




**EAST BAY REGIONAL PARK DISTRICT  
BOARD OF DIRECTORS MEETING  
AGENDA STAFF REPORT**

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<b>DATE</b>	December 3, 2024
<b>TITLE</b>	Authorization to Execute an Option, Purchase and Sale Agreement to Acquire Fee Title to 140 Acres of Real Property for \$1,820,000 from John R. Freschi, Jr., as Trustee of the John R. Freschi, Jr. 2018 Living Trust, Created Under Agreement Dated: April 4, 2018, and Transfer and Appropriate Funds for the Purchase and Expenses: Deer Valley Regional Park
<b>DIVISION</b>	Acquisition, Stewardship, and Development
<b>FROM</b>	Becky Bremser, Chief of Land Acquisition Ken Wysocki, Assistant General Manager of Acquisition, Stewardship & Development
<b>APPROVED</b>	Sabrina Landreth, General Manager 

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**RECOMMENDATION**

The General Manager recommends that the East Bay Regional Park District (Park District) Board of Directors authorize staff to execute an Option, Purchase and Sale Agreement (Agreement) with John R. Freschi, Jr., as Trustee of the John R. Freschi, Jr. 2018 Living Trust (Seller) to purchase 140 acres of property located on Briones Valley Road in an unincorporated area of Contra Costa County for \$1,820,000, as an addition to Deer Valley Regional Preserve. The General Manager also recommends that the Board of Directors authorize the transfer and appropriation of funds for the option payment and related due diligence expenses.

**BACKGROUND**

The Seller owns a 148.65-acre parcel located on Briones Valley Road approximately 1.3 miles west of its intersection with Deer Valley Road, in an unincorporated area of Contra Costa County, south of the city of Antioch and west of the southern extent of the City of Brentwood. The Park District proposes to purchase a 140-acre portion (Property) of the approximate 148.65-acre parcel, with the Seller retaining an 8.65-acre parcel, which will function as a buffer between the Property and the Seller's homestead, located directly east on a separate, adjacent parcel owned by the Seller. The two separate parcels would be established as part of the transaction at the close of escrow.

The Property is located within Briones Valley, the southernmost of three valleys that traverse generally in a northwest-southeast direction and are located within the rural undeveloped lands between the Antioch city limit and Marsh Creek. The Property is situated south of Contra Costa Water District watersheds lands and is located within the southern reaches of the Park District's Deer Valley Regional Preserve land holdings, although not directly contiguous to any Park District land holdings. The Property has historically been used both for dry farming and grazing.

The Briones Valley ridgeline traverses through the midsection of the Property and is populated with two clusters of oaks with some associated rock outcroppings: one on a knoll located in the northwest corner of the property and one along the Property's highest point (560 feet) which abuts the eastern property line. A segment of Marsh Creek dips onto the Property along its southern boundary in the western corner and oaks, cottonwoods and willows can be found lining this riparian corridor. A pond, which dries up in the warm months, is located northwest of the creek and is fenced off to protect from cattle intrusion. The entire Property is blanketed with a variety of grasses. The northern third of the Property that fronts Briones Valley Road is level and the Property slopes upward to the south and then down again to the lowlands near the creek.

Access to the Property is directly from Briones Valley Road, a County-maintained public road. The Property is unimproved with no utilities, but electricity is available along Briones Valley Road. The Property's southwestern corner is located a tenth of a mile from Marsh Creek Road, although there is no direct access to the road due to the intervening Clayton Palms Community property.

The Property has a zoning classification of A-4 (Agricultural Preserve) but is no longer enrolled in a Land Conservation Contract pursuant to the Williamson Act. The Property's General Plan designation is AL (Agricultural Lands). An independent appraisal commissioned by the Park District to concluded that the highest and best use of the Property is to develop it with a single-family home and noted there is speculative potential for future subdivision. The appraisal determined the fair market value of the property to be \$1,820,000.

The Property is located within the East Contra Costa County Habitat Conservancy Plan/Natural Community Conservation Plan (HCP/NCCP) habitat inventory area and contains habitat types known to support the California red-legged frog, California tiger salamander, San Joaquin pocket mouse, American badger, burrowing owl, mule deer, coyote, and a variety of raptors, including red-tailed hawk and red-shouldered hawk. These habitat values qualify the Property as a high priority habitat conservation site for the Conservancy. No habitat studies have been performed on the Property yet, but nearby areas of Marsh Creek are home to the western pond turtle and the Property lies within an area known for the presence of Mt. Diablo buckwheat, once presumed extinct.

