

California Tahoe Conservancy  
Agenda Item 8a  
September 17, 2015

**CALIFORNIA DEPARTMENT OF TRANSPORTATION  
TRANSFER OF JURISDICTION**

**Summary:** Staff recommends authorization to execute a transfer of jurisdiction and control with the California Department of Transportation for State Route 89 Right-of Way.

**Location:** State Route 89 between Cascade Creek and Emerald Bay State Park, a portion of El Dorado County Assessor Parcel Number 018-060-03 (Attachment 1)

**Fiscal Summary:** Conservancy will receive \$505,000 in exchange for the land rights.

**Recommended Action:** Adopt Resolution 15-09-03 (Attachment 2).

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**Background**

The Conservancy acquired the 35.90 acre parcel, El Dorado County Assessor Parcel Number 018-060-03, in 1994 using funding from the Lake Tahoe Acquisitions Bond Act, the Habitat Conservation Fund, and the Public Resources Account associated with the Cigarette and Tobacco Products Surtax Fund. This property is located just north of Cascade Creek and abuts the southern edge of Emerald Bay State Park (Attachment 1). The property extends from roughly the centerline of State Route 89 to the shoreline of Lake Tahoe, and includes approximately 850 feet of lake-frontage as well as a portion of State Route 89.

The California Department of Transportation (Caltrans) determined during design efforts associated with the SR89 Water Quality Improvement Project that an easement for the highway and its associated drainage improvements did not exist. When situations such as these arise, Caltrans desires to clean up the outstanding ownership issues as part of their projects and secure ownership of the appropriate Right-of-Way for their highway improvements, operations and maintenance.

In September 2012, the Conservancy Board approved the transfer of this parcel to the California Department of Parks and Recreation (Parks). Transfer of this property to Parks will offer increased efficiencies in resource management and expand the acreage of Emerald Bay State Park. In accordance with the agreements between Parks and the Conservancy, all encroachments on Conservancy property are to be corrected prior to the transfer of land. Upon completion of the transfer of the highway right-of-way to Caltrans, the Conservancy will proceed with the transfer of the remainder of the parcel to Parks.

Caltrans is requesting the transfer of fee title of 1.12 acres and underlying fee of 1.23 acres of land from the parcel. Given the extent of the area to be transferred, Caltrans prepared an appraisal in 2014 and determined a value of \$505,000 for the 2.35 total acres of land.

### **Project Description**

This project involves the execution of a transfer of jurisdiction of 2.35 acres of land with Caltrans. The transfer includes those portions of the Conservancy parcel needed to efficiently operate and maintain the road improvements. In addition, coverage credits totaling 5,117 square feet will be recorded on the remainder parcel as Caltrans does not want the coverage associated with the portion they will take ownership of.

If the Conservancy Board approves the transfer to Caltrans, the Executive Director will sign the Transfer of Jurisdiction (TOJ). The TOJ is then signed by Caltrans and is forwarded to the California Department of General Services (DGS) for their review and approval prior to review and approval by the Department of Finance (DOF). Upon approval by DGS and DOF, Caltrans will record the TOJ and forward the payment of the appraised value to the Conservancy.

### **Project Evaluation**

The highway existed at the time of acquisition of the property by the Conservancy, but no easement existed. Upon the discovery by Caltrans that they did not have rights to the land that the highway improvements occupied, Conservancy staff indicated a willingness to work with Caltrans to correct this error and alerted Parks of the issue. The TOJ will provide fee or underlying fee title of the land that the highway and its associated improvements occupy to the appropriate State agency that has oversight and responsibility for these improvements. Completing the TOJ with Caltrans will allow the Conservancy to proceed with the transfer of the remainder of the parcel to Parks.

The payment associated with the TOJ will be deposited, on a percentage basis equal to the acquisition funding, into the following funds:

- Lake Tahoe Acquisitions Bond Act;
- Habitat Conservation Fund;
- The Public Resources Account associated with the Cigarette and Tobacco Products Surtax Fund or Successor Fund.

Staff will work with the Natural Resources Agency and the Department of Finance to request reimbursement/reappropriation authority for the use of these funds consistent with Government Code Section 66908.2.

### **Consistency with the Conservancy's Enabling Legislation**

The recommended Transfer of Jurisdiction is consistent with the Conservancy's enabling legislation. Specifically, Government Code section 66907.8 authorizes the Conservancy to lease, rent, sell, exchange, or otherwise transfer any interest in real property or interest therein to local public agencies, individuals, corporate entities, or partnerships for management purposes.

### **Compliance with the California Environmental Quality Act (CEQA)**

The transfer of jurisdiction between Caltrans and the Conservancy does not cause reasonably foreseeable direct or indirect physical changes to the environment, and thus is not a project within the meaning of CEQA. Therefore, no CEQA findings are required prior to the approval of the transfer of jurisdiction.

