SWEETWATER SPRINGS WATER DISTRICT

TO: Board of Directors **AGENDA NO. V-C**

FROM: Steve Mack, General Manager

Meeting Date: September 4, 2014

SUBJECT: DISCUSSION / ACTION RE: SALES CONTRACT FOR DISTRICT PROPERTY AT 17448 RIVER LANE, GUERNEVILLE, WITH THE RUSSIAN RIVER RECREATION AND PARK DISTRICT

RECOMMENDED ACTION: Receive a report on the progress of the sale of the 17448 River Land parcel to the Russian River Recreation and Park District.

FISCAL IMPACT: Agreed upon sales price is $60,000.

DISCUSSION:

The District and the Russian River Recreation and Park District (RRR&PD) have entered into a sales contract that would transfer the parcel at 17448 River Lane to the RRR&PD for $60,000 subject to an open space easement held by the District. The RRR&PD have had the easement language for some time; I was asked to come to the August 20 RRR&PD to explain the easement.

I attended the August 20 meeting; also in attendance were Directors Robb-Wilder and Lipinski. Prior to the discussion on the easement was an item on river access at that location. There was good attendance and all were in favor of keeping the current situation (without no trespassing signs) but also expressed recognition for the need to keep the area clean.

Regarding the easement, I was questioned why the easement was necessary and there were statements by RRR&PD directors that the easement was a surprise. I explained the Board's thinking on the easement – the Board wants a guarantee that the parcel won't be sold some day and turned into a purpose that could block public access to the river and that would change the public use nature of the parcel. There should be no surprise that there is an easement because it's included in the sales contract language. It is an easement instead of a covenant because our legal counsel determined that was the best way to address the District's concern. The District prepared the easement because the RRR&PD negotiator, Herman Hernandez, told me we should do it since it was our condition.

At least one RRR&PD expressed his opinion that including the easement should change the price on the parcel. It's my opinion (I did not directly state this at the meeting) that it already does. I was told that RRR&PD will have their legal counsel review the easement and they would get back to me. I ended my comments with a statement that this parcel should remain open to the public and getting it to the RRR&PD is the best way to do that. The RRR&PD Chair Hernandez agreed with that sentiment and reiterated that he would get back to me after legal counsel review. No time frame was given for that review.