



# STAFF REPORT – CITY COUNCIL MEETING

---

March 15, 2023

**TO:** Honorable Mayor and City Council Members

**FROM:** Emily Sinkhorn, Director of Environmental Services

**PREPARER:** Emily Benvie, Dep. Director of Environmental Services-Com. Svcs.

**DATE:** March 06, 2023

**TITLE:** **Adopt Resolution No. 223-42 Accepting a Fee Title Interest in Assessor's Parcel No. (APN) 505-251-011 and a Public Access Easement over a Portion of APN 505-251-013 from Humboldt State University Real Estate Holdings or Successor in Interest and Rescind Resolution No. 223-08.**

---

## **RECOMMENDATION:**

Adopt Resolution No. 223-42 accepting a fee title interest in APN 505-251-011 and a Public Access Easement over a portion of APN 505-251-013 from Humboldt State University Real Estate Holdings or Successor in Interest and Rescind Resolution No. 223-08.

## **INTRODUCTION:**

Since 2019, the City has been working toward acquisition of the subject parcel, and a public access easement to the subject parcel across a portion of APN 505-251-013. The City Council authorized the City Manager to enter into a Purchase and Sale Agreement in February 2022. The resolution accepting the property is one of the last steps in the process to complete the real property acquisition.

In August 2022, the Council adopted Resolution No. 223-08 accepting fee title interest in the subject parcel. However, upon further working with the Title Company to complete the purchase, it was discovered that an update in the legal description was required. The attached resolution (Resolution No. 223-42) rescinds the previously adopted resolution (Resolution No. 223-08) to include the corrected legal description.

## **BACKGROUND:**

This 1.3-acre Industrial Limited-zoned parcel is located south of Samoa Boulevard in Section 32, T6N, and R1E. The property borders the Arcata Marsh and Wildlife Sanctuary (AMWS) on two sides. The parcel can be accessed from Samoa Boulevard via an existing Public Utilities Ingress/Egress Easement.

The existing public utilities ingress/egress easement is located on the west side of the subject parcel (and through a portion of APN 505-251-013). The City has long sought to add public access to its existing easement for coastal access from Samoa Boulevard to the AMWS at McDaniel Slough. Humboldt State Real Estate Holdings is willing to include the addition of a public access easement

with the acquisition of APN 505-251-011. While this acquisition and public access easement will provide the potential for public access from Samoa Boulevard, developing formalized public access will be considered as a separate project.

#### **DISCUSSION:**

On September 18, 2019, City Council authorized the City Manager to enter into Real Property negotiations for the subject parcel. A market value appraisal for the parcel has been completed, and Humboldt State Real Estate Holdings is amenable to the purchase price based on the appraisal, as well as inclusion of the public access easement. On February 16, 2022 City Council authorized the City Manager to enter into a Purchase and Sale Agreement, which was executed on March 28, 2022. On August 3 2022, City Council adopted Resolution 223-08 accepting a fee title interest in the subject parcel. However, staff discovered an error in the legal description that was included with the preliminary title report and accompanying resolution. The title report has been since updated to include the correct legal description. Resolution 223-42 will rescind the previously-adopted Resolution 223-08 to include the updated correct legal description.

#### **POLICY IMPLICATIONS:**

This recommended action is consistent with existing City policies in the General Plan, Stormwater Master Plan and Open Space Plan. General Plan Policy OS-1 Coastal Land Use Element (CLUE) Section III-7 indicates that the City shall *designate, maintain and enhance the quality, and increase the amount of permanently protected open space in the Arcata Planning Area, including: natural resource areas; resource production areas . . . these areas are to be protected, linked together in a network wherever practical . . .* The project is consistent with Humboldt Bay Management Plan policies: CAE1—Maintain, restore, & enhance aquatic ecosystem integrity; CAE-2—Protect & maintain environmentally sensitive habitat areas; CAS-1—Maintain biological diversity throughout Humboldt Bay. The Arcata Planning Commission would eventually need to make a determination of consistency with the General Plan.

#### **COMMITTEE/COMMISSION REVIEW:**

On October 26, 2021, the Planning Commission found the acquisition of APN 505-251-011 and a public access easement over a portion of 505-251-013 in conformance with the General Plan.

#### **ENVIRONMENTAL REVIEW (CEQA):**

This project is Categorically Exempt under CEQA per Section 15325 (Class 25) Sec. 15325 (a), (c), (f). *Transfers of Ownership of Interest in Land to Preserve Existing Natural Conditions and Historical Resources Class 25 consists of the transfers of ownership of interests in land in order to preserve open space, habitat, or historical resources. Examples include but are not limited to:*

*(a) Acquisition, sale, or other transfer of areas to preserve the existing natural conditions, including plant or animal habitats.*

*(c) Acquisition, sale, or other transfer to allow restoration of natural conditions, including plant or animal habitats.*

*(f) Acquisition, sale, or other transfer to preserve open space or lands for park purposes.*

*Authority cited: Section 21083, Public Resources Code. Reference: Section 21084, Public Resources Code.*

The project consists of acquisition of land to provide for parks, open space, and fish and wildlife conservation purposes. The lands would become part of the AMWS and be managed to protect wildlife habitat, promote research and education and maintain lands in their natural state.

**BUDGET/FISCAL IMPACT:**

Any future maintenance costs associated with City ownership would likely be part of the overall AMWS management, which is under Activity #67. A 1.3-acre addition to the existing 300-acre wildlife area would not likely cause a significant increase in annual maintenance costs to the City. The proposed \$7,600 purchase price and the buyer's 50% portion of escrow fees have been included in Activity #67 budget (Capital – Property Acquisition).

**ATTACHMENTS:**

A. AMS Acceptance Reso. No. 223-42 (PDF)