RECOMMENDED ACTION AND JUSTIFICATION:

County Service Area 1-M (Lake Don Pedro)

Adopt a Resolution declaring the Board's intent to lease certain real property described as Parcel 1 and 2 in Area 1-M of Lake Don Pedro for grazing purposes. This property has been leased for grazing purposes by Robert Cree, who entered into an Agreement with the County for a 3 year period expiring on April 30, 2010. On January 26, 2010 the Board directed staff to proceed with re-publicizing the grazing lease for a five year period. It is requested that the Board select a minimum bid price to be set based on the estimated lease values provided below by the Assessor and Agricultural Commissioner and that the Lessee pay the associated costs to lease the property. Sealed proposals will be accepted until noon on April 9, 2010. The property will be leased to the highest bidder at a public meeting to be held on April 13, 2010.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The subject property has been leased since 1978. The current lease was entered into with Robert Cree in 2007. The current lease amount is $2,037.50 per year.

On January 26, 2010 the Board directed staff to proceed with re-publicizing the grazing lease for a five year period.

The estimated lease value is as follows:
- County Assessor $2,037.50 per year
- Agricultural Commissioner $3,240.00 per year

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- Lease the property for grazing purposes.
- Sell the property.

Financial Impact? [ ] Yes [x] No Current FY Cost: $ Amount in Budget: $ Additional Funding Needed: $ Unanticipated Revenue ______ 4/5's vote Transfer Between Funds ______ 4/5's vote Contingency ______ 4/5's vote ( ) General ( ) Other

List Attachments, number pages consecutively

Resolution of Intention
Map
Blank Lease Form
Memo from Assessor/Recorder
Memo from Ag Commissioner/Sealer


The foregoing instrument is a correct copy of the original on file in this office.

Attest: MARGIE WILLIAMS, Clerk of the Board County of Mariposa, State of California

By: __________________________________________________________________________

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended [ ] No Opinion

Comments:

CAO: __________________________________________________________________________

Revised Dec. 2002
TO:  STEVEN W. DAHLEM, County Counsel
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: Adopt a Resolution Declaring the Board of Supervisor’s and County Service Area 1-M (Lake Don Pedro) Board of Director’s Intent to Lease Real Property Located in the County Service Area 1-M for Grazing Purposes

RES. 10-131 & CSA 1M Res. 10-2

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA
ADOPTED THIS Order on March 16, 2010

ACTION AND VOTE:

19 County Counsel
Adopt a Resolution Declaring the Board of Supervisor’s and County Service Area 1-M (Lake Don Pedro) Board of Director’s Intent to Lease Real Property Located in the County Service Area 1-M for Grazing Purposes

BOARD ACTION: Discussion was held with Steve Dahlem. (M)Allen, (A)Aborn, Board Res. 10-131 and CSA 1M Res. 10-2 were adopted declaring the intent to lease the property. The motion was amended, agreeable with the maker and second, to include direction for the minimum grazing lease amount to be $2,037.50/Ayes: Unanimous.

Cc: Doug Wilson, Interim Public Works Director
File
WHEREAS, the County of Mariposa is the owner of certain real property described as Parcels 1 and 2 in Area 1M of Lake Don Pedro consisting of approximately 162 acres and more particularly described on the map marked Exhibit “A” attached hereto, and

WHEREAS, the property is useful for cattle grazing, and

WHEREAS, the County has leased the property in the past for cattle grazing,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Mariposa County hereby declares its intention to lease the above-described real property for the purpose of cattle grazing.

BE IT FURTHER RESOLVED that the County shall lease the property to the highest bidder at a public meeting of the Board of Supervisors to be held on April 13, 2010 at the County Government Center in Mariposa County, at which time sealed proposals to lease the property will be received and considered.

BE IT FURTHER RESOLVED that the minimum lease price for the term of five (5) years shall be the sum of TWO THOUSAND THIRTY-SEVEN DOLLARS AND 50/100 ($2037.50) per year plus cost of publication not to exceed FIVE HUNDRED DOLLARS ($500.00).

