

ITEM 7A**Coachella Valley Conservation Commission**

November 8, 2018

**Staff Report**

Subject: Acquisition of four parcels totaling approximately 479.23 acres in the Snowcreek/Windy Point and Santa Rosa and San Jacinto Mountains Conservation Areas

Contact: Jim Karpiak, Coachella Valley Mountains Conservancy
(jkarpiak@cvmc.ca.gov)

RECOMMENDATION:

1. Approve Resolution 18-007 authorizing acquisition of four parcels totaling approximately 479.23 acres in the Snowcreek/ Windy Point and Santa Rosa and San Jacinto Mountains Conservation Areas at a cost not to exceed \$2,755,000.00 plus closing costs not to exceed \$5,500.00.
2. Authorize the Executive Director to execute all necessary contracts and take such other actions as necessary for the acquisition.

BACKGROUND:

CVCC in partnership with the Coachella Valley Mountains Conservancy (CVMC) and the Friends of the Desert Mountains have long pursued property in the Snowcreek / Windy Point and Santa Rosa and San Jacinto Mountains Conservation Areas because this area is a critical watershed and biological movement corridor and linkage that connects to two other Biological Corridors: Stubbe and Cottonwood Canyons, and the Whitewater River. The corridors provide sand transport via Stubbe Canyon Wash and the Whitewater River. At the same time, these corridors provide connectivity for large mammal movement between the San Jacinto and San Bernardino Mountains through the Snow Creek area. Additionally, they directly connect north to the San Gorgonio River, providing water and wind-blown sand transport for the blowsand Habitats within these areas and the Whitewater Floodplain Conservation Area, farther to the east.

An appraisal was completed, the fair market values of the subject properties were determined, and a contingent offer was sent to the owner of APNs 522-060-010, 522-060-011, 522-060-015 and 522-100-037 consisting of 479.23 acres (together, the "Property"). The contingent offer was accepted, and the owner has executed an Agreement for the Purchase and Sale of Real Estate with CVCC.

The property is located east of Snow Creek Road and south of Highway 111 (see attached map) at the base of Mount San Jacinto. The largest parcel (APN #522-100-037) is in the city of Palm Springs and the three smaller parcels are in Riverside County. The Property is surrounded on three sides by existing conservation land. It is a spectacular property with an intact sand dune ecosystem and mountainous land at the toe of the slope. The sand dunes support the diversity of CVMSHCP covered species including Coachella Valley fringe-toed lizard, CV milkvetch, Palm Springs pocket mouse and Coachella Valley round-tailed ground squirrel. The fluvial sand transport area is integral to the protection of the Coachella Valley milkvetch, Coachella Valley giant sand-treader cricket, Coachella Valley Jerusalem cricket, Coachella Valley fringe-toed lizard, Coachella Valley round-tailed ground squirrel, and Palm Springs pocket mouse and other species identified for coverage in the CVMSHCP. Several years ago, BLM installed a fence

along Snow Creek Road which effectively restricted unauthorized access to the Property.

The Purchase price for the Property is \$2,755,000.00 (or approximately \$5,749 per acre), plus closing costs not to exceed \$5,500.00. Since the Property is listed on the approved list for the Coachella Valley's federal Section 6 grant, we have applied to the Wildlife Conservation Board (WCB) to use those funds. Use of Section 6 funds requires additional state approvals and contingencies as well as eligible local matching funds. Assuming we receive all of the Section 6 approvals, Section 6 would pay 65% of the acquisition cost, and CVMC would provide the 35% match. CVCC would take title to the property and would only be responsible for the closing costs which total approximately \$5,500.00.

In light of the importance of the Property, if the state approvals for using Section 6 funds are not forthcoming or if the approvals are not timely enough to keep the sellers from terminating, staff recommends that CVCC still proceed with the purchase using 50%, \$1,377,500.00, from its Land Acquisition Fund. CVMC would provide the remaining 50% match. CVCC would take title to the property and be responsible for paying \$5,500.00 for closing costs in this scenario as well.

The purchase agreement is contingent upon: (1) approval by the CVCC Board; (2) Seller's ability to provide CVCC an owner's policy of title insurance subject only to such exceptions as may be accepted in writing by CVCC; (3) a site inspection demonstrating that there are no hazardous materials or hazardous conditions on the Property, and all debris shall be removed by close of escrow by seller; and, if Section 6 funds are used, (4) approval from the California Department of General Services (DGS) and US Fish and Wildlife Services (USFWS), (5) approval by the Coachella Valley Mountains Conservancy board of a grant of state bond funds to be used as matching funds; and (6) approval of a Cooperative Endangered Species Conservation Fund Subgrant by the WCB at its next available public meeting.

