



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: September 14, 2021

Subject: APPROVE the Conveyance of Surplus Real Property to Urban Tilth, and make related findings under CEQA, Richmond area. (CP 21-20)

RECOMMENDATION(S):

DETERMINE that County-owned property located at 323 Brookside Drive, Richmond, and identified as Assessor's Parcel No. 408-201-017 was acquired for roadway purposes but is no longer necessary for those or any County purposes.

DECLARE, based on the above written findings, that a 0.37 portion of County-owned property located at 323 Brookside Drive, in Richmond, to be surplus land within the meaning of Government Code Section 54211(b)(1).

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a purchase and sale agreement with Urban Tilth, a nonprofit corporation ("Grantee"), to sell to Grantee approximately 3.09 acres of real property, located at 323 Brookside in the Richmond area and identified as Assessor's Parcel Number 408-201-017 (the "Property"), pursuant to Streets & Highway Code § 960, and take related actions under the California Environmental Quality Act, as recommended by the Public Works Director. (Project No.: WL326) (DCD-CP #21-20)

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **09/14/2021** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: September 14, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

Contact: Angela Bell (925)
957-2451

cc: Angela Bell - Real Estate

RECOMMENDATION(S): (CONT'D)

AUTHORIZE the Chair, Board of Supervisors, to execute a Grant Deed (“Deed”) on behalf of the County in consideration for the payment received in full in the amount of \$180,000, inclusive of the purchase price of \$150,000, and the estimated transaction costs in the amount of \$30,000.

DETERMINE that the conveyance is not subject to the California Environmental Quality Act (CEQA), pursuant to Article 5, Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the conveyance of the Property may have a significant effect on the environment.

DIRECT the Director of the Department of Conservation and Development to file a Notice of Exemption with the County Clerk.

AUTHORIZE the Public Works Director, or designee, to arrange for payment of the \$25 fee to the Department of Conservation and Development for processing, and a \$50 fee to the County Clerk for filing the Notice of Exemption.

DIRECT the Real Estate Division of the Public Works Department to cause said Deed and a certified copy of this Board Order to be delivered to the Grantee for acceptance. DIRECT the Real Estate Division of the Public Works Department to deliver said Deed and acceptance for recording, on behalf of the Grantee, in the Office of the County Clerk-Recorder.

DIRECT the Public Works Director, or Designee, to terminate the Lease Agreement covering the Property between Grantee and County, effective upon the recording of the Deed.

DETERMINE that approximately 0.045 acre of County-owned property (10’ wide by 200’ long) located along Brookside Drive adjacent to 323 Brookside Drive, in the Richmond area, was acquired for County highway purposes and DECLARE that this property is now needed for roadway widening improvements and is part of Brookside Drive (County maintained Road No. 0564D).

FISCAL IMPACT:

The County will no longer receive five hundred dollars (\$500) per month as revenue for the Grantee under its lease with the County. The County will receive \$150,000 in revenue for the sale of the property, and an estimated \$30,000 in transaction costs.

BACKGROUND:

In February 2013, the Contra Costa County Flood Control and Conservation District (District) conveyed real property identified as Assessor's Parcel Number 408-201-017 and located at 323 Brookside Drive, Richmond, CA to Contra Costa County (County) for County highway purposes. The Property consists of 3.135 acres, or 136,541 square feet.

In 2014, the County authorized a lease agreement with Urban Tilth, Inc., for the purposes of constructing, operating and maintaining a nonprofit educational urban farm (Project) on the Property. The lease term is August 12, 2014 to July 31, 2024, with two 10-year renewal options for a total term of 30 years. The lease includes an annual rent of \$500.00.

In 2018, The Department of Conservation and Development issued encroachment permit no. TP16-0036 to Urban Tilth for constructing the Project. As part of the Conditions of Approval listed in the Permit, Urban Tilth is required, upon conveyance of the Property from the County, should this occur, to dedicate the right of way necessary for the future public improvements along the frontage of Brookside Drive for road and/or drainage purposes.

On April 20, 2021, the County Board of Supervisors declared 2.72 acres of the Property as surplus property. The County has identified an additional 0.37 acre that will not be required for future road/drainage purposes, is recommending it be declared as surplus property, and be included in the conveyance to Urban Tilth.

On May 3, 2021, after receiving a Notice of Availability from the County, Urban Tilth expressed interest in acquiring the Property to complete the construction of their non-profit educational farm, which will include facilities and operations of crop rows; orchard; egg farm/bee hives; a greenhouse; shade house; farm sheds; Watershed Workshop; demonstration compost toilet; outdoor classrooms; Main barn with a farm stand, fruit and vegetable wash & pack room and multi-purpose room; community commercial kitchen; café; small outdoor amphitheater; public restrooms; her shed; farm office; History Walk; Ohlone Reflection Garden; signage and all associated farm, health/nutrition and watershed educational programs.

Upon recording of the Deed, the 2014 lease agreement will be terminated by the Public Works Department.

CONSEQUENCE OF NEGATIVE ACTION:

Without approval from the Board of Supervisors, the County will continue to own and be responsible for surplus property.

ATTACHMENTS

Purchase and Sale Agreement

Grant Deed

NOE