BE IT FURTHER RESOLVED that any party interested in bidding on the lease of the above property shall provide a sealed proposal to the Board of Supervisors to be received no later than noon on April 9, 2010.

BE IT FURTHER RESOLVED that any lease of the property will include a hold harmless indemnity clause and insurance sufficient to protect County. The lease form is attached hereto and marked Exhibit “B” to the Resolution.

BE IT FURTHER RESOLVED that a notice of adoption of this Resolution shall be posted in three public places in the County not less than fifteen (15) days before the day of the meeting wherein sealed bids will be opened and, further, a notice, together with a copy of this Resolution, shall be published in a newspaper of general circulation in the County for one time each week for a period of three (3) weeks prior to the meeting wherein the proposals will be opened pursuant to Government Code Section 6063.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 16th day of March, 2010 by the following vote:

AYES: ABORN, TURPIN, BIBBY, CANN, ALLEN

NOES: NONE

ABSENT: NONE

ABSTAINED: NONE

KEVIN CANN, Chairman
Board of Supervisors

MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM:

STEVEN W. DAHLEM, County Counsel
LEASE AGREEMENT

THIS LEASE AGREEMENT, made and entered into this ____ day of ____ 2010, by and between the COUNTY SERVICE AREA 1M (DON PEDRO), hereinafter referred to as "LESSOR", and ______________ hereinafter referred to as "LESSEE".

WITNESSETH:

I. DESCRIPTION OF PREMISES

LESSOR leases to LESSEE, and LESSEE hires from LESSOR, as herein provided, that property located in the County of Mariposa, State of California, and described as follows:

Parcels 1 and 2 in Area 1-M of Lake Don Pedro and as more particularly described in Exhibit "A" attached hereto.

II. TERM

The term of this LEASE AGREEMENT is five (5) years beginning the 1st day of May 2010 and ending the 30th day of April 2015. plus the cost of publication in the amount of FIVE HUNDRED DOLLARS ($500.00).

III. CONSIDERATION

The consideration for this LEASE AGREEMENT shall be ______________ DOLLARS AND ($____) per year to be paid on or before May 1st of each year plus the cost of publication in the amount of FIVE HUNDRED DOLLARS ($500.00).

IV. USE OF PREMISES

The PREMISES are leased to be solely used for grazing purposes, and LESSEE agrees to restrict use to such purpose and not to permit the use of the PREMISES for any other purpose without first obtaining the consent in writing of LESSOR.

V. NO WASTE, NUISANCE, OR UNLAWFUL USE

LESSEE shall not commit or allow to be committed any waste on the premises, or nuisance, nor shall he use or allow to be used the PREMISES for an unlawful purpose. The LESSEE further agrees to maintain complete fencing around the above-described property.

VI. POSSESSORY INTEREST

LESSEE recognizes and understands that to the extent this Lease may or may not create a possessory interest subject to property taxation that the LESSEE is solely responsible for the payment of any taxes levied or assessed on the Leased PREMISES. LESSOR expresses no opinion on the taxable affect of this Lease.
VII. NON-LIABILITY OF LESSOR FOR DAMAGES; INDEMNITY AND SAVE HARMLESS CLAUSE

LESSEE agrees to indemnify, protect, defend and hold LESSOR, its officers, agents and employees, free and harmless from any and all liabilities, claims, demands, actions, losses, damages and costs of any kind, including, but not limited to, all costs of defense thereof, caused by, arising out of, or in any way related to LESSEE'S use or the use of any guests, invitees or agents of LESSEE of the Leased Premises. Upon demand LESSEE shall, at its own expense, defend LESSOR, and its officers, agents and employees, against any and all such liabilities, actions, losses, damages and costs, claims, demands, actions, losses, damages, and costs of any type or nature. In addition, LESSEE shall comply with state insurance requirements.

VIII. INSURANCE

LESSEE will certify that the following insurance coverages are in effect as of to the commencement of this Lease and any right of occupancy of the Lease Premises and shall maintain coverage in full force and in effect until the termination of this Lease Agreement:

A. General Liability and Bodily Insurance: LESSEE shall obtain and keep in full force and effect, a general liability policy of at least Five Hundred Thousand Dollars ($500,000) combined limit for bodily injury and property damage, provided that the LESSOR, its officers, employees and agents are to be named additional insureds under the policy, and that the policy shall stipulate that this insurance will operate as primary insurance, and that no other insurance effected by LESSOR or other named insureds will be called on to cover a loss covered thereunder.

