




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

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<b>DATE</b>	May 20, 2025
<b>TITLE</b>	Authorization to Exercise the Purchase Option of \$1,820,000 and Accept, Transfer and Appropriate \$453,000 to Acquire 140+/- Acres of Real Property from John R. Freschi, Jr. 2018 Living Trust, Created Under Agreement Dated: April 4, 2018: Deer Valley Regional Park
<b>DIVISION</b>	Acquisition, Stewardship, and Development
<b>FROM</b>	Becky Bremser, Division Lead 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 take the following actions:

1. Exercise the Park District's option to purchase 140± acres from John R. Freschi, Jr., as Trustee of the John R. Freschi, Jr. Living Trust (Seller) as an addition to Deer Valley Regional Park; and
2. Enter into funding and grant agreements with the East Contra Costa County Habitat Conservancy (Conservancy) and the Wildlife Conservation Board (WCB) to accept grant funds awarded toward the acquisition; and
3. Accept, transfer and appropriate funds necessary to complete the acquisition.

**BACKGROUND**

Property Overview

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 overall parcel, with the Seller retaining 8.65-acres. The retained acreage 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. As a public agency, the Park District is exempt from certain provisions of the Subdivision Map Act regarding lot split and parcel map requirements when acquiring land or other real property interest such as an easement, license, or leasehold interest (Government Code §66428). The Park District will accomplish the lot split of the 148.65-acre existing parcel by way of a grant deed recorded 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 (CCWD) watershed lands and is located within the southern reaches of the Park District's Deer Valley Regional Park 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 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, lined with oaks, cotton woods and willows, dips onto the Property along its southern boundary. A pond, which dries up in the warm months, is located northwest of the creek. 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 from Briones Valley Road, a County-maintained public road. The Property is unimproved with no utilities, with electricity available along Briones Valley Road. The Property has a zoning classification of A-4 (Agricultural Preserve). The Property's General Plan designation is AL (Agricultural Lands). The Property is not under a Williamson Act Contract.

#### Previous Board Action

On December 3, 2024, by Resolution No. 2024-12-263, the Board of Directors authorized staff to execute an Option, Purchase and Sale Agreement (Agreement) with the Seller for purchase of the Property for the \$1,820,000, and appropriated funding for staff time and due diligence costs. The Agreement was executed on December 4, 2024.

#### **ANALYSIS**

West of Deer Valley Road, 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 terminus 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. Upon acquisition, the Property will be added to thousands of acres previously conserved in the Briones Valley. Contra Costa County Water District's 700-acre Evergreen property is located just north of the Property across Briones Valley Road and the Park District's 221-acre Fox Ridge Manor property (2009), 120-acre Olesen-Duke property (2019), 72-acre Poppi-Halstead property (2018) and 960-acre Smith (2014) property are all located nearby. Placing the Property under the stewardship of the Park District also allows for opportunities to expand future public recreational uses compatible with the Property's habitat values.

The Property will be acquired in partnership with the Conservancy. 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. Habitat studies commissioned by the Conservancy are under way, but the western pond turtle has historically been present in nearby sections of Marsh Creek and the Property lies

within an area known for the presence of Mt. Diablo buckwheat, once presumed extinct. The Conservancy submitted grant applications to both CDFW and WCB to fund the purchase price of the Property and were awarded the full purchase price, as discussed below.

### Key Terms

The purchase price for the Property is \$1,820,000. Per the terms of the Agreement, a \$10,000 option payment has already been released to the Seller, applicable to the purchase price. Pursuant to the Agreement, the Park District will be responsible for title and escrow fees, the cost to survey the property to be acquired, and other due diligence expenses. The Park District has until June 20, 2025, to exercise the option to purchase the property, and until July 21, 2025, to close escrow. The Agreement gives the Park District the ability to extend the option period if needed through September 22, 2025, for an additional non-refundable option payment of \$2,500, also applicable to the purchase price. If the Park District elects to extend the option period, then close of escrow would occur by October 22, 2025. The Agreement also includes the obligation for the Park District and the Seller to split the cost to fence the new boundary between the Property to be acquired by the Park District and the 8.65-acre parcel that is to be retained by the Seller.

### Property Protections

Consistent with other properties acquired in partnership with the Conservancy, a Covenant to Restrict Use of Property will be recorded over the Property to satisfy certain requirements set forth in the HCP/NCCP and ensure that existing wildlife and habitat values are protected by preventing use of the Property that would significantly impair those values. The restrictive covenant permits public recreation. Long-term management will be consistent with other properties acquired together with the Conservancy.

### Acquisition Evaluation

An Acquisition Evaluation (AE) prepared by Park District Planning staff is attached to this report (Attachment B). The purpose of the AE is to determine whether a proposed acquisition is consistent with the Park District's Master Plan, and to evaluate the suitability of the property as an addition to the park system for resource conservation and/or public recreational purposes. The AE recommends that upon acquisition the Property be placed into Land Bank status. The Property can be removed from Land Bank status at such time as it has been made safe and suitable for public recreational use.

The AE also identifies site safety and security needs during the first 12 to 18 months of Park District ownership, and the funding requirements to meet those needs. Funds recommended for appropriation to address needed fencing and gate installation, signage, locks, and invasive species treatment are detailed below.

