



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 Zone C Project (JN 97678) on APNs 033-453-13 (Hallam), 033-451-05 (Coplen/Walker), and 033-501-01 (Warren); and Certificates of Acceptance and Easement Acquisition Agreements for the permanent easements on APNs 033-453-13 (Hallam), 033-462-02 (Delariva), 033-462-03 (Laporte/Pette), 033-451-04 (Gainor) and 033-451-05 (Coplen/Walker) subject to County Counsel review and approval.

RECOMMENDED ACTION: Approve.

FUNDING: California Tahoe Conservancy

BUDGET SUMMARY:		
Total Estimated Cost	\$81,100.00	
Funding		
Budgeted	\$81,100.00	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$81,100.00	
Change To Net County Cost		\$0.00

Fiscal Impact/Change to Net County Cost:

The costs associated with the permanent easement fees total \$15,250.00. The remaining costs of \$65,850.00 consist of staff time to prepare the documentation and to obtain the easements. Funding will be from the California Tahoe Conservancy (CTC). 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 Transportation Department's (Department) 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. Since some of these improvements/protection measures will be installed on private property, temporary construction and/or permanent easements will be required.

Reason for Recommendation:

The areas to receive the protection measures/improvements have been divided into four (4) zones. The subject permanent erosion/flood control improvements and easements are located in Zone C

(Project). Zone C is bounded by Mt. Meadow Drive to the east, National Forest land to the west, North Upper Truckee to the south, and Lake Tahoe Boulevard to the north (see attached Figures C, C-1, C-2, C-3).

On September 11, 2007 the Board authorized the Director of Transportation to sign the contracts related to the emergency repairs for the Project. The Department's Contractor for the Project area began work on September 24, 2007. The work consists of permanent erosion/flood control improvements that include culverts, rock-lined channels, rock bowls, grass-lined swales, sediment basins, and revegetation. Contract provisions prohibit the Contractor from working within the subject easement areas until the proper approvals are obtained.

On September 11, 2007 the Board authorized the Department to negotiate with the owners for all zones whose properties were determined to be necessary for the installation of improvements/protection measures. Originally there were six permanent easements and six Temporary Construction Easements proposed for Zone C. Because one owner declined to grant a permanent easement, three of the Temporary Construction Easements were eliminated along with the one permanent easement.

The easement documents contain a possession and use provision to allow work on the subject parcels after the Department receives the easement documents signed by the owners. These provisions were necessary in order to ensure the proposed erosion/flood control improvements could be installed before the October 15th Tahoe Basin grading deadline. Because all but one of the owners from whom permanent easements were requested have one or more outstanding Deeds of Trust, signatures from the lenders on the Consents to Easement and Agreements to Subordinate (Subordination Agreements) will be required. Because this process and the Board approval process take longer than the time available for construction, the Department has implemented this possession and use provision. Although this approach carries some risk because the work may be performed before the easements are recorded, the risk is minimal compared to the risk associated with not constructing the improvements this year. Because the process for receipt of the Subordination Agreements signed by the lenders, County Counsel approval, scheduling the item for Board approval, and check processing is lengthy, to minimize the waiting period for the owners to receive the checks, the Department is requesting Board approval now subject to the contingencies noted herein.

The following provides a description of the temporary and permanent easement needs and the fees associated with the permanent easements.

APNs 033-453-13, 033-462-03 and 033-462-02 (Figure C-1)

Runoff flows from a culvert crossing Mt. Olympia into an existing channel along the property line between APNs 033-462-02 and 033-462-03, then it flows uncontrolled to APN 033-453-13 affecting the house foundation. There is no drainage easement for this runoff.

The Department is requesting a permanent easement on APN 033-462-02 in order to remove the existing culvert, install a new, longer culvert, add a flared end section to the new culvert, grade the remaining existing swale and line it with sod, remove stumps that interfere with the proposed improvements, revegetate, and irrigate. The approximate easement area is 620 square feet with a value of \$3,100.00.

The Department is requesting a permanent easement on APN 033-462-03 in order to add a flared end section to the new culvert, install a new, longer culvert, grade the remaining existing swale and line it with sod, remove stumps that interfere with the proposed improvements, revegetate, and irrigate. The approximate easement area is 550 square feet with a value of \$2,750.00.

