



County of San Mateo

Inter-Departmental Correspondence

Department: PARKS

File #: 19-1222

Board Meeting Date: 12/10/2019

Special Notice/Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Nicholas J. Calderon, Parks Director

Subject: Second Amendment to the Tunitas Creek Beach Purchase and Sale Agreement

RECOMMENDATION:

Adopt a resolution authorizing the County Manager, or his designee, to execute a Second Amendment to the Tunitas Creek Beach Purchase and Sale Agreement to extend the Closing Date to no later than March 31, 2020.

BACKGROUND:

On May 14, 2019, your Board adopted Resolution Number 076590, which authorized the execution of the Tunitas Creek Beach Purchase and Sale Agreement ("Agreement"). Pursuant to the Agreement, consummation of the acquisition is contingent on several conditions first being satisfied, including execution of the Cowell-Purisima Trail Agreement and Post Transfer Agreement.

The Cowell-Purisima Trail Agreement will define the Parks Department's ("Department") management responsibilities for the Peninsula Open Space Trust ("POST") and State Coastal Conservancy-owned Cowell-Purisima Coastal Trail. The Post Transfer Agreement will establish how the Department can use funds raised by POST for the Tunitas Creek Beach property.

In accordance with the Agreement, the Cowell-Purisima Trail Agreement and Post Transfer Agreement were to be fully executed no later than October 31, 2019. Because the parties were still negotiating the remaining provisions of the Cowell-Purisima Trail Agreement at the end of October, the Agreement was amended to extend the closing date to December 31, 2019. The parties are still negotiating the final provisions of the Cowell-Purisima Trail Agreement, and therefore a Second Amendment to the Agreement to further extend the closing date is required.

DISCUSSION:

Negotiations of the Cowell-Purisima Trail Agreement are nearly completed, and the remaining provisions pertain to the duration in which the Department is to manage the Cowell-Purisima Coastal Trail and how the Department's management responsibilities will be funded.

The Post Transfer Agreement has been fully negotiated. However, should the parties desire to have a

portion of the funds POST raised for the Tunitas Creek Beach property used for Department management of the Cowell-Purisima Coastal Trail, specified revisions will be required. The Agreement was structured so that execution of the Cowell-Purisima Trail Agreement and Post Transfer Agreement are to be authorized by Board resolution. For this reason, once all terms and provisions have been negotiated, the agreements will be presented to your Board for consideration. Execution of the agreements is required for the purchase of the Tunitas Creek Beach property to occur.

As the terms of the Cowell-Purisima Trail Agreement are still being negotiated, County and POST have agreed to further extend the Agreement's Closing Date to no later than March 31, 2020 to ensure remaining provisions can be adequately negotiated. This Second Amendment to the Agreement memorializes and formalizes that extension agreement. All other terms and provisions of the Agreement will remain the same.

County Counsel has reviewed and approved the resolution and amendment as to form.

FISCAL IMPACT:

No Net County Cost.