## **FISCAL IMPACT**

The Property is proposed to be acquired in partnership with the Conservancy using a combination of grant funds from the CDFW Natural Community Conservation Planning 30x30 Land Acquisition Grant Program (\$1,500,000) with additional funding (\$320,000) provided by WCB, both secured by the Conservancy. This Board action authorizes staff to enter into funding and grant agreements with the Conservancy and WCB. Per CDFW's request, by a separate Board action before the Board of Directors on the May 20, 2025 Board Meeting Agenda, staff has requested authorization to enter into a funding agreement with CDFW in the amount of \$1,500,000 and to designate a representative for the Freschi acquisition project.

Funding for continued staff time, title and escrow fees and the Park District's share of the cost to fence the Property's eastern boundary is proposed to come from Measure AA earned interest. The

earned interest from Measure AA bond issues currently stands at approximately \$1,200,000

This Board action authorizes the appropriation of a total of \$453,000, this includes acceptance and appropriation of \$320,000 of grant funds from WCB for the purchase price and the appropriation of \$133,000 of Measure AA earned interest for other project-related expenses as follows:

<b>AVAILABLE FUNDS</b>	
Freschi Acquisition/Deer Valley Budget (CIP 250700)	57,500
Expenditures and Encumbrances	(46,138)
<b>Balance of Available Funds</b>	<b>\$11,362</b>
<b>CURRENT APPROPRIATION REQUEST</b>	
CDFW 30 x 30 Land Acquisition Grant Funds (appropriated by separate May 20, 2025 Board Resolution)	1,500,000
WCB Proposition 117 Grant Funds	320,000
Measure AA Interest	133,000
<b>Total Current Funds Requested</b>	<b>\$1,953,000</b>
<b>Total Available Budget</b>	<b>\$1,964,362</b>
<b>USE OF AVAILABLE BUDGET</b>	
Property Acquisition and Eastern Boundary Fencing Freschi Acquisition/Deer Valley Budget (CIP 250700)	1,851,362
Safety and Security Measures Freschi Safety & Security/Deer Valley Budget (CIP 250701)	113,000
<b>Total Expense</b>	<b>\$1,964,362</b>
<b>Balance Remaining</b>	<b>\$0</b>

## **ATTACHMENTS**

Attachment A: Map

Attachment B: Acquisition Evaluation



**EAST BAY REGIONAL PARK DISTRICT  
RESOLUTION NO. 2025 – 05 -  
MAY 20, 2025**

**AUTHORIZATION TO EXERCISE THE PURCHASE OPTION OF \$1,820,000 AND  
ACCEPT, TRANSFER AND APPROPRIATE \$453,000 TO ACQUIRE 140+/- ACRES  
OF REAL PROPERTY FROM JOHN R. FRESCHI, JR. 2018 LIVING TRUST, CREATED  
UNDER AGREEMENT DATED: APRIL 4, 2018: DEER VALLEY REGIONAL PARK**

**WHEREAS**, on December 3, 2024 by its Resolution No. 2024-12-263, the East Bay Regional Park District (Park District) Board of Directors authorized staff to execute an Option, Purchase and Sale Agreement (Agreement) 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 Property may be acquired on or before July 21, 2025 for \$1,820,000, its appraised fair market value as supported by an independent appraisal commissioned by the Park District; and

**WHEREAS**, pursuant to the Agreement, the Park District has deposited \$10,000 into an escrow account 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**, the Agreement gives the Park District the ability to extend the option period if needed through September 22, 2025, for an additional non-refundable option payment of \$2,500, with a close date on or before October 22, 2025; and

**WHEREAS**, the Property is proposed to be acquired in partnership with the East Contra Costa County Habitat Conservancy (Conservancy) using \$1,500,000 in grant funds from the California Department of Fish and Wildlife (CDFW) Natural Community Conservation Plan 30x30 Land Acquisition Grant Program and \$320,000 in grant funds from the Wildlife Conservation Board (WCB), both secured by the Conservancy; 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; and

**WHEREAS**, as with all properties acquired in partnership with the Conservancy, a Covenant to Restrict Use of Property will be recorded over the Property to satisfy certain requirements set forth in the East Contra Costa County Habitat Conservation Plan/Natural

Conservation Community Plan (ECCCHCP/NCCP) and ensure that existing wildlife and habitat values are protected, and a Preserve Management Plan will be developed in coordination with the Conservancy to delineate long-term management and monitoring responsibilities assigned to each Party;

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Directors of the East Bay Regional Park District hereby authorize exercising the Park District's purchase option to purchase 140± acres John R. Freschi, Jr., as Trustee of the John R. Freschi, Jr. 2018 Living Trust, for a purchase price of \$1,820,000, as presented to the Board on May 20, 2025; and

**BE IT FURTHER RESOLVED**, that the Board authorizes entering into funding and grant agreements with the Conservancy and WCB to accept grant funds awarded toward the purchase of the Property; and to record such documents required as part of the grant agreements; and

**BE IT FURTHER RESOLVED**, that the Board of Directors authorizes the acceptance and appropriation of \$320,000 in grant funds from WCB to the Freschi Acquisition/Deer Valley project account (CIP 250700) to be applied toward the purchase price and the transfer and appropriation of \$20,000 in Measure AA earned interest funds to the Freschi Acquisition/Deer Valley project account to fund acquisition-related expense and \$113,000 in Measure AA earned interest funds to the Freschi Safety and Security project account (CIP 250701) to fund site safety and security expenses; 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 May 20, 2025, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT: