



Staff Report

TO: Board of Directors

FROM: Doug Roderick, P.E., Interim Engineering Manager
Keane Sommers, P.E., Hydroelectric Manager

DATE: October 21, 2021

SUBJECT: Chicago Park Power House Access Road (Project #6877) (Consent)

ENGINEERING

RECOMMENDATION:

Adopt Resolution 2021-35 (Appointment of Real Property Negotiator, Identification of Property, and Identification of With Whom the Negotiator is Authorized to Negotiate), to appoint the General Manager, or designee, as the District's real property negotiator relative to the negotiation of a permanent easement (Placer County APNs 063-150-014, 063-150-008, 063-320-001, and 063-320-002).

BACKGROUND:

The Board may convene in closed session to grant authority to its real property negotiator about the price and terms of payment for the purchase, sale, exchange, or lease of real property by or for the Board of Directors. (Government Code § 54956.8.) However, prior to the closed session, the Board is required in an open and public session to identify its negotiator, the real property or real properties which the negotiations may concern, and the person or persons with whom its negotiators may negotiate. (Id.)

The Chicago Park Powerhouse (CPPH) Road has provided Nevada Irrigation District (NID) access to the Chicago Park Powerhouse, Rollins Reservoir, and related facilities since these NID facilities were developed in the 1960's, as part of its Yuba-Bear Hydroelectric Project under Federal Energy Regulatory Commission (FERC) License No. 2266. The intent of the CPPH Road Easement Acquisition Project is to secure easement rights for the NID to access the Chicago Park Power House, Rollins Reservoir, and related systems and facilities. The subject easements follow the existing Chicago Park Powerhouse Road (CPPH Road), which crosses several properties, between Secret Town Road at Interstate 80 in Placer County, approximately 3+ miles, across the Bear River to the Chicago Park Powerhouse in Nevada County. There is no practical

alternative route to meet NID's needs in this area. NID needs to obtain documented permanent rights to use, improve and maintain the road and appurtenant facilities to preserve in perpetuity NID's ability to meet its obligations for water delivery and its FERC license. By acquiring these rights, NID will reduce potential disputes and litigation that might occur among multiple interest holders as to their respective rights in the subject land.

On July 12, 2017, the NID Board of Directors unanimously approved Resolution Number 2017-20, declaring necessity and authorizing eminent domain proceedings for the acquisition of real property on Placer County Assessor Parcel Numbers: 063-150-014 and 063-150-008 owned by George Back; and Placer County Assessor Parcel Numbers: 063-320-001 and 063-320-002 Owned by George Back & Dorothy R. Back.

On April 9, 2021, a Stipulation and Order Regarding the Plaintiff's Right to Take was filed in Placer County Superior Court. The Stipulation includes easement rights, areas, maintenance requirements, and other agreement terms. In order to complete the condemnation, compensation for the easement must be finalized. Easement rights do not transfer to the district until the recording of the Order for Condemnation, and that will not occur until the compensation issue is resolved.

Staff requires new direction from the Board in closed session. Prior to doing so, to comply with Government Code § 54956.8, staff recommends the Board designate by resolution the following matters relative to negotiation:

District's designated negotiator: Jennifer Hanson, General Manager, or designee.

Permanent Easement under negotiation:

- 1.821 Acres (APN 063-320-001)
- 0.75 Acres (APN 063-320-002)
- 3.588 Acres (APN 063-150-008)
- 8.494 Acres (APN 063-150-014)

Person(s) with whom negotiations are authorized: Theodore Back and Ruth Graupmann or their authorized representatives.

BUDGETARY IMPACT: None

ATTACHMENT: (1)

- Resolution No. 2021-35 (Appointment of Real Property Negotiator, Identification of Property, and Identification of With Whom the Negotiator is Authorized to Negotiate)

DR/KS



RESOLUTION NO. 2021-35

OF THE BOARD OF DIRECTORS OF THE NEVADA IRRIGATION DISTRICT

APPOINTMENT OF REAL PROPERTY NEGOTIATOR, IDENTIFICATION OF PROPERTY, AND IDENTIFICATION OF WITH WHOM THE NEGOTIATOR IS AUTHORIZED TO NEGOTIATE

WHEREAS, Nevada Irrigation District (“District”) Board of Directors may hold closed session to grant authority to its real property negotiator about the price and terms of payment for the purchase, sale, exchange, or lease of real property by or for the District (Government Code § 54956.8); and

WHEREAS, prior to the closed session, the Board of Directors is required in an open and public session to identify its negotiator, the real property or real properties which the negotiations may concern, and the person or persons with whom its negotiators may negotiate; and

WHEREAS, the Board of Directors wishes to meet in closed session to give further direction to staff regarding real property negotiations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Nevada Irrigation District that it does find as follows:

1. Designates Jennifer Hanson, General Manager, or designee, as the District’s real property negotiator relative to the negotiation of a permanent easement within Placer County Assessors Parcels 063-150-008, 063-150-014, 063-320-001 and 063-320-002.
2. That Jennifer Hanson or designee is authorized to negotiate with the authorized representatives of Theodore Back and Ruth Graupmann.

PASSED AND ADOPTED by the Board of Directors of the Nevada Irrigation District at a regular meeting held on the 21st day of October 2021, by the following vote:

AYES: Directors:
NOES: Directors:
ABSENT: Directors:
ABSTAINS: Directors:

President of the Board of Directors

Attest:

Secretary to the Board of Directors