



**Resource Management  
Agency  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

KUYLER CROCKER  
District One  
PETE VANDER POEL  
District Two  
AMY SHUKLIAN  
District Three  
EDDIE VALERO  
District Four  
DENNIS TOWNSEND  
District Five

**AGENDA DATE:** September 29, 2020 – REVISED

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"/>
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: Celeste Perez    PHONE: (559) 624-7010		

**SUBJECT:** Approve Private Vehicular Access Maintenance Agreement with Rimm Resources, LLC and Villa Del Arroyo Moorpark LLC

**REQUEST(S):**

That the Board of Supervisors:

1. Approve the Private Vehicular Access Maintenance Agreement between the County of Tulare, Rimm Resources, LLC and Villa Del Arroyo Moorpark LLC, to allocate responsibility for and the maintenance and repair of Avenue 268 or Park Road, located in the City of Visalia, effective upon approval by the Board of Supervisors; and
2. Authorize the Chair of the Board of Supervisors to sign the Agreement.
3. Authorize the Clerk of the Board to record the agreement with the Clerk-Recorder.
4. Authorize the Resource Management Agency to create an interest bearing trust fund to place the payments for the Private Vehicular Access Easement maintenance into.
5. Direct the Environmental Assessment Officer to file the Notice of Exemption.

**SUMMARY:**

The real estate on which the road sits is along the south side of Mooney Grove Park on what was deeded to the County on March 23, 1923 by Eliza P. Parker and W. W. Phillips. From 1923 to 1996, the County had designated the road as a public road, but it was neither maintained nor entered into the County's road system. The roadway currently sits within the city limits of the City of Visalia.

In 1996, the Board of Supervisors vacated Avenue 268 on what is now the Private Vehicular Access Easement (PVAE), also known as Avenue 268 or Park Road,

**SUBJECT:** Approve Private Vehicular Access Maintenance Agreement with Rimm Resources, LLC and Villa Del Arroyo Moorpark LLC

**DATE:** September 29, 2020

through Resolution No. 96-1000, Document 96-088102. The first 200 feet of the PVAE is encumbered by the Caltrans Right of Way for State Route 63.

The County granted a portion of what is now Mooney Grove Park APN 126-190-014 to the Villa Del Arroyo Moorpark LLC Property ("the mobile home park" or also known as Augusta Communities) creating APN 126-340-026; the County gave the mobile home park ownership over most of the roadway in fee through this process. Grant Deed Document No. 1999-0052654, states: "reserving to the COUNTY OF TULARE a nonexclusive easement on, over and under all of said property for public and private utility purposes, and for proprietary County use for access to any abutting County-owned real property." The County maintains ownership over the northern part of the roadway in front of the mobile home park and the entire roadway in front of the two remaining properties (i.e. to the property lines) for the "Trask" and "Rimm" properties. However, the original reciprocal access agreement by the mobile home park for "Trask", and what is now "Rimm", was never completed.

The Planning Commission approved Special Use Permit No. PSP 18-009 on May 9, 2018 through resolution 9443 with a condition that Rimm Resources would enter into a maintenance agreement, as part of a Private Vehicular Access Easement (PVAE) Agreement. Minor Modification No. MIM 19-052 to PSP 18-009 was approved on August 17, 2020 in anticipation of approval of this Agreement. Rimm Resources through a program called Linking Individuals in Key Settings (LINKS) provides care and support, with a natural setting, for adults 18 and above who are diagnosed with intellectual disabilities. The classroom instruction will occur on approximately 3.5 acres of the Rimm Property, and the remaining 6.5 acres will be planted in orchard, fruit trees, and/or vegetables and succulents. Existing access for children and other residents from the mobile home park will be through the existing, PVAE, which is shared by the County Parks Department's maintenance crews.

