



Legislation Text

File #: 10-0481, Version: 1

Department of Transportation recommending the Board:

- 1) Approve the Contribution Agreement with the State of California/Caltrans and the City of South Lake Tahoe, for the contribution of drainage, non-motorized, and maintenance access easements affecting County-owned parcels APN 026-050-05 (County 56-acre parcel), APN 027-010-31 (Lakeside Property) and APN 027-361-13 (El Dorado Center parcel);
- 2) Approve a Consent to Easement and Agreement to Subordinate with the City of South Lake Tahoe, for the contribution of non-motorized and maintenance access easements affecting County-owned parcels APN 026-050-05 (County 56-acre parcel), and APN 027-361-13 (El Dorado Center parcel);
- 3) Authorize the Chair to execute said Contribution Agreement and all easement documents and rights of entry identified in Exhibit A of the Agreement, and to execute said Consent to Easement and Agreement to Subordinate; and,
- 4) Authorize the payment of title and escrow fees in the amount of \$1,000.

FUNDING: General Fund.

BUDGET SUMMARY:		
Total Estimated Cost		\$1,000.00
Funding		
Budgeted	\$1,000.00	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$1,000.00	
Change To Net County Cost		\$0.00

Fiscal Impact/Change to Net County Cost:

The proposed easement contributions are various strips of land located parallel to US Hwy. 50, and affect APN 026-050-05 (County 56-acre parcel) and a small portion of APN 027-361-13 (El Dorado Center parcel). There is a Temporary Construction Easement and Maintenance Easement to the State that covers all of APN 027-010-31 (Lakeside Property). In 2007, the value of the land rights totaling 2.17 acres was estimated to be \$1.75 million dollars, although the value of land at Lake Tahoe has continued to decline since that time. Because the value of the easements is considered to be contributory to the project, there is no change to Net County Cost.

Background:

On July 17, 2007, the Board approved in concept the contribution of drainage, non-motorized, and maintenance access easements located on two County-owned parcels (APN 026-050-051 and 027-

361-13) to the State of California/Caltrans for the placement and operation of water quality infiltration basins, and landscape, lighting and pedestrian paths all associated with a regional road improvement project on Highway 50. That action (Legistar File # 07-1130) was subject to certain conditions, such as working with Caltrans and County Counsel to develop a "Grant of Easement Agreement" (now titled "Contribution Agreement"), which was to include provisions related to the County's ability to utilize any excess capacity of the infiltration basins, and to reserve the County's right to relocate the infiltration basins with Caltrans participating in any relocation costs.

Since the conceptual approval of the contribution of the easements by the Board in July of 2007, some changes or additions to the Contribution Agreement are now needed. In finalizing their design, Caltrans determined that they needed a temporary construction easement and long term maintenance access easement on another County-owned parcel not previously identified. That parcel (APN 027-010-31) is located on the north side of US Hwy. 50, and is currently used as a parking area. Also, due to the improvements being made on US Hwy. 50 and within the adjacent proposed easements, some utility relocations will be necessary, affecting APN 026-050-05, the 56-acre campground parcel. It is currently proposed that the County would grant a temporary Right of Entry to both Sierra Pacific Power Company (SPPCo) and Southwest Gas Corporation (SGC) to allow them to relocate their on-site facilities; once the facilities are installed and the exact locations are known and surveyed, the County would then grant each utility a permanent utility easement. Also, the County will be granting some of the easements to the City of South Lake Tahoe, and therefore a separate document titled Consent to Easement and Agreement to Subordinate will ensure that the City as a Lessee of the County consents to the creation of the easements. All of the proposed easements from the County to the City and to Caltrans, and the right of entry forms for the utility companies, are summarized in Exhibit A to the Contribution Agreement.

Reason for Recommendation:

Following the Board's conceptual approval of the contribution of the easements and necessary land rights for the Caltrans project in 2007, Caltrans has certified their NEPA/CEQA documents for the project, and completed their design. They have entered into a Cooperation Agreement and Contribution Agreement with the City of South Lake Tahoe, and obtained right of way from other private landowners, and are now ready to certify the right of way for the project. The estimated grant funding for this project is approximately \$10 million dollars in local funding (TRPA) and \$13 million dollars in State funding (SHOPP), totaling \$23 million dollars, plus \$4.65 million for right of way costs, totaling \$27.65 million dollars. County engineering and right of way staff have worked diligently with Caltrans staff to ensure that any of the conditions made by the Board as part of a July 2007 approval has been incorporated into the Contribution Agreement. Also, County staff has performed an internal review to ensure that there are no physical conflicts that can be identified at this time, relative to any current or future planned improvements on the 56-acre campground parcel, and that there are no technical or legal conflicts between the County and the City relative to the lease agreements between the parties, for that subject parcel.

Action to be taken following Board approval:

1. Board Chair to sign the Contribution Agreement with Caltrans, and the Easement Deeds and Right of Entry forms as summarized and identified in Exhibit A to the Contribution Agreement.
2. Board Chair to sign the Consent to Easement and Agreement to Subordinate with the City of South Lake Tahoe.
3. Department of Transportation to obtain the signatures in counterpart from the City of South Lake Tahoe and Caltrans, and return said counterpart signatures to the Board Clerk.

4. Board Clerk to provide copies of the fully-executed Contribution Agreement and Consent to Easement Agreement to the Department of Transportation, and the original Easement Deeds and Right of Entry forms as executed by the Board Chair.
5. Department of Transportation to transmit the original easements deeds to the City of South Lake Tahoe and to Caltrans, for final acceptance and execution, and recording of the documents; the original Right of Entry forms will be transmitted to each utility company, for their acceptance.

District/Supervisor:
District V/Norma Santiago

Contact:
James W. Ware, P.E.
Director of Transportation

Concurrences: County Counsel