

**EL DORADO COUNTY BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL
Meeting of December 5, 2006**

AGENDA TITLE: Deed Restriction for APN 33-542-10

DEPARTMENT: Transportation

DEPT SIGNOFF:

CAO USE ONLY: *C*

CONTACT: Janel Gifford



[Handwritten signature] 11/21/06

DATE: 10/25/06 **PHONE:** 7909

DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION:

The El Dorado County Department of Transportation recommends your Board of Supervisors authorize the Board Chairman to: 1) sign the Deed Restriction for APN 33-542-10 for coverage transfer; and, 2) sign the Deed Restriction for APN 33-542-10 for the transfer of one residential development right upon receipt of a future request from former owner and subject to County Counsel approval.

CAO RECOMMENDATIONS: *Recommend approval. Laura A. Giree 11/27/06*

Financial impact? () Yes (X) No

Funding Source: () Gen Fund () Other

BUDGET SUMMARY:

Other:

Total Est. Cost _____
Funding
 Budgeted _____
 New Funding _____
 Savings _____
 Other _____
 Total Funding _____
Change in Net County Cost _____

CAO Office Use Only:
 4/5's Vote Required () Yes (X) No
 Change in Policy () Yes (X) No
 New Personnel () Yes (X) No

CONCURRENCES:
 Risk Management *N/A*
 County Counsel *AS TO FORM*
 Other _____

*Explain

BOARD ACTIONS:

Vote: Unanimous _____ Or

Ayes:

Noes:

Abstentions:

Absent:

Rev. 04/05

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

Date: _____

Attest: Cindy Keck, Board of Supervisors Clerk

By: _____



MAINTENANCE DIVISION:
 2441 Headington Road
 Placerville CA 95667
 Phone: (530) 642-4909
 Fax: (530) 642-9238

RICHARD W. SHEPARD, P.E.
 Director of Transportation

 Internet Web Site:
<http://co.el-dorado.ca.us/dot>

MAIN OFFICE:
 2850 Fairlane Court
 Placerville CA 95667
 Phone: (530) 621-5900
 Fax: (530) 626-0387



October 25, 2006

Board of Supervisors
 330 Fair Lane
 Placerville, California 95667

Title: Deed Restriction for APN 33-542-10

Meeting Date: December 5, 2006

District/Supervisor: District V/Supervisor Santiago

Dear Members of the Board:

Recommendations:

The El Dorado County (County) Department of Transportation (Department) recommends your Board of Supervisors (Board) authorize the Board Chairman to: 1) sign the Deed Restriction for APN 33-542-10 for coverage transfer; and, 2) sign the Deed Restriction for APN 33-542-10 for the transfer of one residential development right (RDR) upon receipt of a future request from former owner and subject to County Counsel approval.

Reasons for Recommendations:

In July 2004 your Board authorized the Board Chairman to sign the Purchase and Sale Agreement and the Certificate of Acceptance for the County to purchase APN 33-542-10 from Fred Cohen for the Angora Creek Stream Environment Zone Restoration Project. Article 13, "Conditions of Sale," of the Purchase and Sale Agreement allows Mr. Cohen to transfer the base allowable land coverage, not to exceed 1% of the parcel area, and to transfer one RDR from the property. This Article also provides that the County will execute any instruments required to perfect the transfers.

Mr. Cohen has arranged to transfer 376 square feet of coverage to Geoffrey Maliska for APN 80-082-06. The Building Services Division of the County's Development Services Department, acting on behalf of the Tahoe Regional Planning Agency (TRPA), will permit the transfer of the coverage subject to the Owners of APN 33-542-10 executing the Deed Restriction and having it recorded against APN 33-542-10, removing a total of 376 square feet of Class 1b allowable base land coverage from this parcel.

Although Mr. Cohen has not yet requested the County to sign a Deed Restriction to transfer one RDR from APN 33-542-10, the Department recommends that your Board authorize the Board Chairman to sign the Deed Restriction for the transfer of the RDR

upon receipt of a future request from Mr. Cohen and subject to County Counsel approval. Such advanced authorization will allow for an expeditious transfer.

Fiscal Impact:

There is no Fiscal Impact associated with the Deed Restriction.

