

**EL DORADO COUNTY
BOARDS OF SUPERVISORS
AGENDA TRANSMITTAL
MEETING OF August 8, 2000**

*PLZ. START A
BASS LAKE FILE
JLP/CH*

AGENDA TITLE: Bass Lake Land Exchange: Request Board Initiate a Rezone to Remove Design Review Overlay

DEPARTMENT: GENERAL SERVICES G.F. Martin, Director <i>GF Martin</i>	DATE: July 26, 2000	CAO USE ONLY
CONTACT: Craven Alcott	PHONE: 5330	<i>C 7/31/00 TOM</i>

DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION:

The Department of General Services is requesting that the Board of Supervisors direct the County Planning Department to initiate a rezone of the County's 16-acres in Cameron Park to remove the design review overlay zoning from the industrial zoning, currently in place. The removal of the design review overlay is a condition for finalization of the land exchange with Bass Lake Properties for 41-acres on Bass Lake Road. The Board previously approved this land exchange and the properties are currently in escrow. The Department further requests that the Board waive the Planning Department fees for processing this rezoning request.

CAO RECOMMENDATION:

CAO CONCURS

Financial impact? () Yes (X) No	Funding Source: () Gen Fund () Other
UDGET SUMMARY:	CAO Office Use Only:
Total Est. Cost \$ _____	4/5's Vote Req'd () Yes (X) No
Funding	Change In Policy () Yes (X) No
Budgeted \$ _____	New Personnel () Yes (X) No
New Funding \$ _____	CONCURRENCES
Savings* \$ _____	Risk Management _____
Other \$ _____	County Counsel _____
Total Funding Available \$ _____	Other _____
Change in Net County Cost \$ _____	
*Explain: Budgeted in FY99/00	

RECEIVED
 JUL 31 1 48 PM '00
 EL DORADO COUNTY BOARDS OF SUPERVISORS

BOARD ACTIONS: AUG - 8 2000 - APPROVED AND FEES WAIVED FOR PROCESSING REZONING REQUEST.

#7

Vote: Unanimous _____ Or I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors.

Ayes: HUMPHREYS, SOLARO, BRADLEY, NUTTING, NIELSEN
Date: _____

Noes: NONE
Attest: DIXIE L. FOOTE, Board of Supervisors Clerk

Abstentions: NONE
By: _____

Absent: NONE

19-1872



County of El Dorado
General Services Department

George Martin, Director

Mailing Address: 360 Fair Lane
Physical Address: 3000 Fairlane Ct., Suite 1
Placerville • CA 95667-4197
(530) 621-5864 • Fax (530) 295-2540

Airports, Parks and Grounds Division

July 26, 2000

Board of Supervisors
330 Fair Lane
Placerville, Ca. 95667

Subject: Bass Lake Land Exchange: Request Board Initiate a Rezone to Remove Design Review Zoning Overlay

Dear Board Members:

Recommendation:

The Department of General Services is requesting that the Board direct the El Dorado County Planning Department to initiate a rezone of the County's 16-acre parcel (APN# 109-230-9 and 109-203-10) in Cameron Park to remove the design review zoning overlay. The Department further requests that the Board waive the Planning Department fee for processing this rezoning.

Reason for Recommendation:

The Board of Supervisors has approved a land exchange of the County's 16-acre parcel in Cameron Park for a 41-acre parcel (APN # 103-010-11 and 103-010-13) on Bass Lake Road. This land exchange is currently in escrow. The local representative for Bass Lake Properties, owner of the Bass Lake parcel, has requested, as a condition of this land trade, to have the County remove the design review overlay from the industrial zoning on the 16 acres. The industrial zoning would remain. This issue has been discussed with the Planning Department and General Service's staff has been advised that the Board of Supervisors must initiate a rezoning process in order to remove this design review overlay.

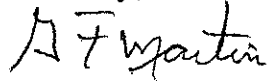
Fiscal Impact:

The Department anticipates that the Board of Supervisors will direct that the rezoning fees be waived for this application. No other fiscal impact is anticipated.

Action to be taken following approval:

Upon direction from the Board to initiate this rezoning request, the General Services staff will work with the Planning Department to process this rezone.

