RESOLUTION - ACTION REQUESTED 2020-539

MEETING: September 1, 2020

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: Agreement to Purchase the Pfremmer Property

RECOMMENDATION AND JUSTIFICATION:

Public Hearing: Approve a vacant land purchase agreement of real property identified as Assessor’s Parcel Numbers 012-340-005, 012-140-062, 012-140-065, 012-140-064, 012-140-017, 012-140-063, 012-140-016, 012-140-022, and 012-140-023; find that this action is exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3), Section 15307, Section 15308 and Section 15316 and directing staff to file a Notice of Exemption; and authorize the Board Chair to sign all documents necessary to execute the purchase (Last Continued from August 25, 2020).

The nine Assessor Parcel Numbers (APNs) represent approximately 187 acres along the Mariposa Creek between the Mariposa County Adult Detention Facility (Jail) and Fournier Road. This property, colloquially known as the Pfremmer property, is critical to the extension of the Mariposa Creek Parkway from its current terminus at 8th Street through the north side of Mariposa. The land is vacant except for a shop building which straddles APNs 012-140-016 and 012-140-063.

The original vision for the Mariposa Creek Parkway, which is now a priority in the Mariposa County Strategic Plan, was a trail from the Mariposa County Fairgrounds to the jail. This acquisition could also allow for connection to the so-called Field of Dreams, a County property designated for recreational use, and beyond. It may also be beneficial for economic development, mosaic fuel breaks and other uses related to conservation, recreation and fire prevention.

This acquisition has been evaluated by County staff in partnership with the Sierra Foothill Conservancy (SFC). Several reports are attached for Board review and public scrutiny, including a title report, environmental hazards reports for each APN, an appraisal, and a California Environmental Quality Act (CEQA) notice of exemption for the acquisition of vacant land. Staff is grateful for additional time given by the sellers to allow for a more thorough analysis.

The County has agreed to pay the asking price of $699,000 for the Pfremmer property. All funds for this purchase will come from the Merced Irrigation District (MID) Settlement Fund, which does not impact the County General Fund or operating expenses in any way.
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Staff finds this action to be in harmony with the County strategic plan, general plan and Mariposa Creek Parkway Master Plan. With gratitude to the sellers, SFC, and other stakeholders that have worked diligently on this acquisition, staff recommends approval of the attached agreement to purchase the subject property.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On December 17, 2019, the Board approved an agreement with Sierra Foothill Conservancy to acquire this and three additional properties for the Mariposa Creek Parkway.

On March 10 and April 7, 2020, the Board held closed sessions to discuss the acquisition of this property including negotiating the terms of purchase. The Board directed staff to submit an offer and counter offer on the property.

On April 10, 2020, the County and sellers agreed to an escrow extension until July 12, 2020.

On May 5, 2020, the Board approved a budget action moving dollars within the MID Settlement Fund to facilitate a purchase.

On May 19, 2020, the Board approved a resolution of intention to purchase this property (Resolution 2020-260). This resolution was not effectively communicated to the newspaper of record, requiring a new resolution to be approved and advertised.

On June 23rd, 2020, the Board approved a resolution of intention to purchase the aforementioned property (Resolution 2020-360) that was appropriately noticed.

Only July 14th, 2020, the County and sellers agreed to an escrow extension until September 11, 2020.

The public hearing for this purchase was opened on July 21, 2020. Consideration of the item was continued to August 18, 2020, and weekly thereafter to allow for due diligence and analysis of financial options to be completed.

A closed session was held on August 25, 2020, to discuss the terms of the agreement, including findings from the due diligence process.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
The County would miss an opportunity to purchase this property for the expressed purposes. Another means would be needed to develop the Mariposa Creek Parkway or the project would need to be abandoned.

ATTACHMENTS:
M30987 Map (PDF)
190626_Mariposa_ConnectivityStrategy (PDF)
01 Vacant Land Purchase Agreement (PDF)
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02 VLPA Additional Signatures #1  (PDF)
03 VLPA Additional Signatures #2  (PDF)
04 Seller Counter Offer  (PDF)
07 Buyer Counter Offer  (PDF)
10 Extension of Time Addendum #1  (PDF)
11 Extension of Time Addendum #2  (PDF)
12 Increased Deposit Addendum  (PDF)
13 Preliminary Site Concepts  (PDF)
16 Pfremer PM 9-46 Easements  (PDF)
17 Right to Agricultural Activity Disclosure  (PDF)
27 Notice of Exemption  (PDF)
28 Escrow Instructions  (PDF)
30 Closing Documents  (PDF)

RESULT:  ADOPTED [UNANIMOUS]
MOVER:  Miles Menetrey, District V Supervisor
SECONDER:  Rosemarie Smallcombe, District I Supervisor
AYES:  Rosemarie Smallcombe, Merlin Jones, Marshall Long, Miles Menetrey
EXCUSED:  Kevin Cann