



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 4/4/2017

Agenda Placement: 6P

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Steven Lederer - Director of Public Works
Public Works

REPORT BY: Danielle Goshert, ENGINEERING TECHNICIAN IV - 707.259.8380

SUBJECT: Grant of Easement for Leach Field Purposes to Soda Canyon Store

RECOMMENDATION

Director of Public Works requests the following related to the use of a portion of County owned property for the septic system supporting the Soda Canyon Store:

1. That the Board find, pursuant to California Government Code section 25526.5, that the area proposed to be granted as an easement to benefit APN 039-140-020 (Soda Canyon Store) is no longer necessary for County purposes and the estimated value of the easement does not exceed twenty-five thousand dollars (\$25,000); and
2. Authorization for the Chair to sign a Grant of Easement Deed for leach field purposes to benefit APN 039-140-020 (Soda Canyon Store) over and across a portion of the Lands of Napa County (being excess right of way abandoned by Resolution 2012-85).

EXECUTIVE SUMMARY

The Soda Canyon Store (Store) is unable to support a leach field within the boundaries of its own parcel and requires an easement for leach field purposes to facilitate the disposal of its septic waste. This item requests that the Board grant an Easement for Leach Field Purposes over and across abandoned right-of-way owned by the County that lies adjacent to Silverado Trail and northwesterly of the Store, and make required findings pursuant to Government Code section 25526.5 that the property for the proposed easement is no longer necessary for County purposes and the estimated value of the easement does not exceed twenty-five thousand dollars (\$25,000).

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	Owners of the Soda Canyon Store will pay \$10,000 as compensation for the use of the easement being requested. It will go into the Public Works budget (Fund 1000, Sub-Division 1220000).
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The Soda Canyon Store is a longstanding business. There is not sufficient room on its parcel to provide adequate septic disposal area. Land is available on abandoned excess right-of-way adjacent to the Store's parcel.
Is the general fund affected?	Yes
Future fiscal impact:	None
Consequences if not approved:	The Soda Canyon Store will need to remove its septic disposal lines from the County property and identify an alternate means of septic disposal, potentially including "hold and haul."
Additional Information:	

ENVIRONMENTAL IMPACT

Consideration and possible adoption of a Categorical Exemption Class 1: It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Class 1 ("Existing Facilities") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.]

BACKGROUND AND DISCUSSION

In 2012, an application for abandonment of excess right of way was processed at the request of Mr. Yeoryios Apallas, the owner of APN 039-140-014 which lies northerly of the Soda Canyon Store ("Store") parcel and northeasterly of the subject easement area. It was discovered during the processing of this abandonment that the Store's existing leach field was located within the excess right of way that was proposed to be abandoned, in addition to lying partially within the lands of Apallas (See attached Exhibit "B").

The Department of Public Works processed this abandonment and required the Store's owners to remove any portions of the leach field that lay within the lands of Apallas. This grant of easement is needed to address an existing condition that has no viable alternative remedy and to alleviate the County from any liability associated with the use and maintenance of this leach field by the Store. Upon approval of this grant of easement the County will pursue the appraisal of the underlying parcel of land so that it may dispose of this property by sale to the highest bidder.

Section 25526.5 of the Government Code allows the County to grant or otherwise convey an easement, provided the Board makes a finding that the property is no longer needed for County purposes and the estimated value of the easement does not exceed twenty-five thousand dollars (\$25,000). The prior approval of the abandonment request supports the determination that the proposed easement area is not necessary for County purposes and that it has nominal value (less than \$25,000) because it is already encumbered by the existing leach field for the

Store. The Store has agreed to reimburse the County for transaction costs of processing this Grant of Easement of \$10,000.

SUPPORTING DOCUMENTS

A . Leach Field Easement

B . Exhibit "A"

C . Exhibit "B"

CEO Recommendation: Approve

Reviewed By: Bret Prebula