MARIPOSA COUNTY
BOARD OF SUPERVISORS

DEPARTMENT: Public Works
By: Michael D. Edwards
Public Works Director
Phone: 966-5356

AGENDA ACTION FORM
AGENDA DATE: 8-5-97
AGENDA ITEM NO.: 5-B-9

RECOMMENDED ACTION AND JUSTIFICATION:

Authorize staff to make offers to purchase a 30- to 40-acre parcel from one of two adjacent landowners for a new wastewater treatment facility (WWTF) for the Don Pedro Sewer Zone.

The attached Assessor's Parcel Maps (Attachment #1) show the two parcels under consideration. These are the only two sites reasonably available. A minimum of 30 acres is required for the replacement of the WWTF with the type of facility approved by the Board and affordable by the ratepayers in the sewer zone.

The preferred site is the Parsons property. However, the Parsons have strongly indicated a desire not to sell based on our inquiries and their responses (see Attachments #2 and 3). It is obvious that a condemnation procedure would be necessary. This is not preferred by staff, but may become necessary. A formal offer would have to be made first.

The Erickson property is the second choice because of an increased cost and distance from existing sewer mains, water and power. However, unlike the Parsons property, the subject 40-acre property is currently listed for sale on the real estate market. The list price is $80,000 which is reasonable given the appraised value of $70,000 for 30 acres at either site. Consequently, staff would make a full-price offer for the 40-acre parcel as a first step in the process. Erickson did not respond in writing to our first inquiry (see Attachment #4), but verbally indicated a desire not to sell to the County for a WWTF. If Erickson accepts our offer, staff would return to the Board for authorization to complete the purchase as this would avoid a condemnation procedure. If our offer to Erickson is rejected, it would confirm indications that both landowners are unwilling sellers, and staff would then make a formal offer to purchase the Parsons property since it is the preferred site. Assuming rejection by Parsons, staff would return to the Board with a recommendation to initiate condemnation proceedings on that site.

Several work elements for the project are on hold pending these actions. These include the environmental impact analysis, project design, applications for a State Revolving Fund (SRF) loan and report of waste discharge. Staff will present a detailed status report on the project in the near future following the above-described work.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Over the past three years, the County has fully investigated all alternatives available for the project with the final conclusion being that an off-site solution of a pond-type system with spray pasture irrigation is the only feasible alternative. Based on that, the County has obtained an extension of time from the California Regional Water Quality Control Board (CRWQCB) on our Cease and Desist Order and has obtained a preliminary grant funding commitment from Prop 204 moneys and a preliminary loan commitment from the SRF. Our current Cease and Desist Order requires that land acquisition be complete by the end of 1997.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1. Direct that staff make a formal offer only on the preferred site (Parsons) and return with subsequent recommendations based on the Parsons' response.

2. No action; no progress could be made. The CRWQCB made it clear that severe enforcement actions would result if we do not comply. These could include fines and civil prosecution.
### Costs:

- A. Budgeted current FY: $100,000 *
- B. Total anticipated costs: $80,000
- C. Required additional funding: $0
- D. Internal transfers:

### Special Instructions:
List the attachments and number the pages consecutively:

1. Assessors Parcel Maps (2 pages) showing the two sites
2. Edwards Letter to Parsons of 6-17-97
3. Parsons Letter of Response of 6-25-97
4. Edwards Letter to Erickson of 6-17-97

### Includes Appraisal, Settlement Costs, etc.
Balance in Reserve Contingencies, if approved:

### Clerk's Use Only

- Res. No.: 97-318
- Ord. No.: 
- Vote - Ayes: 5
- Noes: 
- Absent: 
- Abstained: 

- Approved
- Denied

- Minute Order Attached
- No Action Necessary

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

Date:

ATTEST:

MARGIE WILLIAMS, Clerk of the Board

By: 

Deputy

### Administrative Officer's Recommendation:

This item on agenda as:

- Recommended
- Not Recommended
- For Policy Determination
- Submitted with Comment
- Returned for Further Action

Comment:

C.A.O. Initials:
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

______________________________
TO: MIKE EDWARDS, Public Works Director
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: NEW WASTEWATER TREATMENT FACILITY; RES. 97-318

_____________________________________
THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on August 5, 1997

ACTION AND VOTE:

Mike Edwards, Public Works Director;
Resolution Authorizing Staff to Make Offers to Purchase a 30 to 40 Acre Parcel from One
of Two Adjacent Landowners for a New Wastewater Treatment Facility for the Don
Pedro Sewer Zone

