



AGENCY:	City Council
MEETING DATE:	November 9, 2015
DEPARTMENT:	Administration
PRESENTED BY:	L. Ruffing

AGENDA ITEM SUMMARY

TITLE:

RECEIVE REPORT AND CONSIDER ADOPTION OF CITY COUNCIL RESOLUTION APPROVING AN AGREEMENT FOR EXCHANGE OF REAL PROPERTY (INCLUDING ESCROW INSTRUCTIONS) WITH GEORGIA-PACIFIC, LLC AND THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT NO. 1 FOR THE EXCHANGE OF CERTAIN PARCELS IN THE VICINITY OF THE WASTEWATER TREATMENT PLANT AND NOYO CENTER

ISSUE:

The City of Fort Bragg (City) and Georgia-Pacific LLC (GP) have negotiated an Agreement for Exchange of Real Property (Agreement) that will allow for public access to the southern part of Noyo Headlands Park and the Coastal Trail via the Cypress Street intersection and incorporate the entire "runway" into Noyo Headlands Park. The City Council has provided direction to the City's real property negotiators regarding the terms of the Agreement in several closed sessions held over the past few months. The Agreement involves GP deeding approximately 8.17 acres of property to the City and, in exchange, the City or Municipal Improvement District No. 1 (MID), as applicable, will extinguish certain easements held by the City and the MID that cross GP's property. The City/MID easements have never been accepted as public right-of-way and are not required for access or public utility purposes. The Agreement is brought forward to the City Council for approval. The MID Board (in a subsequent agenda item) will also consider approval of the Agreement as it involves extinguishment of certain MID easements. This agenda summary report applies to both the City and MID actions.

RECOMMENDED ACTION:

Adopt City Council Resolution Approving an Agreement for Exchange of Real Property (including escrow instructions) with Georgia-Pacific, LLC and the Fort Bragg Municipal Improvement District No. 1 for the Exchange of Certain Parcels in the Vicinity of the Wastewater Treatment Plant and Noyo Center.

ALTERNATIVE ACTION(S):

1. Continue action on the matter and provide direction to staff. Please note that, if further negotiations regarding the terms of the Agreement are necessary, a closed session will need to be scheduled.

ANALYSIS:

The Property Exchange Agreement involves GP transferring ownership of five parcels, comprising approximately 8.17 acres to the City. These parcels are described and depicted in Exhibits A-1, A-2, B-1, B-2, C-1, C-2, E-1, E-2, F-1 and F-2 of the attached Agreement. The property includes:

1. A 0.14-acre strip of land adjacent to the south side of the Elm Street parking lot at Noyo Headlands Park. This parcel allows for another tier of parking to be provided in the parking lot.

2. A 4.87-acre parcel of land which includes the “runway” and some GP land located west of the runway will be transferred. This parcel establishes a City/GP property boundary along the east edge of the runway will allow the City to consolidate vehicular access to the Wastewater Treatment Facility (WWTF) and the Noyo Center parcels on a roadway that utilizes the paved runway.
3. A 0.59-acre parcel which is required to complete the new Cypress Street access road (Cypress Street extension).
4. A 1.47-acre parcel which allows for vehicular and pedestrian access from the Cypress Street/Main Street intersection to the south parking lot at Noyo Headlands Park.
5. A 1.10-acre parcel adjacent to the WWTF that allows for a vehicular turn-around at the entry to the WWTF.

In exchange, the City or MID will extinguish five easements comprising approximately 6.8 acres which cross GP’s property. The easements are described on Exhibits G, H, I, J, and K and are depicted on Exhibit L of the attached Agreement. The easements include:

1. The Johnson Parcel access easement. This was transferred to the City as part of the acquisition of the Johnson Property in 2013. This easement runs east-west from the Johnson Property to Main Street. It has never been utilized.
2. Two sewer easements from Oak Street to the WWTF. These are old easements that are not in use.
3. An easement for ingress/egress from Main Street to the WWTF. Once this easement is extinguished, ingress/egress to the WWTF will be consolidated on the new Cypress Street extension and the access road to the WWTF and Noyo Center that is located on the runway.
4. The Noyo Center temporary access easement from the Cypress Street intersection to the Noyo Center property. This will no longer be needed as the Property Exchange involves GP deeding the property underlying the easement to the City.

In addition, as part of the Property Exchange, the City will grant GP an access easement along the Cypress Street extension.

FISCAL IMPACT:

The Property Exchange Agreement does not involve any payment between the City and GP and the escrow fees, charges and costs will be split between the two parties. The construction of improvements on the newly acquired park parcels (i.e., Cypress Street extension; Elm Street parking lot additional parking tier) is funded by the Prop 84 grant for Phase 1 of the Coastal Restoration and Trail project.

IMPLEMENTATION/TIMEFRAMES:

Escrow is expected to close within 14 days of the execution of the Agreement. The City is planning to have an informal ribbon-cutting ceremony to celebrate the opening of the southern portion of Noyo Headlands Park on Tuesday, December 1st at 12:30 p.m.

ATTACHMENTS:

1. City Council Resolution Approving GP Property Exchange Agreement
2. GP Property Exchange Agreement

NOTIFICATION:

1. None

City Clerk's Office Use Only

Agency Action ☐ Approved ☐ Denied ☐ Approved as Amended

Resolution No.: _____ Ordinance No.: _____

Moved by: _____ Seconded by: _____

Vote: _____

☐ Deferred/Continued to meeting of: _____

☐ Referred to: _____