



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 11/10/2020

Agenda Placement: 10F

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Steven Lederer - Director of Public Works
Public Works

REPORT BY: Danielle Goshert, County Surveyor - 707.259.8380

SUBJECT: Approval of a revised, final form Easement Agreement with private property owners for the Napa Valley Vine Trail segments from Calistoga to Yountville.

RECOMMENDATION

Director of Public Works requests approval of a revised, final form easement agreement with private property owners in support of the Napa Valley Vine Trail segments from Calistoga to Yountville.

EXECUTIVE SUMMARY

On March 12, 2019 the Board approved the form and content of the Vine Trail Easement Agreement to be entered into with individual landowners to facilitate the implementation of the Vine Trail between Calistoga and the Town of Yountville. Since then, there were further discussions with the Vine Trail Coalition and various landowners which resulted in refinements and changes to the easement agreement, primarily dealing with termination and indemnity. The revised Vine Trail Easement Agreement is attached for the Board's consideration.

The Vine Trail Coalition and the Napa Valley Transportation Authority have taken the lead on securing the executed agreements from individual landowners. Some of these signed documents are now available and ready to be accepted by the County to allow for the construction of this phase of the Vine Trail between Calistoga and St. Helena. The remaining agreements are anticipated to be executed by the landowners and available to the County soon.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No

What is the revenue source?	Funding would be appropriated each year from the General Fund. The Board is already required to appropriate 6.67% of "Measure T equivalent" funding in order to obtain Measure T sales tax funding for roads. This expense does not qualify as part of the 6.67% funding, so would be in addition to that amount. All costs associated with obtaining the easements are the responsibility of the Coalition.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Consistent with Strategic Action 2(B) of the Napa County Strategic Plan, approval of the form agreement will support the Vine Trail and better protect the safety of future trail users.
Is the general fund affected?	Yes
Future fiscal impact:	\$75,000 per year, increasing annually based on the consumer price index (CPI) for 30 years. At the end of 30 years, the future Board may continue this arrangement to maintain the use of the easements. The County would also be obligated to operate and maintain a future trail, and post and maintain warning signs, at additional cost.
Consequences if not approved:	Private property owners between Calistoga and Yountville may not grant easements for the Vine Trail. This could result in loss of a current \$6.1M state grant and delay completion of the trail.
County Strategic Plan pillar addressed:	
Additional Information:	

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 and therefore CEQA is not applicable. The proposed action merely approves a revised form agreement over property for a potential future trail, which will only be constructed if funding is available, full CEQA review is conducted, and the trail is approved by all required public agencies. The County has not committed to approving the Vine Trail alignment, or any other specific project that may result in a potentially significant physical impact on the environment.

It is worth noting that on August 19, 2020, the Napa Valley Transportation Authority, as lead agency for the project, approved a Final Mitigated Negative Declaration (SCH 2020060572) and adopted a Mitigation Monitoring and Reporting Program for the Napa Valley Vine Trail Project: St. Helena to Calistoga Section, by Resolution 20-17. These environmental documents may be found at this link: nvta.ca.gov/vinetrail. The Board will meet its obligation as a Responsible Agency under CEQA by considering the Initial Study and Mitigated Negative Declaration, reaching its own conclusions on whether and how to approve the project, and determining whether any of the triggers for subsequent or supplemental CEQA review have occurred since NVTA's approval of the project and CEQA documents.

BACKGROUND AND DISCUSSION

The Napa Valley Vine Trail (Vine Trail) is a proposed 47-mile multi-use trail that is proposed to extend from the City of Calistoga to the Vallejo Ferry Terminal. Several segments of the Vine Trail have been completed, including the "Oak Knoll Segment" connecting the Town of Yountville and the City of Napa. The Oak Knoll and other existing sections in the unincorporated County were built primarily on land already controlled by a public agency and did not require easements from any private property owners.

The design of the next segment of the Vine Trail, from Calistoga to St. Helena, is nearly complete. Construction is planned to start and complete in 2021. Portions of this segment cross privately-owned vineyard properties. The route has been refined, staying along Highway 29 and eliminating a potential detour onto Ehlers Lane.

On March 12, 2019, the Board approved the form and content of a Vine Trail Easement Agreement to be entered into with individual landowners to facilitate the implementation of the Vine Trail between Calistoga and the Town of Yountville. Since then, the Vine Trail Coalition has engaged in further discussions with various landowners, which resulted in various proposed changes to the easement agreement, primarily dealing with termination and indemnity. The revised Vine Trail Easement Agreement is attached for the Board's consideration. Changes to the form Vine Trail Easement Agreement include:

- | Acknowledging a PG&E easement for an underground natural gas pipeline in some locations. (The construction will be coordinated with the refurbishment of the PG&E gas line where the two projects are co-located, which should reduce Vine Trail costs somewhat).
- | Allowing property owners to terminate the easement if it is not needed for the Trail alignment, if the Trail is not constructed by December 31, 2031, or if the County fails to meet its obligations to maintain the Vine Trail, provide funding for private insurance, or indemnify property owners for injuries related to the condition of the Vine Trail.
- | Clarifying that mobility devices for disabled users and certain electric bicycles are allowed on the Vine Trail.
- | Indicating that temporary construction fencing will be used to protect agricultural activity during construction.
- | Clarifying that the County will indemnify and defend property owners against claims from users of the Vine Trail even if the injured person was traveling to or from the property (such as for wine tasting).
- | Adding a mediation provision to help resolve any disputes.
- | Making changes to the temporary construction easement between the NVTa and the property owners.

The Vine Trail Coalition and the Napa Valley Transportation Authority have taken the lead on securing the executed agreements from individual landowners. The County's understanding is that the eight properties between Calistoga and St. Helena are amenable to the revised Vine Trail Easement Agreement, though some have proposed minor amendments to recognize existing driveways or conservation easements, or to limit warranties and representations to the actual knowledge of specific individuals. The County understands that the Vine Trail Coalition continues to negotiate with the remaining properties with the goal of delivering a complete set of easements as soon as possible for the Board's consideration and possible approval.

SUPPORTING DOCUMENTS

A . Vine Trail Easement Agreement

CEO Recommendation: Approve

Reviewed By: Susan Kuss