

## **BALSAM MINOR BOUNDARY LINE ADJUSTMENT AND EASEMENT**

**Recommended Action:** Adopt Resolution 20-12-05 (Attachment 1) authorizing the execution of a minor boundary line adjustment (MBLA) between a California Tahoe Conservancy (Conservancy)-owned parcel (Placer County Assessment Number (AN) 084-010-021) and a privately owned parcel (Placer County AN 084-211-004), and the conveyance of an easement on the Conservancy-owned parcel.

**Executive Summary:** Staff recommends the Board authorize the execution of an MBLA and conveyance of an easement on Conservancy-owned land (Balsam Parcel) in Placer County, just south of Tahoe City. Adjacent to the Balsam Parcel is a privately owned property at 725 Balsam Lane in Tahoe City. The adjacent private landowner's house partially encroaches onto the Balsam Parcel. Additionally, the private landowner's driveway is currently on a portion of the Balsam Parcel and outside of the existing access easement. The house encroachment and driveway existed at the time the Conservancy bought the Balsam Parcel in 1991. The Conservancy, however, did not identify the encroachment at the time of purchase and unknowingly inherited an inaccurate easement for the driveway with the purchase. Through the MBLA process, staff intends to resolve this long-standing encroachment by adjusting the property boundaries to reflect the on-the-ground conditions. The MBLA will allow staff to exchange approximately 1,081 square feet of land between the privately owned parcel and the Balsam Parcel. The exchange includes land that is of approximately equal monetary value, size, land capability, and ecological quality. Staff recommends conveying a new easement to the private landowner that matches the current location of the driveway. This staff recommendation supports the Conservancy's Strategic Plan Goal 1, which includes improving Conservancy land management by resolving encroachments.

**Location:** The Balsam Parcel (AN 084-010-021) is located in Tahoe City in Placer County (Attachment 2). The adjacent private landowner's property is located at 725 Balsam Lane (ANs 084-211-004 and 084-211-005).

**Fiscal Summary:** The private landowner will obtain and pay for the survey of the MBLA and easement description, map or site plan, required permits, local jurisdiction approvals, and fees prior to Conservancy staff conveying the MBLA and easement. Conservancy costs will include incidental staff time related to preparing, reviewing, and officially recording documents.

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## Overview

### History

The Conservancy purchased the 9.3-acre Balsam Parcel in 1991 using Lake Tahoe Acquisition Bond Act funding. At that time the Conservancy acquisition program was at full capacity and acquiring numerous environmentally sensitive parcels in the Lake Tahoe Basin in a relatively short amount of time. The Conservancy's due diligence activities included on-site inspections, reviewing title reports, appraising the value of the land, and verifying land capability, but did not include surveys or boundary line assessments. The Conservancy's pre-acquisition inspection of the parcel identified minor management issues, which staff resolved before acquisition, but did not identify the house encroachment or the precise location of the driveway. In October 2019 the current landowner hired a licensed surveyor to conduct a property boundary survey following the purchase of the property, and notified the Conservancy of these encroachments and expressed a desire to resolve them.

### Detailed Description of Recommended Action

#### 1. Major Elements and/or Steps of the Recommended Action

To initiate the process of executing the MBLA and conveying the easement, Conservancy staff will work with the private landowner, surveyor, Placer County, and the Tahoe Regional Planning Agency (TRPA) on all necessary negotiations and legal documents. The private landowner will draft a property exchange proposal with resulting property boundaries, easement description, map or site plan, and, with Conservancy staff approval, will submit the MBLA permit to the TRPA. Upon Board authorization, the TRPA will record the MBLA with the Placer County Recorder's Office. Staff will draft the access easement with the private landowner and record it with the Placer County Recorder's Office. The private landowner will pay for all components of the MBLA and easement, apart from incidental staff time.

#### 2. Overall Context and Benefits

Conservancy staff will resolve two long-standing encroachments on Conservancy-owned property through the MBLA and easement. This activity supports the Conservancy's Strategic Plan Goal 1, which includes improving Conservancy land management by resolving encroachments.

The MBLA will require that the Conservancy and private landowner exchange an approximately equal area of land between the privately owned parcel and the Balsam Parcel. The Conservancy will receive approximately 1,081 square feet from the southwest boundary of the privately owned parcel (Attachment 3). In exchange the private landowner will receive approximately 1,081 square feet from the southeast boundary of the Balsam Parcel (Attachment 3). The exchange includes land that is of approximately equal monetary value, size, land capability, and ecological quality. The MBLA will create consistency and accuracy between

the on-the-ground conditions and the recorded boundary line, and will not cause any environmental disturbance.

In addition the new easement will slightly shift the existing access easement so that it accurately reflects the current location of the driveway (Attachment 4). The new easement will have no environmental impact on the Balsam Parcel, as it will not require the landowner to relocate any portion of the driveway. Like the MBLA, conveying a new easement will create consistency and accuracy between the on-the-ground conditions and the recorded easement, and will not cause any environmental disturbance.

### 3. Schedule for the Recommended Action

Upon Board authorization staff will initiate the execution of the MBLA and conveyance of the easement. This is anticipated to take multiple years to finalize. The timeline will depend on when the private landowner is able to produce all necessary documents, and on coordination between the Conservancy, local jurisdictions, the private landowner, and the surveyor.

### **Financing**

The private landowner will obtain and pay for the MBLA survey, easement description, map or site plan, required permits, local jurisdiction approvals, and fees, prior to the Conservancy conveying the MBLA and easement. Conservancy costs will include incidental staff time related to preparing, reviewing, and officially recording documents.

## **Authority**

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

This recommended action is consistent with the Conservancy's enabling legislation. Government Code section 66907.8 authorizes the Conservancy to transfer or convey any real property interest to fulfill the purposes of its enabling legislation.

### **Consistency with the Conservancy's Strategic Plan**

These activities are consistent with the Conservancy's Strategic Plan Goal 1, which includes improving Conservancy land management by resolving encroachments.

### **Consistency with the Conservancy's Program Guidelines**

The recommended action is consistent with the Board's existing policy direction, including Land Transfer Guidelines, and furthers the Conservancy's overall policies and purposes.

### **Consistency with External Authorities**

The MBLA and easement will be consistent with Placer County and TRPA regulations.

### **Compliance with the California Environmental Quality Act**

The execution of the MBLA and conveyance of the easement do not have the potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The activities, therefore, are not a “project” within the meaning of the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines, section 15378, and CEQA does not apply to the activities.

### **List of Attachments**

Attachment 1 – Resolution 20-12-05

Attachment 2 – Balsam Minor Boundary Line Adjustment and Easement Location Map

Attachment 3 – Balsam Minor Boundary Line Adjustment Map

Attachment 4 – Balsam Easement Map

### **Conservancy Staff Contact**

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