



Agenda Date: 2/5/2008  
Agenda Placement: 6A

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Hillary Gitelman - Director  
Conservation, Development & Planning  
**REPORT BY:** John Woodbury, Principal Planner - 259-5933  
**SUBJECT:** Transfer Agreement between the Land Trust of Napa County, the Napa County Regional Park and Open Space District and the County of Napa

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### **RECOMMENDATION**

Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign an agreement for Transfer of Real Property, and related documents as may be required, for the purchase by the Napa County Regional Park and Open Space District of the 224 acre property known as Berryessa Vista from the Land Trust of Napa County, using funds provided to the County by the Proposition 12 Per Capita grant program.

### **EXECUTIVE SUMMARY**

On October 23, 2007 the Board of Supervisors approved granting \$127,000 in Proposition 12 Per Capita grant 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. On January 15, 2008, the Board further approved a Land Tenure Agreement as required by the Proposition 12 grant program. The Agreement now before the Board incorporates these approvals and lays out all of the remaining terms and conditions of the proposed real property transfer. This is the final action which the Board needs to take.

### **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 action is to facilitate the purchase of open space

land for a public wilderness park.

### **BACKGROUND AND DISCUSSION**

The proposed Agreement provides the terms and conditions by which the 224 acres of real property known as Berryessa Vista will be transferred from the Land Trust of Napa County to the Napa County Regional Park and Open Space District. The County is a party to this agreement, along with the District and the Land Trust, because the County will be receiving a 20-year executory interest in the property. This executory interest is required by the Proposition 12 grant program, and is intended to give the County the ability to enforce the conditions of the grant funding in the event the District does not operate the property as a public park for the next 20 years. Because this executory interest is considered a real property interest, the County must also approve a Certificate of Acceptance, as required by Government Code Section 27281.

The proposed agreement designates First American Title as the escrow agent, and provides instructions to the escrow agent for the sale and purchase of the property. It includes the language of the proposed grant deed, as well as a Conservation Easement over the property which the land trust will hold. The Conservation Easement assures the land trust that the conservation values of the property (including habitat, open space and recreational values) will be protected, and is required by the land trust as a condition of the property transfer in exchange for the fact that it will be selling the property for less than one-third of its fair market value.

### **SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi