

Resolution No. 97-0795

Dated: June 10, 1997

O. Pen

THE WITHIN INSTRUMENT IS A
CORRECT COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

ATTEST: June 10, 1997

EEVE T. LEVINS, County Clerk & ex-officio
Clerk of the Board of Directors of the Sonoma
County Agricultural Preservation and Open Space
District

By: E. Morrissey
Deputy Clerk

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE SONOMA COUNTY
AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT, COUNTY OF SONOMA,
STATE OF CALIFORNIA, AUTHORIZING AND DIRECTING THE PRESIDENT TO
EXECUTE AN AGREEMENT WITH THE McCREA FAMILY FOR THE PURCHASE OF A
CONSERVATION EASEMENT AND ASSIGNMENT OF DEVELOPMENT RIGHTS AND TO
EXECUTE A CERTIFICATE OF ACCEPTANCE, AND DIRECTING THE PREPARATION OF
ESCROW INSTRUCTIONS AND THE DRAWING OF NECESSARY WARRANTS**

WHEREAS, the General Manager has negotiated and is now recommending the purchase of a conservation easement from the McCrea Family over approximately 282 acres located on Sonoma Mountain; and

NOW, THEREFORE BE IT RESOLVED, that this Board of Directors hereby finds, determines, declares and orders as follows:

1. *Truth of Recitals.* That the foregoing recitations are true and correct.

2. *General Plan Consistency.* That by its Resolution No. 97-002, dated January 9, 1997, the Board of Directors of the Sonoma County Open Space Authority determined that the acquisition was consistent with the 1989 Sonoma County General Plan.

3. *Expenditure Plan Consistency.* That by its Resolution No. 97-015, dated May 8, 1997, the Board of Directors of the Sonoma County Open Space Authority determined that the acquisition was consistent with the Authority's Expenditure Plan.

4. *Authority to Sign Contract.* That the President is authorized and directed to execute, on behalf of the District, that certain agreement for the acquisition entitled "A Deed and Agreement By and Between the McCrea Family and the Sonoma County Agricultural Preservation and Open Space District Conveying a Conservation Easement and Assigning Development Rights" and the certificate of acceptance required by Government Code 27281.

5. *Escrow Instructions.* That the District's Counsel is directed to prepare and deliver appropriate escrow instructions and other necessary documents to North American Title Company and the General Manager is authorized to sign all closing documents and to make any technical, non-substantive changes in them with the prior approval of the District's Counsel.

6. *Payment of Purchase Price and Costs of Escrow.* That the Sonoma County Open Space Authority has directed the Auditor to draw a warrant or warrants against the funds of the Authority for the District's purchase of the easement in the amount of \$1,200,000 and in such other amounts necessary to close escrow as approved and requested by the General Manager.

7. *Dedication.* That the conservation easement to be acquired is hereby dedicated to open space purposes pursuant to Public Resources Code 5540.

8. *Environmental Exemption.* That the acquisition of the conservation easement authorized by this resolution is excluded from the requirements of the California Environmental Quality Act (Public Resources Code Sections 21000 and following) because the acquisition is not a project as that word is defined in Section 15378 of Title 14 of the California Administrative Code and, alternatively, is exempt pursuant to Section 15317 of Title 14 of the California Administrative Code because the purpose of the acquisition is to maintain the open space character of the area; and alternatively is exempt pursuant to Section 15325(a) of Title 14 of the California Administrative Code because the purpose of the acquisition is to preserve the existing natural conditions.

9. *Notice.* That, immediately upon the adoption of this resolution, the General Manager is directed to post and to maintain the posting of a notice of exemption pursuant to Public Resources Code 21108(b) and 21167(d).

10. *Validation.* The agreement authorized by this resolution is a contract within the definition of Government Code Section 53511 and as such, any action challenging the validity of the contract including the source of funding for the consideration to be paid by this District must be commenced within sixty (60) days of the adoption of this resolution pursuant to section 863 of the Code of Civil Procedure.

DIRECTORS:

CALE: _____

SMITH: _____

KELLEY: _____

REILLY: _____

HARBERSON: _____

AYES: 5

NOES: _____

ABSENT: _____

ABSTAIN: _____

SO ORDERED.