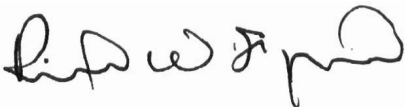
Net County Cost:

There is no cost to the County General Fund.

Action to be Taken Following Approval:

- 1) After the Board Chairman signs the Deed Restriction for the coverage transfer, the Board Clerk will complete the All-Purpose Notary Acknowledgment Form provided.
- 2) The Board Clerk will send the Deed Restriction for coverage transfer to the Recorder/Clerk's office for recordation and forward a copy of the recorded Deed Restriction to the Department.
- 3) Upon receipt of the recorded copy, the Department will forward a copy to Building Services and/or Mr. Maliska.
- 4) Once Mr. Cohen transmits the Deed Restriction for the transfer of the RDR to the Department and requests the County to execute the Deed Restriction for the transfer of the RDR, the Department will forward the document to County Counsel for review and approval. Upon County Counsel approval, the Department will forward the Deed Restriction to the Board Chairman for signature. After the Board Chairman signs the Deed Restriction for the RDR transfer, the Board Clerk will complete the All-Purpose Notary Acknowledgment Form provided. The Board Clerk will send the Deed Restriction to the Recorder/Clerk's office for recordation and forward a copy of the recorded Deed Restriction to the Department for further processing to Building Services and/or Mr. Cohen.

Sincerely,



Richard W. Shepard, P. E.
Director of Transportation

ASSIGNMENT

DATE 10-31-06

ATTORNEY RJB

DEPT./INDEX NO. 306500

BY: [Signature]

Contract #: 06-1296

Agenda

Log # 06-2294

Item Submitted:

DEED RESTRICTION FOR APN 33-542-10

CONTRACT ROUTING SHEET

PROCESSING DEPARTMENT: DOT

Department: Transportation

Dept. Contact: Janel Gifford

Phone: 7909

Department Head [Signature]

Signature: [Signature]

Richard W. Shepard, P.E.
Director of Transportation

CONTRACTOR:

Name: _____

Address: _____

Phone: _____

CONTRACTING DEPARTMENT: Transportation

Compliance with Human Resources requirements? Yes: N/A No: _____

Compliance verified by: _____

COUNTY COUNSEL: (must approve all contracts and MOUs)

Approved: Term Disapproved: _____ Date: 11/6/06 By: [Signature]

Approved: _____ Disapproved: _____ Date: _____ By: _____

11/6/06 requested from dept agreement
refused on deed restriction
11/6 Dept to note that deed restriction
runs to performance of entire grant.

EL DORADO COUNTY COUNSEL
2006 OCT 31 PM 3:34

Index Code: <u>306500</u>	User Code: <u>25000A</u>
---------------------------	--------------------------

RISK MANAGEMENT:

Approved: _____ Disapproved: _____ Date: _____ By: _____

Approved: _____ Disapproved: _____ Date: _____ By: _____

Risk Management Approval not Required for Right of Way Documents

OTHER APPROVAL (Specify department(s) participating or directly affected by this contract)

Department(s): _____

Approved: _____ Disapproved: _____ Date: _____ By: _____

Approved: _____ Disapproved: _____ Date: _____ By: _____

2006 NOV -5 PM 6:37
RECEIVED
DOT

DEVELOPMENT SERVICES DEPARTMENT

County of
EL DORADO

<http://www.co.el-dorado.ca.us/devservices>

BUILDING
SERVICES



PLACERVILLE OFFICE:

2850 FAIRLANE COURT
PLACERVILLE, CA. 95667
(530) 621-5315
(530) 622-1708 Fax
Counter Hours: 7:30 AM to 4:30 PM
blgddept@co.el-dorado.ca.us

LAKE TAHOE OFFICE:

3368 LAKE TAHOE BLVD. SUITE 302
SOUTH LAKE TAHOE, CA 96150
(530) 573-3330
(530) 542-9082 Fax
Counter Hours: 7:30 AM to 4:30 PM
tahoebuild@co.el-dorado.ca.us

EL DORADO HILLS OFFICE:

