



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 12/5/2017

Agenda Placement: 6N

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Steven Lederer - Director of Public Works
Public Works

REPORT BY: Liz Habkirk, Deputy Dir. of PW-Gen Services - 259-8321

SUBJECT: Approval of Deeds to the Flood District of Property Interests in Water Street Property

RECOMMENDATION

Director of Public Works requests approval of and authorization for the Chair to execute deeds conveying to the Napa County Flood Control and Water Conservation District ("District") of the following property interests in portions of County-owned property at 933 Water Street, APN 003-242-003 (the "Property"):

1. A permanent Flood Protection Levee Easement on the terms set forth in the deed attached to the staff report as Attachment 1, covering the portion of the Property as described and depicted in Exhibits A and B thereto;
2. A swath of the Property in fee simple on the terms set forth in the deed attached to the staff report as Attachment 2, covering the portion of the Property as described and depicted in Exhibits A and B thereto; and
3. A Temporary Work Easement for a temporary borrow area and temporary construction area on the terms set forth in the deed attached to the staff report as Attachment 3, covering the portion of the Property as described and depicted in Exhibits A and B thereto.

EXECUTIVE SUMMARY

Pursuant to a May 20, 2008 agreement between the County and the District ("2008 Agreement"), the District conveyed the animal shelter land and facility to the County, in exchange for the future obligation of the County to convey to the District certain interests needed by the District in the Water Street Property for a flood wall and levee. The County is now engaged in an effort to sell the Water Street Property. But in order to be able to sell the Property to a third party in a way that will protect the District's rights, so that the buyer takes subject to the property interests the District needs, County staff has worked with District staff to arrive at proposed terms of three deeds described in the recommendation above. Those deeds are being requested by the District to provide it with the property interests it will need as such time as project plans are prepared and funding is determined for that portion of the

ongoing Napa River Flood Control project. In the meantime, the proposed deeds will give the County and its successors the right to continue use and occupancy of the areas covered by the three deeds until such time as the District gives at least 60 days' notice of its need to use the areas.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

BACKGROUND AND DISCUSSION

Pursuant to Napa County Agreement No. 7110, entered into on May 20, 2008 with the District (the "2008 Agreement"), the District conveyed the fee ownership of the animal shelter land and facility to the County, in exchange for the future obligation of the County to convey to the District certain interests needed by the District in the County's Water Street Property for the purpose of building a flood wall and levee. The County is now engaged in an effort to sell the Water Street property. But in order to be able to sell the Property to a third party in a way to protect the District's rights, so that the buyer takes subject to the property interests the District needs, County staff has worked with District staff to arrive at proposed terms of three deeds described in the recommendation above. Those deeds are being requested by the District to provide it with the property interests it will need as such time as project plans are prepared and funding is determined for that portion of the ongoing Napa River Flood Control project. In the meantime, the proposed deeds will give the County and its successors the right to continue use and occupancy of the areas covered by the three deeds until such time as the District gives at least 60 days' notice of its need to use the areas.

Because the fee simple transfer requires a parcel map exemption which includes a public notice period, recordation of the transfer will be held until the public notice and appeal period has expired on December 15, 2017. An addendum will be issued notifying proposed bidders on the property of these proposed transfers. A final addendum will be issued once the deeds have been recorded and a new title report has been issued.

The parties will next turn to a determination under the 2008 Agreement of whether either the County or the District owe any additional consideration to the other arising out of the deferred exchange of these property interests for the District's 2008 conveyance of the animal shelter property to the County. That determination of how to adjust compensation is covered by the terms of the 2008 Agreement.

Today's action authorizes the Chair to sign the three deeds required for this purpose contingent upon the finalization of the parcel map exemption, which will in turn allow the County to resume its procedures for sale of the Property.

SUPPORTING DOCUMENTS

- A . Attachment 1 - Flood Levee Deed
- B . Attachment 2 - Grant Deed
- C . Attachment 3 - TWAE Deed

CEO Recommendation: Approve

Reviewed By: Bret Prebula