Today staff requests CVCC consideration and approval of the purchase of the Property for use as a nature preserve in perpetuity to advance the goals and objectives of the Plan.

FISCAL ANALYSIS: Funding is available for the matching funds (if necessary, \$1,377,500.00, representing 50% of the full purchase price of \$2,755,000.00) and closing costs, not to exceed \$5,500.00, using a combination of CVCC's Land Acquisition Fund, Federal Section 6 Cooperative Endangered Species Conservation Funds and State Bond Funds from CVMC.

CONTRACT FINALIZATION: The Executive Director to negotiate and execute all necessary contracts and documents and take such other actions as necessary to effect the acquisition of the Property.

ATTACHMENTS:

1. Resolution 18-007
2. Map showing location of the parcel

Resolution No: 18-007

A RESOLUTION OF THE COACHELLA VALLEY CONSERVATION COMMISSION
AUTHORIZING ACQUISITION OF APN(s) 522-060-010, 522-060-011, 522-060-015 and 522-
100-037

WHEREAS, the Coachella Valley Conservation Commission (“Commission”) is a public agency of the State of California formed by a Joint Exercise of Powers Agreement; and

WHEREAS, the Commission implements the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan (“Plan”); and

WHEREAS, the primary means of conservation under the Plan is acquisition of land from willing sellers; and

WHEREAS, APN(s) 522-060-010, 522-060-011, 522-060-015 and 522-100-037, consisting of 479.23 acres as described in Exhibit A (collectively, the “Property”), is within the Snowcreek / Windy Point and Santa Rosa and San Jacinto Mountains Conservation Areas of the Plan, contains biological resources, such as important plant or wildlife habitat or hydrologic features, cultural resources, significant scenic attributes and recreational options consistent with habitat values; and was appraised by the Commission in 2018; and

WHEREAS, the owner of the Property has accepted a contingent offer from the Commission to purchase the Property at the fair market value determined by an appraisal; and

WHEREAS, funding for the acquisition is expected to be available from the U.S. Fish and Wildlife Service federal Section 6 grant fund and state bond funds from the Coachella Valley Mountains Conservancy (CVMC), with closing costs paid by the CVCC Land Acquisition Fund; and

WHEREAS, if Section 6 funding is not available, funding for half of the purchase price, \$1,377,500.00, is available in the CVCC Land Acquisition Fund to be matched by the same amount of state bond funds from CVMC for a total purchase price of \$2,755,000.00; and

WHEREAS, acquisition of the Property would advance the goals and objectives of the Plan; and

NOW, THEREFORE, be it resolved that the Commission approves the purchase of the Property using a combination of CVCC Land Acquisition Funds, Federal Section 6 Cooperative Endangered Species Conservation Fund and State Bond Funds for the purchase price of \$2,755,000.00, plus closing costs estimated not to exceed \$5,500.00; and

FURTHER, the Commission hereby authorizes the Executive Director to negotiate and execute all necessary contracts and documents and take such other actions as necessary to effect the acquisition of the Property.

The foregoing Resolution was passed by the Coachella Valley Conservation Commission this 8th day of November 2018.

APPROVED:

Michael Wilson
Chair

Tom Kirk
Executive Director

Exhibit A

Description of Real Property to be acquired

The following is a draft legal description; the final legal description will be prepared by the title company.

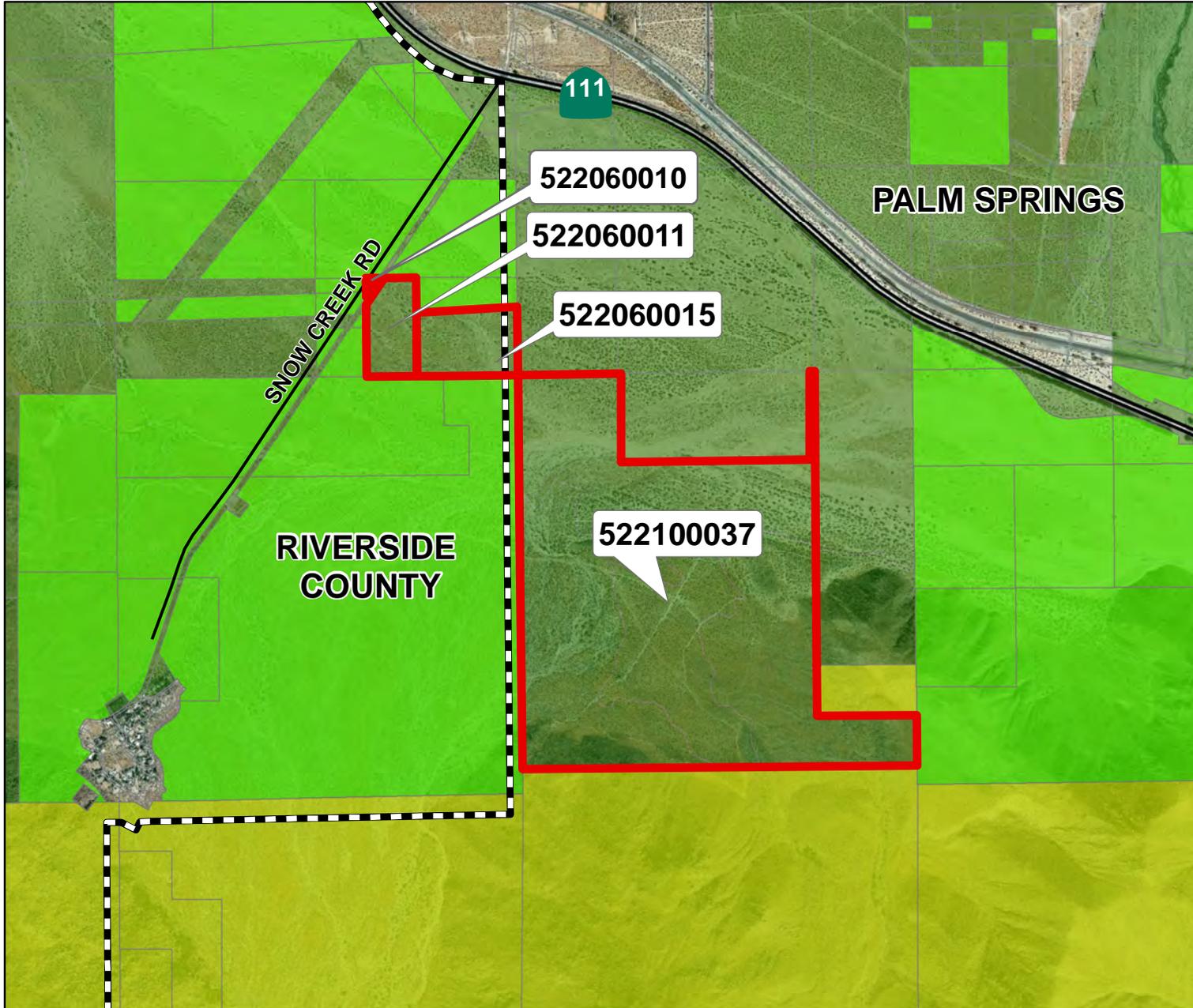
.49 ACRES M/L IN POR SE $\frac{1}{4}$ OF SEC 16, T3S, R3E.
APN: 522-060-010

18.95 ACRES M/L IN POR SE $\frac{1}{4}$ OF SEC 16, T3S, R3E.
APN: 522-060-011

26.94 ACRES M/L IN POR SE $\frac{1}{4}$ OF SEC 16, T3S, R3E.
APN: 522-060-015

432.85 ACRES M/L IN POR W $\frac{1}{4}$ OF SEC 22, T3S, R4N.
APN: 522-100-037

Proposed Acquisition of Four Parcels in the Snow Creek/Windy Point and Santa Rosa and San Jacinto Mountains Conservation Area totaling 479.23 Acres

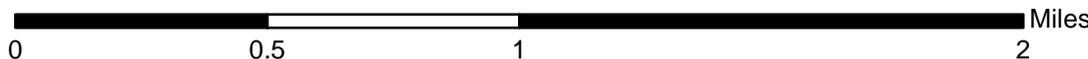
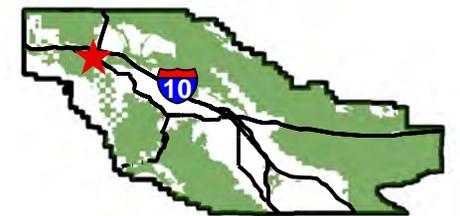


Legend

-  Proposed Parcel Acquisitions
-  Acquisitions Since 1996
-  CVMSHCP Conservation Areas
-  Conserved Lands
-  City Boundaries
-  Parcels
-  Streets



CVCC



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Disclaimer: Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. CVAG and the County of Riverside make no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.