



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 7/10/2018

Agenda Placement: 6M

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Steven Lederer - Director of Public Works
Public Works

REPORT BY: James Reese, Associate Engineer - x8281

SUBJECT: Resolution adopting a procedure to waive the appraisal in cases involving the acquisition by sale or donation of property with a low fair market value

RECOMMENDATION

Director of Public Works requests adoption of a resolution creating a procedure to waive the appraisal in cases involving the acquisition by sale or donation of property with a low fair market value (\$10,000 or below).

EXECUTIVE SUMMARY

This resolution requests approval of a procedure to waive the appraisal in cases involving the acquisition by sale or donation of property with a low fair market value (\$10,000 or below). By adopting this procedure Napa County Department of Public Works will be able to acquire property of a low market value expeditiously and cost effectively. As an example, typically this could occur on a road project where a small piece of land is needed for a slope easement or something similar. There is no fiscal impact for this resolution, it is only to adopt a procedure to conduct the acquisition process for projects that have already been approved and budgeted. In most cases where the land value is low, the actual cost of the appraisal and formal process is more expensive than the property itself.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

Napa County receives local, state and federal funds for various public works projects and in carrying-out such projects the county often has to acquire property pursuant to, among others, the following statutes: Government Code Section 25350.5; Code of Civil Procedure section 1250.140; and the property acquisition process for federal funded projects must comply with The Uniform Act, and in addition Federal Highway Administration funded projects must comply with Section 7.02.13.00 of the California Department of Transportation Right of Way Manual.

By adopting this procedure, Public Works will be able to acquire property of a low market value expeditiously and cost effectively. The procedure to waive the appraisal in cases involving the acquisition by sale or donation of property with a low fair market values is in compliance with the the Uniform Act and procedures outlined in the California Department of Transportation Local Assistance Procedure Manual (LAPM) and Government Code Section 25350.5; Code of Civil Procedure section 1250.140 A resolution is required by Government Code listed below to waive the appraisal:

Government Code Section § 7267.1. Required effort to acquire property by negotiation; Property appraisal.

The public entity shall make every reasonable effort to acquire expeditiously real property by negotiation.

- a. Real property shall be appraised before the initiation of negotiations, and the owner, or the owner's designated representative, shall be given an opportunity to accompany the appraiser during his or her inspection of the property. However, the public entity may prescribe a procedure to waive the appraisal in cases involving the acquisition by sale or donation of property with a low fair market value.

The conditions to be met for an appraisal waiver are that the property has to be of a low value determined by fair market value from a person with sufficient understanding of the local real estate market and the valuation problem is uncomplicated. The threshold for a low value is currently \$10,000 as stated in the LAPM. In addition to future projects, a current project that will benefit by adoption of this resolution is Silverado Trail MPM 18.04 at Pratt Avenue. The site was damaged in the 2017 Storm event and a slope easement is required to repair the slide. The design and environmental phase is underway and construction is scheduled for Fiscal Year 2018/2019.

The Board retains final approval authority for acquisition price and acceptance of properties. This procedure just simplifies the process for getting the proposals to the Board.

SUPPORTING DOCUMENTS

A . Resolution

B . EXHIBIT A - WAIVER VALUATION PROCEDURE

CEO Recommendation: Approve

Reviewed By: Helene Franchi