Finding of Fact (FOF) No. 7 of resolution 9443, found... "determination by the County Surveyor that: (1) The vacation of Avenue 268 by BOS Resolution No. 1996-088102 provided "The vehicular access needs of all present users of the Park..."; (2) The Manor owner (Mooney Grove Mobilehome Park) was required to grant to the Trask and Heater (Rimm) properties a nonexclusive easement for residential road and utility purposes; the execution of that grant has not been found; and (3) The Manor property Grant Deed, Document No. 1999-0052654 provides a non-exclusive easement to the property for "public use."

Given the disagreement with Augusta Communities over the rights of the users under the existing private roadway as provided in FOF No. 7, FOF No. 8 and Condition of Approval No. 16 were proposed to correct, clarify and perfect the easement rights and remedies. Finding No. 6 states... "Rimm Resources, LLC, has agreed to enter into a maintenance agreement with the owners of the mobile home park (Augusta Communities) (COA #16)." COA 16 states: "A Maintenance

**SUBJECT:** Approve Private Vehicular Access Maintenance Agreement with Rimm Resources, LLC and Villa Del Arroyo Moorpark LLC

**DATE:** September 29, 2020

Agreement between the Manor (Augusta Communities) property owners and the Rimm Resources, LLC property owners shall be executed.” Given the length of the Resource Management Agency’s (RMA’s) negotiation with the parties, and the good faith the parties have operated under while going through this process; it is with great pleasure that RMA staff is proposing this maintenance agreement to the Board of Supervisors in fulfillment of the Conditions of Approval.

It is noted a “non-party” to this agreement, “Mr. Trask,” after discussions with the City of Visalia, and through the County of Tulare will be allowed full access rights through this agreement without committing funds. Fortunately, for the County, the City of Visalia recently repaved the first 200 feet of the entry point to the PVAE, which allowed the County to extend its potential funding towards completing the remaining PVAE eastward to the Mooney Grove entryway for the Parks Department.

The total estimated cost for building a sidewalk and improving the remaining PVAE is \$96,000. Rimm paid \$20,000 up front for improvements, Augusta paid \$5,000. RMA will fund the remaining estimated amount of \$71,000.

Rimm and Augusta each shall make an annual maintenance payment of ONE THOUSAND TWO HUNDRED DOLLARS (\$1,200.00). The County will contribute funds in the amount of which shall remain within the discretion of County, but which are not less than equal to the amount of an Annual Payment (currently \$1,200.00). When there are sufficient funds again (approximately \$90,000) to repave the roadway, the PVAE will be maintained by the County’s Road’s Department.

The County is working with the residents to rename the PVAE through the City of Visalia.

**ENVIRONMENTAL DETERMINATION:**

The PVAE maintenance agreement and project is Exempt in accordance with California Environmental Quality Act (CEQA), Categorical Exemption: Title 14, Cal. Code Regulations Guideline § Section 15061 (b)(3) pertaining use of the Common Sense Exemption.

**FISCAL IMPACT/FINANCING:**

There will be a net County Cost of \$71,000 that is included within the RMA budget. No budget adjustment is needed for the approval of this agreement.


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

Approval of the PVAE Maintenance Agreement is linked to two initiatives of Tulare County’s Strategic Business Plan: Economic Well-Being and Quality of Life as the PVAE will constitute appropriate financing for this project and foster orderly growth in compliance with the General Plan.

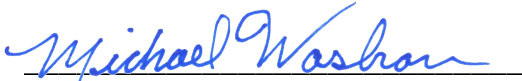
**SUBJECT:** Approve Private Vehicular Access Maintenance Agreement with Rimm Resources, LLC and Villa Del Arroyo Moorpark LLC

**DATE:** September 29, 2020

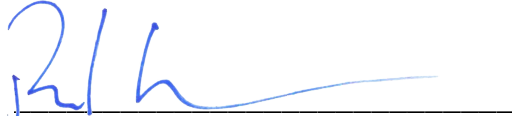
**ADMINISTRATIVE SIGN-OFF:**



Aaron R. Bock, MCRP, JD, LEED AP  
Assistant Director



Michael Washam  
Associate Director



Reed Schenke P.E.  
Director

cc: County Administrative Office

Attachments: Exhibit A - Agreement and Copy of Check signed by Rimm Resources, LLC  
Exhibit B - Agreement and Copy of Check signed by Villa Del Arroyo Moorpark LLC  
Exhibit C – Notice of Exemption

