



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 7/19/2022

To: Sonoma County Board of Supervisors
Department or Agency Name(s): General Services
Staff Name and Phone Number: Johannes J. Hoevertsz, 707-565-2550
Vote Requirement: Majority
Supervisorial District(s): Fifth

Title:

Transfer Agreement with Bodega Harbour Homeowners Association for improvements situated on APN 100-120-001, 565 Highway 1 in Bodega Bay

Recommended Action:

- A) Authorize the General Services Director to execute a Real Estate Transfer Agreement and a Quit Claim Deed with Bodega Harbour Homeowners Association (BHHA), for conveyance of property improvements owned by the BHHA, consisting of a pedestrian staircase and propane tank equipment and infrastructure, said improvements situated on APN 100-120-001, 565 Highway 1 in Bodega Bay; and to execute any other documents reasonably required to effect acquisition of the property, including a certificate of acceptance.
- B) Adopt a Resolution of the Board of Supervisors, authorizing the General Services Director to take those actions necessary for the County to acquire the above property improvements owned by the BHHA, situated on APN 100-120-001, 565 Highway 1 in Bodega Bay.

(Fifth District)

Executive Summary:

This matter involves County's proposed acquisition of certain improvements constructed on an 'uplands' parcel located at 565 Highway 1 at Smith Brothers Road in Bodega Bay, immediately upland from and adjacent to County-owned property, commonly known as the 'yacht club' building ("Tidelands Property"). The subject improvements consist of a pedestrian staircase which provides access from Smith Brothers Road, leading down to the Tidelands Property; and a pad site and enclosure for the propane tank servicing the Tidelands property. The Bodega Harbour Homeowners Association (BHHA) owns these improvements and, since the BHHA terminated their lease with the County for the Tidelands property in May 2021, they no longer have a need for these improvements and wish to convey ownership of the improvements to the County. The underlying real estate is owned by a third party and would not be acquired through this transaction.

Since May 2021 and the termination of the BHHA lease, the Tidelands Property has reverted back to management by the County. Acquisition of the pedestrian staircase would provide needed access by visitors on foot from Smith Brothers Road to the Tidelands Property. Acquisition of the propane equipment would allow the County to use the propane infrastructure at its current location, eliminating the need and expense of relocation of the propane tank from the uplands parcel to the Tidelands property, to extend the propane utility to the building. No monetary consideration would be paid by County to BHHA for these improvements; in consideration of the acquisition of the improvements, County would undertake obligations that accrue from the owning them, i.e., maintenance, repairs and/or replacement, as needed. If your Board approves, County and BHHA will execute a real estate transfer agreement that provides for conveyance of BHHA's interests in the uplands parcel and the County Tidelands leasehold. Acceptance of the quit claim deed would be contingent on completion of certain due diligence, including completion of a phase 1 environmental assessment that finds no significant issues affecting the upland parcel.

Discussion:

In September 1972, the County of Sonoma executed a lease with the Bodega Harbour Homeowners Association (Tenant) for the Tidelands Property, which is owned by the County and has certain improvements. The Tidelands Property is located at Smith Brothers Road in Bodega Bay. The Tidelands Property was used for the Tenant's meetings and for special occasions and events. In 1995, the Tidelands Lease was extended through September 2017, for a total term of approximately 45 years. After September 2017, the Tidelands lease was converted into a month-to-month tenancy, pending receipt from the Tenant of a current Use Permit and execution of a new lease. In March 2021, the Tenant notified the County of its termination of the lease, effective May 1, 2021; the Tenant stated the facility was underutilized and non-feasible financially, due to impacts from the Coronavirus health pandemic. The Tenant also expressed its desire to have the Tidelands Property made available for the benefit of the local community and visitors to the Bodega Bay area.

The Tidelands Property leased premises reverted back to the management by County in May 2021. In connection with the continued use and accessibility needs for the Tidelands Property, County has negotiated with the former Tenant to acquire the property improvements that are owned by the Tenant and constructed on a land parcel immediately east of the Tidelands Property (APN 100-120-001). The improvements include a wooden staircase, providing pedestrian ingress/egress from Smith Brothers Road to the Tidelands facility; and propane tank equipment and infrastructure situated on the uplands property.

County staff has negotiated a transfer agreement and a quitclaim deed with the BHHA whereby the BHHA will transfer all of its interest in the improvements on the uplands parcel, and leasehold interest in the Tidelands property. There is no monetary consideration due by the County for acquisition of the improvements owned by BHHA. In conveyance of the subject improvements, County agrees to accept all maintenance, responsibility and interests accrued by ownership of these improvements.

By acquiring ownership of the improvements, the County would gain access and control of these improvements that serve the Tidelands Property. However, the record owner of the underlying fee interest is Transcentury, Inc., which is an inactive corporate entity. Staff plans to identify the current entity and successor-in-interest to Transcentury, Inc., that has ownership and control of this underlying fee title. Thus, the proposed current action would result in transfer of the ownership of improvements only, and subsequent action would be necessary for the County to obtain complete ownership of this parcel.

The acquisition would be subject to completion of an assessment for environmental contaminants on the property and a finding of no significant issues affecting the uplands parcel. The proposed Resolution would (1) approve the acquisition of the Improvements by the County; (2) authorize the execution of a Certificate of Acceptance; (3) direct the filing of Notice of Exemption in compliance with CEQA, if applicable; and (4) authorize all other actions necessary to completion the transaction.

Strategic Plan:

None.

Prior Board Actions:

None.

FISCAL SUMMARY

	FY 21-22 Adopted	FY22-23 Projected	FY 23-24 Projected
Expenditures			
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other\$			
Use of Fund Balance			
Contingencies			
Total Sources			

Narrative Explanation of Fiscal Impacts:

Cost for staff time necessary to execute the Real Estate Transfer Agreement and a Quit Claim Deed is already included in the adopted FY 2021-22 budget. No additional appropriations are requested at this time.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

None.

Attachments:

- 1 – Resolution
- 2 – Site Plan
- 3 – Copy of Transfer Agreement and Quit Claim Deed

Related Items “On File” with the Clerk of the Board:

None.