BOARD ACTION: Discussion was held with Mike Edwards, and he advised that there
are only two feasible parcels (Parsons and Erickson) and both property owners would not
grant a right of entry for an environmental study. The parcel owned by Erickson is listed
for sale. Discussion was held relative to being able to assess the property owners in the
zone for the costs for the new wastewater treatment facility, whether a moratorium should
be considered, and whether LAFCO should be requested to look at annexation of
surrounding properties. (M)Balmain, (S)Parker, Res. 97-318 adopted authorizing staff to
make offer to purchase the Erickson parcel through the Realtor as recommended by Public
Works, with the offer contingent on the following conditions: the County is able to survey
the site for archeological and environmental issues, and that the County is able to make a
determination that the site is suitable for a waste water treatment facility. Mike Edwards
advised that there are sufficient funds in the Capital Improvement Budget for this project
for the purchase; however, other funding sources are being explored for the project costs.
Following further discussion, motion was amended, agreeable with maker and second, that
the offer is further contingent upon a successful conclusion of the public hearing process
for said purchase/Ayes: Unanimous.

cc: Ken Hawkins, Auditor
    Jeff Green, County Counsel
    File
ASSESSOR'S PLATS ARE FOR GENERAL PROPERTY LOCATION AND TAX PURPOSES ONLY. THEY MAY NOT BE USED AS A BASIS FOR LEGAL PROPERTY DESCRIPTIONS.
RE: Your Letter of June 6, 1997 Regarding the Sale of a Portion of your Property for a Wastewater Treatment Facility Adjacent to the Don Pedro Subdivision

Dear Mr. and Mrs. Parsons:

I have received a copy of the above-referenced letter that was addressed to the Board of Supervisors. I understand your unwillingness to sell any portion of your property, even though it was my understanding from a recent conversation between you and Doug Balmain that you were willing to discuss the matter with us.

Please rest assured that no threat of condemnation exists as described in your letter. However, the County is still interested in the property and in making you an offer. The site located on your property (see attached maps) is clearly the most suitable with respect to a final solution to the historic wastewater treatment facility problems. I believe this location also represents the least-significant intrusion upon agricultural lands in the vicinity. As you know, before we can make you a formal offer, we must complete our initial environmental studies on the property.

We are also investigating acquisition of land from the adjacent property owner that I believe you alluded to in your letter. At this time, we are not sure if that owner is indeed willing to sell for the purpose of a public wastewater treatment facility. Additionally, the suitable portion of that property is adjacent to Ranchito Drive and, therefore, could result in a more significant visual impact. That site also represents a greater intrusion into agricultural land, in my opinion.

In order to fully investigate both sites, I am requesting your permission to access your property for purposes of biological and archaeological studies on the identified 30-acre site. Access would be by foot traffic only from the subdivision. If you would kindly agree to this request, please sign the copy of this letter and return it to me within two weeks of the date of this letter. If you have any questions in this regard or would like to discuss this matter further, please call me.

Sincerely,

Michael D. Edwards
Public Works Director

Permission to access property:

________________________________________

Date:___________________________________

cc: Doug Balmain, District 2 Supervisor
    Garry Parker, District 4 Supervisor
    Jeff Green, County Counsel
CHARLES W & MARY F PARSONS  
HC 31 BOX 9  
AUSTIN, NV 89310  

JUNE 25, 1997  

COUNTY OF MARIPOSA  
DEPARTMENT OF PUBLIC WORKS  
4639 BEN HUR ROAD  
MARIPOSA, CA 95338  
MICHAEL D EDWARDS  

DEAR MR. EDWARDS:  

IN RESPONSE TO YOUR LETTER DATED JUNE 17, 1997: PLEASE BE ADVISED THAT WE DO NOT GIVE YOU OR ANY OF YOUR PERSONNEL ACCESS TO OUR PROPERTY FOR ANY PURPOSE. AS YOU ARE VERY MUCH AWARE WE HAVE NEVER BEEN WILLING TO DISCUSS OR CONSIDER SELLING ANY OF THE PORTION OF OUR PROPERTY THAT YOU INDICATE ON THE MAPS ENCLOSED WITH YOUR LETTER. AT THIS TIME AS INDICATED IN MY LETTER OF JUNE 6, 1997 NONE OF OUR PROPERTY IS FOR SALE.  