B. Certificate of Insurance: All policies of insurance required above shall be written by a qualified insurance company rated ‘A’ or better by the Best's Insurance Rating Guide and be authorized to do business by the State of California and shall be in a form approved by LESSOR. LESSEE shall file with the LESSOR a certificate of insurance evidencing coverage as set forth above. LESSEE is required to mail a certificate of insurance, signed by an authorized representative of the issuing company, annually, to the County of Mariposa, Risk Manager, at P.O. Box 784, Mariposa, CA 95338. The following information must be included on each certificate of insurance or the coverage shall be considered incomplete:

1. A statement that the County of Mariposa is a named insured under each policy or policies;
2. All required dollar limits of insurance coverages shall be correctly stated;
3. A provision that written notice of cancellation or any material change in coverage shall be delivered to LESSOR at least 30 days in advance of the effective date of the material change or cancellation, and that no cancellation, alteration or change of beneficiary or beneficiaries shall be made without written notice to LESSOR.

VIII. IX. PROHIBITION AGAINST ASSIGNMENT OR SUBLEASE OF THE PREMISES

LESSEE agrees not to assign or sublease the PREMISES leased, or any part thereof, without first obtaining LESSOR'S written consent, or to allow any other persons, except LESSEE'S agents or employees, to occupy the PREMISES or any part thereof, without first obtaining LESSOR'S written consent.
IX. TERMINATION

Either the LESSOR or the LESSEE may terminate the LEASE AGREEMENT within sixty (60) days should it become necessary for the LESSOR to develop the above-described property for a sanitary landfill site.

IN WITNESS WHEREOF, the PARTIES hereto have executed this LEASE AGREEMENT on the day and year first above-written.

LESSOR:  
COUNTY SERVICE AREA 1M  
(Don Pedro)

LESSEE:

____________________________
KEVIN CANN, Chair  
Board of Directors

____________________________
MARGIE WILLIAMS  
Clerk of the Board

____________________________
STEVEN W. DAHLEM  
County Counsel
DATE: February 24, 2010

TO: Steven W. Dahlem, County Counsel

FROM: Brent L. Joseph, Assistant Assessor-Recorder

SUBJECT: Estimated Lease Value for Grazing Property

You recently asked for an estimate of lease value for grazing property located in the County Service Area 1-M (Lake Don Pedro). While actual property values have certainly declined in the past few years it does not appear that lease rates for grazing property have changed. Grazing lease rates from other agencies (MID and BLM) have stayed constant in recent years. Other sources indicate lease rates may be poised to increase as demand for grazing property stays high. The current negotiated lease rate on the subject property appears to be fair and as such should represent a starting point for negotiating the re-leasing of the property.

Thank you for the opportunity to assist you in this matter. Please let me know if this office can be of any further assistance.
To: Steven W. Dahlem  
County Counsel  

From: Cathi Boze  
Agricultural Commissioner/Sealer  

Date: 3 March 2010  

Subject: Lease Agreement for Grazing Property Located in the County Service Area 1-M (Lake Don Pedro)  

I am writing in response to your request of 17 February 2010 regarding the leasing of real property in the County Service Area 1-M (Lake Don Pedro) area.

The estimated lease value is requested for APN No. 1-030-024 (158+ acres), and No. 1-030-001 (2.0+ acres). The parcels are located adjacent to the Don Pedro subdivision in the Granite Springs Road area. The soils on the parcels are Auburn loam series soils (Ane, AhD, and a small pocket of AnG2) as shown on the attached map. Auburn soils are typically used for annual range, watershed, and wildlife habitat soils. The average annual precipitation for the area ranges from 24 - 27 inches. The area is covered with annual grasses and forbs with areas of oaks and brush (chamise). The range site is considered shallow loamy with slopes ranging from 2 – 30 percent. The annual forage production is 3600 pounds per acre in favorable years and 1300 pounds per acre in unfavorable years, of which about 80 percent can be used by cattle and sheep.