4950 HILLSDALE CIRCLE, SUITE 100
EL DORADO HILLS, CA 95762
(916) 941-4967 and (530) 621-5582
(916) 941-0269 Fax
Counter Hours: 7:30 AM to 4:30 PM
blgddept@co.el-dorado.ca.us

October 11, 2006

Mr. Geoffrey Maliska
P.O. Box 10892
South Lake Tahoe, California 96158

RESIDENTIAL LAND COVERAGE TRANSFER FROM EL DORADO COUNTY ASSESSOR'S PARCEL NUMBER (APN) 033-542-10 (SENDING) TO EL DORADO COUNTY ASSESSOR'S PARCEL NUMBER (APN) 080-082-06 (RECEIVING), UPPER TRUCKEE HYDROLOGIC AREA, PERMIT NUMBER 177064

Dear Mr. Maliska:

The Tahoe Regional Planning Agency (TRPA) staff has determined that a total of **376 square feet** of Class 1b allowable base land coverage is available for transfer from the following property:

Lot 650, as shown on that certain map entitled "Mountain View Estates Unit No. 6" filed in the Office of the County Recorder of El Dorado County, State of California, on August 4, 1961, in Map Book "C", at page 82.

Said parcel was recorded in Document Number 2004-0073350-00 on September 10, 2004, in the Official Records of El Dorado County, California, and having Assessor's Parcel Number 033-542-10 (hereinafter "Sending Parcel").

Having made the findings required by Agency ordinances and rules, TRPA approves the transfer of **376 square feet** of Class 1b base allowable land coverage from APN 033-542-10 (to the following property:

Lot 384, of Tahoe Paradise Addition Unit No. 5, filed in the Office of the County Recorder, County of El Dorado, State of California, on April 2, 1968 in Book E of Maps, at Page 4.

Said parcel was recorded in Document Number 2006-0045502 on July 7, 2006, in the Official Records of El Dorado County, California, and having Assessor's Parcel Number 080-082-06 (hereinafter "Receiving Parcel").

The transfer is subject to the following special conditions of approval:

Mr. Maliska

October 11, 2006; APN 080-082-06

Page 2

1. The owners of the Sending Parcel shall complete and record with the El Dorado County Recorder's office the attached deed restriction against the sending parcel (APN 033-542-10), removing a total of 376 of square feet of Class 1b allowable base land coverage from this parcel.
2. The owners of the Sending Parcel shall provide a copy of the recorded deed restrictions or the original recorded deed restriction to El Dorado County before this permit will be acknowledged.
3. The owners of the Sending Parcel shall acknowledge this permit.
4. This approval shall expire on October 11, 2009, if all the special conditions of approval to complete the transfer are not satisfied.
5. Upon acknowledgement of this permit, TRPA will recognize zero (0) square feet of allowable base land coverage remaining on the Sending Parcel (APN 033-542-10).

Please be advised that the transferred land coverage will not be recognized on the receiving parcel until El Dorado County has acknowledged this permit. Please call me to schedule an appointment to acknowledge the completion of the transfer once the above conditions have been met, or if you have any questions regarding this approval.

Sincerely,



Jason Ramos
Senior Planner
El Dorado County Development Services



TRPA Executive Director/Designee

Date: 10-13-06

(DOCUMENT CONTINUED ON NEXT PAGE)

PERMITTEE'S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance.

Signature of Permittee (s) _____ Date _____

TRPA ACKNOWLEDGEMENT: The permittee has complied with all transfer conditions of approval as of this date and the transfer is now complete.

TRPA Executive Director/Designee Date

(END OF DOCUMENT)

RECORDING REQUESTED BY:

Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, Nevada 89449

WHEN RECORDED MAIL TO:

Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, Nevada 89449
Attention: Jeanne McNamara, Senior Planner
El Dorado File #177064

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR LAND COVERAGE TRANSFER ("DEED RESTRICTION")
TO BE RECORDED AGAINST ACCESSOR'S PARCEL NUMBER (APN) 033-542-10**

This Deed Restriction is made this _____ day of _____, 2006, by El Dorado County, a Political Subdivision of the State of California (hereinafter "Declarant").

