



County of El Dorado

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Legislation Text

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Transportation Department recommending Chairman be authorized to sign the Certificates of Acceptance for temporary construction easements for the Angora Fire Emergency Rehabilitation Projects on APNs 033-575-09 (Davis), 033-575-04 (DeGregory), 033-564-06 (Balas), 033-561-07 (Gorevin), 033-565-05 (Stewart), 033-565-07 (Valencia), 033-564-13 (Spreitzer), and 033-561-06 (Kuehn) for Zone A (JN 97676) and APNs 033-242-05 (Carreau), 033-242-06 (Thielmann), 033-282-03 (Zaverukha), 033-720-07 (Weston), 033-272-03 (Cohn), 033-281-01 (Bailey), 033-276-09 (Bowman), 033-275-05 (Langdon) 033-272-24 (Holker), 033-272-25 (Hedley) 033-523-23 (Grech), 033-720-29 (Houweling), and 033-720-19 (Capifoni) for Zone B (JN 97677), subject to County Counsel review and approval.

RECOMMENDED ACTION: Approve.

FUNDING: California Tahoe Conservancy, Tahoe Regional Planning Agency, and California Office of Emergency Services.

BUDGET SUMMARY:		
Total Estimated Cost	\$16,350.00	\$
Funding		
Budgeted	\$16,350.00	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$16,350.00	
Change To Net County Cost	\$0	\$

Fiscal Impact/Change to Net County Cost:

Costs shown consist of staff time to prepare the documentation and to obtain the easements has been incurred. Funding will be from the California Tahoe Conservancy (CTC), the Tahoe Regional Planning Agency (TRPA), and the California Office of Emergency Services (OES). There is no Net County Cost.

Background:

As a result of the Angora Fire which began on June 24, 2007, an interagency coordinated rehabilitation effort is being implemented prior to the start of the 2007/2008 winter season. The Department's role in this effort consists of designing and installing temporary flood protection measures including sand bag dams, hydromulch, and installing permanent erosion/flood control improvements that include culverts, rock-lined channels, rock bowls, grass-lined swales, sediment basins, and revegetation. Since some of these improvements/protection measures will be installed

on private property, temporary construction and/or permanent easements will be required. On September 11, 2007, the Board authorized the Department to negotiate with the owners whose properties were determined to be necessary for the installation of improvements, hydromulching, and/or flood protection.

Reason for Recommendation:

The areas to receive the improvements/protection measures have been divided into four (4) zones. The subject temporary construction easements are located in Zones A and B. Zone A is bounded by National Forest Service land to the west, south, and north, and by Tahoe Mountain Road to the east. Zone B is bounded by National Forest land to the west and north, by Boulder Mountain Drive and Boulder Mountain Court to the east, and by Angora Creek to the south. The attached Figures A and B are location maps depicting the respective Zones and the parcels listed below.

There are nine (9) temporary construction easements proposed in Zone A, and thirteen (13) proposed in Zone B for a total of twenty-two (22) temporary construction easements. At the time this agenda item was prepared, the Department had received favorable responses from fifteen (15) of the twenty-two (22) parcel owners with one (1) owner declining to participate, reducing the total to twenty-one (21). The owners responding favorably had either returned an executed temporary construction easement, or agreed to execute and mail the temporary construction easement. Because time is constrained, the Department is recommending the Board authorize the Chairman to sign the Certificates of Acceptance for all of the temporary construction easements executed by the owners and received by the Department to date and subsequently.

The nineteen (19) temporary construction easements for which hydromulch and/or sand bags are proposed will expire on November 1, 2007. The two (2) remaining temporary construction easements are necessary in order to fill an existing channel, revegetate, and irrigate the revegetation for two summers following the completion of the revegetation work. These two (2) temporary construction easements will expire on November 1, 2009.