YOUR STATEMENT THAT THERE HAS BEEN NO THREAT OF CONDEMNATION IS WITHOUT MERIT. AS YOU MUST RECALL, YOU YOURSELF SUGGESTED THIS WHEN WE FIRST MET WITH YOU. MR. BALMAIN AND YOUR ENGINEER SEVERAL YEARS AGO. MR. BALMAIN'S LETTER OF JANUARY 28, 1997, WAS VERY EXPLICIT, IT IS DIFFICULT TO UNDERSTAND YOUR DETERMINATION TO INTRUDE ON OUR PROPERTY. WE HAVE NO INTEREST IN ANY OF YOUR PROPOSALS AND DO SUGGEST YOU FIND A MORE AMICABLE WAY TO CORRECT THE MANY YEARS OF WANTON POLLUTION OF OUR PROPERTY. WE ALSO FIND IT OFFENSIVE THAT YOU CONSIDER OUR PROPERTY LESS IMPORTANT AS AGRICULTURAL PROPERTY THAN THAT OF ADJOINING PROPERTY THAT IS CURRENTLY FOR SALE AND HAS BEEN SPLIT INTO SMALLER PARCELS.  

PERMISSION TO ENTER ANY OF OUR PROPERTY IS DENIED.  

SINCERELY,  

Charles W. Parsons  
Mary F. Parsons  

CC: Tom Gookin  
        MARIPOSA FARM BUREAU  
        John Marvel, Personal Counsel
RE: Potential Acquisition of a Portion of your Property for a Replacement Wastewater Treatment Facility for the Don Pedro Subdivision

Dear Mr. and Mrs. Erickson:

As you know, we have been discussing with you, as well as the neighboring landowners on the south side of Ranchito Drive, the possibility of acquiring a suitable site for the above-referenced facility. To date, your neighbors have not been willing sellers. Previously, you had indicated some willingness to discuss with the County the sale of some portion of your property. We recently became aware that you have placed several of your historic 40- and 80-acre parcels on the market for sale. The County is interested in purchasing the property. In particular, APN 01-260-15 would provide a suitable location for a new wastewater treatment facility. This is the 40-acre parcel that is the middle of the 3, 40-acre parcels you own along Ranchito Drive. We have walked this site once in the recent past. Because of its distance from the subdivision, it is not our preferred site, but we feel we must investigate further as the County is hesitant to enter into condemnation for the preferred site on your neighbor's property.

Before we can make you a formal offer, we must complete initial environmental studies and an appraisal on your property. I am writing to request your permission to access the property for this purpose; access would be by foot traffic only from Ranchito Drive. If you are interested in a possible sale of your property to the County and are willing to allow us access for our initial studies, please sign the copy of this letter and return it to me within two weeks of the date of this letter. If you have any questions in this regard or would like to discuss the matter further, please call me.

Sincerely,

Michael D. Edwards
Public Works Director

Permission to access property:

sm

cc: Doug Balmain, District 2 Supervisor
Garry Parker, District 4 Supervisor
Jeff Green, County Counsel

Date:
CHAIRPERSON

PLEASE ENTER INTO RECORDS REGARDING PLACEMENT OF NEW LAKE DON PEDRO GOLF COURSE SENIOR FACILITY

ALTA RADBORNE
July 3, 1997

Chairperson
Mariposa County
Board of Supervisors

Dear Chairperson,

Being the owner of a 1200 acre ranch, used exclusively for cattle grazing, adjacent to one of the proposed sites for the Lake Don Pedro sewer facility, I would like to protest that location. There is no development south of Ranchito Road now and it should stay that way. This facility has no benefit to the ranches south of Ranchito and should be placed on subdivision property or on property next to the golf course which is currently for sale (Erickson Ranch).

Your co-operation in this matter would be greatly appreciated.

Sincerely,

Alta Radbourne

Alta Radbourne
July 16, 1997

Chairperson
Mariposa County
Board of Supervisors

Dear Chairperson:

I am the part owner of a 1200 acre ranch, used exclusively for cattle grazing, adjacent to one of the proposed sites for the Lake Don Pedro sewer facility. I would like to protest that location. There is no development south of Ranchito Road now and it should stay that way. The sewer facility has no benefit to the ranches south of Ranchito Road and should be placed elsewhere.

Your co-operation in this matter would be greatly appreciated.

Sincerely,

[D. J. Lionbarger]
Dolores J. Lionbarger
July 19, 1997

Supervisor
Mariposa County
Board of Supervisors

Dear Chairperson,

I am part owner of a 1200 acre ranch, used exclusively for cattle grazing, adjacent to one of the proposed sites for the Lake Don Pedro sewer facility. I would like to protest that location. There is no development south of Ranchito Road now and it should stay that way. The sewer facility has no benefit to the ranches south of Ranchito Road and should be placed elsewhere.

Your cooperation in this matter would be greatly appreciated.

Sincerely,

Christopher A. Radbourne