
Date: February 25, 2025

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Directors Of The Sonoma County Agricultural Preservation And Open Space District Authorizing a \$1,169,500 Matching Grant to the Sonoma Land Trust on behalf of the Mark West Area Community Fund Toward its Acquisition of Property at 4614 Old Redwood Highway; Authorizing Execution of a Matching Grant Agreement; Determining that the Grant is Consistent with the Sonoma County General Plan 2020 and the District's Expenditure Plan; Authorizing and Directing the President to Execute a Conservation Easement and a Recreation Conservation Covenant to Preserve the Property and Assure Public Access; Dedicating the Conservation Easement to Open Space Purposes pursuant to Public Resources Code Section 5540; Consenting to the Recordation of an Irrevocable Offer of Dedication in Favor of Ag + Open Space Pursuant to Public Resources Code Section 5565.5; Making Certain Findings Under the California Environmental Quality Act and Directing the Filing of a Notice of Exemption; and Authorizing the General Manager to Take all Other Actions Necessary to Complete this Transaction, in Consultation with County Counsel.

Whereas, the Sonoma Land Trust ("SLT") on behalf of the Mark West Area Community Fund ("MWACF") purchased a 1-acre property located at 4614 Old Redwood Highway in unincorporated Sonoma County, California ("Property"); and

Whereas, on March 27, 2023, the Board of Directors of the SLT adopted a resolution authorizing the submission of a Matching Grant Program application requesting One Million One Hundred Sixty-Nine Thousand and Five Hundred Dollars (\$1,169,500) in reimbursement funding towards the acquisition of the Property; and

Whereas, on August 22, 2023, this Board approved the recommendation from staff to accept SLT's Matching Grant Program application; and

Whereas, on December 5, 2024, the District's Fiscal Oversight Commission adopted Resolution 2024-006, determining that the acquisition of a conservation easement and recreation covenant as a condition of the District's contribution towards the fee purchase of the Property in an amount not to exceed the appraised value does not result in the District paying more than the fair market value for the acquisition of such interests; and

Whereas, as a condition of this matching grant project, the District will obtain a Conservation Easement and a Recreation Conservation Covenant to preserve the Property and assure public access to the Property, and

Whereas, the District's General Manager is recommending an allocation of Matching Grant Program funds towards MWACF's acquisition of the Property in the amount of One Million One Hundred Sixty-Nine Thousand and Five Hundred dollars (\$1,169,500), conditioned on conveyance of a Conservation Easement and recreation conservation covenant with offer to dedicate to protect the Property and ensure public access in perpetuity ("Project").

Now, Therefore, Be It Resolved that this Board of Directors hereby find, determine, declare and order as follows:

1. *Truth of Recitals.* The foregoing recitations are true and correct.
2. *General Plan Consistency.* The Project further implements the 2020 Sonoma County General Plan. The Project supports goals and policies in Land Use and Open Space and Resource Conservation, in urban open space, scenic resources, and recreational and educational resources.
3. *Expenditure Plan Consistency.* The Project is consistent with the Expenditure Plan approved by the voters of Sonoma County in 2006 via Measure F, because it will protect the highest priority lands using a conservation easement as the primary tool for protection, and specifically preserves scenic landscape units, and urban open space

with recreational and educational opportunities.

4. *District Board President Authority to Sign Contracts.* The District Board President is authorized and directed to execute, on behalf of the District that certain agreement entitled “Deed And Agreement By And Between Mark West Area Community Fund And The Sonoma County Agricultural Preservation And Open Space District Conveying A Conservation Easement And Assigning Development Rights” together with the associated certificate of acceptance required by Government Code Section 27281, as well as the “Recreation Conservation Covenant” together with the associated certificate of acceptance required by Government Code Section 27281.
5. *Dedication.* The Conservation Easement to be acquired by the District is hereby dedicated to open space purposes pursuant to Public Resources Code Section 5540; and
6. *Irrevocable Offer of Dedication.* Pursuant to Public Resources Code 5565.5, the District Board of Directors consents to the recordation by the MWACF of a certain Irrevocable Offer to Dedicate the fee interest in the property to the District, as contemplated by the Recreation Covenant authorized hereunder.
7. *Matching Grant Agreement.* The General Manager is authorized to execute a matching grant agreement between Ag + Open Space and the Sonoma Land Trust and the Mark West Area Community Fund.
8. *California Environmental Quality Act; Notice of Exemption.* The Project, consisting of the provision of funding by the District towards the acquisition of fee title by Mark West Area Community Fund, as well as the District’s acquisition of a Conservation Easement and Recreation Covenant, is exempt from the requirements of the California Environmental Quality Act (Public Resources Code Sections 21000 and following) pursuant to Public Resources Code Section 21080.28(a)(1)(F), which exempts from CEQA the acquisition, sale, or

other transfer of interest in land by a public agency for the preservation of land for park purposes. This Project is also exempt from CEQA pursuant to Sections 15316, 15317 and 15325 of Title 14 of the California Code of Regulations, because the purpose of the acquisition is to provide for a park and to maintain the open space character of the area. This Project is also exempt from the requirements of the CEQA pursuant to Sections 15303 and 15304, because development of the park is limited to minor alterations to land and small structures. Immediately upon adoption of this Resolution, the General Manager is directed to file with the County Clerk, and the County Clerk is directed to post and to maintain the posting of a notice of exemption pursuant to Public Resources Code Section 21152.

9. *Closing Documents.* County Counsel is hereby authorized and directed to prepare and deliver appropriate escrow instructions and other necessary documents to complete the transaction as described. The District General Manager is authorized to make any technical, non-substantive changes to the Conservation Easement and Recreation Conservation Covenant and other closing documents, respectively, prior to recordation with the prior approval of County Counsel. With approval of County Counsel and the District's surveyor, the General Manager for District is further authorized to make minor changes to the Project Structure Map that do not substantially change the total acreage protected, in order to make the map conform to features that may be surveyed. The General Manager is further authorized and directed to execute any other documents necessary to complete this transaction as described, in consultation with County Counsel.

10. *Payment of Purchase Price and Costs of Escrow.* At the request of District's General Manager, the County Auditor is authorized and directed to draw a warrant or warrants against available funds in the County's Open Space Special Tax Account for the proposed acquisition in an amount not to exceed \$1,169,500, and in such other amounts necessary for associated transactional costs requested.

11. *Authorization for Recordation.* The District General Manager is authorized and directed to record with the Sonoma County Recorder the Conservation Easement and Certificate of Acceptance, the Recreation Covenant and Certificate of Acceptance, and the Offer to Dedicate, and to deliver conformed copies of these documents, bearing evidence of recording, to the Clerk of the Board of Directors.

Directors:

Hermosillo: Rabbitt: Coursey: Gore: Hopkins:
Ayes: Noes: Absent: Abstain:

So Ordered.