



**Solid Waste Department  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

KUYLER CROCKER  
District One

PETE VANDER POEL  
District Two

AMY SHUKLIAN  
District Three

J. STEVEN WORTHLEY  
District Four

MIKE ENNIS  
District Five

**AGENDA DATE:** October 9, 2018

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
County Counsel Sign-Off	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Parveen Sandhu PHONE: (559)624-7195

**SUBJECT:** Notice of Restrictive Covenant to Prospective Purchasers for the Visalia Landfill – Waste Management Unit I Property

**REQUEST(S):**

That the Board of Supervisors:

1. Approve the Notice of Restrictive Covenant to Prospective Purchasers for the Visalia Landfill – Waste Management Unit 1; and
2. Authorize the Chairman to sign the Notice of Restrictive Covenant to Prospective Purchasers; and
3. Direct the Clerk of the Board to have the Notice of Restrictive Covenant recorded with the County Recorder.

**SUMMARY:**

The Visalia Landfill is located northwest of the City of Visalia at the intersection of Road 80 and Avenue 328. From the early 1950's to the early 1970's, the 127 acre site was operated as a burn dump. Since that time, the site was operated as an unlined sanitary landfill. In 2004, the County completed construction of a lined landfill immediately to the east (WMU-2). For a period of time, waste was being discharged to both units. In 2007, the County stopped discharging waste to the unlined landfill, referred to as Waste Management Unit 1 (WMU-1).

To comply with provisions of California Code of Regulations (CCR), Title 27, a Final Closure Plan for the site was submitted and approved by the California Department of Resources Recycling and Recovery (CalRecycle) and the Regional Water Quality Control Board. The closure included grading the existing surface of the landfill and then placing on-site soils to engineered design grades to promote runoff and

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provide a minimum of six and one-half (6 ½) feet of soil cover over buried wastes that was then fertilized and seeded. As part of closure construction, drainage diversion berms, channels and pipes and appurtenances were installed to direct runoff into storm water retention basins and to prevent erosion.

Per the provisions of Title 27 CCR §21170, upon completion of closure, the owner is required to file a detailed description of the closed site with the Recorder of the County in which the site is located. This site description must include the date that closure was completed, the boundaries including height and depth of the filled area, the location where the closure and postclosure maintenance plans can be obtained, and a statement that the future use of the site is restricted in accordance with the approved postclosure maintenance plan. The WMU-1 postclosure maintenance plan designates the long-term use of the property as “non-irrigated open space”.

Once signed and recorded, documentation of this deed restriction will be sent to CalRecycle. \$8,564,683 of the Solid Waste Enterprise Fund (046) was reserved for this closure.

**FISCAL IMPACT/FINANCING:**

There is no net cost to the County General Fund as a result of this action.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

This project will enhance the safety of the public and promote public health and welfare by closing the landfill in compliance with CCR Title 27 requirements. This action addresses these goals by ensuring compliance with State regulations for solid waste management.

**ADMINISTRATIVE SIGN-OFF:**

  
\_\_\_\_\_  
Scott Pfanstiel  
Environmental Coordinator

cc: County Administrative Office

Attachment(s) Notice of Restrictive Covenant to Prospective Purchasers for the Visalia Landfill – Waste Management Unit I Property

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF NOTICE OF RESTRICTIVE )  
COVENANT TO PROSPECTIVE PURCHASERS ) Resolution No. \_\_\_\_\_  
FOR THE VISALIA LANDFILL - WASTE ) Agreement No. \_\_\_\_\_  
MANAGEMENT UNIT 1 )

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD \_\_\_\_\_  
\_\_\_\_\_, BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST: MICHAEL C. SPATA  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

1. Approved the Notice of Restrictive Covenant to Prospective Purchasers for the Visalia Landfill – Waste Management Unit 1; and
2. Authorized the Chairman to sign the Notice of Restrictive Covenant to Prospective Purchasers.
3. Directed the Clerk of the Board to have the Notice of Restrictive Covenant to Prospective Purchasers recorded with the County Recorder.