Sincerely,



G. F. Martin
Department Director

020699

RECORDING REQUESTED BY:

David E. Whittington

WHEN RECORDED, MAIL TO: Board of Supervisors

Pacific Western Extruded Plastics Company
900 Fourth Avenue, Suite 3500
Seattle, Washington 98164

Attention: Vice President/General Counsel

OFFICIAL RECORDS
EL DORADO COUNTY-CALIF.
RECORD REQUESTED BY:

County Counsel

APR 14 10 08 AM '87

11/02/87 DOROTHY GARR
COUNTY RECORDER (4)

The undersigned grantor(s) declare(s)
Deed transfer tax is \$ 0

DEED

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the COUNTY OF EL DORADO, CALIFORNIA, a California municipal corporation, as grantor, hereby grants, conveys and warrants to PACIFIC WESTERN EXTRUDED PLASTICS COMPANY, a Washington corporation, as grantee, fee simple ownership of that certain approximately 8 acre parcel of land in El Dorado County, California, described in Exhibit A attached hereto and by this reference incorporated herein, free and clear of all liens and exceptions other than:

1. Liens for ad valorem taxes and special assessments which are not delinquent;
2. The right, title and interest of parties to that certain Lease Agreement dated as of December 1, 1971, between Dorado Industrial Development Corporation as lessor and Certain-Teed Products Corporation (now known as CertainTeed Corporation);
3. Mortgage and indenture of trust dated December 1, 1971 in the original principal amount of \$2,200,000 from Dorado Industrial Development Corporation to American Bank and Trust Company;
4. Utility, access and other easements, rights of way, mineral rights, restrictions and exceptions of record;
5. Workmen's, vendor's, mechanic's, materialmen's, landlord's and other statutory liens, if any, which arise out of operations conducted on the property; and
6. The reversionary interest described in the following paragraph.

This Deed is delivered and accepted pursuant to, and subject to the terms of, that certain Agreement dated as of January 20, 1987, between the County of El Dorado, California, Pacific Western

Extruded Plastics Company and CertainTeed Corporation (hereinafter called the "Agreement"), which contains the following provision:

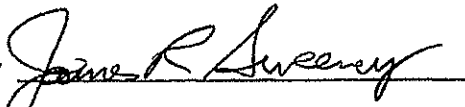
2. Office Construction. Within one year from the date of this Agreement, PW Pipe shall file an application for a building permit with the County for the construction of corporate headquarters for PW Pipe on that certain approximately eight acre parcel of land described in paragraph 4.b below. Additionally, PW Pipe agrees that, following construction, the facility shall be used as PW Pipe's corporate offices for at least five years from the date such facility is available for occupancy. In the event the County deems PW Pipe to be in default of its office construction or use commitments in this paragraph 2, it shall give written notice to PW Pipe specifying the nature and extent of the default and, in the event PW Pipe has not remedied the default within 30 days (or, if the nature of the default is such that it can not be remedied within 30 days, PW Pipe has not begun remedying the default within such 30 day period and thereafter diligently pursues such remedy), PW Pipe's entire interest in the property described in paragraph 4.b below shall automatically revert to the County. Such automatic reversion shall be the County's sole remedy for any breach of the office construction and use commitments in this paragraph 2.

In the event of an unremedied breach of the foregoing commitment for construction and use of the corporate headquarters located on the property hereby conveyed, the subject property, together with all buildings and other real property improvements located thereon, shall automatically revert to Grantor, its successors and assigns, without the necessity of re-entry or any other action on the part of Grantor, its successors and assigns.

IN WITNESS WHEREOF, the Grantor has executed this deed as of April 13, 1987.

COUNTY OF EL DORADO, CALIFORNIA

By


Chairman of the Board of
Supervisors

Mail Tax Statements to:

Pacific Western Extruded Plastics
Company
900 Fourth Avenue, Suite 3500
Seattle, Washington 98164


19-1872 D 8 of 18

STATE OF CALIFORNIA)
) ss.
COUNTY OF EL DORADO)

I certify that I know or have satisfactory evidence that JAMES R. SWEENEY signed the foregoing instrument and on oath stated: that he is the Chairman of the Board of Supervisors of El Dorado County, California; that he is authorized to execute the instrument on behalf of said political subdivision of the state of California; and that he executed the instrument as the free and voluntary act of such political subdivision of the state of California for the uses and purposes mentioned in the instrument.

Dated: April 13, 1987




NOTARY PUBLIC in and for the
State of California, residing
at Placerville, California

My appointment expires: May 4, 1990

PARCEL 2

All that certain real property situate in Section 11, T.9N., R.9E., MDM, County of El Dorado, State of California, more particularly described as follows:

Being Parcel 2 of that certain parcel map recorded on April 3, 1987 in Book 37 of Parcel Maps at Page 10A, Official Records of El Dorado County.