Should the Board approve the Option, Purchase and Sale Agreement, staff will conduct an Acquisition Evaluation to determine consistency with the Park District's Master Plan and the suitability of the Property as an addition to the park system for resource conservation and public recreational purposes. Pending approval of grant funding and the completion of its due diligence investigations, staff will return to the Board to present the Acquisition Evaluation and seek authorization to exercise the Agreement and acquire the Property.

## **ANALYSIS**

Briones Valley is developed with approximately two dozen rural ranchettes that line the southern side of Briones Valley Road. The Property lies at the western end of these developed properties, with a few more scattered homesteads found further in the valley's interior. Acquisition of the Property will permanently eliminate the possibility of future subdivision and residential development and continued fragmentation of habitat and wildlife corridors. Placing the Property under the stewardship of the Park District also allows for opportunities to expand future public passive recreational uses.

### Key Terms

The Purchase Price for the Property is \$1,820,000, its appraised fair market value. The Park District will also be responsible for certain due diligence costs. A non-refundable option payment of \$10,000 will be deposited into escrow and released to the Seller upon full execution of the Agreement, and

creditable to the purchase price. The Park District would have until June 20, 2025 to complete its due diligence and exercise the Agreement (“Option Period”). Close of escrow is to occur no later than July 21, 2025. The Agreement also includes the ability to extend the Option Period to September 22, 2025, for an additional non-refundable payment of \$2,500. If the Option Period is extended, then close of escrow would occur by October 22, 2025. Per the terms of the Agreement, the Park District and the Seller will split the cost to fence the boundary between the Property and the 8.65-acre parcel that is to be retained by the Seller. This cost will be distributed to the Seller through escrow and a funding appropriation for this cost will be requested in a subsequent Board action.

## **FISCAL IMPACT**

The Property is proposed to be acquired in partnership with the East Contra Costa County Habitat Conservancy (Conservancy), using a combination of grant funds from the California Department of Fish and Wildlife (CDFW) Natural Community Conservation Planning 30x30 Land Acquisition Grant Program (\$1,500,000), secured by the Conservancy and administered through the Wildlife Conservation Board (WCB), with additional funding (\$320,000) provided by WCB. Use of these grant funds will require that a restrictive covenant be recorded over the property, consistent with other properties acquired in partnership with the Conservancy. Staff anticipates all the acquisition funding will be covered by grant funds secured through the Conservancy.

Funding for the \$10,000 non-refundable option payment and a \$100 option consideration payment is proposed to come from Measure WW earned interest which consists of interest earned on funds derived from all Measure WW bond issues since inception in 2008. Measure WW acquisition funds for the Deer Valley allocation area were exhausted with the Park District’s 2021 purchase of the 80-acre Civic Rancho Meadows property. The Property is within the Diablo Metro Sector. Use of Measure WW earned interest funds is restricted to the Diablo Metro Sector of the Park District’s service area to account for greater population growth in that sector. The earned interest from Measure WW bond issues currently stands at approximately \$2,012,000. Funding for due diligence expenses, including staff time, will be provided by the Park District’s preliminary acquisition expenses Cost Sharing Agreement with the Conservancy approved by the Board of Directors on September 21, 2021 (Resolution 2021-09-268).

Should the Board of Directors approve this Agreement, following due diligence, staff will return to the Board for authorization to exercise the Agreement to purchase, appropriate additional funding to complete the purchase, enter into funding agreements necessary to meet funding agency obligations, and record a restrictive covenant over the property to ensure compliance with the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan. Future operating costs including park operations and public safety staff time will be determined during the Acquisition Evaluation to be conducted later this year, which will be presented to the Board at a future date, and funding for these expenses will be requested for appropriation as needed during the annual budgeting process.

