



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY MANAGER

File #: 19-1103

Board Meeting Date: 11/12/2019

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors
From: Peggy Jensen, Interim Parks Director
Subject: Amendment to the Tunitas Creek Beach Purchase and Sale Agreement

RECOMMENDATION:

Adopt a resolution authorizing the County Manager, or his designee, to execute an amendment to the Tunitas Creek Beach Purchase and Sale Agreement to extend the closing date to no later than December 31, 2019.

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 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, these agreements were to be fully executed no later than October 31, 2019. Because the parties are still negotiating the remaining provisions of the Cowell-Purisima Trail Agreement, in early October 2019 the parties agreed to extend the term of the Agreement by executing an amendment to the agreement accordingly.

DISCUSSION:

Most of the Cowell-Purisima Trail Agreement has been negotiated, and the remaining provisions pertain to the duration in which the Department is to manage the Cowell-Purisima Coastal Trail, how the Department's management responsibilities will be funded, and how to ensure management of the Cowell-Purisima Coastal Trail has no adverse impacts on other County parks.

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 Tunitas Creek Beach to occur.

As the terms of the Cowell-Purisima Trail Agreement are still being negotiated, in early October 2019 County and POST agreed to extend the Agreement's Closing Date to no later than December 31, 2019 to ensure remaining provisions can be adequately negotiated. This 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.