary School District's (School District) future elementary school site on Vineyard Road in Roseville, California APN 023-221-042 (Morgan Creek Property), which is no longer required for County use and is therefore deemed surplus; and,

WHEREAS, the School District is the owner of the Creekview Ranch Middle School at 8779 Cook Riolo Road in Roseville, California APN 474-080-015, and has designated an 8.6 acre open space area of this property as surplus (Open Space Property); and,

WHEREAS, the School District desires to acquire the Morgan Creek Property to facilitate the School District's future school development and to provide additional outdoor recreational facilities to the public during non-school hours, and has offered to exchange its Open Space Property for the Morgan Creek Property; and,

WHEREAS, the County has determined the Open Space Property is required for County purposes due to its ecological characteristics, open space resources and recreational benefits;

NOW THEREFORE, BE IT RESOLVED, the County Board of Supervisors does hereby authorize the Director of Facility Services, or his designee, to execute the Transfer Agreement and the Access Agreement on behalf of the County, following approval by County Counsel and Risk Management, execute all other documentation, take all other actions necessary to exchange the Morgan Creek Property for the Open Space Property, and does hereby consent to the acceptance, granting, and recordation of the deeds including the Access Agreement as described in the Transfer Agreement.