



## Legislation Text

**File #:** 19-557, **Version:** 1

Consider adopting a resolution authorizing the County Administrative Officer to execute all documents necessary to acquire, in a larger joint purchase with the US Fish and Wildlife Service, a 50-acre portion of real property (APN 0067-020-030) located at the northeast corner of Highway 37 and Skaggs Island Road with up to \$400,000 from the Road Fund; Authorize the County Administrator to enter into a funding agreement with the Solano Transportation Authority and the Bay Area Toll Authority to reimburse the Road Fund; and To transfer title to the property upon request for use with the Resilient SR 37 program (4/5 vote required)

Published Notice Required? Yes X No       
Public Hearing Required? Yes      No X

### **DEPARTMENTAL RECOMMENDATION:**

The Department of General Services recommends that the Board of Supervisors:

1. Consider adopting a resolution (Attached) authorizing the County Administrator to execute all documents necessary to acquire, in a larger joint purchase with the US Fish and Wildlife Service, a 50-acre portion of real property (APN 0067-020-030) located at the northeast corner of Highway 37 and Skaggs Island Road with up to \$400,000 from the Road Fund;
2. Authorize the County Administrative Officer to enter into a funding agreement (Attached) with the Solano Transportation Authority and the Bay Area Toll Authority (BATA) to reimburse the Road Fund; and
3. To transfer title to the property upon request for use with the Resilient SR 37 program. (4/5 vote required)

### **SUMMARY:**

On June 11, 2019, the Board adopted a resolution supporting the US Fish & Wildlife (FWS) funding and purchase of a 420-acre parcel, in an effort to incorporate portions of the parcel into the San Pablo Bay National Wildlife Refuge. The resolution contained conditions where the County supported the FWS in this endeavor only if the southern 50-acre portion of the parcel was reserved for future Highway 37 improvements. The FWS has since received all other approvals and is now waiting on the County to enter into a joint purchase agreement for the 420-acre parent parcel, resulting in the southern 50-acres being owned by the County after acquisition. Staff from the County and FWS have worked to establish a process where the agencies will concurrently purchase the land and record separate parcels after escrow. Public Notice was provided in advance of this meeting as required for the County to purchase real property. In order to transact this real property acquisition, the Board needs to authorize and fund the process by adopting the attached resolution.

### **FINANCIAL IMPACT:**

Acquisition of property by the FWS and the County would impact the County's property tax revenue as public agencies are exempt from paying taxes. Currently, the property is privately owned, but is largely marsh, and

generates \$3,047.50 in property taxes. However, the FWS has indicated it may continue to make annual payments to the County, for the portion of land it retains, under the authority of the Refuge Revenue Sharing Act. According to the FWS, payments are calculated based upon the approved value of the FWS land holdings in each County throughout the Country and the exact payment amount is dependent on many variables. The 50-acres of land that the County would retain would reduce annual property tax revenue approximately \$425 based on the proportional split from the parent parcel's \$3,047.50 property taxes. The land is minimally managed but would likely have some related annual staff costs in managing the land.

The County Road Fund has beneficial future revenue alternatives from the land as follows:

- 1) The County could enter into a funding agreement with STA and BATA for reimbursement to the County for the purchase of the land with requirements to hold it for the specific purpose of Highway 37;
- 2) The County could hold the property until the Highway 37 project is financially realized, and sell the property at that time; or
- 3) The County could sell the property at some future date if the Highway 37 project does not transpire.

Staff recommends that the Board enter into the funding agreement (alternative #1, above) as this guarantees reimbursement to the Road Fund for the costs of acquisition, and also ensures the parcel's future availability for use on the Resilient Highway 37 program.

The land has been valued by the FWS at \$7,000 per acre, which is the basis for the purchase price that FWS has offered to the private owners. The County would pay the same price, putting the base cost of acquisition at \$350,000. Other costs related to the real estate transaction, such as escrow fees, title insurance, Phase 1 environmental assessment and prepare of new legal descriptions for the separate FWS and County parcels were included in the total \$400,000 request as part of the Road Funds FY2019/20 Adopted Budget.

The costs associated with preparing the agenda item are nominal and absorbed by the department's FY2019/20 Adopted Budget.

## **DISCUSSION:**

The FWS manages the San Pablo Bay National Wildlife Refuge, which lies along the north shore of the San Pablo Bay, and includes properties within Solano, Napa and Sonoma Counties. The Refuge includes open bay/tidal marsh, mud flats and managed wetlands which provide critical habitat for migratory birds and endangered species. (FWS) received funding approval from the Migratory Bird Conservation Commission (MBCC), and approval from the Executive Director of the California Fish and Game Commission, to purchase the subject property from private owners. After purchase, the FWS plans to manage and incorporate the land into the San Pablo Bay National Wildlife Refuge.

The FWS has already entered into a purchase agreement to acquire 420 acres of the parent parcel, which is primarily in Solano County and partially crosses into Napa County. The southern 358 acres is located within Solano County as APN 0067-020-030, with the northern remainder in Napa County. The property is currently tidal marsh lands used for recreational duck hunting. Minimal ecological restoration work by the FWS is anticipated, which would include more tidal circulation in the ponds, improvement of food sources, and reduction of the mosquito population. Once the land is acquired, the potential for public hunting access will be considered by the FWS.

The property is under private ownership and zoned Exclusive - Agriculture 20-acre minimum. The General Plan land use designation is Marsh, and the parcel is not encumbered by a Williamson Act Contract. Developable potential for the property is limited due to soil conditions, flood plain, and environmental constraints. Acquisition and management by the FWS are intended to secure the environmental value of the

land.

Staff from the north bay counties, Solano Transportation Authority (STA), and the Metropolitan Transportation Commission (MTC) have been working on a plan over the last few years to improve Highway 37, which is under severe threat of subsidence, tidal erosion, and sea level rise. Staff from the County, STA, BATA, MTC, and FWS have been in regular communication over the last month to effectuate a joint purchase of the larger parent parcel with FWS, which would allow the southern 50-acre portion to be retained for use on the future highway project. Solano County is the appropriate agency to purchase and hold the property because the County can own the real property until such time it is needed for the project. Allowing the federal government to purchase the land for restoration and attempting to acquire the property later would prove extremely difficult.

The 50-acres that the County would retain is currently minimally managed, with access through a locked gate on Skaggs Island Road. While no County investment in the property is anticipated after purchase, there will likely be staff related costs with periodic inspection of the property and interaction with neighboring owners.

#### **ALTERNATIVES:**

The Board could choose not to support the resolution and authorizations to acquire the 50-acres. This is not recommended as this would likely result in the 50-acres inclusion into the San Pablo Bay National Wildlife Refuge, which may significantly limit options for the Highway 37 project being currently planned.

#### **OTHER AGENCY INVOLVEMENT:**

Staff from Resource Management, STA, BATA and MTC have been involved to facilitate the land purchase as a non-federal acquisition. The FWS has been supportive of this process, understanding that the land involved can become both part of the Refuge and also part of the Highway 37 project.

The County Administrator and County Counsel have reviewed this item and concurs with the recommended action.

#### **CAO RECOMMENDATION:**

**APPROVE DEPARTMENTAL RECOMMENDATION**