### **List of Attachments:**

- Attachment 1 – Location Map
- Attachment 2 – Resolution 15-09-03

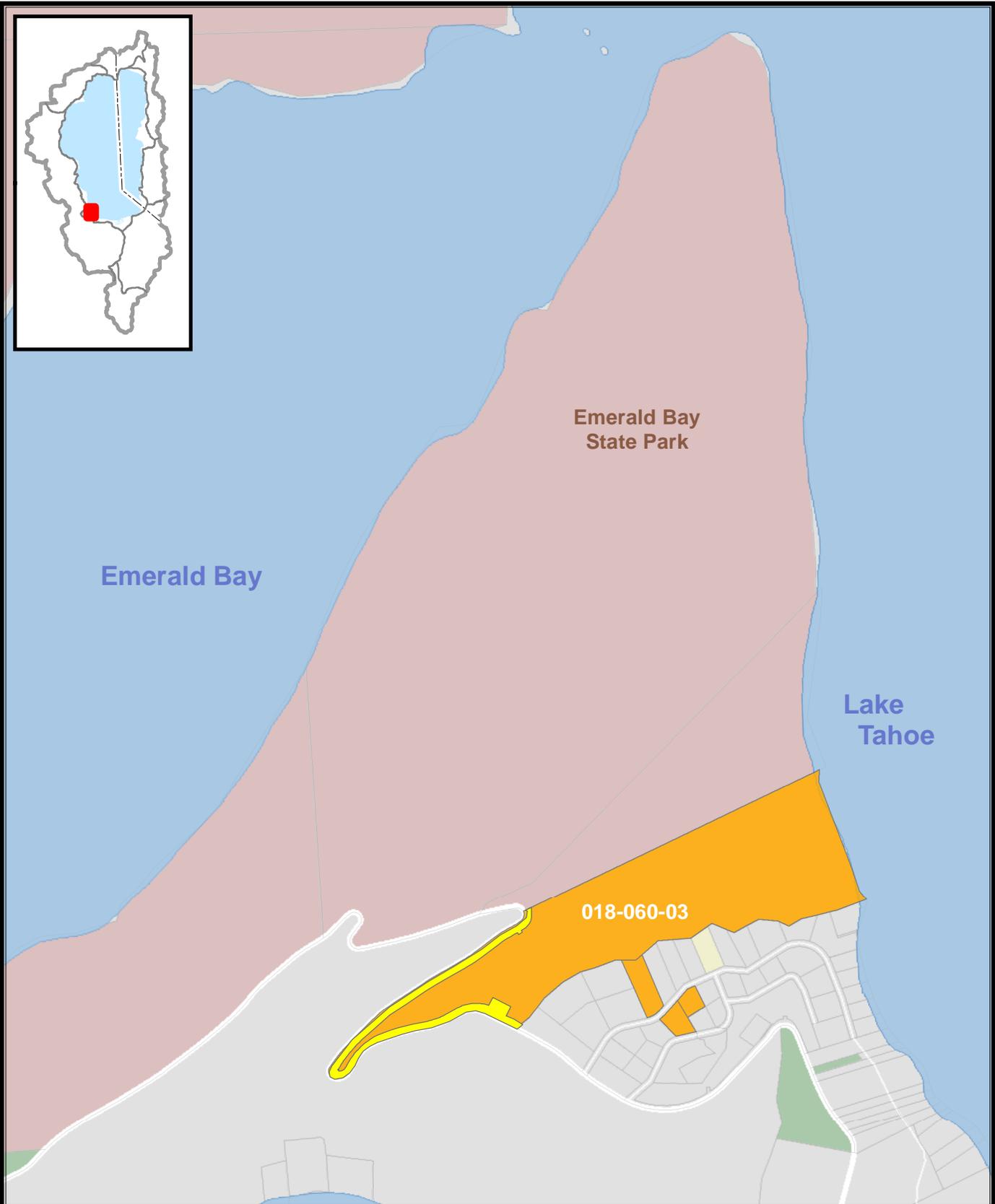
### **Conservancy Staff Contact:**

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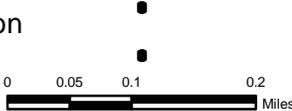


ATTACHMENT 1

Location Map



-  Proposed Transfer of Jurisdiction
-  Conservancy Owned



California Tahoe Conservancy  
September 2015

Map for reference purposes only.  
Sources: TRPA, CTC, CalTrans





**ATTACHMENT 2**

California Tahoe Conservancy  
Resolution  
15-09-03  
Adopted: September 17, 2015

**CALIFORNIA DEPARTMENT OF TRANSPORTATION  
TRANSFER OF JURISDICTION**

Staff recommends that the Conservancy adopt the following resolution pursuant to Government Code sections 66907.8:

“The California Tahoe Conservancy hereby authorizes staff to execute a Transfer of Jurisdiction with the California Department of Transportation for a portion of El Dorado County Assessor Parcel Number 018-060-03 for existing highway improvements of State Route 89, and authorizes staff to take all other necessary steps consistent with the accompanying staff recommendation.”

I hereby certify that the foregoing is a true and correct copy of the resolution duly and regularly adopted by the California Tahoe Conservancy at a meeting thereof held on the 17<sup>th</sup> day of September 2015.

In WITNESS THEREOF, I have hereunto set my hand this 17<sup>th</sup> day of September 2015.

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Patrick Wright  
Executive Director