Last year’s survey of leasing rates in Mariposa County found that they fell within three basic ranges: low – less than $10 per acre; moderate -- $10 – 15 per acre; and high - $16 – 25+ per acre. The average leasing rate for rangeland in the county is $15.02 per acre. The leasing rate charged depends upon several factors, which include not only the acreage, carrying capacity, water availability, and forage production of the parcel, but also the location. Given these factors, I feel that these parcels would have an estimated lease value in the high range or $16 – 25 per acre for grazing purposes.

Note: Soil type information from “Soil Survey of Mariposa County Area, California” and aerial soil maps provided by Dawn Afman, District Conservationist, USDA/NRCS
in the soft dough stage. The cuttings are windrowed and usually stacked loose, but sometimes they are baled. Improved dryland pasture grasses and legumes make excellent hay. When haying the improved seed varieties, cut areas are alternated so as not to cut the same area each year. This assures a good seed source and perpetuates the desired plants.

Range

About 70 percent of the Mariposa County Area is used for range. The Daulton and Auburn series are the most extensive soils used for range. The soils used for range are mainly in the western two-thirds of the Area, but they extend eastward to areas where elevation is about 5,000 feet. Areas from about 350 to 1,000 feet are open grassland marked by scattered oaks. Above 1,000 feet a gradual transition occurs from open grassland to oak forest.

Generally, the soils used for range are too steep, too shallow, or too rocky for cultivated crops. Large acreages once used for the production of hay and grain are now used for grazing. Areas along stream channels and meadows are on shallow, rocky ridgetops in timbered areas have value for grazing. Some timbered areas have been cleared of trees and are used to provide forage.

Most of the important range forage plants in the area are introduced. The original forage plants were a mixture of perennial and annuals, but the introduced plants are mainly cool-season annuals. These annals, taking full advantage of the soil moisture while it is there, produce seed and mature by the time the moisture is gone. They furnish highly nutritious feed in spring when they are green and growing. After maturity, however, their nutritional value is low.

The forage-producing plants of the Area are grouped into three classes: desirable, less desirable, and undesirable. Livestock graze selectively. They seek out the more palatable and nutritious plants. If grazing is not carefully regulated, the better, more desirable plants are weakened or eliminated because they are not allowed to produce seed. Then less desirable plants increase. If grazing pressure is continued, even the second-choice plants are thinned out or eliminated, and undesirable, unpalatable plants take their place or the soil is left bare.

Experiences of ranchers and studies by research workers show that if only part of the current yearly growth of grass is grazed, damage to the more desirable plants is minimized and higher production is attained. This plant material left at the end of the grazing season—

1. Serves as a mulch that encourages rapid intake and storage of water. The moisture stored in the soil, the better forage grows.
2. Protects the soil from wind and water erosion.
3. Reduces year-to-year fluctuation in forage production, because vigorous plants make more efficient use of soil moisture.
4. Holds moisture near the surface after the first rains in fall so that seeds can germinate at an earlier time.

5. Provides a reserve of feed for years when growing conditions are unfavorable.

Among other range improvement practices that materially increase production are removing trees, brush and fertilizing and seeding adapted grasses and legumes, or a combination of these practices. Some forage management requires that grazing be adjusted from season to season according to the amount of forage produced. Because of the growth habits of annual forage plants, proper use of all the forage when it is most nutritious is very difficult. If forage is used dry feed in summer or held for early feed in fall, livestock will need protein supplements. Maintain adequate reserves of feed forage permits proper use of vegetation.

Because of variable rainfall and temperature pattering forage production in the Area varies greatly. The condition of the range, a reflection of past management considerably influences production. Estimates of potential annual production are given for each range site for favorable and unfavorable years. Stocking rates and carrying capacities should not be computed from the estimated total annual production of forage. Each operator becomes familiar with seasonal grazing readiness and production of his range by range sites, judgment will determine the current grazing management plan. Local Soil Conservation Service or farm advisors can assist in determining initial stock rates, which should be made only after onsite inspection.