Figures A-1 through A-8 and B-1 through B-6 show the easement areas being requested for sand bag installation and/or hydromulch application. In order to expedite the process, the easement area for sand bag installation shaded on the drawing is larger than the area that will be needed for the sand bags and includes an area for access by the Department or its agents. The sand bags will be placed in a location within the proposed easement that provides protection to the public and private properties. Some of the parcels will receive hydromulch over the entire parcel area, in which case the proposed easement encompasses the entire parcel. On other parcels where some landscaping survived the fire, hydromulch will be applied only to the burned area with the easement encompassing only the burned area. The property owners will be responsible for the maintenance of the sandbags and hydromulch and removal of the sandbags.

The subject Temporary Construction Easement documents contain language releasing the County from any liability from claims of damage arising from the installation of the temporary erosion control/flood control measures or the failure of the temporary erosion control/flood control measures to prevent water damage to the private property.

While every effort has been made to protect the County from any exposure for damages related to the installation of temporary erosion control/flood control measures, if such damage were to occur to private property, the owner may pursue a claim for inverse condemnation as a result of that damage.

In such event, the County would assert the release language as a defense to the claim.

The following table lists the APNs, owners, easement purposes, square footages, and the status of the response from the owners at the time this agenda item was prepared for the subject temporary construction easements.

Zone A-97676

	APN	Name	Purpose	Square Feet	Status
1	033-575-09	Davis	Sand bags	2,026	Executed docs rec'd
2	033-575-04	DeGregory	Sand bags	5,400	No response
3	033-564-06	Balas	Sand bags	6,000	Owner executing
4	033-561-07	Gorevin	Sand bags; Hydromulch	6,621	Owner executing
5	033-565-05	Stewart	Hydromulch	17,818	No response
6	033-565-07	Valencia	Hydromulch	23,177	Executed docs rec'd
7	033-564-13	Spreitzer	Hydromulch	11,300	Owner executing
8	033-561-06	Kuehn	Hydromulch	11,547	Executed docs rec'd

Zone B-97677

	APN	Name	Purpose	Square feet	Status of Response
1	033-242-05	Carreau	Grading; irrigation	3,315	Owner executing
2	033-242-06	Thielmann	Grading; stumps;; irrigation	6,308	Owner executing
3	033-282-03	Zaverukha	Sand bags; Hydromulch	3,807	Owner executed
4	033-720-07	Weston	Sand bags, Hydromulch	4,000	Executed docs rec'd
5	033-272-03	Cohn	Sand bags; Hydromulch	8,297	Owner executing
6	033-281-01	Bailey	Hydromulch	16,000	Executed docs rec'd
7	033-276-09	Bowman	Hydromulch	11,125	No response
8	033-275-05	Langdon	Hydromulch	10,333.5	No response
9	033-272-24	Holker	Hydromulch	11,876	No response
10	033-272-25	Hedley	Hydromulch	14,465	Executed docs rec'd
11	033-523-23	Grech	Hydromulch	14,080	Owner executed
12	033-720-29	Houweling	Hydromulch	43,725	Owner executed
13	033-720-19	Capifoni	Hydromulch	43725	No response

Action to be taken following Board approval:

- 1) For those temporary construction easement documents which County Counsel has already approved, after the Chairman signs the Certificates of Acceptance, the Board Clerk will deliver the Temporary Construction Easements and Certificates of Acceptance to the Recorder/Clerk's office for recordation. The Board Clerk will notify the Department when recordation has been completed.
- 2) For those temporary construction easements which have not yet been approved by County Counsel, when the Department receives Temporary Construction Easements executed by the owners, the Department will send the documents to County Counsel for approval. Once approval is received, the Department will deliver the Temporary Construction Easements and Certificates of Acceptance to the Board Clerk. After the Chairman signs the Certificates of

Acceptance, the Board Clerk will deliver the Temporary Construction Easements and Certificates of Acceptance to the Recorder/Clerk's office for recordation. The Board Clerk will notify the Department when recordation has been completed.

Contact:

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Director of Transportation