Record at the request of and,  
When recorded, mail to:  
County of Tulare  
Solid Waste Department  
5955 South Mooney Boulevard  
Visalia, CA 93277

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APN 077-020-018

**NOTICE OF RESTRICTIVE COVENANT TO PROSPECTIVE PURCHASERS**

Pursuant to California Code of Regulations Title 27, Division 2, Chapter 3, Section 21170, the COUNTY OF TULARE through its Solid Waste Department hereby discloses that:

- a) the real property described as “Visalia Landfill – Waste Management Unit 1” in both the legal description identified as Exhibit “A” and the site drawing identified as Exhibit “B” (hereinafter referred to as “Property”), both Exhibits being attached hereto and by this reference incorporated herein, has been used as a Municipal Solid Waste Landfill, known as the “Visalia Landfill – Waste Management Unit 1”;
- b) the Visalia Landfill – Waste Management Unit 1 was closed on August 15, 2018, as evidenced by the Certificate of Closure; and
- c) land use options for the Property are restricted in accordance with the postclosure land uses set forth in the Final Postclosure Maintenance Plan, the Final Closure Plan, and in the Waste Discharge Requirements for the Visalia Landfill – Waste Management Unit 1.

The Final Postclosure Maintenance Plan, the Final Closure Plan, the Waste Discharge Requirements, and the Certification of Closure are available for inspection at the County of Tulare Solid Waste Department, 5955 South Mooney Boulevard, Visalia, CA 93277.

COUNTY OF TULARE

By: \_\_\_\_\_  
Chairman, Board of Supervisors

Date: \_\_\_\_\_

EXHIBIT "A"

Property Affected by a Restrictive Covenant to Prospective Buyers  
Visalia Landfill - Waste Management Unit 1  
Portion of APN 077-020-018

Description:

A parcel of land lying in the east half of Section 5, Township 18 South, Range 24 East, Mount Diablo Base and Meridian in Tulare County, State of California and being more particularly described by metes and bounds as follows:

Commencing at the south quarter corner of said Section 5; thence North  $00^{\circ}34'21''$  West, 1336.99 feet along the west line of the southeast quarter of said Section 5 to the west quarter corner of the southeast quarter of said Section 5; thence North  $89^{\circ}56'37''$  East, 40.00 feet along the south line of the north half of the southeast quarter of said Section 5, to the True Point of Beginning;

Thence North  $00^{\circ}34'21''$  West, 1336.95 feet along a line 40.00 feet east of, and parallel to, the west line of the southeast quarter of said Section 5 to a point intersecting the north line of the southeast quarter of said Section 5;

Thence North  $00^{\circ}34'44''$  West, 1757.94 feet along a line 40.00 feet east of, and parallel to, the west line of the northeast quarter of said Section 5;

Thence South  $56^{\circ}37'51''$  East, 2171.08 feet;

Thence North  $87^{\circ}55'46''$  East, 795.68 feet to a point intersecting the east line of said Section 5;

Thence South  $00^{\circ}37'15''$  East, 1926.87 feet along the east line of said Section 5 to the east quarter corner of the southeast quarter of said Section 5;

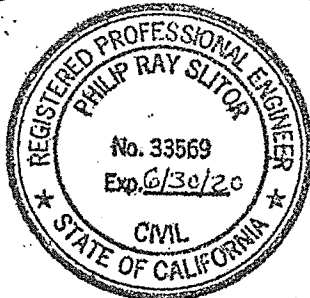
Thence South  $89^{\circ}56'37''$  West, 2598.07 feet along the south line of the north half of the southeast quarter of said Section 5 to a point intersecting a line 40.00 feet east of, and parallel to, the west line of the southeast quarter of said Section 5 and the True Point of Beginning.

Said description contains 138.2 acres, more or less.

The basis of bearings for this description is the south line of the southeast quarter of said Section 5, assumed to be true east-west for the purpose of this description.