The Department is requesting a permanent easement on APN 033-453-13 in order to construct a grass-lined swale that will direct flows to the adjacent CTC lot. A rock dissipator will be installed to protect the channel at the bend as it enters the subject property. All disturbed areas will be revegetated and irrigated. The permanent easement is approximately 354 square feet with a value of \$1,800.00. The Department is also requesting an approximate 353 square foot Temporary Construction Easement in order to fill an existing low area along the length of the swale to ensure flows remain within the swale. The filled area will be revegetated and the revegetation will be irrigated. This Temporary Construction Easement will expire on November 1, 2009. The value of this Temporary Construction Easement is inherent in the construction of the proposed improvements. The Department anticipates receiving approval or denial of the easements from the owners of this parcel by or before September 28, 2007. Should the owners deny granting the easements, the three (3) permanent and one (1) temporary easements will be eliminated, and the Department will perform no work in these areas.

APNs 033-451-04 and 033-451-05 (Figure C-2)

An existing channel meanders across both of the subject parcels. There is no drainage easement for this runoff. The channel will be relocated to the property line between the two parcels and the old channel will be filled and revegetated in the areas that it will be abandoned.

The Department is requesting a permanent easement on APN 033-451-04 in order to construct a rock bowl at the channel outlet, construct a grass-lined swale, remove stumps that interfere with the installations, and revegetate and irrigate all disturbed areas. The approximate easement area is 876 square feet with a value of \$4,400.00.

The Department is requesting a permanent easement on APN 033-451-05 in order to construct a rock bowl at the channel outlet, construct a grass-lined swale, remove stumps that interfere with the installations, and revegetate and irrigate all disturbed areas. The approximate easement area is 640 square feet with a value of \$3,200.00. The Department is also requesting an approximate 1,720 square foot Temporary Construction Easement in order to fill the existing channel, remove stumps that interfere with the filling of the channel, revegetate the filled area, and irrigate the revegetation. This Temporary Construction Easement will expire on November 1, 2009. The value of this Temporary Construction Easement is inherent in the construction of the proposed improvements.

APN 033-501-01 (Figure C-3)

Runoff from Mt. Shasta Circle sheet flows across the road into a depression created for a culvert inlet next to a cut slope. As part of the proposed permanent improvements, a storm drain system which eliminates this culvert will be constructed. In order to fill the depression, revegetate, and irrigate the revegetation, the Department is requesting a Temporary Construction Easement on APN 033-501-01. An approximate easement area of 455 square feet is being requested. This Temporary Construction Easement will expire on November 1, 2009. The value of this Temporary Construction Easement is inherent in the construction of the proposed improvements.

Action to be taken following Board approval:

- 1) When the Department receives the 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 for recordation. The Board Clerk will notify the Department when recordation has been completed.
- 2) For the permanent easement for APN 033-451-05 (Coplen/Walker), after the Department receives the Easement Acquisition Agreement, the Grant of Easement, and the Certification of Trustee form executed by the owners, the Department will send the documents to County Counsel for approval. Once approval is received, the Department will deliver the Easement Acquisition Agreement, the Grant of Easement, and the Certificate of Acceptance to the Board Clerk. After the Chairman signs the Certificate of Acceptance and the Easement Acquisition Agreement, the Board Clerk will send these documents along with the Grant of Easement to the Department. The Department will prepare a request for the Auditor to prepare a check for the value of the easement. Upon receipt of the check, the Department will transmit the check with the applicable documents to Placer Title Company for escrow closure, which includes recordation of the Grant of Easement and the Certificate of Acceptance. Once the documents are recorded the Department will transmit copies to the owners.
- 3) For the permanent easements on APNs 033-453-13 (Hallam), 033-462-02 (Delariva), 033-462-03 (Laporte/Pette) and 033-451-04 (Gainor) after the Department receives the Easement Acquisition Agreements and the Grants of Easement executed by the owners, and the Subordination Agreements executed by the owners and lenders, the Department will send the documents to County Counsel for approval. Once approval is received, the Department will deliver the Easement Acquisition Agreements, the Grants of Easement, the Subordination Agreements, and the Certificates of Acceptance to the Board Clerk. After the Chairman signs the Certificates of Acceptance and the Easement Acquisition Agreements, the Board Clerk will send these documents along with the Grants of Easement and the Subordination Agreements to the Department. The Department will prepare a request for the Auditor to prepare a check for the total value of the easements. Upon receipt of the check, the Department will transmit the check with the applicable documents to Placer Title Company for escrow closure, which includes recordation of the Grants of Easement, the Subordination Agreements, and the Certificates of Acceptance. Once the documents are recorded the Department will transmit copies to the owners.

Contact:

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