



Agenda Date: 1/15/2008
Agenda Placement: 6D

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Gitelman, Hillary - Director
Conservation, Development & Planning
REPORT BY: John Woodbury, Principal Planner , 259-5933
SUBJECT: Land Tenure Agreement with the Napa County Regional Park and Open Space District Pursuant to Using Proposition 12 Grant Funds for Land Purchase

RECOMMENDATION

Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign a 20 year land tenure agreement with the Napa County Regional Park and Open Space District, at no cost to the County, as required by the Proposition 12 Per Capita grant program and as related to the purchase by the District of 224 acres of open space at Berryessa Vista.

EXECUTIVE SUMMARY

The Board of Supervisors on October 23, 2007 approved granting a maximum of \$127,000 in Proposition 12 per capita funds to the Napa County Regional Park and Open Space District for the purchase of 224 acres of open space commonly known as Berryessa Vista for use as a public park. To use Proposition 12 funds for this purpose, the County is required to have a Land Tenure Agreement with the District. The Agreement assures that the property to be acquired will be available and used as a public park for a minimum of 20 years, per Proposition 12 standards.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is exempt from the California Environmental Quality Act pursuant to 14 California Code of Regulations 15316 (State CEQA Guidelines, Class 16, Transfer of Ownership of Land in Order to Create Parks), because the sole purpose of the Land Tenure Agreement is to facilitate the

purchase of open space land for a public wilderness park.

BACKGROUND AND DISCUSSION

The Board of Supervisors on October 23, 2007 approved the use of up to \$127,000 of the County's Proposition 12 Per Capita grant funds to enable the Napa County Regional Park and Open Space District to acquire approximately 224 acres of land in three parcels (APN#'s 019-220-009, 018 and 026).

Proposition 12 Per Capita grant funds can only be used for specified park and recreation purposes, and must be available and used by the public for a specified minimum number of years. The minimum number of years is determined by the amount of grant funds used; when more than \$100,000 in grant funds are used on a project, the project must be available for at least 20 years.

As the local government entity which holds a Per Capita grant contract with the State, Napa County must assure the State that all projects which utilize these grant funds will in fact be used for the intended purpose for the minimum number of years. When a project involves property which is not owned by the County, the County must enter into a Land Tenure Agreement with the property owner that gives the County an interest in the property such that the County has the ability to guarantee the property will be used for the intended purpose. Pursuant to this requirement, the proposed Agreement provides an executory property interest to the County, which the County may exercise in the event the District does not fulfill the requirements of the grant. The proposed Agreement language has been approved by County Counsel, and the State has determined that it meets the State land tenure requirement.

Because the property transfer will result in the County receiving an executory property interest, the County will also need to be a signatory to the Transfer Agreement between the seller and the District, which specifies all of the terms of the property sale and purchase, and possibly other escrow documents. The Land Tenure Agreement would be included as an exhibit in the Transfer Agreement. If the Board of Supervisors approves the Land Tenure Agreement, staff will at a future meeting request Board consideration and approval of the Transfer Agreement.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi