



Legislation Text

File #: 09-1264, **Version:** 1

Transportation Department recommending the Board authorize the Chairman to sign the following Grant Amendments to Agreements with California Tahoe Conservancy (CTC) for the Angora 3 Site Improvement grant, and the Silvertip/Upper Angora Creek/Woodland/Lonely Gulch/Cascade grant:

- 1) Amendment 2 to CTA 05023;
- 2) Amendment 2 to CTA-05024; and
- 3) Amendment 4 to CTA 97014.

FUNDING: California Tahoe Conservancy.

Fiscal Impact/Change to Net County Cost:

Approval of this agenda item will allow the department to utilize available grant funds. There is no net cost to the County General Fund associated with this agenda item.

Background:

In April 1998 and March 1999, the CTC Board authorized an acquisition grant (CTA 97014) and site improvement grant (CTA 97013) respectively to the County of El Dorado (County) to carry out the Cascade Erosion Control Project (Project); the authorizations totaled just under \$1,600,000. The Project area is located near the southwest shore of Lake Tahoe in the County, just south of Cascade Creek, between State Route 89 and Lake Tahoe. The Project was designed to address soil erosion and sediment deposition from stormwater runoff originating in a 100-acre area within the Cascade Properties and Tallac Manor Properties subdivisions.

The Project improvements were constructed in the summer of 2002 using a combination of private and public funds; because the streets in these subdivisions are privately owned, the Cascade homeowners and the County partnered on the Project. A Notice of Completion was approved on October 8, 2002 for the Project. The CTC provided grant funds totaling \$1,110,984 for site improvements and \$489,800 for acquisition of interests in real property. Funding from Caltrans amounted to \$381,298, and Tahoe Regional Planning Agency (TRPA) Water Quality Mitigation funds covered \$144,811 in Project costs. The Cascade homeowners contributed over \$200,000 toward the cost of construction, and are currently providing \$12,950 per year to the County for maintenance of the improvements.

At the time the Project was implemented, the County was unable to complete acquisition of two needed easements in the Project area because the parcels that comprise the Project site were undergoing an internal boundary line adjustment. In lieu of the easements, while the boundary line adjustment was pending, the property owners executed a recorded Right of Entry in favor of the County in May 2002, to allow construction of Project improvements, including a large infiltration basin on the property. This Right of Entry was predicated on the County's purchase of the easements at a later date.

The internal boundary line adjustment was resolved in 2007. Thereafter, in 2008, the County completed an appraisal of the easements which, pursuant to the terms of the Right of Entry,

established a fair market value for the easement as of June 26, 2002 (during Project construction). Because the acquisition funding was part of the CTC grant, CTC staff reviewed and approved the appraisal, as required by the CTC acquisition grant agreement CTA 97014.

However, the County's ability to complete the acquisition has been impeded, both by the recent State of California freeze on disbursements of bond funds and by a shortfall in the grant funds designated for acquisition purposes. The shortfall resulted from the fact that the Project improvements affect access to one of the reconfigured parcels created through the boundary line adjustment, necessitating additional compensation to the owner of that parcel. In addition, the amount of County staff time required to complete this transaction has exceeded original estimates, owing to the number of owners and length of time that it has taken to complete the boundary line adjustment and resolve ownership-related questions. Therefore, in order to complete the acquisition of the remaining easements, the CTC Board approved an additional \$115,154.68 in CTC funding to the County within the CTA 97014.4 Grant Amendment at the September 30, 2009 CTC Board meeting.

This Grant augmentation will be accomplished, in part, by disencumbering \$108,976.00 in Proposition 50 bond funds from the Angora 3 Erosion Control Project (Angora 3 - CTA 05023/05024), and transferring those same funds to the Grant Agreement (CTA 97014.4) for the Cascade acquisitions. Savings are available from Angora 3 where project costs came in under original estimates, including both acquisition costs (due to project changes) and site improvements (because of the very favorable construction bid climate in the summer of 2008). The reencumbrance of the Proposition 50 bond funds to the Cascade Project will therefore be consistent with the intent of the current restrictions on the use of bond funds, i.e., to allow the completion of an existing, high-priority project, without any net increase in authorized bond activity.

In addition, the CTC Board approved shifting a total of \$6,178.68 in Proposition 12 funds (\$188.01 from the Silvertip Erosion Control Project (JN 95141), \$5,636.04 from the Angora Creek Stream Environment Zone Project (JN 95147), and \$354.63 from the Woodland/Tamarack/Lonely Gulch Erosion Control Project (JN 95145)) to the Cascade Erosion Control Project within the acquisition grant CTA 97014. The acquisitions for all of these projects are funded under the single Grant Agreement (CTA-97014).

Reason for Recommendation:

The Amendment to these Agreements will allow the County to complete the easement acquisitions for the Cascade Erosion Control Project.

Following is a brief synopsis of each Project:

1. CTA-05023, Amendment #2 is a site improvement grant for the Angora 3 Erosion Control Project (JN 95160/64). This Amendment will reduce the grant amount by \$65,348.00.
2. CTA-05024, Amendment #2 is an acquisition grant for the Angora 3 Erosion Control Project (JN 95160/64). This Amendment will reduce the grant amount by \$43,628.00.
3. CTA-97014, Amendment #4 is an acquisition grant for the Silvertip Erosion Control, Angora Creek SEZ, Woodland, Lonely Gulch Erosion Control, and Cascade Erosion Control Projects. This Amendment will increase the grant amount by \$108,976.00 and amend the final invoice date to June 30, 2012.

Action to be taken following Board approval:

- 1) The Board Clerk will obtain the Chairman's signature on the five (5) originals of each subject grant Amendment.
- 2) The Board Clerk will forward the originals to the Department for further processing to the CTC.
- 3) Following final processing, the CTC will transmit one (1) fully-executed original to the Board Clerk for each Amendment.
- 4) Upon receiving the originals, the Board Clerk will forward a copy of each Amendment to the Department for its files.

Contact:

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

Concurrences: County Counsel