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November 2, 2010

Board of Supervisors
County of El Dorado
330 Fair Lane
Placerville, CA 95667

**Re: Purchase of Approximately 8.93 Acres of Land at the East End of
Palmer Drive Known as Assessor's Parcel No. 070-261-82 (Detmold
Property)**

Honorable Supervisors:

Recommendation:

Staff recommends that that the Board: (1) find that the purchase of the subject property is categorically exempt from CEQA as a Class 25 Exemption and direct that a Notice of Exemption be filed; (2) find that the purchase of the subject property is consistent with the General Plan; (3) approve and ratify the Purchase Agreement for the property at a purchase price of \$562,950.00, subject to completion of a satisfactory Phase I Environmental Study as determined by County Counsel, and authorize the Chair to execute any authorizing documents; (4) authorize the Chair to execute an Acceptance of Deed for the property; (5) authorize County Counsel to execute escrow instructions and other documents necessary to complete the transaction, consistent with the Purchase Agreement; and, (6) authorize payment of the purchase price and closing costs out of the Rare Plant Mitigation Fund.

Reasons for Recommendation:

Staff is recommending that the Board of Supervisors approve the purchase of the Detmold property for a purchase price of \$562,950.00. Attached is a Purchase Agreement for the subject property. The original is executed by the Chair of the Board as

authorized in closed session on October 19, 2010, but subject to ratification by the Board of Supervisors in open session after notice. Notice of the Board's intention to consider the purchase of the Detmold property has been published in the Mountain Democrat once a week for three weeks as required by California Government Code Section 25350.

The subject property is an approximately 8.93 acre parcel located on the north side of Highway 50 between Ponderosa Road and Cameron Park Drive. The subject site is currently designated Commercial on the General Plan and zoned RE-5. Staff has done due diligence on the property, including a site visit and review of the preliminary title report. A Phase I environmental study is underway, but is not yet completed. It is recommended that ratification of the Purchase Agreement be made subject to receiving a satisfactory Phase I environmental study as determined by the County Counsel. The site is a vacant parcel of land.

As far as title to the property is concerned, the property is encumbered with easements for roadway and public utilities purposes along the northern boundary of the property for an extension of Palmer Drive and a PG&E easement along the southern property line for transmission facilities.

Staff is satisfied with the condition of the property and title. Board ratification of the Purchase Agreement is the last step necessary to close escrow (except for receipt of a satisfactory Phase I environmental study). The deadline for Board ratification is November 30, 2010, and close of escrow is no later than December 31, 2010. On October 14, 2010, the Planning Commission issued a report, pursuant to California Government Code Section 65402, finding that the proposed purchase is consistent with the General Plan.

The property is located in Mitigation Area 1 on the rare plant preserve maps; and is located adjacent to the existing Cameron Park rare plant preserve. The property is located in an area rich with the eight species of gabbro soils plants. This property is being bought for the purpose of rare plant habitat and ultimate inclusion in the Cameron Park preserve. The source of funds proposed to be used for the purchase is rare plant mitigation funds. The property will be preserved in its natural state. Because the use of the property is rare plant mitigation and preservation of habitat, meaning that the property will be preserved in its current state, it is appropriate to use a Class 25 categorical exemption under CEQA for this purchase.

“Class 25 consists of the transfers of ownership of interests in land in order to preserve open space, habitat, or historical resources. Examples include but are not limited to:

- (a) Acquisition, sale, or other transfer of areas to preserve the existing natural conditions, including plant or animal habitats.

...”

This categorical exemption clearly fits this purchase.

The purchase price of \$562,950.00 is a fair price for the property. The County had an appraisal done which established a value of \$450,000.00 for the property. However, there are several variable affecting the value of the property, such as the impact of rare plants on development and the effect of lack of access, which are highly subjective in nature and make the appraised value of the property subject to a range of valuation. After negotiations with the property owner, a purchase price of \$562,950 was agreed upon. It is believed that the proposed purchase price of \$562,950.00 is within the range of value.

Fiscal Impact:

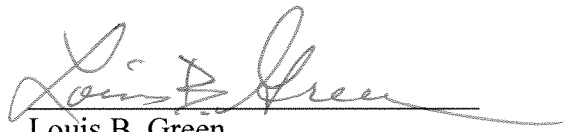
The cost of the property to the County is \$562,950.00, plus some small amount for closing costs. There is no increase in net county costs since the purchase is being funded out of the rare plant mitigation fund.

Actions to Be Taken After Board Action:

The necessary documents will be signed and necessary steps will be taken to close escrow, including disbursement of the purchase price and additional closing costs.

We would be pleased to answer any questions the Board might have.

Respectfully submitted,


Louis B. Green
County Counsel

LBG/stl
Att.

cc: Chief Administrative Officer
Dir. of Transportation
Dir. of Dev. Services
County Auditor
Pete Feild
Peter Maurer
Paula Frantz

s:\Bd of Supervisors\Agenda Transmittals & Staff Reports\Detmold Property Acquisition