EXHIBIT "A"

020697

Recording Requested By

OFFICIAL RECORDS
EL DORADO COUNTY-CALIF.
RECORD REQUESTED BY:
County Counsel

When Recorded Mail To:

President, Board of Supervisors
County of El Dorado
Placerville, California 95667

APR 14 10 02 AM '87

DOROTHY GARR
COUNTY RECORDER

NO FEE

The undersigned grantor(s) declare(s):
Documentary transfer tax is \$ _____
() computed on full value of property conveyed, or
() computed on full value less value of liens and
encumbrances remaining at time of sale.

WARRANTY DEED

THIS INDENTURE, made by DORADO INDUSTRIAL DEVELOPMENT CORPORATION, a California nonprofit corporation, grantor, of El Dorado County, California. Dorado Industrial Development Corporation hereby conveys and warrants to the COUNTY OF EL DORADO, CALIFORNIA the tract of land in El Dorado County, California described in Exhibit A attached hereto and hereby incorporated by reference, subject to the rights of Certain-Teed Products Corporation, or its successors or assigns, under a Lease Agreement dated as of December 1, 1971.

IN WITNESS WHEREOF the said grantor has hereunto set its hand and seal as of this 1st day of December, 1971.

DORADO INDUSTRIAL DEVELOPMENT CORPORATION



By George B. Maul
Its _____ President

By William F. Penney
Its _____ Secretary

(Corporate Seal)

Mail Tax Statements to:

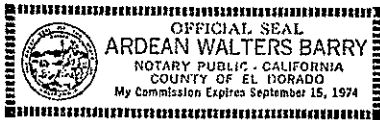
County of El Dorado

STATE OF CALIFORNIA }
COUNTY OF EL DORADO } SS

On January 13, 1972, before me, the undersigned, a Notary Public in and for said County and State, personally appeared GEORGE B. MAUL and WILLIAM F. PENNEY known to me to be the _____ President, and known to me to be the _____ Secretary of the Corporation that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the

same, and acknowledged to me that such Corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

Ardean Walters Barry
Notary Public



Ardean Walters Barry
(Typed or Printed Name)

(SEAL)

My commission expires: September 15, 1974.

EXHIBIT A

LEASED LAND

All that portion of Section 11, Township 9 North, Range 9 East, Mount Diablo Meridian, El Dorado County, California, described as follows:

Beginning at a point on the West line of said Section 11, from which the Northwest corner thereof bears North $0^{\circ}08'36''$ East 235.02 feet, said point also being on the East line of "Cameron Park East Shopping Center" the official plat being filed in the Office of the County Recorder of El Dorado County in Map Book D, Page 77; thence from the said point of beginning North $89^{\circ}17'48''$ East 1400.02 feet; thence, South $11^{\circ}04'28''$ East 965.55 feet to a point on the Northwesterly line of Durock Road, said road being shown on the plat of "Cameron Park Unit No. 3" said plat being recorded in the Office of the County Recorder of El Dorado County in Map Book C, Page 38; thence, along said Northwesterly line the following four (4) courses: (1) South $63^{\circ}01'22''$ West 385.01 feet, (2) along the arc of a 270.00 foot radius curve which is concave to the Northwest, said arc being subtended by a chord which bears South $73^{\circ}58'28''$ West 102.59 feet, (3) South $84^{\circ}55'37''$ West 1003.93 feet, and (4) along the arc of a 545.00 foot radius curve which is concave to the North, said arc being subtended by a chord which bears North $87^{\circ}19'47''$ West 146.86 feet to a point on the West line of said Section 11, said point also being a point on said East line of said "Cameron Park East Shopping Center"; thence, along said lines North $0^{\circ}08'36''$ East 1215.29 feet to the point of beginning and containing 40.00 acres of land more or less.

DORADO INDUSTRIAL DEVELOPMENT CORPORATION

LETTER OF INSTRUCTIONS
TO TRUSTEE

Dated as of
December 1, 1971

American Bank and Trust Company

2531 Plank Road

Baton Rouge, Louisiana

Gentlemen:

You are acting as Trustee under that certain Mortgage and Indenture of Trust dated as of December 1, 1971 (the "Indenture"), from the undersigned, Dorado Industrial Development Corporation, a California nonprofit corporation (the "Corporation") under and pursuant to which the Corporation has issued its First Mortgage Bonds (the "Bonds") for the purpose of financing the construction and acquisition of an industrial facility (the "Project") to be erected on the real estate described in the Indenture (the "Land") and to be leased to Certain-Teed Products Corporation under the terms of that certain Lease Agreement dated December 1, 1971.