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

IN THE MATTER OF APPROVE PRIVATE ) Resolution No. \_\_\_\_\_  
VEHICULAR ACCESS MAINTENANCE ) Agreement No. \_\_\_\_\_  
AGREEMENT WITH RIMM RESOURCES, )  
LLC AND VILLA DEL ARROYO )  
MOORPARK, LLC )

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD SEPTEMBER 29,  
2020, BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST: JASON T. BRITT  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

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

\* \* \* \* \*

1. Approved the Private Vehicular Access Maintenance Agreement between the County of Tulare, Rimm Resources, LLC and Villa Del Arroyo Moorpark LLC, to allocate responsibility for and the maintenance and repair of Avenue 268 or Park Road, located in the City of Visalia, effective upon approval by the Board of Supervisors; and
2. Authorized the Chair of the Board of Supervisors to sign the Agreement.
3. Authorized the Clerk of the Board to record the agreement with the Clerk-Recorder.
4. Authorized the Resource Management Agency to create an interest bearing trust fund to place the payments for the Private Vehicular Access Easement maintenance into.
5. Directed the Environmental Assessment Officer to file the Notice of Exemption.

# **Exhibit “C”**

**NOE**

# Notice of Exemption

- To:**  Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814
- Tulare County Clerk  
Room 105, Courthouse  
221 South Mooney Boulevard  
Visalia, California 93291

**Lead Agency:** Tulare County - Resource Management Agency  
5961 South Mooney Blvd.  
Visalia, CA 93277  
Ph: 559-624-7000  
*Attn: hguerra@co.tulare.ca.us*

**Applicant(s):** Aaron R. Bock , Tulare County  
5961 South Mooney Blvd.  
Visalia, CA 93277  
Ph: (559) 624-7050

*Date Filed with Tulare County Clerk*

**Activity/Project Title:**

**Activity/Project Location:** The project site is a roadway (old Ave. 268) located at along South Mooney Blvd south of Mooney Grove

**Activity/Project Location- Section, Township, Range:** Section 18, Township 19 South, Range 25 East, M.D.B. & M.

**Project Location - County:** Tulare

**Description of Nature, Purpose, and Beneficiaries of Project:** This Notice of Exemption is for a PVAE Maintenance Agreement and the performance of maintenance on the roadway because the maintenance will not require additional digging.

**Exempt Status: (check one)**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Common Sense Exemption: CEQA Guidelines (14 Cal. Code Regs. Section 15061 (b)(3)) (No Possibility of Significant Impact);
- Categorical Exemption: Title 14, Cal. Code Regulations Guideline § 15303, Class 3 pertaining to New Construction or Conversion of Existing Structures;
- Statutory Exemption: Section 15268 (b) (1) Ministerial Issuance of Building Permits and Section 15300.4.

**Reasons Why Activity/Project is exempt from CEQA:** The use of the Common Sense Exemption, Section 15061 (b)(3), is applicable and appropriate for this PVAE Maintenance Agreement and the performance of maintenance on the roadway because the maintenance will not require additional digging including additional wells, grading, and tenant improvements will not make any physical changes to the environment resulting in a significant effect.

**Name of Public Agency Approving Activity/Project:** County of Tulare Resource Management Agency

**Activity/Project Representative** Aaron R. Bock, Assistant Planning Director Area Code/Telephone: (559) 624-7050

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: Chief Environmental Planner  
                    Hector Guerra

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: Environmental Assessment Officer  
                    Reed Schenke, P.E.

Signed by Lead Agency Date received for filing at OPR:   N/A