



ORDINANCE NO. 5037

**AN ORDINANCE DELEGATING TO THE ~~COMMUNITY DEVELOPMENT AGENCY~~
~~DIRECTOR~~DIRECTOR OF TRANSPORTATION AUTHORITY TO ACQUIRE REAL
PROPERTY**

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

Section 1.

WHEREAS, pursuant to Section 25350.60 of the California Government Code, the Board of Supervisors may, by ordinance, authorize a county officer to perform any or all acts necessary to approve and accept for the county the acquisition of any interest in real property;

WHEREAS, Section 27281 of the California Government Code provides that any deed or grant conveying any interest in or easement upon real property to a political corporation or government agency for public purposes shall not be accepted for recordation without the consent of the grantee evidenced by its Certificate or Resolution of Acceptance attached to or printed on the deed or grant and that a political corporation or governmental agency may, by general resolution, authorize an officer or agent to accept and consent to such deeds or grants; and

WHEREAS, in order to allow for more efficient operation of the County’s right of way acquisition program associated with its Capital Improvement Program, the Board of Supervisors desires to delegate such authority to the ~~Director of the Community Development Agency~~Director of Transportation.

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED AS FOLLOWS:

A. The El Dorado County Board of Supervisors, by both ordinance and general resolution, does hereby authorize the ~~Director of the Community Development Agency~~Director of Transportation (“Director”) to perform any or all acts necessary to approve and accept on behalf of El Dorado County the acquisition of any interest in or easement upon real property and to consent to the recordation thereof. This authority is limited to acquisitions of \$25,000 or less. The Director is also authorized to review and as appropriate, adopt and approve the fair market valuation of an acquisition as fair and just compensation, and to execute Right-of-Way Contracts relating to said acquisitions and to execute such other documents and take such other actions as are necessary to carry out the purposes and intent of this Ordinance.

B. This delegated authority must be exercised in accordance with the following procedures and limitations:

1. The acquisition of real property interest shall be for a public structure, road, trail or improvement as previously approved by the Board of Supervisors or as a part of the approved Capital Improvement Program.

- 2. The Director must assure that there is adequate, assured, funding for the acquisition and project prior to committing to the acquisition.
- 3. The fair market value of the real property interest to be acquired shall be determined by an appraisal or some other generally accepted industry standard or method of valuation. The appraised amount or valuation will be a determining factor along with any other unique or extenuating circumstances associated with the purchase to establish the negotiated purchase price.
- 4. If required, the proposed acquisition shall be submitted to the Planning Commission to make a finding of General Plan conformance prior to acquisition of the real property interest.
- 5. The Director shall provide a report to the Board every six months, or at least twice a year, of the property interests acquired under this authority.

C. This delegated authority shall be effective for five years from the effective date of this Ordinance.

Section 2. Compliance with California Environmental Quality Act

The Board finds that this ordinance is Categorical Exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15320 (Changes in Organization of Local Agencies) and Section 15378 (General Policy and Procedure Making).

Section 3. Severability

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Section 4. This ordinance shall become effective thirty (30) days following the adoption hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the ____ day of _____, 2016, by the following vote of said Board:

ATTEST
JAMES S. MITRISIN
Clerk of the Board of Supervisors

Ayes:
Noes:
Absent:

By _____
Deputy Clerk

Chair, Board of Supervisors

APPROVED AS TO FORM
MICHAEL J. CICCOTZI, County Counsel

By _____
David A. Livingston, Sr. Deputy County Counsel

I CERTIFY THAT:
The foregoing instrument is a correct copy
of the original on file in this office

Date _____
ATTEST: JAMES S. MITRISIN,
Clerk of the Board of Supervisors of the
County of El Dorado, State of California.

By _____
Deputy Clerk