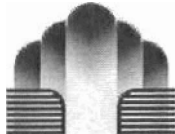




**Brenda J Bailey/PV/EDC**  
06/02/2008 03:23 PM

To Cindy L Keck/PV/EDC@TCP, Cynthia C Johnson/PV/EDC@TCP  
cc  
bcc  
Subject Fw: Item #69, 6/3/08 Agenda; Ginney Parcel Map

----- Forwarded by Brenda J Bailey/PV/EDC on 06/02/2008 03:25 PM -----



**Peter M Feild/PV/EDC**  
06/02/2008 02:20 PM

To Brenda J Bailey/PV/EDC@TCP  
cc Pierre Rivas/PV/EDC@TCP, Jim Ware/PV/EDC@TCP, Matthew D Smeltzer/PV/EDC@TCP, Richard W Shepard/PV/EDC@TCP, George W Sanders/PV/EDC@TCP  
Subject Item #69, 6/3/08 Agenda; Ginney Parcel Map

Helen and Brenda:

Per your request of 5/30/08, please find attached an Interoffice Memorandum that is in response to the letter from Bob Smart, dated May 28, 2008, regarding Item #69 of the 6/3/08 BOS Agenda.

Please call or e-mail with any questions.

Thanks,  
Pete Feild, R/W Manager

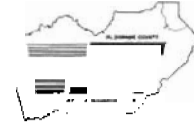
  
dotmemobaumannreginney.pdf

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**COUNTY OF EL DORADO  
DEPARTMENT OF TRANSPORTATION**



**INTEROFFICE MEMORANDUM**

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**Date:** June 2, 2008

**To:** Helen Baumann, Supervisor, District 2  
Brenda Bailey, Assistant to Supervisor Baumann

**From:** Pete Feild, R/W Program Manager

**Subject:** **Item #69, BOS Agenda of 6/3/08:  
Z07-0044/PD07-0030/P07-0010, Ginney-Campoy, LLC**

You have asked for comments from the Department of Transportation (DOT) staff in response to the letter dated May 28, 2008, submitted by Robert A. Smart, Jr., regarding the above referenced Agenda Item. The following information and comments are directed to the question or issue of the creation of a formal easement crossing the former railroad right of way, which is under the control of the Sacramento Placerville Transportation Corridor Joint Powers Authority (JPA); the comments generally follow the order of issues raised in Mr. Smart's letter.

- 1) Regarding access from Sunset Lane: On September 12, 2006, after all required public noticing, the County abandoned the most easterly portions of Sunset Lane, that crossed the Ginney-Campoy property, as well as property owned by Norm Brown (N.C. Brown Development Company), and the JPA. The portion of Sunset Lane that continues to be a public roadway abuts the most westerly parcel of the four proposed Ginney parcels.
- 2) The subject parcel has had access across the JPA rail corridor for many years, and Mr. Ginney has often referred to that roadway as a "prescriptive easement". DOT staff has advised Mr. Ginney on several occasions that he cannot make a prescriptive claim for land that is publicly owned, and Mr. Smart is correct in stating that citizens cannot perfect prescriptive easements against the County/JPA. However, in this instance and as is currently proposed, Mr. Ginney is proposing to create a "crossing easement" from Mother Lode Drive to his property, pursuant to the terms and conditions of an Easement Agreement.

- 3) Regarding the proposed Easement Agreement, it is important to understand additional detail, as follows:
  - a) Mr. Ginney first approached General Services (GS) and DOT in 2005, requesting that he be granted a formal easement for the area of the existing roadway between Mother Lode Drive and the subject property. Also around this same time, Norm Brown approached the County with a similar request for a crossing easement, to serve a future commercial development for a large parcel located between Hwy. 50 and the JPA rail corridor. A joint meeting was held on July 13, 2006, to consider all the various aspects of these two easement requests; the meeting was attended by GS staff, DOT staff, Mr. Brown and Craig Sandberg, Counsel for Mr. Brown, and Paul Chrisman, Counsel for the JPA. It was determined that it would be best to have one single crossing easement that was aligned with the entry to the Shingle Springs Park, as that intersection would ultimately be signalized; if that location was the single crossing point to serve Mr. Brown's commercial development, then additional access could be provided to Mr. Ginney, in a parallel alignment to the JPA rail corridor. Mr. Sandberg agreed to draft an Easement Agreement, which would be provided to GS, DOT and the JPA, for review and comment.
  - b) From approximately October of 2006 to September of 2007, GS staff, DOT staff, the JPA Counsel and Mr. Brown's Counsel, in addition to Mr. Ginney, went through numerous iterations of the Easement Agreement, resulting in a final draft Easement Agreement that was presumably satisfactory to all parties around October of 2007.
  - c) Also in October of 2007, as the result of a meeting held between Supervisor Baumann and Development Services Department staff, DOT was requested to process a crossing easement for Mr. Ginney, in the approximate location of the existing roadway, to serve his proposed Parcel Map. The project was ultimately conditioned by DOT to provide access to the project by means of an Easement Agreement that was acceptable to the County and the JPA. DOT staff has since re-drafted the Easement Agreement to accommodate Mr. Ginney's project; Mr. Ginney's engineer has provided a legal description that is consistent with the proposed Parcel Map, and that legal description has been approved by DOT's surveyor.
  - d) Also, as of 5/28/08, Mr. Brown has had his legal counsel, Mr. Sandberg, re-draft the Easement Agreement so as to be exclusive of Mr. Ginney's project. The revised draft Easement Agreements for both Mr. Ginney and Mr. Brown are now ready to be submitted to County Counsel for their review and comment.

Interoffice Memorandum  
June 2, 2008  
Page 3

- 4) Mr. Smart has raised some issues related to future use of the rail corridor, especially as it relates to future trail development, and/or any return to rail use. The draft Easement Agreement contains provisions that ensure that if any rail use is returned to the corridor, that the Grantee (Mr. Ginney or Mr. Brown, or their successors in interest) would be required to install any and all rail crossing appurtenances (lights, crossing barricades, etc.) as may be required by the California Public Utilities Commission (CPUC). Additionally, if any recreational trail use were to be constructed by the County within the JPA corridor, whereby a lateral crossing is created over the easement area, proper signage and striping would be required at that time within the easement area.

Hopefully this information is helpful in considering the questions and issues raised by Mr. Smart. If you need any additional information or have any questions related to the proposed draft Easement Agreement referenced herein, please contact me at X7666, or by e-mail at [petef@co.el-dorado.ca.us](mailto:petef@co.el-dorado.ca.us), at your convenience.

dotmemobaumannreginney.