The Articles of Incorporation and the By-Laws of the Corporation provide that after the payment in full of the Bonds issued under that certain Indenture dated as of December 1, 1971 from the Corporation to American Bank and Trust Company, as Trustee, the Corporation shall tender the Land and the Project to the County of El Dorado, California (the "County") by gift so that the County may acquire the Land and the Project without any consideration on its part and free and clear of any liens thereon (except for any then existing lease).

In furtherance of the foregoing the Corporation hereby delivers to you its Warranty Deed to the County covering the Land and the Project. You are hereby irrevocably instructed to deliver such Deed to the County upon the payment in full of the Bonds, at which time the conveyance of the Land and Project to the County shall become effective.

Please acknowledge receipt of the Deed and indicate your acceptance of these instructions by signing in the space hereinbelow provided.

DORADO INDUSTRIAL DEVELOPMENT
CORPORATION

By George B. Maul
Its President

The undersigned Trustee hereby acknowledges receipt of the Warranty Deed hereinabove referred to and agrees to deliver the same in accordance with the foregoing instructions.

AMERICAN BANK AND TRUST COMPANY

By
Its

WHEN RECORDED RETURN TO
THE BOARD OF SUPERVISORS
OF EL DORADO COUNTY

C E R T I F I C A T E O F
A C C E P T A N C E

THIS IS TO CERTIFY that the interest in real property
conveyed by the WARRANTY DEED
dated December 1, 1971, from DORADO INDUSTRIAL
DEVELOPMENT CORPORATION to the COUNTY OF EL DORADO, a
political subdivision of the State of California, is hereby
accepted by order of the Board of Supervisors of the County of
El Dorado on April 6, 1971, and the grantee consents
to the recordation thereof by its duly authorized officer.

DATED this 14th day of April, 1987.

COUNTY OF EL DORADO

By James R. Sweeney
Chairman
Board of Supervisors

ATTEST:

BILLIE MITCHELL, County Clerk
and ex officio Clerk of the
Board of Supervisors

By Barbara J. Churchill
Deputy Clerk

Base Lake file

EL DORADO COUNTY
OFFICE OF
THE COUNTY COUNSEL

COUNTY COUNSEL
LOUIS B. GREEN

CHIEF ASS'T. COUNTY COUNSEL
EDWARD L. KNAPP

DEPUTY COUNTY COUNSEL
CHERIE J. VALLELUNGA
THOMAS R. PARKER
VICKI J. FINUCANE
THOMAS D. CUMPSTON
JUDITH M. KERR
PATRICIA E. BECK



COUNTY GOVERNMENT
CENTER
330 FAIR LANE
PLACERVILLE, CALIFORNIA
95667
(530) 621-5770
FAX# (530) 621-2937

Legal Assistants
RUDY LIMON
JOHN F. MARTIN

Paralegal
TERESA M. STARINIERI

July 14, 2000

Mr. Norm Brown
NC-Brown Development, Inc.
8601 Ranchwood Court
Fair Oaks, CA 95628


Re: Real Property Exchange - Escrow #325792-MJ

Dear Norm:

This is in response to your letter of June 19, 2000. I have spoken with Mike Hanford, who is authorized by Board action to grant extensions relative to the above-referenced transaction. Mike has agreed to extend the feasibility period; provided, of course, that the extension will be mutual. Also, rather than the extension being completely open ended, we propose that the extension shall be subject to either party having the right to give the other party thirty (30) days written notice. Once given, the feasibility period will expire at the end of the 30 day period with the effects set forth in the Exchange Agreement. From our telephone conversation, I understand that this is agreeable to you.

Give me a call if you have any questions.

Yours truly,


LOUIS B. GREEN
County Counsel

LBG/stl
cc: Mike Hanford
✓ Craven Alcott
Pat Booth

h:\Wp60\Property Exchange extension Brown ltr

GENERAL SERVICES DEPT.
PARK & RECREATION DIV.

JUL 18 2000

EL DORADO COUNTY
RECEIVED
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