RECITALS

1. Declarant is the owner of certain real property located in El Dorado County, State of California, described as follows:

Lot 650, as shown on that certain map entitled "Mountain View Estates Unit No. 6" filed in the Office of the County Recorder of El Dorado County, State of California, on August 4, 1961, in Map Book "C", at page 82.

Said parcel was recorded in Document Number 2004-0073350-00 on September 10, 2004, in the Official Records of El Dorado County, California, and having Assessor's Parcel Number 033-542-10 (hereinafter "Sending Parcel").

2. The Declarants received approval from the Tahoe Regional Planning Agency (TRPA) on October 11, 2006, to transfer **376 square feet of Class 1b** allowable base land coverage from the Sending Parcel to the Receiving Parcel, described as follows:

Lot 384, of Tahoe Paradise Addition Unit No. 5 filed in the Office of the County Recorder, County of El Dorado, State of California, on April 2, 1968 in Book E of Maps, at Page 4.

Said parcel was recorded in Document Number 2006-0045502-00 on July 7, 2006, in the Official Records of El Dorado County, California, and having Assessor's Parcel Number 080-082-06 (hereinafter "Receiving Parcel")

3. Both the Sending Parcel and the Receiving Parcel are located in the Tahoe Region as described in the Tahoe Regional Planning Compact (P.L. 96-551, 94 Stat. 3233, 1980), which region is subject to the regional plan and ordinances adopted by the TRPA pursuant to the Tahoe Regional Planning Compact.

4. As a condition of the above approval, Chapter 20 of the TRPA Code of Ordinances requires that the appropriate deed restriction be recorded documenting both the transfer of coverage and the requirement that the portion of the Sending Parcel from which the coverage was transferred be restored in a natural or near-natural state. The deed restriction must likewise document that the Declarant shall be permanently restricted from transferring the coverage back to the Sending Parcel, and that provisions must be made for the future maintenance of the Sending Parcel.

DECLARATIONS

1. Declarant hereby declares that, for the purpose of calculating land coverage and applying TRPA ordinances relating to land coverage, the Sending Parcel described above is and shall be, deemed by TRPA to have transferred and retired **376 square feet of Class 1b base allowable** coverage and to now contain zero (0) square feet of allowable base land coverage.
2. Declarant also hereby declares that the transferred coverage can never be transferred back to the Sending Parcel, and that such area shall be restored in a natural or near natural state if not redeveloped pursuant to a TRPA permit. Declarant also declares that Declarant is permanently restricted from transferring the coverage back to the Sending Parcel. Declarant likewise declares that Declarant shall make provisions for the future maintenance of the Sending Parcel.
3. This Deed Restriction shall be deemed a covenant running with the land, or as an equitable servitude, as the case may be, and shall constitute benefits and burdens to the Sending Parcel and the Receiving Parcel and shall be binding on the Declarant and Declarant' assigns and all persons acquiring or owning any interest in the Sending Parcel and the Receiving Parcel.
4. This Deed Restriction may not be modified or revoked without the prior express written and recorded consent of the TRPA or its successor agency, if any. TRPA is deemed and agreed to be a third party beneficiary of this Deed Restriction and as such can enforce the provisions of this Deed Restriction.

(DOCUMENT CONTINUED ON NEXT PAGE)

APPROVED AS TO FORM:

Tahoe Regional Planning Agency

STATE OF NEVADA)
) SS.
COUNTY OF DOUGLAS)

On this _____ day of _____, 2006, before me, _____
personally appeared _____, personally known to me (or proved to me
to be on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed
to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
WITNESS my hand and official seal.

NOTARY PUBLIC SIGNATURE

NOTARY PUBLIC SEAL

(END OF DOCUMENT)

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

El Dorado County
Department of Transportation
924 B Emerald Bay Road
South Lake Tahoe, CA 96150

Mail Tax Statements to above.
Exempt from Documentary Transfer Tax
Per Revenue and Taxation Code 11922

Above Section For Recorder's Use

Deed Restriction for
APN: 33-542-10

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

El Dorado County
Department of Transportation
924 B Emerald Bay Road
South Lake Tahoe, CA 96150

Mail Tax Statements to above.
Exempt from Documentary Transfer Tax
Per Revenue and Taxation Code 11922

Above Section For Recorder's Use

Deed Restriction for
APN: 33-542-10