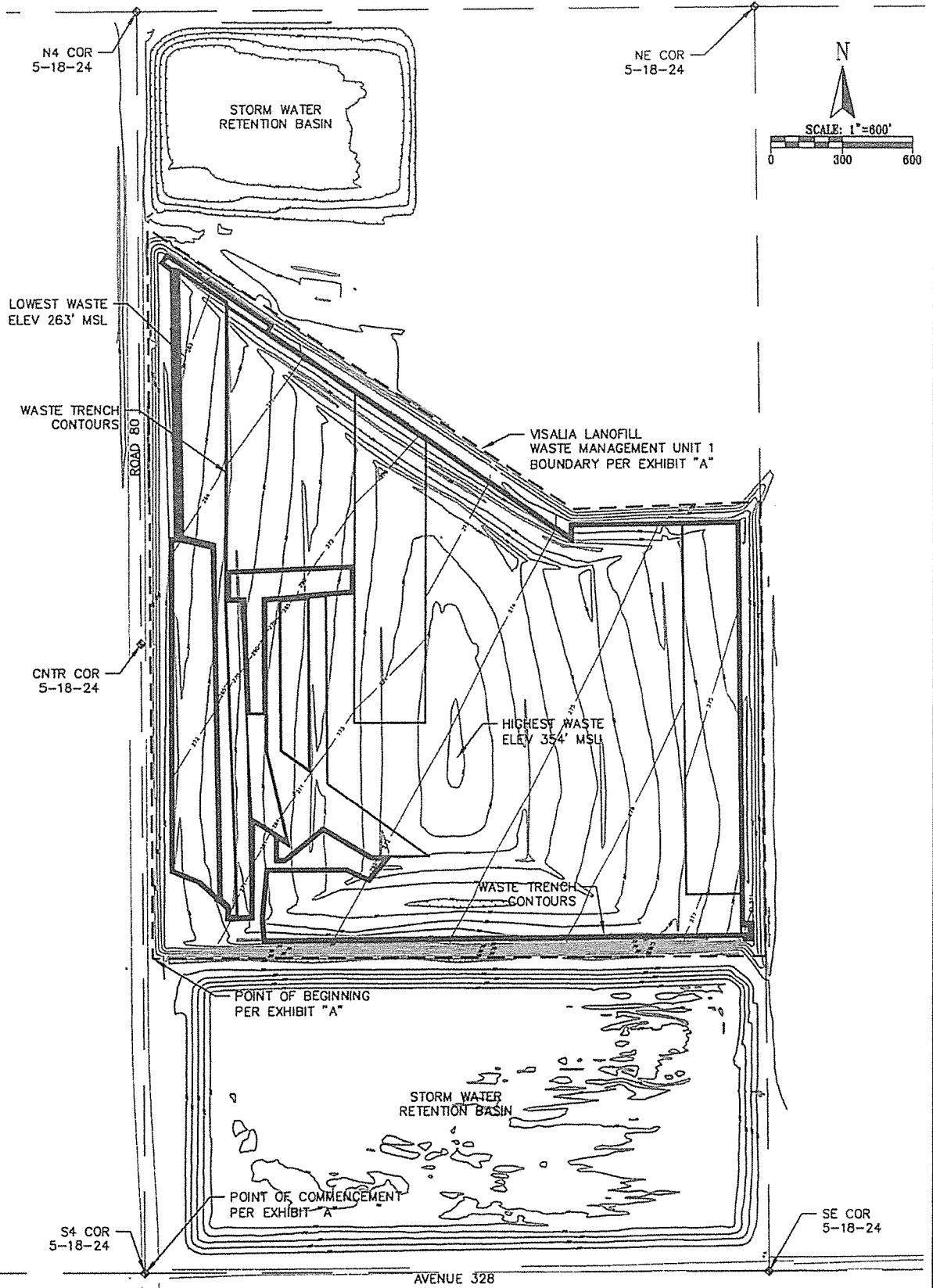
End of Description

This real property description was prepared by me based upon field surveys performed under my direction.



*Philip Ray Slitor*  
8/29/2018

EXHIBIT "B"



APN 077-020-018  
VISALIA LANDFILL WASTE  
MANAGEMENT UNIT 1  
TULARE COUNTY

TULARE COUNTY  
SOLID WASTE  
DEPARTMENT  
5955 SOUTH MOONEY BLVD.  
VISALIA, CA 93277

