



## Legislation Text

---

**File #:** 23-1175, **Version:** 1

---

Department of Transportation, recommending the Board approve the following:

- 1) Waive the deadline in Article 13.b, of the Purchase and Sale Agreement for APN 033-542-10; and
- 2) Delegate signature authority to the Department of Transportation Director, or designee, to sign the Tahoe Regional Planning Agency's transfer application to transfer the Potential Residential Unit of Use currently banked on County-owned parcel 033-542-010, when submitted by the owner.

**FUNDING:** N/A

### **DISCUSSION / BACKGROUND**

The Department of Transportation (Transportation) purchased APN 033-542-010 in 2004 with two types of development rights remaining with the Seller, Fred Barry Cohen; land coverage and Potential Residential Unit of Use (PRUU), previously referred to as Residential Development Right (RDR) in 2004. The Land Coverage was transferred off the county-owned parcel in 2006, leaving only the PRUU. The PRUU was to be transferred no later than July 1, 2009 (Article 13.b, Purchase and Sale Agreement). Transportation records confirm Mr. Cohen sold the parcel to the County provided he retained the development rights/PRUU and that the agreement's deadline to transfer was for the purpose of expediency because it would be more likely that staff familiar with the arrangement would be available to help complete the transfer.

Given that the date was selected as a vehicle to expedite the future transfer of the remaining development right/PRUU and that the prior purchase and sale agreement was for the land only, staff believes it would be equitable and consistent with the agreement to remove the deadline of July 1, 2009, thereby allowing the transfer to be initiated.

Staff is also recommending the Board authorize the Director of Transportation to sign the TRPA application to transfer the PRUU off the county-owned parcel to simplify and expedite the process.

### **ALTERNATIVES**

The Board could choose not to waive the deadline in the Purchase and Sale Agreement, and not allow the Transportation Director the authority to sign the TRPA transfer application; however, this would not allow the owner of the banked PRUU rights the ability to transfer the PRUU.

### **PRIOR BOARD ACTION**

12/05/2006 - Legistar 06-1897

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel and Tahoe Planning.

### **CAO RECOMMENDATION / COMMENTS**

Approve staff recommendation.

### **FINANCIAL IMPACT**

There is no change to Net County Cost associated with this item.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

**STRATEGIC PLAN COMPONENT**

Infrastructure

**CONTACT**

Rafael Martinez, Director  
Department of Transportation