Range sites

Range sites are groups of soils that produce signifi- cantly different kinds or amounts of vegetation. Each site has a different potential for production of forage and presents different management concerns. The range lands in the Mariposa County Area have been grouped into seven range sites. The following range site descriptions include a brief description of the area, a general location of the site, a brief description of the most extensive soils, as a group, that make up the site; listing of the most desirable, less desirable, and undesirable forage plants; and a statement giving the estimated production potential of each site. Total annual production is on an air-dry basis for each site based on a limited number of clippings and estimations. Extremes in weather conditions can cause even great fluctuations in production. These data are for unimproved range. They are not to be interpreted as usual forage.

1. Shallow Loamy

This site is in the western one-third of the survey area parallel to the Merced County line. Elevations range from 300 feet to more than 2,000 feet. The average annual precipitation ranges from 12 to 40 inches. Slope generally ranges from 9 to 30 percent. About one-third the total area has slopes of more than 30 percent. These steeper areas, the hazard of erosion is great and potential production is lower. This site occupies about 170,000 acres.

The soils in this range site are loams and stony loams that are 8 to 20 inches deep to bedrock. They are somewhat excessively drained and well drained. Available water capacity is 0.5 to 3.5 inches. Permeability of t

subsoil is moderately slow to moderate. Runoff is slow or very rapid. The hazard of erosion is slight to very slight. The content of organic matter is moderate. Rock outcrops cover 0 to 25 percent of the surface area but do not appreciably impede livestock movement nor lower forage production.

In the western part of the survey area, this site typically is covered by grass. Eastward, precipitation and elevation increase and the plant cover gradually changes to grass-oak and some brush and digger pine. At higher elevations are areas of dense stands of oak and brush.

If this site is producing at maximum, approximately 70 percent of the herbage is a mixture of soft chess, wild oats, burclover, filaree, and other desirable plants, including remnant perennial grasses in the open or under the trees. Approximately 20 percent of the vegetation is ripgut brome, annual fescue, annual lupine, and other less desirable plants. The rest consists of nitrates, silver hairgrass, farweeds, poppy, or other undesirable plants.

The soils in units AhD, AhE2, AnE, DaD, and DaE in this site are well suited to seeding to adapted annual grasses and legumes. In selected areas, forage plants respond well to the application of nitrogen, phosphorus, and sulfur. Repeated applications of phosphorus are needed to maintain good stands of legumes. Removal of trees and brush, where needed, increases production on this site (fig. 7).

The estimated total potential annual production of air-dry herbage on this site is 3,000 pounds per acre in favorable years and 1,000 pounds per acre in unfavorable years. In the 16- to 36-inch precipitation zone, production is 3,000 pounds per acre in favorable years and 1,500 pounds per acre in unfavorable years. About 50 percent of this production can be used by cattle and sheep.

This site is in a belt that runs from southeast to northwest from the Madera to Tuolumne County lines. It is mainly in the Cathe Valley area. Elevation ranges from 300 to 3,300 feet. The average annual precipitation ranges from 15 to 30 inches. Slopes range from 2 to 25 percent. About 5 percent of this site is severely eroded or extremely rocky (fig. 8). This site occupies about 37,000 acres.

The soils in this range site are loams, stony loams, fine sandy loams, very fine sandy loams, and clay loams that are 24 inches to more than 60 inches deep to bedrock. The subsoil has more clay than the surface layer in places. These soils are somewhat excessively drained to well drained. The available water capacity is 3 to 9 inches. Permeability is moderate to slow. The content of organic matter is moderate. Runoff is slow to very rapid, and the hazard of erosion is slight to very high. Rock outcrops and stones typically cover from 0 to 25

**Figure 7.**—Auburn loam, 15 to 30 percent slopes, eroded, in Shallow Loamy range site. Brush and smaller trees being cleared.
County Service Area 1-M
Lake Don Pedro

Date: 3/3/2010
Customer(s): Ag Commissioner
Approximate Acres: 180

Field Office: MARIPOSA LPO
Agency: USDA-NRCS
Assisted By: Mary Linn
# Soils Inventory Report

## RCD MARIPOSA

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