



# County of El Dorado

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## Legislation Details (With Text)

**File #:** 09-1392 **Version:** 1  
**Type:** Agenda Item **Status:** Approved  
**File created:** 10/30/2009 **In control:** Board Of Supervisors  
**On agenda:** 12/8/2009 **Final action:** 12/10/2009  
**Title:** Transportation Department recommending Chairman be authorized to sign the Easement Acquisition Agreement for Public Purposes and Certificates of Acceptance for the related deeds from the Ebright family for APN 018-340-01 and APN 018-340-03, and a Quitclaim Deed for APN 018-340-01; and authorize the Director of Transportation or his designee, to execute escrow instructions and any other related documents pertaining to the transaction, including payment of title and escrow fees.

**FUNDING:** California Tahoe Conservancy (CTC) and Tahoe Regional Planning Agency (TRPA) Funds.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. A - Ebright Easement Docs Approved Blue.pdf, 2. B - Ebright Easement Docs111609.pdf, 3. C - Ebright Vicinity Map111609.pdf, 4. Executed Easement Acquisition Agreement for Public Purposes

Date	Ver.	Action By	Action	Result
12/10/2009	1	Board Of Supervisors	Approved	Pass

Transportation Department recommending Chairman be authorized to sign the Easement Acquisition Agreement for Public Purposes and Certificates of Acceptance for the related deeds from the Ebright family for APN 018-340-01 and APN 018-340-03, and a Quitclaim Deed for APN 018-340-01; and authorize the Director of Transportation or his designee, to execute escrow instructions and any other related documents pertaining to the transaction, including payment of title and escrow fees.

**FUNDING:** California Tahoe Conservancy (CTC) and Tahoe Regional Planning Agency (TRPA) Funds.

<b>BUDGET SUMMARY:</b>		
Total Estimated Cost		\$277,700
Funding		
Budgeted	\$277,700	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$277,700	
Change To Net County Cost		\$0

Fiscal Impact/Change to Net County Cost:

Acquisition Cost is \$275,000 plus title and escrow fees of \$2,700, for a total estimated cost of \$277,700. The Cascade Erosion Control Project #JN95156 is funded with a combination of California Tahoe Conservancy funds and TRPA Water Quality Mitigation funds, and sufficient funds are budgeted for the subject acquisitions. There is no net cost to the County General Fund associated with this Agenda item.

**Background:**

In 2001, the Department of Transportation (DOT) needed both temporary and permanent easement rights from parcels owned by the Ebright family, in order to construct various drainage and erosion control improvements on the subject parcels. The Ebrights agreed to and executed a Right of Entry Agreement, recorded as Document #2002-0036358 on May 17, 2002. The Agreement provided that the County would compensate the Ebrights for the land rights needed for the project, based upon the value of the land rights as of the date the County first occupied the property, which was June 26, 2002. The County proceeded to construct the drainage and erosion control improvements on the subject parcels.

Due to lengthy and multiple complications experienced by the Ebrights, including completion of a boundary line adjustment and resolution of certain title matters related to the subject parcels, final settlement between the Ebrights and the County was only recently concluded.

The County will acquire permanent drainage and erosion control easements on APN 018-340-01 and 03, and a long-term (20 year) Temporary Easement for maintenance purposes on APN 018-340-01. The County also needs to provide a Quitclaim Deed to the Ebrights for the Temporary Construction Easement on APN 018-340-01, that was utilized during the initial construction of the project, but is no longer needed, as said temporary easement needs to be cleared from the title records for the subject parcel.

The project was subject to the California Environmental Quality Act (CEQA). The preparation of an Initial Environmental Study and Negative Declaration (IES/ND) was completed and approved by the Board of Supervisors on January 13, 1998.

**Reason for Recommendation:**

On May 5, 2009, your Board authorized DOT's Right of Way unit to proceed with final negotiations to settle the matter of the acquisition of land rights for the project from the subject property owners. Negotiations with the Ebright family have concluded and a settlement has been reached that is representative of the appraised value of the necessary land rights, including any interest due thereon as stipulated in the Right of Entry Agreement. CTC staff has also reviewed and approved the acquisition documents.

**Action to be taken following Board approval:**

1. Chairman to execute the Easement Acquisition Agreement For Public Purposes and the Certificates of Acceptance for the permanent and long-term temporary easements, and the Quitclaim Deed from the County to the Ebrights.
2. Board Clerk to return all executed documents to the DOT R/W unit for final processing.
3. Director of Transportation or designee to sign the Escrow Instructions and any related escrow documents pertaining to this transaction. All executed documents and all funds necessary to close the escrow, to be provided to the title company for final audit and recording.

District/Supervisor: V/Norma Santiago

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

Concurrences: CTC Staff and County Counsel