

Resolution No.

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

Date: 11/17/2009

Resolution of the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District, State of California, Approving the Acceptance of the Donation of a Conservation Easement; Determining that the Donation of a Conservation Easement is Consistent with the 2020 Sonoma County General Plan; Authorizing the Execution of the Conservation Easement; Authorizing the Execution of a Certificate of Acceptance; Directing the Preparation of Escrow Instructions; and Making Certain Determinations Pursuant to the California Environmental Quality Act.

Whereas, the Interim General Manager has negotiated and is now recommending the acceptance of the donation of a conservation easement from LandPaths, a non-profit organization, over the Riddell Preserve property, located at 2575 Brack Road, west of the City of Healdsburg, (APN: 089-230-001), totaling approximately 400 acres (“the donation”); and

Whereas, the donation fulfills policies of the Water, Wildlife, and Natural Areas category of *Connecting Communities and the Land*, including policies for protecting lands with diverse plant communities that support multiple wildlife species; protecting lands with large, unfragmented oak woodland and forest areas; and protecting lands that are important for supporting healthy aquatic habitat in rivers and streams; and

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

1. Truth of Recitals. That the foregoing recitations are true and correct.
2. General Plan Consistency. That the acceptance of the donation of a conservation easement over the Riddell Preserve property is consistent with the 2020 Sonoma County General Plan, including policies encouraging conservation of undeveloped land, open space, water and soil quality, restoration of ecosystems, and minimization or elimination of the disruption of existing natural ecosystems and flood plains; protecting and enhancing the County's natural habitats and diverse plant and animal communities; and retaining the largely open, scenic character of important Scenic Landscape Units.
3. Expenditure Plan Consistency. That by its Resolution No. 2009-014 dated September 3, 2009 the Board of Directors of the Sonoma County Open Space Authority determined that the acquisition was consistent with the Authority's Expenditure Plan.
4. Authority to Sign Contracts. That the President is authorized and directed to

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execute, on behalf of the District that certain agreement entitled "Deed and Agreement by and between LandPaths and the Sonoma County Agricultural Preservation and Open Space District Conveying a Conservation Easement," together with the certificate of acceptance required by Government Code Section 27281.

5. Escrow Instructions; Necessary Documents. That the District's Counsel is directed to prepare and deliver appropriate escrow instructions and other necessary documents to Fidelity Title Company to complete the transaction as described. 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 closing documents with the prior approval of the District's Counsel.

6. Costs of Escrow. That at the request of the Interim General Manager, the County Auditor shall draw a warrant or warrants against available funds in the County's Open Space Special Tax Account payable to Fidelity Title Company (Escrow No. 09490503535) in amounts necessary to close escrow, and for associated transactional costs as requested by the Interim General Manager.

7. Dedication. That the conservation easement to be acquired is hereby dedicated to open space purposes pursuant to Public Resources Code Section 5540.

8. California Environmental Quality Act. That the project authorized by this resolution is exempt from the requirements of the California Environmental Quality Act (Public Resources Code Sections 21000 and following) pursuant to 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; and alternatively is exempt pursuant to Section 15325 (a) and (c) of Title 14 of the California Code of Regulations because the purpose of the acquisition is to preserve the existing natural conditions, and to restore the natural conditions, respectively.

9. 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 Section 21152.

10. Validation. 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:
Ayes:	Noes:	Absent:	Abstain:	

So Ordered.