This Board action also authorizes the transfer and appropriation of funds for the option payment and due diligence expenses, as follows:

<b>SOURCE OF FUNDS</b>	
Future Preliminary Acquisition Study (CIP 230000LHCP)	\$ 34,900
Measure WW Earned Interest (337-9110-000-9982)	\$ 12,600
<b>Total Funds Available</b>	<b>\$ 47,500</b>

USE OF FUNDS	
Freschi Acquisition/Deer Valley (CIP 250700)	
Option Payment (applicable to purchase price)	\$ 12,500
Option Consideration (not applicable to purchase price)	100
Due Diligence Tasks	5,850
Appraisals	12,400
Staff Time	16,650
<b>Total Current Project Cost</b>	<b>\$ 47,500</b>

## ATTACHMENTS

Attachment A: Map



**EAST BAY REGIONAL PARK DISTRICT  
RESOLUTION NO. 2024 – 12 -  
DECEMBER 3, 2024**

**AUTHORIZATION TO EXECUTE AN OPTION, PURCHASE AND SALE  
AGREEMENT TO ACQUIRE FEE TITLE TO 140 ACRES OF REAL PROPERTY FOR  
\$1,820,000 FROM JOHN R. FRESCHI, JR., AS TRUSTEE OF THE JOHN R. FRESCHI,  
JR. 2018 LIVING TRUST, CREATED UNDER AGREEMENT DATED: APRIL 4, 2018,  
AND TRANSFER AND APPROPRIATE FUNDS FOR THE PURCHASE AND  
EXPENSES: DEER VALLEY REGIONAL PARK**

**WHEREAS**, East Bay Regional Park District (Park District) staff negotiated an Option, Purchase and Sale Agreement (Agreement) with John R. Freschi, Jr., as Trustee of the John R. Freschi Jr. 2018 Living Trust (Seller), to purchase 140 acres of his 148.65-acre property located on Chadbourne Road in an unincorporated area of Contra Costa County, south of the City of Antioch (Property); and

**WHEREAS**, the Purchase Price for the Property is \$1,820,000 (one million eight hundred and twenty thousand dollars), its appraised fair market value as support by an independent appraisal commissioned by the Park District; and

**WHEREAS**, pursuant to the Agreement, the Park District will deposit \$10,000 (ten thousand dollars) into an escrow account immediately upon execution of the Agreement as consideration for an exclusive option to purchase the Property, said option payment being applicable to the purchase price but nonrefundable to the Park District unless the Seller is in default under the Agreement; and

**WHEREAS**, pursuant to the Agreement, if, prior to June 20, 2025, the Park District elects to extend the option period, the Park District will deposit an additional non-refundable option payment of \$2,500, also applicable to the purchase price; and

**WHEREAS**, the Property is proposed to be acquired in partnership with the East Contra Costa County Habitat Conservancy (Conservancy) using grant funds from the California Department of Fish and Wildlife (CDFW) Natural Community Conservation Plan 30x30 Land Acquisition Grant Program, with additional funds provided by Wildlife Conservation Board (WCB), both secured by the Conservancy and awarded through the WCB; and

**WHEREAS**, acquisition of the Property aids in important resource protection goals by maintaining open space, protecting and restoring special status species habitat and extending a wildlife corridor; and

**WHEREAS**, acquisition of the subject property also provides opportunities for expanding the regional trail network in the Deer Valley area;

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Directors of the East Bay Regional Park District hereby approves the Option, Purchase and Sale Agreement with John R. Freschi, Jr., as Trustee of the John R. Freschi, Jr. 2018 Living Trust, for the proposed acquisition of

his 140-acre property described above, at a purchase price of \$1,820,000; and

**BE IT FURTHER RESOLVED**, that the Board of Directors authorizes the General Manager to execute the Option, Purchase and Sale Agreement with John R. Freschi, Jr., as Trustee of the John R. Freschi, Jr. 2018 Living Trust, on behalf of the Park District; and

**BE IT FURTHER RESOLVED**, that the Board of Directors authorizes the General Manager to apply for grant funding from the Conservancy, CDFW and WCB; and

**BE IT FURTHER RESOLVED**, that the Board of Directors also authorize the transfer and appropriation of \$39,400 from project account Future Preliminary Acquisition Study – ECCCHCP (CIP 230000LHCP) and \$12,600 from the Measure WW Earned Interest account (337-9110-000-9982), to project account Freschi Acquisition/Deer Valley (CIP 250700), to fund an option payment and preliminary acquisition expenses, as shown on the attached Budget Change Form; and

**BE IT FURTHER RESOLVED**, that the General Manager is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director \_\_\_\_\_, and seconded by Director \_\_\_\_\_, and  
adopted December 3, 2024, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT: