

Resolution No.

**County of Sonoma
Santa Rosa, CA 95403**

Date: 11/3/2009

Resolution of the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District, County of Sonoma, State of California, Approving the Acquisition of a Conservation Easement over the 5,630-acre Jenner Headlands Property for up to \$10,150,000 and Approving a Grant of \$1,000,000 towards Public Access Improvements, Operation and Maintenance and Habitat Restoration over the Property; Determining that the Acquisition is Consistent with the 2020 Sonoma County General Plan; Authorizing the Execution of a Conservation Easement; Authorizing the Execution of Grant Agreements; Authorizing the Execution of a Certificate of Acceptance; and Making Certain Determinations pursuant to the California Environmental Quality Act.

Whereas, the District's Interim General Manager has recommended to this Board acquisition of a conservation easement over the 5,630-acre Jenner Headlands property ("the Property") and the approval of certain grant agreements for the purchase, and for public access improvements, interim operation and maintenance related to public access, and habitat restoration on the property, located east of Highway One, north of Jenner, north of Highway 116 and west of Duncan's Mills, Jenner;

Now, Therefore, Be It Resolved, that this Board of Directors hereby finds, determines, declares, and orders as follows:

1. *General Plan Consistency.* That the acquisition is consistent with the 2020 Sonoma County General Plan because the property will protect the ecological resources, water resources, scenic resources, and cultural resources, provide connectivity and habitat linkages, and secure public recreational opportunities.
2. *Expenditure Plan Consistency.* That by its Resolution No. 2009-019, dated October 1, 2009, the Sonoma County Open Space Authority determined that the acquisition was consistent with the voter-approved 2006 Expenditure Plan and that the price to be paid by the District for the acquisition did not exceed its fair market value.
3. *Conservation Easement.* The President is authorized and directed to execute, on behalf of the District, that certain agreement for the acquisition entitled "Deed and Agreement by and between the Sonoma Land Trust and the Sonoma County Agricultural Preservation and Open Space District Conveying a Conservation Easement" and the certificate of acceptance required by Government Code Section 27281.
4. *Grant Agreements.*

- a. The Interim General Manager is authorized to negotiate and execute a Grant Agreement with the Sonoma Land Trust to provide to SLT an amount not to exceed \$1,000,000 for public access improvements, interim operation and maintenance, and habitat restoration that are consistent with the Conservation Easement.
 - b. The Interim General Manager is authorized to execute a grant agreement accepting \$1,000,000 from the U.S. Forest Service (Forest Legacy Grant) for reimbursement to the District.
 - c. The Interim General Manager is authorized to execute a grant agreement accepting \$5,850,000 from the California Coastal Conservancy to be deposited in escrow and applied toward acquisition of the property.
5. *Escrow Instructions; Necessary Documents.* The District's Counsel is directed to prepare and deliver appropriate escrow instructions and other necessary documents to Fidelity National Title Company to complete the transaction as described. Upon the satisfactory completion of District's standard due diligence tasks, the Interim General Manager is authorized to sign all closing documents and to execute any other documents necessary to complete this transaction as described, including, without limitation, making any technical, non-substantive changes in the closing documents with the prior approval of the District's Counsel.
6. *Payment of Purchase Price and Costs of Escrow.* That at the request of the Interim General Manager, the County Auditor is directed to draw a warrant or warrants against available funds in the Open Space Authority's fund for the purchase price in an amount not to exceed \$10,150,000 payable to Fidelity National Title Company (Escrow No. 08-446704-LJB) and in such other amounts necessary to close escrow, as approved and requested by the Interim General Manager.
7. *California Environmental Quality Act.* That the acquisition authorized by this resolution is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to:
- a. Section 15313(a) and (c) of Title 14 of the California Code of Regulations because the acquisition is, intended to preserve fish and wildlife habitat and to preserve access to public lands and waters to preserve the land in its natural condition.
 - b. Section 15316(a) of Title 14 of the California Code of Regulations because the Property is in its natural condition and a management plan

has not yet been prepared. The Sonoma Land Trust has prepared a plan for interim public access through docent led tours via a defined and existing trail system. This plan is not a management plan within the meaning of Section 15316(a) because it will not allow traditional public access to property improved and managed for that purpose. One of the purposes of the Land Trust's plan is to gather data for the preparation of a management plan.

- c. Section 15317 of Title 14 of the California Code of Regulations because the purpose of the acquisition is, to maintain the open space character of the area.
 - d. Section 15325(a), (c) and (f) of Title 14 of the California Code of Regulations because the purpose of the acquisition is, to preserve the existing natural conditions, to allow for restoration of natural conditions, and to preserve open space or lands for park purposes.
8. *Notice of Exemption.* That, immediately upon the adoption of this resolution, the Interim General Manager is directed to post and to maintain the posting of a notice of exemption pursuant to Public Resources Code 21152. The notice is to be prepared in cooperation with the Sonoma Land Trust to meet the requirements of CEQA Guidelines Section 15378 (a)(2) for private projects supported in part by a public agency grants.
 9. *Dedication.* That the conservation easement to be acquired is hereby dedicated to open space purposes pursuant to Public Resources Code Section 5540.
 10. *Validation.* That 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:

Brown:

Kerns:

Zane:

Carrillo:

Kelley: